



The Central Coast Ukulele Club entertained the crowd at the recent Seniors Week concert

VALUE. CREATE. LEAD

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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 25 MARCH 2015 at 5.00pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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10 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2015/00040 - D11872681

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2015/00040 - D11872685
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
25/03/2015	Confidential -- Final Draft Plan changes and considerations	GM Unit
25/03/2015	Confidential -- W&S/R&D Review	Infrastructure Management
25/03/2015	DA/1179/2014 - Proposed Masters Development - Tuggerah Gateway Site	Development and Building
25/03/2015	Floodplain Risk Management Plans: Tuggerah Lakes, Tumbi Creek and Porters Creek	Infrastructure Management

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 25 March 2015 D11886231

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Confidential -- Final Draft Plan changes and considerations	GM Unit		25/03/2015
Confidential -- W&S/R&D Review	Infrastructure Management		25/03/2015
DA/1179/2014 - Proposed Masters Development - Tuggerah Gateway Site	Development and Building		25/03/2015
Floodplain Risk Management Plans: Tuggerah Lakes, Tumbi Creek and Porters Creek	Infrastructure Management		25/03/2015
INSPECTION - Arthouse, Wyong	Community and Recreation Services		01/04/2015
INSPECTION - New Buttenderry Landfill Cell and Building	Property and Economic Development		01/04/2015
INSPECTION - Norah Head Boat Ramp	Community and Recreation Services		01/04/2015
INSPECTION - Gross Pollutant Traps	Infrastructure Management		01/04/2015
Recently released NSW Coastal Reforms and status of Councils Coastal Zone Management Plan	Infrastructure Management		08/04/2015
Magenta Shared Pathway	Community and Recreation Services		22/04/2015
Tuggerah Sports Precinct	Community and Recreation Services		22/04/2015
Future communication and marketing approach	Community and Recreation Services		22/04/2015
Public Exhibition of Draft DCP 2013: Chapter 3.6 - Tree and Vegetation Management	Development and Building		22/04/2015
Fit for the Future - Community survey preliminary results including FFTF	GM Unit		22/04/2015
INSPECTION: Long Jetty Foreshore	Property and Economic Development		06/05/2015
Ward Forums Annual Review	Community and Recreation Services		13/05/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
Voice of Customer Program	Community and Recreation Services		27/05/2015
Fit for the Future - Staff survey results			27/05/2015
Review 'Fit for the Future' Final Submission discussion	GM Unit		24/06/2015
INSPECTION: Rezoning 10 Oscar Drive, Chittaway Point - RZ/7/2009	Development and Building	May	
INSPECTION: RZ/6/2014 - 216-220 Main Road Toukley - Rustrum Key Site & Part Toukley Gardens	Development and Building	June	
Development Infrastructure - Porters Creek Stormwater Diversion Project	Property and Economic Development	March	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2015/00040 - D11872694
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2015/00040 - D11872698

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 11 March 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 March 2015.

ATTACHMENTS

- 1 Minutes - Ordinary Meeting 11 March 2015 - D11880406

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 MARCH 2015
COMMENCING AT 5.00PM**

PRESENT

Councillors D J Eaton OAM (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor (arrived at 5.10 pm), A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, Manager Corporate Governance, Communications Coordinator and two administration staff.

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

The Mayor delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

Beth Rudman, Section Manager Care & Education and Representative for staff on the Status of Women Advisory Group, advised Council of its recent nominations for the prestigious Minister's Award for Women in Local Government:

- Sara Foster, Project Officer for Contracts and Project Management, nominated in the category for Women in a non-traditional role
- Kirily Sheridan, Environmental Management and Projects Officer, nominated in the category for non-senior staff
- Jenna Hedge, Team Leader Catchment Maintenance, nominated in the category for women in a non-traditional role

Beth advised that Sara Foster was successful in winning the award for Women in a non-traditional role and was presented with her award.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1 and 7.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Item 2.2 - Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that his employer may purchase coal from the Chain Valley extension project and 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."

Item 4.4 - CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General manager of Central Coast Group Training. He left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

Item 4.4 - CPA/220296 - Panel Contract - Group Training Organisation (GTO)

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

Councillor Eaton stated:

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

Item 5.2 - 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 and he has children that participate in Scouts and did not participated in consideration of this matter. He left the chamber at 6.27 pm, took no part in discussion, did not vote and returned to the chamber at 6.28 pm.

Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting."

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

174/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

175/15 That Council allow meeting practice to be varied.

176/15 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 BEST:

177/15 That, with the exception of report numbers 2.1, 2.2, 3.1, 4.2, 4.4, 5.2, 5.4, 6.1, 7.1 and 7.2, 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 BEST:

178/15 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 BEST:

179/15 That Council receive the amended report on Invited Speakers.

180/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

181/15 That Council confirm the minutes of the previous Extraordinary Meeting of Council held on Thursday 19 February 2015 and Ordinary Meeting of Council held on Wednesday 25 February 2015.

Business Arising

There was no business arising.

2.1 Draft DCP 2013: Chapter 2.1 - Housing and Ancillary Structures - Results of public exhibition

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

182/15 That Council adopt the revised versions of Wyong Development Control Plan (DCP) 2013 Chapter 2.1 – Housing and Ancillary Structures and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.

183/15 That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.

184/15 That Council authorise the General Manager to make any minor amendments to Chapter 2.1 of DCP 2013 (if required).

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

AGAINST: NIL

2.2 Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that his employer may purchase coal from the Chain Valley extension project and 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.”

Councillor Matthews left the meeting at 5.53 pm and returned at 5.54 pm, during consideration of this item.

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

185/15 That Council resolve that the draft Voluntary Planning Agreement be exhibited, subject to the contribution value being indexed in accordance with the weighted average annual movement in the market price of coal rather than the CPI.

186/15 That Council receive a further report outlining any comments received following the 28 day exhibition period.

187/15 That Council advertise for expressions of interest from the Community for 2 representatives to participate in the Community Advisory Board.

188/15 That Council note that the 3rd delegate to participate in the Community Advisory Board it to be a Councillor.

189/15 That Council note that consent of this project was granted by the NSW Minister for Planning.

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

AGAINST: NIL

2.3 Draft DCP 2013: Chapter 1.2 - Notification of Development Proposals - Results of public exhibition

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

- 190/15 That Council adopt the revised versions of Wyong Development Control Plan (DCP) 2013 Chapter 1.2 – Notification of Development Proposals appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.
- 191/15 That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.
- 192/15 That Council authorise the General Manager to make any minor amendments to Chapter 1.2 of DCP 2013 (if required).

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

AGAINST: NIL

3.1 Proposed Closure of Part of Road Reserve and Consolidation with Council adjoining land at Lucca Road North Wyong.

Councillor Vincent left the meeting at 6.03 pm and returned at 6.05 pm, during consideration of this item.

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

- 193/15 That Council apply to the Minister, NSW Trade & Investment, to close the Council public road being part of the Pacific Highway and Lucca Road reserve, being the splay corners at that intersection, and vest the land in the closed road in Council.
- 194/15 That Council authorise the consolidation of the land in the closed road with the adjoining land Lot 1 DP 243037 and Lot 21 DP 243037, owned by Council.
- 195/15 That Council propose classification of the road closure land referred to in Item 1 as operational land.
- 196/15 That Council approve the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.
- 197/15 That Council adopt the classification, if no adverse submissions are received.
- 198/15 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents that will facilitate the road closure including the plans of road closure and consolidation.
- 199/15 That Council authorise the Mayor and the General Manager to execute all documents relating to road closure and consolidation.

3.2 Classification of Land, Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven

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

200/15 That Council propose classification of Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven as Operational Land.

201/15 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.

202/15 That Council adopt the classification if no adverse submissions are received.

203/15 That Council note:

a Nothing in these resolutions authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of the subject land can only be by resolution of the Council).

b Nothing in these resolutions extinguishes or varies the terms of any trust applying to the subject land (if any).

4.1 CPA/251791 - Provision of Security Services 2015

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

204/15 That Council accepts the tender from the company nominated as Tenderer 1, All Point Security Pty Ltd, in the attached Tender Evaluation Report 'A1' for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 1. The estimated two year expenditure against this contract is \$386,560.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.

205/15 That Council accepts the tender from the company nominated as Tenderer 4, Business Security Management Solutions (BSMS), in the attached Tender Evaluation Report 'A2' for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 2. The estimated two year expenditure against this contract is \$216,703.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.

206/15 That Council determines the Tender Evaluation Report in Attachment A1 and A2 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept those tenders.

207/15 That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment A1 and A2.

208/15 That Council delegates to the General Manager the authority to approve the option for a further term of one year for Part 1 and Part 2.

4.2 CPA/246855 - SPS WS 29 and WS 30 Vacuum SPS Upgrades and DV10 Installation

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

- 209/15 That Council accepts the tender from the company nominated as Tenderer No 4, Kerroc Constructions Pty Ltd, in the attached Tender Evaluation Report, for the lump sum amount of \$1,513,183.00 (excl. GST) for Contract CPA/246855 – WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation.
- 210/15 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 211/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.3 CPA/251995 - The Supply and Delivery of Tools and Hardware

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

- 212/15 That Council accept the tender from the company nominated as Tenderer No '1', Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd T/as Atom Supply, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 213/15 That Council accept the tender from the company nominated as Tenderer No '2', Blackwood & Son Pty Ltd, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 214/15 That Council accept the tender from the company nominated as Tenderer No '3', CDA Eastland Trade Supplies Pty Limited, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 215/15 That Council accept the tender from the company nominated as Tenderer No '4', Rexel Electrical Supplies Pty Ltd T/as Lear & Smith Electrical Wholesalers, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 216/15 That Council note the estimated per annum expenditure against this contract is \$298,650.70 ex GST however, this may vary with fluctuations in demand.
- 217/15 That Council approve a 12.5% contingency to allow for upgrades of items, annual price reviews and the addition of new items that maybe required over the contract period.
- 218/15 That Council delegate to the General Manager the authority to approve the option to extend the contracts for an additional term based on satisfactory performance.
- 219/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender/those tenders.

4.4 CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training. He left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

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

Councillor Eaton stated:

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

POINT OF ORDER

Councillor Vincent raised a point of order against Councillor Nayna for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Nayna.

POINT OF ORDER

Councillor Vincent raised a point of order against Councillor Nayna for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Nayna and he was asked to withdraw his comments.

Councillor Nayna withdrew his comments.

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

- 220/15** *That Council exercise its option to extend for one year the current contract with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) under contract CPA/220296 for provision of Group Training Services at an estimated annual cost of \$810,000.00. Actual expenditure will vary dependent on the number of apprentices and hours worked over the duration.*
- 221/15** *That Council approve to go to open tender for the provision of Group Training Organisation services at the conclusion of the extension period.*

5.1 Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong

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

- 222/15** *That Council authorise those interested Councillor/s to attend the Australian Local Government Women's Association Annual Conference 2015.*
- 223/15** *That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.*

5.2 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 and he has children that participate in Scouts and did not participated in consideration of this matter. He left the chamber at 6.27 pm, took no part in discussion, did not vote and returned to the chamber at 6.28 pm.

Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting."

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

224/15 That Council allocate an amount of \$21,500 from the 2014-15 Councillors' Community Improvement Grants as follows:

1st Tuggerah Lakes Scout Group (\$3000)	To assist with safety improvements and repairs to the building/meeting hall.	2,100
Central Coast Lakes Cub Scouts (\$2600)	Provide 130 identical coloured T-Shirts to youth members.	2,000
Coastlands Christian Community Christian Church (\$4000)	Upgrade cottage	200
EDSACC Croquet Club Inc. (\$2739)	Purchase 10 new mallets for the club.	400
Impact 4 Life Church (\$1940)	Organisation costs.	100
Marine Rescue - Norah Head Unit (\$1040)	4 Direction Street Signs to be erected.	600
Mountain Districts Association (\$2262) Emergency Approved by GM	Community Declaration Event - to prevent the introduction of the Coal Seam Gas (CSG)	1,000
Rotary Club of Wyong Tuggerah (\$4000)	Central Coast International Women's Day Expo on 7th March 2015 - assist with printing, promotional and marketing costs.	1,000
Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)	New extra baffle to be erected out from shooting bays in range 3 along entire 24 metres.	1,600
YMCA Toukley Aquatic Centre (\$2000)	Teach disabled kids the lifesaving skills of being able to swim.	500

225/15 That Council note that the provisional allocation for ANZAC day flags should not now be required given the Federal Government funding of this project.

5.3 Councillor Strategic Planning Workshop (13-15 February 2015) - Minutes and Action Register

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

226/15 That Council receive and note the minutes and action register of the 2015 Councillor Strategic Planning Workshop (held from 13-15 February 2015).

227/15 That Council receive the report of progress against the outcomes report from the February 2014 Councillor Strategic Planning Workshop.

5.4 Event Launch for the NSW National Trust Heritage Festival

Councillor Greenwald left the meeting at 6.30 pm and returned at 6.31 pm, during consideration of this item.

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

228/15 That Council endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the maximum value of \$5,000.

229/15 That Council pay the funds directly to the supplier upon receipt of invoiced costs.

6.1 Road Capital Works Program

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

230/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.2 Outstanding Questions on Notice and Notices of Motion

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

231/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Establishment of \$250,000 Netball Courts at Tunkawallin

Councillor Troy left the meeting at 5.40 pm and returned at 5.41 pm, during consideration of this item.

Mr Matthew Austin, President of Summerland Point/Gwandalan Netball Club, speaking in favour of the motion, addressed the meeting at 5.18 pm, answered questions and retired at 5.28 pm.

POINT OF ORDER

Councillor Troy raised a point of order against Councillor Greenwald for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Greenwald.

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

- 232/15** That Council recognise the urgent need for the establishment of suitable playing courts in our Shire's North, with already 12 established local netball teams in this area.
- 233/15** That Council resolve to formally agree to fund the \$250,000.00 Tunkawallin courts identified as a possible project in the draft CAPEX program for 2015/16 budget, ensuring it is formerly added as a funded project.
- 234/15** That Council direct staff to design these courts for multi-purpose use to meet the needs of multiple sporting groups in the area and to maximise both formal and informal use by the community.
- 235/15** That Council thank the community for its support and representations on this issue and note that it looks forward to working with the community in delivering these important community assets.

7.2 Notice of Motion - Tuggerah Station Parking and Safety Shambles

Councillor Nayna left the meeting at 6.43 pm and returned at 6.45 pm, during consideration of this item.

POINT OF ORDER

Councillor Nayna raised a point of order against Councillor Vincent for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Vincent.

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

- 236/15** That Council reiterate the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.
- 237/15** That Council explore all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.
- 238/15** That Council note the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered.

QUESTIONS ON NOTICE

Q11/15 Proposed Changes to Tree Policy
Councillor Luke Nayna
F2005/02982

“Question to the General Manager,

Now that proposed changes to WSC’s tree policy have undergone legislative public consultation, can the General Manager confirm when this report will be brought to the chamber for a final vote given the strong support of the elected council?”

Q12/15 Litter on Pacific Highway
Councillor Greg Best
C2014/05549

“Mr Mayor,

I have received numerous complaints from ratepayers around the extraordinary proliferation of litter on our main arterial corridor that is the pacific highway.

Mr Mayor, on investigating this issue I note that the RMS, who is responsible for mowing and litter control on this road, is choosing to mow and slash the vegetation whilst not bothering to collect rubbish prior to these works. This is resulting in a confetti like littering event that the ratepayers now have to fund to clean up. Could you enquire to the RMS as to why they are not adhering to their standard procedures, is it laziness or do they just not care?”

Q13/15 Transforming the Central Coast Event
Councillor Greg Best
F2014/01732

“Mr Mayor,

I have observed the lead up to many a state election and may I say that the lobbying and professional approach by staff seeking undertakings/ funding has been outstanding. The securing of 200 million dollars for the hospital upgrade and the link road, regardless of the electoral outcome is a tremendous achievement by Council on behalf of our community.

I would like to thank you, our GM, senior staff and in particularly the operational staff that were responsible for the presentation of the two candidate functions recently held at Council. These were outstanding events and a very professional display, particularly with the Minister and Shadow Minister for Central Coast in attendance, again, thank you all.

Can you please pass on our special thanks to the operation team?”

THE MEETING closed at 7.08 pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2015/00040 - D11872717
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

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

9.1 – Central Coast Aero Club Ltd

- 2 That Council note its reason for considering Report No 9.1 - Central Coast Aero Club Ltd as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

- “2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
- (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the Council, or*
 - (iii) reveal a trade secret,*

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

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

ATTACHMENTS

Nil.

2.1 DA/2/2015 - Proposed two storey Dwelling at Norah Head

TRIM REFERENCE: DA/2/2015 - D11864432

MANAGER: Jamie Loader, Manager

AUTHOR: Scott Rathgen; Team Coordinator

SUMMARY

An application has been received for the erection of a dwelling & demolition of the existing dwelling on the subject property. 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) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is to be considered by Council as the applicant is seeking a variation to a development standard of greater than 10%. This report recommends that Council grant consent to the application.

Applicant	Mr J L Eacott and Mrs A R Eacott
Owner	Mr J L Eacott and Mrs A R Eacott
Application No	DA/2/2015
Description of Land	Lot 7 Sec 4 DP 758779 28 Soldiers Point Dr NORAH HEAD NSW 2263
Proposed Development	Dwelling & demolition of existing dwelling
Site Area	638.60
Zoning	R2 Low Density Residential
Estimated Value	\$550000

RECOMMENDATION

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.

PRECIS:

Proposed Development	The proposal consists of the demolition of the existing dwelling and construction of a new two storey dwelling.
Permissibility and Zoning	The subject site is zoned R2 Low Density Residential under the Wyong Local Environmental Plan 2013. The proposed development is permissible with consent and complies with the objectives of the zone.
Relevant Legislation	<ul style="list-style-type: none"> • State Environmental Planning Policy 71 (Coastal Protection) • SEPP Basix • Wyong Local Environmental Plan 2013 • Wyong Development Control Plan 2013, Chapter 2.1 Dwelling Houses & Ancillary Structures
Current Use	Dwelling
Integrated Development	<u>N/A</u>
Submissions	Nil

VARIATIONS TO POLICIES

Clause	4.4 (2) Wyong LEP
Standard	FSR 0.5:1
LEP/DCP	Wyong LEP Principal Development Standards
Departure basis	0.63:1 - which represents a 26% variation to the standard.

THE SITE

The site is a regular shaped allotment and has a slope of approximately 3% falling from front to rear. The site is currently occupied by an existing residence and has no significant vegetation proposed for removal.



Site plan of 28 Soldiers Point drive

SURROUNDING DEVELOPMENT

The surrounding land mainly comprises of single dwellings.

THE PROPOSED DEVELOPMENT

To demolish the existing dwelling and construct a new two storey dwelling.

HISTORY

Nil to report.

SUBMISSIONS

Any submissions from the Public

The application was notified for a period of fourteen (14) days with no submissions being received.

Submissions from Public Authorities

N/A

INTERNAL CONSULTATION

N/A

ECOLOGICALLY SUSTAINABLE PRINCIPLES:

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

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

CLIMATE CHANGE

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, the proposed development has been considered and where applicable is discussed within this report as a site constraint.

ASSESSMENT

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

PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/POLICIES

Wyong Local Environmental Plan 2013

Permissibility

The subject site is zoned R2 Low Density Residential under the Wyong Local Environmental Plan 2013. The proposed development is permissible with consent and complies with the objectives of the zone as follows:

Zone R2 Low Density Residential - Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The proposed development is a permissible land use within this residential zone which is development that provides for a style of housing use commensurate with the scale, character and desirable amenity of the surrounding area.

Height of Buildings

Clause 4.3(2) applies to the height of buildings on land. The proposed building is not to exceed the maximum height shown for the land on the Height of Buildings Map in order to achieve the following objectives:

- to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

The subject allotment is mapped as having a maximum building height of 9.5 m with the proposed development proposing a lesser building height of 7.9 metres. The development is therefore compliant.

Floor Space Ratio

Clause 4.4(2) applies to the maximum floor space ratio for a building on land. The proposed building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map in order to achieve the following objectives:

- to ensure that the density, bulk and scale of development is appropriate for a site,
- to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- to facilitate development in certain areas that contributes to economic growth.

The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a floor space ratio of 0.63:1. Accordingly as the proposed development does not meet the requirements of this Development Standard it is necessary for consideration of the proposal with particular reference to LEP Clause 4.6 Exceptions to Development Standards.

Clause 4.6 states;

“4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include all of these zones.

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
- (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) *clause 5.4,*
- (ca) *clause 4.1A, 4.3 (2A), 4.4 (2A), 5.3 or 7.11.*

When considering the merits of the variation to the development standard Council is required to assess the proposal against the requirements of sub clause 3 and sub clause 4. A discussion against the criteria contained in these sub clauses follows.

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment

Compliance with the FSR development standard is considered to be unreasonable and unnecessary in this instance as there are other more relevant development controls contained within Chapter 2.1 Dwelling Houses and Ancillary structures that effectively restrict the height, bulk and scale of single dwellings. The proposed dwelling complies with the height limitations, setback requirements and site coverage limitations of the chapter.

It is considered to be unreasonable and unnecessary to impose limitations on the floor space when the WDCP controls effectively limit the impact of the development on the adjoining properties and the immediate vicinity. For example the proposed building could be designed with a larger garage and storage area which are excluded from the gross floor area for the purpose of calculating the FSR. The structure would then comply with the FSR requirement but still have the same bulk, scale and building footprint and ultimately environmental impact.

- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment

Council DCP 2013 Chapter 2.1 Dwelling Houses and Ancillary Structures contains development controls relating to building height, site coverage, number of storeys and boundary setbacks. The proposal complies with all aspects of the DCP 2013 Chapter 2.1 and is consistent with the size, bulk and scale of more recent approvals with in the vicinity.

The development is not considered to be excessive in size, bulk or scale and under these circumstances the variation to the development standard is justified.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

The applicant has requested that Council consider a variation to the principal development standard Wyong LEP clause 4.4[2] under clause 4.6 of Wyong LEP.

Comment

The applicant has prepared a comprehensive statement which identifies the aims and objectives of the standard and has demonstrated that in this instance compliance with the standard is not necessary as the controls identified within DCP 2013 Chapter 2.1 adequately control the size of the building.

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment

The objectives of this standard are;

- *to ensure that the density, bulk and scale of development is appropriate for a site,*
- *to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,*
- *to facilitate development in certain areas that contributes to economic growth.*

The proposal complies with all aspects of the DCP 2013 Chapter 2.1 with regard to density, bulk and scale and is consistent with the size, bulk and scale of development in the vicinity.

The development is a two storey dwelling which is consistent with the objectives of the R2 Low Density Residential zone.

(b) *the concurrence of the Director-General has been obtained.*

Comment

Department of Planning Circular PS 08-003 provides notification of assumed concurrence of the Director-General for the use of clause 4.6 of Wyong Local Environmental Plan 2013.

Council may assume the Director-General's concurrence for exceptions to development standards, in respect of all applications (with exception to certain boundary adjustment subdivisions) made under clause 4.6 of Wyong Local Environmental Plan 2013.

Further, in accordance with Circular No PS 08-014 where variations in excess of 10% to a LEP provision occurs, the application must be determined at a Council meeting rather than at staff delegation level.

Summary

It is considered that the proposal does not contravene the intent of Wyong LEP 2013 Clause 4.4 for Floor Space Ratio. Although the proposal is not within the required maximum Floor Space Ratio of (0.5:1), it complies with the related density, bulk and scale requirements for height, site coverage, solar access and private open space of DCP2.1 Dwelling Houses and Ancillary Structures. The fact that the FSR exceeds the prescriptive requirement is seen to be irrelevant as it has no material impact.

Under this circumstance the variation to this standard is justified.

State Environmental Planning Policy 71 Coastal Protection

The provisions of State Environmental Planning Policy (SEPP) No 71- Coastal Protection requires Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP as tabled below.

SEPP 71	Matters for Consideration	Proposed
Clause 8		
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal will not affect public access to nearby foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The proposal does not provide new public access to the foreshore. There is existing adequate access in the nearby area.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The development is considered suitable for the location, and the proposal is considered suitable in terms of its relationship with the surrounding area.

e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal will not have a detrimental impact on the amenity of the coastal foreshore and public places given the nature of the development, its articulated design and being of residential scale.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or their habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation or their habitat.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The property is not subject to any Coastal Hazard.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not adversely affect the downstream water quality. Stormwater disposal has been conditioned to minimise impacts.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The site does not contain any and will have no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	A BASIX certificate accompanies the application

State Environmental Planning Policy (Building sustainability Index) BASIX

BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for new dwellings, alterations & additions greater or equal to \$50,000, and swimming pools with a water capacity greater or equal to 40,000 litres. The web-based planning tool assesses the water and energy efficiency and provides a BASIX certificate upon successfully achieving predetermined targets.

A BASIX certificate has been submitted with this development application to achieve the Government's target to reduce water and energy use.

Development Control Plan 2013 Chapter 2.1 Dwelling Houses and Ancillary Structures.

The proposed development has been assessed against the relevant provisions of Chapter 2.1. The dwelling is fully compliant with the provisions contained within this chapter particularly the height limits and site coverage requirements.

THE LIKELY IMPACTS OF THE DEVELOPMENT**Built Environment**

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

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for an approval subject to conditions.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's Land Information mapping has identified no site constraints. The site is therefore suitable for development.

PERMISSIBILITY

The allotment is zoned R2 Low Density Residential and a dwelling house is permissible within the zone.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

Submissions have been addressed previously in this report.

Public Interest

There are not any matters with this development that are not in the public interest.

OTHER MATTERS FOR CONSIDERATION

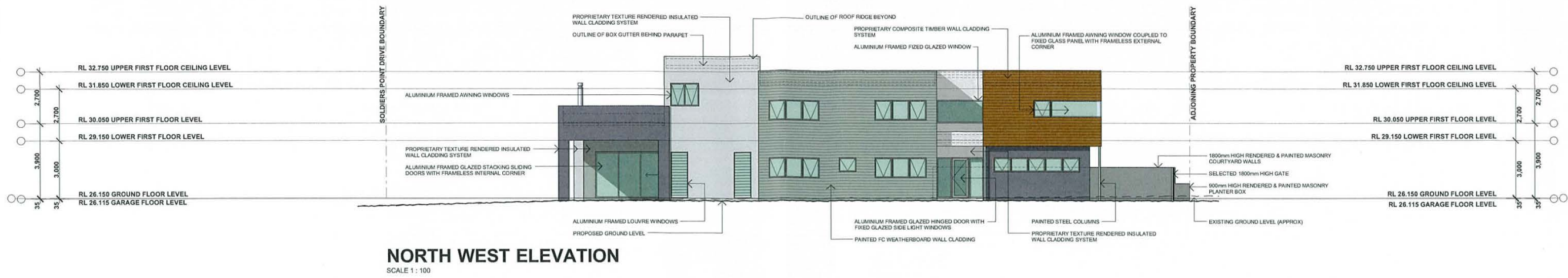
This development is subject to the shire wide S94A contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Accordingly the contributions have been applied to the consent.

CONCLUSION

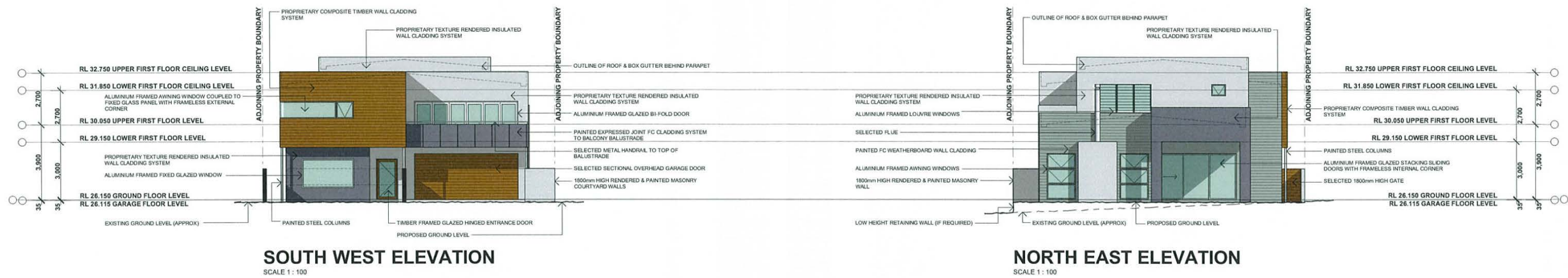
The proposed development complies with the objectives of subject zone and will be compatible with the existing and desired future character of the area. Although the proposed dwelling does not comply with the prescriptive FSR requirements of Wyong LEP 2103, this issue has no relevance to the appearance of the dwelling as it complies with all of the other prescriptive requirements relating to height, bulk, scale and site coverage. Accordingly the proposal raises no significant issues under Section 79C of the EP& Act 1979 to warrant refusal, and as such the application is recommended for approval.

ATTACHMENTS

- 1 Development Plans - D11870756
- 2 Draft Conditions of Consent - D11870728
- 3 Chapter 2.1 compliance table - D11877095

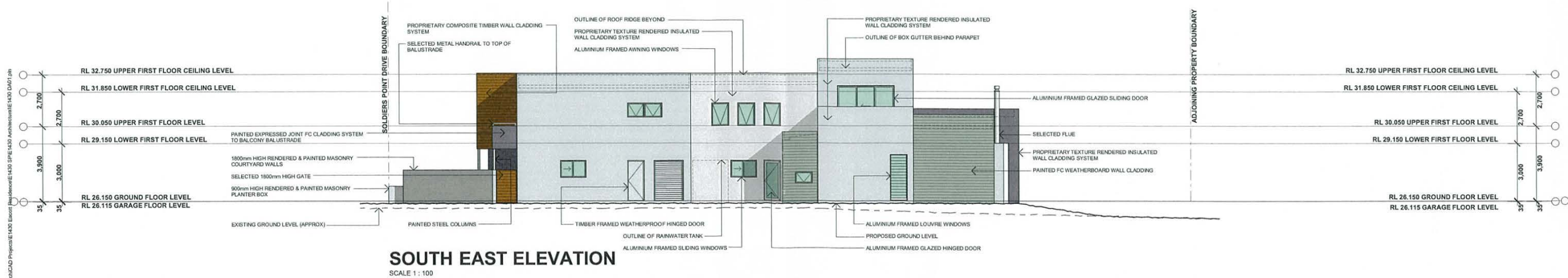


NORTH WEST ELEVATION
SCALE 1 : 100



SOUTH WEST ELEVATION
SCALE 1 : 100

NORTH EAST ELEVATION
SCALE 1 : 100



SOUTH EAST ELEVATION
SCALE 1 : 100

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REVISION	DATE	DESCRIPTION
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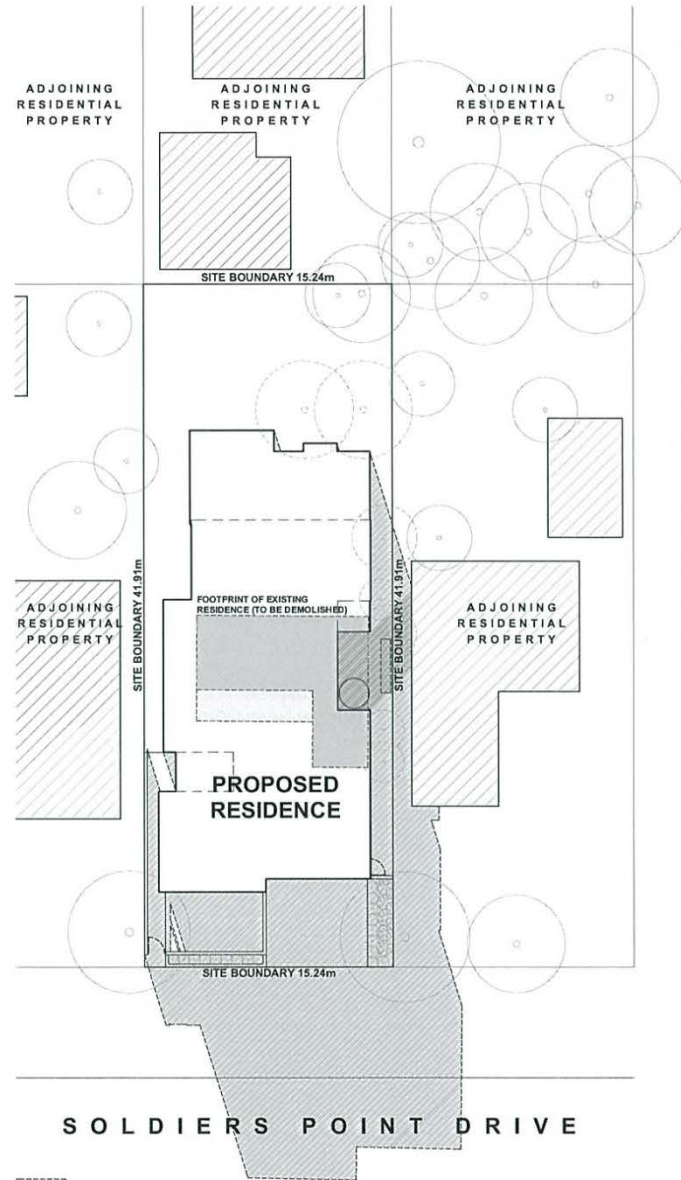
REVISION	DATE	DESCRIPTION
A	22.12.14	ISSUED FOR DEVELOPMENT APPLICATION

PROPOSED NEW RESIDENCE
FOR MR J. & MRS A. EACOTT
28 SOLDIERS POINT DRIVE, NORAH HEAD

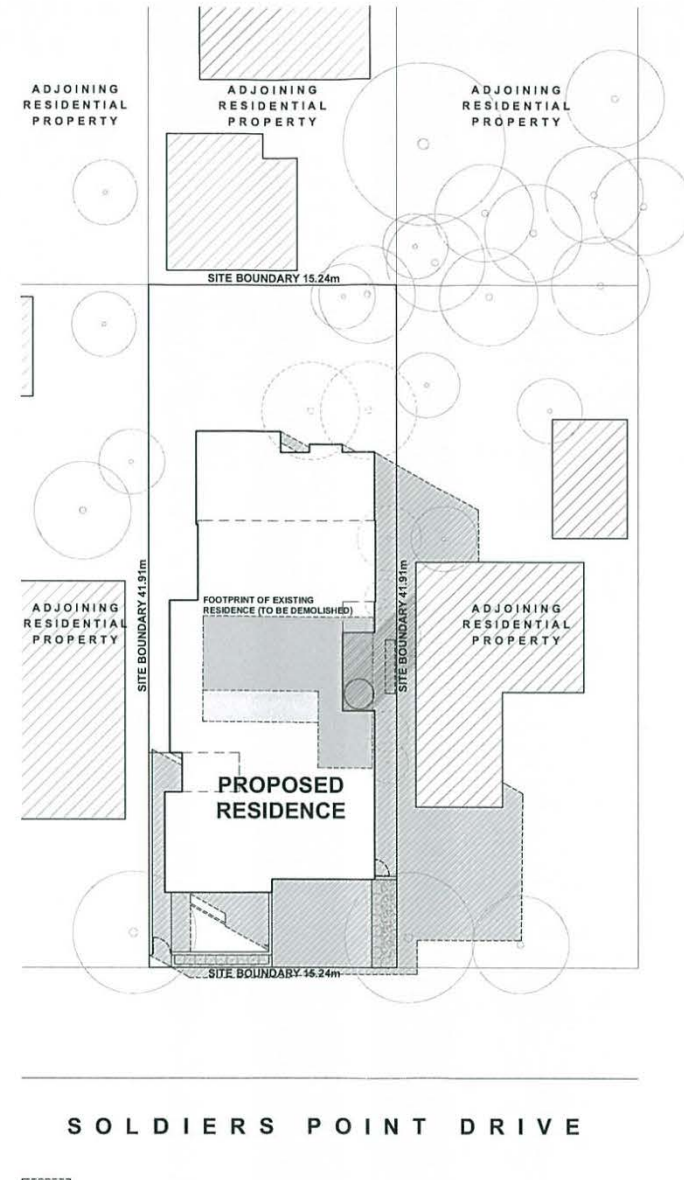
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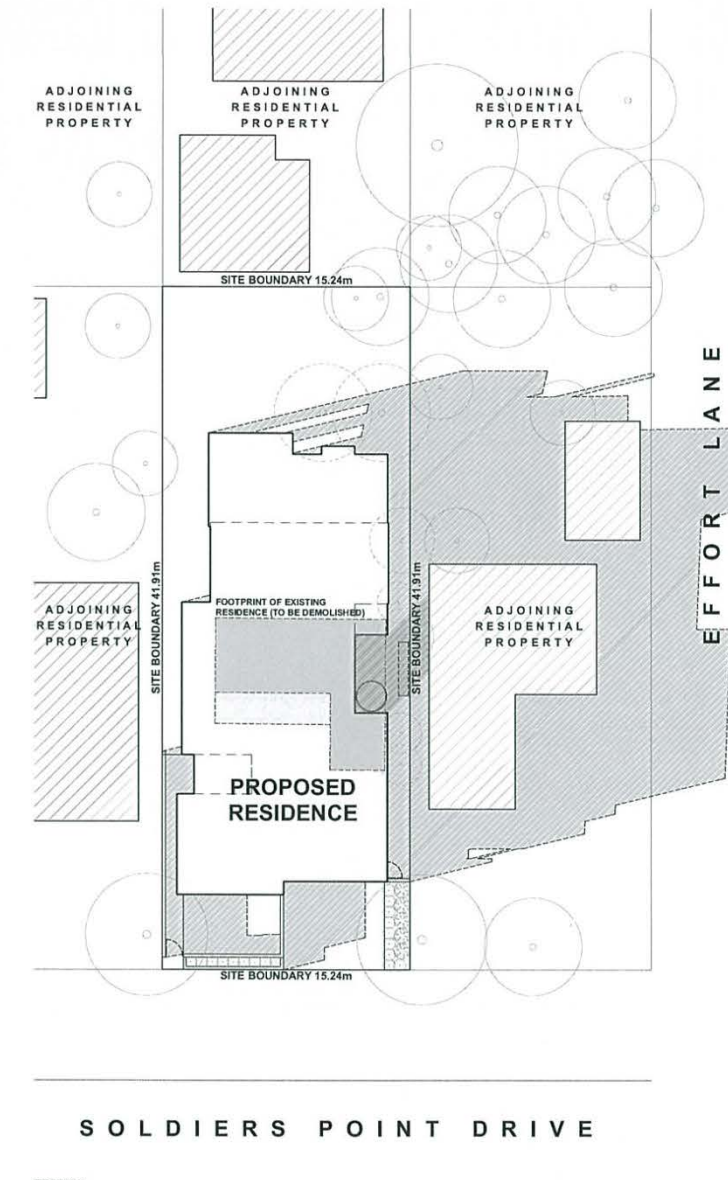
0429 465215
jodie@jfdesigns.com.au



