



Staff put the finishing touches on a major stream bank stabilisation project along Wyong River to prevent further erosion in the area.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

25 September 2013

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 25 SEPTEMBER 2013 at **5.00 pm,**
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/00023 - D03744986

MANAGER: Sonia Witt, TL Governance and Councillor Services

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: F2013/00023 - D03744990
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
25/09/2013	Bateau Bay Draft Masterplan	Land Management
25/09/2013	Engagement story - where we've come from, where we're headed	Community and Recreation Services
25/09/2013	Lake Haven Draft Masterplan	Land Management
25/09/2013	Improved C&PM Processes	Infrastructure Management
25/09/2013	Information Management Mobility Strategy	General Managers Department

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

1 Proposed Briefing 25 September 2013 D03818395

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Bateau Bay Draft Masterplan	Land Management		25/09/2013
Engagement story - where we've come from, where we're headed	Community and Recreation Services		25/09/2013
Lake Haven Draft Masterplan	Land Management		25/09/2013
Improved C&PM Processes	Infrastructure Management		25/09/2013
Information Management Mobility Strategy	General Managers Department		25/09/2013
CONFIDENTIAL - Child Care	Community and Recreation Services		09/10/2013
National Place Based Advisory Group Strategic Projects	Community and Recreation Services		09/10/2013
ERMS Training	GM Unit		23/10/2013
Sick Leave Policy	GM Unit		23/10/2013
ERMS Training	GM Unit		13/11/2013
Model Code of Conduct and procedures training	GM Unit		13/11/2013
Q1 2013/14	GM Unit		27/11/2013
Library Strategic Plan	Community and Recreation Services		27/11/2013
Natural Resources Management Strategy	Land Management		12/02/2014
Biodiversity Management Plan	Land Management		12/02/2014
Urban Design Principles & Concepts	Land Management	December	
Tuggerah Town Centre	Land Management		

1.3 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D03745005
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council confirm the minutes of the previous Extraordinary Meeting of Council and the Ordinary Meeting of Council held on Wednesday 11 September 2013.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | MINUTES - Extraordinary Council Meeting - 11 September 2013 | D03826311 |
| 2 | MINUTES - Ordinary Meeting 11 September 2013 | D03826278 |
| 3 | MINUTES - Confidential Ordinary Meeting 11 September 2013
(D03826356) | |

WYONG SHIRE COUNCIL
MINUTES OF THE
EXTRAORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 SEPTEMBER 2013
COMMENCING AT 5:00:00 PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Land Management, Acting Director Community and Recreation Services, General Counsel, Manager Communications and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies.

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013
contd

1.1 Disclosure of Interest

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

1134/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.

2.1 Mayoral Minute - Mayoral Report for 2012-13

Councillor Matthews left the chamber at 5.15pm and returned 5.16pm

RESOLVED unanimously on the motion of Councillor EATON:

1135/13 That Council note the Mayoral report for the past 12 month term, 2012 - 2013.

3.1 Election of Mayor and Voting Procedure

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

1136/13 That Council hold an election for the Office of Mayor by all Councillors in accordance with the provisions of Section 290(a) of the Local Government Act 2003.

1137/13 That Council proceed to elect the Office of Mayor by open voting.

1138/13 That Council note the election of Mayor will be for the term September 2013 to September 2014.

The General Manager advised that nominations for the position of Mayor had been received for Councillors Eaton and Vincent. Councillors Eaton and Vincent accepted their respective nominations.

The General Manager requested those Councillors supporting the nomination of Councillor Eaton to raise their right hand. Councillors voting in support of Councillor Eaton were Councillors Nayna, Webster, Best, Taylor, Troy and Eaton.

The General Manager requested those Councillors supporting the nomination of Councillor Vincent to raise their right hand. Councillors voting in support of Councillor Vincent were Councillors Matthews, Vincent, Greenwald and Graham.

Councillor Eaton was declared duly elected to the office of Mayor for the term 2013/2014.

MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013
contd

3.2 Election of Deputy Mayor

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

1139/13 That Council appoint the position of a Deputy Mayor.

1140/13 That Council conduct the election of Deputy Mayor in the same manner as the election of Mayor for the term September 2013 to September 2014.

The General Manager advised that nominations for the position of Deputy Mayor had been received for Councillors Webster and Matthews. Councillors Webster and Matthews accepted their respective nominations.

The General Manager requested those Councillors supporting the nomination of Councillor Webster to raise their right hand. Councillors voting in support of Councillor Webster were Councillors Nayna, Webster, Best, Taylor, Troy and Eaton.

The General Manager requested those Councillors supporting the nomination of Councillor Matthews to raise their right hand. Councillors voting in support of Councillor Matthews were Councillors Matthews, Vincent, Greenwald and Graham.

Councillor Webster was declared duly elected to the office of Deputy Mayor for the term 2013/2014.

THE MEETING closed at 5.21 pm.

WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 SEPTEMBER 2013
COMMENCING AT 5:30 PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Land Management, Acting Director Community and Recreation Services, General Counsel, Manager Communications, and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.31 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGY

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

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

1141/13 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the Ordinary Meeting report numbers 1.1, 2.1, 2.2, 4.2, 4.3, 4.4 and 3.2 were dealt with in correct agenda sequence, however item 3.2 which was dealt with in confidential session. However for the sake of clarity the reports are recorded in their correct agenda sequence.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

1.1 Disclosures of Interest

3.2 CPA/231507 - Beach Safety Services (Confidential Session)

Michael Whittaker, General Manager declared a non-pecuniary significant conflict of interest in the matter for the reason that he was part of the bid tender team, left the chamber at 6.11 pm, took no part in discussion and did not return to the chamber.

4.4 Proposed Councillors' Community Improvement Grants

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is part of China Australia Friendship Association (CAFA) – a grant recipient, left the chamber at 6.06 pm, took no part in discussion, did not vote and returned to the chamber at 6.07 pm.

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

1142/13 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 WEBSTER:

1143/13 That Council allow meeting practice to be varied.

1144/13 That Council use the exception method to deal with the balance of the Agenda.

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

1145/13 That with the exception of report numbers and 2.1, 2.2, 3.2, 4.2, 4.3 and 4.4 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 GREENWALD:

1146/13 That Council receive the report on Proposed Inspections and Briefings.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

1.3 Confirmation of Minutes of Previous Meeting

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

1147/13 *That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 August 2013.*

Business Arising

There was no business arising.

1.4 Address By Invited Speakers

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

1148/13 *That Council receive the report on Invited Speakers.*

1149/13 *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

2.1 Enforcement Policy

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

1150/13 *That Council place the draft Enforcement Policy on public exhibition for a period of 28 days.*

1151/13 *That Council adopt the Enforcement Policy, subject to there being no significant objections as a result of public exhibition and subject to page 28 of the policy being amended by replacing "will" with "may" and replace "may not" with "will not generally". All complaints will be recorded in Councils Record System.*

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

2.2 DA 515/2013 - Proposed Secondary Dwelling at 9 Chisholm Ave Lake Munmorah

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

1152/13 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.

1153/13 That Council levy Section 94 contributions at the secondary dwellings reduced rate of 35% Development Unit.

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

AGAINST: NIL

3.1 CPA/222233 - Gravity Sewer Rehabilitation Services

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

1154/13 That Council accept the tender from Interflow Pty Ltd for a period of up to four years for Contract CPA/222233 – Gravity Sewer Rehabilitation Services – Various Locations in Wyong Shire and Gosford City at the combined ‘Wyong/Gosford’ rates. Subject to Gosford City Council resolving to accept the same Tenderer.

1155/13 That Council accept the tender from Insituform Pty Ltd for a period of up to four years for Contract CPA/222233 – Gravity Sewer Rehabilitation Services – Various Locations in Wyong Shire and Gosford City at the ‘Wyong Only’ rates. In the event that Gosford City Council resolves to accept a tender from other than the company referred to in recommendation 1.

1156/13 That Council approve an expenditure budget of \$3,980,000 over the four year period of the contract to be expended at an approximate annual rate of \$995,000 per annum for the work to be carried out in Wyong Shire.

1157/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

4.1 Policy for Investment of Council Funds

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

1158/13 *That Council adopt the Policy for Investment of Council Funds and the Investment guidelines for Asset Allocation and Performance Measurement and Risk Management.*

4.2 Proposed Renaming of Norah Head Nature Trail and Installation of Signs

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

1159/13 *That Council endorse the renaming of the Norah Head Nature Trail to The Alexander/Griffith Nature Trail.*

1160/13 *That Council advertise the proposal to renaming for a period of 28 days.*

1161/13 *That Council recommend to the Geographical Names Board the renaming of Norah Head Nature Trail to Alexander/Griffith Nature Trail, should not significant objections be received.*

1162/13 *That Council approve appropriate signage to be placed at each end of the nature trail and in/around Bush Street Reserve.*

4.3 Wyong Action Team

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

1163/13 *That Council endorse the establishment of the Wyong Action Team.*

1164/13 *That Council endorse the terms of reference for the Wyong Action Team.*

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

4.4 Proposed Councillors' Community Improvement Grants

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is part of China Australia Friendship Association (CAFA) – a grant recipient, left the chamber at 6.06 pm, took no part in discussion, did not vote and returned to the chamber at 6.07 pm.

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

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

1165/13 That Council allocate an amount of \$6,000 from the 2013-14 Councillors' Community Improvement Grants as follows:

11 September 2013		
<i>Benevolent Society Gorokan (\$567)</i>	<i>4 x Card Tables 1 set of 36 Bridge Boards 36 packs of cards</i>	<i>300</i>
<i>Camp Breakaway (\$3950)</i>	<i>5 Permanent Benches in and around the playground area</i>	<i>700</i>
<i>China Australia Friendship Association</i>	<i>Event</i>	<i>3,600</i>
<i>Lions Club of Gwandalan Inc (\$2000)</i>	<i>Spring Festival</i>	<i>500</i>
<i>Toukley & District Senior Citizens Club Inc. (\$3986)</i>	<i>Replace carpet in the craft room</i>	<i>600</i>
<i>Toukley Knit 2 Give (\$300)</i>	<i>Refurbish starter kits and to buy wool</i>	<i>300</i>

Councillor Eaton resumed the chair.

5.1 Commitment to Drinking Water Quality

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

1166/13 That Council endorse the commitment to prepare a drinking water quality system and meet drinking water quality in accordance with the prescribed legislation and regulation.

5.2 Road Capital Works Program

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

1167/13 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

5.3 Outstanding Questions on Notice and Notices of Motion

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

1168/13 *That Council receive the report on Outstanding Questions on Notice and Notices of Motion.*

QUESTIONS ON NOTICE

Q36/13 Carbon Tax
Councillor Luke Nayna

"Mr Mayor, now that the Federal Coalition Government will axe the carbon tax, what are the expected savings to Council?"

Q37/13 Pioneer Dairy
Councillor Lisa Matthews

"As we have been advised that the Pioneer Dairy Tuggerah still has no planned opening date for the public, can the staff enquire and advise as to what the current barriers are and why there has been such a long delay in opening these public lands especially as I believe that the buildings and toilet facilities are now complete and at a usable and safe state?"

Q38/13 Privet - Noxious Weeds
Councillor Doug Vincent

"Privet is classified as a noxious weed by the NSW Department of Primary Industries under the Noxious Weeds Act 1993.

Could staff please advise if privet is classified as a noxious weed in Wyong Shire?

If privet is present in the Wyong Shire, could staff please advise what plans are in place to reduce the weed in the shire?"

Q39/13 Student Population - Wyong Public School
Councillor Ken Greenwald

"Can the General Manager make enquiries and advise what the current student population is of Wyong Public School and what its estimated student population will be in school year 2014 following the closure of Wyong Grove Public School?"

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

**Q40/13 Increased Traffic Levels Around Wyong Public School
Councillor Ken GREENWALD**

"Can the General Manager advise if any plans have been made to cater for higher motor traffic levels and increased student drop off zones outside Wyong Public School, Cutler Drive Watanobbi, post the closure of Wyong Grove Public School at the end of 2013?"

CONFIDENTIAL SESSION

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

1169/13 That Council move into Confidential Session.

At this stage of the meeting being 6.10 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

Council resumed in open session at 7.27 pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

Councillor Vincent left the meeting at 07:28pm returned to the meeting at 07:29 pm.

Councillor Matthews left the meeting at 07:31pm and did not return.

3.2 CPA/231507 - Beach Safety Services

Michael Whittaker, General Manager declared a non-pecuniary significant conflict of interest in the matter for the reason that he was part of the bid tender team, left the chamber at 6.11 pm, took no part in discussion and did not return to the chamber.

1170/13 That Council not accept the tenders from the two external tenderers.

1171/13 That Council approves the management of its lifeguard services in accordance with the tender submitted by Tenderer No 1 Wyong Shire Council trading as Wyong Shire Lifeguard Service, under a Service Level Agreement that will be entered into between Council's Representative (Director Infrastructure and Operations) and the Service Unit Manager from the Delivery Unit, for the sum of \$2,124,069 (excl GST) ('SLA Sum').

This amount is for the provision of the 'baseline' conforming level of service as set out in the Tender Specification (i.e. does not include a Winter Beach Safety Service or Budgewoi Beach Safety Service), for three Patrol Seasons commencing with the 2013/14 Patrol Season (no option for an extension). This amount includes the savings from the Cost Saving Alternatives offered by Wyong Shire Lifeguard Services recommended below.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 11 SEPTEMBER 2013 contd

- 1172/13 That Council accept the Cost Saving Tender Alternatives No 2, 3, 5, 6 & 7 offered by Wyong Shire Lifeguard Service as detailed in the Tender Evaluation Report in Attachment A.
- 1173/13 That Council approve a Service Level Agreement Budget as detailed in the Tender Evaluation Report that includes the Cost Saving Tender Alternatives.
- 1174/13 That Council determines that the Tender Evaluation Report, Attachment A,B,C remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.
- 1175/13 That Council receive an annual report by the 31 May each year on service delivery, including costs.
- 1176/13 That Council allocate the savings resulting from this tender to a special fund for coastal, community and environmental services.
- 1177/13 That Council request the General Manager to report to Council on the services to be delivered by the permanent lifeguards during the 21 week non patrol period.
- 1178/13 That Council request the General Manager to change Council Lifeguards to highly visible red and yellow uniforms.

THE MEETING closed at 7.31 pm.

1.4 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2013/00023 - D03789084

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

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

8.1 Metro Cinemas - Update

- 2 That Council note its reason for considering Report No 8.1 – Metro Cinemas - Update as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That Council note its reason for considering Report No 8.1 – Metro Cinemas - Update as commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it.**
- 4 That Council request the General Manager to report on this matter in open session of Council.**

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

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

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

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

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

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

(iii) reveal a trade secret,

2(e) information that would, if disclosed, prejudice the maintenance of law,

2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.”

Nil

2.1 RZ/4/2009 - Rezoning Proposal - 5 Anderson Road Glenning Valley

TRIM REFERENCE: RZ/4/2009 - D03692066

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

Council is in receipt of a rezoning application (Planning Proposal) which seeks to rezone an area of land totalling 1.91 hectares for residential purposes. A review of the proposal has concluded that the proposal has merit and hence should be forwarded for a "Gateway Determination" (Department of Planning and Infrastructure). Further investigations and consultation will be required prior to public exhibition or finalisation of the rezoning.

Applicant:	The Design Partnership
Owners:	Pyoand Pty Ltd
Proposal No.:	RZ/4/2009
Description of Land:	Lot 8 DP 816552 No 5 Anderson Road, Glenning Valley
Zoning:	7(c) Scenic Protection (Small Holdings)
Existing Use:	Vacant cleared land with perimeter vegetation.
Employment Generation:	Subdivisional Works, dwelling construction and on-going maintenance.
Estimated Value:	\$3 million approx.

RECOMMENDATION

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to enable residential development.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.**
- 3 That Council request the General Manager to apply to accept plan making delegations for the rezoning.**
- 4 That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination".**
- 5 That Council consider a further report on results of the community consultation.**

BACKGROUND

The site is within an area originally identified for urban development in the 1980s under the NSW Government's Urban Development Program.

Council's Residential Development Strategy (RDS) 2002 identified the land as being within an urban development program precinct.

In the late 1990s, Council resolved to prepare and exhibit a rezoning proposal for an area known as the Wyong Road/Anderson Road Precinct. In February 2003, a report recommending rezoning of the precinct was considered by Council. Council resolved not to endorse the rezoning and that a request be made to the Minister for Planning to remove the precinct from the Urban Development Program.

The land is identified as being within an existing Metropolitan Plan Release Area shown on Map 2 in the Central Coast Regional Strategy 2006.

In May 2009, a rezoning request was submitted as part of the Rezoning Request Strategy and Comprehensive Local Environmental Plan (LEP) Review. Following a desktop assessment, the applicant was advised that Council was prepared to consider the proposal subject to a number of requirements, including the submission of specific specialist reports. A formal Planning Proposal was lodged in March 2011 together with the required specialist reports.

A review of the specialist reports identified a significant issue regarding sewer servicing. The applicant's proposal involves the construction of an on-site pump station that would pump sewerage to Council's system nearby. Council's Development Servicing Plan (DSP) for this area was developed to align with Council's RDS 2002 and identified a site along Heather Avenue, more than a kilometre from the subject site for sewage to gravitate to. This requirement was rejected by the applicant as it was considered that such works would render the proposal unviable.

The RDS 2002 and the DSP identified several other lots to the north of the site for potential residential development that have now been eliminated from Council's Draft Settlement Strategy due to environmental and slope constraints and redevelopment that has occurred since the RDS 2002 was produced. The Settlement Strategy replaces the RDS 2002 and is to be adopted with Wyong LEP 2013.

Therefore the requirements of the DSP are now redundant. Council's Water and Sewer Department have indicated after detailed consultation, that they are now willing to accept a pump station and rising main connecting to the adjacent local system is the appropriate method of servicing this site.

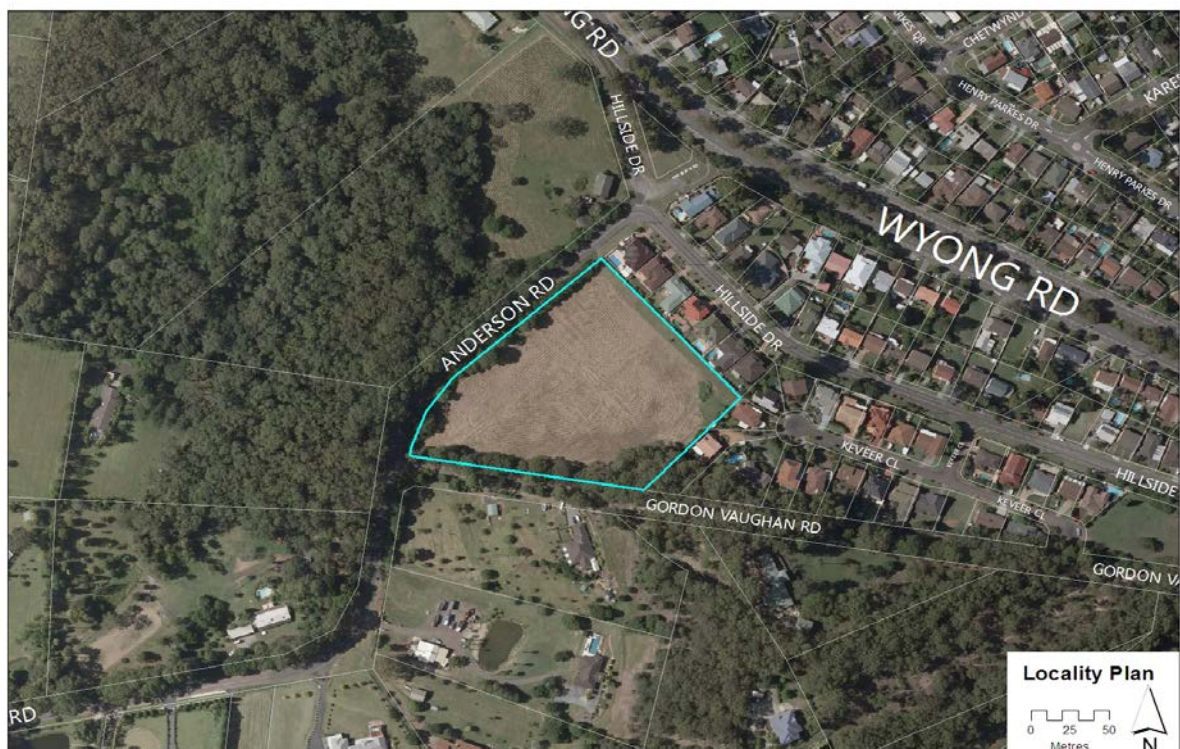
CURRENT STATUS

The Site

The site is bordered by Anderson Road and Gordon Vaughan Road, Glenning Valley. It has a west-north-westerly aspect, with a fall of about 22m with average slopes of 10-15%.

The majority of the site is cleared with narrow forest remnants along the Anderson Road (western) side and Gordon Vaughan Road (southern) side, widening in the south-eastern corner of the site. The forest types include Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.

The site is entirely zoned 7(c) Scenic Protection: Small Holdings under Wyong LEP 1991. Under draft Wyong LEP 2013 the proposed zoning for the site is E4 – Environmental Living.



The subject site immediately adjoins residential zoned land on its northern and eastern sides. Anderson Road and Gordon Vaughan Road provide defined boundaries on the western and southern sides. The land is a logical extension to the existing residential area.

Land to south, in Gordon Vaughan Road and Anderson Road, has been developed for rural residential lots ranging from 1-2ha. Land to the west is a heavily vegetated creek line that runs to the northwest.

THE PROPOSAL

The proposal is to amend Wyong LEP 1991 by zoning the land 2(a) Residential to allow residential subdivision of the land. Given the timing of the proposal, the planning proposal will be amended to reflect the appropriate zonings under draft Wyong LEP 2013 which will result in the land being rezoned from E4 Environmental Living to R2 – Low Density Residential. A concept subdivision has been submitted that proposes 19 lots served by internal roads accessed from Anderson Road. Lot sizes range from about 560m² to over 2,000m². Vegetation retention and APZ areas are indicated to be provided through building restrictions on lot titles.



ASSESSMENT

In support of the application, appropriate supporting reports have been submitted by the applicant. This information has been reviewed considering:

- Any additional information required for Council to adequately consider the merit of the proposal.
- Additional information that may be required for forwarding to the Department of Planning and Infrastructure as part of the Gateway process.

It is considered that there is sufficient information for the proposal to be forwarded to the Department of Planning and Infrastructure (DoPI) for Gateway Determination. Attached to this report is a draft Planning Proposal to be submitted to DoPI which includes further information on significant issues and mandatory requirements to be dealt with as part of the assessment of Planning Proposals. The most significant issues are considered below:

Services, Facilities and Infrastructure Impacts

The Shire Wide Contributions Plan (library stock, performing arts centre, public art commissions, regional open space and shire cycleway network and administration costs) will apply to future development of the land. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of these services.

The rezoning proposal falls within the Southern Lakes Section 94 Contribution Plan catchment. This Plan imposes a contribution rate for Open Space and Recreational Facilities Works, Community Facilities Works (and administration of the Plan). The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of their provision. The section 94 Plan will be amended to reflect the additional yield.

The traffic assessment report submitted by the applicant indicates that the impact of the proposed development on the existing road and intersection network will be minimal, but recommends a pedestrian path connection from the site to the path in Wyong Road.

Initial drainage and stormwater treatment design for the proposed subdivision indicates treatment and management will be undertaken as part of the development and is to be located wholly within the site.

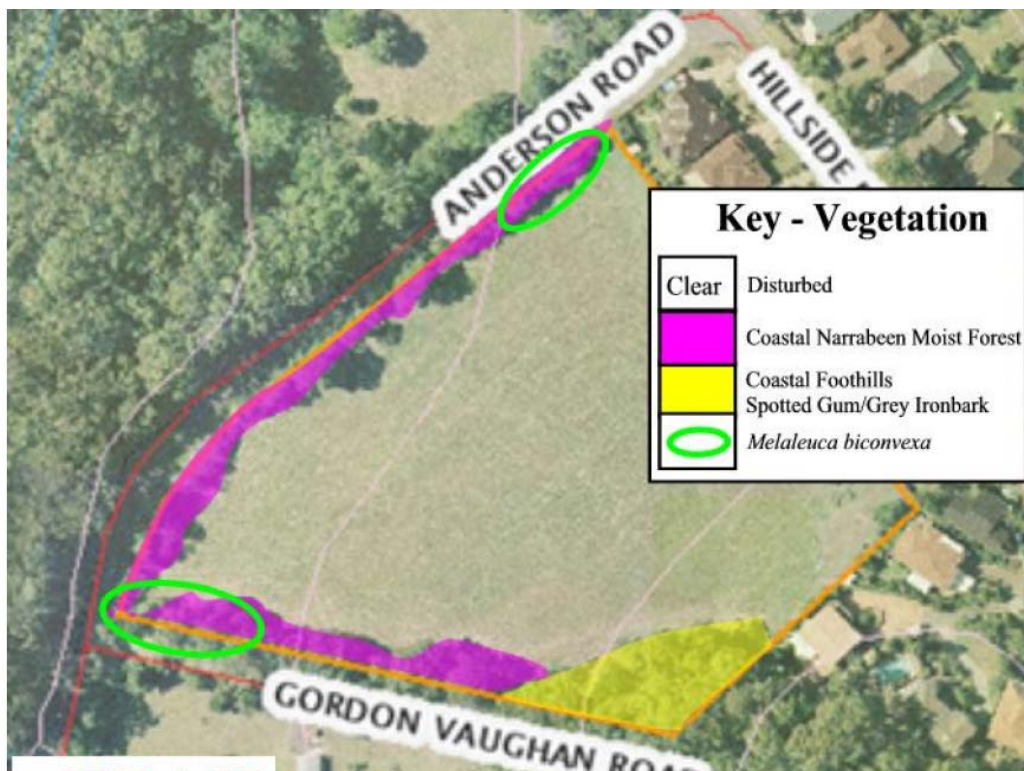
The proposed development will increase demand on water and sewer facilities and require the construction of a sewage pump station. The relevant DSP will effectively apply to the extension of these services to the site. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost. To service this lot for sewer, the developer would be required to design and construct a sewer system. As mentioned previously, an on-site sewage pump station will be required to service the site. The DSP will be amended to reflect this development and the changes that will occur as a result of the adoption of the Settlement Strategy.

Water supply for the above location is available under RL 40m. Connection point is the 150mm UPVC main on the eastern alignment of Anderson Rd. Above RL 40m (East section of lot), water supply cannot be guaranteed.

Ecological Impacts

The site is predominately cleared with narrow forest remnants along the Anderson Road (western side) and Gordon Vaughan Road (southern side) frontages, widening in the south-eastern corner of the site.

Vegetation communities on the site include Coastal Range Moist Layered Forest. The ecological report (Peak Land Management December 2010) submitted with the rezoning request identifies forest types of Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark, however internal review indicates the vegetation does not satisfy the Spotted Gum/Grey Ironbark Forest EEC descriptors. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.



Source: Peak Land Management 2010

In addition, vegetation along the southern boundary is considered to provide a local wildlife connection between larger fragments to the east and west of the site.

Consideration of bushfire management recommendations, provision of the stormwater quality treatment facilities and sewer infrastructure requirements will have potential additional impacts than those identified and assessed within the ecological report.

Review of the ecological report indicates a number of revisions are required including the additional impacts noted above and resolution of conflicting recommendations with the bushfire report.

The recommendation for regeneration of vegetation, along the southern boundary, to maintain a minor corridor function will be difficult to implement and guarantee in the long term if the land remains in private ownership. The existing vegetation is partially located within the Gordon Vaughan Road reserve. While the developer could be required to dedicate land containing the trees as an addition to the road reserve, the practicality of long term management of this minor corridor is considered to be difficult. On balance, it is recommended that the existing trees be protected by a restriction on the title of the land. This requirement is proposed to be included in a DCP provision, imposed as a condition of subdivision development consent.

OPTIONS

Option 1: Proceed to Gateway Determination

The Planning Proposal is consistent with the Central Coast Regional Strategy and consistent with all relevant 117 Directions. It is considered to be justified and recommended for submission to DoPI for a Gateway Determination.

Option 2: Proceed to Gateway Determination Subject to Certain Matters

An option for Council would be to not proceed to a Gateway Determination until the developer provides all the information required prior to exhibition listed in the overview of this report. However, it is considered these matters are able to be reasonably secured following the Gateway Determination.

Option 3: Not Proceed with Rezoning

Council may wish to reaffirm its decision of February 2003 to not support rezoning of the land. The current zone, which allows a 2 lot subdivision, is considered a significant underdevelopment of the site. Not proceeding with the Proposal would result in a lost opportunity to contribute to the supply of residential zoned land in close proximity to existing services and facilities.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The Four Year Delivery Program and Operational Plan are Council's mid and short term plans outlining the strategic role that Council will play in delivering the Community Strategic Plan.

Council has 12 Principal Activities with each activity providing the community with the necessary information to ensure Council meets community priorities.

Contribution of Proposal to Principal Activities

Processing of the Planning Proposal is to be funded by the developer/proponent in accordance with Council's Planning Proposal Procedure.

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

Opportunities for development to provide community benefits in biodiversity conservation are potentially able to be achieved through the rezoning process. These are to be negotiated as part of the process following a Gateway Determination. A Voluntary Planning Agreement (VPA) may be prepared as part of the negotiations.

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

Long term Financial Strategy

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

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

1. The cost of processing the rezoning is to be funded by the developer.
2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development. This is expected to be satisfied through existing developer contributions plans.
3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing developer contribution plan, is to be fully funded by the developer, unless it is reasonably able to be added to an existing contribution plan as essential infrastructure.
4. More detailed assessment of the capacity of existing water and sewer infrastructure that may require a commitment from the developer to meet the cost of any required new infrastructure, including pedestrian paths, sewage pumping stations and water reticulation. In similar cases, developers have addressed these issues through a VPA.
5. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges. This is a development design consideration addressed at development application stage.
6. New assets required to service the development should be minimised as far as possible.

The development may require its own stormwater quality treatment facility. The long term management costs of this facility may need to be assessed during the rezoning process to determine if a commitment from the developer is required to fund these costs.

Asset Management Strategy

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

The proposed rezoning will result in residential subdivision. New assets to service the subdivision, that will be built by the developer and dedicated to Council, include new roads, local water reticulation, local sewer reticulation including a pumping station and rising main and stormwater treatment facilities. Other potential assets, to be identified through the rezoning process, include pedestrian paths and upgrade to water reticulation upstream.

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The greater the number of lots created in the subdivision the greater the increase in the capacity of these charges to meet the maintenance costs, and eventual renewal costs. The location of the land, being adjacent to existing residential development, minimises the length of lead in infrastructure, and is able to utilise existing major infrastructure of roads, sewerage treatment and water supply. Provided the existing major infrastructure has the capacity to cater for the additional load, it is considered the proposal has a high potential to provide sustainable assets.

Link to Community Strategic Plan (2030)

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

1. Communities will be vibrant, caring and connected.

The proposed development is immediately adjoining existing residential development. Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Bus services operate along Wyong Road. Pedestrian access can be provided to Wyong Road directly through the existing Anderson Road reserve. This pedestrian link is recommended to be provided by the developer.

