



The sun shone on the Mardi-Mangrove Link community opening last weekend, to celebrate the completion of the new pipeline that will help to secure the Central Coast's water supply. Pictured above is a 6 metre length of pipeline and diameter valve on display

# Business Paper

ORDINARY MEETING

**26 October 2011**



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# MEETING NOTICE

**The ORDINARY MEETING  
of Wyong Shire Council  
will be held in the Council Chamber,  
Wyong Civic Centre, Hely Street, Wyong on  
WEDNESDAY 26 OCTOBER 2011 at 5.00 pm,  
for the transaction of the business listed below:**

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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**7 QUESTIONS ON NOTICE ASKED**

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

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2011/00027 - D02796945

AUTHOR: AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

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 Address by Invited Speakers

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TRIM REFERENCE: F2011/00027 - D02796954  
AUTHOR: Monica Redmond, Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

### SUMMARY

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

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Dennis Banicevic, External Auditor, PricewaterhouseCoopers, will be available to answer questions if required.	3.5 Presentation on 2010-11 Annual Financial Reports	186	5 mins
Mr David Holmes, Chairman Governance Committee, will be available to answer questions if required.	3.7 Governance Committee Chairman's Report	201	5 mins

### RECOMMENDATION

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

### 1.3 Proposed Inspections and Briefings

TRIM REFERENCE: F2011/00027 - D02796962

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Administration Assistant

#### SUMMARY

Inspections to be conducted on 2 November 2011 are listed as follows:

Date of Inspection	Location	Requested By
2 November 2011	DA 685/2011 Construction of 20m monopole - Telecommunications Facility AT Wyong Road, Berkeley Vale	Director Environment and Planning Services
2 November 2011	DA 200/2011 - 4 Brogden Road, The Entrance North - Residential Flat Building (containing 3 townhouses) and Dwelling House	Director Environment and Planning Services
2 November 2011	Iconic Development Site No 16 - 216-222 Main Road and 21 Rowland Terrace, Toukley	Director Environment and Planning Services
2 November 2011	DA 790/2011 - Telecommunications Facility 295 Pacific Highway, Lake Munmorah	Director Environment and Planning Services

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

Date	Briefing	Description	Time	Presented by
26 October 2011	Proposed list of lands from community to operational – part 4/Property Classification	To review the proposed list for reclassification of lands from community to operational with Councillors.	12.30pm – 1.30pm	Director Corporate Services Chief Information Officer Manager Economic and Property Development
26 October 2011	Closed Landfill Emission Strategy	Provide overview of pollutants entering surface and groundwater from closed landfills and the preferred strategy for managing the risk to Council associated with these emissions until the landfills can be remediated.	1.30pm – 2.30pm	Director Infrastructure Management Waste Management Coordinator
26 October 2011	The Entrance Town Centre Masterplan	Presentation of the draft The Entrance Town Centre Masterplan by consultants.	2.00pm – 2.30pm	The Design Partnership
26 October 2011	Playground Audit	Summary of findings from Council's Playground Audit.	2.30pm – 3.00pm	Director Community and Recreation Services Manager Sport Leisure and Recreation

**RECOMMENDATION**

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

**ATTACHMENT**

1 Proposed Inspections and Briefings Attachment - 26 October 2011 D02809162



<b>Proposed Date</b>	<b>Briefing Title</b>	<b>Director</b>
02-Nov	Proposed list of lands from community to operational Part 5	Corporate Services
09-Nov	Annual Report/State of the Shire Report	Corporate Services
09-Nov	Concept planning for the Lake Haven Mega Centre Site	Environment and Planning Services
09-Nov	Engagement Policy and Strategy-feedback from stakeholders	Community & Recreation Services
09-Nov	Clause 14	Environment and Planning Services
23-Nov	RTA (Highway upgrade Wyong township)	Infrastructure Management
23-Nov	Transport Infrastructure	Major Projects
23-Nov	Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services
23-Nov	Q1 Annual Plan and Budget	Corporate Services
23-Nov	RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services
23-Nov	Settlement Strategy	Environment and Planning Services
23-Nov	Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update, DCP amendment update	Environment and Planning Services
23-Nov	Comprehensive LEP	Environment and Planning Services

<b>Proposed Date</b>	<b>Briefing Title</b>	<b>Director</b>
23-Nov	DCP 2012	Environment and Planning Services
23-Nov	Review of Grants	Community & Recreation Services
Nov	Centennial Coal Mandalong South Exploration drilling program	Corporate Services Environment & Planning Services
Dec	GM's Performance Appraisal	GM's Unit/Corporate Services
14-Dec	Learning Community Strategies (Pt 2)	Community & Recreation Services
14-Dec	Community Facilities Strategy Part 1	Community & Recreation Services
14-Dec	Briefing/Workshop as a foundation for the WSC SP (2012-2013)	corporate Services
14-Dec	The Entrance and Toukley Town Centre Masterplan	Environment and Planning Services
14-Dec	Councillor Service Priorities 2012/2016 and Strategic Plan (2hrs)	Corporate Services
14-Dec	Volunteers	Community & Recreation Services
14-Dec	Learning Communities Strategy Pt 2	Community & Recreation Services
14-Dec	Volunteers	Community & Recreation Services