SHADOW DIAGRAM
(WINTER SOLSTICE JUNE 21 9:00am)
1:200



SHADOW DIAGRAM
(WINTER SOLSTICE JUNE 21 12:00pm)
1:200



SHADOW DIAGRAM
(WINTER SOLSTICE JUNE 21 3:00pm)
1:200

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1:20 0 0.5 1m

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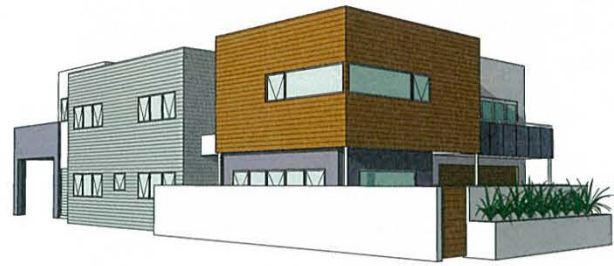
REVISION	DATE	AMENDMENT
A	22.12.14	ISSUED FOR DEVELOPMENT APPLICATION

PROPOSED NEW RESIDENCE
FOR MR J. & MRS A. EACOTT
28 SOLDIERS POINT DRIVE, NORAH HEAD

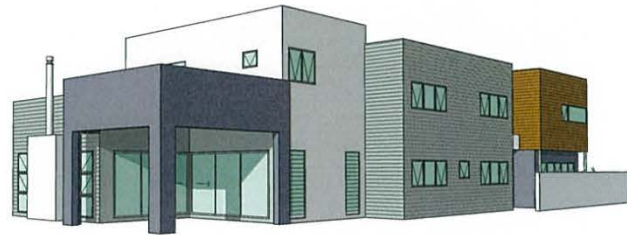
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DESIGN	JLF
DRAWN	JLF / CD
DATE	22/12/2014
SCALE	1:200
SHEET	A1
DRAWING NO.	E1430 DA104
REVISION	A

JODIE FARRELL DESIGN
PO BOX 870
TAMWORTH NSW 2340

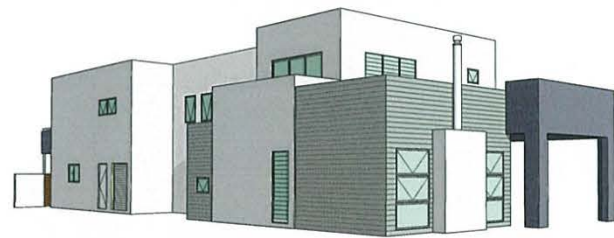
0429 465215
jodie@jfdesigns.com.au



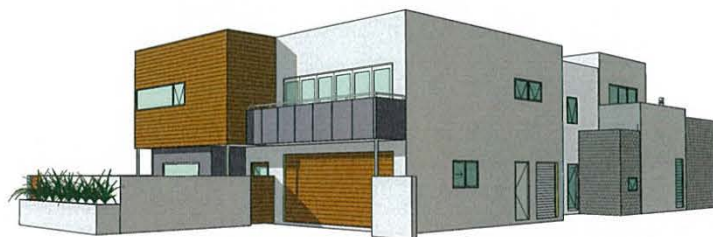
WESTERN PERSPECTIVE



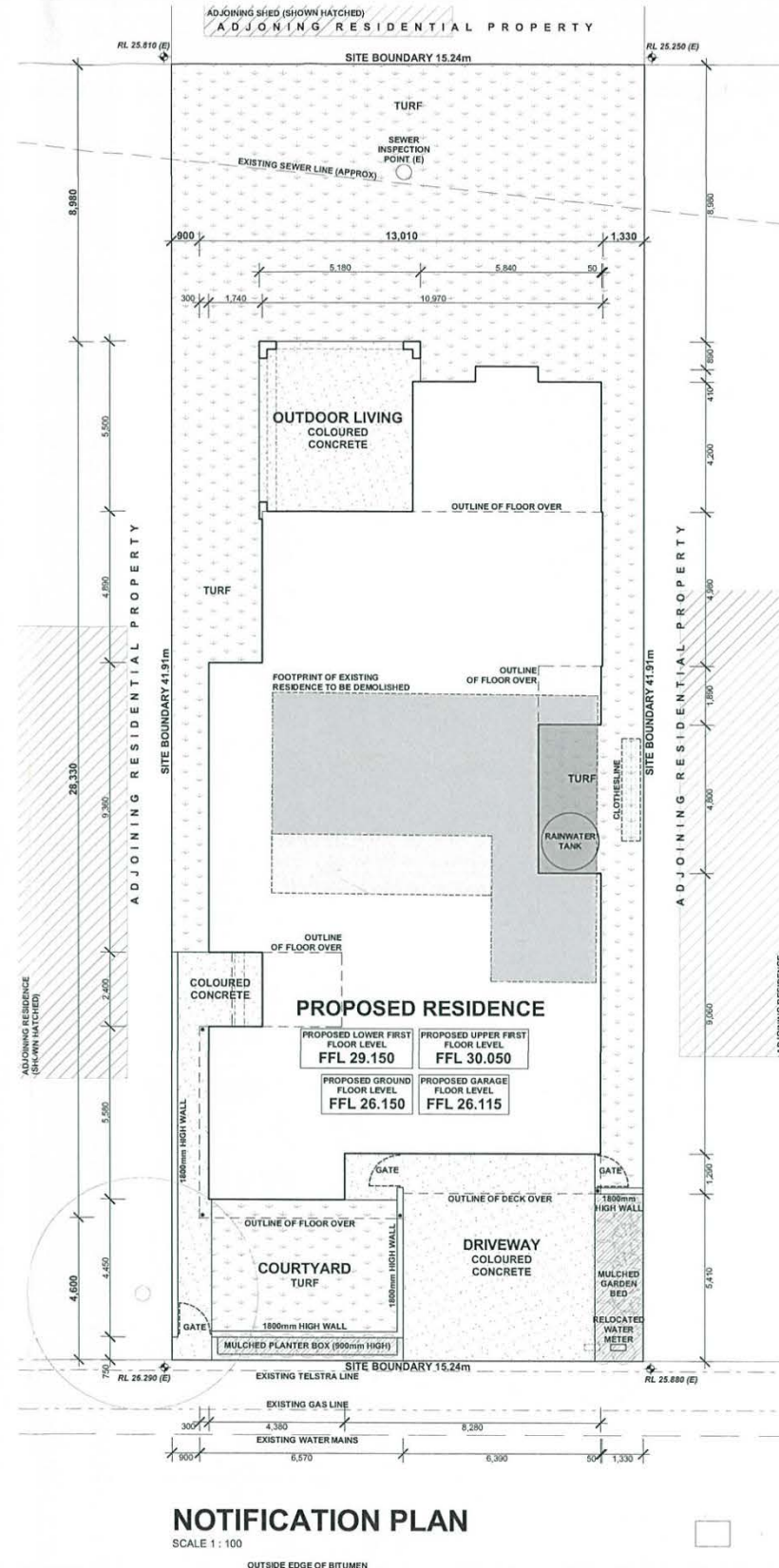
NORTHERN PERSPECTIVE



EASTERN PERSPECTIVE



SOUTHERN PERSPECTIVE



NOTIFICATION PLAN
SCALE 1 : 100
OUTSIDE EDGE OF BITUMEN
SOLDIERS POINT DRIVE

LEGEND			
B	BASIN	MB	METER BOX
CD	CLOTHES DRYER	RWH	RAINWATER HEAD
CF	CEILING FAN	S	SINK
COOK	COOKTOP / OVEN / STOVE / RANGE / RANGEHOOD	SD	SLIDING DOOR
COL	COLUMN	SHR	SHOWER
CT	CERAMIC TILE	SKY	SKYLIGHT
DP	DOWNPIPE	SM	SMOKE DETECTOR
DW	DISHWASHER	T	TUB
(E)	EXISTING	V	VANITY BASIN
F	REFRIGERATOR / FREEZER	WC	TOILET
FP	FIREPLACE	WM	WASHING MACHINE
FW	FLOOR WASTE	DN	DOOR NUMBER
HWU	HOT WATER UNIT	WN	WINDOW NUMBER

22/12/2014 11:51:39 AM C:\Users\jfarrell\Documents\Projects\14105_Soldiers Point\14105_Architectural\14105_DWG1.dwg

PRELIMINARY COPY ONLY
NOT TO BE USED FOR CONSTRUCTION PURPOSES

THIS DRAWING MAY NOT BE TO SCALE
REFER TO GRAPHIC SCALE BELOW

1:200	0 1 2 3 4 5m
1:100	0 1 2 3 4 5m
1:50	0 1 2 2.5m
1:20	0 0.5 1m

NOTES
DO NOT SCALE FROM THIS DRAWING - USE FIGURED DIMENSIONS ONLY
ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE AND THE DESIGNER NOTIFIED OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION
DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS
ELECTRONIC DATA IS ISSUED AS PROFESSIONAL COURTESY ONLY AND IS FOR COMMUNICATION AT THE DATE OF TRANSMISSION ONLY. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO ASCERTAIN THE ACCURACY AND STATUS OF THE INFORMATION CONTAINED AND TO USE THE INFORMATION APPROPRIATELY
NO PART OF THIS DOCUMENT MAY BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM JODIE FARRELL DESIGN

REVISION	DATE	DESCRIPTION	REVISION	DATE	DESCRIPTION
A	22.12.14	ISSUED FOR DEVELOPMENT APPLICATION			

PROPOSED NEW RESIDENCE
FOR MR J. & MRS A. EACOTT
28 SOLDIERS POINT DRIVE, NORAH HEAD

NOTIFICATION PLAN & PERSPECTIVES		
DATE	22/12/2014	SHEET
SCALE	1:80, 1:100	A1
DRAWING NO.	E1430 DA101	SECTION

JODIE FARRELL DESIGN
PO BOX 870
TAMWORTH NSW 2340



0429 465215
jodie@jfdesigns.com.au

Date: 2 March 2015
Responsible Officer: Tony Maguire
Location: 28 Soldiers Point Dr, NORAH HEAD NSW 2263
Lot 7 Sec 4 DP 758779
UBD Reference:
Owner: Mr J L Eacott and Mrs A R Eacott
Applicant: Mr J L Eacott and Mrs A R Eacott
Date Of Application: 5 January 2015
Application No: DA/2/2015
Proposed Development: Dwelling & demolition of existing dwelling
Land Area: 638.60

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number E 1430 DA 101 sheets 1 to 4 prepared by Jodie Farrell Design dated 22/12/14 except as modified by any conditions of this consent, and any amendments in red.

Certificates – Application and Approval

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

Prior to Release of Construction Certificate:

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

Contribution Payment Requirements

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

Roadworks - Design Requirements

- 5 An application for a vehicle access crossing is to be lodged with Council, the application fee paid and the application approved prior to issue of a Construction Certificate.

Structural Design Requirements

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

Water and Sewer Services - Design Requirements (

- 7 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 8 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Prior to Commencement of Works:

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

Erosion and Sediment Control Requirements

- 9 Erosion and sediment controls shall be provided on site prior to commencement of construction activities in accordance with Council's Policy E1 – Erosion and Sediment Control for Building Sites. Erosion and sediment controls are to be maintained, monitored and adapted throughout construction to prevent sediment moving off-site. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act 1997*.

Protection of Adjoining Property Requirements

- 10 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

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 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 14 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the SEPP (Exempt & Complying Development Codes) 2008 – subdivision 2.110 for which scaffolding, hoardings and temporary construction site fences have the following applicable standards:

- enclose the work area;
- if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and
- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

During Construction Works:

The following conditions must be satisfied during construction works.

Site Requirements

- 15 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.
- 16 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.
- 17 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water runoff. 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.

Building Code of Australia – Compliance Requirements

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

Landscaping Requirements

- 19 Prior to the issue of a Final 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 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. 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

- 20 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%.

Vehicle Access and Parking – Compliance Requirements

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

Ongoing Operation:

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

No Conditions

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy	\$5,500.00
------------------	------------

Chapter 2.1 Dwelling Houses and Ancillary Structures

3.0 Development Provisions

3.1 Streetscape and Setbacks

3.1.1 Residential Setbacks (6.0 metres to street and 900mm to side boundaries) Complies.

3.1.2 Corner Sites – Dwelling Design, Fencing and Landscaping N/A

3.2 Building Design

a National Building Standards Complies

b Setbacks (As per section 3.1) Complies

c Density (60% site coverage) Complies

d Height (7.0 metres to ceiling). Complies

e Bulk and Scale Complies

i Privacy and Overshadowing Complies

ii (a minimum of **75%** of this area of the external active living areas of the subject allotment's, and of the neighbours' external active living areas, is to receive at least **3 hours** unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (at the winter solstice).

f

g Acoustic Design Complies

3.3 Site Design

iii a Private Open Space Complies
(The external active living area shall receive a minimum of **3 hours** of sunlight to at least **75%** of the area, between 9 am and 3pm in midwinter.)

b Flood Prone Land Complies

c Landscaping Complies

d Bush Fire Protection Complies

e	Fencing	Complies
f	Carparking At least 1 fully enclosed garage carpark is required for each new home in urban areas. Designs shall provide carparking for residents as follows: i. 1 space per dwelling if 3 or less bedrooms ii. 2 spaces per dwelling if 4 or more bedrooms	Complies
g	Swimming Pools	n/a
h	Spa Pools	n/a
i	Roof Water	Complies
j	Surface Water Disposal from Paved Areas	Complies
3.4 Cut and Fill		
3.4.2	<i>Development Controls for Cut and Fill or Retaining Walls</i>	
a	Restrictions on Cut (Generally 900mm)	Complies
b	Restrictions on Fill (Generally 900mm)	Complies
c	General Restrictions	Complies
3.5 Building Materials		
a	Material Selection	Complies
b	Additions	
3.6 Trees		
a	Threatened, Endangered or Keystone Species	Complies
b	Services and Ancillary Development	Complies
c	Tree Removal	Complies
d	Tree Waste	Complies

e Construction Protection	Complies
4.0 Site Preparation and Management Complies Complies	
a Conditions of Consent	Complies
b Control of Clearing	Complies
c Protection of Trees	Complies
d Erosion and Sediment Control	Complies
e Signboard	Complies
f Sanitary Service	Complies
g Site Storage	Complies
h Construction Waste Management	Complies
5.0 Sustainability	
5.2.1 <i>NSW Government Requirements – the BASIX Program</i>	
a Energy and Water Efficient Dwelling Houses	Complies
b Energy and Water Efficient Additions	Complies
5.2.2 <i>Materials</i>	
c Selection	Complies

3.1 Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber)

TRIM REFERENCE: F2004/09001 - D11867712

MANAGER: Scott Rathgen, Team Coordinator

AUTHOR: Gary Evans; Senior Health and Building Surveyor Fire Safety

SUMMARY

Council has received a Fire Safety Report from Fire and Rescue NSW in respect to the premises known as No. 200 - 214 Main Rd Toukley, NSW (Beachcomber Hotel).

In accordance with Section 121ZD(2)(a) & (b) of the Environmental Planning and Assessment Act 1979 (EP&A Act) the Fire Safety Report is tabled for Council to consider whether it will exercise its powers to give an Order No 6 under S121B of the EP&A Act.

RECOMMENDATION

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber) (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.**
- 2 That Council direct the General Manager to write to the FRNSW and inform the following;**
 - Council staff will investigate matters 1, 3, 4 and 5 of the Fire Safety report dated 23 February 2015 and exercise its powers under s121B if warranted**
 - Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 February 2015 as FRNSW are the expert authority in firefighting equipment.**

BACKGROUND

The property is known as No 200 Main Rd Toukley which currently operates as the Beachcomber Hotel.

Council received a Fire Safety Report dated 23 February 2015 from Fire and Rescue NSW ("FRNSW") in respect to the premises. A copy of that Report is attached. Council, is required under Section 121ZD (2)(a) of the EP&A Act to table Fire Safety Reports at an Ordinary Meeting of Council.

CURRENT STATUS

A Fire Safety report dated 23 February 2015 was received by Council and identified five potential fire safety issues with the building. The report recommended that Council inspect the premises and determine the adequacy of the fire safety measures installed.

3.1 Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber) (contd)

Council staff have recently inspected the premises and are currently reviewing 4 of the 5 Fire Safety issues identified by FRNSW. Council staff believe item 2 listed in the Fire Safety Report would be best investigated by FRNSW as it relates to firefighting equipment.

OPTIONS

Council has power under s.121B of the EP&A Act to give an "Order 6" to the owner of the premises. Council is required by s.121ZD(2)(b) of the EP&A Act to determine whether it will exercise that power, and is then required by s.121ZD(4) of the EP&A Act to give notice of its determination to the Commissioner of New South Wales Fire Brigades.

FRNSW are experts in Fire Fighting requirements and equipment. Item 2 of the matters raised by FRNSW relates to the fire hydrant booster system and is therefore a matter for FRNSW to enforce. It would be appropriate for Council to pursue the other matters listed in the Fire Safety Report and any other deficiencies that are related to the building and past approvals.

Council staff agree that items 1, 3, 4 and 5 should be addressed by Council as they relate to Building Code of Australia. However, item 2 is considered the responsibility of FRNSW for the following reasons;

1. FRNSW are experts in Fire Fighting requirements and equipment. Matters directly related to firefighting requirements.
2. Council staff are experts in Building Codes of Australia and building matters and not firefighting equipment and requirements.

MATERIALS RISKS AND ISSUES.

Council has an obligation under the EP&A Act to determine if it will exercise its powers under the Act to take action on matters identified by FRNSW. It would be prudent for Council to review the existing building approvals and investigate matters 1,3, 4 and 5 of the Fire Safety Report. In terms of item 2 raised in the Fire Safety Report, it is considered that FRSW are the appropriate regulatory authority to ensure compliance with firefighting equipment and requirements.

CONCLUSION

Fire and Rescue NSW have identified the rectification of a number of fire safety issues both of relevance to the operations of Fire and Rescue NSW and relating to other Building Code matters within the subject premises. Council must consider whether it is appropriate to issue an order to address the non-compliance matters as specified in the Fire Safety Report submitted by Fire and Rescue NSW. With such action to be instigated upon completion of an appropriate investigation of the matters raised by Council staff.

ATTACHMENTS

- 1 Letter from Fire & Rescue NSW dated 23 February 2015 D11867701



File Ref. No: BFS15/91 (7449)
TRIM Ref. No: D15/11620
Contact: Station Officer Paul Scott

23 February 2015

General Manager
Wyong Shire Council
2 Hely Street
WYONG NSW 2259

Email: wsc@wyong.nsw.gov.au

Attention Manager Compliance/Fire Safety

Dear Sir / Madam,

**RE INSPECTION REPORT - BEACHCOMBER HOTEL - 200 MAIN ROAD
TOUKLEY**

Correspondence was received by the Fire & Rescue NSW (FRNSW), on 27 January 2015, in relation to the adequacy of the provision for fire safety in connection with the above building. The correspondence indicated that:

- A fire exit on the basement floor was locked by a chain.

An inspection of the abovementioned premises was conducted by Fire & Rescue NSW (FRNSW) Officers of the Fire Safety Compliance Unit, in accordance with the provisions of Section 118L (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on 5 February 2015.

The following details are provided for your information, in accordance with the provisions of Section 118L (4) and Section 121ZD (1) of the EP&A Act.

COMMENTS

The following items of concern were identified during the FRNSW inspection:

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

bfs@fire.nsw.gov.au

Page 1 of 3

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1. Annual Fire Safety Statement (AFSS):
 - a. The displayed AFSS was dated 2013 and is therefore considered out of date. In accordance with Clause 177(2) of the *Environmental Planning and Assessment Regulation 2000* the statement must be updated annually.

2. Hydrant Booster:
 - a. Fire The AFSS identifies the hydrant booster as being installed to AS2441-1998. Please be advised that Australian Standards (AS) 2441 relates to hose reels. FRNSW is of the opinion that the fire hydrant system is installed to the requirements of Ordinance 70.
 - b. In this regard the following non-compliances with the Ordinance 70 fire hydrant installation were observed: -
 - i. The pressure scale plate was warped and may affect the operation of the pressure gauge installed on the boost inlets of the hydrant booster assembly;
 - ii. Both isolation valves on the hydrant booster assembly were not able to be turned to the off position;
 - iii. Numerous cabinet doors containing attack fire hydrants within the building were not labelled to identify the attack hydrant location;
 - iv. A block plan was not installed at the hydrant booster assembly identifying the location of the attack hydrants.

3. Fire Indicator Panel (FIP):
 - a. The FIP was not monitored in accordance with Specification E2.2a – 7 of the Building Code of Australia (BCA);
 - b. A Zone Block Plan was not provided to the Fire Indicator Panel in accordance with the requirements of Clause 3.10 of AS1670.1-2004;
 - c. Smoke detection is only provided within the Class 3 part of the building which is contrary to the requirements of Specification E2.2a - 4 (c) of the BCA.

4. Fire exit doors:
 - a. Within the 'Underground' nightclub, egress doors were chained shut with padlocks, slide barrel and drop bolts which is contrary to the requirements of Clause 185 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);
 - b. Numerous exit doors were provided with handles contrary to the requirements of Clause D2.21 (a) (i) of the BCA;
 - c. Throughout the complex fire exits were capable of being locked which is contrary to the requirements of Clause D2.21 (a) of the BCA.



5. Fire separation:

- a. Separation was compromised as a result of the fire doors being held in the open position. It appears that the fire doors are obstructed from its operation as a result of:
 - i. Carpet
 - ii. Installed door furniture and
 - iii. Door chocks being utilised on multiple doors.

Therefore the doors failed to close automatically in accordance with Clause C3.11 of the BCA;

- b. Separation between classes was not provided at the exit door between the basement carpark and the Class 3 part which is contrary to the requirements of Clause C2.8 of the BCA.

FRNSW is of the opinion that adequate provision for fire safety has not been made concerning the building.

RECOMMENDATIONS

FRNSW recommends that Council inspect the premises and require items 1 - 5 of this report, and any other deficiency identified by Council, to be appropriately addressed.

This matter has been referred to Council, as it is considered Council is the Regulatory Authority in relation to this matter.

FRNSW awaits Council's advice regarding its determination in relation to this matter, in accordance with the provisions of Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact the Fire Safety Compliance Unit. Please ensure in any future correspondence that you use FRNSW file reference BFS15/91 (7449).

Yours faithfully



Edren Ravino
Building Surveyor
Fire Safety Compliance Unit



4.1 CPA/182057 - Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head

TRIM REFERENCE: CPA/182057 - D11869709

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Martin Drake; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/182057 - Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head

"Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting."

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 4 in the attached Tender Evaluation Report, for the lump sum amount of \$1,000,000.00 (excl GST) for Contract CPA/182057 - Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

The condition of existing sewage pump station (SPS) TO08 and its brick switch control assembly (SCA) room are over 30 years old and in decline. It has also been identified that the existing SPS TO08 does not have sufficient storage capacity during times of extended power outages. Furthermore, the existing rising main TO08 traverses diagonally across Mazlin Reserve between SPS TO08 and Mitchell Street, and Mazlin Reserve (in this area) has been identified as an area of slope instability.

Council's Water and Sewer engineering staff have considered several options for upgrading existing SPS TO08, and decided the most effective option would be to reduce the incoming sewer flow at existing SPS TO08 by diverting the majority of it to a new sewage pump station (SPS TO8A), which would be built at the corner of Bungary Road and Lawson Street. The reduction of incoming flow would effectively increase the storage capacity of the existing wet well at SPS TO08 and refurbishment of the station would involve installation of smaller sized pumps, valves, pipes and associated fittings. A smaller diameter rising main would also be

constructed from existing SPS TO08 to a new manhole to be constructed at the corner of Maitland Street and Bungary Road, thus removing environmental risks associated with the old rising main extending through the unstable slope section of Mazlin Reserve. Part of the SPS TO08 refurbishment works would also include demolition of the unsightly existing SCA building located above the existing SPS TO08 wet well and valve pit, and construction of a new brick SCA room at the rear of the carpark to help improve the aesthetics of the area and views from the carpark to the beach. Other electrical upgrades such as replacement of the existing floodlight pole and floodlights located adjacent SPS TO08 in the carpark are also proposed as part of this refurbishment works.

The new sewage pump station TO8A, to be located at the corner of Bungary Road and Lawson Street, would accept diverted gravity sewer flows plus the sewage being pumped from SPS TO08 via the new TO08 rising main. Proposed SPS TO8A would also involve construction of new gravity mains that would divert gravity sewer flow to it from Mitchell and Maitland Streets (rather than to SPS T08). A new rising main from proposed SPS TO8A would also be constructed and connected into the existing TO08 rising main in Bungary Road near Mitchell Street.

The proposed works would ultimately benefit the community because a safe and reliable sewerage storage collection, treatment and disposal facility would be provided for existing and future community needs.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations before the Request for Tender was issued. The approved Contract Plan is in TRIM D03379599

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 23 December 2014.

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

A compulsory pre-tender meeting was held at Norah Head on 22 January 2015 where the entire proposed work site was walked to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 12 February 2015

TENDER SUBMISSIONS

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

- Carekell Civil Pty Ltd
- Comdain Infrastructure
- Eire Constructions Pty Ltd
- Gongues Constructions Pty Ltd
- Haslin Constructions Pty Ltd
- Kerroc Constructions Pty Ltd
- McNamee Constructions Pty Ltd
- Murphy McCarthy & Assoc. Pty Ltd
- Poonindie Pty Ltd
- Precision Civil Infrastructure Pty Ltd

Kerroc Constructions Pty Ltd submitted a partially late submission. However, the returnable forms (including the lump sum tender price) were received on time via eTender, and only the supporting documents were received 16 minutes late due browser and transmission problems. The Tender Evaluation Panel decided to include the Kerroc Constructions Pty Ltd submission in the tender evaluation process because the price component of the tender submission was received on time, and it was considered the late supporting documents would not disadvantage the other tenderers.

TENDER EVALUATION

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

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

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

- a) Compliance with Tender documents, including lodgement of tender by specified time.
- b) Evidence of corporate systems to effectively manage environmental, quality and safety risk.
- c) Local Content
- d) Construction program AND detailed works methodology, including details of proposed Sewer Bypass system
- e) Tendered price and structure
- f) Demonstrated experience and recent successful performance on similar scale and complexity projects

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under Project Number 13276.

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

It is anticipated that the contract will be awarded mid April 2015 and the works will be completed within 30 weeks from the date of the Letter of Acceptance.

RISK

This contract has been assessed as a medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan, which is on the TRIM file (D03379599).

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 Environmental Impact Assessment has been approved for the proposed works;
- NSW Department of Trade and Investment have been consultant and granted approval to acquire easements and property acquisitions. The required easements and property acquisitions have been completed and formalised;
- Mine Subsidence Board were consulted and have provided advice and approval to commence works.

PROCESS REVIEW

The Tender evaluation and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

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

The Norah Head community and local business owners have been consulted in accordance with Council's Community Engagement Strategy prepared for this project. Council's Project Manager has attended a Norah Head Residents, Ratepayers and Coastcare meeting on 1 September 2014 and informed the group of Council's proposal to upgrade the sewer infrastructure at Norah Head, and answered questions. A letter was also distributed on 4 September 2014 advising the wider Norah Head community of the need for the proposed sewer upgrade works and Council's proposal to call tenders for construction during 2015.

No objections have been raised or received regarding the proposed sewer upgrade works.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Confidential Attachment A-Tender Evaluation Report-Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head- CPA/182057 - | D11872724 |
|----------|--|-----------|

4.2 CPA/249913 - Upgrade of Sewage Pump Stations BB05 & BB06

TRIM REFERENCE: CPA/249913 - D11872781

MANAGER: Gary Kinney, Project Director

AUTHOR: Tim Burch; Project Manager2

SUMMARY

Evaluation and selection of tenders for Contract CPA/249913 – Upgrade of Sewage Pump Stations BB05 & BB06.

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 That Council decline to accept any of the tenders received for Contract CPA/249913 – Upgrade of Sewage Pump Stations BB05 & BB06.**
- 2 That Council decline to invite fresh tenders for the reasons that the tenders received provide appropriate market responses and no further commercial advantage could be expected by calling fresh tenders.**
- 3 That Council determine to enter into negotiations with conforming tenders for the reason that the conforming tenders received provide a strong basis for negotiating a best value contract outcome.**
- 4 That Council authorise the General Manager to conduct and conclude negotiations and, subject to a satisfactory outcome being reached, enter into a contract in relation to the subject matter of the tender and the results of the successful negotiation be reported to Council for its information.**
- 5 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

BACKGROUND

Sewage Pumping Stations (SPS) BB05 & BB06 are scheduled for upgrades to improve capacity and address a number of service deficiencies.

SPS BB05 is located at the bottom of a steep access road that continues from the eastern end of Binburra Avenue in Toowoon Bay. The station is located adjacent to Toowoon Bay Beach. Access to the site is via Binburra Avenue. BB05 pumps wastewater some 775m along the rising main to a receiving manhole on Gilbert Street which then drains to an adjoining SPS before ultimately discharging at Bateau Bay Sewage Treatment Plant.

SPS BB06 is located in a public car park off Werrina Parade in Blue Bay. It is adjacent to Blue Bay Beach. Access to the site is via Werrina Parade. BB06 pumps wastewater some 757m along the rising main to the same receiving manhole on Gilbert Street that receives flow from BB05.

This tender is for the upgrade of both SPS sites.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure & Operations (I&O), before the Request for Tender was issued. The approved Contract Plan is in TRIM (D11762986).

INVITATION TO TENDER

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 16 December 2014 and the Central Coast Express Advocate on 17 December 2014. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm on Thursday 12 February 2015.

The invitation documents called for a lump sum tender based on a detailed specification with separable portions for each SPS. The contract periods for completion were provided as 32 weeks for SPS BB05 & 40 weeks for BB06 from the date of the Letter of Acceptance of the Tender.

A compulsory pre-tender meeting was held at the proposed work site at 10am on Tuesday 20 January 2015 to allow tenderers to become familiar with site conditions.

Three (3) addenda were issued to all prospective tenderers during the invitation period.

Tenders closed **at 2pm on Thursday 12 February, 2015.**

TENDER SUBMISSIONS

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

- Eire Constructions Pty Ltd (Eire)
- Gongues Constructions Pty Ltd (Gongues)
- Kerroc Constructions Pty Ltd (Kerroc)
- McNamee Constructions Pty Ltd (McNamee)

The tender submission received from Kerroc was late and cannot be considered in accordance with the provisions of Clause 177(2) of the Local Government Regulation 2005.

All of the tender documents have been filed in Council's TRIM records.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations in Trim (D11863204). No pecuniary interests were noted.

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

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

Threshold Criteria:

- Conformity to the Request for Tender documentation including lodgement by the Closing Time
- Evidence of third party certification (by JAS/ANZ accredited assessment body) of corporate systems to manage Safety, Environment and Quality
- Evidence of satisfactory completion of at least two similar SPS upgrade projects with bypass system by current key personnel in the last five years.

Weighted Criteria:

- Local Content
- The tendered price; as well as any other potential costs to Council that may be identified
- Quality of methodology proposed to complete the works including management of existing SPS operation during bypass, and impacts to local community
- Proven experience of key personnel and sub-contractors to deliver similar projects, including referee checks
- Proven performance of key personnel and sub-contractors to deliver similar projects, including referee checks

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2014/2015 and 2015/2016 capital works program under Project #15803 (BB05) and Project #15804 (BB06).

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

Assuming negotiations can proceed immediately after the rescission period following the Council meeting, and a contract is entered into in mid-April 2015, construction will commence in mid May 2015 with works completed and both SPS able to be put into service (subject to no delays being encountered) by Christmas 2015.

RISK

This contract has been assessed as a high risk contract, principally due to environmental risk. The key risks and mitigations measures have been addressed in the Contract Plan and Risk Assessment Worksheet (Trim D11718624).

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 assessment under the *Environmental Planning and Assessment Act 1979* in Trim (D05951994).

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option in accordance with the provisions of Clause 178 (3)(e) of the Regulation of not accepting any of the tenders received and entering into direct negotiations with any person, with a view to entering into a Contract in relation to the subject matter of the tender. This option is recommended.

PUBLIC CONSULTATION

Public consultation specific to this contract was necessary and has occurred with neighbouring residents and businesses including Kim's Hideaway Resort, Toowoon Bay.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment A - CPA/249913 - Upgrade of Sewage Pump Stations BB05 and BB06 - | D11879995 |
|---|--|-----------|

5.1 Consideration of Floodplain Risk Management Plans for Adoption

TRIM REFERENCE: F2004/07986 - D11830251

MANAGER: Andrew Pearce, Director

AUTHOR: Peter Sheath; Senior Planning Engineer Hydrology

SUMMARY

This report seeks the adoption of three Floodplain Risk Management Plans: Tuggerah Lakes, Tumbi Creek, and Porters Creek. These Plans have been completed, publically exhibited and have been recommended for adoption by the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.

It is important that these plans be formally adopted by Council such that the grant contracts with the NSW Government can be acquitted so that Council can continue to qualify for further grant funding opportunities.

The flood mapping developed within the plans is already actively being used, is available as part of Council's on-line mapping, and is in accordance with Council's adopted sea level rise policy.

RECOMMENDATION

- 1 That Council adopt the Tuggerah Lakes Floodplain Risk Management Plan.**
- 2 That Council adopt the Tumbi Creek Floodplain Risk Management Plan.**
- 3 That Council adopt the Porters Creek Floodplain Risk Management Plan.**

BACKGROUND

The three subject Floodplain Risk Management (FRM) Plans were prepared with State and Federal funding assistance and in accordance with the process contained within the NSW Floodplain Development Manual - the Gazetted manual for the purposes of Section 733 of the Local Government Act (1993). The Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC) provided oversight and review of these projects throughout their duration.

The preparation and adoption of FRM Plans is the second step in the NSW Government's Floodplain Risk Management Process: The first step being the Flood Study. Once a FRM Plan is adopted then the final step is the implementation of the Plan. During this implementation stage Council can then potentially qualify for grant funding assistance for implementation measures.

OBJECTIVES OF THE PLANS

The FRM Plans include both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defined objectives, namely:

- Not to unnecessarily sterilise flood prone land;
- To provide a flexible merits-based approach for development assessment;
- To reduce exposure to flood hazard and reduce flood losses to people and property;
- To provide planning integration with Council's Strategic Plan, Asset Management Strategy, Local Environment Plan, Development Control Plan and SES Local Flood Plan;
- To provide a mechanism for future grant funding assistance for implementation of the plan, which involves capital works and further planning measures as funds become available, and
- To protect Council from liability under Section 733 of the Local Government Act (1993) - by establishing a framework in which Council can demonstrate that it is acting in good faith in regard to the provision of advice or decisions related to flood prone land.

OUTCOMES FROM THE PLANS

A key outcome of the FRM Plans is Flood Hazard mapping, which provides an informed basis for decision making, such that flood risk can effectively be managed to an acceptable and understood level. This mapping is already used and available on Council's on-line mapping.

Each FRM Plan also identifies several implementation measures. These have been assessed and prioritised based on extensive consultation, considering how soon they can be implemented, the resources required, the constraints that exist, and their effectiveness.

The implementation measures identified in the plans include works projects: road and bridge upgrades, levee upgrades, installation of water level and rainfall gauges, and house raising; the measures also include studies: updated flood studies, adaptation planning, flood emergency planning, management plans for vulnerable water & sewer assets, and public education initiatives.

The identification of these implementation measures does not commit Council to having to necessarily carry any or all of them out. It does however provide the trigger whereby Council can potentially qualify for grant funding assistance to carry out the implementation measures. This would be typically funded a third from Council, a third from the NSW Government, and a third from the Federal Government.

Up until now Council has been successful in being awarded grant funding in the order of \$200,000 each year, mainly to carry out studies. However, having some works projects identified in these FRM Plans will give Council the opportunity to apply for much larger amounts of grant funding into the future.

CURRENT STATUS

How the plans fit into the current land use planning framework

At its meeting of 2 October 2014 the TLECFMC recommended adoption of these three FRM Plans. However they recommended waiting until the revision to DCP 2013 Chapter 3.3 was adopted by Council and the Wyong LEP Major Amendment 1 was Gazetted. These events have now occurred.

Each of these FRM Plans are consistent with:

- The recent Wyong LEP 2013 Major Amendment 1 (flood mapping amendment), which was published on the NSW Legislation Website on 8 January 2015,
- The recent changes to DCP 2013 (in particular Chapter 3.3) to align with LEP 2013 Major Amendment 1, which were adopted by Council on 26 November 2014, and
- Council's interim sea level rise policy, as resolved on 10 October 2012 and reaffirmed on 24 July 2013.