The development of the land will increase traffic movements on Anderson Road, Hillside Drive, Beckingham Road and the intersection with Wyong Road. There will be some minor reductions in ease of car travel at peak times.

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

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

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

Existing trees, including two small patches of threatened flora (*Melaleuca biconvexa*), exist on the perimeter of the land. It is intended to retain these patches in the yard areas of future house lots. There is likely to be some impact on the individual trees.

**2.1 RZ/4/2009 - Rezoning Proposal - 5 Anderson Road Glenning Valley
(contd)**

Opportunities for the development to fund programs aimed at restoring natural areas are recommended to be investigated to assist in the achievement of this priority objective. Note the capacity to achieve this will be dependent upon bushfire restrictions and connectivity of the vegetation.

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

The community will be given an opportunity to comment on any potential impacts of this proposal through the exhibition process.

6. There will be a strong sustainable business sector.

Not relevant to this Proposal.

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

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

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

Not relevant to this Proposal.

Budget Impact

The processing of the Planning Proposal is being funded by the developer and is intended to be "budget neutral".

Any ongoing maintenance of the assets gained by Council through the development of this subdivision will require appropriate funding from the developer and future landowners.

CONSULTATION

Internal consultation has been undertaken across relevant sections of Council. Consultation with the applicant and owner has also been undertaken. Community consultation and government agency referrals will be undertaken following the Gateway Determination.

CONCLUSION

The Planning Proposal is consistent with Council's draft Shire-wide Settlement Strategy and the Central Coast Regional Strategy. The proposal is considered to be consistent with relevant section 117 Directions, or where inconsistent, able to be justified under the direction.

The land is immediately adjoining existing residential development and is considered to be well placed to utilise existing infrastructure, facilities and services.

**2.1 RZ/4/2009 - Rezoning Proposal - 5 Anderson Road Glenning Valley
(contd)**

Following a Gateway Determination, a number of additional matters may need to be addressed prior to public exhibition of the Proposal. This will assist in improving community benefits of the proposal and managing ecological impacts and social impacts.

The Proposal is considered to be consistent with the Wyong Shire Council Strategic Plan and Annual Plan. Under Council's Financial Strategy, a number of matters are to be addressed during the processing of the Planning Proposal. The Proposal is considered capable of being consistent with Council's Asset Management Strategy. The processing of the Proposal is expected to have no net impact on Council's budget.

Internal consultation and discussions with the applicant and land owner have been undertaken. Public consultation and government agency consultation will be undertaken following a Gateway Determination as required.

Potential corporate risks are to be managed during the processing of the Proposal.

The submitted studies are considered sufficient to justify support for the proposal and all of Council's policy and strategy considerations are able to be reasonably addressed.

It is recommended the Planning Proposal be submitted to DoPI for a Gateway Determination.

ATTACHMENTS

- 1 Draft Planning Proposal- 5 Anderson Road Glenning Valley - RZ/4/2009 D03702408



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

**Planning Proposal – 5 Anderson Road
Glenning Valley**

Draft for Consultation



August 2013

5 Anderson Road Glenning Valley

Request No. RZ/4/2009

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Part 1 Objectives or Intended Outcomes

To enable development of the vacant site at 5 Anderson Road Glenning Valley for residential subdivision whilst respecting the amenity of the area, managing impact on services and maintaining significant vegetation. The location of the site is shown in Figure 1 below and indicative subdivision layout is shown in Figure 2.

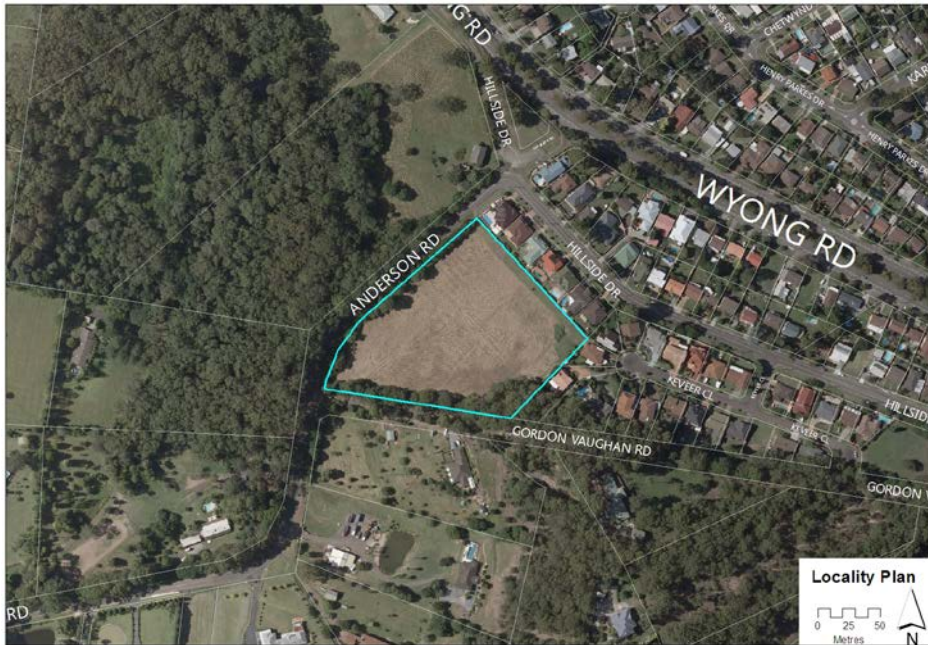


Figure 1 – Aerial Photo - 5 Anderson Road and surrounding land

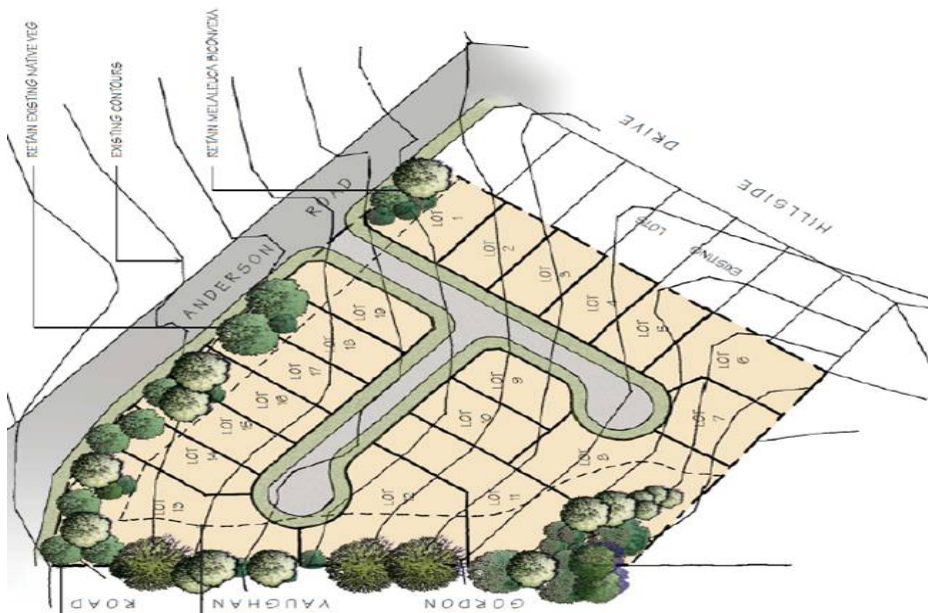


Figure 2 – Indicative subdivision layout

Part 2 Explanation of Provisions

Under Wyong LEP 2013

Amendment of Wyong LEP 2013 (currently draft) Land Zoning Map in accordance with the proposed zoning map shown in Annexure 1.

Amendment of Wyong LEP 2013 Lot Size Map in accordance with the proposed lot size map shown in Annexure 2.

Part 3 Justification

Section A – Need for the Planning Proposal

1. *Is the Planning Proposal a result of any Strategic Study or report?*

The land is identified as being within an Urban Development Program area shown in the Central Coast Regional Strategy (CCRS) Map 2 listed as Figure 3 below.

The land is listed in Council's draft Shire-wide Settlement Strategy – Rezoning Request Strategy for short term investigation. Following a request from the landowner and provision of supporting studies, Council has resolved to submit the Proposal for a Gateway determination.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The simplest method of permitting residential subdivision of the land is considered to be an amendment to the zone and lot size maps.

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

The CCRS Chapter 4 Centres and Housing, Action 4.6 specifies that all land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP (Metropolitan Development Program) areas, areas identified through preparation of LEPs and Greenfield areas in the NWSSP.

The land is within an existing MDP shown on Map 2 of the CCRS and so the Planning Proposal is consistent with the objectives and actions contained within the CCRS.

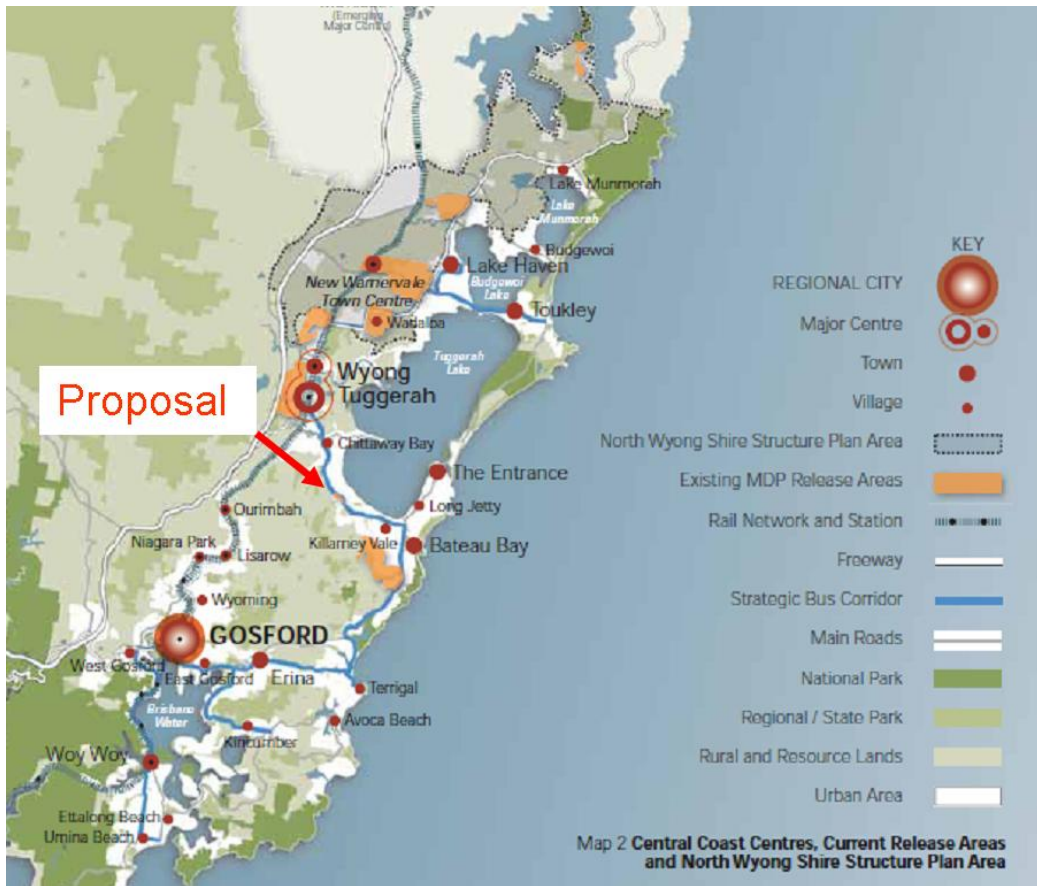


Figure 3 – Extract from CCRS – Map 2

4. *Is the planning proposal consistent with a Council’s local strategy, or other local strategic plan?*

Community Strategic Plan (2030)

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

1. Communities will be vibrant, caring and connected.

The proposed development is immediately adjoining existing residential development. Opportunities exist for new residents to participate in existing programs in the district, including community, business, sports, recreation, education and creative groups.

There may be some initial conflicts from existing residents in Glenning Valley who oppose further growth and change in the area.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Bus services operate along Wyong Road. Pedestrian access can be provided to Wyong Road directly through the existing Anderson Road reserve. This pedestrian link is recommended to be provided by the developer.

The development of the land will increase traffic movements on Anderson Road, Hillside Drive, Beckingham Road and the intersection with Wyong Road. There will be some minor reductions in ease of car travel at peak times.

3. Access to facilities programs and services.

The proposed development will result in developer contributions to cultural and community facilities, open space, sports and recreation facilities. Council is currently seeking to increase utilisation of many of its existing facilities.

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

Two small patches of threatened flora (*Melaleuca biconvexa*) exist on the perimeter of the land. It is intended to retain these patches in the yard areas of future house lots. There is likely to be some minimal impact on the individual trees.

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

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

6. There will be a strong sustainable business sector.

Not relevant to this Proposal.

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

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

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

Not relevant to this Proposal.

Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following Table lists the 12 Principal Activities, identifies any relevant service, related key actions & objectives and relationship to the proposal.

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
1 Community & Education	1.01 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Marginal increase in utilisation of facilities. Additional contributions will be collected.
2 Community Recreation	2.01 Open Space 2.02 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Marginal increase in utilisation of facilities. Additional contributions will be collected.
3 Economic & Property Development	None relevant			
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
6 Environment & Land Use	6.02 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation	Strategies still in preparation – KPIs to be developed
	6.03 Land Use Planning & Policy Development	Increase revenue from full cost recovery and rezoning fees	Developer Funded	No net cost to Council in assessing this proposal.
7 Waste	7.01 Waste	Provide regular domestic waste & recycling service	Revenue	Marginal increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	Roads and Footpaths	Ease of travel Provision and maintenance	Developer Funded	New local infrastructure to be constructed at developer cost. Additional rate revenue will be generated & Contributions collected
10 Water & 11 Sewerage Services	10.1 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developer cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

SEPP	Consistency
<p>State Environmental Planning Policy (SEPP) No 44 – Koala Habitat Protection</p> <p>This SEPP aims to encourage the proper conservation and management of koala habitat in areas in order to maintain the viability of koala populations. The SEPP requires an assessment of the site to determine if it is potential koala habitat. Potential koala habitat is defined as areas of native vegetation where at least 15% of the total number of trees are prescribed koala feed trees.</p>	<p>The ecological assessment by Peak Land Management submitted with the Planning Proposal request notes that less than 15% of trees are koala feed trees and therefore the land does not contain potential koala habitat.</p>
<p>SEPP 55 – Remediation of Land</p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment. This SEPP introduces state-wide planning controls for the remediation of contaminated land. It establishes that land must be remediated if</p>	<p>The site is considered to be unlikely to have been used for a potentially contaminating land use, however, this will need to be confirmed. A preliminary investigation report will be required following the Gateway determination.</p>

contaminated, to a standard suitable for the end land use. Clause 6 requires Council to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions as summarised below.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	No	NA
1.2	Rural Zones	No	NA
1.3	Mining, Petroleum Production and Extractive Industries	No	NA
1.4	Oyster Aquaculture	No	NA
1.5	Rural Lands	No	NA
Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	NA
2.3	Heritage Conservation	No	NA
2.4	Recreation Vehicle Areas	No	NA
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	No	No
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use & Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	No	NA
3.6	Shooting Ranges	No	NA
Hazard & Risk			
4.1	Acid Sulfate Soils	No	NA
4.2	Mine Subsidence and Unstable Land	No	NA
4.3	Flood Prone Land	No	NA
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	NA

5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	NA
5.5 to 5.7	Revoked	No	NA
5.8	Second Sydney Airport: Badgerys Creek	No	NA
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	NA

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below,

Ministerial Direction	Consistency
<p>2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The subject land is zoned 7(c) – ‘Scenic Protection (Small Holdings)’ under the provisions of the Wyong Local Environmental Plan, 1991. The objectives of the zone are:</p> <p>‘(a) to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:</p> <p>(i) to inhibit the potential for urban expansion, particularly at the urban fringe, or</p> <p>(ii) to create a demand for the uneconomic provision of services, or</p> <p>(iii) to detract from the scenic quality of rural lands, and</p> <p>(b) to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.’</p> <p>The subject land, although zoned for small holdings development, and nominated within a ‘scenic protection’ zoning, is very much a transition parcel between the residential development to the north and east of the subject land and the existing rural-residential development to the south. The land is extensively cleared (apart from its borders) and ecological assessment and archaeological review reveal limited potential for adverse impacts should the land be developed.</p> <p>By providing residential development on this cleared transition parcel of land, the wider planning principles for the area will be</p>

	<p>maintained. The development will provide for a suitable use of the land (rather than a low-scale sprawling use as currently permitted) and will provide for a small addition to local housing supply to cater for existing demand.</p> <p>Giving the land over to residential development will not have any significant adverse impacts in terms of environmental outcomes.</p>
<p>3.1 Residential Zones Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The proposed development offers a residential development within a transition zone between the immediately adjoining residential lands to the north and east of the subject land and the rural-residential developments to the south. The proposal makes use of existing infrastructure including road, sewer, water, electricity and telecommunications.</p>
<p>3.3 - Home Occupations Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposed rezoning aims to permit for residential development which may result in home occupations being carried out within resulting dwellings. There is nothing within the proposed rezoning that would detract from encouraging low impact businesses within future dwellings.</p>
<p>3.4 Integrating Land Use & Transport Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The proposed development will result in a minor additional traffic movement on the existing road infrastructure, which is dealt with more specifically within the Traffic Impact Assessment. In addition, the subject land has access to the public transport options available along the Wyong Road corridor as well as access to the nearby pedestrian and cycle opportunities.</p>
<p>4.4 Planning for Bushfire Protection This direction provides requirements to be fulfilled for draft LEPs that affect land mapped as bushfire prone land. The objectives of the direction are to protect life, property and the environment from bushfire hazard by</p>	<p>The applicant has prepared a Bushfire Impact Assessment which indicates that the site may be developed for residential development providing measures to address bushfire threat are employed in the subdivision and subsequent building design.</p>

discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.	
5.1 Implementation of Regional Strategies The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy.	The planning proposal is considered to be consistent with the Central Coast Regional Strategy.
6.1 Approval and Referral Requirements Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal will not seek to include provisions which require concurrence from other agencies.
6.3 Site Specific Provisions Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	LEP will contain land use and lot size restrictions. If supported any site specific provisions will be provided in a Development Control Plan.

Section C – Environmental, Social and Economic Impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site is predominately cleared with narrow forest remnants along the Anderson Road (western side) and Gordon Vaughan Road (southern side) frontages, widening in the south-eastern corner of the site.

Vegetation communities on the site include Coastal Range Moist Layered Forest. The ecological report (Peak Land Management December 2010) submitted with the rezoning request, identifies forest types of Coastal Narrabeen Moist Forest and Coastal Foothills Spotted Gum/Grey Ironbark, however internal review indicates the vegetation does not satisfy the Spotted Gum/Grey Ironbark Forest EEC descriptors. There are 2 patches of the threatened flora species *Melaleuca biconvexa* within the forest remnants.

The 2 patches of *Melaleuca biconvexa* are intended to be retained within the existing road reserves or within the rear yard of future residential lots protected by title restrictions. There is likely to be an impact on these stands of *Melaleuca biconvexa* as a result of construction of the road access, sewage pump station and rising main and stormwater management facilities. However, the 2 patches are considered to be small and isolated and proposed management of impacts through detailed design are considered reasonable to manage impacts. The impacts are not considered sufficient to prevent the Proposal from proceeding.

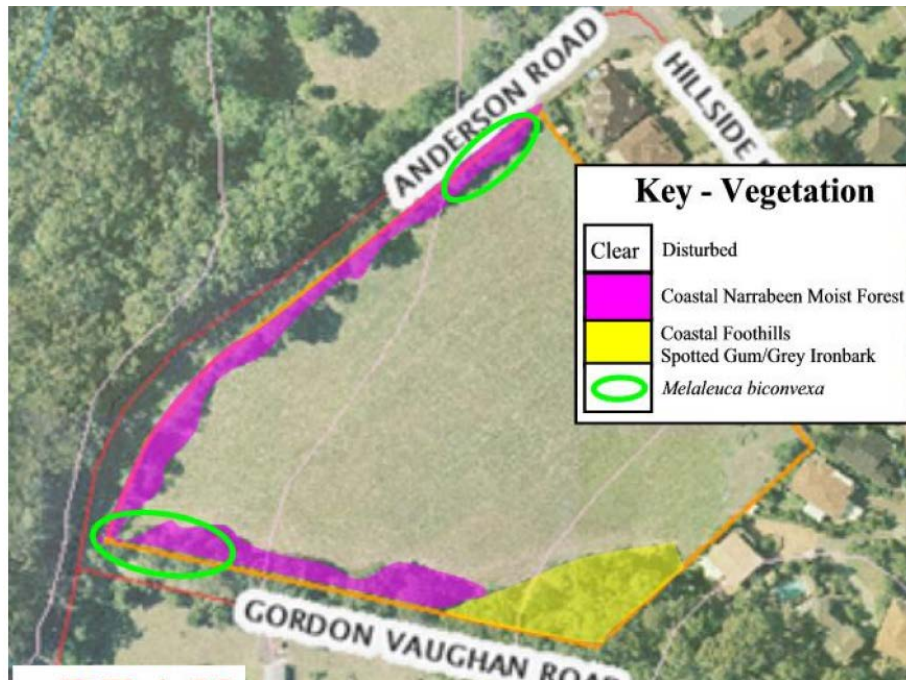


Figure 4 – Vegetation Source: Peak Land Management 2010

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Vegetation along the southern boundary is considered to provide a local wildlife connection between larger fragments to the east and west of the site.

Consideration of bushfire management recommendations, provision of stormwater quality treatment facilities and sewer infrastructure requirements will have potential additional impacts than assessed within the ecological report.

Review of the ecological report indicates a number of revisions are required including:

- the additional impacts noted above,
- resolution of conflicting recommendations with the bushfire report,
- complete assessment of the proposal under the EPBC Act including a search of the protected matters database and assessment of impacts on migratory species likely to occur on the site and
- some other minor corrections and omissions.

It is proposed to retain trees along the southern and western boundary. This requires an Arborist Report to assess the health of the trees to identify those suitable for retention or replacement.

Consideration of requiring regeneration of vegetation along the southern boundary, to maintain a minor corridor function, indicated this will be difficult to implement and guarantee in the long term if the land remains in private ownership. The existing vegetation is partially located within the Gordon Vaughan Road reserve. While the developer could be required to dedicate land containing the trees as an addition to the road reserve, the practicality of long term management of this minor corridor is considered to be difficult. On balance, it is recommended that the existing trees be protected by a restriction on the title of the land. This requirement is proposed to be included in a DCP provision, and imposed as a condition of subdivision development consent.

All the matters raised above are considered able to be resolved through the rezoning process and resolved prior to the community consultation/public exhibition phase.

The Concept Layout Plan will be further refined to address management of ecological impacts, bushfire hazard, stormwater management and sewer infrastructure. Design details that address these issues are recommended to be included in DCP provisions to inform the development assessment process following any rezoning of the land.

9. *How has the planning proposal adequately addressed any social and economic effects?*

Social

An Archaeology Due Diligence assessment of the land concluded that there was unlikely to be any Aboriginal objects or artefacts on the land and further impact assessment was not required.

The rezoning of the land and subsequent residential development will create a demand for community, cultural and recreational services.

The Shire Wide Contributions Plan (library stock, performing arts centre, public art commissions, regional open space and shire cycleway network and administration costs) will apply to future development of the land. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of these services.

The rezoning proposal will form an extension to the Berkeley Vale residential community. It falls within the Southern Lakes Section 94 Contribution Plan catchment. This Plan imposes a contribution rate for Open Space and Recreational Facilities Works, Community Facilities Works (and administration of the Plan). The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of their provision.

Economic

The Planning Proposal has been assessed in terms of Council's Long Term Financial Strategy, Asset Management Strategy and operational budget. Financial impacts and appropriate management measures have been identified to ensure the development funds any specific infrastructure, facilities or services not funded through contributions plans. Assets likely to be acquired by Council as a result of the development are considered likely to be financially sustainable. Processing of the Planning Proposal is to be budget neutral.

No broad economic effects of the Proposal have been identified.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The Proposal is expected to create a marginal increase in demand for public schools, electricity supply, emergency services, health services, public administration, rail and main road transport and telecommunications services. All of these services are considered to be reasonably available in the locality.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

[to be completed after Gateway Determination]

Part 4 Mapping

Figure 1	Aerial Photo - 5 Anderson Road and surrounding land
Figure 2	Indicative subdivision layout
Figure 3	Extract from CCRS – Map 2
Figure 4	Vegetation
Annexure A	Current LEP Map Wyong LEP 1991
Annexure B	Proposed amendment to the WLEP 2012 land zoning map

Annexure C	Proposed amendment to the WLEP 2012 lot size map
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Part 5 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site. Notices will be placed on Council's website and a link attached to Council's new ePanel imitative.

Briefing of the Berkeley Vale Precinct Committee is also proposed during the exhibition period.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

Part 6 Project Timeline

Council Endorsement	Sep 13
Gateway Referral	Oct 13
Gateway Determination	Nov 13
Forwarding of PP to Govt. Depts. (prior to ex.)	Nov 13
Funding Agreement Changes & Signing	Dec 13
Responses from Govt. Agencies reviewed – PP	Dec 13
Completion of Exhibition Material	Jan 14
Exhibition	Feb 14
Council Report Draft	Mar 14
Consideration of Submissions	Mar 14
Report to Council	Mar 14
PC Consultation	Apr 14
Notification and Effect	May 14

Attachments and Supporting Documentation

Document	Attached
1. Current LEP Map Wyong LEP 1991	TBA
2. Amendment of Wyong LEP 2012 Land Zoning Map	TBA
3. Amendment of Wyong LEP 2012 Lot Size Map	TBA
4. Council Reports and Minutes	TBA
5. Rezoning Report Andrews Neil, March 2011	Yes

2.2 RZ/8/2012 - Planning Proposal (Rezoning) - 223 Scenic Drive Colongra - Woolworths Proposal

TRIM REFERENCE: RZ/8/2012 - D03647776
MANAGER: Martin Johnson, Manager Strategic Development
AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

This report relates to a rezoning application (Planning Proposal) which seeks to rezone a vacant lot located adjacent to Scenic Drive Colongra to permit the construction of a supermarket, bottle shop and service station. The assessment of this proposal has concluded that a supermarket in this location is inappropriate and accordingly the Planning Proposal currently before Council should be refused.

Applicant: Macroplan Dimasi
Owners: Fabcot Pty Ltd
Proposal No.: RZ/8/2012
Description of Land: Lot 1 DP 1049201, 223 Scenic Drive Colongra
Site Area: 2.97 Ha
Zoning: 1(c) (Non-Urban Constrained Land)
Existing Uses: Vacant

RECOMMENDATION

- 1 ***That Council refuse Planning Proposal RZ/8/2012, given the economic impact on surrounding business centres and the lack of strategic justification for this proposal***
- 2 ***That Council inform the applicant, in accordance with the requirements of Clause 10A of the Environmental Planning and Assessment Regulation 2000, that it does not support the request to prepare a planning proposal.***
- 3 ***That Council direct the General Manager to instruct staff to continue to work with the applicant to find an alternative site for the proposal that will result in employment generating development***

BACKGROUND

The site is bounded by Delta Electricity land to the west and north and residential development to the east. There is a relatively small lot to the south-east of the site zoned 5(a) Special Uses which houses telecommunications infrastructure.

The site is currently vacant with the southern end of the site generally cleared and exhibiting some remains of a demolished dwelling. Council records indicate that the site was used for residential purposes and grazing from around the 1950's to the late 1990's. The northern section of the site is covered by native vegetation with a disturbed understorey.

The applicant is seeking to have the subject site rezoned from 1(c) (Non-Urban Constrained Land) to B2 – Local Centre which would subsequently permit the lodgement of a development application for the construction of a supermarket and service station.

Assessment of the proposal has indicated that the land is viable for development with the issue of the economic impact of an additional retail development in the area being isolated as the major issue with the proposal.

The most significant stages of the assessment of the proposal to date are listed below:

- Pre-lodgement discussions. Applicant informed that if they wished to lodge an application that they needed to provide as much information on impacts on surrounding centres (such as Budgewoi).
- Proposal lodged and assessed by relevant staff.
- Proposal referred to Don Fox Planning (DFP) for independent specialist assessment of retail issues.
- Meeting held with Woolworths and DFP.
- Amended submission received reviewed by Council Staff and DFP.
- Further discussions with proponent.
- Briefing of Council.
- Council informed 6 September 2013 that the applicant has lodged an application for Pre-Gateway Review with the Department of Planning and Infrastructure (DoPI). Council is to provide comments for the Department by 27 September 2013.

THE PROPOSAL

The proposal involves the rezoning Lot 1 DP 1049201, Scenic Highway Colongra from 1(c) (Non-Urban Constrained Lands) to B2 Local Centre. Plans submitted by the applicant indicate their intent to construct a Woolworths Supermarket with a gross leasable floor area of 3200 m², bottle shop of 120m², a service station and associated on-grade parking on the site. Preliminary site plans indicate that the development would cover approximately 75% of the site.

ASSESSMENT

The application was supported by relevant reports regarding contamination, bushfire, servicing and economic impact. The assessment indicated that, while there are likely to be a number of issues that would require further consideration such as vegetation removal and site access, these issues were not insurmountable. The issue of economic impact of the “out of centre” location has been isolated as being the issue of most significance.

The application was supported by an Economic Impact Assessment (EIA). Given the level of speciality of the content of this document, Don Fox Planning (DFP), who specialise in Retail Planning, were engaged by Council to provide an independent assessment of the application and specifically the EIA. The independent assessment identified several shortfalls in the submission and concluded that:

“insufficient evidence had been provided to be able to advise Council that the proposal was supportable”

Subsequently a meeting was held involving Council staff, Woolworths representatives and DFP's Retail Planner. An amended submission including a Net Community Benefit Test and Sequential Test (looking at alternative sites in the area) were provided by the applicant. Once again these documents were reviewed by Council staff and DFP.