Opportunity for further grant funding

Note that if these FRM Plans are not adopted soon then it will risk the receipt of a further \$86,667 in the 2014-15 round of grant funding: On 15 January 2015 we were advised by the NSW Office of Environment and Heritage in regard to our grant funding submission for a new overland flood study in the Killarney Vale, Berkeley Vale, Glenning Valley area, that it was:

Ranked highly and placed on the reserve list. This list may be activated during the 2014-15 financial year subject to funds becoming available and following the completion of the Tuggerah Lakes Floodplain Risk Management Plan.

Details of each FRM Plan

Further details of the current status and history of each of the FRM Plans is included below:

Tumbi Creek FRM Plan

This FRMP has had a long development period and has been in draft form for many years. The plan was first drafted in 1994 following the completion of the flood study in the same year. However the draft Plan was not exhibited at the time. The plan and associated mapping has been updated based on the 1994 flood study, but refined with more recent aerial laser survey. The completed plan is consistent with Council's current sea level rise policy.

It was important to finalise this plan - to get it off the OEH list of outstanding projects - so as not to jeopardise Council's chances of being awarded further grant funding. The fact that Council has just been awarded funds for three, possibly even four, new grant funded projects in 2014-15, whereas other Local Government Areas typically only received funding for zero or one, demonstrates that this has been effective.

In terms of implementation measures: the plan does not identify any physical mitigation works within the catchment; it does identify some areas to focus maintenance efforts; it does recommend that an updated flood study be carried out. Significant flood mitigation works were carried out in this catchment in the 1990's.

5.1 Consideration of Floodplain Risk Management Plans for Adoption (contd)

We have already made plans to update the flood study for Tumbi Creek: WSC is currently shortlisted for a second round of 2014-15 grant funding assistance for a new overland flood study in the Killarney Vale, Berkeley Vale, Glenning Valley area, which will update the flood mapping in Tumbi Creek.

A copy of the completed Plan was tabled at the 5 June 2014 meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Risk Management Committee. A presentation of the Plan was also given at the 3 July 2014 meeting of the committee. At that time the committee recommended that the Plan be put on public exhibition.

The Tumbi Creek FRM Plan was placed on public exhibition from 6 August to 5 September 2014, which coincided with the exhibition period for the LEP flood mapping amendment and associated amendment to Chapter 3.3 of the DCP. No submissions were received.

At its meeting of 2 October 2014 the Tuggerah Lakes Estuary, Coastal and Floodplain Risk Management Committee recommended adoption of this plan. However the committee recommended waiting until the revision to DCP 2013 Chapter 3.3 was adopted by Council and the Wyong LEP Major Amendment 1 was Gazetted.

Tuggerah Lakes FRM Plan

The Tuggerah Lakes FRM Plan was completed in June 2014. The plan and an associated presentation were provided to the Tuggerah Lakes Estuary, Coastal and Floodplain Risk Management Committee on 3 July 2014.

The Tuggerah Lakes FRM Plan had been previously prepared and exhibited in 2010. Following exhibition there was concern from the Community and Council alike about the number of properties affected by the Flood Planning Area around the lake foreshore. The main management issue identified by the plan is the vulnerable sewerage infrastructure around the lake foreshore.

In late March 2014 Council's consultant, WMA Water, was directed to make changes to the draft Tuggerah Lakes Floodplain Risk Management Plan to be consistent with the proposed flood mapping changes to the LEP and DCP and to be consistent with Council's sea level rise policy.

The Tuggerah Lakes FRM Plan was placed on public exhibition from 6 August to 5 September 2014, which coincided with the exhibition period for the LEP flood mapping amendment and associated amendment to Chapter 3.3 of the DCP. The number of views of the documentation was 29, with an average viewing time of 4 minutes. However no submissions were received.

At its meeting of 2 October 2014 the Tuggerah Lakes Estuary, Coastal and Floodplain Risk Management Committee recommended adoption of this plan. However the committee recommended waiting until the revision to DCP 2013 Chapter 3.3 was adopted by Council and the Wyong LEP Major Amendment 1 was Gazetted.

Porters Creek FRM Plan

The Plan was prepared over the period from December 2009 to April 2012. The consultation in developing the plan included 5000 questionnaires to residents in January 2010, two presentations to the Watanobbi Warnervale Community Precinct Committee in February 2010 and February 2011, and public exhibition from March to May 2011.

Consideration of climate change was carried out in the Flood Study. The Flood Study was a separate document that was prepared during 2010. This was prepared in accordance with the NSW Floodplain Risk Management Guideline: Practical Consideration of Climate Change (October 2007). The Guideline sets out a four-step process: (i) Assessing climate change impacts through modelling sensitivity analysis, (ii) Determining if the impacts are significant for particular locations, (iii) How to consider within the flood study, and (iv) Management strategies. The guideline is still current.

Sea level rise was not likely to have any impact upstream of the Porters Creek wetland and so was not investigated. However a sensitivity analyses were carried out as per the Guideline for increased rainfall intensities associated with flood producing rain events. An increase in rainfall intensity of approximately 15% was recommended for the Central Coast region by CSIRO (2007) and DECC (2008). This was found to increase flood levels by an average of 0.02m across the floodplain, which is insignificant. However there were some significant localised increases in the upper catchment immediately upstream of bridges: a 0.29m increase upstream of Sparks Road Bridge, and a 0.25m increase upstream of the F3 Freeway bridges. Given the significant impact at these particular locations then it was recommended within the Flood Study that the flood level increases associated with a 15% increase in rainfall intensity be included on top of the 0.5m freeboard. Note that the average increase in flood planning levels was still small: 0.02m. Only the localised areas immediately upstream of the bridges were increased by up to 0.29m.

This decision effectively treated another separate risk, which had not previously been considered. Another sensitivity analysis had been carried out to investigate the impact of partial blockage of bridges due to debris or silting (typically an allowance for some level of blockage is required as per DCP 67). This produced even higher flood level localised increases at the same bridge locations: 0.8m upstream of Sparks Road bridge and 0.5m upstream of the F3 Freeway bridges. Thus the decision to increase the flood planning levels due to possible future increased rainfall intensity would partially treat the existing risk associated with partial blockage of the bridges, which is a typical occurrence. This was deemed to be prudent risk management.

These decisions made in the 2010 Flood Study were carried forward into the Floodplain Risk Management Plan. Note that Council's interim sea level rise policy, which was adopted in October 2012, does not speak to the issue of increased rainfall intensity due to climate change.

The plan proposes and ranks 15 implementation measures, with estimated capital costs of \$11,000,000 and estimated recurrent costs of \$616,000. Note that adoption of this plan does not commit Council to this expenditure. Each of these measures would be properly considered in its own right.

These capital and recurrent costs have not yet been properly considered in the Long Term Financial Strategy. Most of the implementation measures are relatively low cost. The bulk of the costs are associated with capital projects and natural channel maintenance.

Once the Plan is adopted then Council can potentially qualify for grant funding for two-thirds of the capital costs of one or more of the identified implementation measures under the NSW Floodplain Management Program, which is administered by the NSW Office of Environment & Heritage (OEH).

5.1 Consideration of Floodplain Risk Management Plans for Adoption (contd)

Council has however already carried out two of the identified items: upgrades to Minnesota Road and Warnervale Road at a cost of \$7.9m, which was \$600k less than what was estimated within this plan. These road capital works projects were designed to reduce the likelihood of the road being overtopped by floodwaters to less than 1% each year.

Once the plan is adopted then Council can still potentially qualify for grant funding for other capital works, including:

- Raising Hue Hue Road at the Buttonderry Creek crossing to make the road trafficable in the 1% AEP flood event. This is identified as a critical route should the freeway be closed (estimated cost \$600,000).
- Extension of the Lucca Road Levee in North Wyong using an earthen bund to protect vulnerable land in the industrial area (estimated cost \$550,000).

At its meeting of 7 June 2012 the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee recommended that Council adopt the Porters Creek FRM Plan. At that time a report had been prepared ready to go to Council; however it was deferred due to the impending Council elections to be firstly reconsidered by the new Committee.

On 6 December 2012 the new Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee received an extensive report on the Porters Creek Floodplain Management Plan and recommended that Council adopt the Plan.

In mid-2014 it came to our attention that a recommendation from the committee to adopt the Porters Creek Floodplain Risk Management Plan has not yet occurred. This was reported back to the committee at their 7 August 2014 meeting. At that time the committee requested that the development control flood planning matrix contained within the Plan be amended to match the proposed changes to the proposed changes to the development control flood planning matrix contained within the DCP Chapter 3.3, which was carried out.

The proposed flood planning matrix was placed on public exhibition from 6 August to 5 September 2014, as part of the exhibition period for the LEP flood mapping amendment and associated amendment to Chapter 3.3 of the DCP. No submissions were received.

THE PROPOSAL

This proposal is to simply adopt these three Floodplain Risk Management Plans: Tuggerah Lakes, Tumbi Creek, and Porters Creek. These plans are already being used to inform planning decisions. Adoption of these plans will provide for further grant funding opportunities to fund works and studies identified within the plans.

OPTIONS

The alternatives are to either:

- Choose not to formally adopt the plans, or
- Adopt the plans.

Note that these plans are not set in stone. The NSW Floodplain Development Manual states that a FRM Plan is never truly finished. Instead it represents the 'best' appraisal of existing and likely future circumstances at the time it is 'adopted'. A FRM Plan is therefore a dynamic instrument requiring review and modification over time. The catalysts for change could include actual flood events and experiences, legislative change, alterations in the availability of funding and reviews of Council planning. A review every five years is recommended to ensure the ongoing relevance of the Plan.

Council can at any time choose to initiate a review of part of all of any of the plans. It is therefore recommended to firstly adopt the plans before considering the need for anything to be reviewed.

STRATEGIC LINKS

Planning Instruments and policy

Each of these FRM Plans is consistent with:

- The recent Wyong LEP 2013 Major Amendment 1 (flood mapping amendment), which was published on the NSW Legislation Website on 8 January 2015,
- The recent changes to DCP 2013 (in particular Chapter 3.3) to align with LEP 2013 Major Amendment 1, which were adopted by Council on 26 November 2014, and
- Council's interim sea level rise policy, as resolved on 10 October 2012 and reaffirmed on 24 July 2013.

A key outcome of these FRM Plans is Flood Hazard mapping. This mapping is already used to define flood precincts 1, 2, 3 & 4 on Council's on-line mapping, which are linked development controls contained within the latest amendments to the DCP and LEP, as presented in DCP Chapter 3.3:

- Precinct 1: Land above the residential flood planning level up to the level of the Probable Maximum Flood
- Precinct 2: Land that is categorized as low hazard flood fringe up to the flood planning level
- Precinct 3: Land that is categorized as low hazard flood storage
- Precinct 4: Land that is categorized as High Hazard, whether Flood Storage or Floodway.

Wyong Shire Council Strategic/ Annual Plan

Tumbi Creek FRM Plan and Tuggerah Lakes FRM Plan are both identified in the 2014-15 Annual Plan with a target to be completed by June 2015. They have been funded 67% by external grants.

Long term Financial Strategy

These Plans will lead to better development outcomes associated with reduced exposure to flood hazard and reduced flood losses to people, property and infrastructure. This outcome will be positive in the long term for Council, although it has not been quantified.

The capital and recurrent costs potentially associated with these Plans have not yet been specifically considered in the Long Term Financial Strategy.

Asset Management Strategy

The Plans are consistent with the General Principles of Asset Management as listed in the Asset Management Strategy, including:

- The need for public safety, and
- The need to manage community and corporate risk.

The Plans are also consistent with the desired outcomes of the Asset Management Strategy:

- Ensuring that the right assets are built, and
- Ensuring risk reduction and increased public safety.

Workforce Management Strategy

WSC presently has suitably trained and skilled staff whom are already using these Plans for the sake of development control. The resources required to implement each of the recommended implementation actions will be considered on an individual project basis, which will largely be dependent on the success or otherwise of grant funding applications.

Link to Community Strategic Plan (2030)

The Community Strategic Plan is silent about Floodplain Risk Management in general.

However the Porters Creek Plan is consistent with the Asset Management Strategy, which is referred to in the Community Strategic Plan.

Budget Impact

Adoption of these Plans will not be associated with any budget impact in 2015-16.

Note that adoption of these Plans, and other similar Floodplain Risk Management Plans, is essential in order to qualify for future grant funding assistance. Adoption of these Plans will help Council to potentially qualify for a bigger slice of the NSW Floodplain Management Program.

CONSULTATION

Consultation for each study was extensive, which has been discussed above.

GOVERNANCE AND POLICY IMPLICATIONS

These Plans have been prepared in accordance with Section 733 of the Local Government Act (1993). Section 733 provides protection from liability for decisions taken in good faith for risk management on flood prone land. The 'good faith' provision is met if the decisions are made using the processes and guidelines set out in the Floodplain Development Manual.

The plans are also consistent with local planning instruments and policy, as discussed above.

MATERIAL RISKS AND ISSUES

Risks associated with the adoption and proposed implementation actions of the Plan are presently being managed. The Infrastructure Management Risk Register identifies two risks that are relevant:

- Council provides incorrect advice about the likelihood of any land being flooded or the nature or extent of any such flooding, and
- Council fails to act in 'good faith' in the provision or non-provision of Flood Mitigation Works as they relate to harm to persons and damage to property.

It has been identified that these risks are considered major if left untreated. The identified treatment measures that are being implemented bring the risk level to minor.

The treatment measures are: to be seen to be acting in 'good faith'. Council does not incur any liability in respect of any advice furnished in 'good faith' if acting in accordance with NSW Gazetted Floodplain Development Manual to ensure exemption from liability under Section 733 of the Local Government Act 1993. DCP 2013 Chapter 3.3 is consistent with the Gazetted Manual. Up-to-date flood mapping advice is now available internally on Dekho, and externally on Council's on-line mapping.

CONCLUSION

Adoption of these FRM Plans is an OEH prerequisite in order to qualify for future grant funding assistance. It will also strengthen Council's governance and policy position and assist in better managing corporate and community risk.

The Plans will provide an informed basis for decision making, such that flood risk can effectively be managed to an acceptable and understood level. It is likely to lead to better development outcomes associated with reduced exposure to flood hazard and reduced flood losses to people, property and infrastructure.

The Plans are consistent with the strategic links within Council's integrated reporting framework. They are likely to lead to more sustainable development and infrastructure and assist with budgeting and long-term financial planning in future years.

The Plans are dynamic instruments requiring review and modification over time.

The plans are available on Council's website.

ATTACHMENTS

Nil.

5.2 2015 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast

TRIM REFERENCE: F2004/06497 - D11871352

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

The 2015 National General Assembly of Local Government will be held at the National Convention Centre in Canberra between 14 and 17 June 2015. The Regional Capitals Australia Networking Breakfast is to be held at the same location on 17 June 2015.

RECOMMENDATION

- 1 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 17 April 2015.**
- 2 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2015 National General Assembly of Local Government between 14 and 17 June 2015.**
- 3 That Council authorise interested Councillors and the General Manager or his delegate to attend the Regional Capitals Australia Networking Breakfast on 17 June 2015.**
- 4 That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 5 That Council determine the voting delegate should the Mayor be unable to attend.**

BACKGROUND

The 2015 National General Assembly of Local Government (2015 NGA) is a significant event on the Local Government calendar. It is convened by the Australian Local Government Association (ALGA) for local councils across Australia, to provide a forum to address develop and express a united voice on the core issues that affect local government in Australia and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the Federal Government, at both the political and departmental levels.

Discussions and debate at the NGA will focus around the theme “Closest to the Community: Local Government in the Federation”, please see extract from the ALGA website below (<http://alga.asn.au/>):

“Closest to the Community: Local Government in the Federation

The 2015 NGA is being held at an important time, not only for local government, but the Commonwealth, states and territories and the Australian people. It is a time when the Commonwealth Government has invited all interested parties to consider potential reform of the Federation and of taxation.

While the Government recognises that the current Federation has given rise to ‘... a vibrant democracy, a strong economy and a cohesive society that millions of migrants have chosen to join’, it also suggests that over time, it has ‘... increased the overlap of roles and responsibilities between spheres of government and reduced accountability to voters, created duplication and blame-shifting’.

The Prime Minister has frequently alluded to this problem, and has established a White Paper process on the Reform of the Federation, and a White Paper on Taxation to address these issues.

The White Paper on the Reform of the Federation will ‘... seek to clarify roles and responsibilities to ensure that, as far as possible, the States and Territories are sovereign in their own sphere, so that voters know who is responsible for what’. The Prime Minister, in his Sir Henry Parkes Commemorative Dinner address at Tenterfield, on 25 October 2014 said that ‘... the Government is determined to make the case for change’. But he also acknowledged that consensus is required for rethinking the conventions about which level of government is responsible for the delivery of a particular service, or the revenue measures to which particular levels of government should have access. He said, ‘... Without a measure of consensus, any change requiring legislation is unlikely to secure parliamentary passage and the whole exercise could turn out to be futile’. He went on to say, ‘... Without an element of consensus, any change that’s actually achieved could be reversed at the earliest opportunity and therefore hardly worth doing’.

Local government is an essential part of the Australian system of government. Local governments are democratically elected and provide for the ‘good governance’ of local communities throughout Australia. As part of that role, councils provide crucial local planning, services, programs and infrastructure including local roads, community halls, sports, cultural and recreation facilities that underpin the life of every local community throughout Australia. In this way local government is indeed the level of government that is closest to the community.

It is therefore an important partner and stakeholder in the development of a national consensus on any reform proposal and should help shape this debate and make its contribution to the White Paper process. The Australian Local Government Association (ALGA) has had input to these papers, and in consultation with state and territory local government associations has made submissions on relevant matters. ALGA also intends to make substantial submissions to the Green Papers expected to be released on the Federation and Taxation during this process and encourages all councils to become actively involved in this process.

5.2 2015 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast (contd)

The NGA debate on motions and associated discussions will help to inform the ALGA Board in formulating these submissions.

Call for Motions

The 2015 NGA is an opportunity for local government to identify and discuss issues, in particular those relevant to the Federal Government. Every council has the opportunity to raise relevant issues for debate at the Assembly and is invited to participate in the 2015 NGA by submitting a motion for consideration.

The ALGA has published guidelines (titled "Call for Motions Guidelines and Background"), and a background paper (titled "Closest to the Community: Local Government in the Federation"). The guidelines and background paper are provided as attachments for this report.

All motions will need to be submitted electronically through the designated form, which can be found at <http://alga.h3consulting.net/motions/>.

The closing date for motion submissions will be Friday 17 April 2015.

CURRENT STATUS

The Council may choose to submit or not submit motions to the NGA.

The Council may or may not agree to reimbursement of expenses incurred.

STRATEGIC LINKS

The Assembly is an opportunity for Councillors to bring forward issues affecting the Shire that are of National relevance.

Financial Implications

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

National General Assembly 2015	(\$)
Registration <i>(early bird rate payment prior to 1 May 2015)</i>	\$899.00
<i>(standard registration on or before 29 May 2015)</i>	\$999.00
<i>(late registration received after 29 May 2015)</i>	\$1,200.00
Travel <i>(Own vehicle / petrol – based on 2.5L or more)</i>	\$560.00
Travel (flight)	\$400.00 (Sydney Return) \$750.00 (Newcastle Return)

5.2 2015 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast (contd)

Accommodation <i>(Based on approx. \$345 per night for 3 nights)</i>	\$885.00
Other disbursements <i>(Meals, taxis, associated events etc.)</i>	\$600.00
Partner Registration	\$240.00
Regional Capitals Australia Networking Breakfast	\$110.00
Total – estimate (based on early bird registration)	\$3,484.00 (Newcastle flights) \$3,134.00 (Sydney flights) \$3,294.00 (own vehicle)

CONSULTATION

Nil Impact

GOVERNANCE

Reimbursement of costs is in accordance with the provisions of clause D11 of Council's Facilities and Expenses Policy for Councillors.

"D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:

- *Each event must be authorised by Council resolution*
- *Each event must relate to the business of the Council*
- *A combined total of six attendances, per Councillor, per year*
- *The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council*
- *Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year*
- *The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold*
- *Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by Council will be charged to the elected member*
- *Before requesting attendance Councillors must satisfy themselves:*
 1. *that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member*
 2. *that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy*

CORPORATE RISKS

Nil impact.

CONCLUSION

The NGA is an opportunity for Council to ensure issues of concern are debated widely and for Councillors to network with other elected representatives from throughout Australia.

Submission made by Councillors on behalf of Council will ideally require presentation at the NGA. Attendance by the appropriate Councillor(s) would be necessary if submissions are made.

Motions submitted to the NGA must be by resolution of Council.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | 2015 National General Assembly of Local Government - Discussion Paper | D11867344 |
| 2 | 2015 National General Assembly Registration Brochure | D11875538 |



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

20 February 2014

Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mayor Eaton

I am writing to invite you and your colleagues to attend this year's National General Assembly of Local Government (NGA) at the National Convention Centre in Canberra from 14 - 17 June 2015.

Invitations have been extended to the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition to address the sector. We will also be joined by other ministers, shadow ministers and leading public figures presenting keynote addresses, which will help to focus our discussions at the NGA.

The theme for this year's NGA is 'Closest to the Community: Local Government in the Federation'. The Australian Government is currently working with all state and territory governments and ALGA to develop White Papers on reform of the Federation and Taxation. The NGA presents local government as a whole with an opportunity to consider the range of issues being raised and to ensure local government's aspirations are addressed in the White Papers. I have been clear that I want to see local government strengthened as a result of any reform and we need your input to advance that objective.

The NGA program will cover a wide range of issues, reflecting the diversity of local government and our interests. There will be opportunities for delegates to interact with not only invited political and keynote speakers, but with panels of subject-matter experts and local government representatives.

Enclosed is the NGA Registration Brochure which contains details of the program, business agenda and associated events. I have also enclosed the NGA 2015 discussion paper and the official call for motions. This year's NGA presents an ideal opportunity to offer your ideas and experience to your local government colleagues and through to the Australian Government as we consider the challenges that lay ahead.

Your council's involvement in the NGA is important in assisting ALGA to maintain the Government's engagement with local government and to drive improved outcomes for the local government sector at the national level.

A number of crucial policy motions will be debated at the NGA and it is essential that every council is represented in these debates to actively contribute to the dialogue as we strategically position the sector within our Federation.

I look forward to seeing you in Canberra.


Mayor Troy Pickard
President



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

**National General Assembly of Local
Government**

14 -17 June 2015

Call for Motions

**'Closest to the Community:
Local Government in the Federation'
Discussion Paper**

February 2015

Preamble

The 2015 NGA is being held at an important time, not only for local government, but the Commonwealth, states and territories and the Australian people. It is a time when the Commonwealth Government has invited all interested parties to consider potential reform of the Federation and of taxation.

While the Government recognises that the current Federation has given rise to '... a vibrant democracy, a strong economy and a cohesive society that millions of migrants have chosen to join', it also suggests that over time, it has '... increased the overlap of roles and responsibilities between spheres of government and reduced accountability to voters, created duplication and blame-shifting'. The Prime Minister has frequently alluded to this problem, and has established a White Paper process on the Reform of the Federation, and a White Paper on Taxation to address these issues.

The White Paper on the Reform of the Federation will '... seek to clarify roles and responsibilities to ensure that, as far as possible, the States and Territories are sovereign in their own sphere, so that voters know who is responsible for what'.

The Prime Minister in his Sir Henry Parkes Commemorative Dinner address at Tenterfield on 25 October 2014 said that '... the Government is determined to make the case for change'. But he also acknowledged that consensus is required for rethinking the conventions about which level of government is responsible for the delivery of a particular service, or the revenue measures to which particular levels of government should have access. He said, '...Without a measure of consensus, any change requiring legislation is unlikely to secure parliamentary passage and the whole exercise could turn out to be futile'. He went on to say, '...Without an element of consensus, any change that's actually achieved could be reversed at the earliest opportunity and therefore hardly worth doing'.

Local government is an essential part of the Australian system of government. Local governments are democratically elected and provide for the 'good governance'¹ of local communities throughout Australia. As part of that role, councils provide crucial local planning, services, programs and infrastructure including local roads, community halls, sports, cultural and recreation facilities that underpin the life of every local community throughout Australia. In this way local government is indeed the level of government that is 'closest to the community'.

It is therefore an important partner and stakeholder in the development of a national consensus on any reform proposal and should help shape this debate and make its contribution to the White Paper process. The Australian Local Government Association (ALGA) has had input to these papers, and in consultation with state and territory local government associations has made submissions on relevant matters. ALGA also intends to make substantial submissions to the Green Papers expected to be released on the Federation and Taxation during this process and encourages all councils to become actively involved in this process.

The NGA debate on motions and associated discussions will help to inform the ALGA Board in formulating these submissions.

¹ See objects of state and territory Local Government Acts.

How Can Councils Submit Motions

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

To assist you and your council to identify motions that address the theme of the NGA the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question contained in them. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and then debate on the floor of the NGA, motions must follow the following principles:

1. Be relevant to the work of local government nationally;
2. Be consistent with the themes of the Assembly
3. Complement or build on the policy objectives of your state and territory local government association;
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

Motions should generally be in a form that seek the NGA's support for a particular action or policy change, at the Federal level which will assist local governments to meet local community needs. For example: That this National General Assembly call on the Federal Government to restore indexation to local government financial assistance grants.

Motions should be lodged electronically using the online form available on the NGA Website at: www.alga.asn.au. All motions require among other things: a contact officer; a clear national objective; a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 17 April 2015, electronically in the prescribed format.

All motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

For more information, please contact the Director, National Events on (02) 6122 9400.

Introduction

During the 2013 Federal election campaign the Coalition announced their intention to produce a White Paper on the Reform of the Federation if they were to win Government. In addition, the Coalition promised to produce a White Paper on Taxation.

As a result, on 28 June 2014 the Commonwealth Government released the Terms of Reference for a White Paper on the Reform of the Federation. These can be found at <https://federation.dpmc.gov.au/>. At the time of writing the Terms of Reference for the White Paper on Taxation were not publicly available.

The Federation White Paper process will include the release of a Green Paper which will canvas options for reform in the latter part of 2015, and ultimately the White Paper which will outline '...a clear, well defined and timely policy platform', during the lead up to the next Federal election.

The Commonwealth has released five issues papers to engage interested parties on some of the key issues that will be considered in the White Paper Process. These are:

Issues Paper 1 - A Federation for Our Future

Issues Paper 2 - Roles and Responsibilities in Housing and Homelessness

Issues Paper 3 - Roles and Responsibilities in Health

Issues Paper 4 - Roles and Responsibilities in Education

Issues Paper 5 - COAG and Federal Financial Relations

Copies can be found at: <https://federation.dpmc.gov.au/issues-papers>

A separate Discussion Paper on Taxation is expected to be released in the coming weeks.

This National General Assembly (NGA) provides an important opportunity for local government to debate issues and options for reform, as well as to develop a national position ahead of the White Paper on the Reform of the Federation and White Paper on Taxation.

Councils and NGA delegates are strongly encouraged to read these discussion papers prior to submitting motion for this year's NGA.

Local Government in the Federation

Local government in Australia pre-dates Federation. The City of Adelaide was established in 1840, the first local government in the extensive network which exists today.

The formation of the early municipal authorities built on local initiatives inspired by local citizens who recognised and acted on the need for the provision of local services and infrastructure which were not being provided by colonial administrations. Typically, the municipal authority provided traditional property services such as local roads, waste management and through these services (waste, waste water and sewerage) environmental health services to meet local needs. Over time local authorities began to provide utilities and services such as electricity and gas. Gradually colonial administrations / states began to aggregate and regulate local networks such as electricity and take them over. In addition, over time, states began to prescribe local services that should be provided locally by the

municipal government including the provision of regulatory services, planning and other services.

Arguably this was just the beginning of some 'blurring' of roles, responsibilities and accountability between the existing two levels of governments in Australia. It also, inevitably, led to the significant debates about funding responsibilities. The evolution of the roles and responsibilities between states and local government is an important part of the story of how government institutions evolved to meet the emerging needs and demands of Australians. On 1 January 1901 our current Federal system was formalised.

As Commonwealth and state relations evolved, local government continued to operate at the local level. In the 1970s both the Whitlam and Fraser Governments, supported the need for the rapid expansion of government services, including municipal services in local communities. In addition, there was a recognition of the need for Commonwealth/states services to be delivered locally and the Commonwealth forged a direct relationship with local government through the provision of funds to local government.

The Fraser Government formalised support by establishing the system of Financial Assistance Grants (FAGs). Local government received a guaranteed share of Personal Income Tax through the *Local Government (Personal Income Tax Sharing) Act 1976*. Under the Act the amount of local government's share was to rise to 2%. The Hawke Government scrapped that approach and, after an inquiry in 1985, introduced a new Act at the same time as maintaining the system of FAGs.

FAGs aimed to facilitate Horizontal Fiscal Equalisation (HFE) and support the national provision of local government services. Commonwealth responsibility to maintain funding to local government (in this broad sense) was reconfirmed during the negotiation of the Goods and Services Tax (GST) in 1999. The concept of the Commonwealth funding (part funding) local services nationally was taken further with the advent of the highly successful and much need Roads to Recovery program (R2R) in 2000.

White Paper Terms of Reference

The Terms of Reference for the White Paper on the Reform of the Federation set out four overarching questions for investigation. These are:

- What are the practicalities of limiting policy and funding to core national interest matters, as typified by the matters in section 51 of the Constitution?
- How can overlap between Local, State and Commonwealth responsibilities or involvement in the delivery and funding of public programs be reduced or, if appropriate be eliminated?
- How can we achieve agreement between States and Commonwealth Governments about their distinct and mutually exclusive responsibilities and subsequent funding sources for associated programs?
- How can we achieve equity and sustainability in the funding of any programmes that are deemed to be the responsibility of more than one level of government.

These four questions are the starting point for the national debate and for councils to consider in the development of NGA motions.

The challenge of this NGA can be considered at two levels:

- 1. identify and propose potential reform of the Federation, including funding relationships, that will improve the operation of the Federation and improve government service delivery to the Australian people, and*
- 2. from a Local Government perspective, propose reforms that should occur to strengthen Local Government, and / or, if there are reforms to Commonwealth and state relations by shifting roles and responsibilities, how can any adverse impacts on Local Government and local communities be addressed.*

Principles and criteria to be applied when allocating roles and responsibilities between different levels of government

The White Paper on the Reform of the Federation will consider principles and criteria to be applied when allocating roles and responsibilities between different levels of government. They can be considered 'design principles' for designing, or re-designing, our Federation. The White Paper's Terms of Reference set out six principles:

- accountability for performance in delivering outcomes;
- subsidiarity;
- national interest considerations;
- equity, efficiency and effectiveness of service delivery;
- durability; and
- fiscal sustainability.

It is important to note that this list extends the list of four principles agreed at the Special Premiers' Conferences in 1990 and 1991 as part of a previous attempt to reform our Federation. The four principles agreed at that time were nationhood, subsidiarity, structural efficiency and accountability. The focus on structural efficiency was borne out in the New Federalism agenda given expression in the National Competition Policy.

The first Issues Paper provides detailed descriptions of each principle and importantly it suggests that it is important to realise that these principles will often be in conflict, and in choosing between different policy options, governments will necessarily need to consider the trade-offs between them.

It poses the following questions:

- Are these the right principles? Are there additional principles that should be considered?
- How should these principles be prioritised?
- What are the likely trade-offs between the principles that need to be considered?

Motions are invited on whether these principles are the right principles. For example a motion in the following form:

That this NGA supports (or does not support some or all of) the following six principles and criteria as outlined in Issues Paper No 1 to be applied when allocating roles and responsibilities between different levels of government

- *accountability for performance in delivering outcomes;*
- *subsidiarity;*
- *national interest considerations;*
- *equity, efficiency and effectiveness of service delivery;*
- *durability; and*
- *fiscal sustainability.*

Motions are invited on specific examples on how these principle and criteria should be applied to specific services that are directly relevant to Local Government.

White Paper Issues Papers

Issues Paper Number 1, A Federation for Our Future (September 2014) begins with a discussion of the Federation from 1 January 1901 and goes on to discuss the evolution of the Federation including the Constitutional basis of the allocation of roles and responsibilities between the Commonwealth and the states and territories. Over time, the paper suggests, roles and responsibilities for service provision between the Commonwealth and state boundaries became blurred.

The second, third and fourth Issues Paper are related to specific portfolios. These include: housing and homelessness; health; and education. The final Issues Paper deals with COAG and Federal Financial Relations.

The Issues Papers only briefly touch on local government with little discussion of the evolution of the current Commonwealth, state and local government relationship.

In light of this, a series of questions arise about Local Government's responsibilities including what is Local Government's current role in these areas, what the role should be and how it should be funded.

Housing and Homelessness

Which level of government should be responsible for housing policy?

If more than one, how should roles and responsibilities in particular policy funding and delivery, be shared between governments and how should cost shifting between governments be avoided?

Which level of government should be responsible for funding public housing?

Which level of government, if any, should be responsible for the delivery of public housing?

Which level of government if any should be responsible for the regulation of public housing?

Which levels of government should be responsible for policy, funding, delivery and regulation to address homelessness?

What are the roles and responsibilities of local government in housing and homelessness?

Who should fund that role?

If there are changes in roles and responsibilities in relation to housing and or homelessness between levels of government, in particular between the Commonwealth and states/territories, what measures should be taken to stop cost shifting to local government?

Which level of government should be responsible for health and or education policy?

Which level of government should be responsible for funding health and education services?

If more than one, how should roles and responsibilities in particular policy funding and delivery, be shared between governments and how can cost shifting between governments be avoided?

Which level of government, if any, should be responsible for the delivery of health and or education?

Which level of government if any should be responsible for the regulation of health or education?

What are the roles and responsibilities of local government in health and or education?

Who should fund that role?

If there are changes in roles and responsibilities in relation to housing and or homelessness between levels of government, in particular between the Commonwealth and states/territories, what measures should be taken to stop cost shifting to local government?

Further Context for Consideration

Outcomes of 2014 NGA

In response to the release of the National Commission of Audit Report (2014) and the 2014 - 15 Federal Budget decision to freeze the indexation of Financial Assistance Grants (outlined below), the 2014 NGA resolved:

Delegates of the 2014 National General Assembly, in recognition of the vital importance of the Financial Assistance Grants (FAGs) to local government for the provision of equitable levels of local government services to all Australian communities, unanimously call on the Commonwealth Government to:

- *restore indexation of Financial Assistance Grants in line with CPI and population growth immediately,*

- *reject Recommendation 22 of the National Commission of Audit in which the Commission recommends that tied grants to local government cease, and to the extent that programs are identified as priorities, local and state government provide them to the communities they serve.*

Further Delegates also resolved that:

- *It is imperative that the Commonwealth consult with local government, the states and territories and local communities in the development of the White Paper on Reform of the Federation and the White Paper on Taxation; that the Government's White Papers must genuinely reflect the wishes of the Australian people; and that future Federal-state and local financial relationship arrangements must ensure long term sustainable distribution of taxation revenues between the levels of government that are commensurate with the roles and responsibilities of each level government in our modern Federation.*

2014 National Commission of Audit

On 1 May 2014 the National Commission of Audit released its Phase 1 and 2 reports. The audit was established in October 2013 and asked, inter alia; "... assess the current split of roles and responsibilities between and within the Commonwealth government and State and Territory governments, including areas of duplication."

The two reports made 86 recommendations – 64 in its Phase 1 Report which dealt predominantly with roles and responsibilities and improving the sustainability of the nation's finances, and a further 22 recommendations in its Phase 2 Report which mostly addressed public sector performance and accountability as well as infrastructure. Many of these recommendations may be of interest to those engaged in the broad issue of Commonwealth-state relations. They may also have implications for local government. However there are some specific recommendations that go directly to the heart of Commonwealth-local government relations, and state and local government relations.

The approach taken by the 2014 Commission is similar to that of the 1996 National Commission of Audit with its central theme being that the Commonwealth has a narrow range of responsibilities (essentially outlined in Section 51 of the Constitution), and that the States have residual powers and therefore are responsible for most service delivery including health, education and ultimately local government. In stark terms the Commission proposed to sever the direct funding relationship between the Commonwealth and local government.

Recognising the degree of vertical fiscal imbalance within the Federation the 2014 Commission proposed in Recommendation 22 (Phase 2 Report) that: '... States have access to the personal income tax system so that they are in a better position to fund their own priorities. This will include support for local government.' They further conclude that in this situation, the need for separate tied funding from the Commonwealth will diminish. The Commission recommends that '... tied grants to local government cease, and to the extent that programmes are identified as priorities, local or State governments provide them to the communities they service.'

Recommendation 5 (Phase 2 Report) advances the same model for infrastructure funding: '... the States are responsible for infrastructure and should determine their own priorities'. Noting that implementing the Commission's recommendations will take time (i.e. states to

obtain access to additional revenue through personal income tax), the Commission recommends that a range of infrastructure funding, including the Identified Roads Component of FAGs and Nation Building Funds i.e. Roads to Recovery grants, be consolidated into a single pool.

In releasing the Audit Report the Treasurer explained that there were some Commission recommendations that the Government would accept, and would inform the preparation of the 2014 - 15 Federal budget, there would be some recommendations that the Government would reject and that there were some recommendations that would be considered in the context of the White Paper on Reform of the Federation and the White Paper on Taxation.

On 13 May 2014 the Commonwealth brought down the 2014 - 15 Federal Budget and provided a brief response to the Commission of Audit indicating that payments to local government would be considered in the Federation White Paper.

2014 - 15 Federal Budget

In the 2014 - 15 Federal Budget the Government committed to provide \$2.2867 billion in Financial Assistance Grants to Local Government (FAGs). However, the Government also announced it would pause the indexation of FAGs for the next three years.

Local Government Financial Assistance Grants (FAGs) are a Commonwealth Specific Purpose payment to local government paid through the states and Northern Territory Government. Payments are made to councils by jurisdictional Treasurers on the advice of state and territory Local Government Grants Commissions under the provisions of *the Local Government (Financial Assistance) Act 1995*.

The objects of the *Local Government (Financial Assistance) Act 1995* enable the Commonwealth Parliament to provide assistance to the states for the purposes of improving:

- (a) the financial capacity of local governing bodies;
- (b) the capacity of local governing bodies to provide their residents with an equitable level of services;
- (c) the certainty of funding for local governing bodies;
- (d) the efficiency and effectiveness of local governing bodies; and
- (e) the provision by local governing bodies of services to Aboriginal and Torres Strait Islander communities.

Freezing of FAG's will reduce Commonwealth expenditures (and grants to councils) by more than \$925 million over the forward estimates.

The freezing of FAGs indexation means that the aggregate level of FAGs will be permanently reduced by 13 per cent, unless there is a future government decision to restore this base with a catch-up payment.

Councils are invited to submit motions to address either these developments, and or that build on the 2014 resolution of the NGA.

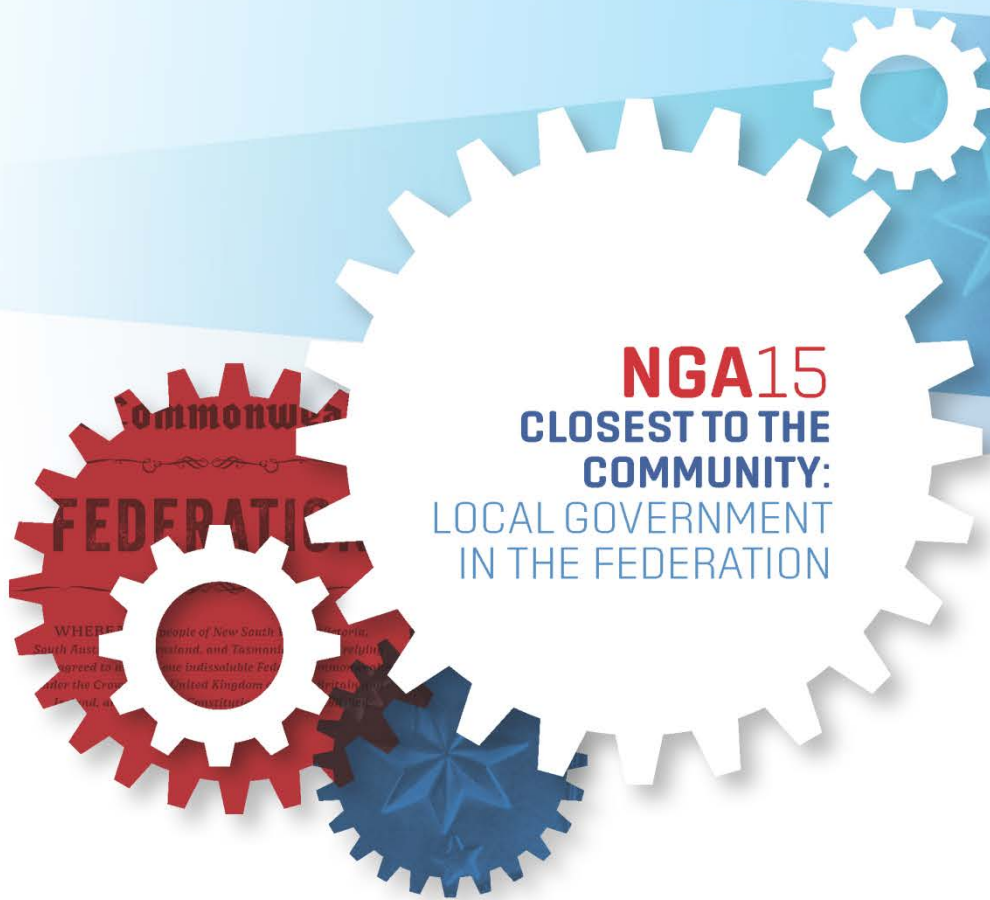
Note:

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All motions require among other things: a contact officer; a clear national objective; a summary of the key arguments in support of the motion, and endorsement of your council.

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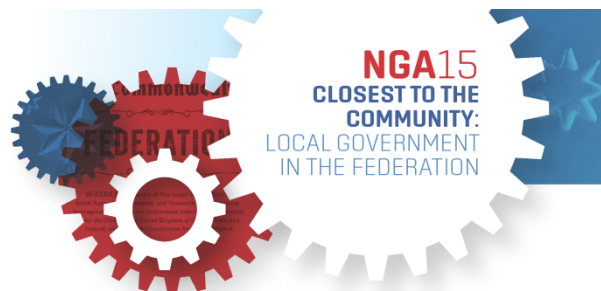
PROGRAM &
REGISTRATION



NGA15
CLOSEST TO THE
COMMUNITY:
LOCAL GOVERNMENT
IN THE FEDERATION

14-17 JUNE 2015
NATIONAL CONVENTION CENTRE
CANBERRA
REGISTER ONLINE
WWW.ALGA.ASN.AU

2



PRESIDENT'S: WELCOME

Dear Colleagues,

I invite you to attend this year's National General Assembly of Local Government (NGA) at the National Convention Centre in Canberra from 14-17 June 2015.

Invitations have been extended to the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition to address the sector. We will also be joined by other ministers, shadow ministers and leading public figures presenting keynote addresses, which will help to focus discussions at the NGA.

The theme for this year's NGA is **'Closest to the Community: Local Government in the Federation'**.

The Australian Government is currently working with all state and territory governments and ALGA to develop White Papers on reform of the Federation and Taxation. The NGA presents local government as a whole with an opportunity to consider the range

of issues being raised and to ensure local government's aspirations are addressed in the White Papers. I have been clear that I want to see local government strengthened as a result of any reform and we need your input to advance that objective.

The NGA program will cover a wide range of issues, reflecting the diversity of local government and our interests. There will be opportunities for delegates to interact with not only invited political and keynote speakers, but with panels of subject-matter experts and local government representatives.

The ALGA Board recently called for Notices of Motions for the NGA and these will set out the framework for debate. I would encourage you and your council to think through ideas or initiatives you would like to see debated at the NGA and to submit these as motions.

Your council's involvement in the NGA is important in assisting ALGA to maintain the Government's engagement with local government and to drive improved outcomes for the local government sector at the national level. A number of crucial policy motions will be debated at the NGA and it is essential that every council is represented in these debates to actively contribute to the dialogue as we strategically position the sector within our Federation.

I look forward to seeing you in Canberra.



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2015 THEME OVERVIEW

CLOSEST TO THE COMMUNITY: LOCAL GOVERNMENT IN THE FEDERATION

The 2015 NGA is being held at an important time, not only for local government, but the Commonwealth, states and territories and the Australian people. It is a time when the Commonwealth Government has invited all interested parties to consider potential reform of the Federation and of taxation.

While the Government recognises that the current Federation has given rise to *'... a vibrant democracy, a strong economy and a cohesive society that millions of migrants have chosen to join'*, it also suggests that over time, it has *'... increased the overlap of roles and responsibilities between spheres of government and reduced accountability to voters, created duplication and blame-shifting'*. The Prime Minister has frequently alluded to this problem, and has established a White Paper process on the Reform of the Federation, and a White Paper on Taxation to address these issues.

The White Paper on the Reform of the Federation will *'... seek to clarify roles and responsibilities to ensure that, as far as possible, the States and Territories are sovereign in their own sphere, so that voters know who is responsible for what'*.

The Prime Minister, in his Sir Henry Parkes Commemorative Dinner address at Tenterfield, on 25 October 2014 said that *'... the Government is determined to make the case for change'*. But he also acknowledged that consensus is required for rethinking the conventions about which level of government is responsible for the delivery of a particular service, or the revenue measures to which particular levels of government should have access. He said, *'... Without a measure of consensus, any change requiring legislation is unlikely to secure parliamentary passage and the whole exercise could turn out to be futile'*. He went on to say, *'... Without an element of consensus, any change that's actually achieved could be reversed at the earliest opportunity and therefore hardly worth doing'*.

Local government is an essential part of the Australian system of government. Local governments are democratically elected and provide for the 'good governance' of local communities throughout Australia. As part of that role, councils provide crucial local planning, services, programs and infrastructure including local roads, community halls, sports, cultural and recreation

facilities that underpin the life of every local community throughout Australia. In this way local government is indeed the level of government that is 'closest to the community'.

It is therefore an important partner and stakeholder in the development of a national consensus on any reform proposal and should help shape this debate and make its contribution to the White Paper process. The Australian Local Government Association (ALGA) has had input to these papers, and in consultation with state and territory local government associations has made submissions on relevant matters. ALGA also intends to make substantial submissions to the Green Papers expected to be released on the Federation and Taxation during this process and encourages all councils to become actively involved in this process.

The NGA debate on motions and associated discussions will help to inform the ALGA Board in formulating these submissions.

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2015 NATIONAL GENERAL ASSEMBLY

PROVISIONAL PROGRAM

Sunday 14 June 2015

5:00 pm-	Welcome Reception
7:00 pm	

Monday 15 June 2015

9:00 am	Opening Ceremony: <ul style="list-style-type: none"> National anthem Welcome to Country Board introduction Prime Minister, The Hon Tony Abbott MP [invited]
9:45 am	President's Welcome
10:00 am	Keynote Speaker
10:30 am	MORNING TEA
11:00 am	FACILITATED DISCUSSION: <i>Is local government a real partner?</i>
12:30 pm	LUNCH
1:15 pm	CONCURRENT SESSIONS: <i>Your Council, Your Challenges</i> <ul style="list-style-type: none"> Governance and Ethics Financial and Asset Management Innovation and Community Engagement
2:45 pm	President of Local Government NZ, Mayor Lawrence Yule
3:15 pm	AFTERNOON TEA
3:45 pm	Keynote Speaker
4:15 pm	DEBATE ON MOTIONS: <i>Declaration</i>
5:00 pm	Close Day 1
7:00 pm	BUFFET DINNER National Convention Centre

Tuesday 16 June 2015

9:00 am	DEBATE ON MOTIONS
10:00 am	Leader of the Opposition, The Hon Bill Shorten MP [invited]
10:30 am	MORNING TEA
11:00 am	DEBATE ON MOTIONS
12:00 pm	Leader of the Australian Greens, Senator Christine Milne [Invited]
12:30 pm	LUNCH
1:30 pm	PANEL SESSION: <i>Getting the job done - Council solutions</i>
3:00 pm	AFTERNOON TEA
3:30 pm	Keynote Speaker
4:00 pm	DEBATE ON MOTIONS
5:00 pm	Close Day 2
7:00 pm	OFFICIAL DINNER Parliament House

Wednesday 17 June 2015

9:00 am	<i>Adapting to climate risk</i> Prof Jean Palutikoff , National Climate Change and Research Facilities
9:30 am	DEBATE ON MOTIONS
10:30 am	Deputy Prime Minister and Minister for Infrastructure and Regional Development, The Hon Warren Truss MP
11:00 am	MORNING TEA
11:30 am	SPEAKER: <i>Community services</i>
12:00 pm	Keynote Speaker
12:20 pm	President's Closing remarks
12:30 pm	Close



ASSOCIATED EVENTS

Australian Local Government Women's Association Breakfast

Monday 15 June 2015
7:30 am-8:30 am

The ALGWA National President is pleased to invite members, friends and colleagues to our 5th Annual Networking Breakfast as part of the National General Assembly. The breakfast will be held on Monday 15 June from 7:30 am-8:30 am. Seating is strictly limited, so book early. Details will be available on: www.algwa.net.au



Regional Capitals Australia Networking Breakfast

Wednesday 17 June 2015
7:30 am-8:45 am

Regional Capitals Australia (RCA) is an alliance of local government associations and councils from around Australia. The alliance is working to create a strong network of regional capitals that are at the forefront of federal policy and the national identity.

RCA will be holding a networking breakfast on Wednesday 18 June at the National Convention Centre during the ALGA conference.

To register for the event and for enquiries about RCA, please contact:

Email secretariat@regionalcapitalsaustralia.org

Phone 0422 067 858

Visit our website at www.regionalcapitalsaustralia.org





SPEAKER PROFILES

**Prime Minister
The Hon Tony Abbott MP**



Tony Abbott was sworn in as the 28th Prime Minister of Australia on 18 September 2013.

Mr Abbott was first elected as Member for Warringah in March 1994. Prior to the election of the Coalition Government on 7 September 2013, Mr Abbott had been Leader of the Opposition since 1 December 2009.

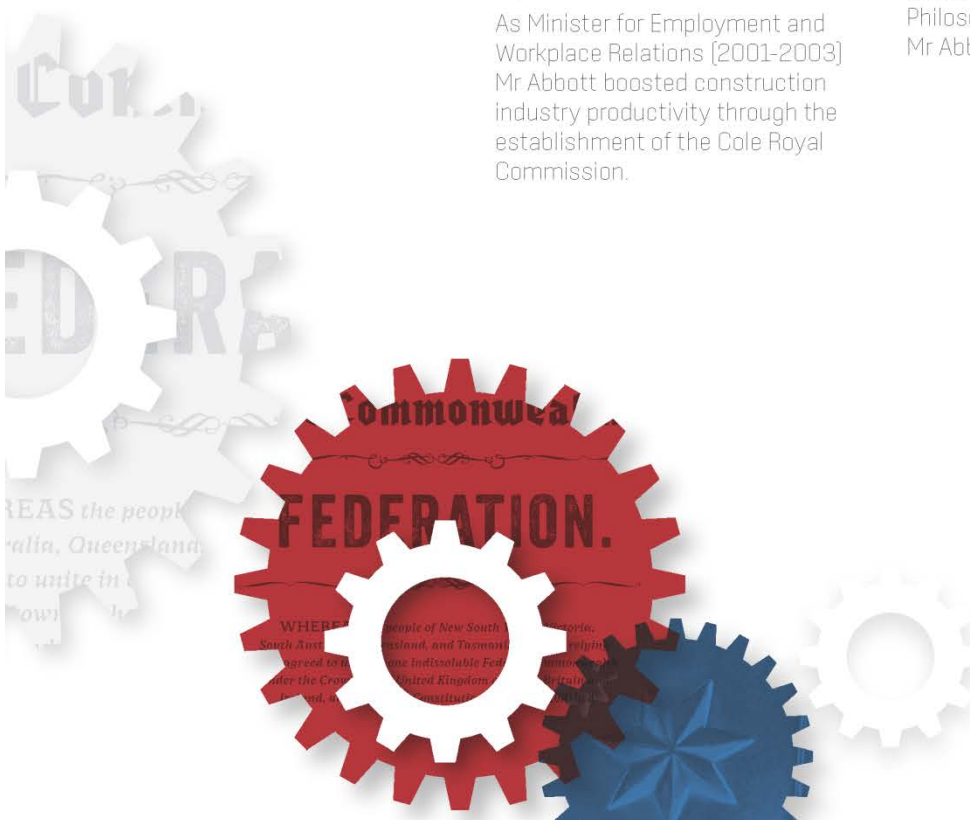
During the Howard Government, Mr Abbott served as a Parliamentary Secretary, Minister, Cabinet Minister, and Leader of the House of Representatives. As Minister for Employment Services (1998-2001) Mr Abbott oversaw the development of the Job Network and a major expansion of Work for the Dole.

As Minister for Employment and Workplace Relations (2001-2003) Mr Abbott boosted construction industry productivity through the establishment of the Cole Royal Commission.

As Minister for Health and Ageing (2003-2007) Mr Abbott oversaw the expansion of Medicare rebates to allied health professionals such as dentists and psychologists and introduced the reforms which delivered record levels of bulk billing for patients. Mr Abbott also introduced the Medicare safety net for people with big out-of-pocket expenses.

Prior to entering parliament, Mr Abbott was a journalist with The Australian and The Bulletin. He was press secretary and political adviser to the Leader of the Opposition, Dr John Hewson, before becoming Executive Director of Australians for Constitutional Monarchy.

Mr Abbott holds Economics and Law degrees from Sydney University. He is a Rhodes Scholar and holds a Master of Arts [Politics and Philosophy] from Oxford University. Mr Abbott is the author of four books.



The Hon Bill Shorten MP



Bill Shorten is the Federal Member for Maribyrnong and was elected leader of the Australian Labor Party

and Leader of the Opposition on 13 October 2013.

Mr Shorten completed a Bachelors degree in Arts and Law from Monash University, as well as an MBA from the Melbourne Business School.

Bill has since worked as a union organiser, union secretary, as a member of the ACTU executive, as a Member of Parliament and as a Minister in a Labor Government.

As a senior member of the Rudd/ Gillard Labor Governments, Bill played a key role in securing a number of historic reforms including establishing DisabilityCare and increasing universal superannuation to 12 per cent.

As Minister for Workplace Relations, Bill continued the Labor Government's ongoing commitment to a fair and productive workplace relations system and during his time as Minister for Education helped secure the Better Schools reforms.

Prior to entering Parliament, Bill worked at the Australian Workers Union, holding key leadership positions including State Secretary of the AWU Victoria Branch from 1998 to 2006 and the National Secretary from 2001 to 2007.

Bill has an enduring interest in social justice issues such as domestic violence, equal opportunity at work, and as a father of three and a stepdad, the increasing diversity of families in Australia.

The Hon Warren Truss MP



The Hon Warren Truss MP is Deputy Prime Minister of Australia and the Minister for Infrastructure and Regional Development.

He became Leader of the Nationals in 2007 and is the longest serving federal leader of any political party in Australia today.

A third generation farmer from the Kumbia district near Kingaroy in Queensland, Mr Truss first won the federal seat of Wide Bay in 1990.

He was a Minister in the Howard Government for 10 years, serving as Minister for Customs and Consumer Affairs in October 1997, and a year later, Minister for Community Services. In July 1999 Mr Truss became the Minister for Agriculture, Fisheries and Forestry, where he served for six years. He became Minister for Transport and Regional Services in July 2005 and, in September 2006, was appointed Minister for Trade.

Before entering Parliament, Mr Truss was a Kingaroy Shire Councillor (1976 to 1990), including seven years as Mayor. He was Deputy Chairman of the Queensland Grain Handling Authority and a member of the State Council of the Queensland Graingrowers Association for more than 10 years.

Mr Truss is also former State and National President of the Rural Youth Organisation and President of the Lutheran Youth of Queensland.

Senator Christine Milne



Christine Milne, Senator for Tasmania and Leader of the Australian Greens, is one of Australia's most experienced and

respected environmental and community activists, with a career spanning 30 years. After leading the successful campaign to protect farming land and fisheries from the Wesley Vale Pulp Mill, Christine was elected to the Tasmanian parliament in 1989, and became the first woman to lead a political party in Tasmania in 1993. She was elected to the Senate in 2004 and to the Leadership in 2012 following the retirement of Senator Bob Brown.

Christine's vision to address climate change and her unparalleled experience with power-sharing minority governments led to the establishment of the Multi-Party Climate Change Committee and its successful negotiations to design the Clean Energy Future package. The package placed innovation, opportunity and clean energy at the forefront of the transformation of the Australian economy for the 21st century.

As spokesperson on food security, Christine put the issue on the national agenda by calling for the development of a national food security plan during the 2010 election. She continues to advocate for reform of Australia's food and agricultural systems to ensure sustainability and prosperity now and into the future.

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2015 REGIONAL COOPERATION AND DEVELOPMENT FORUM

BENEFITS OF LOCAL AND REGIONAL INFRASTRUCTURE INVESTMENT

SUNDAY 14 JUNE 2015
National Convention Centre Canberra



→ Includes the launch of the 2015-16
State of the Regions Report

The 2015 Regional Forum is the opening event of the National General Assembly of Local Government. It is a great opportunity for mayors, councillors, RDA members and other key decision and policy makers to gather together, share contemporary knowledge and experience to strengthen the ability of Australia's diverse regions to compete in the global economy.

This year's Forum and report examines the critical role played by our regional infrastructure assets and models the productivity benefits arising from strategic investment in a range of asset classes.

The Forum will allow the sharing of ideas and opportunities through both a mix of practitioner and academic insights, as well as hearing the latest positions from politicians, senior officials and other key regional stakeholders including representatives from Economic Development Australia, the Regional Australia Institute and the Australian and New Zealand Regional Science Association International.

The official launch of the 2015-16 *State of The Regions Report* also takes place at the Forum. The Report is commissioned by ALGA and prepared by National Economics and published with the support of Jardine Lloyd Thompson. All delegates receive a hardcopy Executive Summary of the Report.

Provisional Program

- 9:30 am Welcome and Introduction: ALGA President, **Mayor Troy Pickard**
- 9:40 am KEYNOTE ADDRESS: *Debunking regional development myths and re-imagining the Region*, **Dr Paul Collits**, Adjunct Professor, University of the Sunshine Coast and Economic Development Adviser, Gosford City Council, NSW
- 10:10 am 2015 National Local Government Award Winners *Boosting Productivity through Infrastructure and Contributing to Regional Growth*
- 10:45 am MORNING TEA
- 11:15 pm State of the Regions Launch: *Infrastructure*
Dr Brain and **Dr Manning** of National Economics
- 12:00 pm Economic Development Australia
Mr Steve Chapple, National Chair of EDA and Director Sustainable Environment, Mornington Peninsula Shire Council, Vic [invited]
- 12:30 pm LUNCH
- 1:30 pm Opposition spokesperson for Regional Development
the Hon Julie Collins MP [invited]
- 1:50 pm PANEL DISCUSSION: The Role of Regional Collaboration and Governance in the Federation:
TECHNICAL WORKSHOP: Exploring this year's *State of the Regions Report*, National Economics [**Dr Peter Brain** and **Dr Ian Manning**]
- 2:45 pm AFTERNOON TEA
- 3:15 pm Deputy Prime Minister, **the Hon Warren Truss MP** [invited]
- 3:55 pm Official Closing, ALGA President
- 4:00 pm Close

Regional Forum Registration is \$395 (inc GST) or \$195 when you also register to attend the National General Assembly.

For more information or to register for the Regional Cooperation and Development Forum, go to www.alga.asn.au



Submission for Motions for Debate	Friday 17 April 2015
Early Bird Registration on or before	Friday 1 May 2015
Standard Registration on or before	Friday 29 May 2015
Late Registration on or after	Friday 29 May 2015

MOTIONS FOR DEBATE

The NGA is your opportunity to contribute to the development of national local government policy.

The ALGA Board is calling for motions for the 2015 NGA under the theme *Closest to the Community: Local Government in the Federation*. To assist Councils in preparing motions a Discussion Paper has been prepared and is available via www.alga.asn.au

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

- 1 Be relevant to the work of local government nationally;
- 2 Be consistent with the themes of the Assembly;
- 3 Complement or build on the policy objectives of your state and territory local government association;
- 4 Propose a clear action and outcome; and
- 5 Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

Motions should be submitted electronically via the online form at www.alga.asn.au and should be received by ALGA no later than 11:59 pm AEST, Friday 17 April 2015.

Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy and when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolutions passed at the NGA.

VOTING PROCEDURES

Each council is entitled to one voting delegate in the debating session. Councils will need to determine who their voting delegate will be. Voting cards can be collected at the Assembly. Councils do not need to advise ALGA of the name of the voting delegate prior to collecting voting cards.



REGISTRATION DETAILS

General Assembly Registration Fees

Early bird registration \$899

Payment received by
Friday 1 May 2015

Standard registration \$999

Payment received on or before
Friday 29 May 2015

Late registration \$1,200

Payment received on or after
Friday 29 May 2015

General Assembly Registration Includes

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon tea as per the General Assembly program
- One ticket to the Welcome Drinks, Sunday
- General Assembly satchel and materials.

Day Registration Fees

Monday 15 June 2015 \$470

Tuesday 16 June 2015 \$470

Wednesday 17 June 2015 \$260

Day Registration Includes

- Attendance at all General Assembly sessions on the day of registration
- Morning tea, lunch and afternoon tea as per the General Assembly program on that day
- General Assembly satchel and materials.

Sunday Regional Development Forum (Sunday 14 June 2015)

Forum Only \$395

NGA Delegate \$195

Accompanying Partners Registration Fees

**Accompanying Partners
Registration Fee \$240**

Accompanying Partners Registration Includes

- 1 ticket to the Welcome Reception, Sunday 14 June
- Day tour Monday 15 June
- Day tour Tuesday 16 June
- Lunch with General Assembly Delegates on Wednesday 17 June.

Payment Procedures

Payment can be made by:

- Credit card - MasterCard, Visa and American Express
- Cheque made payable to ALGA
- Electronic Funds Transfer:
Bank: Commonwealth
Branch: Curtin *BSB No:* 062905
Account No: 10097760
NOTE: If paying via EFT you must quote your transaction reference number on the registration form.

Cancellation Policy

All alterations or cancellations to your registration must be made in writing and will be acknowledged by post, facsimile or email. Notification should be sent to:

Conference Co-ordinators
PO Box 4994, Chisholm ACT 2905
Fax [02] 6292 9002
Email conference@confco.com.au

An administration charge of \$110 will be made to any participant cancelling before Friday 1 May 2015. Cancellations received after Friday 1 May 2015 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.

By submitting your registration you agree to the terms of the cancellation policy.

Privacy Disclosure

ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.

Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

SOCIAL FUNCTIONS

Photographs

During the National General Assembly there will be a contracted photographer, the photographer will take images during the sessions and social functions. If you have your picture taken it is assumed that you are giving consent for ALGA to use the image.

Images may be used for print and electronic publications.

Welcome Reception and Exhibition Opening

Sunday 14 June 2015

National Convention Centre

5:00-7:00 pm

\$44 per person for day delegates and guests.

No charge for full registered delegates.

No charge for registered accompanying partners.

DRESS CODE: smart casual.

Buffet Dinner

Monday 15 June 2015

The Ballroom, National Convention Centre

7:00-11:00 pm

\$100 per person.

DRESS CODE: smart casual.

Coaches will depart Assembly hotels (except Crowne Plaza) at approximately 6:45 pm with return shuttles commencing from 10:15 pm.

General Assembly Dinner

Tuesday 16 June 2015

The Great Hall, Parliament House

7:00-11:00 pm

\$130 per person.

DRESS CODE: lounge suit/collar and tie for men and cocktail style for women.

Tickets to the prestigious General Assembly Annual Dinner at Parliament House are always highly sought after. Due to the size of the Great Hall, places are limited and therefore booking early is highly recommended to ensure your place.

Coaches will depart all Assembly hotels at approximately 6:45 pm with return shuttles commencing from 10:15 pm.

Note: Bookings are accepted in order of receipt.

Canberra Weather in June

Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12-15°C and temperatures do drop to 1c on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.



Venue and Dress Code

Exhibition Opening and Welcome Reception

VENUE National Convention Centre, Constitution Ave, Canberra City.

DRESS CODE Smart casual.

General Assembly Business Sessions

VENUE National Convention Centre, Constitution Ave, Canberra City.

All plenary sessions will be held in the Royal Theatre at the National Convention Centre.

DRESS CODE Smart casual.

Exhibition

VENUE National Convention Centre, Constitution Ave, Canberra City.

The exhibition is being held in the Exhibition Hall of the National Convention Centre.

DRESS CODE Smart casual.

Buffet Dinner

VENUE: The dinner is being held in the Ballroom at the National Convention Centre.

DRESS CODE Smart casual.

General Assembly Dinner

VENUE Parliament House.

The General Assembly Dinner is being held in the Great Hall.

DRESS CODE Lounge suit/collar and tie for men and cocktail style for women.

PARTNER TOURS

Monday 15 June

REGIONAL CANBERRA: WINERY AND CHOCOLATE

Today's partner tour will experience two regional areas located just outside Canberra. Our first stop is Gundaroo which is home to several boutique wineries including the venue for the day—Capital Wines.

The group will enjoy wine tasting at the cellar door followed by lunch.

The group will then transfer to Murrumbateman to visit Robin Rowe Chocolates, here the group will be given a short demonstration with time to enjoy some samples and view the merchandise.

Tuesday 16 June

CANBERRA EXHIBITIONS

This morning the group will visit the Australian War Memorial and view First World War Galleries, which have been redeveloped to commemorate the centenary of the First World War [opened December 2014].

After lunch the group will be able to experience a new local exhibition, further details will be provided as they are confirmed.

ACCOMMODATION

To book your accommodation at the rates listed below complete the appropriate section of the registration form. Bookings are subject to availability and should be made prior to Friday 15 May 2015.

All cancellations or amendments must be made in writing to Conference Co-ordinators and will be acknowledged by facsimile.

Please note your credit card details are required to guarantee your room. Neither Conference Co-ordinators nor the hotel will make any charges against your credit card unless you fail to give 21 days notice in writing of your cancellation. Full payment of your account will be required at the time of your departure.

NOTE All Canberra hotels have a complete non-smoking policy

CROWNE PLAZA

1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre and only a short walk from restaurants, bars and the main shopping district. Featuring a contemporary design, the Crowne Plaza provides guests with an outdoor pool, sauna, health/fitness centre, 24-hour reception, concierge, undercover parking and onsite dining at the RedSalt Restaurant. All rooms are non-smoking and include iron/ironing board, tea/coffee making facilities, hairdryer and room service is available.

SUPERIOR ROOM: \$295 per night
single/twin/double

DELUXE ROOM: \$345 per night
single/twin/double

AVENUE HOTEL

80 Northbourne Avenue, Canberra

A brand new property which recently opened in November 2014, the Avenue Hotel is Canberra's newest and only 5-star hotel in the CBD. The hotel has an onsite restaurant and bar, 24-hour reception and room service, gymnasium, undercover parking (charges apply per night) and guest lounge with free wifi. Offering hotel rooms, 1 and 2 bedroom apartments, all rooms have king size beds, rainfall showers, balconies and mini bar. The apartments also have full kitchen facilities, the Avenue is a 15-20 minute walk from the Convention Centre.

HOTEL ROOMS: **\$225** per night
single/twin/double

1 BEDROOM APARTMENTS: **\$275** per night
single/double

HOTEL REALM

18 National Circuit, Barton

The Hotel Realm is one of Canberra's 5-star hotels and is located walking distance from the popular shopping and restaurant villages of Kingston and Manuka. The Hotel Realm has two restaurants, a bar, day-spa, hairdresser and health club located on-site. The rooms are modern and have king sized beds, high speed internet (for a fee) LCD TV, pay movie channel, Foxtel and 24-hour room service.

STANDARD ROOM: **\$230** per night
single/twin/double

MANTRA

84 Northbourne Avenue, Canberra

Mantra on Northbourne is centrally located and approximately a 15-20 minute walk from the National Convention Centre. The hotel features a heated indoor pool, sauna, fully-equipped gymnasium and the Zipp restaurant bar onsite. All rooms offer voice mail, individually controlled air-conditioning, pay per view movies, mini bar, tea/coffee making facilities, hairdryer and complimentary toiletries. One and two bedroom apartments also offer a separate lounge and dining area, fully-equipped kitchen and a laundry with washing machine, dryer, iron and ironing board.

HOTEL ROOM: **\$209** per night
single/twin/double

1 BEDROOM APARTMENT: **\$249** per night
single/twin/double

**MEDINA APARTMENT HOTEL
JAMES COURT**

74 Northbourne Avenue, Canberra

The Medina Apartments Hotel James Court is approximately a 15-20 minute walk from the National Convention Centre and is close to cafes, restaurants, gyms and shopping. The hotel offers reception, undercover parking, outdoor heated swimming pool, sauna, gymnasium and a restaurant delivery service. All rooms feature private balconies, climate controlled air conditioning, separate lounge/dining areas, broadband access (for a fee), spa bath, mini bar, fully equipped kitchen facilities and an in-room safe.

Note: Reception operates between the hours of 6.30am and 11.30pm.

1 BEDROOM APARTMENT: **\$210** per night
single/twin/double

2 BEDROOM APARTMENT: **\$260** per night
single/twin/double

NOVOTEL

65 Northbourne Avenue, Canberra

Located on Northbourne Avenue, one of Canberra's main thoroughfares, the Novotel is a 15 minute walk from the National Convention Centre. The hotel offers 24-hour reception and room service, an onsite restaurant and bar, gymnasium and undercover parking (charges apply per night). In-room facilities include mini bar, tea/coffee making facilities, broadband (for a fee), Fox Sports and News, pay per view movies, climate control air-conditioning, hairdryer, iron and ironing board. Executive rooms have a king size bed.

STANDARD ROOM: **\$250** per night
single/twin/double

EXECUTIVE ROOM: **\$280** per night
single/twin/double

**PEPPERS GALLERY HOTEL
(FORMALLY DIAMANT HOTEL)**

15 Edinburgh Place, Canberra

Peppers Gallery Hotel (formally Diamant Hotel, re-branded in 2014) is a boutique 80 room hotel located at the intersection of Marcus Clarke St and Edinburgh Ave, 15 minutes walk from the Convention Centre. Peppers Gallery Hotel features 24-hour reception, a restaurant and a bar. The rooms have a mini-bar, tea/coffee making facilities, plasma TVs, CD and DVD players, broadband (for a fee), and in-room safe.

STANDARD ROOM: **\$250** per night
single/twin/double

Accommodation options continue over page



QT HOTEL (FORMALLY RYDGES LAKESIDE)

1 London Circuit, Canberra

Qt Hotel Canberra (formally Rydges Lakeside) has recently been renovated throughout the foyer and restaurants. The rooms have been updated and offer balconies and high speed internet (for a fee), pay per view movies, mini bar, hairdryer, iron and ironing board. The hotel is a 15 minute walk to the National Convention Centre and has 24-hour reception, room service, onsite restaurant and bar.

STANDARD ROOM: \$249 per night
single/twin/double

WALDORF

2 Akuna Street, Canberra

Located in the heart of Canberra's CBD, the Waldorf is only a couple minutes walk from the National Convention Centre. This hotel has 24-hour reception and provides guests with a gymnasium, indoor heated lap pool and onsite dining at the Waldorf London Restaurant. All rooms have kitchen and laundry facilities, in room safe, dining table and chairs, complimentary cable TV, pay per view movies, high speed internet service (for a fee) and room service is available. One bedroom apartments also offer a separate lounge/dining area.

STUDIO ROOM: \$210 per night single
\$225 per night twin/double

1 BEDROOM APARTMENT:
\$230 per night single
\$245 per night twin/double

COACH TRANSFERS

Welcome Reception and Exhibition Opening Sunday 14 June 2015

Coaches will collect delegates from all General Assembly hotels [except Crowne Plaza Canberra] at approximately 4:45 pm. The return coaches will depart at 7:00 pm.

Daily Shuttles to and from the National Convention Centre

A shuttle service between all General Assembly hotels [except Crowne Plaza Canberra] and the National Convention Centre will operate between 8:00 am and 8:30 am. Return shuttles will depart the National Convention Centre at 5:00 pm.

Buffet Dinner National Convention Centre Monday 15 June 2015

Coaches will collect delegates from all General Assembly hotels [except Crowne Plaza Canberra] at approximately 6:45 pm. A return shuttle service will commence at 10:15 pm.

General Assembly Annual Dinner Parliament House Tuesday 16 June 2015

Coaches will collect delegates from all General Assembly hotels [including Crowne Plaza Canberra] at approximately 6:45 pm. A return shuttle service will operate between 10:15 pm and 11:15 pm.

CAR PARKING

Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$18.00 per day. Alternatively, voucher public parking is available 200m from the entrance at a cost of approximately \$13.50 per day. The voucher machines are coin operated.

**REGISTRATION
FORM****REGISTER ONLINE**
WWW.ALGA.ASN.AU**NGA15**NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 14-17 JUNE 2015
Australian Local Government Association ABN 31 008 613 876

Multiple delegates > photocopy form

Register online, download PDF or return
this form to:Conference Co-ordinators
PO Box 4994 Chisholm ACT 2905
Phone (02) 6292 9000 Fax (02) 6292 9002
Email conference@confco.com.auBy submitting your registration you agree to the
terms and conditions of the cancellation policy**PERSONAL DETAILS**

TITLE <small>(Cr/Ald/Mayor/Other)</small>	NAME	SURNAME
POSITION		
COUNCIL/ORGANISATION		
ADDRESS		
SUBURB	STATE	POSTCODE
PHONE	MOBILE	FAX
EMAIL		
NAME FOR BADGE		

How did you find out about the General Assembly? ALGA State/Territory Association Council Other:

PRIVACY DISCLOSURE I DO consent to my name appearing in the 2015 General Assembly List of Participants booklet (name, organisation and state only disclosed) as outlined in the privacy disclosure on page 10.

I DO consent to ALGA disclosing my personal contact information as outlined in the privacy disclosure on page 10.