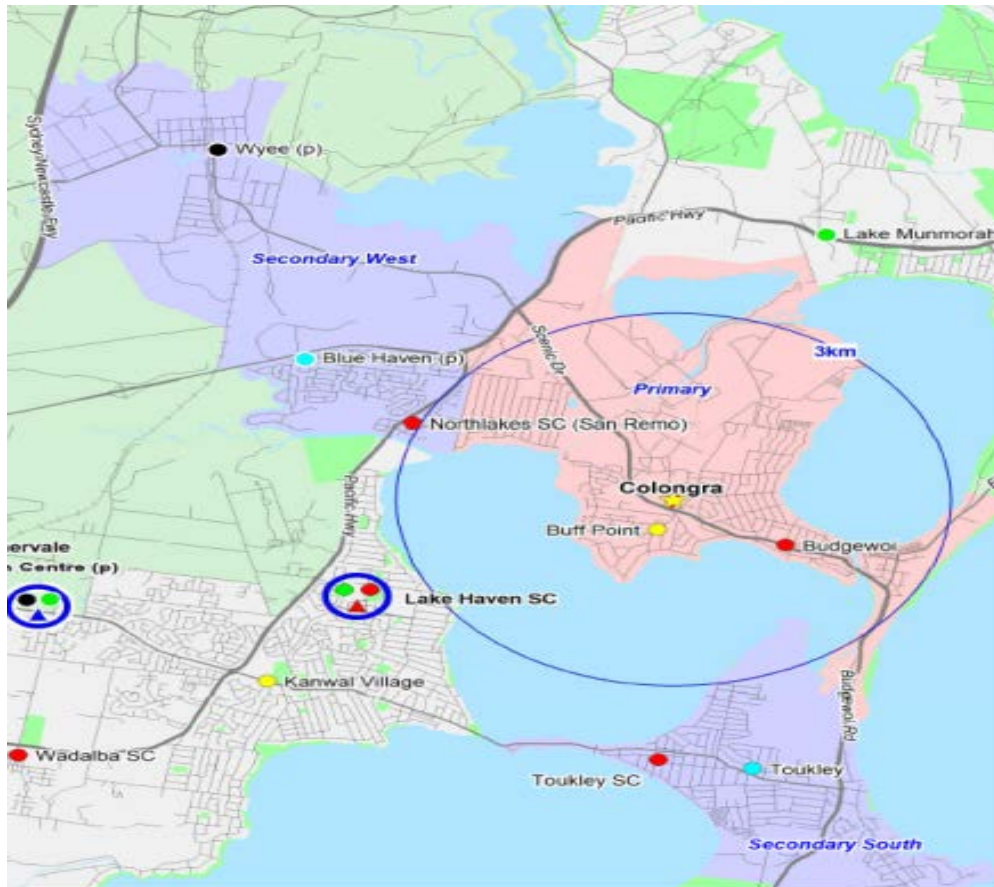


Figure 1 – Applicant’s Submission – Colongra Woolworths Trade Area

Assessment – Demand

In their submission, the applicant has looked to establish that there is significant demand for an additional supermarket in the north of Wyong Shire, particularly in the area where they have purchased the subject site. The applicant’s submission has concluded that there is currently demand for an additional 3140 m² of supermarket floorspace in the area identified as the Primary Trade Area above.

In summary, significant discrepancies were raised by DFP which include:

- the location of Northlakes Shopping Centre just beyond the identified primary catchment with the entire suburb of San Remo being included in the identified primary catchment significantly adjusts the data. According to the applicant’s submission, Northlakes Coles has a floor area 3500 m².

- the EIA is inconsistent in that it includes the small supermarket at Buff Point with a floor area between 300-400m² as supermarket floor space but excludes it for the purposes of assessing 'demand'.
- the trade area for a Local Centre (i.e. – supermarket only) should not extend into the secondary areas as shown in figure 1. It is worth noting that the population growth expectations in the secondary areas are significantly higher than in the primary catchment and this is used to bolster the trade expectations of the proposed supermarket.

Assessment - Impact on Existing and Proposed Centres

The applicant has provided the following information with regard to initial impact on surrounding centres:

Centre	Initial Economic Impact
Budgewoi	- 11.8 %,
Northlakes	- 8.6%,
Lake Munmorah	- 11.9%,
Toukley	- 6.9%,
Buff Point	- 5.9%

Table 1 – Summary of Initial Economic Impacts from applicant's submission

The applicant has indicated that impact figures are "moderate and would be almost entirely experienced by the key supermarket anchors in these centres".

DFP have formed the following views:

Impacts - high/moderate/low?

The general rule of thumb with respect to economic impact is that impacts of less than 10% are often manageable, but impacts exceeding 10% are considered 'high'. The impacts of a new development will depend on the capacity of competing businesses to 'absorb' the impact based on access to alternative markets, population growth, whether a facility may have been 'overtrading' previously (a good indication of undersupply of floorspace) and access to alternative markets. None of these options are available to the facilities identified and there is no indication that any of these facilities is overtrading to a significant degree.

Accuracy of Impact Information

..... our rider with respect to the impact estimates is based on acceptance of the methodology that was used to inform these estimates. As noted in our earlier email, we have a number of misgivings about the data that has been relied upon and some of the assumptions which have been made and on this basis we would question the % impacts as noted in Table 5.3 (summarised in Table 1 above)

Impacts on “other” businesses

There are likely to be knock on effects for other retailers and service providers in affected centres. Such impacts are difficult to quantify and can vary from operator to operator. As noted in the Dimasi EIA, whilst food and convenience retailing generally has fared reasonably well post GFC, other forms of retailing, particularly stores trading in discretionary items, have experienced a decline in growth. This is not to say that food and convenience retailers will be able to ‘cope’ with a downturn in trade if an 11.3% impact on the supermarket in a centre translates to a similar impact for all outlets within that centre. A lot would depend on rental payments, the margins within which these other retailers are operating and the type of products retailed. Some impacts may be able to be dealt with by reducing overheads. Employment costs are the most significant outlay for most small businesses and therefore reducing staff might be the outcome if there is a downturn in trade.

In summary DFP has indicated that the impacts envisaged by the applicant in their submission may be an underestimation and in any case should not be considered minor for centres such as Budgewoi. Impacts on other retailers are difficult to equate given the various circumstances different businesses face but there is potential for impact on employment.

In addition the ongoing viability of the Buff Point Centre located within 700m of a major supermarket is questionable.

Assessment – Employment

New Jobs

The initial EIA provided indicated that the new supermarket would provide 218 new direct jobs and a further 83 multiplier induced jobs, 47 direct construction jobs with 76 multiplier jobs.

A recent approval for a Woolworths at Lake Munmorah provides similar figures for employment as those submitted with this Planning Proposal. Through discussions with the applicant during the assessment process the figures provided by Woolworths were discussed as they seem to be at odds with figures provided by Coles for a similar sized supermarket development at San Remo approved in 2006 (DA/1796/2005) as indicated by the following extracts from the relevant Council Report:

- *a local shopping centre, including a supermarket, 18 specialty shops, a medical centre, a hotel and liquor shop and parking for 330 cars at 17-33 Pacific Highway East, San Remo;*
- *Coles supermarket with total floor area of 3,200 square metres;*
- *Employment generating development creating approximately 140 full time, part time and casual jobs both during construction and on an ongoing basis;*
- *The supermarket alone is likely to employ approximately 47 staff*

Subsequently the applicant provided an amended EIA indicating that the development will employ 124 people as opposed to 218. This has been achieved by reducing employee numbers per 1000 m sq. from 55 to 33. There is no justification given for the initial “overestimate”. This brings into question the veracity of all of the figures provided.

DFP were asked to comment on the number of people likely to be employed in a supermarket of the size proposed:

Excluding the service station (which will employ many people – we estimate maybe 6 FTE jobs), we estimate the supermarket could employ around 50 persons (based on 1 employee per 75m2 of GFA). In our opinion, the estimate of 1 employee/30m2 of supermarket floorspace is an overestimation of the employment potential of this facility.

Job Losses

The applicant has indicated that there will be “some minor impacts on other centres, estimated to be in the order of 5%” or a net gain of 118 jobs if 124 is considered to be the number of people that will be employed at the new supermarket. DFP have indicated that:

it is more likely that job losses would mirror (the percentage financial) impacts for the supermarkets anchors of the affected centres with the potential for more job losses in other retail outlets as a result of a down turn in trade.

Therefore according to the independent economic assessment by DFP, the table above (**Table 1**) provides a better assessment of employment impacts though as also indicated above have indicated that they have “a number of misgivings about the data that has been relied DFP upon and some of the assumptions which have been made and on this basis we would question the % impacts as noted”

In addition to impacts on supermarkets in the area there is significant concern that smaller businesses in surrounding centres operating on smaller margins than supermarkets would be significantly impacted and there will potentially be no net gain in employment as a result of this development.

OPTIONS

Option 1 – Refuse Application – continue discussions with the applicant to identify suitable sites within the “catchment” and alternative uses for the subject site

Woolworths have indicated a desire to have a supermarket in the area and a preference for the subject site as it is centrally located within an area where they currently have a limited presence.

As part of an amended submission the applicant has submitted a Sequential Test which is a process that looks to identify alternative sites for supermarkets in the identified catchment. In addition Council staff have undertaken some preliminary work on alternative sites for an additional supermarket in the area.

The Sequential Test submitted by the applicant with the amended submission looked at 15 potential alternative sites within the area with only one site being the Council car-park at Toukley being identified as the location that could be considered for a full-line supermarket. Relocation to this site was discussed with the applicant with Council noting that potentially increased costs of developing this site could be offset by potential alternative development of the subject site. The applicant has indicated that Toukley is not the area in which Woolworths envisages a need to increase their presence at this stage.

As the applicant has indicated that they require a presence in the Budgewoi area Council has considered the potential of adding an additional supermarket to the existing Budgewoi Commercial Area. This work has been undertaken as part of the development of the draft Budgewoi Masterplan.

DFP have looked at the feasibility of a second supermarket in Budgewoi and have advised:

The provision of a second supermarket within the Budgewoi local centre would require expansion of its catchment area (beyond that already estimated) to the extent that it might impact adversely on the proportion of expenditure directed to other centres and in particular, Toukley. From a retail hierarchy perspective, the role and function of Toukley would be reinforced by the provision of a second supermarket (notwithstanding that there is an Aldi within East Toukley). As part of the retail network within the Wyong shire, it is essential that the position of various centres within the hierarchy be respected and reinforced where possible and appropriate.

Council has identified a suitable site within the Toukley town centre on appropriately zoned land. It is acknowledged that this may not be as straightforward to develop as a 'greenfield' site, such as the Colongra site, however, the site at Budgewoi may also prove problematic in terms of acquiring sites to provide sufficient site area and appropriate design to satisfy the objectives of the Budgewoi master plan.

The Sequential Test submitted by the applicant also looked at all the commercially zoned land within Budgewoi. No site was considered appropriate for a full-line supermarket. DFP comments are consistent with this assessment.

Council has suggested the rezoning of land to the north of 10th Avenue which has been considered unviable by the applicant due to the price of land (containing existing dwellings) and the isolation of the site.

The applicant has suggested Council investigate if there were land available on the periphery of Halekulani Oval. This recreation land is well used and is not considered appropriate for commercial development.

It is considered that it is appropriate Council continue discussions with Woolworths with regard to finding a suitable site for development in the area.

Option 2- Refuse Application – no further action

It is recommended that Council continue to work with the applicant to look for further opportunities for development within Wyong Shire.

Option 3 – Approve Application and Instruct Staff to prepare a Planning Proposal for Gateway Determination

On the balance of the information provided, the potential economic impacts of a supermarket in the location proposed are significant.

Even if Council recommend approval of this proposal, the proposal must then gain the approval of the DoPI (Gateway) if it is to be advanced to public exhibition. For this approval to be granted proposals are required to be consistent with relevant Section 117 Directions issued under the Environmental Planning and Assessment Act (1979) and provide overall strategic justification for the proposal.

The proposal will need to address to the satisfaction of the Department that issues such as impact on 1.1 - Business and Industrial Zones, 2.2 Coastal Protection, 3.4 Integrated Land Use & Transport and 5.1 Implementation of Regional Strategies. This would appear to be a significant issue that is beyond the control of Council.

STRATEGIC LINKS**Central Coast Regional Strategy**

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning (DoP) in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The proposed rezoning conflicts with the following actions provided in the Central Coast Regional Strategy (CCRS):

5.11 Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of centre, however, the presence of a convenience shop can initiate a neighbourhood centre, around which other activities such as child care facilities can be located.

The proposed supermarket is located out of centre, and would result in the creation of an additional village centre that has not been identified in the CCRS.

5.7 Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in inappropriate fragmentation of that land.

The proposed rezoning is located out of centre and would result in the further fragmentation of an already fragmented commercial centre at Budgewoi.

5.2 LEPs are to be consistent with the Central Coast Regional Strategy, the related employment capacity targets and provide a distribution that reflects the centres hierarchy.

The rezoning does not reflect the centres hierarchy and would create an additional centre that has not been identified in the CCRS.

Regional Economic Development and Employment Strategy (REDES)

The Regional Economic Development and Employment Strategy was developed as part of the NSW Government Central Coast Strategy and encourages employment growth in key employment nodes, including strategic centres, employment lands and smaller centres. It includes six strategies to shape future development on the Central Coast. The following Strategies are relevant to this discussion:

Strategy 1 – Securing new jobs and supporting existing jobs.

While the proposal will provide for new jobs there is inadequate evidence provided that this will not be outweighed by the impact on existing jobs.

Strategy 5 – Focus on centres development through

- *Developing key centres in accordance with the Central Coast Regional Strategy*
- *Providing suitable commercial and retail floor space in lower order centres.*

The proposal is for out of centre development and is conflict with this Strategy.

North Wyong Shire Structure Plan

Refers to Councils Retail Centres Strategy for areas of future retail development. The subject site is not included as a site recommended for future retail development under Council's Retail Centres Strategy.

The site adjoins Green Corridor land which will need to be considered if the land is to be developed.

Draft Settlement Strategy

With regard to Planning for Economy and Employment, Council's draft Settlement Strategy which is currently being considered with the draft LEP 2013 includes the current Key Planning Considerations for our Commercial and Retail Centres:

- *Ensure that centres are commercially viable and that dispersed populations have access to sustainable local centres which provide for the needs of the community.*
- *Protect and reinforce the existing hierarchy of commercial and retail centres - Manage commercial and retail development so that new development does not cause adverse economic or social impacts on the existing hierarchy of commercial and retail centres.*
- *Ensure that the viability of the commercial and retail hierarchy is maintained and enhanced through appropriate built form requirements, encouraging higher density, compact form and mixed uses.*

The proposal is considered to be inconsistent with the relevant Considerations highlighted above.

Retail Strategies (existing and draft)

Council's current Retail Strategy (2007) is currently under review. Out of Centre development as proposed is inconsistent with the current Strategy and the draft Strategy. The draft Strategy is set for adoption by Council this year. Council has indicated that the following information should be provided in the new Retail Strategy to assist in dealing with 'out of centre' proposals:

"Proposed 'out of centre' development will need to comply with the Net Community Benefit Test to ensure that the proposal would not detract or impede existing centres."

Independent economic assessment indicates that this proposal will have a significant negative impact on existing centres.

"If a proposal does not fully comply with the net community benefit test, proponents should be encouraged by staff to look at alternative sites within existing centres. Such sites could include Key Iconic Development Sites, Council owned carparks or existing vacant buildings".

An alternative development site is available within the Main Trade Area as nominated by the applicant and has been identified by the applicant in their submission.

Wyong Shire Council Strategic/ Annual Plan

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

Of the 12 Principle Activities the relevant Activity is Economic and Property Development with an objective to ensure that "there will be a strong and sustainable business sector".

The assessment of this proposal raises concerns as to whether there will be a negative impact on the sustainability of established centres as a result of the development of this site as a supermarket.

CONSULTATION

As indicated above, the applicant has been kept involved in the assessment of this proposal and has been given several opportunities to respond to Council's concerns.

Given the specific nature of this proposal Council has sought and received independent advice on the potential economic impacts of this proposal.

If recommended for approval, and following a positive Gateway Determination the proposal would go on exhibition with expected input from competitors, other businesses and the public to be provided.

GOVERNANCE AND POLICY IMPLICATIONS

Rezoning of the land is undertaken by preparing an amendment to the local environmental plan (currently Wyong LEP 1991) through progressing of a Planning Proposal under sections 55-59 of the Environmental Planning and Assessment Act 1979.

MATERIAL RISKS AND ISSUES

Under recent changes to the EP&AAAct applicants may appeal the decision of Council to refuse rezoning applications. Council informed 6 September 2013 that the applicant has lodged an application for Pre-Gateway Review with the Department of Planning and Infrastructure (DoPI). Council is to provide comments for the Department by 27 September 2013.

CONCLUSION

The applicant has provided information that would indicate that there is significant demand for an additional supermarket in this locality, significant job generation and minimal impact on surrounding centres with regard to trade and potential job loss.

The independent assessment of the proposal indicates that the immediate area of the site is relatively well serviced with regard to access to a supermarket, that net job creation has been overestimated and impact on surrounding centres has been underestimated. In addition with regard to this out of centre development DFP have pointed out that

Other operators within the area have made an investment in their business based on the legitimate expectation that any additional development that may occur would be within part of an existing centre, not on land not currently zoned to allow that development. Therefore, although another supermarket facility within Toukley town centre might also have an impact on supermarket operators within that centre and other centres including Budgewoi, such impacts could be considered as normal competitive impacts that are to be expected in any dynamic environment.

Figures provided with regard to employment ranging from 218 to 124 jobs with an independent assessment suspecting that even 124 is an exaggeration brings into question the veracity of all the information provided. The content of the Strategic Links Section of this report clearly indicates that the proposal is not consistent with any Strategic Documents to be considered by Council.

It is therefore recommended that the rezoning of this site to permit a supermarket be refused and opportunities for other uses of the subject site and the development of an additional supermarket in appropriate locations in or near existing centres be investigated by the applicant with the support of Council Staff.

ATTACHMENTS

Nil.

3.1 Accommodation Agreement for Water Supply Authority

TRIM REFERENCE: F2005/03027 - D03765316

MANAGER: Paul Forster, Services Coordinator Property Administration

AUTHOR: Julie Tattersall; Property Administration Officer

SUMMARY

Approval is sought to renew the formal agreement between Wyong Shire Council and its Water Supply Authority entity regarding the use of Council facilities for Water Supply Authority purposes.

RECOMMENDATION

- 1 That Council renew the Accommodation Agreement for the Water Supply Authority for use of Council's administration building at Hely Street, Wyong and Council's works depots and grounds at Depot Road, Charmhaven and Yakalla Street, Long Jetty on the basis of a one third share use of facilities for three years from 1 September 2013 to 31 August 2016 at a commencing rent of \$1,049,281.10.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Accommodation Agreement between Wyong Shire Council and the Authority.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Accommodation Agreement between Wyong Shire Council and the Authority.**

BACKGROUND

Wyong Shire Council is a Water Supply Authority under the provisions of the Water Management Act 2000. The Water Supply Authority (the Authority) and Wyong Shire Council (Council) are integrated to achieve economies of scale from the sharing of resources. This involves the occupation of Council's administration building at Hely Street, Wyong and works depots and grounds at Depot Road, Charmhaven and Yakalla Street, Long Jetty on a proportionate basis.

At its meeting held on 14 August 1996, Council approved the granting of a licence for the Authority to use Council's premises on the basis of a one third shared use for a term of five years at an assessed market rent subject to annual review. The accommodation agreement between Council and the Authority which formalised the arrangement has been renewed by the elected Council on expiry of each of the previous five year terms.

The Authority pays rent to Council which is a transfer of funds from Water and Sewer to Council's revenue, accounted for as an overhead. Rent is charged on the basis that the Authority has a one third use of the premises it occupies and Council services it uses.

CURRENT STATUS

The previous agreement commenced on 1 September 2006 and expired on 31 August 2011.

In June 2011, the parties agreed to extend the agreement to 31 August 2013. The new rent from 1 September 2011 to 31 August 2012 was determined at \$1m. A market review was subsequently carried out and rent for the period 1 September 2012 to 31 August 2013 was adjusted to \$1,016,713.70.

The current accommodation agreement expired on 31 August 2013.

THE PROPOSAL

The Manager Water and Waste representing the Authority has requested an extension of the agreement for a further three years, from 1 September 2013 to 31 August 2016. The initial rent for the period has been calculated by escalating the previous market rent by CPI. The new commencing rent is therefore calculated as follows:

Rent for Civic Centre	\$651,603.56
Rent for Charmhaven Depot	\$206,708.38
Rent for Long Jetty Depot	\$190,969.16
Total Rent	\$1,049,281.10

The Authority has agreed that a one third shared use arrangement in relation to the depots is reasonable, however, the Authority has requested that the agreed rent for the Civic Centre should be reduced to reflect the proportion of staff based there. The Authority proposes that it should pay a proportion of 6% instead of 33% of the rent for the Civic Centre based on the number of Water Authority staff compared to the total staff in the administration building (ie. a reduction of approximately \$533,130.00 p.a.).

OPTIONS

Option 1 – Recommended Option

Renew the Accommodation Agreement between Council and the Authority for three years from 1 September 2013 to 31 August 2016. The Authority will continue to pay rent in accordance with the structure agreed under previous Agreements (one third shared use of resources at Charmhaven Depot, Long Jetty Depot and the Civic Centre). Rent will commence at \$1,049,281.10.

Option 2

Renew the Accommodation Agreement between Council and the Authority for three years from 1 September 2013 to 31 August 2016 at a reduced rent as requested by the Authority. Under this option the Authority will continue to pay a one third shared use of resources at Charmhaven Depot and Long Jetty Depot and only 6% of the Civic Centre. Rent under this option would commence at \$515,083.57.

CONSULTATION

The Water and Sewer Unit has been consulted in relation to the renewal of the agreement and comments noted in this report.

GOVERNANCE AND POLICY IMPLICATIONS

The license is permitted pursuant to the Local Government Act, 1993.

CONCLUSION

It is recommended that Council renew the Accommodation Agreement with the Authority for a further three years at a commencing rent of \$1,049,281.10. Council may elect to renew the agreement on such other terms as it deems appropriate.

ATTACHMENTS

Nil.

4.1 CPA/216733 - Demolition of Mardi Intake Tower

TRIM REFERENCE: CPA/216733 - D03713197
MANAGER: Robert Fulcher, Manager Asset Management
AUTHOR: Martin Drake; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/216733 - Demolition of Old Mardi Intake Tower

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer '4' in the attached Tender Evaluation Report, for the lump sum amount of \$268,125 (excl GST) for Contract CPA/216733 – Demolition of Old Mardi Intake Tower.**
- 2 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

This work is for the demolition of the top 10 metres of the decommissioned 50 year old intake tower, which is located approximately 30 metres into the dam. This tower was made redundant when a new intake tower was constructed and commissioned at the dam in 2010.

A cost benefit analysis was carried out by NSW Public Works in 2012 with regards to the preferred way of dealing with the stability risks associated with the redundant intake tower structure. A major concern with the old tower is the unknown condition of its inaccessible foundation anchors. Three options were evaluated by Public Works. The first option was to demolish the entire 19.2 metre high reinforced concrete tower structure to the dam floor; the second option was to partially demolish the structure to a suitable height where the risk of it collapsing would be eliminated; and the third option was to retain the entire deteriorating tower and carry out strengthening works and commit to ongoing future maintenance. NSW Public Works recommended the second option to partially demolish the structure by removing the top 10 metres.

Council subsequently called for Expressions of Interest (EOI) regarding the partial demolition of the old intake tower in January 2013. The primary objective of the EOI was to establish a short list of suitably qualified and experienced companies from which Council would eventually invite selective tenders to carry out the demolition works. The information gathered from the EOI process also assisted with the preparation of a Technical Specification for the works and Part 5 Environmental Assessment report.

INVITATION TO TENDER

Selective tenders were called via eTender on 20 June 2013 and closed on 18 July 2013. The invitation documents called for lump sum tenders, based on a detailed specification. A compulsory pre-tender meeting was held at Mardi Dam on 26 June 2013 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 18 July 2013.

TENDER SUBMISSIONS

Tenders were received from the following companies and are listed in alphabetical order:

- DecoTEC Pty Ltd
- Demolition Environmental Civil Contractors Pty Ltd
- Drew Hakin Consulting Pty Ltd
- Southern Cross Demolition Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

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

- Compliance with Tender documents, including lodgement of tender by specified time.
- Evidence of corporate systems to effectively manage environmental, quality and safety risk.
- Financial capability to carry out the required works.
- Assessed level of Local Content.
- The tendered price and structure; as well as any other potential costs to Council that may be identified.
- Proposed methodology/program which demonstrates capacity to successfully achieve the objectives required under the Contract.
- Experience and proven performance in the specific field.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program from the Joint Water Supply fund (Project Number 15080)

4.1 CPA/216733 - Demolition of Mardi Intake Tower (contd)

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

It is anticipated that the demolition contract will be awarded in early October 2013. The contract period is 16 weeks from the date of award.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this project was necessary and none has occurred. However, as a courtesy it is proposed to door knock and/or letterbox drop the five or so local residents who reside immediately adjacent the dam in Zoriana Close prior to the start of physical works.

ATTACHMENTS

1 Confidential Attachment A - CPA216733 - Tender Evaluation Report - D03714239

4.2 CPA/219153 - Construction of Retaining Wall at Alison Road, Wyong

TRIM REFERENCE: CPA/219153 - D03820394

MANAGER: Gary Kinney, Project Director

AUTHOR: Tim Burch; Project Manager

SUMMARY

This report details the progress and successful completion of the WY82 Streambank Rehabilitation Project at Alison Road, Wyong.

RECOMMENDATION

That Council notes the report on CPA/219153 – Construction of Retaining Wall at Alison Road, Wyong.

BACKGROUND & HISTORY

Works to stabilise a section of river bank on Wyong River referred to as Site WY82 have now been completed.

The site located immediately west of the bridge across Porters Creek had undergone significant erosion since early 2000. The site was originally identified for stabilisation works under the Estuary Management Plan (EMP) funded by the Caring for our Country Grant, to mitigate the loss of sediment at the site and resulting deposition in Tuggerah Lakes. Due to the presence of critical utilities at the top of the bank, including an optical fibre conduit owned by Nextgen, and the potential threat to Council's road asset, the scope of works was extended in 2012 to provide for a joint project between EMP and Roads & Drainage (R&D). The revised objective for the project was to provide a more robust solution that both mitigated the ongoing erosion at the site, and provided long term stability for the affected assets.

WorleyParsons (WP) were engaged in 2012 under Contract No. CPA/203271 to undertake the detailed design and environmental impact assessment for the works. WP's initial design involved a concrete contiguous pile wall constructed at the top of the bank. Pre-tender estimates based on information provided by WP were in the order of **\$3.2M**. A tender for construction of the wall was undertaken in June 2012, however tendered prices received far exceeded the pre-tender estimates and were in the order of **\$6M**. At the Ordinary Meeting of 25 July 2012, Council resolved unanimously, among other items, to decline to accept any of the tenders and investigate a more cost effective design option that would mitigate, to an acceptable level, the risk of collapse of the river bank and its associated public road and utility infrastructure (Trim D03063797).

Following on from the 25 July 2012 meeting, staff worked with WP to investigate an alternative solution within a reduced **\$2.4M** budget. The revised design which was finalised in late 2012 was a composite timber pile and rock revetment wall to be built in two stages. Stage 1 was based on a specialist marine contractor working from a barge to install a row of timber piles set out from the toe of the bank in the river, and backfill behind the piles with sandstone blocks. Stage 2 was based on Council day labour working from the top of the

4.2 CPA/219153 - Construction of Retaining Wall at Alison Road, Wyong (contd)

bank to extend the works above water by constructing a sloped rock revetment to the top of bank, reconstructing the existing concrete pathway and completing landscaping works.

A tender for the construction of Stage 1 works was called in December 2012. From the tender process alternative tenders were received for the supply and installation of steel piles in lieu of the specified timber piles. At the Ordinary Meeting of 23 January 2013 Council resolved unanimously among other items to decline to accept any of the tenders, and to authorise the General Manager to enter into negotiations with the low tenderers with a view of entering into a contract (Trim D03254856).

After a period of negotiations a revised tender submitted by GPM Constructions (GPM), which involved the supply and installation of hollow steel piles in lieu of timber piles, was approved and awarded for the construction of Stage 1 works by the General Manager on 13 February 2013. A record of the negotiations and reasons supporting the engagement of GPM were reported to Council at the Ordinary Meeting 8 May 2013 (Trim D03325051).

SCHEDULE

Stage 1 construction works undertaken by GPM Constructions were completed between 19 March 2013 and 12 July 2013.

Stage 2 construction works undertaken by Councils R&D day labour commenced on 6 August 2013 and at the time of this report are in the final stages of completion.

Assuming the works are finalised by the end of this month the works will have been completed three months ahead of the anticipated completion date.

COSTS

The approved budget for the project was \$2,438,425.

As of 18 September 2013, the expenditure against the project is \$1,495,130.

Assuming approximately \$150,000 forecast in outstanding invoices yet to be received for materials and sub-contractor's costs, the anticipated total final project cost is approximately \$1,650,000 which represents an approximate \$800,000 underspend against the approved project budget.

The significant underspend on the project can be attributed to a number of factors including:

1. Reduced Project Management and Construction Supervision costs due to the shorter timeframe to complete the project;
2. Reduction in volume of materials required to be supplied by Council due to elevated river bed conditions;
3. An underspend against Contract CPA/219153 due to the reduced quantity of backfill materials required to be placed by GPM;
4. An underspend against the Contract contingency allowed for in Contract CPA/219153;
5. Savings in material costs due to substitution of more expensive sandstone blocks with significantly cheaper recycled concrete blocks;
6. Protection and salvage of a significant length of the existing concrete footpath at the top of the bank; and,
7. Improved construction methodology adopted by Council R&D staff during construction of Stage 2 works.

4.2 CPA/219153 - Construction of Retaining Wall at Alison Road, Wyong (contd)

It is important to note too, that the completed works involved some additional works not allowed in the original budget, including an extension of the revetment works higher up the bank slope, and further downstream to arrest the progression of erosion since the works were tendered and to provide improved bank stabilization to the peninsula near the confluence of Porters Creek with Wyong River.

Funding for the project will now be comprised of \$841,819 in Caring for our Country funding, \$50,000 in contribution fees (revenue) paid by Nextgen (owner of optic fibre conduit) and approximately \$753,311 in R&D 2013/2014 CAPEX expenditure.

CONCLUSION

The stream bank rehabilitation works at WY82 were completed significantly ahead of schedule and under budget. The objectives of the project have also been addressed in providing a low cost solution that has mitigated the ongoing erosion at the site and provided long term stability to critical assets at the top of bank including Alison Road.

It should be noted that the majority of the savings for this project came from the contribution of Council's staff rather than from GPM's performance with the contract works under Stage 1 of the project.

The works represent a good example of a complex project that Council staff are capable of delivering and members of the project team, including the Contract & Project Management unit and R&D day labour should be commended for their efforts and achievements.

Photos of stream bank prior to and after works at WY82, Alison Road



4.2 CPA/219153 - Construction of Retaining Wall at Alison Road, Wyong (contd)



ATTACHMENTS

Nil.

5.1 Draft Voluntary Planning Agreement Variation - GP Superclinic - Woongarrah

TRIM REFERENCE: DA/1396/2009/D - D03642527

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: David Kitson; Senior Contributions Officer

SUMMARY

This report outlines the draft variation to the Voluntary Planning Agreement (VPA) dated 24 September 2010, relating to the payment of development contributions for the GP Superclinic at 85 Sparks Road, Woongarrah.

RECOMMENDATION

That Council delegate to the General Manager the authority to endorse the draft variation to the Voluntary Planning Agreement dated 24 September 2010 in regard to DA1396/2009

BACKGROUND

A Voluntary Planning Agreement (original VPA) dated 24 September 2010, was made to allow the development of a General Practitioner Super Clinic on 85 Sparks Road, Warnervale, prior to the making of a Contributions Plan for the Warnervale Town Centre, and to quantify the level of contributions that would be paid towards community infrastructure based on the demand generated by the proposed development.

The consent received for this development has been amended on several occasions and now includes staging. The original VPA does not include staging of the development.