REGISTRATION FEES**GENERAL ASSEMBLY REGISTRATION FEES**

Please note registration does NOT include attendance at the Regional Cooperation and Development Forum

EARLY BIRD REGISTRATION FEES (payment received on or before 1 May 2015) \$899.00

STANDARD REGISTRATION FEES (payment received on or before 29 May 2015) \$999.00

LATE REGISTRATION FEES (payment received after 29 May 2015) \$1,200.00

DAY REGISTRATION FEES Monday 15 June \$470.00 Tuesday 16 June \$470.00 Wednesday 17 June \$260.00

REGIONAL CO-OPERATION AND DEVELOPMENT FORUM REGISTRATION FEES

REGIONAL DEVELOPMENT FORUM ONLY Registration Fee \$395.00

GENERAL ASSEMBLY DELEGATE Registration Fee \$195.00

STATE OF THE REGIONS REPORT 2015-16 (Single licence) \$240.00

STATE OF THE REGIONS REPORT 2015-16 (Organisational licence). \$700.00

ACCOMPANYING PARTNERS REGISTRATION FEESREGISTERED ACCOMPANYING PARTNER Name for lapel badge: \$240.00**SOCIAL FUNCTIONS INCLUDED IN FEES**

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AVENUE HOTEL				
HOTEL ROOM	\$225	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
1 BEDROOM APARTMENT	\$275	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
HOTEL REALM				
STANDARD ROOM	\$230	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
MANTRA				
HOTEL ROOM	\$209	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
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MEDINA APARTMENT HOTEL CANBERRA JAMES COURT				
1 BEDROOM APARTMENT	\$210	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
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NOVOTEL				
STANDARD ROOM	\$250	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
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QT HOTEL (FORMALLY RYDGES LAKESIDE)				
STANDARD ROOM	\$249	<input type="checkbox"/> SINGLE	<input type="checkbox"/> TWIN	<input type="checkbox"/> DOUBLE
WALDORF				
STUDIO ROOM	<input type="checkbox"/> \$210 SINGLE	<input type="checkbox"/> \$225 TWIN/DOUBLE		
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5.3 Exhibition of Draft Warnervale District Contributions Plan

TRIM REFERENCE: F2014/01538 - D11878477
MANAGER: Steven Mann, Manager
AUTHOR: David Kitson; Senior Contributions Officer

SUMMARY

The exhibition of the Draft Warnervale District Contributions Plan (Draft Plan) has finished. A number of submissions were received. This report provides an analysis of these submissions and recommends the adoption of the Draft Plan with a number of amendments.

RECOMMENDATION

- 1 That Council adopt the exhibited Draft Warnervale District Contributions Plan, with the amendments outlined in this report.**
- 2 That Council note that amendments to WLEP 2013, Chapter 6.5 Warnervale South of WDCP 2013 and a revised Stormwater Management Strategy for Precinct 7A will be required to reflect the changes to the adopted Warnervale District Section 94 Contributions Plan.**
- 3 That Council request a future report be prepared, which discusses a planning proposal suggesting appropriate zones and development controls, for land that will no longer be required for public purposes under the Warnervale District Section 94 Contributions Plan.**
- 4 That Council request a review of the Stormwater Management Strategy for Precinct 7A be initiated, to inform the determination of appropriate future zonings of the land which will no longer be required under the Warnervale District Section 94 Contributions Plan.**

BACKGROUND

Council endorsed the exhibition of The Draft Warnervale District Contributions Plan 2014 (Draft Plan) at its Ordinary Meeting of 12 November 2014 (D11747178). The Draft Plan provides a scheme to fund infrastructure on a District basis.

The Draft Plan proposes to:

- Replace the Wadalba, Woongarra & Hamlyn Terrace Contributions Plan 2013 (WWAHT Plan) and the Warnervale Town Centre Contributions Plan and include new infrastructure to facilitate the orderly development of Precinct 7A.
- Provide revised population projections for the various release areas that are the basis for apportioning the cost of various works in the Draft Plan.

- Reduce the total value of the roads works and the reappropriation of the costs to the road catchments on a more “direct nexus” basis.
- Provide revised projections for daily vehicle trips (DVTs) for various road catchments that are the basis for apportioning the cost of the road works under the Draft Plan.
- Include a new schedule of road works within Precinct 7A that removes a number of works that relate to internal subdivision road works, with a concentration on works required to upgrade and/or build new collector roads and intersections. The cost of the internal road works that are removed will be funded and constructed directly by developers.
- Replace the Porters Creek Stormwater Harvesting Scheme with an interim wetland Diversion Scheme for the areas of the WTC, Precinct 7A, the Education Site and the Wyong Employment Zone.
- Extend the district open space and community facilities contributions so that they apply to all residential development, including residential development outside the zoned release areas.
- Collection of contributions on a development unit (DU) basis for all WTC precincts. This is proposed to provide consistency within the Draft Plan, which is now a more acceptable method for the WTC now that the development assumptions for the residential zone have been reduced.

At the Economic and Employment Development Committee held on 4 March 2015 the following resolutions were adopted:

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

That the Committee recommend that Council:

- 1 Adopt the exhibited Draft Warnervale District Contributions Plan with the amendments outlined in this report.*
- 2 Note that amendments to WLEP 2013, Chapter 6.5 Warnervale South of WDCP 2013 and a revised Stormwater Management Strategy for Precinct 7A will be required to reflect the changes to adopted Warnervale District Section 94 Contributions Plan.*
- 3 Receive a future report which discusses a planning proposal suggesting appropriate zones and development controls for land that will no longer be required for public purposes under the Warnervale District Section 94 Contributions Plan.*
- 4 Initiate a review of the Stormwater Management Strategy for Precinct 7A to inform the determination of appropriate future zonings of the land which will no longer be required under the Warnervale District Section 94 Contributions Plan.”*

CURRENT STATUS

The Draft Plan was exhibited between 19 November and 19 December 2014. Public notice was given of the exhibition in the Central Coast Advocate and an extensive list of likely interested parties were notified directly by email. These included all known developers, local consultants, relevant government agencies, valuers etc. A reminder email was sent to these parties towards the end of the exhibition period.

The following public submissions were received:

- 1 Yeramba Estate (D11800074)
- 2 Lateral Thinking Systems (D11805657)
- 3 Montheath & Powys (D11805759)
- 4 Owner of 33-47 Railway Road, Warnervale (D11805639)
- 5 Bitova Pty Ltd (D11815263)
- 6 TPG Town Planning & Urban Design (D11807832)
- 7 Hynken Pty Ltd (D11815258)

These submissions have been reviewed and all issues raised have been summarised together with a response and the proposed action. This summary is provided in the attached spreadsheet. A number of further matters are also raised in the same spreadsheet at the end of the submissions.

This report was considered by Council's

The major issues (in no particular order) arising out of the submissions that require more extensive discussion are addressed as follows:

ISSUE 1 - R1 – Railway Road /Link Road

A number of submissions have raised the cost of the Link Road. The cost of the Link Road has increased from \$24M in the existing plan to \$45M in the Draft Plan.

The major submission is that cost in the Draft Plan should be discounted by:

- 1 The \$5.5M Federal Government Grant (indexed to \$6.4M) that was paid in respect of the first stage.

Comment: It is clear from S94 Guidelines and Court Precedents that the value of grants needs to be excluded from the cost of works used to calculate contributions in contributions plans.

- 2 The \$15.5M (indexed to \$15.8M) attributable to “regional traffic” for which the Roads and Maritime Service (RMS) should pay.

Comment: The traffic modelling (which remains current) as reported to Council at its Ordinary Meeting of 11 February 2011 suggests that following apportionment of costs for regional traffic to the RMS:

- 8% of the cost of the Link Road if the Pacific Highway is upgraded to dual carriageway by 2024/25;
- 35% of the cost of the Link Road if the Pacific Highway is NOT upgraded to dual carriageway by 2024/25; and

- 70% of the cost of upgrading of the Sparks Road intersection.

This equated at the time to:

- \$5.3 M (excl GST) if the Pacific Highway is upgraded; and
- \$15.5 M (excl GST) if the Pacific Highway is NOT upgraded,

These costs were based of the estimated Link Road project cost of \$37.5 M (excl GST) that existed at that time.

- 3 The \$2M that was paid for by the Water Fund associated with the cost of relocating and upgrading a water main in respect of Stage 1 of the Link Road. **Comment:** The funding to relocate and upgrade the water main to permit the construction of Stage 1 of the Link Road is detailed as follows:

Table 1 – Water Funds Used for Stage 1 Link Rd Construction

Work	Funding Source	Actual Expenditure 2010/11	Indexed Expenditure Mar-14
Relocation of Main	Operational Water Fund (capable of being recouped by S94 & refunded back to Water Fund)	-\$1.3 M	-\$1.4 M
Upgrading of Main	Section 64 Water Funds for capital improvements	-\$0.7 M	-\$0.8 M
	TOTAL	-\$2.0 M	-\$2.2 M

The \$1.4M funding from the Operational Water Fund is proposed to be recouped through the Section 94 Plan as a legitimate expense in the construction of Stage 1 of the Link Road. The \$0.8M of Section 64 funding cannot be recouped through a Section 94 Plan, as this has been specifically collected from development for the purpose of capital upgrades.

Response: A full account of indexed expenditure on Stage 1 and the revised \$45M for Stage 2 for a number of scenarios is provided in the following Table:

Table 2 – Link Road Funding Scenarios

	Indexed Actual Costs & Projected Costs		
	Scenario 1	Scenario 2	Scenario 3
	Where Pacific Highway IS NOT upgraded to dual carriageway by 2024/25 Mar-2014	Where Pacific Highway IS upgraded to dual carriageway by 2024/25 Mar-2014	No External Funding for Stage 2 Mar-2014
STAGE 1 - COMPLETE			
Total Indexed Expenditure on Stage 1 of Link Road	\$17.1 M	\$17.1 M	\$17.1 M
less indexed Federal Govt Grant	-\$6.4 M	-\$6.4 M	-\$6.4 M
Less indexed Section 64 Water Funds for capital improvements	-\$0.8 M	-\$0.8 M	-\$0.8 M
TOTAL STAGE 1	\$10.0 M	\$10.0 M	\$10.0 M
STAGE 2 - PLANNED	\$0.0 M	\$0.0 M	\$0.0 M
Revised cost estimate for Stage 2 of Link Road (currently being confirmed through design process)	\$45.0 M	\$45.0 M	\$45.0 M
Less 35% assumed RMS contribution - no duplication of Pacific Hwy	-\$15.8 M	\$0.0 M	\$0.0 M
Less 8% assumed RMS contribution - Duplication of Pacific Hwy	\$0.0 M	-\$3.6 M	\$0.0 M
TOTAL STAGE 2	\$29.3 M	\$41.4 M	\$45.0 M
TOTAL Projected Costs - Stages 1 & 2	\$39.2 M	\$51.4 M	\$55.0 M

It is considered a reasonable assumption that the Pacific Highway upgrade will be deferred indefinitely in preference to the construction of the Link Road (Scenario 1).

If this assumption is supported, the cost of the Link Road funded by Section 94 will be \$39.2M assuming the recoument of the \$1.4M of the Water Fund expenditure.

A summary of the total cost of the Link Road and the component that is proposed to be funded under the Section 94 Contribution Plan is provided as follows:

Table 3 – Summary of Scenario 1 Funding

Funding Sources	Cost 01-Mar-14
Section 94 Funding	\$39.2 M
Other sources of Funding	\$22.9 M
Total Cost	\$62.1 M

The cost of the Link Road per DU is \$2,468.

Table 4 – Contribution per DU

	Stage 1	Stage 2	TOTAL
RMS Funding		35%	
Cost of Link Road	\$10.0 M	\$29.3 M	\$39.2 M
Total Daily Vehicle Trips (DVTs)	117,539	117,539	117,539
Cost per DU	\$85	\$249	\$334
DVTs per DU	7.4	7.4	7.4
Total	\$626	\$1,842	\$2,468

Removal of Link Road

It is further noted that the Bitova submission argues that the cost of the Link Road should be removed from the Draft Plan entirely as it “benefits the broader community and should not be funded by new development in the area”. This view is premised on the Link Road being funded by Grants and the as-yet unknown Special Infrastructure Contributions also known as Regional Infrastructure Levy.

This is not an unreasonable position, however, to date no commitments has been obtained from State or Federal Government for any funding towards this work. It is noted that Council is actively pursuing funding in the lead up to the NSW State Government Election.

Where there is a level of confidence that the State Government will fund the entire project, it is probably prudent for this project to remain in the Draft Plan.

Clearly the traffic modelling indicates that the Link Road is required as a result of the additional projected development in the Warnervale District.

Clearly the progressive increased in the cost of the Link Road over the life of the previous plan means that without further additional external funding Council already has a considerable unfunded liability on behalf existing development.

Recommendation: It is recommended that the cost of the Link Road in the Draft Plan be reduced from \$45M to \$39.2M.

ISSUE 2 - Cost of Council Owned Land

There are three facilities that are proposed or likely to be located on land that is already in Council’s ownership. Details of these parcels are provided as follows:

Table 5 – Open Space/Community Facilities on Council Owned Land

Proposed Facility	Proposed Location	Site Size ha	Estimated Cost Mar-2014
DP-1 Hill Top Park	Warnervale Town Centre	4.53	\$1.8 M
CF5 Additional District Facility	Not definitively committed to Council's WTC Land but land values based on this location	0.25	\$0.8 M
CF6 Smart Hub	Education Site	0.40	\$0.3 M
TOTAL			\$2.8 M

The location for the additional District Community Facility (CF5) has not been definitively decided, but advice from Council's Community Services is that it will likely be either located on the same landholding as the Hill Top Park or as Stage 2 of the Smart Hub on the Education Site. The value of the land assumed in the Draft Plan for this facility has been based its location on commercial zoned land on the Hill Top Park landholding.

These parcels have been costed in the plan based on indexed market values. These lands form part of Council's commercial land holdings for which there is an expectation that full market value will be realised for its use as per the Draft Plan.

Several submissions dispute this methodology for valuing land and refer to the Court of Appeal decision of *Allsands Pty Ltd v Shoalhaven City Council* (1993) 78 LGERA 435 that provides "...it is historical cost, that is, what the Council actually paid out, that the subsection is in my opinion referring to. Any estimating must be done with a view to arriving at that 'cost', and it is towards that cost that payment of a monetary condition may be required as a condition of consent" (p 446, per Priestley JA).

Response: This issue has been the subject of much discussion at various forums dealing with contribution issues and there is some prospect of legislative changes when the reforms to the contribution system are re-instigated, to recognise the inherent inequity of the strict application of the "*Allsands Decision*" in respect of land held in Council ownership for commercial purposes that was not purchased in advance for a specific S94 purpose.

However, as the law stands at present Council can only recoup the indexed cost it incurred in the purchase of land under a Section 94 contributions plan. This essentially means removing the cost for these lands from the Plan for the three facilities, as the purchase price for the two sites are only nominal on a pro-rata basis because of the historic nature of the purchases.

Table 6 – Historic Costs for Open Space / Community Land

Facilities with no current location	Proposed Location	Date of Purchase	Purchase Price Land Cost	Indexed Purchase Price Mar-2014	Area of Land (ha) Mar-2014	Pro-rata Index purchase price per ha
DP-1 Hill Top Park	Warnervale Town Centre	19/01/1950	\$616	\$15,866	15.6	\$40
CF6 Smart Hub	Education Site	24/12/1981	\$410,000	\$1.4 M	467.5	\$877
Total				\$1.5 M		

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

In respect of the education site a higher cost could be argued, if Council was inclined, on the basis that the majority of the purchase price related to the 16.4 hectares of flood free land i.e. \$87,707 per ha, but when applied the 0.4 ha area required for the Smart Hub it is \$35,083.

Council has a number of options in respect of this issue. It can either:

1. Accept the “*Allsands Decision*” and base the land costs for Council land on the indexed historic costs. This obviously results in a significant reduction in the monies that Council otherwise generate from these lands. Council can reconsider this matter in the advent that there are legislative changes.
2. Accept the “*Allsands Decision*” and removing the cost of Council owned land in the Plan because of the nominal monies involved
3. Withdraw the “offer” of providing Council owned land (which would require an additional contingency for acquisition costs) for the subject purposes and identify other lands not in Council’s ownership.

Recommendation: It is recommended that the cost of the above Council owned land in the Draft Plan be removed entirely.

ISSUE 3 - Works without Site Location

The locations of a number of facilities in the Draft Plan have not been determined at this stage and a contingency is provided for the land cost based on various assumptions.

The facilities for which a site has not yet been identified are provided in the following table.

Table 7 – Facilities with no Confirmed Location

Proposed Facility	Location Options	Land Cost ha	Construction Costs Mar-2014	Total Costs Mar-2014
D1 District Playing Fields	Insufficient land on Education Site, possible expansion of Woongarra Playing Fields, other options to be investigated	\$5.3 M	\$9.6 M	\$14.9 M
CF7 Indoor Recreation Centre	No Location identified - one option may be the Education Site or co-located with the proposed District Playing Fields	\$2.1 M	\$14.0 M	\$16.0 M
CF8 SEW Community Centre	To be determined in conjunction with the Master planning for this Area	\$0.0 M	\$0.0 M	\$0.0 M
TOTAL		\$7.4 M	\$23.5 M	\$30.9 M

Note: The cost of the Indoor Recreation Centre as been reduced as proposed in Issue 4

Response: There is nothing to preclude Council from providing a contingency for these facilities that have been determined on the basis of future needs to address the recreation and social needs of the District when it is fully developed.

Should Council remove these items from the contributions plan pending further investigations and confirmation of the location of these planned facilities, it will inherit an unfunded liability on behalf of those developments that obtain consent in the interim.

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

These items have been part of the previous contributions plan in one form or another for a considerable period and contributions have been made by developers under this Plan.

The appropriate means of addressing the submissions regarding this issue, is for Council to prioritise the site investigations for these proposed facilities and provide a timetable for the acquisition of the selected sites where required.

A Shire Wide Recreation Plan is presently being undertaken to prioritise recreational facilities and to confirm the location of facilities that are currently uncommitted. This should assist in addressing the concerns in respect to recreational facilities.

Recommendation: It is recommended that no action be taken in respect to this issue.

ISSUE 4 - Apportionment of Indoor Recreation Centre

A number of submissions have argued that the proposed Indoor Recreation Centre will benefit residents of the north of the Shire and even residents in the southern parts of Lake Macquarie Shire in the suburbs of Wyee and Morriset.

Response: The cost of the proposed Indoor Recreation Centre under the previous 2005 Contributions Plan was apportioned solely across the Warnervale District. Council resolved when it adopted the WWAHT Plan in 2013 to apportion the cost of the Indoor Recreation Centre to the future development in the northern part of the Shire, as a means of reducing the burden on development in the Warnervale District.

While there will always be different views about how far the benefit of such facilities extend, the major beneficiaries will be those located in the Warnervale District. While the southern suburbs of Lake Macquarie City Council may derive some benefit from the proposed facility, it will likely be marginal and the nexus will be weak. There are significant obstacles in the pursuit of funding from developments in Lake Macquarie City Council and there would likely be some reciprocal claims for facilities that it either offers or proposes to offer in that Shire.

The contribution for this \$30M facility is approximately \$1,800 per DU. Obviously this facility is a significant cost to the Plan and the Committee could take the view that the facility should be reduced in scope in order to achieve contribution rates that will encourage development. It is recommended that the facility be scale back to a more modest facility by reducing the cost by 50% to \$15M. There is nothing to preclude Council when planning the facility to apply additional funds from other sources to scale the facility up to its original size.

Recommendation: It is recommended that the Indoor Recreation Centre be scale back by 50%.

ISSUE 5 - Drainage Land – Owner of 33-47 Railway Road, Warnervale Submission

The submission from Owner of 33-47 Railway Road, Warnervale is reproduced as follows:

"I wish to register an objection to the Draft Warnervale District Contributions Plan. I am currently developing 2 blocks of land in Precinct 7A, being 41-47 and 33-39 Railway Rd, Warnervale and plan to lodge a DA next month for residential subdivision. 41 Railway Rd in particular has a significant percentage (around 25%) of land zoned E3 which bifurcates 2 areas zoned R2. In a Pre-DA meeting last month, Council indicated the primary purpose of this environmental corridor is to facilitate drainage, as it generally matches the Council's flood map. I was also advised that the E3 land is expected to be dedicated as public land for free and without even any offset credit for Section 94 contributions.

In addition to the underlying unfairness of this approach, I believe there is a flaw in the logic in Council's determination that this land provides no benefit to any other property owners and therefore has no monetary value. In actual fact, this E3 corridor facilitates the drainage of the catchment to the north of Sparks Rd, allows the egress of runoff from Sparks Rd itself and becomes part of the ongoing flow to properties and public land to the southeast (Porters Creek Wetland.) For this reason, the S94 plan should be revised to place a monetary value on the E3 corridor to be shared among others in the catchment."

Response: The substance of this submission is difficult to accept for a number of reasons including:

- Drainage is an intrinsic characteristic of the land and upstream landholdings don't benefit.
- The drainage land is constrained land with no development potential.
- In past contribution plans where a value was recognised for drainage land, the value was generally apportioned over the sub-catchment that the drainage land was located within.

Contribution Plans can require developments to make monetary and/or non-monetary contributions. It is reasonable having regard to the low value of such land and the need for a consistent approach to drainage for such land to be dedicated at no cost.

An alternative would be for the developer to retain the land in private ownership and provide a regime for its ongoing management in perpetuity as part of the proposed development of the land.

The non-monetary contribution in terms of the area of drainage land required to be dedicated for the land referred to in the submission can be compared to the average area required to be dedicated per ha of NDA for the whole i2 drainage catchment in the following table.

Table 8 – Drainage Land Required for Owner of 33-47 Railway Road, Warnervale Land

	Area of Lots	Area of Drainage Land	Drainage Land per ha of NDA	Area of Drainage land per ha of NDA
Total for Catchment i2		1.51	9.61	0.16
Lot 1 DP 21488	2.026	0.47	1.556	0.30
Lot 2 DP 21488	1.789	0.11	1.679	0.07
Lots 1 & 2 DP 21488 Combined	3.815	0.58	3.235	0.18

The combined development site requires the dedication of 0.18 ha of drainage land per ha of NDA, which is very close to the average of 0.16 ha for the whole catchment.

In the circumstances it is not proposed to make any changes to the plan regarding this issue.

Recommendation: It is recommended that no action be taken in respect to this issue.

ISSUE 6 - Recoupment of Rezoning Expenses

Bitova has provided approximate \$800,000 of funding to Council to facilitate the rezoning of Precinct 7A for residential development. The Bitova submission cites Clause 6.13 in the 2007 Deed of Agreement (D01387298) between it and Council regarding this funding, which is reproduced as follows:

6.13 The Council shall use its best endeavours to secure from other landowners in the 7(a) precinct, contributions towards the costs referred to in clause 6.12 in pursuing the rezoning of Precinct 7(a), on a pro-rata-square metre basis. The Council's obligations under this clause shall arise following agreement of the strategy plan referred to above at clause 6.1 though only continue for 3 months thereafter at which time the Landowner's responsibility under clause 6.12 shall crystallise, subject to reduction by the amount of any costs agreed to be paid by other owners in Precinct 7(a).

The submission asserts that that "best endeavours" imposes a high standard upon WSC to achieve the recovery of this money from other landowners that have benefitted from the rezoning; the means of which it asserts is readily available to WSC through the S94 Draft Plan as provided in the *Environmental Planning and Assessment Act 1979*.

Response: In May 2007 Council entered into a Deed of Agreement with F Hannan Pty Ltd & Bitova Pty Ltd regarding dispute over drainage issues, non-approval works for sporting purposes etc, rezoning studies and the purchase of environmental land by Council. Clause 6.13 of Deed states Council shall use its best endeavours to secure from other land owners in the 7A Precinct, contributions towards the costs in pursuing the rezoning on a pro-rata area basis (Council's obligation was for a period of 3 months). Council undertook various initiatives to pursue this joint funding objective including briefings and meetings with land owners. It should also be noted that Council contributed 22% of the funding, due to the Education Site.

Furthermore, the parties in November 2008 entered into a Funding Agreement, where Bitova has taken on the responsibility to secure funding for a proportion of the Expenses from other land owners and notwithstanding the success or otherwise of those attempts, Bitova accepts that it is the sole entity liable for the Expenses.

While it is appreciated that other property owners have benefitted from the rezoning of land from rural to residential that was funded by Bitova, the funding was agreed to by Bitova as the most expeditious way to have its land rezoned. As the major land owner in Precinct 7A, if it was permitted to proceed without including the balance of the Precinct, the cost may well have been comparable given the off-site issues that would still need to be addressed and the economies of scale in including the additional lands.

In the first instance there is little doubt that Council does not have the ability under the legislation to recoup the administration costs of preparing a planning proposal.

In the second instance, under the legislation there are considerable doubts about whether Council can recoup:

- The cost of studies prepared for the support of a planning proposal, or
- The cost of studies incurred by a third party as opposed to directly by Council.

The funding of planning proposal is the purview of Section 54(3) of the EP&A Act as opposed to Section 94.

The following is an extract from the Department of Planning's "Draft Development Contributions Guidelines 2009", which although never actually adopted, is still posted on the Department's website and provides the good overview of what is generally understood within the industry:

8.9.1 Support studies

Support studies for contributions plans can be prepared or project managed by different areas of Council. It is good practice to ensure that the contributions planner be involved in the preparation of the project brief to ensure that the outputs or outcomes of the studies are in a form that:

- clearly establishes nexus;
- determines apportionment;
- the outputs can used in the plan(s) – rates per traffic movement/demand per person/rate per sq/m etc; and
- works identified are reasonable – compares existing standards with proposed standards.

Even if the Bitova costs could be recouped under the legislation, the inclusion of them in the Draft Plan would compromise the cash flow for projects (as a credit would be generated for Bitova and used as an offset against other contributions requirements) and provides some risk that not all the funds would be recouped within an acceptable time frame.

Recommendation: It is recommended that no action be taken in respect to this issue.

ISSUE 7 – Development Unit Projections

The Bitova Submission relating to the development unit projections is as follows:

Whilst occupancy rates appear to be acceptable- we would suggest the average area for a development unit (DU) are too high and needs revision- the draft plan has adopted 556m2 for R2 and 463 for R1. Our planners suggest that average areas will be lower than these adopted areas (noting R2 minimum lot sizes are 450 sqm and R1 minimum lots sizes are 300 sqm) and therefore predicted densities will be higher. The difference between adopting 556m2 and 475m2 is an additional 3 dwellings per ha or approx. the equivalent of \$90k per ha additional in S94 contributions.

The DU analysis is flawed and skewed toward WSC unjustifiably recovering higher contributions knowing that developers will achieve higher lot yields- where contributions are levied on a per lot basis this is not aiding the cause of delivering affordable housing but rather making housing more ex pensive for residents/potential residents of Wyong/Warnervale. The S94 plan as drafted has too few lots paying too much- this must be corrected before the final plan is issued and we seek WSC's review of this aspect of the S94 plan before it is finalised.

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

Response: The Bitova submission is that the density assumptions are too low based on its proposed development plan. It needs to be stressed that the development assumptions in the Draft Plan are the estimated average development densities across the whole area, and that while some areas may be developed at much higher density others may develop at much lower densities.

It is normal for contributions plans to make conservative assumptions to minimise the prospect of Council's inheriting unfunded liabilities in respect to the works under the Plan due to:

- Development of land occurring at a lower average density
- Topographical constraints making larger lots more appropriate and thereby reducing the average density
- Some land not being developed due to unresolved ecological issues, need for bushfire asset protection zones etc
- Some land being developed for non-residential uses
- Some residential developments being exempt from contributions by way of Ministerial Direction (such as some senior living developments).

Clearly, there is a trend towards smaller lots and higher residential densities. The intended assumption in the Draft Plan (22 DUs for the R1 Zone and 18 DUs for R2 Zone) were an increase on the densities traditionally achieved in the development parts of WWAHT and those forecast at the time Precinct 7A was rezoned.

The density of development that is being achieved in some recent applications for subdivision in the WTC and Precinct 7A are provided as follows:

Table 9 – Indicative lot sizes and dwelling densities in WTC & Precinct 7A

Developer/Owner	Location	DA No	Development Type	Zoning	Total NDA ha	Total lots	Average Lot Size m2	Lots / DUs per ha of NDA
Landcom	111 Sparks Road, Warnervale Town Centre	DA/1074/2012	Residential Subdivision	R1	5.77	135	427	23.4
Wyokong No.1 Investment Co Pty Ltd (Formerly Stannic Securities Pty Ltd)	No's 71-77 Sparks Rd, Warnervale Town Centre (corner of Hiawatha Rd)	DA/281/2011	Residential Subdivision	R1	4.89	125	391	25.6
Lukeston Pty Ltd	36-62 Virginia Rd, Hamlyn Terrace (corner of Warnervale Rd) (within Precinct 7A)	DA/664/2014	Residential Subdivision	R1	3.03	70	433	23.1
		(being assessed)		R2	1.34	27	497	20.1
AV Jennings Properties Ltd	600-610 Pacific Highway, & 87-113 Louisiana Road, Hamlyn Terrace	DA/745/2008/A	Residential Subdivision	R2	4.06	83	489	20.5
N.L.Gentile Pty Ltd	539 Pacific Highway, Wadalba	DA/876/2013	Residential Subdivision	R2	1.53	29	526	19.0

While it is important to make conservative development assumptions, based on the Bitova submission and the current densities being achieved, it is considered reasonable that the assumed DU density for the WTC and Precinct 7A to be increased for the:

- R1 - General Residential zone from 22 DUs to 24 DUs per ha
- R2- Low Density Residential zone from 18 DUs to 20 DUs per ha.

A summary of the relative densities assumptions referred to in this section and the equivalent lot size for each of the residential zones is provided in in the following Table:

Table 10 – Comparative Density Assumptions with corresponding Lot Sizes

Zone DUs per ha NDA	Assumed Dwelling Density	Assumed Dwelling Density DUs per ha NDA	Area per per DU m ²
R1- General Residential	At time of Precinct 7A rezoning	19	533
	Exhibited Draft Plan	22	455
	Now Proposed	24	417
R2 - Low Density Residential	At time of Precinct 7A rezoning	15	667
	Exhibited Draft Plan	18	556
	Now Proposed	20	500

Recommendation: It is recommended that the assumed development Unit (DU) density for the Warnervale Town Centre and Precinct 7A be increased for the:

- R1 - General Residential zone from 22 DUs to 24 DUs per ha
- R2- Low Density Residential zone from 18 DUs to 20 DUs per ha.

ISSUE 8 – Consideration of Small Lots

Under the Draft Plan one development unit (DU) is defined as a vacant residential lot in a subdivision or a 4 bedroom dwelling.

There is no minimum lot size for the R1- General Residential and there will likely be some developments that propose lots down to ~350m² as a means of providing affordable housing options. Clearly the ability to construct a 4 bedroom dwelling reduces as the lots approach and fall below ~350m².

There is no provision in the Draft Plan for recognising the constraints to housing form imposed by these smaller lot sizes and at present the Draft Plan will penalise very small lots that are not capable of accommodating a 4 bedroom dwelling.

Under the Draft Plan each additional dwelling on a residential allotment is charged contributions based on the number of bedrooms in accordance with the following table:

Table 11 – DU Ratios for Different Sized Dwellings

Unit Size	Assumed Occupancy Rate	No. of Development Units
Secondary Dwelling / Long term caravan site	1.05	0.35
1 bedroom residential unit	1.30	0.43
2 bedroom residential unit	1.70	0.57
3 bedroom residential unit	2.50	0.83
4 bedroom residential unit / residential allotment	3.00	1.00
5 or more bedroom residential unit	0.5 person per additional bedroom	Proportional

The DU ratios in the above table are based on the occupancy rates from a last ABS Census and the ratio of those occupancy rates to the occupancy rate of a 4 bedroom dwelling.

It is considered that the Draft Plan should be amended to provide that once a lot size fall below a prescribed minimum, a contribution equivalent to a 3 bedroom unit should be applied.

Clearly, whatever prescribed minimum is chosen there will likely be instances where 4 bedroom dwelling are erected, which may be at the expense of other living spaces or yard space.

It is considered that a small lot with an area that is 350m² or less (for the purpose of S94 contributions) to be equivalent to a 3 bedroom dwelling or as the table above indicates 0.83 of a DU.

This proposal will not entail any potential loss to the Contribution Plan as the reduced contributions will be offset by an increase in the development yield per ha as demonstrated by the following Table:

Table 12 – Equivalent 3 Bedroom Dwelling Lot Size

Zone	Assumed Dwelling Density DUs per ha NDA	Area per per DU m ²	0.83 of the Average Lot size 0.830
R1 - General Residential	24	417	346

Recommendation: That the Draft Plan be amended such that vacant lots with an area of 350m² or less be charged contributions equivalent to a 3 bedroom dwelling.

ISSUE 9 - Value of Open Space Land

Various representations have been made by Bitova prior to the exhibition of the Draft Plan and reinforced within its submission to the Draft Plan concerning the correct value for two parcels of designated open space within its land holding. These open space areas are P7-OS 1 & P7 –OS 2.

The valuation for these parcels in the Draft Plan is based on the indexed estimates prepared by MJD Valuers on 3 September 2013 (D07254462). The Bitova submission is that the value of land has increased since these valuations and new valuations should be sought.

New valuations were obtained in December 2014 from MJD Valuers for all the open space land proposed to be dedicated/acquired with Precinct 7A, which confirms that land values have generally increased since the first valuation.

Table 13 – Land Value Increases for Precinct 7A

LOT/PLAN	REGISTERED PROPRIETOR	AREA VALUED SQM	2013 VALUATION	RATE / HECTARE	2014 VALUATION	RATE / HECTARE
1/1101086	BITOVA PTY LIMITED	11,394	\$455,000	\$399,333	\$525,000	\$460,769
2/1101086	BITOVA PTY LIMITED	45,759	\$1,600,000	\$349,658	\$1,850,000	\$404,292
1/596407	Christopher FAIRMAN & Victoria Ruby FAIRMAN	5,892	\$280,000	\$475,221	\$335,000	\$568,568
1/124109	Antonio D'AMICO & Iolanda D'AMICO	3,676	\$190,000	\$516,866	\$230,000	\$625,680
136/24673	Romeo TABONE & Rosemary TABONE	8,860	\$350,000	\$395,034	\$410,000	\$462,754
137/24673	Darren Thomas GEE & Tanya Anne GEE	9,217	\$170,000	\$184,442	\$180,000	\$195,291
138/24673	Ann Ellen MURPHY	9,990	\$450,000	\$450,450	\$530,000	\$530,531
21/543514	Ivan KODZOMAN	9,327	\$140,000	\$150,102	\$140,000	\$150,102
Total		104,115	\$3,635,000		\$4,200,000	

While the land values used for the Bitova land in the Draft Plan are based directly on the 2014 valuations. The remaining valuations have not been applied directly, but have been adapted to take into account the reduced area now required, principally the removal of some drainage lands.

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

The comparison between the Draft Plan values and the revised values for the Bitova land is as follows:

Table 14 – Increases Land Valuations for Bitova Open Space

Open Space Code	Property Description	Area	Draft Plan Valuation 2013 Valuation indexed to Mar-14	Revised Valuation Dec-14	Increase
P7-OS 1	Part Lot 1 DP 1101086	1.14	\$457,600	\$525,000	\$67,400
P7-OS 2	Part Lot 2 DP 1101086	4.58	\$1,609,143	\$1,850,000	\$240,857
TOTAL		5.72	\$2,066,743	\$2,375,000	\$308,257

Response: The value of land in Section 94 contributions plan is a **vexed issued** and has the potential to cause significant unfunded liabilities for Council over the long term.

Unfunded liabilities for Council are inevitable if the proposition is accepted that the land should be valued at the time it is dedicated/acquired, which is generally a considerable time after rezoning has occurred and after significant development has already occurred. The value of land inevitably increases with the improvements in the proximity of services and access.

Unfortunately, by the time land is ready to be dedicated/acquired significant development has already been approved and collected contributions have been based on the original lower land values, which creates an unfunded liability/shortfall for Council.

A widely held view/approach is that land required for a public purpose within a greenfield development should be valued based on its en-globo value at the time it was rezoned.

A section 94 Plan can require either a monetary contribution towards public facilities and/or a non-monetary contribution via the dedication of land.

The monetary contributions payable per DU is based on the land values in the Draft Plan. The Draft Plan also requires non-monetary contributions (page 19) to be made by way of dedications at no cost. Dot point 3 in the extract from the Draft Plan is specifically drafted to provide that land that cannot be purchased at the value in the plan at the time it is dedication needs to be dedicated free of cost as a non-monetary contribution:

Non-Monetary Contributions

In addition to the monetary contributions, this Plan also requires the making of non-monetary contributions including:

- Consequential dedication of land to Council for specific works, the location of which is identified in the Plan.
- The dedication of land that has been identified in the Plan as being required to be dedicated free of cost, which is generally otherwise constrained land.
- The balance of land in respect of land for which a monetary value in the Plan has been recognised, but which is in excess of land which could otherwise have been acquired under Just Terms Compensation Legislation.

In the final analysis the land that is being provided within a development for open space, especially small parks, generally provides the maximum benefit to the future residents of that development.

The following alternative analysis is provided as a demonstration that:

- It is reasonable to fix the value of the land in the Plan for the life of the Plan and
- Council includes land in a contributions plan as a means to provide a more equitable apportionment of costs for those developments that supply it and should not be subject to any risk of a future unfunded liability.

Alternative Analysis/Approach

It is widely accepted that greenfield subdivisions need to make a contribution towards the provision of open space to address the recreational needs of future residents.

The widely accepted standard of open space provision for greenfield release areas is 2.8 ha per 1,000 people (7acres per 1,000 people). Council's standard as per the Wyong Open Space Principals Plan 2005 (D02453188) is 3.0 ha per 1,000 persons (excluding buffers areas and drainage ways).

In open space planning it is recognised that different types of open space are required for different recreation needs. It is also recognised that there are minimum area requirements for different types of open space and that some types of open space needs to be provided externally and funded through a contributions plan.

By way of background, Council's minimum standard is 0.5 ha for small parks and 2ha for large parks i.e.