THE PROPOSAL

A draft VPA variation to the original VPA between Council, Warnervale Medical Holdings Pty Ltd, and the Trustees of the Roman Catholic Church of the Diocese of Broken Bay, has been negotiated and prepared which sets out a revised contributions schedule that takes into account changes to contributions works and to allow for the staged payment of contributions in accordance with the latest amended consent.

The total value of contributions required to be paid under the original VPA and draft VPA variation is approximately \$1.1M. The draft VPA variation requires the payment of approximately \$0.6M at the first stage (which has been completed) and approximately \$0.5M for the second stage. As approximately \$0.7M has been paid under the original VPA, the draft VPA variation provides that a refund of approximately \$0.1M will be made.

The draft VPA variation was publicly exhibited between 3 July 2013 and 2 August 2013, with no submissions received.

STRATEGIC LINKS

The proposal to allow staging of the payment of development contributions under the draft VPA variation is directed towards the following objectives under the Community Strategic Plan:

Objective 7 – *“a strong sustainable business sector and increased local employment built on the Central Coast’s business strengths”*; and

Objective 3 – *“access to a diverse range of affordable and coordinated facilities, programs and services”*

Wyong Shire Council Strategic/ Annual Plan

The draft VPA variation does not have direct link to the actions under the Wyong Shire Council Structure Plan.

Long term Financial Strategy

It is unlikely there will be a significant impact on the long term financial strategy contained in the Wyong Shire Strategic Plan as the draft VPA variation and original VPA include a security component by way of a bank guarantee.

GOVERNANCE AND POLICY IMPLICATIONS

The draft VPA variation will involve additional administration and recording procedures.

CONCLUSION

The draft VPA variation has been exhibited as required under the EP&A Act and it can now be executed by the parties. Should Council wish to make any amendments to the Draft VPA variation, legislation requires that it be re-exhibited.

It is considered that the terms of the draft VPA variation are reasonable to both parties and it is recommended that Council resolved to execute this document.

ATTACHMENTS

- 1 Draft VPA variation - GP Superclinic Enclosure D03420074

5.2 Policy for Purchase Cards

TRIM REFERENCE: F2013/01573 - D03696724
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Carlton Oldfield; Financial Controller

SUMMARY

Purchase cards are primarily used by WSC as a cost effective tool for the purchase of low value and low risk goods and services. The policy for purchase cards provides a framework for how purchase cards are to be used by staff.

RECOMMENDATION

That Council approve the policy for purchase cards and allow for immediate adoption.

BACKGROUND

Purchase cards are effectively credit cards used by WSC staff for the purchase of low value and low risk goods and services. This would arise in situations where procurement requirements cannot be adequately pre-planned or where it is appropriate not to use the purchase ordering system.

The purchase Card is a preferential method of purchasing ad hoc goods and services up to \$1,000.00, provided the purchase amount is within the cardholder's authorised limit and financial delegation.

CURRENT STATUS

Guidelines do already exist for purchase cards within the procurement policy. The adoption of this policy will however provide greater clarity on restrictions and will address the key risks to WSC resources associated with use of purchase cards by staff.

THE PROPOSAL

The proposal is for Council to adopt this operational policy for purchase card with immediate effect.

OPTIONS

There are no other options tabled at this time.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact.

Contribution of Proposal to the Principal Activity

Nil impact.

Long term Financial Strategy

Managing the key risks associated with Purchase card spend has a direct financial impact on reducing the risk of expenditure that is inappropriate, excessive or fraudulent.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

Nil impact.

Budget Impact

Nil impact.

CONSULTATION

The policy for purchase cards has been developed and reviewed in consultation with internal audit, purchase card holders and senior management.

GOVERNANCE AND POLICY IMPLICATIONS

The policy for purchase cards is consistent with the WSC Code of conduct and staff related expenditure policies.

MATERIAL RISKS AND ISSUES

The use of purchase cards presents potential risks of inappropriate, excessive and fraudulent transactions. The policy addresses and provides mitigating guidelines to reduce the incidence of these risks occurring.

CONCLUSION

The policy for purchase cards provides greater clarity to staff over the use of purchase cards and timely acquittal into WSC's Expense Management System. The policy addresses key risk and overall promotes stronger controls over WSC's financial resources.

ATTACHMENTS

- 1 Policy for Purchase Cards D03772875



POLICY No: XXXX

POLICY FOR PURCHASE CARDS

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AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR	Carlton Oldfield		
MANAGER	Steve Naven		
DIRECTOR			
GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1		

A. POLICY SUMMARY

A1 This policy sets out the rules for use of purchase cards.

B. POLICY BACKGROUND

B1 Wyong Shire Council aims to use purchase cards as a cost-effective tool for the purchase of low value and low risk goods and services where requirements cannot be adequately pre-planned or where it is appropriate not to use the purchase ordering system.

B2 The purchase Card is the preferred method of purchasing ad hoc goods and services up to \$1,000.00, provided this amount is within the cardholder's authorised limit and delegation. A higher limit on individual transactions, category or purchase card limits may be available to certain users with the approval of the cardholder's Director.

C. DEFINITIONS

C1 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.

C2 **The Act** means the *Local Government Act NSW 1993*.

C3 **WSC** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

C4 **ABN** refers to the Australian Business Number that should be displayed on the receipts/tax invoices of all suppliers operating a business in Australia

C5 **Asset** means characteristics of an asset: plant & equipment; software & software licenses; buildings; infrastructure; intangibles; is functionally complete; has a life expectancy (ie usage period) of more than one year; and has a value of not less than \$1,000 exclusive of GST.

C6 **Capital Expenditure** means expenditure which relates to the initial purchase of an asset or subsequent additions, costs in creating an asset, improvements or refurbishments to existing assets.

C7 **Cardholder** is the staff member whose name appears on the purchase card.

C8 **Finance** means the staff within the Financial Operations Unit of Finance whom are responsible for the administration of the WSC's Expense Management System.

C9 **Cardsonline** is WSC's Expense Management system to manage the acquittal of purchase card transactions.

C10 **Reasonable Expenditure** is expenditure that represents best value for money that can be defended both on purpose and the amount incurred whilst highlighting the benefits to the organisation.

C11 **Personal Expense** means any expense that is not related to the WSC's business operations.

C12 **Purchase Card** is the WSC's credit card to be used for the purposes of purchasing and payment of high volume but low value transactions.

C13 **Purchase Card Administrator** is the staff member responsible for administration of the WSC's Expense Management System.

- C14 **Oracle** is the vendor of the electronic Expense Management System currently used for the recording and acquittal of purchase card transactions.
- C15 **Supervisor** is the staff member's supervisor who is assigned in Oracle to approve purchase card and reimbursement transactions.
- C16 **Tax invoice** means a document generally issued by the supplier. It shows the price of a supply, indicating whether it includes GST, and may show the amount of GST and must show other information, including the ABN of the supplier and must satisfy the Australian Tax office definition of a valid tax invoice.

D. POLICY STATEMENTS

Jurisdiction

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

General

- D3 The WSC purchase card must only be used for WSC business expenditure;
- D4 Despite the transactional limits, transactions are still required to be reasonable, not excessive in amount and not exceed the cardholder's delegation. Cardholders must at all times exercise due economy with respect to purchasing;
- D5 Cardholders using their purchase cards must give due consideration to their approved budget and if the proposed purchase card spend is outside their budget, the cardholder must seek approval from their supervisor/manager.
- Transactions must not be incurred through inappropriate vendors (ie those in conflict with WSC's contracted supplier relationships or procured through vendors which might expose the WSC to potential reputational damage) or breach WSC's local preference policy or tendering requirements;
- D6 Cardholders must not incur expenditure in any of the 'Prohibited Purchase' categories (as specified in Schedule 1);
- D7 Transactions must be supported by tax invoices (refer E3(j)) and fully and appropriately coded within the WSC's agreed compliance time lines (refer Schedule 2)
- D8 Transactions must be incurred against the purchase card of the staff member to which the expenditure primarily relates

Note:

(i) An approver must not approve transactions that relate specifically to themselves or subordinate transactions to another cardholder in order to circumvent normal approval channels and transaction limits.

Policy Contraventions

D9 Contravention of policy may be classified as one of the following types:

Procedural contraventions of policy - failure to comply with procedural aspects of the Purchase Card Policy.

Inappropriate transactions - transactions that are intended for WSC use but are not allowed by WSC policy, government regulation or other law.

Excessive transactions – authorised goods and services purchased at terms that are disproportionate to their worth to WSC or generally considered excessive with reference to comparable prices for like goods and services.

Fraudulent transactions - The use of WSC Purchase cards to acquire goods and services for personal use or personal gain represents a fraud against the WSC.

Note: Policy breaches may be dealt with using WSC's disciplinary procedures/ Code of Conduct.

Procedural Contraventions of Policy

D10 Procedural breaches of policy include, but are not limited to:

Cardholder:

- a. Not providing original tax invoices or official receipts;
- b. Incorrectly or inadvertently stating a tax invoice is held when it is not;
- c. Incorrectly coding a transaction;
- d. Not sending completed purchase card statements and supporting documentation to Finance within agreed timeframes;
- e. Not obtaining pre-approval for Travel or Entertainment in accordance with WSC Policy.
- f. Splitting transactions to remain below the transactional limit approved by the cardholders director.
- g. Utilising the purchase cards on unsecure internet sites.

Supervisor:

- a. Not undertaking an adequate review of the cardholder's transactions.
- b. Not approving transactions within compliance timeframes (Schedule 2).

Inappropriate Transactions

D11 Transaction that are intended for WSC use but not allowed to be purchased under this policy, other WSC policy, government regulation or other law are classified as inappropriate transactions. The Purchase Card is only to be used for high volume, low value, non recurring items, and travel expenditure in line with the WSC's Travel Policy.

Excessive Transactions

- D12 Excessive transactions arise when authorised goods and services are purchased at terms that are disproportionate to their worth to WSC, generally considered excessive with reference to comparable prices for like goods and services or a high number of transactions by the same cardholder.
- D13 When using the purchase card, the cardholder has a responsibility to ensure the purchase represents value for money for Council. If an authorising officer should identify that the number of transactions are excessive or that the cost of a particular purchase is excessive, then the cardholder will be asked provide a written explanation for the expenditure, justifying the purchase(s) and explaining why the good(s)/service(s) were not sourced through Stores or the Purchasing team. This must also be provided to the cardholder's Director at the same time it is provided to the Authorising Officer..

Fraudulent Transactions

- D14 The use of WSC Purchase cards to acquire goods and services for personal use or personal gain is prohibited and represents a fraud against WSC.

Reasonable Expenditure

- D15 In all instances of expenditure made via purchase cards, the staff member must disclose the expense and be able to identify the benefit for WSC.
- D16 Cardholders must give due consideration to their approved budgets. Cardholders must seek approval to exceed their budget from their supervisor/manager.
- D17 Supervisors charged with the responsibility for authorising transactions should be satisfied that the claim or transaction was reasonable, prior to the authorisation of any such payment.
- D18 Whilst it is not possible to precisely define reasonableness for the myriad of transactions that are incurred on purchase cards, matters which should be considered in determining whether the claim is reasonable include the quantum of the claim and the frequency of claims.

Prohibited Purchases

- D19 Further guidance, for transactions which represent 'Prohibited Purchases' is provided within Schedule 1 of the Policy for Purchase Cards.

Disciplinary Action

- D20 Disciplinary provisions apply to both cardholders and supervisors. The disciplinary action taken for individual cases will depend on the severity of the transgression, the staff member's intent and any special circumstances.
- D21 WSC will deal with the contravention of policy according to the provisions of the Code of Conduct relating to misconduct/serious misconduct and the schedules contained within this policy.

E. POLICY IMPLEMENTATION - PROCEDURES

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

Cardholder Responsibilities

- E3 The following cardholder responsibilities form part of the conditions of the Policy for Purchase Cards. The purchase cardholder agrees to:
- a. Ensure their card is at all times used only for official WSC expenditure whilst on official WSC business.
 - b. It is prohibited for staff to gain any kind of personal benefit when using Council purchase cards. This includes, but is not limited to, using the purchase to accrue personal loyalty points (such as FlyBuys), retaining the 'free' item in a 'two for one' offer and cutting off discount vouchers from receipts.
 - c. All Cardholders must review the relevant training/briefing documents on the responsible use of WSC purchase cards and sign an agreement to verify that they have understood their responsibilities and agree to comply with them.
 - d. Ensure all expenditures incurred are directly related to the requirements of their position/office within WSC and are in accordance with their financial delegation and made in accordance with WSC WH&S policies
 - e. Account for transactions incurred in their capacity as a cardholder against their own card and not subordinate transactions to another cardholder in order to circumvent normal approval channels – ie an approver must not approve transactions that relate specifically to themselves
 - f. Maintain an up to date knowledge of the purchase card policy and other related procurement policies at all times.
 - g. Ensure security of their purchase card and numbers at all times and immediately report the loss, theft or damage of the card to Finance or the issuing bank.
 - h. Return the purchase card to Finance upon cessation of employment with the WSC or during significant periods of absence (exceeding 6 months).
 - i. Report any disputed transactions to Finance.
 - j. Ensure transactions do not exceed transaction purchase limits as provided for by the cardholder's Director.
 - k. Not split purchases into smaller amounts to circumvent normal quotation or purchase card thresholds.
 - l. Ensure transactions are processed within nominated processing timeframes as provided in the Non Compliance Actions Schedule (Schedule 2).
 - m. Obtain and provide to Finance original tax or official receipts from merchants for all purchases, including when purchasing over the phone or internet. Note: Merchant copies without a description of goods or services supplied are not acceptable. Tax invoices and receipts must contain clear and meaningful descriptions of the goods or services purchased.
 - n. Ensure purchase card transactions are entered onto Cardsonline or completed purchase card statements and supporting documentation are sent to Finance on a timely basis as outlined in the Non Compliance Actions Schedule (Schedule 2).
 - o. Where requested to purchase on behalf of another employee, the cardholder must ensure they have obtained appropriate approval prior to commencing the transaction. Further the cardholder must ensure the authorising employee has the required delegation to request the purchase.

Supervisor Responsibilities

- E4 The following supervisor responsibilities form part of the conditions of use of the Purchase Card Policy. The nominated purchase card supervisor agrees to:
- a. Monitor and satisfy themselves of the appropriateness of all expenditures incurred by purchase cardholders under their supervision prior to approving all transactions (failure to adequately review and monitor transactions of subordinates may result in disciplinary action being taken with respect to the supervisor).
 - b. Transactions for other units must be forwarded to the appropriate supervisor/manager for their approval.
 - c. Ensure appropriate pre-approvals have been obtained on purchase card transactions.
 - d. Ensure timeliness of all approvals as per Non-Compliance Actions Schedule (Schedule 2).
 - e. Provide Finance and the Internal Ombudsman with details of any suspected inappropriate card transaction activity.
 - f. Only delegate approvals to a recognised employee within the same financial delegation band as you or higher. Delegation cannot be transferred to lower delegation bands. Note: Delegation of approval within Cardsonline should only be actioned when an approver is on leave and unable to fulfil their approval responsibilities.
 - g. Not use the "Approve All" function within the WSC's Expense Management System without first fully reviewing and satisfying themselves of the nature and appropriateness of each individual transaction.

E5 Associated documents

- WSC Code of Conduct
- WSC Procurement Policies
- WSC travel and entertainment policies.

Schedule 1**Schedule of Prohibited Purchases****Alcohol**

Purchase of alcohol is prohibited unless it is part of an approved WSC function, such as a retreat, awards dinner, Council meeting and official WSC conference or seminar. In these instances approval must be obtained from your Director for these functions prior to purchase..

Advertising Expenses

These must be placed through Communications

Attractive Items

Goods which are below the Asset threshold of \$1,000 exl. GST and are susceptible to theft or loss due to their portable nature and attractiveness for personal use and resale. Examples:

- DVD/video players
- Televisions
- Mobile phones
- Power tools
- Cameras - digital/film/video
- iPads or similar devices.

Cash advances

Cash must not be withdrawn from the WSC Purchase Cards.

Computer and Information Technology (IT) equipment

Information Technology hardware and software must be sourced through Information Management. This includes Telephones, mobile phones, internet services/subscriptions and other communication devices and iPads or similar devices.

Expenditure from Non Contracted Suppliers Where a Contracted Supplier Relationship Exists

The WSC Purchase Card must not be used for purchasing goods and/or services from external suppliers where existing contracts are already in place.

Fuel purchases and infringement notices

WSC vehicles utilise WSC specific fuel cards and should not be used for purchasing fuel unless there is a problem with the fuel card and in which case Plant & Fleet must be immediately notified.

Road toll infringement expenses are also prohibited purchases.

Vehicle costs must be incurred and reimbursed in compliance with the Motor Vehicle Policy.

Furniture or building alterations

All furniture and building alteration costs must be placed through Community Buildings;

Goods or Services

WSC purchase card are not to be used in excess of the Director's permitted amount. These transactions should be made using the WSC's Finance system and are subject to the WSC's financial delegation thresholds.

Gratuities / Tips

The WSC Purchase Card must not be used for tips/gratuities.

Legal fees

All Legal & Risk services must be placed through Legal & Risk.

Personal transactions

The WSC Purchase Card must only be used for official WSC business. Personal expenses must not be charged to the WSC's Purchase Card.

Transactions from Unsecured Internet Sites

The cardholder may use the purchase card for purchases made on the internet only when the site has been confirmed secure. Staff should look for the picture of the unbroken key or closed lock in your browser window. If either sign isn't visible or apparent, or if you see a broken key or an open lock, the security protocol SSL is not working to protect your transaction. If the site cannot be confirmed as secure the purchase must not proceed.

Weekend Purchases or Purchases During Leave Periods

The WSC Purchase Card must not be used on weekends unless the cardholder is working or it is approved by the card holder's Director. Further the Purchase Card must not be used when the card holder is on leave unless approved by the card holder's Director.

Other Expenses

Other specifically prohibited purchases include Hazardous Chemicals, Electrical items from overseas, utility bills, special licenses and payments to WSC.

Schedule 2

Non-Compliance Action Schedule –

Purchase Card Statements

Where Card Statements with tax invoices or official receipts (refer E3(m)) are not received or purchase card transactions are not directly entered into Cardsonline within 20 working days after the transaction took place:

Step 1. Card Access Temporarily Suspended

Cardholders will have 20 working days to supply outstanding statements and have their card reactivated otherwise actions in step 2 will be taken.

Step 2. Card Cancellation

Should a cardholder fail to comply with the compliance requirements within 20 working days, their card will be cancelled with the issuing bank.

Cardholders who have their cards cancelled will have to apply to Finance for reinstatement of the right to apply for a WSC purchase card and will be instructed to undertake training before issuing a replacement card.

Step 3. 12 Month Probation Period

All Cardholders appearing on the monthly compliance report (ie have their cards temporarily suspended) must not re-appear on the report within a 12 month period.

Card holders appearing again on the report within this timeframe will have their card cancelled as per step 2 actions.

Supervisor/Managers with Outstanding Approvals for Completed Transactions

All transactions not approved by the Supervisor/Manager after the end of the period in which the transaction took place, will be distributed to Directors and Supervisors/Managers.

Further escalation to the Director and General Manager may be undertaken if Supervisor/Managers are not reviewing and approving their staff completed purchase card transactions.

5.3 Vacation Care Services - Expression of Interest Recommendation

TRIM REFERENCE: F2013/00079 - D03698214

MANAGER: Julie Vaughan, Manager Community and Cultural Development

AUTHOR: Beth Jones; Assistant Manager Care and Education

SUMMARY

Results of the proposed changes to Vacation Care Services currently operated by Wyong Shire Council.

RECOMMENDATION

- 1 That Council accept the Expression of Interest (EOI) from San Remo Neighbourhood Centre Inc. to take over management and operations of Blue Haven Vacation Care from 1 January 2014.**
- 2 That Council notify the Department of Education and Communities (DEC), Australian Children's Education and Care Quality Authority (ACECQA) and Department of Education Employment and Workplace Relations (DEEWR) of transfer of auspice of Blue Haven Vacation Care and forgo the recurrent funding allocated to this service.**
- 3 That Council direct the General Manager to liaise with Department of Education and Communities to ensure a suitable vacation care provider is established to operate vacation care from the location of Ourimbah Public School from 1 January 2014.**
- 4 That Council notify the Department of Education and Communities (DEC), Australian Children's Education and Care Quality Authority (ACECQA) and Department of Education Employment and Workplace Relations (DEEWR) of Council's decision to cease operations at Ourimbah Vacation Care Service at the end of October 2013 school holidays and forgo the recurrent funding allocated to this service.**
- 5 That Council provide information to users of Blue Haven Vacation Care and Ourimbah Vacation Care and refer them to alternate providers and new operators.**
- 6 That Council promote San Remo Neighbourhood Centre as the provider of vacation care at Blue Haven on Council's website for a minimum period of 12 months, as per the terms of the EOI.**

BACKGROUND

Wyong Shire Council (WSC) has operated a Vacation Care service for over 25 years. Originally Council was the main provider of this service which caters primarily for working families. There has been significant change in both the vacation care sector and community during this time and the service has developed and changed in response to these needs.

A review of Council's vacation care services was conducted and a report submitted to Council at the Ordinary meeting held on 23 January 2013. At this meeting Council:

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

34/13 That Council note the report on Vacation Care services.

35/13 That Council maintain and continue to develop Ourimbah and Blue Haven Vacation Care services.

36/13 That Council permanently close the Watanobbi and Lake Haven Vacation Care services.

37/13 That Council notify the Department of Family and Community Services (FaCS) and the Department of Education and Communities (DEC) of Council's decision to permanently close these Watanobbi and Lake Haven Vacation Care services and forgo the recurrent funding allocated to them.

38/13 That Council permanently close the Killarney Vale Vacation Care Service at the end of the 2013 January holidays.

39/13 That Council advise the three relevant Departments (DEEWR, DEC, FaCS) of its intention to close the Killarney Vacation Care service at the end of January 2013 and forgo the recurrent funding allocated to this service.

40/13 That Council provide information to users of the Killarney Vale service and refer them to alternative sites.

41/13 That Council direct the General Manager to liaise with NSW State Government and other organisations to take over Ourimbah and Blue Haven Vacation Care Services, and report back to Council prior to other organisations taking over these services, whilst ensuring that vacation care services continue to be available in these areas.

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

This report addresses resolution 41/13 above.

CURRENT STATUS

In line with Council's resolution on 23 January 2013, Killarney Vale Vacation Care closed at the end of January 2013. Council has continued to provide a vacation care service for the community from the Blue Haven and Ourimbah locations for each holiday period in 2013.

The Ourimbah service is run out of a DEC owned facility, and during discussions between Council representatives, Ourimbah Public School and the DEC it was determined that DEC will organise for another approved provider to deliver vacation care from its venue from January 2014. The representatives advised that they value this service to the community and have provided their assurance that they will ensure the continuation of vacation care from this location into the future. Also, in discussions with DEC, the hall in which WSC currently operates Ourimbah vacation care from will no longer be available to WSC for hire.

The Blue Haven service is run out of a Council owned facility and as such an Expression of Interest (EOI) was advertised in the Express Advocate and on Council's website from 31 July - 9 August 2013, inviting suitably qualified agencies to submit an application to take over the Blue Haven Vacation Care Service.

Two applications were received and a preferred organisation has been selected based on the following criteria:

- Commitment to provide vacation care to the Blue Haven community for a minimum 12 months and beyond
- Ability to commence operations from January 2014
- Effective financial systems/management
- Commitment to quality and on-going improvement of the service
- Experience in this type of service provision
- Existing links to the immediate community and users of the service
- Understanding of community needs and existing partnerships in place

The Regulations stipulate a number of sequential steps and notification time frames which must be taken into account in implementing Council's resolution.

THE PROPOSAL

It is proposed to transfer vacation care services at Blue Haven from Wyong Shire Council to San Remo Neighbourhood Centre Inc. (SRNCI). It is also proposed that Council cease operations at Ourimbah Public School and support DEC to source their own approved provider at this location.

OPTIONS

Option 1 – Recommended

Accept the application to transfer the Blue Haven Vacation Care Service from Wyong Shire Council to San Remo Neighbourhood Centre Inc. This will allow for the identified essential service to the community to continue to be provided and meet on-going community need. San Remo Neighbourhood centre currently operate After School Care from the same location and have gained service approvals which can extend to the provision of vacation care.

5.3 Vacation Care Services - Expression of Interest Recommendation (contd)

Council to cease operations of vacation care at Ourimbah Public School and support DEC to source a suitably qualified provider to deliver vacation care services from Ourimbah Public School from January 2014.

Option 2

Do nothing and continue to operate vacation care at Blue Haven and Ourimbah.

Vacation care has lost money for Wyong Shire Council for a number of years due to low utilisation and with increasing legislative compliance requirements this option is not recommended as there is no financial viability for Council in this climate. (This option is not recommended)

Option 3

Cease operations at both centres with no transfer to another provider.

This does not meet the needs of the community and would leave many families with stress of locating and accessing alternate vacation care for their children. A gap in essential community services will be evident in identified communities. (This option is not recommended)

STRATEGIC LINKS

Nil impact

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Council enterprises	Vacation Care	Undertake service changes in Care and Education that model sustainable business practice to the community and children/families	Fees and charges including Child Care Benefit and Child Care Rebate paid to parents. Department of Community Services (DoCS) operating subsidy- (soon to be transferred to DEC). Council funds the remainder from General Fund.	Will assist Council in meeting the following KPIs Child care budgeted utilisations are met. 100% of targeted revenue achieved.

Contribution of Proposal to the Principal Activity

Nil impact

Long term Financial Strategy

Council's Vacation Care service runs at a loss of approximately \$30,000.00. With the increasing regulatory requirements and the decreasing utilisation trend, it is anticipated these costs will increase. By transferring operations of this service to a suitable agency, the financial risk to Council is reduced while still maintaining a service to the community.

Asset Management Strategy

Nil impact

Workforce Management Strategy

This will reduce the number of casual employees in Council, however a small number of those staff on our current list may be transferred to our casual list for our Care and Education centres where appropriately skilled.

Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies that the community will have access to a diverse range of affordable and co-ordinated facilities, programs and services. Continuing the Vacation Care program at a reduced scale supports this objective.

Budget Impact

It is envisaged that this arrangement and transfer will enable Council to minimise the risk of further losses generated by running services which are not meeting their targeted utilisation rates.

CONSULTATION

During this process staff have undertaken the appropriate research and consultation with NSW Government officers from DEC, DEEWR and ACECQA and other relevant agencies to determine a suitable mechanism and time frame for transferring the services to other providers, whilst continuing to maintain and develop the two remaining services at Ourimbah and Blue Haven

GOVERNANCE AND POLICY IMPLICATIONS

In December 2009, the Council of Australian Governments (COAG) agreed to a new National Quality Framework for Early Childhood Education and Care. This means that all Australian children, regardless of their location, will get the best possible start in life through high quality early childhood education and care and school age care services. Vacation Care Services must adhere to these standards.

There are no internal policy implications.

MATERIAL RISKS AND ISSUES

The notice period for Australian Children's Education and Care Quality Authority (ACECQA), Department of Education, Employment and Workplace Relations (DEEWR) and DEC is 42 days; 6 weeks before the proposed transfer date.

It is not a regulatory requirement that the transferring provider (Wyong Shire Council) notify families that use the service as this requirement falls onto the receiving provider, however Council intends to provide families with four weeks' notice of the transfer as a courtesy and transparent conduct.

There is a \$100.00 fee required to be paid with a notification of transfer of Service Approval and the transferring and receiving approved providers must jointly notify the Regulatory Authority.

Council must notify the Federal Department of Education, Employment and Workplace Relations 42 days before any closure of services.

The Department of Family and Community Services must also be notified regarding the operational funding allocated for these sites.

CONCLUSION

Wyong Shire Council has operated vacation care for 5–12 year-olds since 1982 and understands the necessity of providing and planning for the needs of children and families in the Wyong community.

In seeking suitably qualified agencies to take over Council's existing vacation care service at Blue Haven two applications were received and assessed against set criteria.

This report recommends that Council transfer the vacation care service at Blue Haven to San Remo Neighbourhood Centre Inc. to operate from 1 January 2014 and to support DEC to source a suitable vacation care provider to operate from their facility at Ourimbah Public School from 1 January 2014.

Council will continue to offer vacation care services to children and families in the community in school holiday periods until the transfer takes place.

ATTACHMENTS

Nil.

5.4 Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions

TRIM REFERENCE: RZ/1/2012 - D03702610

MANAGER: Paul Bowditch, Manager Place Management

AUTHOR: Stephen Ashton; Asset Planner

SUMMARY

Reporting on the evaluation of submissions received in relation to the planning proposal for Draft Wyong LEP 1991, No 190 (RZ/1/2012) for the 'Key Site' in The Entrance, following public exhibition of the planning proposal between 2 and 30 August 2013.

Six submissions were received.

Evaluation of the submissions received has been undertaken. The evaluation has identified that the planning proposal does not require revision, has merit and should be supported.

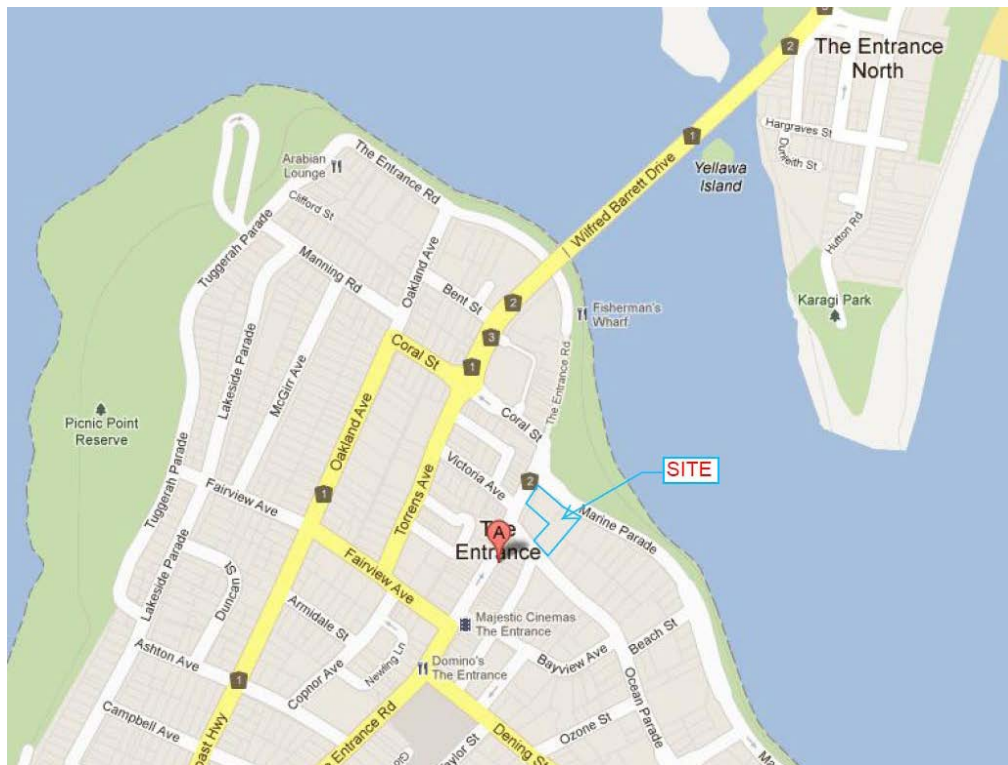
Application:	Draft Wyong LEP 1991, No.190 (RZ/1/2012)
Applicant:	Ingham Planning Pty Ltd
Owner:	Pelican Horizons Pty Ltd
Description of Land:	Lot 1 DP 513519 (2 Ocean Parade, The Entrance) and Lot 2 DP 536168 (14 The Entrance Road, The Entrance).
Proposal:	To amend <i>Wyong Local Environmental Plan 1991</i> to permit redevelopment in accordance with the proposed development described in this report.
Site Area:	3,762m ²
Zoning:	3(d) (Tourist Business)
Existing Use:	Vacant land

RECOMMENDATIONS

- 1 ***That Council adopt the planning proposal for Draft Wyong Local Environmental Plan 1991 – No 190, subject to gazettal of the above LEP.***
- 2 ***That Council forward the Planning Proposal for Draft Wyong LEP No 190, to the Director General, Department of Planning and Infrastructure (DoPI) requesting that the Minister make Draft Wyong Local Environmental Plan (1991) No 190.***
- 3 ***That Council delegate responsibility to the General Manager to execute the Voluntary Planning Agreement relating to the planning proposal.***
- 4 ***That Council adopt the Draft site specific development control plan for the subject site, comprising Lot 1 DP 513519 (2 Ocean Parade, The Entrance) and Lot 2 DP 536168 (14 The Entrance Road, The Entrance) , subject to gazettal of the above LEP.***

5.4 Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions (contd)

Locality Plan



Site Plan



INTRODUCTION

Council received a planning proposal for the land comprising Lot 1 DP 513519 (2 Ocean Parade, The Entrance) and Lot 2 DP 536168 (14 The Entrance Road, The Entrance), commonly known as the 'Key' Site.

Planning proposals relate to either rezonings and/or amendments to Local Environmental Plans (LEPs), they are not development applications.

The Planning Proposal seeks to amend Wyong Local Environmental Plan 1991 (WLEP 1991 No 190) by introducing planning controls which support Council's Key (Iconic) development sites program and facilitate a mixed use development on the subject land, such as the concept shown below. The planning controls insert a framework on which future development applications for Key (Iconic) Development Sites can be assessed. They also embed floor space ratio and maximum height parameters for the subject lands and switch off current planning controls relating to building height, setbacks and mix use (Clauses 42C, 42CA and 68 of WLEP 1991).



The proposed development will facilitate an important employment generating development in a strategically significant location. The Planning Proposal has been lodged in response to Council's adopted Key (Iconic) Development Site Draft Development Control Plan (DCP) and the vision enunciated in The Entrance Town Centre Masterplan, as encapsulated in the images below.



5.4 Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions (contd)

The Planning Proposal is considered essential in providing a catalyst to stimulate future economic growth and revitalisation of The Entrance Town Centre.

In June 2012, Council resolved to initiate the Planning Proposal for WLEP 1991 No 190 and forward it to the Director General, Department of Planning and Infrastructure (DoPI) requesting a Gateway determination. A Gateway determination to proceed with the Planning Proposal was received in August 2012 and negotiations over the preparation of a Draft site specific development control plan (DCP) and Draft Voluntary Planning Agreement (VPA) proceeded. Following these negotiations, the Planning Proposal, accompanied by the site specific Draft DCP and Draft VPA, was placed on public exhibition in August 2013. Six submissions were received during the public exhibition period.

PLANNING PROPOSAL - PUBLIC EXHIBITION

The Gateway determination established the community consultation requirements for the Planning Proposal including public exhibition for 28 days. Consultation with a number of State public authorities was also required, in particular Transport for NSW and the Roads and Maritime Services.

Accordingly, the Planning Proposal was placed on public exhibition between 2 and 30 August 2013 (28 days). Six submissions were received.

Evaluation of the submissions has been completed. None of the issues raised in the submissions were materially significant to require the planning proposal to be revised.

Appendix 1 to this report summarises the evaluation of the submissions.

In addition to the submissions from the public, Council received a combined response from public authorities Transport for NSW and Roads and Maritime Services. Both these agencies made no comment with regard to this planning proposal.

VOLUNTARY PLANNING AGREEMENT

Following the Gateway determination, negotiations were held in regard to the Drafting of a VPA and site specific DCP.

The main purpose of the Draft VPA is to formalise negotiated agreements over the amount of monetary public benefit contributions and the application of those contributions.

The negotiated Draft VPA includes:

- A commitment by the proponents to provide monetary contributions of approximately \$1,600,000 (representing 1.5 times the normal s94 development contributions) to be directed towards public benefits in The Entrance Town Centre.
- A commitment by Council that it will apply these monetary development contributions towards works to enhance the public domain and environment within the area identified as the Waterfront Precinct West in The Entrance Town Centre Masterplan,

5.4 Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions (contd)

December 2011 (refer image below) and on land in The Entrance Road and Ocean Parade opposite the subject site. These works will include the provision of:

- General upgrade in finishes to pedestrian areas.
- Street furniture.
- Street lighting.
- Public art.
- Landscaping.
- Shared vehicle and pedestrian area at the corner of The Entrance Road and Marine Parade.

The Entrance Town Centre Masterplan Waterfront Precinct West



In addition to this monetary contribution, the development will provide significant outdoor dining areas with views to The Entrance Channel and public access across the north western corner of the subject site. Whilst these are not formally included in the calculation of the public benefit being provided, it is recognised that these will provide much needed enhanced amenity to this area of the town centre.

During negotiations it was agreed that the Draft VPA would be registered on the relevant property titles, to run with the land, under s93H of the Environmental Planning and Assessment Act 1979.

No submissions were received that raised issues on the Draft VPA during the public exhibition period. Consequently, it is considered that there is no need to revise the Draft VPA.

5.4 Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions (contd)

The Draft VPA will now need to be executed and it is recommended that Council delegate responsibility to the General Manager to execute the final VPA.

Council has already received the required instruments from the proponents to register the VPA on the subject land titles.

SITE SPECIFIC DCP

In regard to strategic context, The NSW Government and Council have prepared a number of strategic documents that relate to The Entrance Town Centre, which provide the planning context for the Planning Proposal.

The main purpose of the Draft site specific DCP is to provide guidance for the development of this Key (Iconic) Development Site. It covers the following matters:

- Building form
- Building materials and finishes
- Design of building elements
- Landscape
- Amenity
- Access and parking
- Sustainability and green building solutions

No submissions were received in regard to the Draft site specific DCP during the public exhibition period. Consequently, it is considered that there is no need to revise the site specific DCP.

The Draft site specific DCP for the subject site, comprising Lot 1 DP 513519 (2 Ocean Parade, The Entrance) and Lot 2 DP 536168 (14 The Entrance Road, The Entrance) will need to be adopted by Council.

CONCLUSION

The Planning Proposal proposes to amend WLEP 1991 by introducing planning controls which support Council's Key (Iconic) development sites program and facilitate a mixed use development on the subject land by inserting a framework on which future development applications for Key (Iconic) Development Sites can be assessed. Amending WLEP 1991 also embeds floor space ratio and maximum height parameters for the subject lands and switches off certain current planning controls.

This Planning Proposal has been assessed and is supported for the following reasons:

- It provides for an employment generating development at a strategically significant location that is considered important for the evolution of The Entrance Town Centre.
- It has significant potential to provide the catalyst to simulate further economic development and growth and revitalise The Entrance Town Centre.
- It is consistent with Council's strategic planning, The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan.

5.4 **Planning Proposal for Draft Wyong Local Environmental Plan 1991, No 190 (RZ/1/2012) 'Key' Site, The Entrance - Evaluation of Public Exhibition Submissions (contd)**

- It is consistent with State Government strategic planning, The Central Coast Regional Strategy.
- The site is not affected by any significant hazards that could not be mitigated.
- The site does not possess any known significant environmental sensitivities that could not be mitigated.
- The site has access to all relevant infrastructure and services.
- The site can be provided with adequate access arrangements.
- The future development/use of a mixed use development on the site could comply with all the relevant Chapters of Wyong Development Control Plan (DCP) 2005 and 2012.
- The future development/use of a mixed use development on the site could comply with all the relevant provisions of the Wyong Retail Centres Strategy.
- It is consistent with all relevant State Environmental Planning Policies (SEPPs).
- It is consistent with all relevant s117 (Ministerial) Directions.
- It is consistent with all of the DoPI's criteria for spot rezonings.

This Planning Proposal can be seen as the next step in the planning process that aims to achieve the revitalisation of The Entrance Town Centre. It follows a significant undertaking by Council in the preparation of The Entrance Peninsula Planning Strategy, the Draft Iconic Sites DCP and The Entrance Town Centre Masterplan. This process has involved extensive consultation with the local community, business owners and relevant stakeholders. The Planning Proposal is fully consistent with these documents and also the relevant regional planning strategies and state policies.

No significant issues requiring revision of the Draft Planning Proposal, VPA or site specific DCP were raised by the submissions received during the public exhibition period.

It is, therefore, recommended that Draft WLEP 1991 No 190 be supported and that Council adopt the Planning Proposal and forward it to the Director General, DoPI, requesting that the Minister make Draft WLEP 1991 No 190.

It is also recommended that Council delegate responsibility to the General Manager to execute the Draft VPA.

ATTACHMENTS

- 1 Public Exhibition Submission Evaluation D03702784

ATTACHMENT 1

Public Exhibition Submission Evaluation

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Fully supports the planning proposal.</p> <p>The Entrance is in desperate need for further developments to proceed to improve/upgrade the town centre.</p>	<p>No change required to the planning proposal.</p>
<p>Supports development of the 'Key' Site provided care is taken in regard to impacts on surrounding areas, businesses and residents.</p>	<p>No change required to the planning proposal.</p> <p>There will be no unreasonable impact on surrounding areas, businesses and residents.</p>
<p>Concern over The Entrance Road frontage of the site becoming a dead area due to lack of activated frontages.</p>	<p>No change required to the planning proposal.</p> <p>The intended outcome of this planning proposal (LEP Amendment No. 190 - RZ/1/2012) is to amend Wyong Local Environmental Plan 1991 by introducing planning controls which support Council's Key (Iconic) Development Sites Program and facilitate a mixed use development on the subject land, by inserting a framework on which future development applications for Key (Iconic) Development Sites can be assessed, as well as embedding floor space ratio and maximum height parameters for the subject lands and switching off certain current planning controls.</p> <p>This issue concerns the design of a future development application rather than this LEP amendment involving the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered when a development application is lodged in the future.</p> <p>The current concept building design, however, has been tested for activation of all public domain frontages. It is considered that the concept design demonstrates that all frontages will be suitably activated.</p>
<p>Supports the basic idea, but thinks the final development design could be improved by:</p> <ul style="list-style-type: none"> • Including more apartment style accommodation (but does not elaborate). • Including more outdoor, green and open space (but does not elaborate). • Improving the swimming pool area (but does not elaborate). • Redesigning the building (elaborates - perhaps taller and narrower). 	<p>No change required to the planning proposal.</p> <p>These issues concern the design of a future development application rather than this LEP amendment which concerns the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered when a development application for consent is lodged in the future.</p> <p>Council's strategic planning (The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan) has identified the appropriate planning and design parameters for all parts of The Entrance Town Centre and The Entrance Peninsula, including the subject site and its environs. The most appropriate floor space ratios, height and setback parameters have been nominated and are integral components of this planning proposal.</p>

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Supports the basic idea, but thinks the final development design could be improved by:</p> <ul style="list-style-type: none"> • Including more apartment style accommodation (but does not elaborate). • Including more outdoor space (but does not elaborate). • Improving the swimming pool area (but does not elaborate). • Redesigning the building (elaborates - perhaps taller and narrower). <p>.....continued.....</p>	<p>Council's strategic planning (particularly The Entrance Town Centre Masterplan) has considered open space issues and identified the appropriate planning and design criteria for all parts of The Entrance Town Centre.</p> <p>The subject site is constrained and the opportunities to provide additional useful (sufficient size) public open space around it is limited. The draft voluntary planning agreement, accompanying the planning proposal, provides a significant commitment to upgrade the adjacent public domain and this is considered the most appropriate avenue to providing public benefit, given the constraints of the site.</p>
<p>Concern over overshadowing. Perhaps a taller narrower building will reduce overshadowing impacts as well as providing for more open space around the building.</p>	<p>No change required to the planning proposal.</p> <p>The intended outcome of this planning proposal (LEP Amendment No. 190 - RZ/1/2012) is to amend Wyong Local Environmental Plan 1991 by introducing planning controls which support Council's Key (Iconic) Development Sites Program and facilitate a mixed use development on the subject land, by inserting a framework on which future development applications for Key (Iconic) Development Sites can be assessed, as well as embedding floor space ratio and maximum height parameters for the subject lands and switching off certain current planning controls.</p> <p>These issues concern the design of a future development application rather than this LEP amendment which involves the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered when a development application is lodged in the future.</p> <p>Nevertheless, the concept building design has been tested for overshadowing impacts and shadow impact drawings were included with the public exhibition material.</p> <p>The drawings indicate that there will be no unreasonable overshadowing impacts, with all sensitive areas receiving less than 3 hours overshadowing during the winter solstice. This easily complies with Council's, and commonly utilised, overshadowing impact criteria. While a narrower building will narrow the impact slightly, a taller one would impact more properties, although not to an unreasonable degree.</p> <p>The subject site is constrained and the opportunities to provide additional useful (sufficient size) public open space around it is limited. The draft voluntary planning agreement, accompanying the planning proposal, provides a significant commitment to upgrade the adjacent public domain and this is considered the most appropriate avenue to providing public benefit, given the constraints of the site.</p>

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Concern over future over-development of the vicinity in which the subject site is located.</p>	<p>No change required to the planning proposal.</p> <p>Council's strategic planning (The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan) has identified the appropriate densities for all parts of The Entrance Town Centre and The Entrance Peninsula, including the subject site and its environs. Suitable floor space ratios, height and setback parameters have been nominated and are integral components of this planning proposal.</p>
<p>Concern over the closure of The Entrance Road and Marine Parade and disruption to traffic flows and movement patterns around The Entrance Town Centre.</p>	<p>No change required to planning proposal.</p> <p>No road closures are proposed as part of this planning proposal.</p>
<p>Concern that views from the submitter's office would be blocked.</p>	<p>No change required to the planning proposal.</p> <p>This issue, to an extent, concerns the design of a future development application rather than this LEP amendment, which concerns the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered when a development application for consent is lodged in the future.</p> <p>Also, Council's strategic planning (The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan) has considered important view sheds and identified appropriate planning and design parameters for all parts of The Entrance Town Centre and The Entrance Peninsula, including the subject site and its environs. The most appropriate floor space ratios, height and setback parameters have been nominated and are integral components of this planning proposal.</p>
<p>Concern that parking for the development not being sufficient and reducing parking opportunities for residents, visitors to The Entrance, business owners their staff and their patrons.</p>	<p>No change required to the planning proposal.</p> <p>This issue largely concerns the design of a future development application rather than this LEP amendment which concerns the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered, in accordance with Council's parking controls and guidelines, when a development application for consent is lodged in the future. An initial favourable traffic and parking impact statement accompanies the planning proposal.</p> <p>It should be noted that Council's strategic planning (particularly The Entrance Town Centre Masterplan) has considered parking issues and identified the appropriate planning and design criteria for all parts of The Entrance Town Centre, including:</p> <ul style="list-style-type: none"> • The principle that there will be no net loss of carparking. • Identifying potential drop off and parking facilities for further investigation, particularly close to certain areas/attractions (eg. Memorial Park, Visitor Information Centre). • Promotion of more pedestrian movement in the Town Centre to improve viability of businesses. • Investigation of the provision of adequate parking and associated facilities for types of vehicles and costs will be done as part of the future implementation and investment plan.

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Object over plans which appear to allow for the building of massive super-structures along the waters edge of The Entrance Channel.</p> <p>Concern that the charm of The Entrance as a family holiday destination would be lost and the local community and businesses would suffer as families look towards other visitor destinations.</p> <p>Concern over resultant increased social problems in the town centre.</p>	<p>No change required to the planning proposal.</p> <p>Council's strategic planning (The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan) has identified the appropriate densities for all parts of The Entrance Town Centre and The Entrance Peninsula, including the subject site and its environs. Suitable floor space ratios, height and setback parameters have been nominated and are integral components of this planning proposal.</p> <p>The Entrance Town Centre Masterplan, in particular, was developed using a full contemporary stakeholder engagement process within which the community, businesses and tourism stakeholder groups, along with other stakeholder groups, were represented. The masterplan recommendations, which includes developing the subject site as a multi-storey development to the scale proposed by this planning proposal, was agreed by all representatives of these stakeholder groups.</p> <p>It is acknowledged that stakeholder views change over time, and investigations carried out during The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan projects, indicated that stakeholders views generally support the directions enunciated in these strategic documents.</p>
<p>Concern of the potential impact of future development (comprising 93 apartments, restaurants and retail uses) on local traffic flows and street parking in all streets surrounding the subject site, including Beach Street, The Entrance Road, Ocean Parade and Marine Parade, including the:</p> <ol style="list-style-type: none"> a. Availability and capability of parking to enable trucks to park, load and unload goods. b. Adequacy of parking for permanent residents, visitors retail customers and tourists throughout the year. 	<p>No change required to the planning proposal.</p> <p>This issue largely concerns the design of a future development application rather than this LEP amendment which concerns the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered, in accordance with Council's requirements for traffic impact assessment, parking controls and guidelines, when a development application for consent is lodged in the future. An initial favourable traffic and parking impact statement accompanies the planning proposal.</p> <p>It should be noted that Council's strategic planning (particularly The Entrance Town Centre Masterplan) has considered parking issues and identified the appropriate planning and design criteria for all parts of The Entrance Town Centre, including:</p> <ul style="list-style-type: none"> • The principle that there will be no net loss of carparking. • Identifying potential drop off and parking facilities for further investigation, particularly close to certain areas / attractions (eg, Memorial Park, Visitor Information Centre). • Promotion of more pedestrian movement in the Town Centre to improve viability of businesses. • Investigation of the provision of adequate parking and associated facilities for types of vehicles and costs will be done as part of the future implementation and investment plan.

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Concern over the adequacy of green and open space in the development so that there is no compromising impact in anyway on Memorial Park, The waterfront mall and/or neighbouring retail shops and residents (but does not elaborate).</p>	<p>No change required to the planning proposal.</p> <p>This issue largely concerns the design of a future development application rather than this LEP amendment, which concerns the installation of a framework to assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered, in accordance with Council's requirements and guidelines, when a development application for consent is lodged in the future.</p> <p>Council's strategic planning (The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan) has identified the appropriate planning and design parameters for all parts of The Entrance Town Centre and The Entrance Peninsula, including the subject site and its environs. The most appropriate floor space ratios, height and setback parameters have been nominated and are integral components of this planning proposal.</p> <p>Council's strategic planning (particularly The Entrance Town Centre Masterplan) has considered open space issues and identified the appropriate planning and design criteria for all parts of The Entrance Town Centre.</p> <p>The subject site is constrained and the opportunities to provide additional useful (sufficient size) public open space around it is limited. The draft voluntary planning agreement, accompanying the planning proposal, provides a significant commitment to upgrade the adjacent public domain and this is considered the most appropriate avenue to providing public benefit, given the constraints of the site.</p>
<p>Abutting KFC Site should be included in the Planning Proposal to facilitate a more integrated approach to development of the adjoining 'Key' and 'KFC' sites and improved development outcomes.</p>	<p>No change required to the Planning Proposal.</p> <p>The proponents for the 'Key' site lodged a Planning Proposal for their property in 2012. Council resolved to proceed with the Planning Proposal whether or not the KFC site could be included.</p> <p>The proponents have subsequently spent substantial time and money in preparing the Planning Proposal and supporting documentation, including a site specific DCP, voluntary planning agreement and future concept development plans.</p> <p>It must be remembered that this LEP amendment concerns the installation of a framework to support Council's Key (Iconic) Development Sites Program and assist the future development of the subject site as well as other Key (Iconic) Development Sites in Wyong Shire. The issues raised in the submission can be considered, on their merits, in accordance with State and Council requirements, when a planning proposal and/or development application for consent for the KFC Site is lodged in the future.</p> <p>In any case, the submission's main issue concerns a request to amend the current Planning Proposal to include the KFC Site in the Planning Proposal. It is considered that, under the current circumstances it is not desirable or necessary.</p>

MAIN ISSUES RAISED	ACTION TAKEN TO ADDRESS THE ISSUES IN THE PLANNING PROPOSAL
<p>Abutting KFC Site should be included in the Planning Proposal to facilitate a more integrated approach to development of the adjoining 'Key' and 'KFC' sites and improved development outcomescontinued.....</p>	<p>Council's new draft Wyong LEP 2012 is currently with the State Government for consideration and gazettal. Under this new draft LEP, the KFC Site is included as a Key Site, under which flexibility is provided to enable both sites to be developed in conjunction or separately, raising the potential for quality development to occur on both sites. It should be noted that under previous planning controls, aimed at encouraging a combined development on the abutting 'Key' and KFC sites, the 'Key' Site has remained undeveloped, and further development of the KFC Site has not occurred. Any decision which discourages development of the 'Key' Site would be contrary to the strategic direction encapsulated in both State and Council's strategic planning documents, which emphasise containing development in existing town centres, such as The Entrance.</p> <p>Also, under the current circumstances there are complications that are likely to result in delays to future development occurring, which have not been acknowledged in the submission. Council's Key (Iconic) Development Site's program has a number of elements which would need to be revisited concerning public benefit contributions, renegotiation and revision of the draft Voluntary Planning Agreement and a revised Site Specific Development Control Plan to cover both sites. It is also highly likely that a revised Planning Proposal, concerning both sites, would require further public exhibition.</p> <p>The remaining issues raised in this submission concern the design of a future development application rather than this LEP amendment which concerns the installation of a framework to support Council's Key (Iconic) Development Sites Program and assist future development of the subject site as well as other Key (Iconic) Development Sites. The issues raised can be considered, in accordance with State and Council requirements when a development application for consent is lodged in the future.</p>
<p>Disagree with the claims in Appendix A to the Planning Proposal regarding attempts by the proponents of the 'Key' Site to include the KFC Site.</p>	<p>No change required to the Planning Proposal.</p> <p>The proponents for the 'Key' site lodged a Planning Proposal for their property in 2012. Council resolved to proceed with the Planning Proposal in 2012 whether or not the KFC site could be included.</p> <p>The claims in Appendix A to the Planning Proposal did not have a bearing on whether Council resolved to proceed with the Planning Proposal for the 'Key' Site.</p>

5.5 Recommendations and Minutes of the Employment and Economic Development Committee 4 September 2013

TRIM REFERENCE: F2012/01905 - D03745273

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Minutes of the Employment and Economic Development Committee held on 4 September 2013.

RECOMMENDATION

- 1 That Council receive and note the minutes of the EEDC meeting held on 4 September 2013.**
- 2 That Council formally recognise the Chinese Cultural Village Theme Park as a significant regional development and a priority project for Council.**
- 3 That Council direct the General Manager to authorise appropriate Council officers to participant as members of the Chinese Cultural Village Theme Park project control group (PCG) in combination with members from the proponent and Central Coast Tourism in order to facilitate development outcomes that align with Council's Strategic Plan.**
- 4 That Council submit regular progress reports from the PCG to the EEDC.**
- 5 That Council allocate a budget of \$20,000 to the PCG with funding to be determined in the next quarterly review.**
- 6 That Council request the office of Coal Seam Gas to provide an overview of the economic benefits to this region including local employment opportunities and opportunities around the possible establishment of an energy user's industry cluster/hub.**
- 7 That Council sponsor CASAR Park in the amount of \$5,000 for seed funding and that staff seek an agreement with CASAR as to naming and branding opportunities as part of the sponsorship agreement.**
- 8 That Council request the General Manager to report on the estimated economic returns to the community from the CASAR Park development.**
- 9 That Council identify this funding as part of the next quarterly budget review.**
- 10 That Council consider the adoption of the following policies and procedures in relation to the stimulus plan of temporary reductions in Section 94 contributions:
 - a) That Council accept Voluntary Planning Agreements (VPAs) that are****

lodged accompanied by Section 96 applications and these be deemed to be properly lodged and capable of being executed and effective.

- b) Works in kind not be required to be in VPAs but can be in separate agreements reached post VPA agreement.*
- c) Land dedication in VPAs to be at the rates in the new draft Warnervale/Wadalba Section 94 plan or in the current Section 94 plan for other districts.*
- d) Council will use its best endeavours to process and agree and execute all VPAs within 30 days of lodgement.*
- e) Council will not require registration of VPAs but VPAs will contain provision for assignment to a future owner.*
- f) The Director of Development and Building is authorised to negotiate and approve all VPAs.*
- g) Dates in the stimulus policy are amended by extending the date for lodgement of VPAs to 30 March 2014, for commencement of infrastructure by 30 September 2014 and for issue of subdivision certificate by 30 June 2015.*
- h) Where contribution rates are lower in the exhibited draft contribution plan for Warnervale/Wadalba than \$25,000 per lot , the draft contribution rate be accepted by Council in the VPAs processed under the stimulus plan instead of the \$25,000 rate.*

BACKGROUND

A meeting of the Employment and Economic Development Committee was held on 4 September 2013.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly those recommendations of the Committee outside its delegation are reported to Council for consideration.

ATTACHMENTS

- 1 Minutes of Employment and Economic Development Committee 4 September 2013

D03734253

WYONG SHIRE COUNCIL

**MINUTES OF THE
EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE OF
COUNCIL**

**HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 04 September 2013
COMMENCING AT 4:00 PM**

PRESENT

Councillors G Best (Chairperson), D Eaton, K Greenwald and L Webster.

IN ATTENDANCE

Councillor L Taylor, Director Land Management, Acting Manager Economic and Property Development and two administration staff.

Councillor Best, declared the meeting open at 4.07 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Troy and Councillor Nayna.

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

That the Committee accept the apology and grant leave of absence from the meeting.

1.1 Disclosure of Interest

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

That the Committee receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

1.2 Notice of Intention to Deal with Matter in Confidential Session

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

1 That the Committee consider the following matter in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:

8.1 Land Reclassification

- 2 That the Committee note its reason for considering Report No 8.1 – Land Reclassification as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business .**
- 3 That the Committee request the Chairperson to report on this matter in open session.**

2.1 Address by Invited Speaker

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

- 1 That the Committee receive the report on Invited Speakers.**
- 2 That the Committee 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.**

3.1 Confirmation of the adopted Minutes of the Employment and Economic Development Committee Meeting - 3 July 2013

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

That the Committee confirm the adopted minutes of the previous meeting of the Employment and Economic Development Committee held on the 3 July 2013.

Business Arising

There was no business arising.

4.1 Mayoral Minute - Chinese Theme Park Progress

It was *MOVED* on the motion of Councillor EATON:

That the Committee receive and note the update on the Australia China Theme Park Progress.

Councillor EATON withdrew his motion.

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

That the Committee request Council to:

- a **Formally recognise the Chinese Cultural Village Theme Park as a significant regional development and a priority project for Council.**
- b **Direct the General Manager to authorise appropriate Council officers to participant as members of the Chinese Cultural Village Theme Park project control group (PCG) in combination with members from the proponent and Central Coast Tourism in order to facilitate development outcomes that align with Council's Strategic Plan.**
- c **Submit regular progress reports from the PCG to the EEDC.**
- d **Allocate a budget of \$20,000 to the PCG with funding to be determined in the next quarterly review.**

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

AGAINST: COUNCILLOR GREENWALD

5.1 Value of Development Assessments

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

That the Committee receive the report and the contents be noted.

5.2 Presentation on Coal Seam Gas

Councillor Webster left the meeting at 4.53pm and returned to the meeting at 4.55pm.

Mr Stephen Cozens, representing Coal Seam Gas, addressed the meeting at 4.10 pm, answered questions and retired at 4.56 pm.

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

- 1 ***That the Committee receive the Presentation on Coal Seam Gas.***
- 2 ***That the Committee recommend that Council request the office of Coal Seam Gas to provide an overview of the economic benefits to this region including local employment opportunities and opportunities around the possible establishment of an energy user's industry cluster/hub.***

5.3 Presentation on CASAR Park

Mr Bradley Wilson, representing CASAR Park, addressed the meeting at 5.07 pm, answered questions and retired at 5.40 pm.

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

- 1 ***That the Committee receive the Presentation on CASAR Park.***
- 2 ***That the Committee recommend to Council that it sponsor CASAR Park in the amount of \$5,000 for seed funding and that staff seek an agreement with CASAR as to naming and branding opportunities as part of the sponsorship agreement.***
- 3 ***That the Committee request the General Manager to report on the estimated economic returns to the community from the CASAR Park development***
- 4 ***That the Committee recommend to Council that this funding be identified as part of the next quarterly budget review.***

6.1 Notice of Motion - Streamlining of Stimulus Plan - Temporary Reductions in Section 94 Contributions

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

That the Committee recommend that Council consider the adoption of the following policies and procedures in relation to the stimulus plan of temporary reductions in Section 94 contributions:

- a That Council accept Voluntary Planning Agreements (VPAs) that are lodged accompanied by Section 96 applications and these be deemed to be properly lodged and capable of being executed and effective.**
- b Works in kind not be required to be in VPAs but can be in separate agreements reached post VPA agreement.**
- c Land dedication in VPAs to be at the rates in the new draft Warnervale/Wadalba Section 94 plan or in the current Section 94 plan for other districts.**
- d Council will use its best endeavours to process and agree and execute all VPAs within 30 days of lodgement.**
- e Council will not require registration of VPAs but VPAs will contain provision for assignment to a future owner.**
- f The Director of Development and Building is authorised to negotiate and approve all VPAs.**
- g Dates in the stimulus policy are amended by extending the date for lodgement of VPAs to 30 March 2014, for commencement of infrastructure by 30 September 2014 and for issue of subdivision certificate by 30 June 2015.**
- h Where contribution rates are lower in the exhibited draft contribution plan for Warnervale/Wadalba than \$25,000 per lot , the draft contribution rate be accepted by Council in the VPAs processed under the stimulus plan instead of the \$25,000 rate.”**

CONFIDENTIAL SESSION

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

That the Committee move into Confidential Session.

At this stage of the meeting being 6.11 pm the Committee moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

OPEN SESSION

The Committee resumed in open session at 6.18 pm and the Chairperson reported on proceedings of the confidential session of the Employment and Economic Development Committee as follows:

7.1 Land Reclassification

- 1 That the Committee note the information in the report.**
- 2 That the Committee note that a detailed strategy for the sale, development or retention of reclassified sites will be prepared and submitted to the EEDC in November 2013.**

THE MEETING closed at 6.19 pm.