Table 15 – Minimum Areas for Different Types of Open Space

Type	Minimum size in ha
Field	4
Large park	2
Semi natural	2
Court	1
Small park	0.5

The proportion of the different types of open space required to be provided in other contributions plans is outlined the following table:

Table 16 – Open Space Land Requirements

Type of Open Space	Budgewoi, Gorokan, Northern Districts, Ourimbah & San Remo Contributions Plans	Area required per 1,000 persons
	Notional Proportion (%)	ha
Local Parks Large Parks	35%	1.05
Courts	5%	0.15
Fields	30%	0.90
Semi Natural Open Space	25%	0.75
Cycleways	5%	0.15
TOTAL	100%	3.00

The population projection for the Bitova Land when fully developed will be approximately 1,800 (after adopted of new DU assumptions in Issue 7)

Table 17 – Population Projections for Bitova Land

	Projected Increase in Precinct 7A Population	% of total Population
Bitova (Hannan) Land	1,800	31%
Balance of Precinct 7A	4,100	69%
Total Precinct 7A	5,900	100%

If Council decided to require a direct dedication of land for the types of open space that could be provided on-site under the standards that have been applied in other contributions plans (in preference to a monetary contribution for such facilities), the Bitova development would be required to dedicate free of cost some 3.51 ha as per the following table:

Table 18 – Application of On-Site Open Space Standards to Bitova Site

Type of Open Space	Budgewoi, Gorokan, Northern Districts, Ourimbah & San Remo Contributions Plans	Area required per 1,000 persons	Area nominally required for the Bitova Development - based on projected population of 1,800	Area nominally required to be provided on-site	% of Area	Value of Components under Draft Plan
	Notional Proportion (%)	ha	ha	ha		
Local Parks	35%	1.05	1.89	1.89		
Large Parks						
Courts	5%	0.15	0.27			
Fields	30%	0.90	1.62			
Semi Natural Open Space	25%	0.75	1.35	1.35		
Cycleways	5%	0.15	0.27	0.27		
TOTAL	100%	3.00	5.40	3.51	61%	\$1.5 M
Area of Bitova Open Space (R7-OS 1 & P7-OS 2)				5.72	100%	\$2.4 M
Balance of Area				2.21	39%	\$0.9 M

This 3.51 ha of land that is directly attributable to the development is based on the projected population under the recommended DU assumptions.

Thus, of the 5.72 ha to be provided by Bitova for park land, 3.53 ha could have been required to be dedicated directly under an alternative scheme. The point being made is that at the very least, Council should not be subject to any unfunded liability in respect of this proportion of the land as a result of future increase in the value of land above the normal CPI increases.

Council could amend the Draft Plan scheme such that this 3.53 ha area (valued at approximately \$1.5M) be required to be dedicated free of cost if the obligation of paying contributions toward land for Precinct 7A parks was removed. The contribution towards parks within Precinct 7A is \$1,724 per DU, and the total projected contributions from the development of the Bitova Land would be \$0.8M based on the amended projected DUs.

Table 19 – Precinct 7A Parks Contribution

	Apportionment of Precinct 7A Park Costs	Total DUs	Cos per DU Mar-2014	Bitova Total Precinct 7A Parks Contribution Mar-2014
Total Cost of Precinct 7A Parks	\$3,593,285	2,084	\$1,724	
Bitova (Hannan) Land		464	\$1,724	\$0.80 M

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

There is a \$0.8M difference between the value of the land that would otherwise be required to be dedicated free of cost under Council's Open Space requirements and the total contributions for land for Precinct 7A Parks that is projected to be paid for the development of the Bitova Land. This difference will reduce if higher densities are achieved relative to the adopted assumptions.

The 2.21 ha balance at present is being funded by other developers and while there is a valid argument that the Bitova should be receiving the full market value for this proportion of the proposed open space at the time of dedication, it is apparent that the selection of Bitova Open Space site involved factors other than open space considerations including:

- The extensive stand of trees.
- The identification of a concentration of scattered archaeological material.
- The land owner's (previous Director's) desire to preserve part of the land in its existing state.

Other important considerations are that small parks are considered to serve residents located within 400 to 500m, which is a catchment that is nearly wholly with the Bitova land. The need for a large park within Precinct 7A is somewhat reduced by the proximity of this area to the proposed District Park in the Warnervale Town Centre.

Clearly the 5.72 ha Bitova Open Space area is well in excess of these minimum standards specified above.

In these circumstances it is also considered that Council should not be subject to any unfunded liability in respect of any part of the proposed Bitova open space land as a result of future increase in the value of land above the normal CPI increases.

Conclusion: In the circumstances, it is considered that the land values for all open space land in Precinct 7A be updated and that these values be recognised for the life of the plan with indexation. It is considered that the revised value of the Bitova open space land can be incorporated into the Draft Plan directly.

The application of the revised land values increases the Precinct 7A open space land cost from \$2.96M to approximately \$3.6M.

Recommendation: it is recommended that:

1. The revised land values for the Bitova open space land be applied in the Draft Plan.
2. The land values for the remaining Precinct 7A open space be updated based on advice from MDJ Valuers.
3. That these adopted values be recognised for the life of the plan with indexation.

ISSUE 10 – Recoupment of Community Infrastructure Expenditure

The Bitova submission notes that it has made significant expenditure on community infrastructure to date and requests that Council recognise this expenditure as a credit pursuant to the provisions of clause 2.14 of the draft S94 plan. The works for which it seeks a credit for are detailed as follows:

Table 20 – Bitova Expenditure Requested to be Recognised

Walking/cycleway tracks incl lighting	\$285,408
Cricket nets	\$97,000
Sports field	\$100,000
Warnervale Rd footpath	\$45,545
Wetlands maintenance	\$168,000
TOTAL	\$695,953

The submission indicates that all of this expenditure can be substantiated.

Response: Section 2.14 provides that Council will take into consideration any land, money or other material public benefit that the applicant has provided when assessing contributions required to be paid in respect of a development application. Council has the sole discretion as to whether it recognises the value of such contributions and to allow that value to be discounted against a contributions plan.

In the first instance, it is not considered appropriate for any recognition of credits for such works at this point in time and especially without significant additional detail.

The recognition of past contributions under Section 2.14 requires the Applicant to demonstrate:

- → the land, money or other material public benefit previously provided continues to provide an ongoing benefit to the community; and¹
- → the benefit was not required to be provided under a condition of consent (including a condition imposed under Section 94 of the EP&A Act) or under a planning agreement; and¹
- → the benefit offsets some of the need for public amenities and public services identified in this plan; and¹
- → the financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether the Council would need to make up for any shortfall in contributions by its agreement to reduce the contribution).¹

In the second instance, it is difficult to justify including the cost of any of the works in the contributions plan and to require other developers in Precinct 7A to make a contribution towards them. An assessment of each item is provided as follows:

- Walking/cycleway track including lighting – Approximately 2.9 km of gravel tracks have been constructed by the land owner linking Warnervale Road adjacent to Warnies Café to the North Wyong Industrial Estate (NWIE) across the Woongarra Flood Plain. The northern 1.2 Km is completely redundant as a cycleway is proposed in a parallel position within the road reserve that forms the perimeter of the proposed residential development. The remaining 0.65 km section traversed the floodplain in the vicinity of the proposed central storage area connecting to Lucca Road in the NWIE. This section appears from aerial photography to be on a pre-existing farm track. There is an additional 1.0 Km walkway/cycleway spur that has been constructed since 2003, which duplicates access to the NWIE with a connection to Ash Street. Approximately 0.7 Km of this section has been constructed through a designated SEPP 14 wetland without consent. It is probable that this track was used as an access for the construction of an unauthorised dam, also located in the SEPP 14 wetland. The applicant indicates that the lighting consists of 5 or 6 solar powered lights on poles along the route. The walking/cycleway tracks are not constructed to Council's standards and advice from Recreation Planning indicates that it has no plans to keep or maintain these tracks once the land is transferred to Council.
- Cricket Nets – These are located behind “Warnies Café” and are on private land that is not intended to be dedicated to Council. Access to and retention of this facility is at the discretion of the owner. Advice from Recreational Planning is that there are sufficient cricket nets in the local area.
- Sports Field – This field is located off Minnesota Road in an area that is low lying and flood prone. The field was constructed without consent and under the terms of the 2007 Deed of Agreement the land on which the field has been located is required to be restored/revegetated prior to its transfer to Council. The facility is not part of Council's current open space strategy for the Warnervale District. Advice from Recreation Planning is that this field is a rudimentary grassed area with no facilities and is unsuitable for long term use because of drainage issues. There are no plans to reinstate the use after Council acquires the land.
- Warnervale Road footpath – Approval was given in SCC/73/2005 to Hoolihan Partners in July 2005 for the construction of a 1.2m wide footpath with a total length of 242.88m on the southern side of Warnervale Road east of the Railway line along the frontage of land owned by Bitova Pty Ltd. It is understood this work was undertaken at the land owner's initiative and was not a requirement of any consent associated with the development of “Warnies Café”. Footpaths are however not funded under the Draft Plan and Council's normal approach is to require their construction (where required as part of a strategic plan) as a condition of consent for the development of land. A contingent is provided in the Draft Plan (for which a credit will be given) for the additional 1.3m width required to widen footpaths to a 2.5m cycleway standard.
- Wetland Maintenance – Section 94 contributions are generally limited to capital expenditure.

Recommendation: It is recommended that no action be taken in respect to this issue.

ISSUE 11 – Consequential LEP and DCP Amendments

There are a number consequential local environmental plan (LEP) and development control plan (DCP) amendments that need to be considered by Council as a result of the form of the Draft Plan.

LEP -There are a considerable number of parcels of land that are on the acquisition plan that are not proposed to be acquired under the Draft Plan. Many of these relate to low valued constrained lands that will either not be required or which are proposed to be dedicated free of cost as part of a non-monetary contribution under the Draft Plan. Many of the parcels relate to lands that were formerly required for the Porters Creek Stormwater Harvesting Scheme, which has been replaced with an interim Porters Creek Stormwater Diversion Scheme. It is recommended that a planning proposal be prepared to remove lands that are no longer required to be acquired.

A small number of these parcels are also required to be rezoned from open space to a more suitable zone. Council's Rezonings Section has highlighted that there will be a need to initiate a review of the Stormwater Management Strategy for Precinct 7A to determine the appropriate future zoning for the lands that are no required for water quality treatment.

DCP there are some consequential amendments required in respect to the building lines to those collector roads that are proposed to be widened, as a means to ensure that any interim development does not compromise the proposed widening. This applies in particular to the southern side of Warnervale Road west of Virginia Road in Precinct 7A where it is proposed to undertake a 4.5m widening.

Some of the DCP mapping needs to be amended to reflect the proposed LEP amendments.

Recommendation: It is recommended that Council:

1. Note that amendments to WLEP 2013, Chapter 6.5 Warnervale South of WDCP 2013 and a revised Stormwater Management Strategy for Precinct 7A will be required to reflect the changes to adopted Warnervale District Section 94 Contributions Plan
2. Receive a future report which discusses a planning proposal suggesting appropriate zones and development controls for land that will no longer be required for public purposes under the Warnervale District Section 94 Contributions Plan.
3. Initiate a review of the Stormwater Management Strategy for Precinct 7A to inform the determination of appropriate future zonings of the land which will no longer be required under the Warnervale District Section 94 Contributions Plan.

THE PROPOSAL

It is proposed that the Draft Plan be adopted with amendments recommended in the body of the report.

Cost of Works

The breakdown of the costs in the Plan associated with different areas within the Warnervale District assuming the proposed changes is provided in the table below:

Table 21 – Cost Base of Plan with Proposed Changes

WDC Plan	Expenditure under this WDC Plan								Total WDC Plan
	WWAHT Wadalba, Woongarah & Hamlyn Terrace Mar-14	NWIE North Wyong Industrial Estate Mar-14	WTC Warnervale Town Centre Mar-14	Precinct 7A Mar-14	Education Site Mar-14	WEZ Wyong Employment Zone Mar-14	Balance of Greater Warnervale District Mar-14	North Wyong Shire Release areas Mar-14	
Open Space Land	\$17.3 M		\$4.2 M	\$6.8 M			\$1.1 M		\$29.4 M
Open Space Works	\$28.3 M		\$5.9 M	\$8.3 M			\$2.0 M		\$44.5 M
Community Facilities Land	\$0.9 M		\$0.1 M	\$0.3 M			\$0.5 M	\$0.5 M	\$2.3 M
Community Facilities Works	\$17.9 M		\$3.2 M	\$6.0 M			\$8.2 M	\$3.7 M	\$39.0 M
Roadworks	\$63.2 M	\$5.4 M	\$27.2 M	\$26.7 M	\$2.5 M	\$30.4 M	\$21.6 M		\$177.0 M
Drainage Land	\$11.7 M	\$0.6 M	\$0.9 M	\$0.6 M	\$0.0 M				\$13.7 M
Drainage Works	\$18.9 M	\$1.9 M	\$1.8 M	\$4.2 M	\$0.7 M	\$8.7 M			\$36.2 M
Water Quality Land	Included in Drainage								
Water Quality Works	\$8.9 M	\$0.3 M	\$3.0 M	\$5.0 M					\$17.2 M
Wadalba Corridor land	\$2.3 M								\$2.3 M
Wadalba Corridor works/ Environmental Works	\$1.3 M		\$0.8 M						\$2.1 M
Addition to Wadalba Corridor	\$2.2 M								\$2.2 M
Studies	\$1.0 M	\$0.2 M	\$0.4 M	\$0.2 M	\$0.1 M	\$0.6 M	\$0.3 M		\$2.8 M
Administration	\$2.3 M	\$0.4 M	\$0.4 M	\$0.9 M	\$0.1 M	\$1.4 M	\$0.9 M		\$6.4 M
TOTAL PLAN COSTS	\$176.2 M	\$8.7 M	\$48.0 M	\$58.8 M	\$3.4 M	\$41.1 M	\$34.7 M	\$4.3 M	\$375.2 M
				New Non-Road Works	\$45.0 M				
				Total Non-Road Works	\$198.2 M				

Total Cost of Works – The total cost of works under the Draft Plan with the proposed amendments is \$375.2M reduced from \$396.5M under the exhibited Draft Plan.

Road Infrastructure - The total roads cost is \$177.0M under the Draft Plan with the proposed amendments, which is a reduction on the \$182.8M roads costs in the exhibited Draft Plan and \$192.8M under the current contributions Plans.

Non-Road Works – \$198.2M of the \$389.1M of works relates to works other than road works. \$45M of the non-road works were not within an existing plan, although the majority was assumed in the apportionment of the works in the existing plans, especially in respect of Precinct 7A. The total non-roads costs under the exhibited Draft Plan was \$213.7M.

5.3 Exhibition of Draft Warnervale District Contributions Plan (contd)

Difference - The difference in the Non-road and Road Costs in the Draft Plan with the proposed amendments compared to the existing costs under the existing plans is summarised as follows:

Table 22 – Cost Base of Plan with Proposed Changes Compared to Existing Plans

	WWAHT Wadalba, Woongarrah & Hamlyn Terrace Mar-14	NWIE North Wyong Industrial Estate Mar-14	WTC Warnervale Town Centre Mar-14	Precinct 7A Mar-14	Education Site Mar-14	WEZ Wyong Employment Zone Mar-14	Balance of Greater Warnervale District Mar-14	North Wyong Shire Release areas Mar-14	Total Mar-14
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SUMMARY OF COSTS UNDER DRAFT PLAN (with proposed amendments)

Total Roads	\$63.2 M	\$5.4 M	\$27.2 M	\$26.7 M	\$2.5 M	\$30.4 M	\$21.6 M	\$0.0 M	\$177.0 M
Total Non-Road	\$113.0 M	\$3.3 M	\$20.8 M	\$32.2 M	\$0.8 M	\$10.8 M	\$13.1 M	\$4.3 M	\$198.2 M
TOTAL	\$176.2 M	\$8.7 M	\$48.0 M	\$58.8 M	\$3.4 M	\$41.1 M	\$34.7 M	\$4.3 M	\$375.2 M

SUMMARY OF COSTS UNDER EXISTING PLANS

Roads Costs (indexed)	\$50.0 M	\$5.4 M	\$36.5 M	\$35.5 M	\$2.6 M	\$32.3 M	\$30.4 M		\$192.8 M
Non-Roads (indexed)	\$128.5 M	\$3.3 M	\$31.7 M	no works in existing Plans			\$17.6 M	\$7.8 M	\$188.9 M
TOTAL (indexed)	\$178.4 M	\$8.8 M	\$68.1 M	\$35.5 M		\$32.3 M	\$48.1 M	\$7.8 M	\$381.7 M

DIFFERENCE IN COSTS BETWEEN DRAFT PLAN (with proposed Amendments) & EXISTING PLANS

Difference in Roads	\$13.2 M	\$0.0 M	-\$9.3 M	-\$8.8 M	-\$0.1 M	-\$1.9 M	-\$8.8 M	\$0.0 M	-\$15.8 M
Difference in Non-Roads	-\$15.5 M	\$0.0 M	-\$10.9 M	\$32.2 M	\$0.8 M	\$10.8 M	-\$4.5 M	-\$3.6 M	\$9.3 M
Total Difference	-\$2.3 M	-\$0.1 M	-\$20.1 M	\$23.3 M	\$3.4 M	\$8.8 M	-\$13.3 M	-\$3.6 M	-\$6.5 M

Existing Plan Totals **\$0.0 M**

New Non-Road Works **\$0.0 M**

Contribution Rates - The following table provides a basic summary of the total contribution per DU for the different areas within the Warnervale District under the proposed Draft Plan with the proposed amendments:

Table 23 – Summary of Total Contributions Rates with Recommended Amendments

Development Area	Total S94 DU Rate under Draft Plan (with Proposed Amendments)				
	Highest	Lowest	Mean (Average)	Median	BASIC RATE Open Space, Community Facilities, Roads, Studies, Administration. Shire Mar-14
	Mar-14	Mar-14	Mar-14	Mar-14	
WWAHT	\$32,407	\$21,474	\$26,850	\$26,113	\$21,474
7A Precinct	\$35,924	\$27,197	\$30,173	\$30,376	\$23,671
WTC	\$31,999	\$22,722	\$26,672	\$25,826	\$22,722
Balance of District	\$11,549	\$11,549	\$11,549	\$11,549	\$11,549

5.3

Exhibition of Draft Warnervale District Contributions Plan (contd)

The last column (Basic Rate) in this table above provides the most valid comparison between different areas, as the highest rates are substantially the result of drainage and water quality works being funded under the Plan. Developments that are subject to the lower rates will be required to provide such infrastructure as part of its normal development costs.

The following two tables provide the comparison between the basic rate of the Proposed Plan and the existing plans and exhibited Draft Plan.

Table 24 – Difference in Basic Rate between Existing Plans and Proposed Plan

Development Area	Existing Plans	Proposed Rates	Difference
	BASIC RATE		
	Open Space, Community Facilities, Roads, Studies, Administration, Shire Wide		
	Mar-14	Mar-14	
WWAHT	\$21,692	\$21,474	\$217
7A Precinct	n/a	\$23,671	
WTC (converted from NDA)	\$24,233	\$22,722	-\$1,510
Balance of District	n/a	\$11,549	

Table 25 – Difference in Basic Rate between Exhibited Draft Plan & Proposed Plan

Development Areas	Exhibited Draft Plan	Proposed Rates	Difference
	BASIC RATE		
	Open Space, Community Facilities, Roads, Studies & Administration & Shire wide		
	Feb-14	Mar-14	
WWAHT	\$23,240	\$21,474	-\$1,766
7A Precinct	\$24,916	\$23,671	-\$1,245
WTC (converted from NDA)	\$24,946	\$22,722	-\$2,224
Balance of District	\$11,478	\$11,549	\$72

The net change in the contribution rates as a result on the proposed amendments to the Draft Plan compared to the exhibited Draft Plan are illustrated in the following table:

Table 25 – Difference in Contribution Rates between Exhibited Draft Plan & Proposed Plan

Areas	Drainage Catchments	EXIHIBITED DRAFT WDC PLAN	With Proposed Amendments	Net Difference Mar-14
		Including Shire Wide	Including Shire Wide	
		Excluding Additions to Wadalba Corridor	Excluding Additions to Wadalba Corridor	
		Mar-14	Mar-14	
WWAHT	A	\$29,022	\$27,256	-\$1,767
	B1	\$26,166	\$24,400	-\$1,766
	B2	\$34,173	\$32,407	-\$1,766
	B3	\$27,921	\$26,155	-\$1,766
	B4	\$25,730	\$23,963	-\$1,766
	C1	\$27,822	\$26,038	-\$1,784
	C2	\$28,837	\$27,057	-\$1,780
	C3	\$33,019	\$31,253	-\$1,766
	D1	\$27,852	\$26,071	-\$1,781
	D2	\$27,852	\$26,071	-\$1,781
	D3	\$26,761	\$24,995	-\$1,766
	E	\$32,480	\$30,714	-\$1,766
	F1	\$31,462	\$29,682	-\$1,780
	G1	\$29,922	\$28,142	-\$1,781
SW	\$25,690	\$23,928	-\$1,762	
H1	\$23,240	\$21,474	-\$1,766	
Precinct 7A	H3,H4,H9,H10,i1,i2&i3	\$28,115	\$27,197	-\$918
	H2	\$28,963	\$27,874	-\$1,089
	H5	\$33,449	\$30,560	-\$2,889
	H6	\$31,817	\$30,376	-\$1,441
	H7	\$36,238	\$35,924	-\$314
	H8	\$30,340	\$28,658	-\$1,682
	J1	\$30,829	\$30,625	-\$204
Warnervale Town Centre	WTC 1	\$34,837	\$31,713	-\$3,124
	WTC 2	\$29,453	\$26,794	-\$2,658
	WTC 3	\$34,940	\$31,999	-\$2,941
	WTC 4	\$27,404	\$24,927	-\$2,477
	WTC 5	\$28,327	\$25,826	-\$2,501
	WTC 6	\$24,946	\$22,722	-\$2,224
	WTC 7	\$24,946	\$22,722	-\$2,224
Remainder of Warnervale District		\$11,478	\$11,549	\$72

Shading highlighting rates over \$30,000

OPTIONS

The cost base and apportionment regime that underpins the Draft WDC Plan has been devised as best as practical to meet the demands for infrastructure that is consistent with the principles of equitable and nexus as required by Department of Planning guidelines and which are applied by the Land & Environment Court in S94 appeals.

As a result of the submissions and further consideration of issues, it is considered that the efficacy of the Plan can be improved with a number of changes, which are outlined in the attached spreadsheet.

The Committee has the option of either accepting the recommendations or amending them.

STRATEGIC LINKS

The Draft WDC Plan will contribute to objective no. 3 and no. 6 under the Community Strategic Plan i.e.

“Communities will have access to a diverse range of affordable and coordinated facilities, programs and services”.

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

Long term Financial Strategy

The Draft WDC Plan provides a sound basis for long term financial planning for the provision of infrastructure and facilities in the Warnervale District. The majority of the costs for works are already in Council Long Term Financial Strategy.

Asset Management Strategy

The Draft WDC Plan provides an important funding source for the capital cost of infrastructure and facilities associated with the demands generated by the projected development in the Warnervale District.

Budget Impact

The report to Council’s Ordinary Meeting of the 12 November 2014 regarding the exhibition of the Draft Plan indicated that the projected unfunded liability under the plan was approximately \$39.2M.

The projected unfunded liability will fall to \$31.5M where the proposed changes outlined in this report are made, which includes the:

- Reduction in the cost of the Link Road being funded under the Plan
- Removal of some open space and community facilities land costs
- Reduction in the cost of the proposed indoor recreation centre.
- Increase in the assumed densities.

CONCLUSION

The Draft Plan has been exhibited for public comment in accordance with the requirements of the Environmental Planning & Assessment Act. A number of submissions were made, which have been thoroughly assessed and which have prompted numerous changes.

Some costs have been reduced or removed and the assumed densities have been increased.

A number of consequential amendments are required to the LEP and DCP, which it is recommended be commenced.

The Draft Plan with proposed amendments is suitable for adoption.

ATTACHMENTS

- 1 Assessment of submissions to exhibition D11861682

ATTACHMENT - EVALUATION OF SUBMISSIONS TO THE DRAFT WARNERVALE DISTRICT CONTRIBUTIONS PLAN 2014.

For submission to the Employment and Economic Development Committee Meeting of 4 March, 2015

TRIM No. D11848169

ref	DETAILS	COMMENT	ACTION / RECOMMENDATION
Submission 1 -Yeramba Estate Pty Ltd (D11800074)			
		Currently pursuing a development consent for the development of 97 Lots in DA/664/2014	
1	Discrepancy in the Total table in Section 6.1.1 for Open Space Land	A number of tables were not updated to reflect the final costs. This is a presentation issue and does not affect calculations	Insert correct final tables.
2	Cost of Hilltop Park should be based on Historic Costs as per the Allsands Pty Limited v Shoalhaven City Council	See Issue 2 in main body of Report	As per recommendation in Report
3	There is insufficient information in the Draft Plan regarding the 2011 review of land values .	Land values in the plan are based on indexed purchase prices of land already acquired or valuation information provided by professional valuers. Council is in a position to justify the values given and submitters have had the opportunity to raise concerns about individual valuations during the exhibition process. It is not considered appropriate or necessary to make public all valuations.	No Action
4	No details for the location of the District Playing Fields has been provided and thus the should not be in the plan.	See Issue 3 in main body of Report	As per recommendation in Report
5	No details for the location of the additional District Community Facility (CF5) has been provided and thus it should be removed from the plan.	See Issue 3 in main body of Report. The submission has identified that the land cost has not been included in the calculation and this is clearly an error.	Correct calculation error by including the \$163,189 apportioned cost of the land for the additional Community Facility for Precinct 7A.
6	The \$2.06M cost of land for the Indoor Recreation Centre within the Education Site should be based on "historic costs" as per the Allsands Decision.	See Issue 2 in main body of Report	No Action
7	The cost of the Indoor Recreation Centre will benefit residents to the north of the Shire in Lake Macquarie Council area such as the residents of the suburbs of Wyee and Morisset. Thus Council should approach Lake Macquarie City Council seeking contributions for those areas.	See Issue 4 in main body of Report	As per recommendation in Report
8	R01 - Railway(Link Rd) - The \$45 M estimated cost for R01 - Railway(Link Rd) under the plan should be discounted by: \$15.75 M for a possible RMS contribution, \$5.5M for 2009 Federal Govt Grant, \$2.0 M for Water Fund Contribution to 2010 overrun.	See Issue 1 in main body of Report	As per recommendation in Report
9	RP7-02 Virginia Rd - An allowance should be made for widening Virginia Rd	A contingent of \$2.3M has been made for the upgrading of Virginia Road north of Warnervale Road to a 10.4m wide carriageway. No provision has been made for Virginia Road south of Warnervale Road, which is effectively a local service road. This section will be reconstructed directly by the adjoining developments.	No Action
10	RP7-03 Warnervale Road - Cost should be apportioned over the Education Site	This was the intention in the plan, but the apportionment appears to have been omitted.	Extend the apportionment of the cost of the Warnervale Road upgrading to the Education Site.
11	RP7-04 Albert Warner Dr - considers that the recognition of half road cost for this section of road fronting open space is inconsistent with the general removal of half road cost for other roads fronting open space.	This understanding of half road costs fronting open space is not quite correct. Certainly where parks are proposed in the middle of a release area the developer is responsible for building the entire road. However, there are a number of instances where the plan contains a provision for the construction of half road costs where parks front main roads or where there is no adjoining developer. Given that Albert Warner Dr is a collector road it is reasonable that this work remain in the plan.	No Action
12	RP7-05 Cycleways - Concern is expressed that it is unclear as to whether the contributions for cycleways is already being collected under the Shire Wide Contributions Plan	A network of cycleways has been identified for Precinct 7A that will benefit the future residents of this area. Cycleways in developed adjoining suburbs have made similar contributions towards cycleways in those areas that will develop the local cycleway network. The contributions towards cycleways under the Shire-wide contributions plans is for the development of regional cycleways. The Shire Wide Contributions Plan makes this quite clear "Cycleway construction identified within the Shirewide Contributions Plan is in addition to those cycleways identified within open space works or roads schemes in other district contribution plans and therefore are payable in addition to these other schemes".	No Action
13	IP7-1 Southern leg of the WTC entry road intersection - Submitter considers that the RMS should be responsible for 70% of the cost of this intersection based on the similar rationale to that of the Link Road/Sparks Road intersection	No contributions were received from the RMS in respect of the Link Road/Sparks Road intersection, so there is no reason to believe that the RMS will voluntarily commit to part funding of this intersection. The standard approach of the RMS to date has been that the upgrade is required as a result of the proposed development in Precinct 7A.	No Action
14	Porters Creek Protection - The submission indicates support for a more practical approach to the protection of the Porters Creek Wetland	Noted	No Action

15	Water Quality works - Concerned about the apparent inconsistency of requiring water quality to be addressed on-site and the requirement to also pay contributions towards water quality facilities. The submission concludes that more information is required on the costings.	The Integrated Water Cycle Management Strategy is based on the management of all parts of the water stream and includes the requirement to address water quality on-site and off-site. The design and cost of the water quality facilities is supported by a number Engineering Consultant Reports. The reference to the various reports that provides costings is given in Section 7. Council staff can assist in respect of the source of any individual costings.	No Action
16	Wetland Restoration - The submission raises concerns that there is very little information regarding the proposed wetland restoration works.	The submission in this regard is largely correct and while a breakdown of costs has been prepared it has not been included in the Draft Plan.	Insert more detail regarding the scope of works.
17	Works-in-kind Credits - Concerned about the retention of the provision that limit the refund of surplus credits. The submission suggests that rules around refunds of surplus credits should be more flexible.	The existing provisions limit the payout in cash of outstanding credits until the following criteria have been met: 1) All of the developer's land within the area serviced by the subject land has been developed and all relevant contributions have been offset against the credit value. 2) 80% of the areas benefiting from the credited land have contributed to the scheme. 3) if sufficient uncommitted funds exist in the fund. Response: While there have been developers that have been left with substantial surplus credits, this is quite a rarity, as most credits can be offset against contributions. The provision provide reasonable balance between recognising credits and protection Council cash flow to fund priority works. There is nothing to prevent a developer from approaching Council and altering the arrangements via a VPA, which Council can agree to if the circumstances warrant.	No Action
18	Works-in-kind Credits - Suggests that Council can fund such refunds through inter-plan borrowings or loan borrowings.	The use of loan borrowings would mean that a contingency for interest costs would have to be included in the plan, which will result in higher contribution rates.	No Action
Submission 2 - Lateral Thinking Group Pty Ltd (D11805669)		Development Interest in the Warnervale Town Centre	
19	R01-Railway Rd (Link Rd) - Considers that Precinct 8B1 & 8C (South & East Wadalba) and the North Wyong Industrial Estate should share the cost of this road.	It is considered that nexus between the Link Road and future development in Precinct 8B1 & 8C is weak and in any regard there is some doubt about the timing for the development of this area. The development of this area will likely involve significant costs in providing a collector road network that is not required to the same extent as the balance of the Warnervale District. The nexus between the Link road and the North Wyong Industrial Area is also weak and a significant proportion of that estate has already been developed, which means if it is included now it will significantly increase Council's unfunded liability for the work.	No Action
20	R01-Railway Rd (Link Rd) - Considers that an RMS contribution should be recognised in respect of the Link Road. Considers that the \$5.5 M Federal Government Grant and the \$2 water fund contribution should be recognised and that the cost of the Link Road under the Draft Plan should be discounted by these amounts.	See Issue 1 in main body of Report	As per recommendation in Report
21	R03 District Entry Rd from Sparks Road - Questions whether this is a duplication of the R57 WTC Cycleways and Bus Shelters.	R03 District Entry Road item is for a \$60,000 cycleway within the Entry Rd Reserve, which has been costed separately to the cycleway network for the balance of the WTC.	No Action
22	Apportionment of Road Works - Some works that are apportioned directly to the WTC, were previously apportioned over a wider area. The submission is that the funds collected in these other areas for the works that are now apportioned 100% to the WTC should be recognised.	This submission fails to recognise that there are many works that are no longer apportioned to the WTC. Overall the cost of road works apportioned to the WTC has reduced under the exhibited Draft Plan by \$9.3M.	No Action
23	Cost of Hilltop Park should be based on historic costs as per the "Allsands Decision".	See Issue 2 in main body of Report	As per recommendation in Report
24	Considers that the proposed District Playing Field facility should be removed on the basis that the location and timing for the provision of the facility is unknown.	See Issue 3 in main body of Report	As per recommendation in Report
25	Considers that the Indoor Recreation Facility will have a benefit beyond the Warnervale District and North Wyong Area and should be included in the Shire Wide Plan.	See Issue 4 in main body of Report	As per recommendation in Report
26	Considers that the cost of the land for the Indoor Recreation Facility should be based on Historic Costs	Location of Indoor Recreation Facility not yet identified. The map on page 141 of the Draft Plan incorrectly shows it on the Education Site. Although this is a possible site no firm decision has been made about the location.	Remove CF7 from the Community Facilities Map in Section 6.1. Priorities investigations into appropriate location for facility.
27	The location of the additional District Community Facilities is not known so should be removed.	See Issue 3 in main body of Report	As per recommendation in Report
28	Drainage & Water Quality Tables - Notes an apparent inconsistency in the cost of works in Tables 43 & 46 for the same catchment.	These tables have been checked and are correct. This is demonstrated by the identical totals. Table 43 is for non-residential development, whereas Table 46 is a subset of Table 43 and the Non-residential development based on NDA is recognised in the bottom row.	Clarify that Tables 43-45 reflect the NDA rate for non-residential uses.
29	Inconsistent approach to the value of drainage land , with the riparian corridor in drainage catchment WTC5 being required to be dedicated free of charge compared to Water Quality land SE2 and SW1.	As a principal, drainage land is required to be dedicated free of cost under the Draft Plan. The drainage and water quality scheme that applies to the WTC is fundamentally different to the existing WTC Plan, which included all the drainage and water quality costs and apportioned the total costs over the whole WTC. The Drainage & Water Quality Scheme divides the WTC into individual drainage catchments, which is more equitable, as although no credit is given for drainage land in WTC5, development in this catchment will not pay towards water quality facilities SE2 or SW1, which are located in other catchments. These two water quality facilities have been retained as consents have been issued for developments that these facilities service and there is an expectation by those developers for a credit.	No Action
30		The Drainage corridor within drainage catchment WTC5 traverses all the properties in this catchment and the amount of land required for each property is very similar, and doesn't warrant inclusion in the Plans as monetary scheme to provide minor adjustments between landholdings for "valueless" land.	