5.6 Draft Plan of Management and Management Plan covering Various Foreshore Reserves

TRIM REFERENCE: F2013/00751 - D03749708

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: Paul Bowditch; Manager Place Management

SUMMARY

Reporting on the preparation of two draft documents covering the management of foreshore reserves extending from Bateau Bay to Long Jetty (including The Entrance North). These draft plans cover both Council owned land and Crown Reserves and have been developed to support the implementation of the recently adopted masterplan for The Entrance Town Centre and the draft masterplan for Long Jetty Town Centre.

RECOMMENDATIONS

- 1. That Council endorse both the draft Plan of Management No 16 and the draft Management Plan for the foreshore reserves from Bateau Bay to Long Jetty for the purposes of public exhibition, subject to approval being given to exhibit the documents from the Department of Primary Industries – Crown Lands.***
- 2. That Council recommend both draft plans be exhibited for public comment for a period of 28 days.***
- 3. That Council consider a further report outlining the results of the public consultation process following public exhibition.***

INTRODUCTION

The ocean and lake foreshore reserves from Bateau Bay to The Entrance and The Entrance North to Long Jetty play a key role in providing active and passive recreational opportunities for residents and visitors to the Shire. Most of this area is subject to the adopted masterplan for The Entrance Town Centre or the draft masterplan for the Long Jetty Town Centre. Both masterplan documents identify these foreshore areas as locations suitable for increased activities. To support the proposed uses identified in each of these masterplans and to provide Council and the community with appropriate management guidelines, it is necessary for Council to adopt certain management documents.

Where the foreshore reserve comprises Council owned community land, a draft Plan of Management in accordance with Section 37 of the Local Government Act 1993 is required. Draft Plan of Management No. 16 has been prepared and removes these Council owned parcels from the existing Plan of Management No. 5 (Sportsgrounds, Parks and General Community Use).

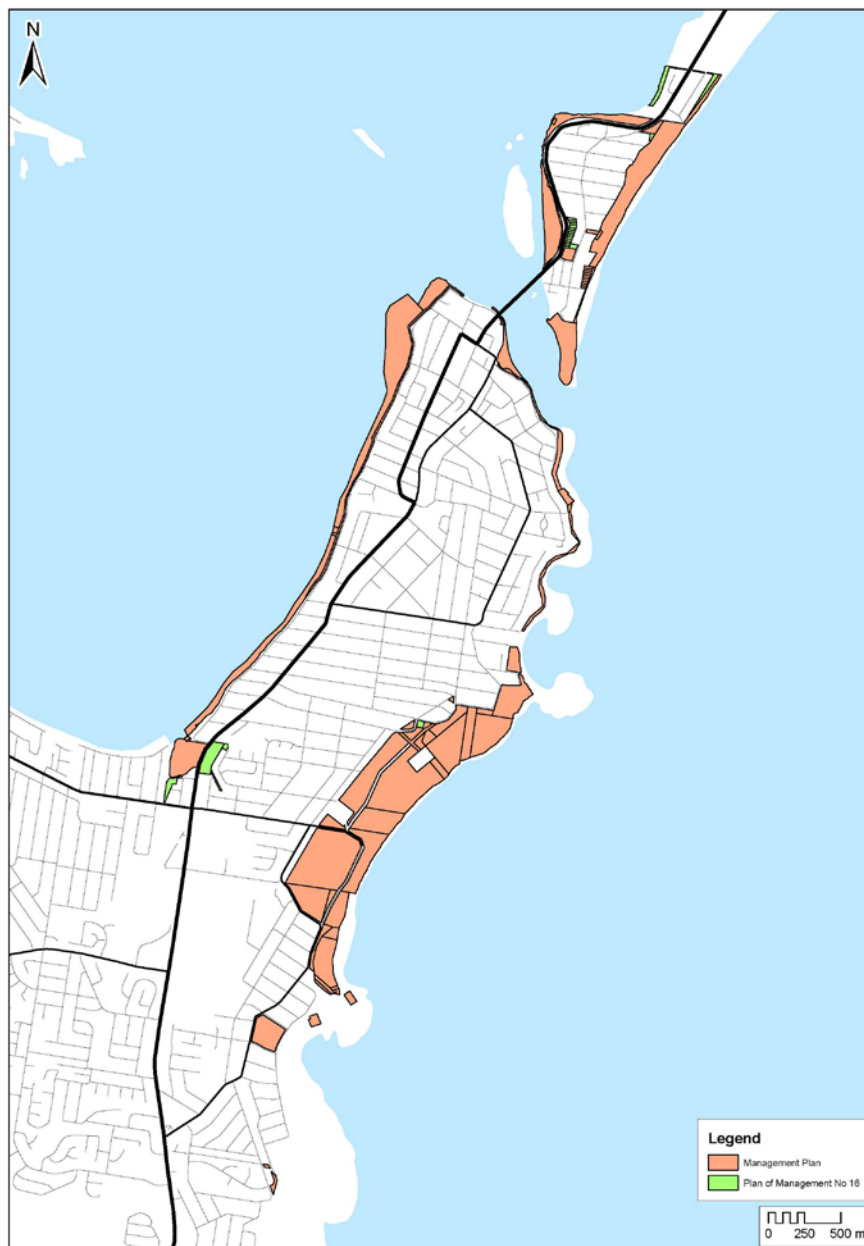
Where the foreshore reserve comprises a Crown reserve, a draft Management Plan has been prepared following discussions with the Department of Primary Industries (Crown

Lands). The preparation of a Management Plan in lieu of a Plan of Management under the Crown Lands Act 1989 was preferred by the Department of Primary Industries noting that the Minister's approval for such a document was not required. Rather, the Management Plan will require endorsement at a Departmental level. Whilst it will now include a broader area, this Management Plan will replace the existing Plan of Management for the Memorial Park and North Entrance Reserve.

Both draft Plans (enclosed) seek to encourage a broad range of uses for the foreshore areas in keeping with the objectives of the masterplans.

LOCATION

As mentioned above, the draft Plans cover all foreshore reserves from Bateau Bay to The Entrance and The Entrance North to Long Jetty. A plan showing the location of the affected parcels of land is attached.

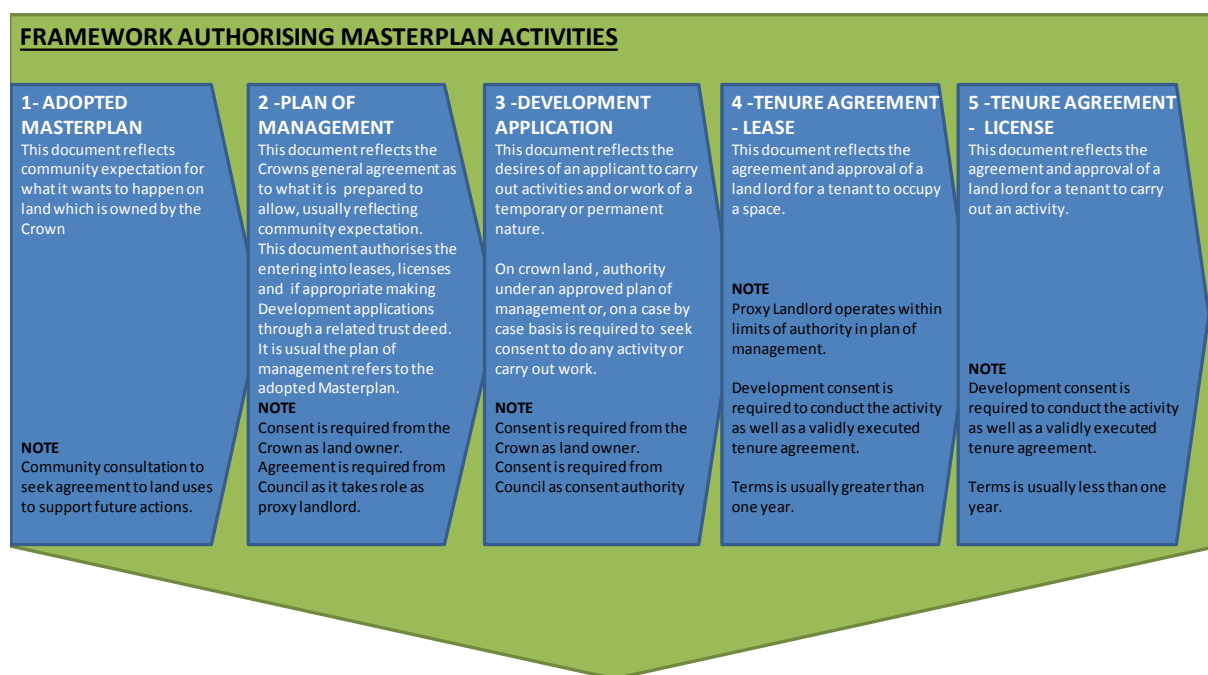


5.6 Draft Plan of Management and Management Plan covering Various Foreshore Reserves (contd)

The affected land includes areas covered by the masterplans for The Entrance Town Centre and Long Jetty and extends to additional foreshore areas in surrounding suburbs. The reason for this extended area being included in the draft Plans is that these parcels represent a logical extension to the masterplan areas and incorporate existing Council assets/opportunities such as the Coast to Lake Walk.

PLANNING FRAMEWORK

In addition to the draft Plans, the following planning framework has been developed by Council staff in consultation with Crown Lands. This framework identifies the functions and relationships between each level of the various documents.



Both draft Plans propose to authorise Council to enter into leases and/or licenses with third parties.

For example, in the case of the Memorial Park in The Entrance, the draft Management Plan reflects the strategies and objectives of the adopted Masterplan for The Entrance Town Centre. The draft Management Plan authorises Council to enter into a lease over the land (eg to The Entrance Town Centre Management). Authority for specific activities (eg. events, festivals) would be determined according to a separate annual license.

FUTURE USES OF THE LAND

Both draft Plans provide a framework which allows for a broad range of uses on these foreshore reserves. Such uses would include (but are not limited to) entertainment activities, festivals and community activities. Such uses have been supported by the community through the public consultation process undertaken to prepare the master plans for The Entrance and Long Jetty.

EXHIBITION PROCESS

It is proposed to exhibit both plans for a period of 28 days in keeping with the requirements of the relevant legislation. Under the provisions of the Local Government Act a period of 42 days (including the 28 days public exhibition period) must be allowed for the receipt of any submission. It should be noted that the Department of Primary Industries – Crown Lands must give prior consent to Council placing the draft Management Plan on public exhibition. At the time of preparing this report, such consent had not yet been received. Therefore, the formal exhibition period cannot commence until the Department’s written approval is received.

CONCLUSION

The masterplans for The Entrance Town Centre and Long Jetty both envisage a higher level of activity on the foreshore reserves within their respective study areas. Both draft Plans have been prepared to ensure that Council has the necessary legal framework to deal with and deliver this increased activity. The resulting increased activity will have wider benefits to both visitors and residents of the area and create social and economic development opportunities for the Shire. Staff have chosen to expand the area covered by each Plan beyond the areas covered by the masterplans as these additional lands present a logical extension to those areas.

It is recommended that Council endorse both Plans for the purposes of public exhibition.

ATTACHMENTS

- | | | | |
|----------|---|-----------|-----------|
| 1 | Draft Plan of Management No 16 - Foreshore Council Owned Land from The Entrance North to Shelly Beach | Enclosure | D03782586 |
| 2 | Management Plan for Crown Land Reserves from North Entrance to Long Jetty | Enclosure | D03782591 |

5.7 Disclosure of Interest Returns - 1 April to 30 June 2013

TRIM REFERENCE: F2012/01361 - D03826482
MANAGER: Lesley Crawley, Manager Corporate Governance
AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns – 1 April to 30 June 2013.

BACKGROUND

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 April to 30 June 2013 are now tabled.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM
Section 450A(1) – register required of the Disclosure of Interest Returns lodged.
Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

ATTACHMENTS

- 1 List of Disclosures of Interest 1 April to 30 June 2013 D03826507

**Disclosures of Interest
1 April to 30 June 2013**

Councillors

-

Staff

Beavis A (resignation)
Fryar P (resignation)
Hay R (resignation)
Laface S (resignation)
Noffke S (resignation)
Tsaprounis S (resignation)
Wetherdin D (resignation)

6.1 End of Financial Year Update on Developer Contributions

TRIM REFERENCE: F2004/00552 - D03663628
MANAGER: Vivienne Louie, Financial controller
AUTHOR: Sandy Rose; Contributions Officer

SUMMARY

This report provides an update of Council's Developer Contributions levied under the *Environmental Planning and Assessment Act 1979* from 1 July 2012 to 30 June 2013.

RECOMMENDATION

That Council receive the End of Financial Year Update on Developer Contributions.

BACKGROUND

This report covers any developer contributions received by Council under the Environmental Planning and Assessment Act 1979 namely:

- section 93F - *Voluntary* Planning Agreements (VPA)
- section 94 - Contribution towards provision or improvement of amenities or services
- section 94A - Fixed development consent levies

All developer contributions received are reported as part of our General Fund reporting with the exception of drainage infrastructure contributions which are reported in our Water Fund.

Previously contributions received under s93F were not budgeted or reported separately. With changing reporting requirements we have now separated the actual contributions received under s93F and s94 as at June 2013.

This report does not include any contributions received for water and sewer infrastructure under s64 of the Local Government Act 1993.

CONTRIBUTIONS RECEIVED

		General Fund				
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s94 Actual Income	Total Actual Income	Variance
1	Wyong	\$225,000		\$225,445	\$225,445	\$445
2	Southern Lakes	\$0		\$29,003	\$29,003	\$29,003
3	The Entrance	\$525,000		\$119,245	\$119,245	(\$405,755)
5	Ourimbah	\$0		\$20,403	\$20,403	\$20,403
6	Toukley	\$0		\$28,238	\$28,238	\$28,238
7	Gorokan	\$0		\$42,531	\$42,531	\$42,531
7a	Warnervale	\$3,079,000	\$462,275	\$2,300,017	\$2,762,292	(\$316,708)
8	San Remo	\$58,000		\$147,911	\$147,911	\$89,911
9	Budgewoi	\$0		\$2,266	\$2,266	\$2,266
13	Shire Wide	\$167,000	\$7,163	\$139,730	\$146,893	(\$20,107)
15	Northern Districts *	\$446,000	\$514,645	\$323,425	\$838,070	\$392,070
	General Fund Total	\$4,500,000	\$984,083	\$3,378,213	\$4,362,296	(\$137,704)

* This income is from a shopping centre in Lake Munmorah with s93F contributions of \$514,645.

6.1 End of Financial Year Update on Developer Contributions (contd)

Water Fund - s94 Drainage						
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s94 Actual Income	Total Actual Income	Variance
1	Wyong	\$0			\$0	\$0
2	Southern Lakes	\$0			\$0	\$0
3	The Entrance	\$0			\$0	\$0
5	Ourimbah	\$0			\$0	\$0
6	Toukley	\$0			\$0	\$0
7	Gorokan	\$0			\$0	\$0
7a	Warnervale	\$879,342	\$119,112	\$521,788	\$640,900	(\$238,442)
8	San Remo	\$0		\$35,150	\$35,150	\$35,150
9	Budgewoi	\$0			\$0	\$0
13	Shire Wide	\$0			\$0	\$0
15	Northern Districts	\$0			\$0	\$0
Water Fund Drainage Total		\$879,342	\$119,112	\$556,938	\$676,050	(\$203,292)
Total s93F and s94 Income		\$5,379,342	\$1,103,195	\$3,935,151	\$5,038,346	(\$340,996)

Section 94A contributions received for the financial year totalled \$294,895. There was no budget set for section 94A contributions as this was a new contribution introduced by Council and we were unsure of the likely contributions we could levy.

Council received a total of \$4,230,046 in Developer Contributions for the 2012-13 financial year (includes only s93F, 94 and 94A contributions).

Whilst there is a \$340,996 variance to the revised budgeted income the original budgeted income for developer contributions totalled \$3,011,000.

General Fund				
Contribution Plan #	Contribution Plan Name	Original Budgeted Income	Revised Budgeted Income	Q3 Budget Revision
1	Wyong	\$0	\$225,000	\$225,000
2	Southern Lakes	\$0	\$0	\$0
3	The Entrance	\$525,000	\$525,000	\$0
5	Ourimbah	\$0	\$0	\$0
6	Toukley	\$0	\$0	\$0
7	Gorokan	\$0	\$0	\$0
7a	Warnervale	\$1,765,000	\$3,079,000	\$1,314,000
8	San Remo	\$58,000	\$58,000	\$0
9	Budgewoi	\$0	\$0	\$0
13	Shire Wide	\$67,000	\$167,000	\$100,000
15	Northern Districts *	\$96,000	\$446,000	\$350,000
General Fund Total		\$2,511,000	\$4,500,000	\$1,989,000

Contribution Plan #	Contribution Plan Name	Water Fund - s94 Drainage		
		Original Budgeted Income	Revised Budgeted Income	Q3 Budget Revision
1	Wyong	\$0	\$0	\$0
2	Southern Lakes	\$0	\$0	\$0
3	The Entrance	\$0	\$0	\$0
5	Ourimbah	\$0	\$0	\$0
6	Toukley	\$0	\$0	\$0
7	Gorokan	\$0	\$0	\$0
7a	Warnervale	\$500,000	\$879,342	\$379,342
8	San Remo	\$0	\$0	\$0
9	Budgewoi	\$0	\$0	\$0
13	Shire Wide	\$0	\$0	\$0
15	Northern Districts	\$0	\$0	\$0
Water Fund Drainage Total		\$500,000	\$879,342	\$379,342
Total s93F and s94 Income		\$3,011,000	\$5,379,342	\$2,368,342

SPECIFIC PURPOSE VPA CONTRIBUTIONS RECEIVED

During the year we received \$514,465 from Fabcot Pty Limited under the Northern Districts contribution plan for specific works. Under the VPA we are required to deliver the following works:

- Pathway 1 – Saliens Avenue to Tall Timbers Rd
- Pathway 2 – Pacific Highway South – Tall Timbers to Colongra Bay Road

Under the VPA clauses 5.1 (d) and (e) Council is required to use these funds for the above works only and must refund any funds not spent on the above-mentioned works within 4 years from the date of payment.

Pathway 1 is in the 2013-14 capital expenditure program and Pathway 2 is proposed for inclusion in the 2014-15 capital expenditure program.

RESTRICTED ASSET

Council's currently has a restricted asset totalling \$13.8m which represents the developer contributions received with interest income that has not yet been spent as at June 2013. The break up is as follows:

Contribution Type	Restricted Asset Value
s93F	\$1,095,490
s94 - General	\$1,517,930
s94 - Drainage	\$10,660,167
s94A	\$504,361
Total	\$13,777,948

DEVELOPER CREDITS

Council's current unfunded liabilities (non-cash contributions) total \$15.9m as at June 2013 for s94 related credits. A report was submitted to Council in December 2012 where Council approved a strategy for managing these liabilities.

ATTACHMENTS

Nil.

6.2 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D03691844

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 August 2013.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	800,000	July 2013	10	10	July 2014	All identified 80-100mm water meters have been replaced. Installation of trial plastic meters underway. Replacement of the 40mm and 50mm meters to commence in October, 20-25mm meters commence in February 2014. This is being funded by the Water and Sewerage Capital Works Program.
Mardi WTP Process Improvement Works	150,000	July 2013	10	10	March 2014	Upgrade of dosing and process equipment for better quality and reliability.
Mardi Dam Demolition of Old Inlet Tower	280,000	Nov 2013	0	0	June 2014	Tender Evaluation Stage
Ourimbah Communications Pole	120,000	Mid Sept 2013	0	0	Dec 2014	Tender Awarded – Site Preliminaries/Preparation Stage

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
All areas	900,000	Oct 2013	0%	0%	Jun 2014	Ongoing sewer main inspection and maintenance to improve system reliability and to reduce blockages and possible overflows. New contract to be awarded September. This work is being funded by the Water and Sewerage Capital Works Program.
Tacoma Vacuum System Divisional Valve Replacement	130,000	Aug 2013	0% Lump Sum Contract	70%	Sept 2013	Works progressing as expected with NIL customer complaints.

PROCESS

Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 31 August 2013 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant for the period 1 to 31 August 2013 has met Environmental Protection Authority Licence requirements.

Sewage Overflows

There were two reportable sewage overflow incidents in the period 1 August to 31 August 2013.

The first incident was at Laelana Ave, Budgewoi on 24 August. The second incident was at Pearce Rd, Kanwal on 25 August.

Both incidents were reported to EPA

WATER STORAGE

Sunday, 8 September 2013				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	117,509	61.8	Unchanged
Mardi Dam	7,400	3,886	52.5	Down 212
Mooney Dam	4,600	3,958	86.1	Down 95
Total	202,000	125,353	62.1	Down 307
Total Dam Storage this time last month was				62.5 Percent
Total Dam Storage this time last year was				49.4 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.0	18.7	0.0	
This year to date	1.1	91.7	35.0	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	0	0	0	
Previous Week	0	0	0	
Current week last year	0	1	0	
This year to date	1,250	1,059	833	
Same period last year	994	958	627	
Water Usage (ML)				
Period				Usage
Week to Date				569
Previous Week				574
Percent change from previous week				0.8 % less
Current week last year				501
Percent change from same week last year				13.6 % more
This year to date				19,029
Same period last year				17,309
Percent change from same period last year				9.9 % more
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		0	0
This year to date	14,549		1,599	822
Total to date *	28,079		3,533	1,946

* Post M2M Commissioning

ATTACHMENTS

Nil

6.3 Activities of the Development Assessment and Building Certification and Health Units

TRIM REFERENCE: F2004/07830 - D03732366

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Jane Doyle; Senior Administration Support Officer

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of August 2013.

RECOMMENDATION

That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for August 2013.

Development Applications Received and Determined – Development Assessment Unit for August 2013

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	8	452,500	11	15,144,000
Industrial	1	1,572,000	-	-
Residential (Multiple Dwellings/Dual Occupancy)	11	22,119,206	7	15,455,000
Other Applications	6	8,000	4	25,000
Section 96 Applications	9	-	11	-
Total	35	24,151,706	33	30,624,000

Note 1: Included in the number of development applications **Lodged** in the "Multiple Dwellings" category was for 60 Residential strata flats at Woongarra valued at \$14M and a Residential flat development comprising 22 villa homes at Hamlyn Terrace valued at \$2.3M.

Note 2: Included in the number of development applications **Determined** in the "Commercial" category was for the Alterations and additions to an existing Registered Club at Doylason, valued at \$7.7M and Alterations and Additions to Existing Bunnings Warehouse and 2 Lot Subdivision at Tuggerah valued at \$5.6M. Included in the number of development applications **Determined** in the "Multiple Dwelling" category was a 154 bed aged care facility at Hamlyn Terrace valued at \$13.4M.

6.3 Activities of the Development Assessment and Building Certification and Health Units (contd)

Development Applications Received and Determined – Building Certification and Health Unit for August 2013

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	27,830	3	50,000
Industrial	-	-	1	38,800
Residential (Dwellings)	17	4,238,296	21	5,157,171
Residential (Alterations and Additions)	38	2,553,218	39	1,724,745
Other Applications	-	-	-	-
Section 96 Applications	5	-	10	-
Total	62	6,819,344	74	6,970,716

Subdivision Applications Received and Determined – August 2013

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	1	1	8
Residential	3	14	2	3-
Rural	-	-	-	-
Other	-	-	-	-
Total	4	15	3	11

Other Approvals and Certificates

Type:	Number Determined for August 2013
Trees	58
Section 149 D Certificates (<i>Building Certificates</i>)	12
Construction Certificates	51
Complying Development Certificates	17

Processing Times

The net median turn-around time in working days for development applications determined during the month of August 2013 was 10 days. The net median turn around time for one priority development application determined during August was 6 days.

6.3 Activities of the Development Assessment and Building Certification and Health Units (contd)

Waiving of Application Fees

The following Development Applications had fees waived for the month of August 2013.

Number	Details/Organisation	Fees Waived
DA 602/2013	Gwandalan Spring Fair (Lions Club)	\$ 570.00
DA 588/2013	Gwandalan/Summerland Point Community Garden	\$ 395.00
DA 41/2013	Ourimbah Scout Hall	\$ 359.00
DA 422/2013	Anglican Church, Wyong	\$ 174.00
		\$1,498.00

Employment Generating Development Applications

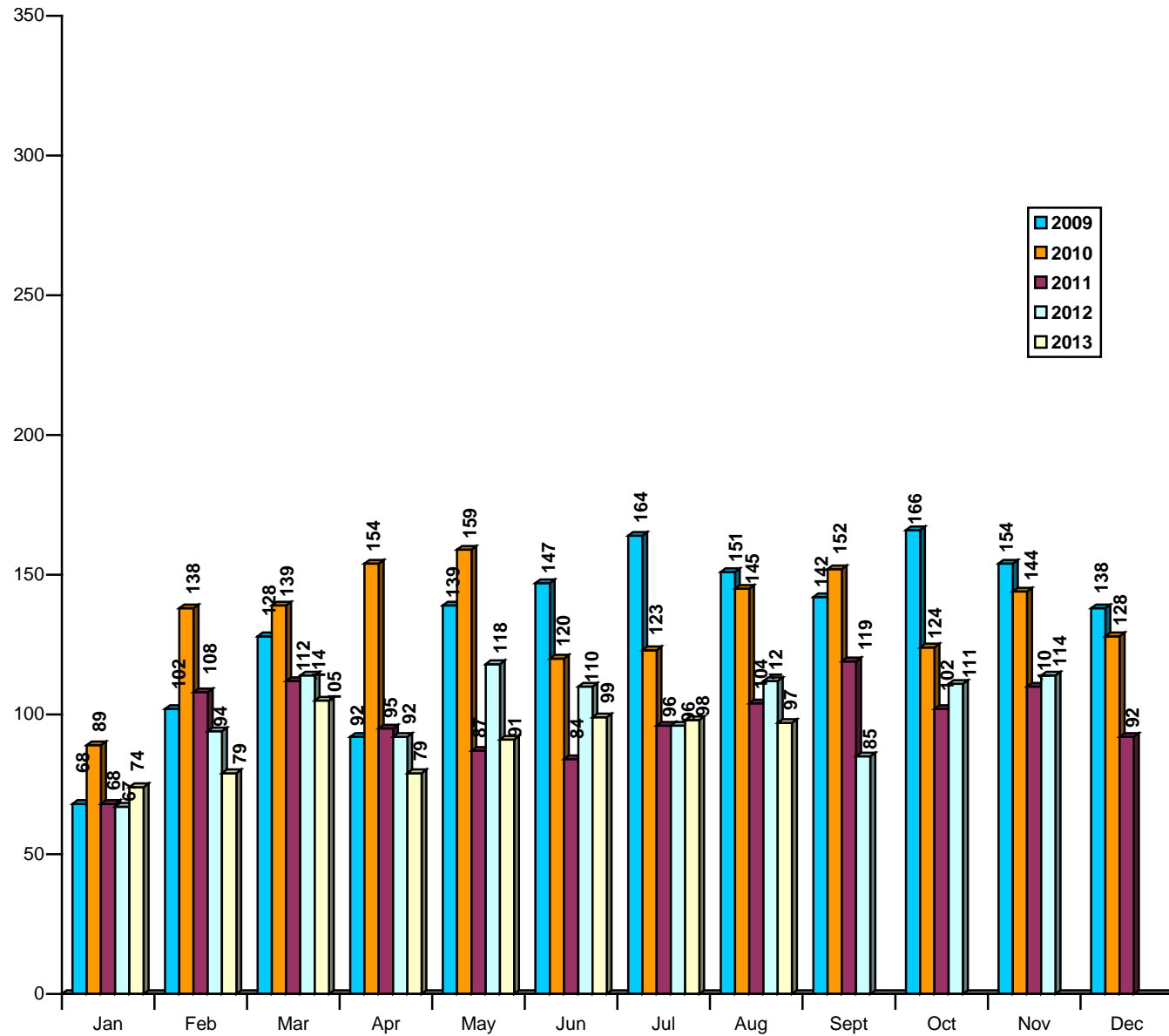
There was one (1) employment generating application determined which included a Large Scale Commercial Premises (amended application) at Tuggerah.