31	Omissions in text - The section on drainage cost apportion to the WTC is not complete.	The summary of the drainage and water quality costs apportioned to the Warnervale Town Centre on page 93 of the Draft Plan is missing two items: 1) the apportioned cost towards the Central Storage Facility and 2) the apportioned cost of the Warnervale Road culverts attributable to Drainage Catchments WTC1 & WTC2. These costs are recognised in the Works Schedules in Section 6 and are based on an appropriate apportionment methodology.	Correct the summary in the text relating to the additional drainage items that have been omitted.
32	Capping -There is a ministerial direction that caps the contribution rate for development in the WTC at \$30,000.	While this is the case, advice has been obtained that this is rendered inoperative by the existing exemption that applies to the whole of the Warnervale District as identified in the 2005 Plan. This issue is dealt with succinctly in Section 1.12.	No Action
Submission 3 - Moteath & Powys (D11805759)		Does not purport to represent any particular developer or development.	
33	Summary of District Population in Table 21 missing the row for North Wyong Shire Release Area	The submission acknowledges this is just a presentation error and does not affect any calculations.	"Unhide" hidden row in Table 21
34	Incorrect Population figure is contained in Table 27 for Potential future release area in Greater Warnervale District for the apportionment of cost for the District Playing Fields	The projected population is shown as 7,800 when it should be 7,200 consistent with the Population Projections in Table 21.	Insert correct population forecast in Table 27.
35	The rationale for charging open space and community facility contributions for the balance of the District at the same rate as for Precinct 7A is unclear.	These contributions are to ensure that any residential development in the balance of the areas makes the same contribution towards District facilities and a contingency towards local open space. Most of the balance of the District is unzoned for the residential purposes and the only development that this contribution will apply to are likely to be dual occupancies and any Part 3A developments. This approach is considered reasonable and can be reviewed where parts of the area that it applies to are rezoned for residential purposes.	No Action
36	There is a lack of explanation in how the total projected DVTs for the Employment Corridor have been calculated.	The apportionment of costs for roads is based on a modelling tool which is quite complex. It is difficult to provide the full gamut of information associated with the road costs and modelling within the Draft Plan. The number of DVT's generated in the Employment Corridor is based on standard employee trips that occur at peak hours and which the most direct impact on the traffic network.	No Action
Submission 4 - Owner of 33-47 Railway Road, Warnervale (D11805639)			
37	Objects to there being no credit for the drainage land that traverses this property as the land benefits land holdings upstream.	See Issue 5 in main body of Report	As per recommendation in Report
Submission 5 - Bitova (D11807468)		Owner of a significant land holding in Precinct 7A south of Warnervale Road - also referred to as the Hannan land holdings - that is estimated to accommodate 1,800 people when fully developed.	
38	Requests that Council provide details of the land valuations that support the values contained in the S94 Plan	Land values in the plan are based on indexed purchase prices of land already acquired or valuation information provided by professional valuers. Council is in a position to justify the values given and submitters have had the opportunity to raise concerns about individual valuations during the exhibition process. It is not considered appropriate or necessary to make public all valuations.	No Action
39	Seeking confirmation that dedication at "no cost" to Council refers to the legal cost involved in transfer and not to the cost of land	Confirm that in this context "no cost" refers to the administrative and legal cost of transferring land. In most cases identified open space can be dedicated as part of the subdivision plan at minimal cost, especially local parks.	Confirm as requested
40	Open Space Land Values - The value for the land identified as Open Space P7-OS 1 & P7-OS 2 does not reflect the existing value of the land.	See Issue 9 in main body of Report	As per recommendation in Report
41	Indexing of Acquired Land - Questions why land that has already been acquired is being indexed. Is of the view that land that has already been acquired should be valued at the commencement of the plan and then remain fixed in perpetuity.	Clause 25I (Environmental Planning & Assessment Regulations 2000) - " Indexation of monetary section 94 contributions - recoupment of costs " provides: "For the purpose of section 94(3) of the Act, the cost of providing public amenities or public services is to be indexed quarterly or annually (as specified in the relevant contributions Plan) in accordance with the movements in the Consumer Price Index (All Groups) for Sydney issued by the Australian Statistician."	No Action
42	Development Unit Density - Consider that the assumption on the number of dwelling units per ha is too low.	See Issue 7 in main body of Report	As per recommendation in Report
		See Issue 8 in main body of Report. It is considered that the adoption of the 3 bedroom dwelling rate for lots below 340m2 will recognise the limitations of site a 4 bedroom dwelling on small lots.	As per recommendation in Report
		The apportionment of costs for Precinct 7A inadvertently included the existing development which if left unchanged would have created an unfunded liability for Council.	Recommend that the apportionment error be corrected such that the projected Development Units for existing development in Precinct 7A are excluded for the purpose of apportioning costs.
		The Draft Plan assumes that the ratio of Gross Developable area to the Net Developable area for Precinct 7A is 1: 0.7. While this ratio is used by the Department of Planning in the North Wyong Structure Plan it is considered that the traditional ratio of 1: 0.75 is more realistic having regard to the higher level of planning.	Recommend that the GDA:NDA ratio for Precinct 7A be assumed at 1.0:0.75.
43	The location of Hill Top Park is unknown at this time and should be removed from the Plan	The location of Hill Top Park is provided in Figure 10 as DP1. The land cost is proposed to be removed as outlined in Issue 2, the embellishment cost is proposed to stay.	No Action
44	The location of District Sporting Fields is unknown at this time and should be removed from the Plan	See Issue 3 in main body of Report	As per recommendation in Report
45	The indoor recreation centre should be attributed across all development in the northern part of the Shire.	See Issue 4 in main body of Report	As per recommendation in Report
46	The Additional Community Facilities (CF6) should be removed until such time as the exact location and timing can be confirmed.	See Issue 3 in main body of Report	As per recommendation in Report

47	Questions whether the cycleway network costs are a duplication of the cycleway costs under the Shire Wide Contributions Plan	Addressed at reference 12.	No Action
48	The S94 plan makes no allowance for the half cost of roads that front open space . The plan claims half the cost of road construction to local open space is offset by increased amenity that the open space offers prospective development, i.e. a higher selling price for these lots. If WSC wishes to rely on this claim, it should provide evidence of this occurring and the increase land sales Vs the land & construction component (estimated at \$7.5k per lot with a 15m frontage) when this offers a benefit to the broader community.	The removal of half road costs adjoining open space is an approach that has been adopted in order to reduce the cost of contributions and to recognise that there is a stronger nexus for such works to the adjoining development compared to more distant development.	No Action
49	Warnervale Road Culverts - Seeks confirmation that the costs of culverts required in the Warnervale Rd are included in the Plan	There are two culverts proposed as part of the Precinct 7A Warnervale Road upgrading, which are both included in the cost estimate for the road. A cost estimate of \$482,500 has been made for the western culvert (Box A) and \$379,100 for the eastern culvert (Box 1). These cost estimates have been sourced from the Porters Ck Floodplain Risk Management Study (D04100294).	No Action
50	Virginia Rd upgrade does not appear to be addressed in the Plan.	Comments as per Ref 9.	No Action
51	No allowance has been made for the wider roads that are required for bus routes through estates .	No allowance has been made for the slightly wider road pavement required for the bus route through proposed estate on the Bitova land, as it will effectively services that estate. There is no nexus between this work and development in the balance of Precinct 7A.	No Action
52	No allowance has been made for internal intersections within estates.	No allowance has been made for the cost of internal intersections in the proposed estate on the Bitova land, as these will effectively services that estate. There is no nexus between this work and development in the balance of Precinct 7A.	No Action
53	The cost of the Link Road should be removed from the Plan as it benefits the broader community and should not be funded by new development in the area.	See Issue 1 in main body of Report	As per recommendation in Report
54	The cost of Warnervale Road (RP7-03) should be apportioned across the Education site as well as Precinct 7A.	As per figure 12, this work was meant to be apportioned across the Education Site as well as Precinct 7A.	Extend the apportion the cost of Warnervale Road upgrade (RP7-03) to the Education site.
55	Road RP07-04 (i.e. Albert Warner Drive) should be treated like all other roads adopted in the plan and the half road cost removed from the plan that fronts open space.	Albert Warner Drive is a collector road within the road network for which the apportionment of the costs to upgrading those parts with no adjoining development is reasonable. There is a clear nexus between these works and all development within Precinct 7A.	No Action
56	Questions whether the \$1.4 M Sparks road railway crossing is part of a \$17M funding package from the State Government towards a crossing at Warnervale Town Centre.	The \$1.4M Sparks Road Railway crossing is not currently being funded under any State Government Funding Package.	No Action
57	Request that a breakdown in the Floodplain restoration works be provided and confirmation that there is no allowance for maintenance.	The submission in this regard is largely correct and while a breakdown of costs has been prepared it has not been included in the Draft Plan.	Insert more detail regarding the scope of works.
58	Apportionment of Flood Plain - Bitova seems to be the most unfairly treated by this contribution noting that it was the actions of WSC that created the floodplain initially when it failed to consider stormwater runoff/retention from up-stream development it approved (the consequence of which rendered much of the Bitova land undevelopable due to flooding)- and now Bitova is being asked to contribute to floodplain works?	The development of the Bitova Land will have a cumulative impact on flooding and should contribute to the purchase of the floodplain. The cost is relatively modest because of the low value of floodplain land.	No Action
59	A \$347 charge per lot for the central storage system in addition to the base S94 contribution, in circumstances outlined above, is an unconscionable charge given that poor prior planning by WSC has impacted the value and usability of Bitova's total land holdings	As above.	As above
60	Recoupment of Cost of Rezoning - Bitova expects a full credit for the \$800,000 that it spent to rezoned Precinct 7A for residential development.	See Issue 6 in main body of Report	As per recommendation in Report
61	Recognition of Credits for previous works - Bitova requests that \$695,953 spent on walking/cycleway tracks, cricket nets, sports field, footpaths and wetland maintenance be included in the plan and given as a credit.	See Issue 10 in main body of Report	As per recommendation in Report
Submission 6 - TPG Town Planning & Urban Design (D11807468)		Submission being made on behalf of Fabcot Pty Ltd which is wholly owned subsidiary of Woolworths Limited.	
62	Raises the same concerns as the submission submitted to the exhibition of the Draft Warnervale Town Centre Contributions Plan 2012, concerning costings and apportionment of road works, reducing the projected GFA for non-residential, inconsistency with DCP yields, apportionment of open space costs for commercial development	The concerns raised as part of this previous submission were addressed prior to the adoption of the Draft WTC Contributions Plan 2012. Given that there are significant changes to costs and apportionments in the Draft Plan relative to the adopted WTC CP, it difficult to definitively address this issue. The submitter would be presumably be receptive to some of the proposed changes including: the removal of open space and community facility contributions for non-residential developments and the rationalisation of the road works and the significant reduction in the cost attributable to the WTC.	No Action
63	The decision to convert the method for the collection of contributions from DU (development unit) to NDA (net developable area) for land in Wadalba and Warnervale Town Centre currently zoned business and permit non residential development other than industrial activities does not seem to be clearly articulated or justified in the exhibited documentation and needs explanation;	This comment would appear to be a misinterpretation of the Draft Plan. There is no change to the way contributions are collected for non-residential developments in the Warnervale Town Centre, which will continue to be by NDA. The collection method of contributions for residential developments in the Wadalba Area has changed for some contributions from NDA to DUs, not the other way around. No NDA contribution will apply to a non-residential development on developed land in the Wadalba area.	That a further column be inserted into Table 5 for the WWAHT that indicates no NDA contributions are required, to ensure that the contributions in the Balance of the District are not interpreted as also including the WWAHT.

64	The assumption that land controlled by Woolworths within the Wadalba Village which was zoned earlier this year to permit non-residential development in the form of a retail development, but which is now somehow also suitable to permit residential development on the same site is flawed. This is further evidenced by the site specific DCP provisions adopted by Council for the site;	The Draft Plan does acknowledge the change of zoning of the Woolworths Land in Wadalba from residential and non-residential in terms of the NDA.	No Action
65	DU has been described as both " <i>development unit</i> " and "dwelling unit" in reports to Council and in the Draft Plan. Therefore the report considered by the full Council was ambiguous in its purpose and in particular conveying the main nature of the change between the existing contributions plans and the draft contributions plan being its methodology for a calculation;	The term "Dwelling Unit" has inadvertently been used in a number of places in place of "Development Unit". They are the same measure and are interchangeable.	Amend the Draft Plan where the term "dwelling unit" as been used and replace it with "Development Unit", in particular change the definition of "Dwelling Unit" to "Development Unit".
Submission 7 - Hynken Pty Ltd (D11815258)		Owner of a development site on the corner of Louisiana Rd & Warnervale Road with existing consents DA/422/1998 & DA/771/2007	
66	Insufficient time to enable effective response	The Draft Plan has been placed on public exhibition in accordance with the minimum time prescribed under the Act. While a longer exhibition period would have been desirable, there is some urgency in finalising the plan due to pending developments.	No Action
67	Questions how land that once had a substantial value can be reduced to just of fraction just a fraction of its original value	This comment relates to the previous "super-indexed" land values for the drainage reserve on the development site that was being recognised under the 2005 Contributions Plan. The values included \$2.2M per ha for Open Space land and \$0.45M per ha for drainage land. The recognition of these values would have created significant unfunded liabilities in the Plan. The reduction of the land values occurred with the adoption of the WWAHT Plan in 2013, which have been retained in the Draft Plan.	No Action
Other issues			
68	The dated references in Table 22 - Community Infrastructure	The Social Planner has suggested that a number of references in this table are no longer applicable.	Remove Youth Precinct (district) Arts and Cultural centre (district), children's and family centre (district). Table should reflect information previously given.
69	Need to expand the text in relation to the co-location of facilities	The Social Planner has suggested that the following text will better explain the rationale for the co-location of facilities: <i>"Co-located facilities create a focal point for community activity. Co-located or clustered facilities in highly visible and/or central locations is to enhance convenient access, safety and connectivity with complimentary land uses and public transport."</i>	Expand the text in relation to the co-location of facilities as suggested
70	The term "community hub" has not been replaced with "Smart Hub" in a number of places		Replace the term 'community hub' with "Smart Hub" where necessary.
71	Council now has up-to-date information regarding the drainage areas of dF2a, dF2b and dF3 as the result of the pre lodgement subdivision certificate plan.		Update the area information regarding dF2a, dF2b and dF3
72	The Drainage Land Tables for H7 (page 160) requires the dedication free of cost the floodprone land within Lots 136-138 DP 24673 designated as dH7-4, dH7-5 & dH7-6. It is within this area that water quality facilities are proposed to be located.	The drainage land areas have been included as part of the Open Space in Figure 10 and been omitted from Figure 15.	Remove the areas dH-4, dH-5 & dH-6 areas in Figure 10 and include them in Figure 15.
74	A number of parcels of land are shown on the acquisition layer of the LEP that creates an obligation on Council to purchase them. Some of these are no longer required and/or are not proposed to be funded under the Draft Plan.	See Issue 11	Commence the preparation of planning proposal to remove land from the Acquisition Layer that is no longer required.
75	There are a number of consequential amendments to the DCP that flow from the Draft Plan. A	See Issue 11	Commence the preparation of consequential amendments flowing from the adoption of the Draft Plan
76	The land cost and embellishment cost for P7-OS 7 that relates to the Open Space zoning on Part Lot 1 DP 124109 has been mistakenly omitted from the Plan.	This area is 0.5 ha in size and was initially removed because a water quality treatment facility was proposed on part of the site. However, it is zoned for Open Space and Recreational Planning has advised that the area is required for a local park. The total additional value is 0.54M.	Reinstate the land value and the estimated embellishment costs in the adopted Plan.
77	There is the opportunity improve Figure 15 by including water quality land.		Figure 15 "Drainage Land - Precinct 7A & WTC" be retitled - "Drainage and Water Quality Land- Precinct 7A & WTC" and the water quality works SW1 & SE2 that are illustrated in Figure 19 be shown.

5.4 Election 2016

TRIM REFERENCE: F2014/00009 - D11882738

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

This report confirms Council's intention that the 2016 Local Government Election for Wyong Shire will be administered by the General Manager.

RECOMMENDATION

That Council confirm that the 2016 Local Government Election for Wyong Shire will be administered by the General Manager and conducted, under contract, by the Australian Election Company.

BACKGROUND

Section 296AA(1) of the *Local Government Act 1993* requires that Council must either resolve to enter into an arrangement with the NSW Electoral Commissioner or that the elections of the Council are to be administered by the General Manager of the Council, and that where the General Manager is to administer the election the Council must also resolve which election service provider will conduct the election for the General Manager. A copy of those resolutions is required to be published on Council's website.

CURRENT STATUS

At its meeting held on 11 February Council resolved to accept the tender from Australian Election Company (AustECo.) for contract CPA/243076 – Provision of Local Government Election Services for Wyong Shire for the period 1 July 2016 to 30 June 2019 with a provision for a two year extension to 30 June 2021 subject to satisfactory performance. The proposed resolution merely puts the Council's earlier resolution in a form that patently complies with s. 296AA of the *Local Government Act 1993*.

THE PROPOSAL

It is proposed that Council formally resolve that the elections of Wyong Shire Council for 2016 are to be administered by the General Manager of the Council and confirm that the election service will be provided, under contract, by the Australian Election Company.

This resolution is proposed to further meet the requirements of Section 296AA (1)(b) and (2)(c) of Local Government Act.

Section 296AA (3) requires that the General Manager of the Council must publish a copy of the resolution to either enter into an arrangement with the Electoral Commissioner or have its General Manager administer the election on the Council's website. The resolution of the Council will be published as a part of the minutes of the meeting and separately on the Council website.

OPTIONS

Nil

STRATEGIC LINKS

Budget Impact

Nil

CONSULTATION

No consultation is required for this matter.

GOVERNANCE AND POLICY IMPLICATIONS

Section 296AA (4) further requires that if a Council does not comply with the provisions then it must place a notice on its website to that effect.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

In February 2015 Council resolved to accept the tender from the Australian Election Company to provide election services for the 2016 local government election for Wyong Shire and therefore it will not be entering into an arrangement with the Electoral Commissioner. By default it therefore has determined that the General Manager of Wyong Council will be the administrator for the election.

ATTACHMENTS

Nil.

6.1 Investment Report for February 2015

TRIM REFERENCE: F2004/06604 - D11873063

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 28 February 2015.

RECOMMENDATION

That Council receive the report on Investment Report for February 2015.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows in February were managed through term deposit maturities, with a net inflow of \$7,188k due to receipt of quarterly rates instalments.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
WSCU	12	3.40%	Jan 2015	(\$1,000)
ME Bank	12	3.80%	Feb 2015	(\$5,000)
Bendigo Bank	11.5	3.60%	Feb 2015	(\$5,000)
WSCU	12	3.30%	Jan 2016	\$1,000
CBA	8	3.25%	Oct 2015	\$5,000
CBA	8.5	3.23%	Oct 2015	\$5,000
CBA	10	3.11%	Dec 2015	\$5,000
NAB	10.5	3.14%	Jan 2016	\$5,000
Total Term Deposit Movement				\$10,000

Movement in cash at call				
AMP		2.80%		-
Westpac		2.35%		(\$2,840)
CBA				-
Interest earned on all call accounts				\$28
Total Cash at Call Movement				(\$2,812)
Total Cash & Term Deposit Movement				\$7,188

Total Portfolio

Total net return for February 2015 was \$421k in interest earnings.

Table 2 - Net Return

	Full Year 2013-14 \$'000	Q1 2014-15 \$'000	Q2 2014-15 \$'000	Jan 2015 \$'000	Feb 2015 \$'000	YTD 2014-15 \$'000
Net Capital Gain/(Loss) Realised	(197)	-	-	-	-	-
Income Distribution on Managed Funds	321	-	-	-	-	-
Net Earnings From Managed Funds *	124	-	-	-	-	-
Interest Earnings on Call Deposits Received	402	113	110	29	28	280
Interest Earnings on Term Deposits received at Maturity	5,999	1,311	1,364	441	393	3,509
Total Interest Earnings	6,401	1,424	1,474	470	421	3,789
Total return for the period	6,525	1,424	1,474	470	421	3,789

* Until October 2013, Council's portfolio included investments in managed funds (Blackrock Care and Maintenance Fund) held under the "grandfather" provisions of the current Ministers Order.

Financial Year to Date (YTD) returns to February of 3.83% is favourable compared to benchmark bank bill swap (BBSW) *financial year to-date* Bank Bill Index of 2.90% and Council guidelines of BBSW + 10 basis points.

Table 3 - Investment Returns

Investment Class	Feb 2015 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	13,355	280	2.54
Term Deposits	137,043	3,509	4.00
Total Investments	150,398	3,789	3.83

6.1 Investment Report for February 2015 (contd)

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Maturity on or before	Value \$ '000
At Call	Immediate	13,355
Term Deposits		
0 - 3 months	May 2015	34,043
4 - 6 months	Aug 2015	27,000
7 - 12 months	Feb 2016	51,000
1 - 2 years	Feb 2017	11,000
2 - 3 years	Feb 2018	9,000
3 - 4 years	Feb 2019	5,000
Total Term Deposits		137,043
Total Portfolio		150,398

The target maximum allocation limit in each investment risk category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 and was moving more into A2 but there has been a recent shift into A1 based on best rates offered. Weightings for all categories remain within policy guidelines.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Feb 2015
A1	10.0%	58.05%
A2	75.0%	38.52%
A3	10.0%	2.75%
Unrated	15.0%	0.68%
TOTAL		100.00%

The Investment Guidelines allow the General Manager to approve a variation to the investment Strategy if the investment is to the Council's advantage. The General Manager has approved the variations listed in Table 6 as they presented the best investment return relative to risk at the time of investment.

Table 6 – Variations to the Investment Guidelines approved by General Manager

Date of Approval	Institution	Value	Return	Maturity	Counter party risk %		
					At Approval	Guide lines	At Current Month End
25/2/15	NAB	\$5m	3.14%	10/1/16	20.13%	20%	20.63%

The Counter party risk percentages fluctuate subject to changes to the value of the portfolio and maturities with investments.

Table 7 - Portfolio Movements

The Increase in the value of the portfolio for February 2015 was \$7,188k and year to-date was \$5,004k. Movements are shown in Table 7.

	Full Year 2013-14 \$'000	Q1 2014-15 \$'000	Q2 2014-15 \$'000	January 2015 \$'000	February 2015 \$'000	YTD 2014-15 \$'000
Movement in Assets						
Opening Balance	154,992	145,394	154,597	151,456	143,210	145,394
Net movement in Managed fund to Liquidation in Oct'13	(4,688)	-	-	-	-	-
Net Cash/Investments (Withdrawals)	(4,910)	9,203	(3,141)	(8,246)	7,188	5,004
Closing Balance	145,394	154,597	151,456	143,210	150,398	150,398

Portfolio Interest and Investment Returns compared to budget

Year to date returns as at 28 February 2015 on Council's investment portfolio of deposit accounts and term deposits, show a \$175k or 4.41% unfavourable variance when compared to the revised budget for the year to February 2015.

Table 8 - Annual Investment Portfolio Performance as at 28 February 2015

Investment Source	YTD Actual Interest Income \$ '000	YTD Revised Budget \$ '000	YTD Variance to Budget \$ '000
	A	B	C=A-B
General	2,330	2,250	80
Water	427	581	(154)
Sewerage	1,033	1,134	(101)
Total	3,790	3,965	(175)

Interest rates in the month, ranged from 3.11% to 5.20% (with the exception of deposit with ANZ at 3.30% and Heritage Bank at 7.25%), all of which exceeded the annualised *monthly* Bank Bill Swap Rate (BBSW) benchmark of 2.38%. Interest returns are expected to fall further with the Reserve Bank reducing the cash rate to 2.25% in early Feb 2015.

Comparison to Neighbouring Councils

Portfolio Valuation

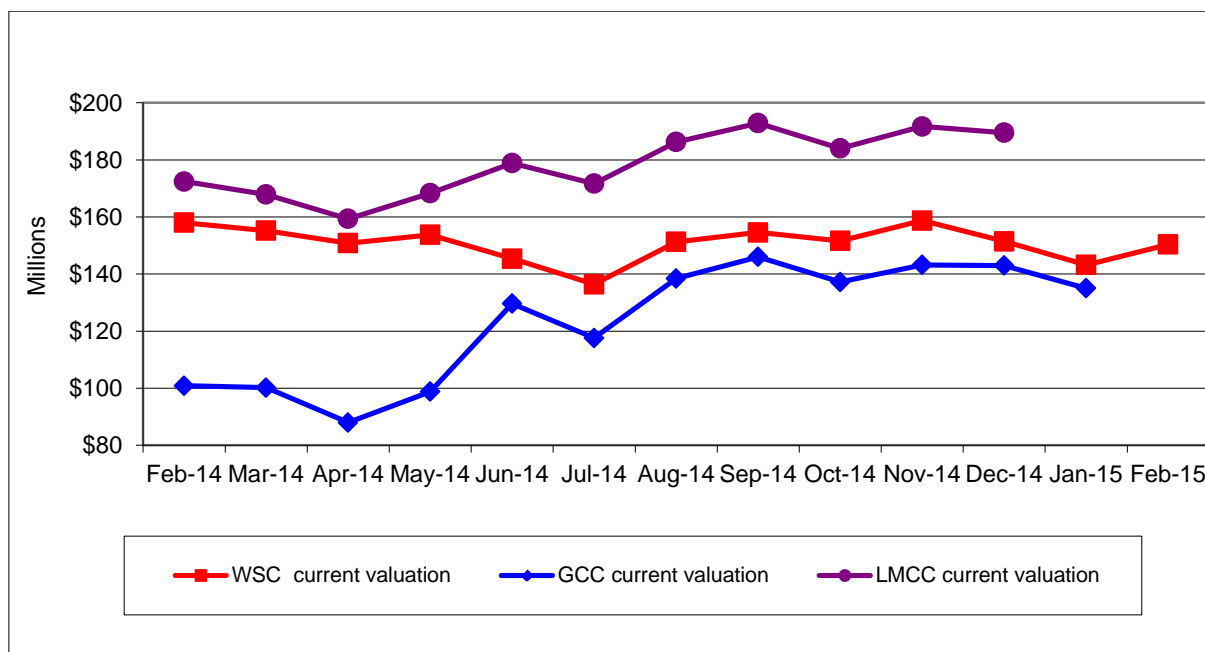
WSC’s investment portfolio reflects our strong cash position, which is comparable with Lake Macquarie City Council and Gosford City Council. Balances are summarised in table 9 below. Graph 1 shows the monthly portfolio balances over a twelve month period for all three Councils.

There is a lag in the information available for neighbouring Councils and reports for January and February were not available at the time of writing this report.

Table 9 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$'000	Gosford City Council \$'000	Lake Macquarie Council \$'000
Aug 2014	\$151,257	\$138,456	\$186,273
Sep 2014	\$154,597	\$146,016	\$192,882
Oct 2014	\$151,629	\$137,185	\$184,051
Nov 2014	\$158,764	\$143,217	\$191,690
Dec 2014	\$151,456	\$142,992	\$189,543
Jan 2015	\$143,210	\$135,009	Not available
Feb 2015	\$150,398	Not available	Not available

Graph 1 – Portfolio Valuations – Comparison to Neighbouring Councils



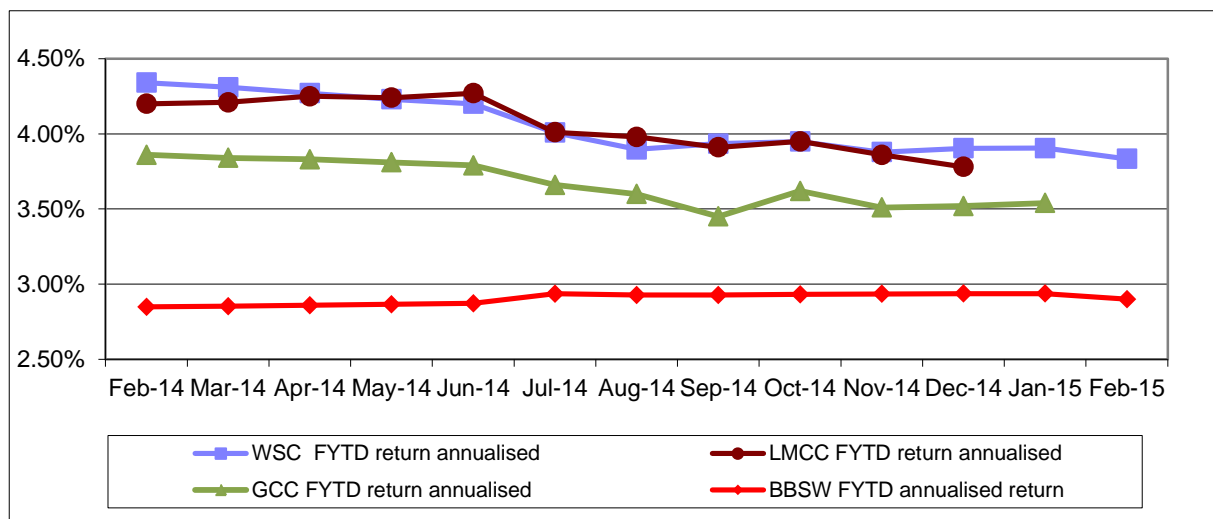
Portfolio Returns (Annualised)

WSC’s investment yield compares favourably to neighbouring Councils as outlined in table 10 below. Graph 2 shows the Financial Year to date, annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 10 – Summary of Investment Portfolio Returns

Month	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Aug 2014	2.93%	3.90%	3.60%	3.98%
Sep 2014	2.93%	3.93%	3.45%	3.91%
Oct 2014	2.93%	3.95%	3.62%	3.95%
Nov 2014	2.94%	3.88%	3.51%	3.86%
Dec 2014	2.94%	3.90%	3.52%	3.78%
Jan 2015	2.94%	3.90%	3.54%	Not available
Feb 2015	2.90%	3.83%	Not available	Not available

Graph 2 – Portfolio Return – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 28 February 2015 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - February 2015 D11874956

Wyong Shire Council Summary of Investments - By Type As at 28 February 2015										
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE		AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF FEBRUARY	INTEREST RATES %	
		Short Term	Long Term		31.1.15 \$	28.2.15 \$				
CASH AT CALL:										
Westpac	Corporate Investment Account	A1	AA	Daily	11,159,081	8,336,060		16,979	2.35	
CBA	At Call Deposit	A1	AA	Daily	-	-		0		
AMP	Business Saver Account	A1	A	Daily	5,008,248	5,019,664		11,416	2.80	
Total Cash At Call					16,167,329	13,355,725	8.88%	28,395		
TERM DEPOSITS & BONDS										
<u>Short term deposits & bills (less than 90 days)</u>										
WSCU	Term Deposit	UNRATED	UNRATED	31/01/2015	1,000,000			0	3.40	
ME Bank	Term Deposit	A2	BBB	4/02/2015	5,000,000			1,562	3.80	
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015	5,000,000			11,342	3.60	
ANZ	Term Deposit	A1	AA	10/03/2015	43,000	43,000		109	3.30	
Suncorp	Term Deposit	A1	A	13/03/2015	5,000,000	5,000,000		13,425	3.50	
CUA	Term Deposit	A2	BBB	23/03/2015	5,000,000	5,000,000		14,192	3.70	
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015	5,000,000	5,000,000		14,384	3.75	
NAB	Term Deposit	A1	AA	27/04/2015	5,000,000	5,000,000		14,422	3.76	
Bendigo/Adelaide	Term Deposit	A2	A	28/04/2015	5,000,000	5,000,000		14,460	3.77	
ANZ	Term Deposit	A1	AA	1/05/2015		4,000,000		11,384	3.71	
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015		5,000,000		14,614	3.81	
					36,043,000	34,043,000	22.64%	109,893		
<u>Medium Term Deposits (up to 365 days)</u>										
ANZ	Term Deposit	A1	AA	1/05/2015	4,000,000					
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015	5,000,000					
ANZ	Term Deposit	A1	AA	1/06/2015	4,000,000	4,000,000		11,415	3.72	
NAB	Term Deposit	A1	AA	22/06/2015	5,000,000	5,000,000		13,770	3.59	
Suncorp	Term Deposit	A1	A	13/07/2015	5,000,000	5,000,000		13,616	3.55	
ANZ	Term Deposit	A1	AA	24/07/2015	4,000,000	4,000,000		11,445	3.73	
ING	Term Deposit	A1	A	13/08/2015	5,000,000	5,000,000		13,463	3.51	
ANZ	Term Deposit	A1	AA	25/08/2015	4,000,000	4,000,000		11,476	3.74	
NAB	Term Deposit	A1	AA	8/09/2015	5,000,000	5,000,000		13,578	3.54	
NAB	Term Deposit	A1	AA	22/09/2015	5,000,000	5,000,000		13,616	3.55	
CBA	Term Deposit	A1	AA	4/10/2015		5,000,000		11,130	3.25	
CBA	Term Deposit	A1	AA	22/10/2015		5,000,000		11,062	3.23	
CUA	Term Deposit	A2	BBB	17/11/2015	5,000,000	5,000,000		13,808	3.60	
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000		15,534	4.05	
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000		15,342	4.00	
CUA	Term Deposit	A2	BBB	16/12/2015	5,000,000	5,000,000		13,808	3.60	
CBA	Term Deposit	A1	AA	23/12/2015		5,000,000		1,704	3.11	
NAB	Term Deposit	A1	AA	10/01/2016		5,000,000		1,721	3.14	
WSCU	Term Deposit	UNRATED	UNRATED	31/01/2016		1,000,000		2,532	3.30	
					66,000,000	78,000,000	51.86%	189,021		
<u>Non - Current</u>										
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		23,934	5.20	
Bank of Queensland	Term Deposit	A2	BBB	8/09/2016	5,000,000	5,000,000		14,192	3.70	
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		22,247	7.25	
ME Bank	Term Deposit	A2	BBB	25/08/2017	5,000,000	5,000,000		14,959	3.90	
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		18,679	4.87	
					25,000,000	25,000,000	16.62%	94,011		
Total Term Deposit & Bonds:					127,043,000	137,043,000	91.12%	392,924		
TOTAL PORTFOLIO					143,210,329	150,398,725	100.00%	421,320		
Current					118,210,329	125,398,725	83.38%			
Non-Current					25,000,000	25,000,000	16.62%			
TOTAL PORTFOLIO					143,210,329	150,398,725	100.00%			

6.2 Draft Minutes of the Employment and Economic Development Committee Meeting - 4 March 2015

TRIM REFERENCE: F2012/01905 - D11878945
MANAGER: Mike Dowling, Director
AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

The draft minutes of the Employment and Economic Development Committee meeting of 4 March 2015 are submitted to Council for consideration.

RECOMMENDATION

That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 4 March 2015.

BACKGROUND

A meeting of the Employment and Economic Committee was held on 4 March 2015. The minutes of this meeting are attached to this report.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

ATTACHMENTS

- 1 MINUTES - Employment and Economic Development Committee Meeting - 4 March 2015 - D11874612

WYONG SHIRE COUNCIL

MINUTES OF THE
EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE OF COUNCIL
HELD IN THE COMMITTEE ROOMS
WYONG CIVIC CENTRE, 2 HELY STREET, WYONG
ON 04 MARCH 2015
COMMENCING AT 4.00 PM

PRESENT

Councillors G P Best (Chairperson), DJ Eaton, K G Greenwald and L D Webster

IN ATTENDANCE

Councillor A Troy, Director Infrastructure and Operations, Director Property and Economic Development, Manager Property Development, Manager Contracts and Project Management, Senior Contributions Officer and Councillor Services Officer.

The Chairperson, Councillor Best, declared the meeting open at 4.06 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1 and 5.2 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 Disclosures of Interest

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

That the Committee receive the report on Disclosure of Interest and note the fact that no disclosures were made.

PROCEDURAL MOTION

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

That the Committee allow meeting practice to be varied to bring forward the consideration of item 5.2, Local Procurement and Employment Preference, to allow for a staff presentation.

2.1 Address by Invited Speakers

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

That the Committee receive the report on Invited Speakers.

3.1 Confirmation of the adopted Minutes of the Employment and Economic Development Committee Meeting - 4 February 2015

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

That the Committee note that Council received the minutes of the previous meeting of the Employment and Economic Development Committee held on the 4 February 2015.

Business Arising

There was no business arising.

4.1 Exhibition of Draft Warnervale District Contributions Plan

The Manager of Property Development provided a presentation on the Exhibition of the Draft Warnervale and District Contributions Plan.

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

That the Committee recommend that Council:

- 1 Adopt the exhibited Draft Warnervale District Contributions Plan with the amendments outlined in this report.***
- 2 Note that amendments to WLEP 2013, Chapter 6.5 Warnervale South of WDCP 2013 and a revised Stormwater Management Strategy for Precinct 7A will be required to reflect the changes to adopted Warnervale District Section 94 Contributions Plan.***
- 3 Receive a future report which discusses a planning proposal suggesting appropriate zones and development controls for land that will no longer be required for public purposes under the Warnervale District Section 94 Contributions Plan.***
- 4 Initiate a review of the Stormwater Management Strategy for Precinct 7A to inform the determination of appropriate future zonings of the land which will no longer be required under the Warnervale District Section 94 Contributions Plan.***

5.1 Value of Development Assessments - January 2015

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

That the Committee receive the report and the contents be noted.

5.2 Local Procurement and Employment Preference

The Director of Infrastructure and Operations and the Manager of Contracts and Special Projects Management, provided a presentation on the Local Procurement and Employment Policy.

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

- 1 That the Committee receive the report on Local Procurement and Employment Preference.**
- 2 That the Committee recognises the outstanding work by staff around the local procurement policy, highlighting that at current levels we achieve 66% local delivery of projects over \$150k (reportable to council), further 79% of all orders for works under \$150k are delivered by local Central Coast businesses.**
- 3 That the Committee further recommends to Council, that the issues raised in item 3 of Council's resolution of 28 January 2015 be subject to a formal report to Council.**
- 4 That the Committee recommends to Council, that Council participate in the open market place initiative of VendorPanel.**

THE MEETING closed at 5.20pm.

6.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 5 March 2015

TRIM REFERENCE: F2004/07986 - D11879061

MANAGER: Andrew Pearce, Director

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 March 2015.

RECOMMENDATION

That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 March 2015.

BACKGROUND

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 March 2015. The agenda for the meeting is available at the following link: [Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee Agenda - 5 March 2015.](#)

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

ATTACHMENTS

- 1 MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 5 March 2015 - D11872451

WYONG SHIRE COUNCIL

**MINUTES OF THE
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN
MANAGEMENT COMMITTEE OF COUNCIL**

**HELD IN THE COMMITTEE ROOMS
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 05 MARCH 2015
COMMENCING AT 5.00PM**

PRESENT

Mayor D Eaton (Wyong Shire Council) – Left 6.35pm
Councillor A Troy (Wyong Shire Council) – Co-Chairperson
Councillor L Taylor (Wyong Shire Council) – Co-Chairperson
Councillor L Webster (Wyong Shire Council) – Left 6.12pm
Mr Bob Davies (Community Member)
Ms Marlene Pennings (Community Member)
Mr Ken Derry (Community Member)

IN ATTENDANCE

Mr Andrew Pearce (Wyong Shire Council) – Arrived 5.09pm
Mr Luke Sulkowski (Wyong Shire Council)
Mr Peter Sheath (Wyong Shire Council)
Ms Lara Davis (Office of Environment and Heritage)
Ms Jade Maskiewicz (Wyong Shire Council)

APOLOGIES

There were no apologies.

The meeting was declared open by Councillor Taylor at 5.01pm.

1.1 Disclosure of Interest

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

That the Committee receive the report on Disclosures of Interest and note that there were no disclosures.

1.2 Confirmation of Minutes of Previous Meeting

RESOLVED *unanimously on the motion of Ms M PENNINGS and seconded by Mr B DAVIES:*

That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 February 2015.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

1.3 Address by invited Speakers

RESOLVED *unanimously on the motion of Councillor WEBSTER and seconded by Mr K DERRY:*

That the Committee receive the report on Invited Speakers.

2.1 Change of Date for the April 2015 Meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee

RESOLVED *unanimously on the motion of Councillor TROY and seconded by Mr K DERRY:*

That the Committee endorse that the April 2015 meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee be cancelled.

2.2 Status Report on Outstanding Actions

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

That the Committee confirm the Status Report on Outstanding Actions for the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee Meeting.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
ACTION LOG**

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
GB4/15	5 February 2015	Morphological Modelling Update	Final report to be tabled at future Committee meeting and uploaded to the secure Fileshare site.	Andrew Pearce Manager Waterways and Asset Management / Acting Director Infrastructure and Operations	Report included on agenda for 5 March 2015 Committee meeting.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
COMPLETED SINCE 5 FEBRUARY 2015**

Item #	Meeting Date	Report Title	Status/ Notes
2.4	4 December 2014	Report on Lake Management Options	Luke Sulkowski provided an update at 5 February 2015 Committee Meeting advising the recommendations have been actioned with recommended course of action put to Council.

2.3 Report on Lake Management Operations

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

That the Committee receive the report on Report on Lake Management Operations.