ATTACHMENTS

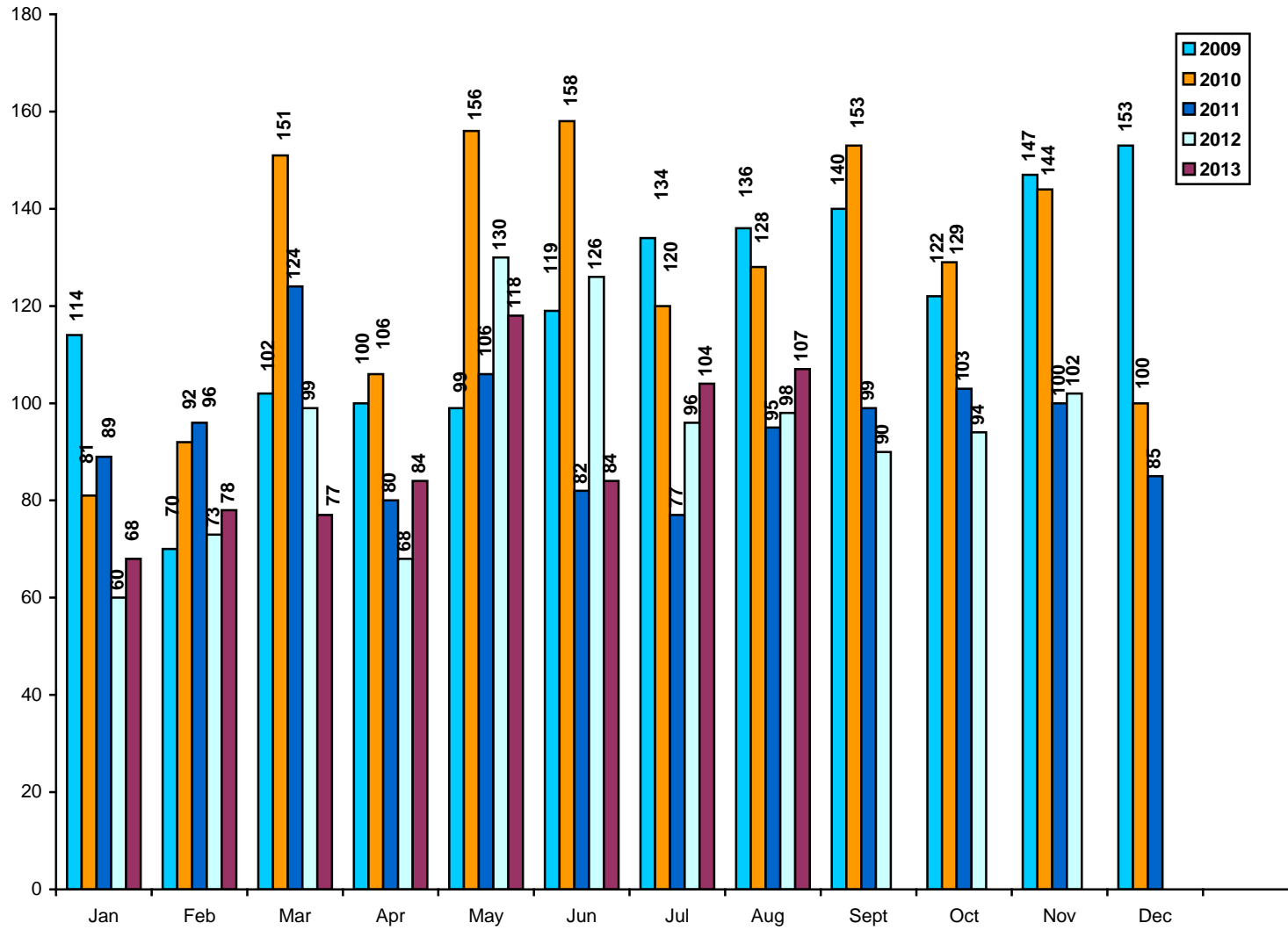
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined

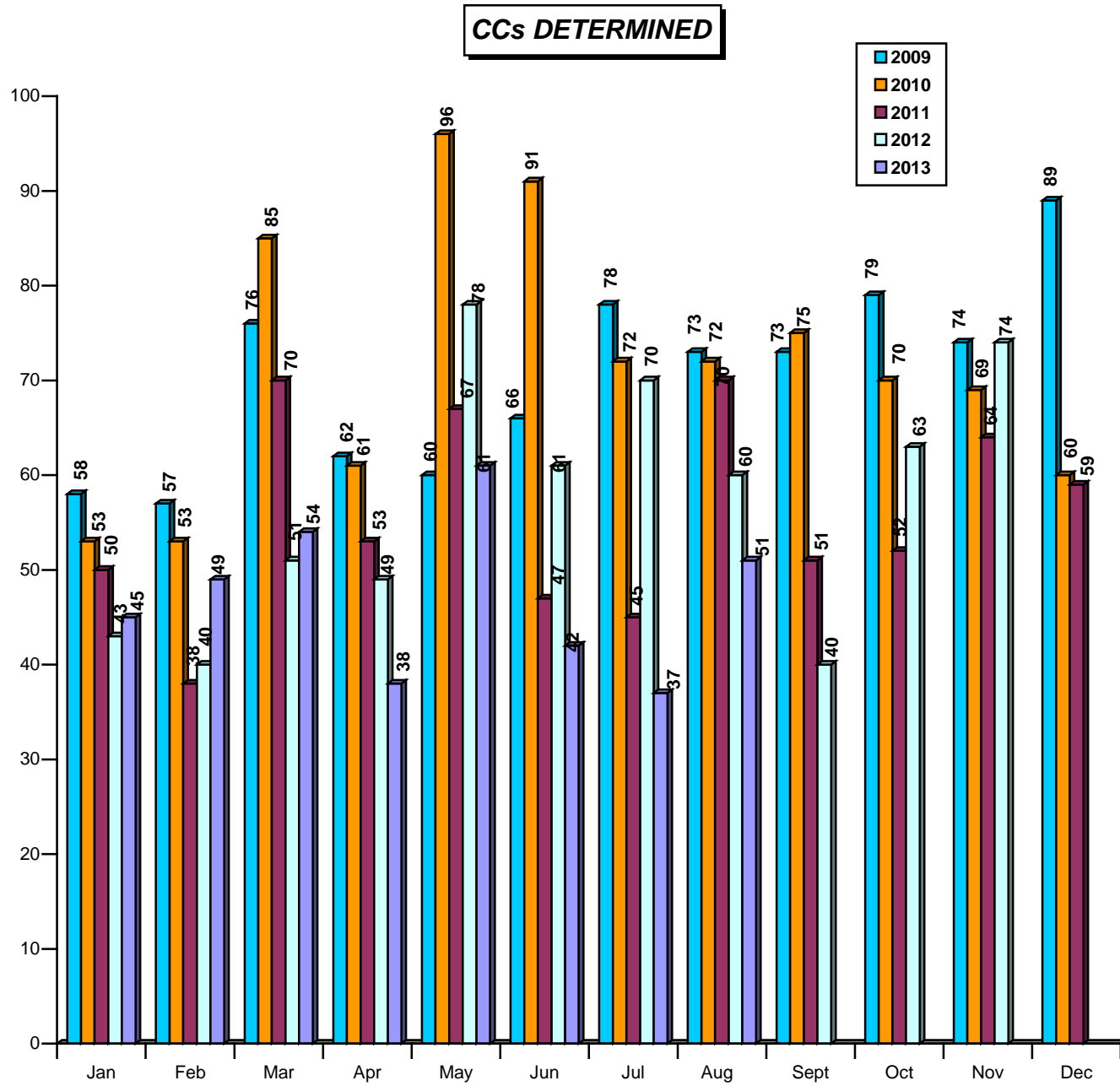
D03764165

DAs LODGED



DAs DETERMINED





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

TRIM REFERENCE: F2004/06822 - D03732450

MANAGER: Lin Armstrong, Director Development and Building AUTHOR: Tabitha Kuypers;
Environmental Assurance Protection Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of August 2013.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the bathing season of summer, October through to April. During summer weekly samples are taken.

Council is currently in the Winter season for sampling - May through to September. Although the OEH Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality.

If results indicate high levels of sewage and stormwater contamination, further investigations are triggered to determine the source of its origin. Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

Council also monitors by way of Water quality testing, lake locations that are not designated swimming locations to detect changes in water quality. The results of such testing are submitted to the Estuary Management Unit.

6.4 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program required that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. Any potential pollution sources identified in the re-evaluation lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period in NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

Summary of results for August 2013 (Winter Program)

Of the 22 sites sampled, 21 were rated "good", while Canton Beach was classified as "poor" (see Table 1). Under the NHMRC (2008) star rating system, all sites except for Canton Beach were considered suitable for swimming (see Table 2 below).

Table 1: Beachwatch average star rating

Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Good	****
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah Baths	Lagoon/Lake	Good	****
Budgewoi Beach	Ocean Beach	# Beach Access Closed	
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	##Poor	**
Cabbage Tree Bay	Ocean Beach	Good	****
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

No beach access due to erosion of access way.

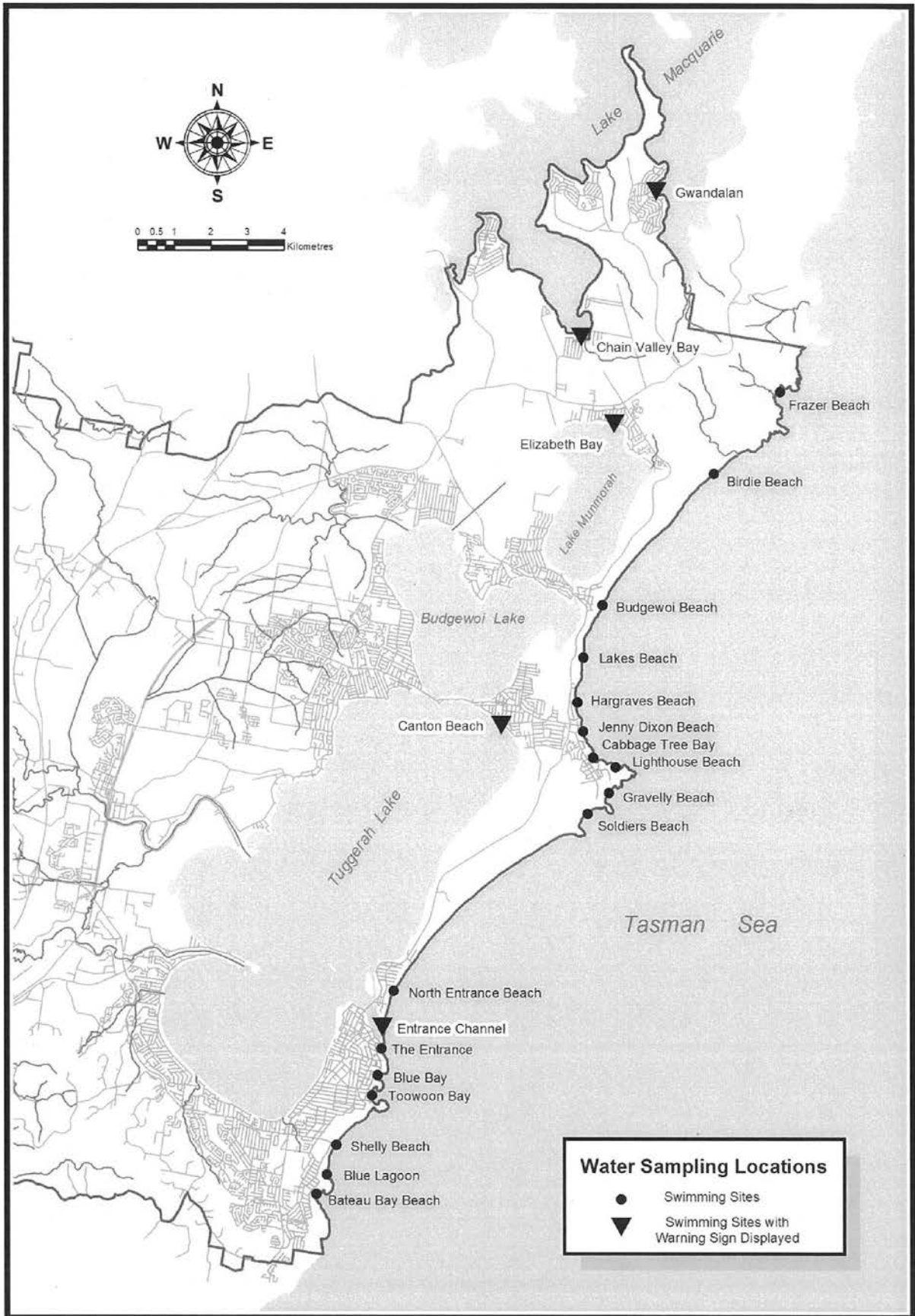
Above average counts at Canton Beach may have been caused by local birdlife and/or disturbance from the wrack harvester operating nearby.

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



6.5 Investment Report for August 2013

TRIM REFERENCE: F2004/06604 - D03774848

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 August 2013.

RECOMMENDATION

That Council receive the Investment Report for August 2013.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The remaining investment in Blackrock Care and Maintenance Fund is expected to be wound up by September 2013.

CURRENT STATUS

Managed Funds

Council holds a "grandfathered" investment in Blackrock Care and Maintenance Fund valued at \$4.83m allowable under the Ministers Investment Order.

The unrealised gain for August was \$0.03m and year to date was \$0.12m.

BlackRock returned +0.67% (actual) on a mark-to-market basis for the month. Since inception, it's returned around +8.0% p.a. (4.9 years).

CPG Research & Advisory Pty Ltd has notified Council that the Fund was terminated on 26 August 2013 with the termination proceeds to be paid out during the week ending Friday 20 September 2013.

Cash and Term Deposit Funds

Cash flows in August were managed through maturities and investments in new term deposits, with a net inflow of cash and term deposits of \$15.88m.

Additional funds are being held in Cash at Call (\$12.50m) at 31 August 2013, due to Rates payments received at the end of the month.

Table 1 Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in Term Deposits				
NAB	9	4.67%	Aug 2013	(\$5,000,000)
ING	9	3.94%	May 2014	\$5,000,000
ING	12	3.96%	Aug 2014	\$5,000,000
NAB	13	3.94%	Sep 2014	\$5,000,000
Rural Bank	10.5	3.90%	Jul 2014	\$5,000,000
NAB	12	3.94%	Aug 2014	\$5,000,000
				\$20,000,000
Movement in cash at call				
AMP				-
CBA				\$156,000
Westpac		2.85%		(\$4,320,000)
				(\$4,164,000)
Interest earned on all call accounts				\$44,000
				(\$4,120,000)
TOTAL				\$15,880,000

Total Portfolio

Total net return for August 2013 was \$0.58m and consisted of \$0.55m of interest earnings and \$0.03m of unrealised capital gains on the Blackrock Care and Maintenance Fund.

Table 2 Net Return

	Full Year 2012-13 \$m	July 2013 \$m	Aug 2013 \$m	YTD 2012-13 \$m
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	0.68	0.09	0.03	0.12
Net Capital Gain/(Loss)	0.68	0.09	0.03	0.12
Interest Earnings on Call Deposits Received	0.53	0.07	0.04	0.11
Interest Earnings on Term Deposits to receive at Maturity	7.04	0.47	0.51	0.98
Total Interest earnings	7.57	0.54	0.55	1.09
Total Return for Period	8.25	0.63	0.58	1.21

Full year returns to August of 4.76% is favourable compared to benchmark BBSW full year Bank Bill Index of 2.81% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital gains on managed funds of \$0.12m is 4.26%.

Table 3 Investment Portfolio by Risk Category

Investment Class	Aug 2013 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	12,505	110	3.92
Term Deposits	147,870	982	4.46
Managed Funds	4,828	126	16.91
Total Investments	165,203	1,218	4.76

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB Long term or above) and time horizon of the investment concerned.

The target maximum limit in each category and the current spread of investments is listed in Table 4. The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

Table 4 Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Aug 2013	Comments
A1	10.0%	49.55%	
A2	75.0%	44.31%	
A3	10.0%	2.50%	
Unrated	15.0%	3.64%	Includes Managed Funds
TOTAL		100.00%	

Investment transactions and earnings during August 2013 are shown in Table 5 - Portfolio Performance.

Table 5 Portfolio Performance

	Full Year 2012-13 \$m	July 2013 \$m	August 2013 \$m	YTD 2013-14 \$m
Movement in Assets				
Opening Balance	153.81	154.99	149.29	154.99
Capital Gain/(Loss) – (Table 2)	0.68	0.09	0.03	0.12
Capital Distribution	(1.93)			
Net Cash/Investments (Withdrawals) (Table 1)	2.40	(5.79)	15.88	10.09
Closing Balance	154.99	149.29	165.20	165.20

Portfolio Interest and Investment Returns

Full year returns as at 31 August 2013 on council’s investment portfolio of deposit accounts, term deposits and managed funds, show a (\$0.15m) or (10.74%) unfavourable variance when compared to the year to-date budget to August 2013.

Table 6 - Annual Investment Portfolio Performance as at 31 August 2013

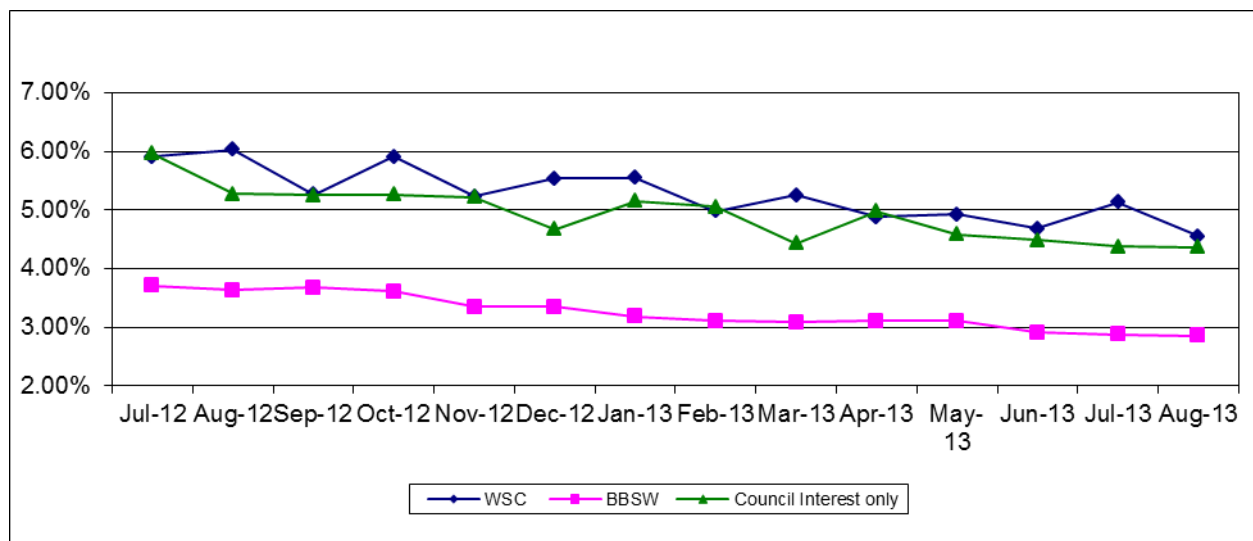
Investment Source	YTD Investment revaluation \$ '000 A	YTD Interest \$ '000 B	YTD Actual Income \$ '000 C=A+B	YTD Budget \$ '000 D	YTD Variance to Budget \$ '000 E=C-D	FYR Budget \$ '000
General	67	581	648	810	(162)	4,400
Water	26	222	248	188	60	1,130
Sewerage	33	289	322	367	(45)	2,200
Total	126	1,092	1,218	1,365	(147)	7,730

Interest rates in the month, on term deposits ranged from 3.65% to 5.77% with the exception of Heritage Bank at 7.25%. These rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for August of 2.61%.

Benchmark - Monthly Returns (Annualised)

Council’s overall investment return is compared to the BBSW Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:

Table 7 Annualised Monthly Return – Comparison to Benchmark

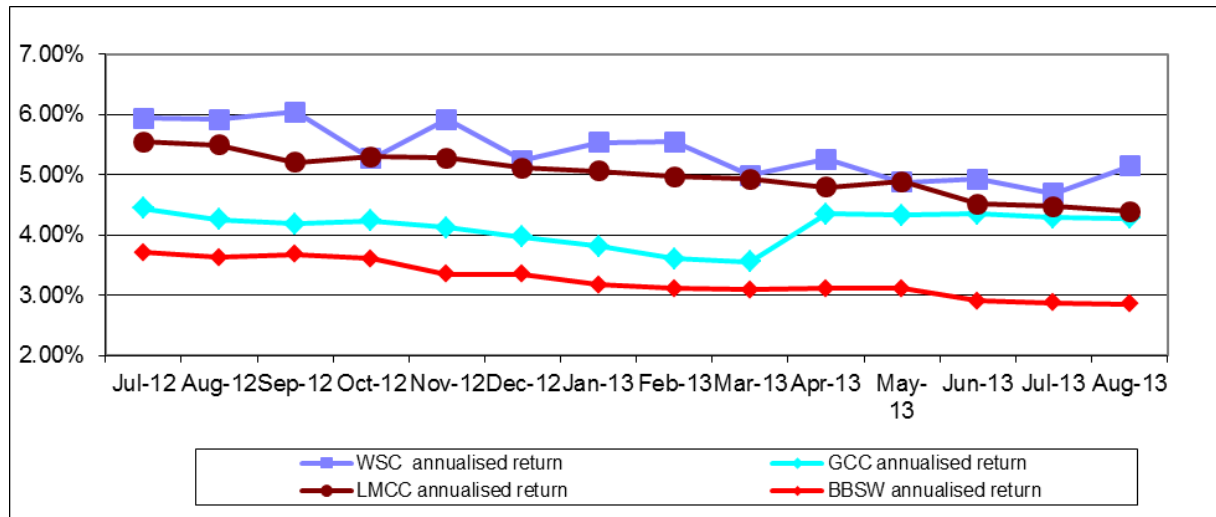


Comparison to Neighbouring Councils

Council's yield of 4.69% for June, 5.14% for July and 4.55% for August compare favourably to neighbouring Councils. Lake Macquarie City Council (4.47% - June, 4.39% - July) and Gosford City Council (4.29% - June, 4.28% - July).

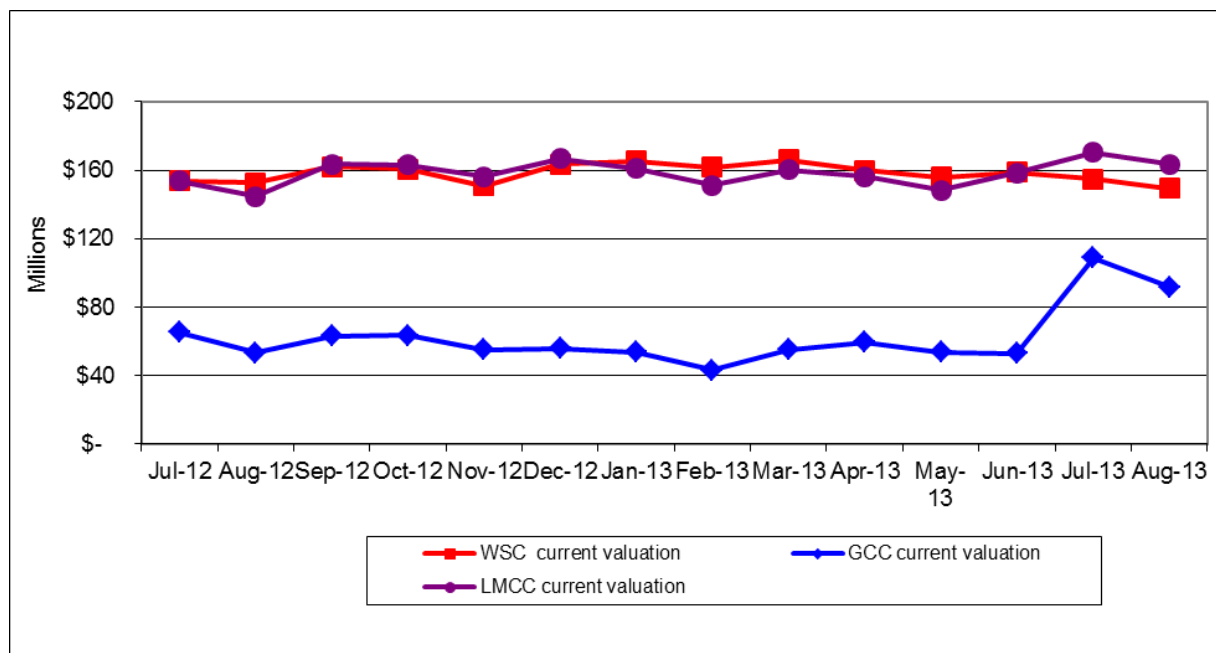
There is a time lag in the information available for neighbouring Councils and reports for August were not available at the time of writing this report.

Table 8 Portfolio Return - Comparison to Neighbouring Councils



WSC's investment portfolio at the end of June was \$154.99m, July was \$149.29m and August was \$165.20m demonstrating a strong cash position, similar with Lake Macquarie City Council's portfolio of \$170.30m in June and \$163.53m in July and Gosford City Council's portfolio of \$108.76 at June and \$91.92m in July 2013 which includes \$51.9m of loans raised in June. (refer Table 9).

Table 9 Portfolio Valuations - Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 August 2013 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - August 2013 D03777001

Wyong Shire Council Summary of Investments - By Type As at 31 August 2013								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 31.07.13 \$	PORTFOLIO BALANCE 31.08.13 \$	INCOME FOR MONTH OF JULY \$	INTEREST RATES % p.a.
		Short Term	Long Term					
CASH AT CALL:								
Westpac	Corporate Investment Account (AA)	A1	AA	Daily	11,631,417	7,340,626	29,209	2.85
CBA		A1	AA	Daily	-	156,000	0	2.75
AMP		A1	A	Daily	4,992,612	5,007,193	14,581	3.45
Suncorp		A1	A	Daily	15	15	0	
UBS	Cash Account	A1	AA	Daily	1,124	839	0	
Total Cash At Call					16,625,168	12,504,672	43,791	
TERM DEPOSITS & BONDS								
<u>Short term deposits & bills (less than 90 days)</u>								
NAB	Term Deposit	A1	AA	15/08/2013	5,000,000		8,956	4.67
Bendigo/Adelaide	Term Deposit	A2	A	26/08/2013	5,000,000	5,000,000	15,890	4.64
Suncorp	Term Deposit	A1	A	6/09/2013	5,000,000	5,000,000	18,388	4.33
Suncorp	Term Deposit	A1	A	30/09/2013	5,000,000	5,000,000	18,558	4.37
Bendigo/Adelaide	Term Deposit	A2	A	8/10/2013	5,000,000	5,000,000	19,534	4.60
ING	Term Deposit	A1	A	28/10/2013	5,000,000	5,000,000	18,218	4.29
Bank of Queensland	Term Deposit	A2	BBB	12/11/2013	5,000,000	5,000,000	18,685	4.40
NAB	Term Deposit	A1	AA	27/11/2013	5,000,000	5,000,000	20,086	4.73
					40,000,000	35,000,000		
<u>Medium Term Deposits (up to 365 days)</u>								
CUA	Term Deposit	A2	BBB	10/12/2013	5,000,000	5,000,000	18,684	4.40
Rural Bank	Term Deposit	A2	A	20/12/2013	5,000,000	5,000,000	18,515	4.36
NAB	Term Deposit	A1	AA	6/01/2014	5,000,000	5,000,000	18,855	4.44
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/01/2014	1,000,000	1,000,000	3,610	4.25
ING	Term Deposit	A1	A	30/01/2014	5,000,000	5,000,000	17,241	4.06
CUA	Term Deposit	A2	BBB	11/02/2014	5,000,000	5,000,000	18,685	4.40
ME Bank	Term Deposit	A2	BBB	27/02/2014	5,000,000	5,000,000	18,388	4.33
Westpac	Term Deposit	A1	AA	5/03/2014	10,000,000	10,000,000	49,005	5.77
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014	5,000,000	5,000,000	18,260	4.30
Bank of Queensland	Term Deposit	A2	BBB	27/03/2014	5,000,000	5,000,000	18,473	4.35
ME Bank	Term Deposit	A2	BBB	14/04/2014	5,000,000	5,000,000	18,303	4.31
ME Bank	Term Deposit	A2	BBB	28/04/2014	5,000,000	5,000,000	17,751	4.18
ING	Term Deposit	A1	A	19/05/2014		5,000,000	6,477	3.94
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000	5,000,000	17,836	4.20
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000	5,000,000	16,689	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000	5,000,000	16,689	3.93
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000	5,797	3.65
ING	Term Deposit	A1	A	19/08/2014		5,000,000	6,510	3.96
NAB	Term Deposit	A1	AA	22/09/2014		5,000,000	6,477	3.94
Rural Bank	Term Deposit	A2	A	15/07/2014		5,000,000	2,136	3.90
NAB	Term Deposit	A1	AA	28/08/2014		5,000,000	2,159	3.94
					77,870,000	102,870,000		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000	26,499	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	24,630	7.25
					10,000,000	10,000,000		
Total Term Deposit & Bonds:					127,870,000	147,870,000	505,983	
CASH MANAGEMENT FUNDS:								
<u>Non - Current</u>								
BlackRock Care & Maintenance Fund		UNRATED	UNRATED	2016 (Estimate)	4,797,078	4,828,876	31,798	
Total Cash Management Funds					4,797,078	4,828,876	31,798	
Current					134,495,168	150,374,672		
Non-Current					14,797,078	14,828,876		
TOTAL					149,292,246	165,203,548	581,572	

6.6 Wyong Shire Council Beach Services Agreement

TRIM REFERENCE: F2004/06257 - D03811755

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Brett Sherar; Manager Open Space

SUMMARY

This report outlines what will be included and excluded from the Wyong Shire Beach Safety Service for the 2013/14 swimming season which commenced on the 21 September 2013 as per the Council resolution of 11 September 2013.

RECOMMENDATION

That Council receive the report on Wyong Shire Council Beach Services Agreement.

Beach Safety Services

A service level agreement has been signed between the Director of Infrastructure and Operations and the Manager of Open Space to supply beach safety services as stated in the body of this report for the next three years with a year one budget of \$669,112.76.

The table below sets out the level of service that is being provided under this Service Level Agreement as per Council resolution 11 September 2013 and any differences from the previous season's level of service.

<i>Lifeguard Service</i>	<i>2013/14</i>	<i>2012/13</i>
Six Beaches	✓	✓
Minimum two lifeguards per beach	x*	✓
Open between the hours of 9am – 5pm with a 1hour extension during Christmas holidays to 6pm.	✓	✓
A third lifeguard at three high usage beaches over Christmas holidays.	✓	✓
A fourth lifeguard if required at Soldiers Beach or Shelly Beach in extreme periods	x**	✓
Peak period education program	x**	✓
Shared Plant except jet skis	✓	✓
Discretionary extra hours for risk reduction in peak periods	x***	✓
Reduction in lifeguards on beach if closed and weather permits	✓	x

* As per alternative 2 in the Tender documents, there will only be two lifeguards on the North Entrance beach during school holidays. All other periods will have one lifeguard on duty with support from the lifeguards at The Entrance beach.

** Not part of the tender specification.

*** Was removed by Council resolution.

Changes to service from previous year

There are four areas of significance in relation to reduction in service from previous years.

Minimum of two lifeguards per beach

As a cost saving initiative, an alternative was offered in the tender process, which Council resolved to adopt, that reduces the number of lifeguards at North Entrance outside of school holiday periods to one lifeguard with support from the two lifeguards at The Entrance, one who is in the channel tower and the other in the surf club tower, with the use of a jet ski.

Another alternative Council resolved to accept is to reduce the lifeguards by one, if the weather conditions deem that the beach could be closed without increasing the risk to the community. This alternative valued at \$23,241 over three years of the contract will only be realised if weather conditions allow. If this alternative isn't realised, as stated in the tender, this cost will be an increase on the amount stated above. Hours saved in this alternative will be monitored against estimated hours and reported by the Manager of Open Space to the Director of Infrastructure and Operations on a monthly basis.

Peak season education

As per a previous Council resolution, Council staff have undertaken a very successful peak season education program focused on a target audience that are overrepresented in drownings within Wyong Shire. This included:

- Beach safety radio advertisements
- Regular visits to unpatrolled beaches
- Seminars at caravan parks
- Handout of educational materials at beaches
- Educational programs highlighting the risks of mixing alcohol consumption with recreational swimming

This program was not part of the tender specification and will not be provided as part of the beach safety service this year.

Discretionary extra hours

As per a previous Council resolution, staff were given the ability to extend service hours if the level of risk to the community was considered too high to close the beaches and leave. This consideration was based on the number of people on the beach along with surf and weather conditions and determined in consultation between the lifeguards and the lifeguard co-ordinator. This discretionary service was utilised predominantly at Soldiers Beach during the school holiday period on approximately 15 occasions. There were numerous times during this extra period where lifeguards were required to rescue people in trouble. Under this agreement there is no allowance to increase the hours that the beaches are open, regardless of the level of risk and likelihood that a person may drown. Staff will be instructed to have a procedure to inform beachgoers of the fact that the beach will close at the designated time regardless of conditions. Only in the case of an emergency, where they are treating a member of the public for an injury or they are in the process of making a rescue, will they work past the designated closing time. This emergency work will not be considered as part of the contract and will need to be funded from a different source. Emergency support functions will be discussed later in this report.

The option of a fourth lifeguard

On very few occasions over the past number of years has it been necessary to bring in a fourth lifeguard at Soldiers Beach and Shelly Beach for short periods of between three and four hours to deal with extreme levels of patronage. This was not part of the tender and has not been considered as part of the new level of service. It will increase the risk of an incident occurring on very few occasions during each year.

Emergency support

Prior to the competitive tendering process there were a number of areas of emergency support beyond the designated patrol beach locations and times that Council undertook. These can be broken up into two areas, persons in distress or body recovery. There is no allowance in the tender price for emergency support and this will not be undertaken by Council lifeguards as part of the tender.

If Council's lifeguard coordinator is contacted about attending an emergency where a person's life is at risk, the lifeguard coordinator or manager of Open Space will determine whether we will supply a lifeguard at Council's cost. If a decision is made to attend an emergency, the cost of that work will not be from the tender price.

If Council is asked to support the Police in body recovery, as has happened numerous times, staff will be asking for them to supply the funds to undertake the work.

Services offered but not included

A number of beach safety service improvements were offered but not included in the agreed tender. These have been set out in the table below for the consideration of Council at any time during the agreement period.

Service Type
The Entrance Channel Option
The Entrance Channel weekends and public holidays - One lifeguard conforming tender period
Extended Hours - Soldier Beach and Shelly Beach Options
Soldiers Beach and Shelly Beach open until 7:30pm in Christmas school holidays - two lifeguards
Soldiers Beach and Shelly Beach open until 7:30pm in Christmas school holidays + 7pm for the remainder of December - February – two lifeguards
Winter Service Options
Weekdays April – June long weekend (outside conforming tender period)
Weekends April - June long weekend inclusive (outside conforming tender period)
Weekdays after June long weekend - end of August.
Weekends after June long weekend - end of August.
Weekdays September (outside conforming tender period)
Weekends September (outside conforming tender period)
Winter school holidays weekdays and weekends
Budgewoi Beach Options
Christmas school holidays – weekdays, one lifeguard and weekends/public holidays, two lifeguards
Weekends and public holidays - full patrol season – two lifeguards (tender period)

School holidays – one lifeguard weekdays + two lifeguards for weekends/public holidays
Christmas school holidays weekdays – one lifeguard
School holidays – one lifeguard, weekdays only
Christmas school holidays – two lifeguards + weekends/public holidays – two lifeguards
School holidays – two lifeguards + weekends/public holidays – two lifeguards
Weekdays - one lifeguard, weekends and public holidays - two lifeguards for tender period
Weekdays - one lifeguard conforming to tender period

**Please note all Budgewoi options listed above are for the conforming tender period only and do not include winter school holidays*

Lifeguard uniform

The Wyong Shire Lifeguard Service Tender Submission was based on the existing uniforms but allowed for the use of alternate uniforms if Council chose to fund them. All current permanent and temporary lifeguards are already in possession of the previous seasons uniform. The tender from the Wyong Shire lifeguard service did not allow funds to fully replace all uniforms. For the first year of the agreement lifeguards will continue to wear the current uniform with the red and yellow to be worn in year three. This avoids unnecessary expenditure of community funds on new uniforms given there is an adequate stock of existing uniforms. It also allows sufficient time to design and procure new uniforms for year three.

ATTACHMENTS

Nil.

6.7 Woolworths Retail Facility - Warnervale Town Centre

TRIM REFERENCE: F2010/00500 - D03818291

MANAGER: Jamie Loader, Manager, Building Certification and Health

AUTHOR: Tracy Sharp; Senior Development Planner

SUMMARY

On 14 September 2013 the Planning Assessment Commission on behalf of the Minister of Planning and Infrastructure approved the Woolworths Retail Facility – Warnervale Town Centre. This report includes information in relation to the deficiencies of the conditions of consent and the resultant shortfalls and impacts upon Council in terms of land/infrastructure/contributions to be transferred to Council as well as any risks and/or liabilities as a result of the conditions of consent.

RECOMMENDATION

That Council receive the report on the Woolworths Retail Facility - Warnervale Town Centre.

BACKGROUND

Determination of Project

On 14 September 2013 the Planning Assessment Commission granted approval to the project application (MP10_0195), Woolworths Retail Facility – Warnervale Town Centre on Lot 521 DP 594725, pursuant to Section 75J of the Environmental Planning and Assessment Act 1979 (the Act), subject to conditions and the proponent's statement of commitments. A copy of the conditions of consent and statement of commitments are attached to this report.

Project

The Woolworths retail facility - Warnervale Town Centre, comprises the following: -

- Retail facility with a total gross floor area of 33,112m² comprising: -
 - 22,092m² of retail floor space (including 1,892m² of bulky goods retail);
 - 3,608m² of commercial space;
 - 3,742m² of entertainment uses (cinema) and;
 - 3,669m² of amenities and circulation space.
- Car parking totalling 1,524 spaces including 1,283 basement car parking spaces over three (3) levels, at grade commuter car park comprising 225 spaces (to service the proposed railway station to the west of the proposed development) and on-street parking for 16 spaces;
- 'Civic Square' straddling the proposed Main Street with a total area of 2,481m² excluding the road way;
- Site preparation and bulk earthworks;
- Road construction within the site including new Main Street, as well as part of Road W05 (southern access road);
- Associated infrastructure works (including roads, intersections, drainage etc); and

- Use and fit out within the buildings of the proposed Woolworths supermarket and Big W Discount department store.

STATUTORY CONTEXT

Below is a summary as to why the Department of Planning and Infrastructure are the determining authority and not Council: -

Environmental Planning and Assessment Act 1979

On 4 November 2010, the former Minister for Planning and Infrastructure declared that the proposed development was a Major Project under Part 3A of the Act as it met the criteria in Schedule 3, Part 16 of the State Environmental Planning Policy (Major Development) 2005 (SEPPMD), as it was development for the purposes of retail premises in the Warnervale Town Centre that had a Capital Investment Value (CIV) of more than \$20M and a floor space area of over 5,000m².

The CIV of the total development is \$116,370,000, with a total retail floor space of 22,092m².

Part 3A of the Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A of the Act, continues to apply to transitional Part 3A projects. This application is a transitional Part 3A project as Director-General's environmental assessment requirements (DGRs) were issued on 1 December 2010, prior to the cut-off date of 1 October 2011. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under Section 75J of the Act.

State Environmental Planning Policy (Major Development) 2005

On 7 November 2008, the Warnervale Town Centre site was added to Schedule 3 of the SEPPMD.

On 21 September 2012, State Environmental Planning Policy Amendment (Miscellaneous) 2012 was published. This SEPP transferred the planning provisions for the Warnervale Town Centre site from the SEPPMD into the Wyong Local Environmental Plan 1991 (WLEP). Accordingly the site controls are no longer under Schedule 3 of the SEPPMD. A savings provision was however included in the SEPP to enable that the subject application remained a transitional Part 3A project and that Part 16 of Schedule 3 which contains the planning provisions for the Warnervale Town Centre continues to apply as if it had not been repealed.

ISSUES WITH CONSENT

A review of the conditions of consent has identified several issues of concern as indicated below: -

Contributions

State Infrastructure Contributions

A Special Infrastructure Contributions Plan for the Warnervale Town Centre was made on 2008 for the provisions of sub-regional and regional infrastructure necessary for the release

6.7 Woolworths Retail Facility - Warnervale Town Centre (contd)

and development of the land within the Warnervale Town Centre, being certain sub-regional and regional roads, motorway connections, public transport upgrades and biodiversity offsets.

The plan only applies to residentially zoned land therefore no contributions are required for the subject proposal.

Section 94 Contributions

1. Warnervale Town Centre Development Contributions Plan 2012

The Section 94 Plan applicable to this site is the Warnervale Town Centre Development Contributions Plan 2012 (WTC CP). This plan was exhibited from 21 December 2011 until 1 February 2012. The Plan was adopted by Council at its meeting of 12 December 2012.

The Section 94 contributions payable under the Woolworths Major Project consent issued by the Planning Assessment Commission (PAC) is significantly below what is required under the WTC CP.

2. Condition of Consent

Condition B11 Local Contributions of the Consent reads as follows: -

In accordance with Section 94 of the Act, the proponent shall provide the following local infrastructure contributions to Council, prior to the issue of any Construction Certificate:

Item	Value
Stormwater	\$370,016.15
Studies	\$8,160.95
Administration	\$20,595.74
WTC road/intersection works	\$2,123,870
Total Payable to Council	\$2,522,642.84

Local contributions identified in the Statement of Commitments, and PPR additional response letter prepared by TPG dated 5 April 2013, not included in the above table are still to be provided, along with works in kind for the roads on site (W05, W06 and W08) and the monetary contributions subject to the Entry Road Deed of Agreement.

Should the proponent and Council agree to alternative local developer contributions arrangements or items (e.g. through a Voluntary Planning Agreement), these may place the contributions specified in the table above only with the agreement of the Director-General of the Department of Planning and Infrastructure, prior to the issue of a Construction Certificate.

The Section 94 contributions are to be recalculated from the date of determination in accordance with movements in the Chain Price Index for Non-Dwelling Building and Construction (CPI), published by the Australian Bureau of Statistics and may be varied with written agreement with Council.

3. Local Contributions Identified in the Statement of Commitments

Item 27 of the Statement of Commitments identifies that the developer is to provide the following infrastructure works: -

INFRASTRUCTURE ITEMS	VALUE
<i>Design and construction of roads and cycleways W05; W06; W08, to facilitate completion of public road network. Includes preliminaries; clearing and demolition; erosion and sediment control; earthworks; storm water drainage (internal to site); road pavement; kerbs and miscellaneous concrete works; verges treatment; incidental works (signage, line marking, laying of Telstra and gas conduit in common electrical trench); sewerage reticulation; water reticulation; fees</i>	\$3.63 million *
<i>Land Dedication of Land as shown in PPR Appendix A Drawing A00.11 PPR-1 for part of Roads, W01, W06 (stratum subdivision) and W05</i>	<i>Fabcot legal and Subdivision Costs TBC *</i>
<i>As per tri-partite agreement (Fabcot, Wyong Council and Landcom) – management and funding contributions toward the design, approval and construction of the access road from Sparks Road to roundabout to the station</i>	\$1.6 million *
<i>Bus stop, Kiss & Ride and Cycle in Main Street</i>	<i>Part of Main Street Costs above Road W06 *</i>
<i>Provision of commuter car parking (177 space at-grade)</i>	\$1.03 million *
<i>Civic Square – design, construction and landscape embellishment of civic square</i>	\$675,000 *
<i>Contribution towards Stormwater Connections</i>	\$300,000
<i>Public Art</i>	\$150,000 *
<i>Contribution towards Traffic signal i11</i>	\$250,000 *
<i>Contribution towards Traffic signal i31</i>	\$250,000 *
<i>Consultant and Project Management Fees for above</i>	\$475,000 *

* indicates the contributions are applicable and to be paid by developer/applicant. This table indicates a total of \$8,060,000 contributions to be paid to Council.

4. Local Contributions Identified in the TPG dated 5 April 2013

This letter identified that the proponent is prepared to make the following contributions via works to the public domain in lieu of a monetary contribution: -

PROPOSED WORKS	QUANTITY SURVEYOR COST \$
Commuter car park for 225 car spaces at-grade	\$1,170,000
Civic Square (2,852 sq.m)	\$ 830,000
Switchback Ramp	\$ 44,000 *
Public Art	\$ 150,000
Provision for Main Access Road – W01	\$1,650,000
Provision for Main Street – W06	\$1,600,000
Traffic signal contribution W01/W06	\$ 250,000
Provision of part of Road W05 & cycleway	\$1,440,000
Traffic signal contribution W01/W05	\$ 250,000
Provision for Road W08	\$ 630,000
Temporary stormwater connections	\$ 300,000 *
TOTAL	\$8,314,000

* indicates the contributions are applicable and to be paid by developer/applicant. This table indicates a total of \$344,000 contributions to be paid to Council.

Council's Requirements under Warnervale Town Centre Development Contributions Plan

This contrasts with the advice Council provided to the Planning Assessment Commission that the contributions required under the WTC CP as per the following table: -

Contribution Type	Contribution Unit	Contribution Rates for Precinct 6a	Woolworths Development	Total
Open Space Land	Daily Vehicle Trip	\$26.09	12,450	\$324,834
Open Space Works	Daily Vehicle Trip	\$34.88	12,450	\$434,218
Community Facilities Land	Daily Vehicle Trip	\$1.30	12,450	\$16,191
Community Facilities Works	Daily Vehicle Trip	\$26.68	12,450	\$332,185
Roads	Daily Vehicle Trips	\$1,228	12,450	\$15,293,934
Stormwater Management Land	NDA (ha)	\$27,590	2.45	\$67,619
Stormwater Management Works	NDA (ha)	\$93,081	2.45	\$228,128
Trunk Pipeline	NDA (ha)	\$30,346	2.45	\$74,374
Studies	NDA (ha)	\$3,331	2.45	\$8,164
Admin 0.4%	% of Contributions	0.40%		\$67,119
TOTAL Section 94 Contributions				\$16,846,767

The contributions imposed by the PAC are contrary to the requirements within the WTC CP and have created a shortfall of Section 94 Contributions of \$5,920,124.16.

The major differences between the contributions in the Consent compared to the WTC CP are: -

- No monetary open space land contribution is proposed on the basis that it is not proposed to dedicate the proposed civic square under the draft consent.
- No monetary contribution for open space works is proposed presumably on the basis that the civic square will be embellishment by the applicant.
- No community facilities (land & works) contributions are proposed on the basis that the 10% of community facilities land and works attributable to non-residential development assumed in the WTC CP has not been demonstrated.
- A road contribution of \$2.1M is payable compared to the \$15.3M required under the contributions plan, which creates an unfunded liability for Council of \$13.2M, unless additional funds for works can be secured from the State Government in the form of grants.
- The administration contribution is lower in the draft consent as it is based on a lower value of the proposed works that have been accepted.

Council's submission to the PAC was for the payment of \$4.8M of roads contributions prior to the issue of the Construction Certificate and payment of the remaining \$10.5M at the time the relevant works were commenced by Council. This submission has been rejected by the PAC.

Land and Infrastructure Dedication

Condition E5 of this consent indicates that *"all roads constructed within Lot 521 DP 594 subject to this approval, are to be dedicated to Wyong Shire Council, free of cost to Council, prior to the issue of the Occupation Certificate"*. It is unclear if this includes footpaving.

The conditions of consent in relation to roads and infrastructure are lacking in detail and provide little guidance to the developer/applicant as to what design parameters (Development Control Plan or Australian Standard etc) are to be complied with and the level of detail required to be lodged with any Construction Certificate (CC) to be assessed by either Council or a Principal Certifying Authority (PCA). This may result in lengthy details to issue a CC as the plans may need to be redrawn to provide the adequate level of detail. The level of detail acceptable by Council and a PCA may be substantially different. This may result in asset failure and inappropriate assets for the intended purpose and when handed over to Council may result in asset failures, inappropriate performance and Council being responsible to rectify these problems.

Council provided the Department of Planning and Infrastructure with comments and draft conditions of consent to address Council's concerns and appropriate design requirements. A review of the conditions of consent in relation to the roads and infrastructure has resulted in the following items of concern: -

- The intersection of Road W05 & W08 (on another parcel of land) is specified to be a roundabout whereas Council preferred a signalised intersection due to the following issues:
 - provide safer crossing provisions for cyclists and pedestrians at this location
 - reduce the steep grades providing better facilities for mobility

- assist in managing road grades for trucks (that need to service the development) to provide greater stability as the roundabout may cause such problems
- The roundabout may present constructability issues as the grades that are likely to be needed to match other design requirements could be non-compliant with the required specifications.
- The Civic Square is bisected by the Main Street creating two (2) separate areas that will encourage the indiscriminate crossing from one (1) side of the road to the other, especially when the civic square is in use. This increases the risks of unsafe crossing and pedestrians being injured by vehicles. It was requested that the Civic Square be located on one side of the road as it would reduce road safety issues. It would also provide greater usable space as the fringe area is reduced and there would only be one footpath zone through the square not two. This is a potential Road safety liability as well as limiting available space for civic functions.
- There is no provision for any public transport to cater for the employees of the development or customers if the bus interchange is not provided (either an interim, staged or completed one with the Main Entry Road). This will create pressure on Council to provide these facilities at significant expense.
- There are contradictions in the Statement of Commitments. The proponent has nominated that they will provide a minor piped street drainage system to the 10 year design storm event, however a condition of consent requires all engineering works to be constructed to Wyong Shire Council's engineering requirements. Wyong Shire Council's engineering requirements specify that a 20 year design storm event is required. This may impact upon the infrastructures performance which may increase flows and may impact upon the safety of pedestrians and property.
- No provision for a Special Events Traffic Management Plan was required. The development presents a complex traffic environment that the majority of users (including cyclists, pedestrians, deliveries, etc) may not be familiar with. Special events, such major retail openings generate significant interest and associated traffic generation which may need to be effectively and safely managed by the provision of a "Special Events Traffic Management Plan". If there is significant traffic and no provision made, there is the possibility this could encourage unsafe traffic practices and Council as the Roads Authority could be liable to some degree.
- Requirements to have all awnings set back a minimum of 0.6m behind the projected face of the kerb has not been included. This could be a liability to Council as vehicles are on the public road when trucks may impact and damage any awnings due to road camber and/or vehicle dynamics (wind, load shift, suspension roll, etc). It is also possible that any damage awnings could fall and injure persons in the vicinity.
- The requested intersections and network modelling was not required, although there is a possibility that the road network may not function efficiently leaving Council a significant liability to try and rectify the performance of the road network.

- One (1) of the approved plans, A04.10 (that is not altered by any condition) has the provision for a pedestrian crossing in an inappropriate location that presents a road safety liability. The traffic plan also has inappropriate road geometry that also has the potential to generate road safety liabilities.
- Where it is only required to dedicate the carriageway (including kerb and gutter) and not the footpath of Road W06 presents a number of issues in relation to asset management. Some may be able to be managed by easements, however some may not. These issues include:
 - No agreements from utility service authorities to have their utilities in easements (overlapping other easements) in private properties.
 - Street lighting that lights the private footpaths and parts of the public roads will not be and cannot be part of any current lighting funding arrangements. Some other arrangements regarding access, ownership, lighting costs, easements, etc will need to be negotiated with Ausgrid and Council.
 - The underlying road pavement which extends beyond the rear of the back of the kerb will be in another ownership.
 - The material supporting the underlying road pavement will be in another ownership.
 - The stormwater drainage will be in split ownership.
 - The sub pavement drainage that protects the road pavement and subgrade is outside of the public road.
 - Street trees that overhang footpaths and roads need to have ownership and maintenance requirements otherwise there will be liability issues such as damage to road pavements, footpaving, personal injury to pedestrians, etc. Each area and asset is in different ownership.
- Access to Council's land at the eastern end of Road W06 has been physically denied by the development with an excavation 5.0m deep. This creates a liability to Council as we cannot access the land from the public road.
- There is no mention of how the 5.0m excavation and the removal of support of Council's land is to be treated. This is a significant liability as there are no details, agreements, retention methods and no safety railings. This presents significant liability as people could fall 5.0m and/or the excavation could slump and injure people or damage property.
- There is no mention of the continuation and treatment of Road W06 and how it is to be treated regarding ownership.
- There is no reference to the required process and legislation regarding the provision of water and sewer services. This presents a liability to the Developer as they need to ensure that the water and sewer infrastructure needs to be designed and approved by Council as the Water Authority and ensure compliance with the required standards. Other requirements such as water and sewer contributions are also required and will be identified with the issue of a Section 306 requirements letter upon the receipt of a Section 305 application by the developer which was not requested in the consent.
- The required Works as Executed plans and other supporting documentation are identified as being only for information. This is a liability as this information is required in our Engineering requirements and is used for the purpose of

management of our new assets. The test results, materials, etc are all used to determine intervention levels and types of maintenance practices.

- It is not clear if the footpath areas and the carriageway for Road W01 are being dedicated as public land or if it is only the carriageway that is being dedicated. If only the carriageway is being dedicated, there will be liabilities as the RMS will not be able to approve the required traffic signals to enable the shopping centre to function efficiently and safely. This creates problems for the development.
- There is a significant liability with regards to the interpretation of engineering requirements for the roads to become public roads. Design guides are used and if the incorrect design traffic loadings and/or class of pavement materials are applied Council could end up with having to reconstruct (at significant ratepayer's expense) road pavements. This will also be a safety liability due to the complex traffic environment that the works would need to be undertaken in. It is also a liability to the retailers as it may affect the deliveries and patronage of the retail areas.
- The nominated 1.0m depth with regards to the stratum subdivision is arbitrary as there are numerous elements within the road environment that impact and interact with each other. Depending on the level of the basement car park, the slope of the outer surface, proximity to the road pavement, type of materials, slope of the road, etc, Council could end up with a significant liability if there is a road pavement failure. This has occurred previously with a Private Certifier and there was significant cost to Council to rectify the road failures. Where a number of different situations and characteristics occur, especially together, then different issues need to be considered. These issues are not identified in basic design guides, only experienced practitioners that are familiar with specific occurrences know how to manage and address such problems.
- There is a significant risk to the approval as there is no specific nominated location defining the scope of works between the W01 road works and the road works required for this project. If there was, there would also need to be specific treatments and variations depending on the elements of infrastructure, such as stormwater drainage, watermains, concrete footpaths, road sub pavement drainage, etc.
- Council's Engineering requirements have minimum elements like most engineering guides. There is a high likelihood and subsequent liability to Council if the minimum and not the appropriate design traffic loads are applied for the road pavements as the road structure will not serve the intended purpose and be a significant liability to Council.
- If the roads and other infrastructure have not been designed and constructed to the appropriate requirements there is a very high likelihood that Council will not accept the works and other infrastructure.
- Landscape and street tree works need to be compatible with the proposed infrastructure consisting of road pavements, foot paving, stormwater drainage, sewer mains and water mains as they could cause damage to these works resulting in a costly liability for Council to rectify the damaged infrastructure.

RISKS AND LIABILITIES

The conditions of consent for the Woolworths Retail Facility – Warnervale Town Centre imposed by the PAC of behalf of the on behalf of the Minister of Planning and Infrastructure may result in the following risk and or liabilities for Council: -

- A shortfall of \$5,920,124.16 in Section 94 Contributions, will result in Council paying for various services/facilities/infrastructure;
- Infrastructure (roads, intersections, stormwater) that is non-compliant with Council's requirements, and may result in additional costs for Council to reconstruct this infrastructure to Council's requirements as well as risk to life and property;
- The creation of a 5m high excavation with no details of how this excavation is to be supported or details of proposed fencing to stop people falling, may create a legal liability;
- No provision for any public transport to cater for employees/customers of the development if the bus interchange is not provided, may create additional expense for Council to provides such a service;
- Creation of potential vehicular/pedestrian conflict zones, may create a road safety liability;
- Various infrastructure and furniture will be in split ownership, creating issues over maintenance;
- Non-compliant awnings may result in vehicles impacting upon them creating road safety liability and damage to property;
- Road network may not function efficiently leaving Council liable to rectify the performance of this network;
- Inadequate dedication of road carriageway/s to create adequate easement/footpaths/street lighting/stormwater drainage/sub-pavement drainage, creating liabilities with pedestrians and service authorities;
- Inadequate details regarding the requirements for the provision of water and sewer services and contributions which may result in the developer/applicant not constructing this infrastructure appropriately as well as not paying the appropriate contributions. This may result in additional costs for Council to reconstruct this infrastructure to Council's requirements as well as being supplied with the appropriate contributions.
- Council's engineering requirements require the Works as Executed plans and other supporting documentation to be used for the purpose of managing the new assets not for information only. They may result in the company providing the information not complying with Council's requirements and not providing Council with all the adequate information in relation to the new asset.

- The non-dedication of the footpath areas and/or the carriageway for Road W01 as public land may result in the RMS not being able to approve the required traffic signals to enable the shopping centre to function efficiently and safely.
- Inadequate detail in relation to engineering requirements for the roads to become public roads may result in the incorrect design traffic loadings and/or class of pavement materials applied for construction. This may result in additional costs for Council to reconstruct this infrastructure to Council's requirements. This may also result in asset failure and create road safety issues and public liability.
- The nominated 1.0m depth with regards to the stratum subdivision is arbitrary and may result in road pavement failure creating road safety issues and public liability.
- If the roads and other infrastructure have not been designed and constructed to the appropriate requirements there is a very high likelihood that Council will not accept the works and other infrastructure. This may result in increased cost on the developer/applicant to reconstruct the various inadequate roads/infrastructure.
- Landscape and street tree works need to be compatible with the proposed infrastructure consisting of road pavements, footpaving, stormwater drainage, sewer mains and water mains as they could cause damage to these works resulting in a costly liability for Council to rectify the damaged infrastructure.
- If Council is not satisfied with the level of construction of the various assets/infrastructure prior to dedication, Council may require a defects liability bond and a defects liability maintenance period greater than the required 5% cost of works and 12 months respectively.

CONCLUSION

The Planning Assessment Commission on behalf of the Minister of Planning and Infrastructure approved the Woolworths Retail Facility – Warnervale Town Centre with little regards to Council's requirements. This has resulted in a significant shortfall in Section 94 contributions and conditions with little detail for design requirements, which may result in inadequate infrastructure when dedicated to Council which may result in Council having to reconstruct this infrastructure.

ATTACHMENTS

- 1 Copy of Conditions of Consent Enclosure D03828212

6.8 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/00023 - D03812920

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 11
September 2013 | D03790186 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Maxine Kenyon	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	13 March 2013 Councillor Nayna	3/9/2013 – An update will be provided in the 23 October 2013.
12.	Infrastructure and Operations	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p>	13 March 2013 Councillor Nayna	3/9/2013 – Little progress to date from the EPA side. Update to be provided in late October 2013

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			5 <i>That Council write to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</i>		
20.	Land Management	Martin Johnson	<p>9.1 Notice of Motion – Urgent Employment Stimulus</p> <p><i>“543/13 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.</i></p> <p><i>544/13 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council’s development taxation structure/Section 94 Contributions.</i></p> <p><i>545/13 That Council adopt a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA’s entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.</i></p> <p><i>546/13 That Council authorise existing VPA’s meeting the criteria above to be reduced to this level providing construction has not commenced.</i></p> <p><i>547/13 That any VPA arising from this initiative be reported to Council.</i></p> <p><i>548/13 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014.”</i></p>	24 April 2012 Councillors Best and Nayna	A report will be submitted to Council in early 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
26	Development and Building	Lin Armstrong	<p>6.1 Notice of Motion – Bike Blitz on Cycle Way Menace</p> <p>698/13 <i>That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.</i></p> <p>699/13 <i>That Council raises these concerns as a matter of public safety and as a possible public liability risk.</i></p> <p>700/13 <i>That Council formally raise these community concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.</i></p> <p>701/13 <i>That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.</i></p> <p>702/13 <i>That Council direct the General Manager to report the response from the Local Area Command and suggested action, followed by a later outcomes update report to Council.</i></p>	22 May 2013 Councillors Best and Troy	No response received from Local Area Command as at 13 September 2013. A follow up letter to be sent.
36	Land Management	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 <i>That Council <u>indicate</u> its intention to rescind_all controls over residential side and rear boundary fencing.</i></p> <p>2 <i>That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</i></p>	24 July 2013 Councillor Taylor	<p>The Council resolution requires the proposed amendments to be implemented through amendment 1 to WLEP 2012 (2013). Amendment No.1 has just commenced and will take a number of months to draft so this resolution will not be finalise for some time</p> <p>Resolution estimated to be finalised by end 2014.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>		
37	Land Management	Martin Johnson	<p>Q29/13 VPA Voluntary planning Agreement Backlog</p> <p><i>"Mr Mayor,</i></p> <p><i>As these planning agreements are central to Councils efforts to better manage developer contributions while providing economic and employment stimulus, could you please advise Council as at 24 July 2013 how many voluntary planning agreements are currently undetermined?</i></p> <p><i>Also could you outline what further resources Council may consider to assist staff in dealing with what appears to be a significant backlog?"</i></p>	24 July 2013 Councillor Best	A response will be provided to the 9 October 2013 Ordinary Meeting.
42	Infrastructure and Operations	Stephen Dingham Peter Murray	<p>Q33/13 Prior Road Ourimbah</p> <p><i>"Mr General Manager, Could you please advise if Wyong has the responsibility for the maintenance of Prior Road, Ourimbah and if so, what is the maintenance schedule. If not, what are the arrangements with Gosford for the maintenance of the road?"</i></p>	14 August 2013 Councillor Taylor	Report to be provided to Council during October 2013.
44	Land Management	Stephen Dingham	<p>Q35/13 Pedestrian Crossing- Wilfred Barrett Drive, Norville.</p> <p><i>"Could staff please provide advice on how a safer</i></p>	28 August 2013 Councillor Vincent	Report to be provided to Council during October 2013.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		Martin Johnson	<i>pedestrian crossing can be provided across Wilfred Barrett Dr between Noraville and Norah Head. I understand this road is part of the Central Coast Highway which is administered by the Roads and Maritime Services who should also be consulted on this issue."</i>		
45	General Managers Unit	Stephen Naven	Q36/13 Carbon Tax <i>"Mr Mayor, now that the Federal Coalition Government will axe the carbon tax, what are the expected savings to Council?"</i>	11 September 2013 Councillor Nayna	A report will be provided at a future Council Meeting.
46	Land Management	Martin Johnson	Q37/13 Pioneer Dairy <i>"As we have been advised that the Pioneer Dairy Tuggerah still has no planned opening date for the public, can the staff enquire and advise as to what the current barriers are and why there has been such a long delaying in opening these public lands especially as I believe that the buildings and toilet facilities are now complete and at a usable and safe state?"</i>	11 September 2013 Councillor Matthews	A report will be provided at a future Council Meeting.
47	Community and Recreation Services	Brett Sherar	Q38/13 Privet - Noxious Weeds <i>"Privet is classified as a noxious weed by the NSW Department of Primary Industries under the Noxious Weeds Act 1993. Could staff please advise if privet is classified as a noxious weed in Wyong Shire? If privet is present in the Wyong Shire, could staff please advise what plans are in place to reduce the weed in the shire?"</i>	11 September 2013 Councillor Vincent	A report will be provided at a future Council Meeting
48	General Managers Unit	Lesley Crawley	Q39/13 Student Population - Wyong Public School <i>"Can the General Manager make enquiries and advise what the current student population is of Wyong Public School and what its estimated student population will be in school year 2014 following the closure of Wyong Grove Public School?"</i>	11 September 2013 Councillor Greenwald	A report will be provided at a future Council Meeting

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
49	Infrastructure and Operations	Greg McDonald	Q40/13 Increased Traffic Levels Around Wyong Public School <i>“Can the General Manager advise if any plans have been made to cater for higher motor traffic levels and increased student drop off zones outside Wyong Public School, Cutler Drive Watanobbi, post the closure of Wyong Grove Public School at the end of 2013?”</i>	11 September 2013 Councillor Greenwald	A report will be provided at a future Council Meeting

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
11 SEPTEMBER 2013**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
41	General Managers Unit	Q33/13 Financial Impact on Government Changes to Fringe Benefit Tax on Motor Vehicles.	24 July 2013 Councillor Troy	Email received from GM stating "With the election of the Abbott Government this question is no longer relevant."
43	Land Management	Q34/13 Proposed Wallarah Type 3 Airport Runway.	28 August 2013 Councillor Vincent	Currently included in Business Paper 25 September 2013

7.1 Answers to Question on Notice

TRIM REFERENCE: F2012/01319 - D03734243 AUTHOR: JI

7.1 Q34/13 - Proposed Wallarah Type 3 Airport Runway

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 28 August 2013:

“Could staff please advise if the area located near the existing Warnervale Airport, Sparks Road and Bruce Crescent (to the east of the M1 Pacific Motorway) has been ruled out as a potential site for the proposed Wallarah Type 3 Airport runway”.

The exact location and footprint of any airport cannot be determined until further studies have been completed. However preliminary work is focussing on a location west of the M1/F3 north of Sparks Road.

ATTACHMENTS

Nil.