2.4 Coastal Zone Management

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr K DERRY:

- 1 *That the Committee receive the report on Coastal Zone Management.*
- 2 *That the Committee recommend that Council conduct further morphological modelling on a narrower but deepened channel at The Entrance.*
- 3 *That the Committee recommend to Council for staff to provide an estimate of the likely cost of further modelling.*

2.5 Floodplain Risk Management

Councillor Webster left the meeting at 6.12pm and did not return.

RESOLVED unanimously on the motion of Ms M PENNINGS and seconded by Councillor TROY:

That the Committee receive and note the Floodplain Risk Management Report.

2.6 Gross Pollutant Traps

Councillor Taylor left the meeting at 6.26pm and returned to the meeting at 6.28pm during consideration of this item.

RESOLVED unanimously on the motion of Ms M PENNINGS and seconded by Mr B DAVIES:

- 1 That the Committee receive the report on Gross Pollutant Traps.
- 2 That the Committee commend Council staff for the improved water quality results coming from the upgrades of the GPTs.

3.0 GENERAL BUSINESS

GB8/15 Works at The Entrance Mr Andrew Pearce

Mr Andrew Pearce advised a new project commenced Monday 2 March 2015 west of The Entrance bridge to extend the seawall in sandstone logs. Works are expected to be finalised by Easter.

GB9/15 Nuisance Birds at The Entrance Councillor Lloyd Taylor

Councillor Taylor raised an issue of nuisance birds in the trees at the west side of The Entrance bridge and queried whether there were methods that could be used to relocate them.

Mr Luke Sulkowski advised that this issue has been looked at previously, however, no viable options have been found to date.

GB10/15 Dead Trees in the Lake at Lake Munmorah Councillor Adam Troy

Councillor Eaton left the meeting at 6.35pm and did not return.

Councillor Troy advised that a resident has approached him and requested to speak at the next committee meeting around issues related to dead trees in the vicinity of Colongra Bay and the impact they have when they fall into the lake.

Mr Luke Sulkowski and Mr Andrew Pearce advised that this may be an issue for NSW Maritime and not Council.

Councillor Troy suggested that a representative from NSW Maritime attend at a future meeting and address the committee.

THE MEETING terminated at 6.36pm.

6.4 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D11871120

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 February 2015.

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
Mardi Dam Fire Trails	\$400,000	July 2014	20%	25%	June 2015	A contract has been awarded which is significantly below the pre-tender estimate and works are under way.
Mardi Water Treatment Plant CO2 Dosing	\$80,000	Aug 2014	5%	90%	March 2015	Contract installation works are complete and commissioning of the CO2 plant is currently being undertaken by Council staff and will result in improved stability of the water treatment process and more efficient use of chemicals. The invoice from the panel supplier will be submitted to Council following successful commissioning.

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
TO06 SPS Rising Main	\$1.1m	May 2014	85%	90%	March 2015	All rising main works have been substantially completed with the contractor now completing the Sewage Pumping Station access road upgrade. Contractor expected to be off site by the end of March.
Bateau Bay Berkeley Vale Budgewoi Gorokan North Entrance San Remo Toukley Tumbi Umbi	\$1.2M	July 2014	85%	85%	Jun 2015	Contract sewer main inspection & maintenance programme to improve system reliability and to reduce blockages and possible overflows. Work commenced on 10 November 2013 and is ongoing in 2014/15.

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant met the Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 9 minor sewer overflows reported to the Council's Environmental Hotline for the period 1 to 28 February 2015, most were related to minor tree root blockages where the normal clean up and reporting were completed. One of the overflows occurred in January but was not previously recorded. Of these incidences 7 were reported to the Office of Environment and Heritage, NSW Health, Work Cover and Fire and Rescue.

Follow up reporting has been submitted for each incident through Councils internal environmental reporting procedures.

WATER STORAGE

Sunday, 1 March 2015				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	110,768	58.3	Down 607
Mardi Dam	7,400	5,300	71.6	Up 137
Mooney Dam	4,600	2,769	60.2	Down 104
Total	202,000	118,837	58.8	Down 573
Total Dam Storage this time last month was				58.9 Percent
Total Dam Storage this time last year was				57 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.1	0.0	4.6	
This year to date	1.2	155.4	8.8	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	25	14	17	
Previous Week	21	19	4	
Current week last year	69	74	43	
This year to date	391	316	232	
Same period last year	238	191	140	
Water Usage (ML)				
Period				Usage
Week to Date				559
Previous Week				562
Percent change from previous week				0.6 % less
Current week last year				573
Percent change from same week last year				2.5 % less
This year to date				5,079
Same period last year				5,615
Percent change from same period last year				9.5 % less
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		0	152
This year to date	0		282	702
Total to date *	34,226		10,221	10,489

* Post M2M Commissioning

ATTACHMENTS

Nil.

6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

TRIM REFERENCE: F2004/07830 - D11871355

MANAGER: Scott Cox, Director

AUTHOR: Jane Doyle; Development Assistant

SUMMARY

The report includes information and statistics regarding the operations of the Development and Rezoning Unit and the Building Certification Compliance and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of February 2015.

RECOMMENDATION

That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of February 2015.

Development Applications Received and Determined – Development and Rezoning Unit- February 2015.

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	7	13,570,000	7	1,652,500
Industrial	1	5,000	-	-
Residential (Multiple Dwellings/Dual Occupancy)	15	8,348,601	7	15,820,500
Other Applications	2	2,000	1	-
Subdivisions	1	10,000	6	8,115,000
Section 96 Applications	2	-	17	-
Total	28	21,935,601	38	25,588,000

Note: Lodged in the "Commercial" section was for a Woolworths application located at Wadalba valued at \$10M.

6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units (contd)

Development Applications Received and Determined – Building Certification Compliance and Health Unit – February 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	-	-	1	50,000-
Industrial	-	-	-	-
Residential-Multiple Dwellings (Dwellings)	14	2,927,461	24	7,193,635
Residential (Alterations and Additions)	38	2,891,311	46	2,987,929
Other Applications	1	9,000	1	20,000
Section 96 Applications	9	-	5	-
Total	62	5,827,772	77	10,251,564

Subdivision Applications Received and Determined February 2015

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	1	9
Residential	1	1	5	11
Rural	-	-	-	-
Total			6	20

Net Median Turn-around Time – February 2015

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during February 2015 was 26 days. The net median turnaround time in working days for Section 96 applications was 12 days.

It is noted that substantial numbers of development applications being considered during February have been progressed with additional information and amended plans being received after the Christmas and New Year period.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for February 2015 was 19 days. The net median turn-around time in working days for Section 96 applications was 8 days.

Employment Generating Applications

There were no applications determined during February 2015 that were employment generating development applications.

6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units (contd)

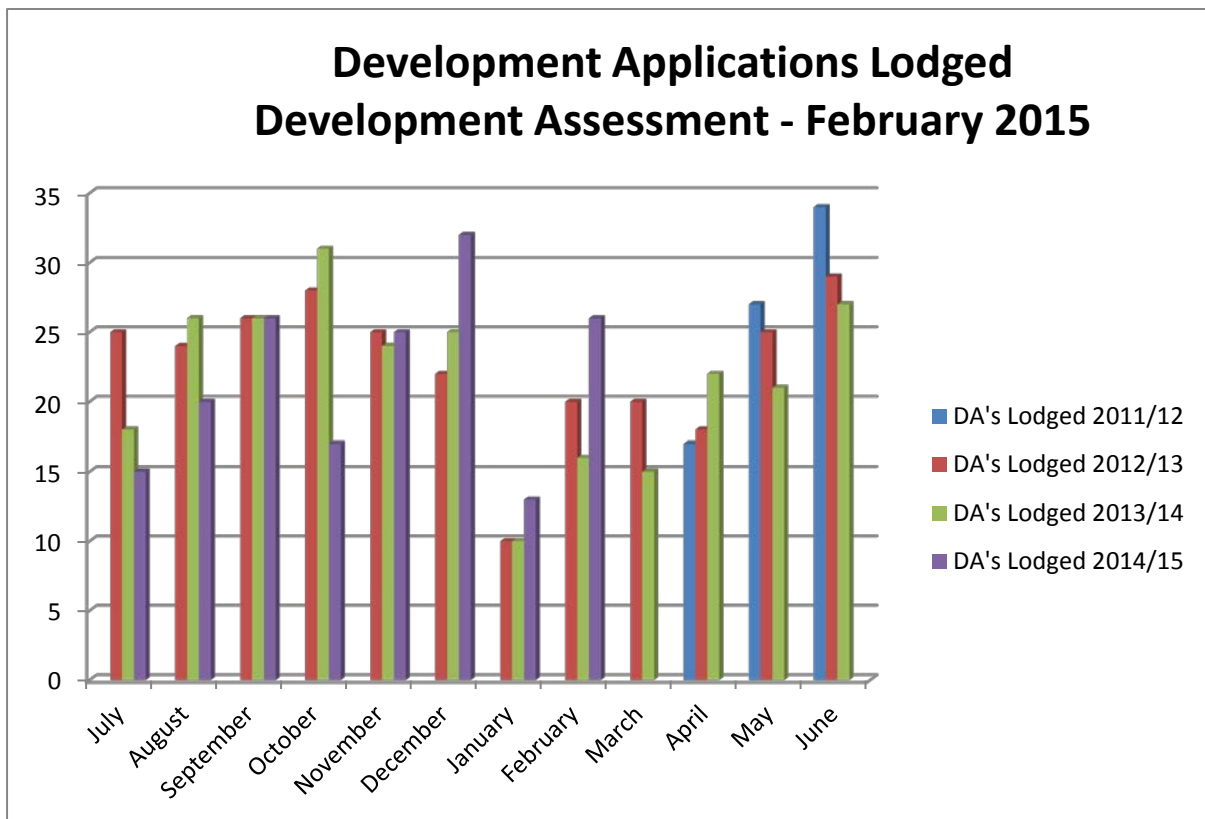
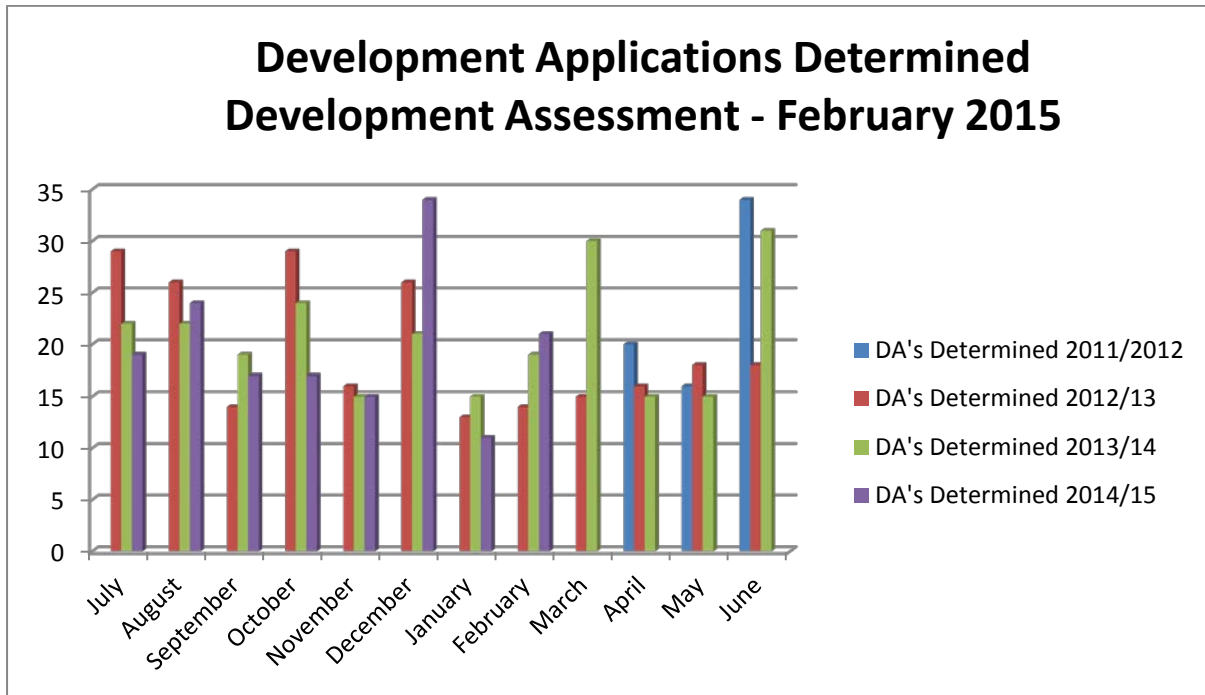
Other Approvals and Certificates

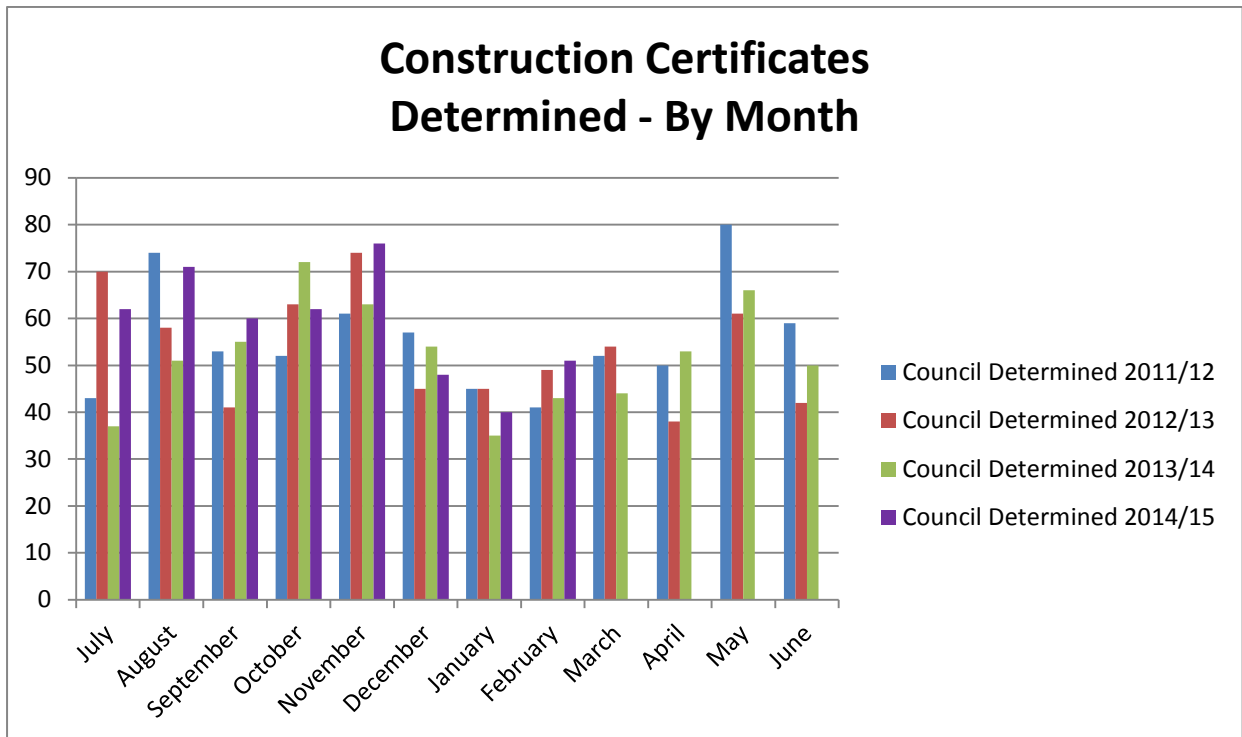
Type	Determined February 2015
Section 149 D Certificates (<i>Building Certificates</i>)	13
Construction Certificates	51
Complying Development Certificates	14

ATTACHMENTS

- 1 DA's lodged, determined and Construction Certificates Determined D11882324

Graphs - DA's lodged, determined and Construction Certificates Determined –





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

TRIM REFERENCE: F2004/06822 - D11871358

MANAGER: Jamie Loader, Manager

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 February 2015.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Water quality monitoring is undertaken at 22 popular swimming sites in Wyong Shire to enable the community to make informed decisions about where and when to swim.

Through the warmer months (September to April), water samples are collected weekly. The results are provided to the Office of Environment and Heritage as part of the state-wide Beachwatch Partnership Program. Daily pollution forecasts and long term trend analysis can be viewed on their website www.environment.nsw.gov.au/beach/index/htm.

Water quality monitoring is undertaken on a weekly basis to provide Council with an insight into short term water quality trends. The indicator organism used to determine microbial water quality is Enterococci - a subgroup of Fecal Streptococci that has been used as an indicator of fecal pollution for many years. Enterococci are especially useful in the marine environment and recreational waters as an indicator of potential health risks and swimming-related gastroenteritis.

Each month the average Enterococci count for each swimming site is compared against the National Health and Medical Research Council's (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. Table 2 displays the guidelines rating system used to determine if water is suitable for primary recreation (i.e. swimming).

Whilst water quality results generally indicate that the monitored swimming sites are acceptable for swimming, advisory signs have been erected at the lake sites to advise that *"this area can be affected by stormwater pollution for up to three days after heavy rain. Swimming during this period is NOT recommended"*. Greater connectivity to urban areas and lower dilution rates make the lakes more vulnerable to sources of faecal contamination including stormwater discharges, sewage infrastructure breaks and animal inputs. This is a precautionary measure only and does not mean water quality is poor at all times. In the event sampling revealed Enterococci concentrations greater than 200cfu/100mL, the site would be closed until water quality improved.

Summary of results February 2015

Throughout February 2015, 21 of the 22 sites achieved the top star rating - see Table 1. An elevated count (55 cfu/100mL) was recorded at Tom Burke Reserve, Lake Munmorah on the 3rd February after 23.4mm of rain. It is likely that stormwater contributions to the lake from the surrounding residential area temporarily reduced water quality in Lake Munmorah. Despite the slightly elevated result, the NHMRC (2008) still considers a three star rating suitable for swimming - see Table 2.

Table 1: Beachwatch average star rating

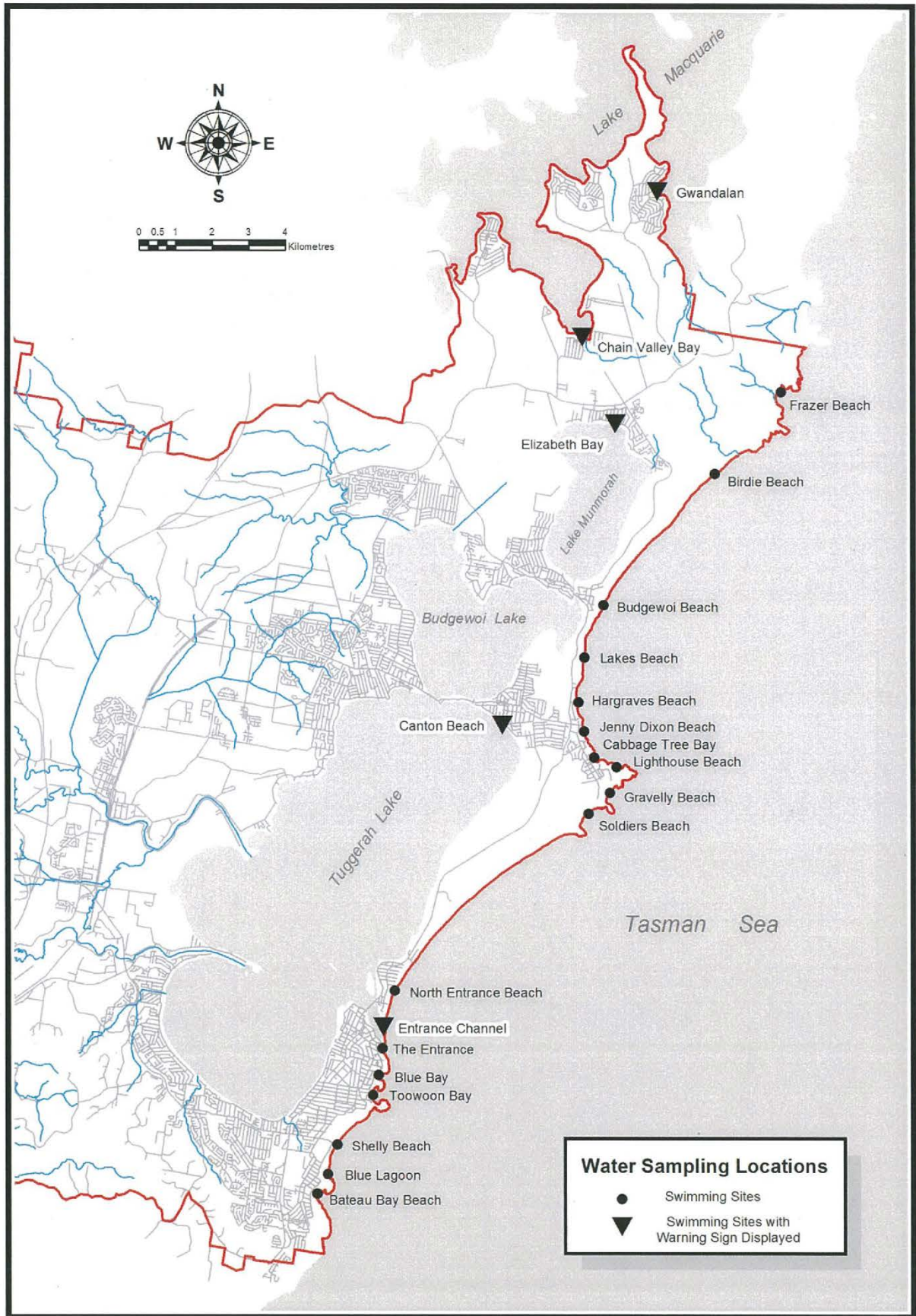
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau 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 – Tom Burke Reserve	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	Good	****
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



6.7 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2015/00040 - D11872720

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- 1 Table of Outstanding Questions and Notice of Motions - 25 March 2015 D11882447

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
84	Community and Recreation Services	Brett Sherar	<p>5.1 Notice of Motion - Council Policy Results in Vandalism</p> <p>497/14 That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</p> <p>498/14 That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</p> <p>499/14 That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</p> <p>500/14 That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</p> <p>501/14 That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</p>	<p>Clrs Best, Taylor, Troy</p> <p>14 May 2014</p>	Response to be provided July 2015.
107	Development and Building	Scott Cox	<p>Q81/14 Effects of the Planning Proposal for Jilliby 2 on Buttonderry Waste Facility</p> <p>"Could the General Manager please advise when the report into the effects of the Planning Proposal for Jilliby 2 on the Buttonderry Waste Facility will be tabled to Council?</p> <p>Why is this report taking so long?"</p>	<p>Cr Troy</p> <p>12 November 2014</p>	Response to be provided 8 April 2015.
112	General Manager's Unit	Lesley Crawley	<p>Q85/14 Speakers call lights for Council Chambers</p> <p>"Could staff please report on the costs associated with providing a set of viewable speakers call lights so all in the chamber can see which Councillors have elected to speak on a matter and in which order?"</p>	<p>10 December 2014</p> <p>Cr Vincent</p>	Quote has been sourced. Response to be provided 8 April 2015.
115	General Manager's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</p> <p>51/15 That Council <u>note</u> the significant escalation is as a</p>	<p>28 January 2015</p> <p>Cr Best</p>	Response to be provided at Ordinary Meeting held 8 April 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</i></p> <p>52/15 <i>That Council call on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</i></p> <p>53/15 <i>That Council investigate a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</i></p> <p>54/15 <i>That Council include in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</i></p>		
116	Property and Economic Development Department	Margaret Collins	<p>7.3 Notice of Motion - Local Procurement and Employment Preference Policies - Major Projects</p> <p>55/15 <i>That Council recognise the outstanding results around local procurement and employment opportunities recently achieved through the development of the new \$6.7 million dollar Lake Haven Cinemas resulting in over 100 construction jobs and 30 permanent positions.</i></p> <p>56/15 <i>That Council seek to further encourage major projects to take a more proactive approach in providing local employment and economic opportunities via the delivery of various projects and ongoing operations.</i></p> <p>57/15 <i>That Council direct the General Manager to formally request the Shire's three current largest developments (at Development Application stage) and future developments exceeding \$20million to submit Local Procurement and Employment Preference plans for their proposals so that Council may better understand the major project policies around economics and employment in the Shire.</i></p> <p>58/15 <i>That Council refer the important issue of Local Procurement and Employment Preference to the</i></p>	28 January 2015 Cr Best	Resolution 2 & 3 in Progress by Strategic Development, Resolution 4 – Andrew Pearce (Report to EEDC on 4/3/2015 advising report on Resolution 4 will be presented).

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>Employment and Economic development Committee for review and recommendations to strengthen policy.</i>		
121	Infrastructure and Operations	Peter Murray	<p>Q5/15 Steel Band-Aid on Main Road Toukley</p> <p><i>"Mr Mayor,</i></p> <p><i>I have received numerous representations on what many would think was somewhat of a minor matter. However, it has been keeping residents at Main Road Toukley awake at night for months and causing a significant traffic risk to vehicles motor cycles and particularly push bikes.</i></p> <p><i>I am referring to a massive slab of steel that the RMS has placed on the road surface as a result of some road works.</i></p> <p><i>Could you please enquire of the RMS how long this danger and annoyance need be in place?"</i></p>	28 January 2015 Cr Best	<p>Council has resolved the scope of works with Roads and Maritime Services and are expecting to be issued a works order to proceed with the work in mid-March 2015. Expect works to be completed shortly thereafter.</p> <p>Response to be provided at Ordinary Meeting held 8 April 2015.</p>
124	Infrastructure and Operations	Peter Murray	<p>6.2 Notice of Motion - Intersection Band Aid Upgrade - Louisiana Road/Pacific Highway</p> <p>95/15 <i>That Council note with great concern this intersections history of serious and fatal accidents.</i></p> <p>96/15 <i>That Council request the RMS to review its funding formula/criteria around scoring deaths and serious accidents for a more sophisticated and humane approach to funding allocations.</i></p> <p>97/15 <i>That Council urgently request the RMS to install full traffic signals that will afford safety particularly for our children whilst providing maximum traffic turning movements for our community's convenience, before this intersection claims further lives.</i></p>	11 February 2015 Cr Best	RMS Regional Manager advised at the meeting of 9 March 2015 that the intersection did not meet the RMS warrant to justify signalisation and that there was no additional funding available for this project so works would proceed as proposed, without signalisation in May/June 2015.
125	Development and Building	Scott Cox	<p>Q6/15 Development at Johns Road, Wadalba - "Eagle Nest Site"</p> <p><i>"Can the General Manager report on whether an offer has been made from the developer of the Johns Road Wadalba 'Eagle Nest Site' to divest the land the tree is on to protect it and what has or will be Council's response to this offer?"</i></p>	11 February 2015 Cr Greenwald	Response to be provided April 2015.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
126	Development and Building	Scott Cox	<p>Q7/15 The Eagle Has Landed</p> <p><i>"Mr Mayor, my question is on behalf of many local residents that are concerned by land clearing in the Johns Rd area. I understand that this clearing was approved some time ago by staff and that the some 90 DA conditions affectively place a stop work order for an extended period on any future clearing until the eagles have completed nesting.</i></p> <p><i>Mr Mayor, further I understand that the developers have voluntarily made representation to staff with the view to a more permanent and lasting resolution to this important environmental issue. Could you please update Council on the progress of these discussions. Thank you?"</i></p>	<p>11 February 2015</p> <p>Cr Best</p>	Response to be provided April 2015.
127	Development and Building	Jane Doyle	<p>5.1 Notice of Motion - Jobs Priority 1</p> <p>163/15 <i>That Council note with concern the consistently high and above state average unemployment rate in Wyong Shire and even worse rate of youth unemployment.</i></p> <p>164/15 <i>That Council endorse Job Generation as a priority concern for Council.</i></p> <p>165/15 <i>That Council request the General Manager to provide a monthly report to Council which includes:</i></p> <ul style="list-style-type: none"> <i>a the number of jobs to be created by development applications, approvals, rezoning applications and approvals</i> <i>b the number of jobs to be created from council projects, including but not limited to, infrastructure and recreational projects and other government projects</i> <i>c the figures presented as 'monthly' and 'year to date' and compared against targets contained in the draft Central Coast Regional Strategy 2006-31.</i> <p>166/15 <i>That Council consult with the public via its existing mechanisms to facilitate community involvement in generating additional local jobs.</i></p> 	<p>25 February 2015</p> <p>Cr Eaton</p>	Initial report scheduled for 8 April 2015 meeting.
128	Community and Recreation Services	Maxine Kenyon	<p>5.2 Notice of Motion - Wyong Road Landscaping Shambles</p> <p>167/15 <i>That Council note with great concern the current,</i></p>	<p>25 February 2015</p> <p>Cr Best</p>	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.</i></p> <p>168/15 <i>That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.</i></p> <p>169/15 <i>That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.</i></p> <p>170/15 <i>That Council request the General Manager to report on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts</i></p>		
129	Community and Recreation Services	Maxine Kenyon	<p>Q8/15 Better Futures Hub</p> <p><i>"Mr Mayor,</i></p> <p><i>Further to the Council briefing, and substantial funding contributions from both the Federal Government and Council, I would appreciate an update as to the performance and outcomes with regard to the operations of the Better Futures Hub, situated at North Wyong.</i></p> <p><i>Could you please have this report benchmark performances against the briefing criteria?"</i></p>	25 February 2015 Cr Troy	Response to be provided at a future meeting.
132	Community and Recreation Services	Maxine Kenyon	<p>7.1 - Notice of Motion - Establishment of \$250,000 Netball Courts at Tunkawallin</p> <p>1 <i>That Council <u>recognise</u> the urgent need for the establishment of suitable playing courts in our Shire's North, with already 12 established local netball teams in this area.</i></p> <p>2 <i>That Council <u>resolve</u> to formally agree to fund the \$250,000.00 Tunkawallin courts identified as a possible project in the draft CAPEX program for 2015/16 budget, ensuring it is formerly added as a funded project.</i></p>	11 March 2015 Cr Best Cr Troy	Response to be provided at a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 That Council <u>direct</u> staff to design these courts for multi-purpose use to meet the needs of multiple sporting groups in the area and to maximise both formal and informal use by the community.</p> <p>4 That Council <u>thank</u> the community for its support and representations on this issue and note that it looks forward to working with the community in delivering these important community assets.</p>		
133	Infrastructure and Operations Department	Peter Murray	<p>7.2 - Notice of Motion - Tuggerah Station Parking and Safety Shambles</p> <p>1 That Council <u>reiterate</u> the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.</p> <p>2 That Council <u>explore</u> all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.</p> <p>3 That Council <u>note</u> the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered.</p>	<p>11 March 2015</p> <p>Cr Best</p> <p>Cr Matthews</p>	Response to be provided at a future meeting of Council.
134	Development and Building Department	Scott Cox	<p>Q11/15 - Proposed Changes to Tree Policy</p> <p>"Question to the General Manager,</p> <p>Now that proposed changes to WSC's tree policy have undergone legislative public consultation, can the General Manager confirm when this report will be brought to the chamber for a final vote given the strong support of the elected council?"</p>	<p>11 March 2015</p> <p>Cr Nayna</p>	Response to be provided at a future meeting of Council.
135	Property and Economic Development Department	Darryl Rayner	<p>Q12/15 Litter on Pacific Highway</p> <p>"Mr Mayor,</p> <p>I have received numerous complaints from ratepayers around the extraordinary proliferation of litter on our main arterial corridor that is the pacific highway.</p>	<p>11 March 2015</p> <p>Cr Best</p>	Response to be provided at a future meeting of Council.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Mr Mayor, on investigating this issue I note that the RMS, who is responsible for mowing and litter control on this road, is choosing to mow and slash the vegetation whilst not bothering to collect rubbish prior to these works. This is resulting in confetti like littering event that the ratepayers now have to fund to clean up. Could you enquire to the RMS as to why they are not adhering to their standard procedures, is it laziness or do they just not care?"</i></p>		
136	Community and Recreation Services Department	Maxine Kenyon	<p>Q13/15 Transforming the Central Coast Event</p> <p><i>"Mr Mayor,</i></p> <p><i>I have observed the lead up to many a state election and may I say that the lobbying and professional approach by staff seeking undertakings/ funding has been outstanding. The securing of 200 million dollars for the hospital upgrade and the link road, regardless of the electoral outcome is a tremendous achievement by Council on behalf of our community.</i></p> <p><i>I would like to thank you, our GM, senior staff and in particular the operational staff that were responsible for the presentation of the two candidate functions recently held at Council. These were outstanding events and a very professional display, particularly with the Minister and Shadow Minister for Central Coast in attendance, again, thank you all.</i></p> <p><i>Can you please pass on our special thanks to the operation team?"</i></p>	11 March 2015 Cr Best	Response to be provided at a future meeting of Council.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
11 MARCH 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
92	General Manager's Unit	Q69/14 Vandalism and Penalties	28 May 2014 Cr Best	Confidential Councillor Business Update distributed to Councillors 17 March 2015.
100	Community and Recreation Services	2.1 Mayoral Minute - Consideration for Further Patrolled Beach in North of Shire to Meet Future Growth Needs	Cr Eaton 22 October 2014	Briefing to Council provided on 11 March 2015 and identified future actions. No further report is required.
114	Property and Economic Development Department	7.1 Notice of Motion - Supporting Mascord Park	28 January 2015 Cr Best	Completed 3/2/2015.
118	Infrastructure and Operations	Q2/15 Speed Limits on Speedboats and Jet skis in Wyong River	28 January 2015 Cr Webster	Councillor Business Update issued 19 February 2015.
119	Development and Building	Q3/15 Illegal Camping Over Christmas in our Public Parks	28 January 2015 Cr Webster	Response included in 25 March 2015 agenda.
122	General Manager's Unit	1.5 Mayoral Minute - Centenary of ANZAC Day Flags	11 February 2015 Cr Eaton	Council has noted that that the provisional allocation for ANZAC day flags should not now be required given the Federal Government funding now approved for this project.
123	Development and Building	6.1 Notice of Motion - Wyong and Gosford Councils Regional Rejection of Coal Seam Gas Proposal	11 February 2015 Cr Best	Completed; Mountain Rally has been held.
130	Development and Building	Q9/15 Activities of the Development Unit	25 February 2015 Cr Best	Director Development and Building passed on congratulations to all staff.
131	General Manager's Units	Q10/15 Request for Information on Complaints Received by Council	25 February 2015 Cr Best	Councillor Business Update was issued 18 March 2015.

7.1 Answers to Question on Notice

TRIM REFERENCE: F2004/06008 - D11863492
AUTHOR: JL

7.1 Q3/15 - Illegal Camping

The following question was asked by Councillor Webster at the Ordinary Meeting held 28 January 2015:

"Councillor Best and I both raised the issue of the escalation of illegal camping in and around our public parks in the lead up to Christmas with our Ranger's management.

I note that there were clearly a large number of illegal campers flouting the law, setting up camp in our parks, leaving litter and damage behind.

Could you please have staff report how many fines were levied across the shire for illegal camping, particularly around The Entrance and Norah Head, during the Christmas holidays, thank you?"

Illegal camping is difficult to enforce, due to the following reasons:

- 1 Difficulty in defining what constitutes camping and proving the offence
- 2 Obtaining identification
- 3 Camping is only illegal when it is prohibited by a notice erected by Council in accordance with Section 632 of the Local Government Act.

Consequently, there have been no fines issued for 'failure to comply with terms of notice erected by Council' for camping, however Rangers have undertaken joint operations with the Police over the Christmas holiday period focusing on illegal camping in parks.

Rangers have also undertaken regular patrols of known problem areas such as Karagi Point, Picnic Point, Terilbah Reserve and relevant beaches, along with responding to complaints of illegal camping. As part of the patrol program, Rangers request the removal of potential camping equipment such as shade structures and have served 13 cautions and directed people suspected of camping to move on.

Reports by Rangers indicate that whilst the problem is still present, there has been a reduction in the amount of people camping illegally.

ATTACHMENTS

Nil.

25 March 2015

To the Ordinary Council Meeting

Councillor

8.1 Notice of Motion - 2016 Whale Dreamer's Festival Possible Closure?

TRIM REFERENCE: F2010/01767 - D11879442

AUTHORS: Greg Best; Councillor

Lynne Webster; Councillor

Councillors Best and Webster have given notice that at the Ordinary Council Meeting to be held on 25 March 2015 they will move the following Motion:

- "1 That Council note with concern that 2015 will be the last year of the Whale Dreamer's Festival being managed by the current steering committee and that this may result in the highly successful Whale Dreamer's Festival not continuing.*
- 2 That Council thank and congratulate the current Committee for its outstanding commitment and dedication to this highly successful event which promotes whale conservation while exposing the evil and insidious impacts of whaling.*
- 3 That further, Council recognise this event has now become the Central Coasts' premier environmental event that demonstrates Councils' and indeed the wider communities commitment to our spectacular marine environment that should be maintained.*
- 4 That Council request the General Manager to provide a progress report on the coordination of the 2015 event, what Council assistance is currently being provided and what council can do to ensure the continuation of this highly successful community and environmental event."*

RESOURCES

Information will be provided within existing resources.

COUNCILLOR NOTE

As patron of the Whale Dreamers Festival I would like to take this opportunity to congratulate the current WDF Steering Committee for their outstanding and commitment and dedication to whale conservation and education.

I recall the modest and humble beginnings of our first event. Now today some 8 years on the WDF is the premier environmental event of the year, drawing thousands of people from across the region to enjoy the event and the spectacular backdrop of the Norah Head Lighthouse.

In my view it would be an environmental disaster if this festival was forced to close.

I believe it is incumbent upon us as Civic Leaders to maintain this event and pass on the batten of hard fought change to future generations that will be custodians of these spectacular marine mammals.