<b>Proposed Date</b>	<b>Briefing Title</b>	<b>Director</b>
14-Dec	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management
<i>not ready yet</i>	Tuggerah Town Centre Masterplan	Environment and Planning Services
<i>Director to provide proposed date</i>	Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management
Director to provide proposed date	Plan of Management Central Coast Caravan Parks	Community & Recreation Services
early new year	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services
<i>Feb</i>	Wyong town centre planning proposal and car parking study	Infrastructure Management
Feb	Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services
17-19 Feb	2 day Councillor Weekend Workshop	Corporate Services
Feb	Review of Grants Part 2	Community & Recreation Services
March	Community Facilities Strategy Part 2	Community & Recreation Services
<i>march</i>	Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Infrastructure Management

<b>Proposed Date</b>	<b>Briefing Title</b>	<b>Director</b>
13-Jun	13 June, 2012 -- 1 hour briefing on submissions to the draft to the WSC SP	Corporate Services
	RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services
June	Biodiversity Management Plan	Environment and Planning Services
July	Committee structure	Corporate Services
	Draft Shire-Wide Contributions Plan	Environment and Planning Services
	Retail Strategy Review	Environment and Planning Services
	Industrial Land and employment Lands study	Environment and Planning Services
	Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services
	Affordable Housing Study	Environment and Planning Services

<b><i>Proposed Date</i></b>	<b>Briefing Title</b>	<b>Director</b>
	DCP 113 - Flood Prone Land	Environment and Planning Services
<i>4th qtr</i>	Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services

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

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TRIM REFERENCE: F2011/00027 - D02796966  
MANAGER: Lesley Crawley, Manager Corporate Governance  
AUTHOR: Monica Redmond; Administration Assistant

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting and Confidential session of Council held on 12 October 2011.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council and Confidential session held on 12 October 2011.***

### **ATTACHMENTS**

- |   |                                                                                                                          |           |
|---|--------------------------------------------------------------------------------------------------------------------------|-----------|
| 1 | Minutes of Council Meeting held on 12 October 2011                                                                       | D02801859 |
| 2 | Minutes of Confidential Session of Council's Ordinary Meeting held on 12 October 2011 (distributed under separate cover) | Enclosure |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 12 OCTOBER 2011  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, J J McNamara, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services, General Counsel and Chief Financial Officer.

Manager Land Use Planning Policy Development, Acting Manager Place Management, Project Director, Principal Transport Engineer and two administration staff.

Councillor Graham announced that following the Mayoral election on the 21 September 2011, he has resumed the chair as Mayor and thanked Councillor Eaton for his contribution during his Mayoral term. Councillor Graham also thanked Councillor Wynn for accepting the position of Deputy Mayor.

Councillor Eaton advised that Council were awarded a Certificate of Appreciation for their generous support of the inaugural Bumble Hill Burn organised by the Yarramalong Valley Progress Association.

Councillor Wynn advised;

- she had the pleasure of presenting prizes at the Wyong Shire Garden Competition and as a token of appreciation the Garden Competition Committee presented Council with a small plaque.
- represented the Mayor at the Rugby 7's at Kanwal on Saturday 8 October 2011. Teams in attendance were from Fiji, Samoa and Darwin and Councillor Wynn advised it was a great day for all involved and thanked the main organiser of the event, Mr Craig Morgan.

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

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

**APOLOGY**

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

**An apology for the inability to attend the meeting was received on behalf of Councillors McBride and Symington.**

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

AGAINST: NIL

At the commencement of the ordinary meeting report nos 1.1, 1.2, 6.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 4.1, 5.1, 5.4, 5.7, 5.8, 5.9, 6.7, 8.1, 8.2, 8.6, 8.3, 8.4, 8.5, 9.1, U27/11, 10.1 and 10.2 were dealt with first then the remaining reports in order via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosures of Interest**

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**2.1 Mayoral Minute – Recognition of Service – Councillor Doug Eaton**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is the recipient of the proposed recognition, left the chamber at 5.36 pm, took no part in discussion, did not vote and returned to the chamber at 5.46 pm.

**4.1 CPA/188604 – Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant**

Councillor Wynn declared a pecuniary interest in the matter for the reason that a close family member is an employee of the successful tender bid, left the chamber at 6.00 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

**4.2 CPA/196431 – Provision of Security Services at Various Council Facilities and The Entrance Town Centre**

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Director of the Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

**5.9 SEGRA Conference 2011**

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Board Member of Regional Development Australia Central Coast and participated in consideration of this matter.

Councillor Webster stated:

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



**U27/11 Improvement of Road Safety in Mannering Park**

Councillor Eaton declared a pecuniary interest in the matter for the reason that the family company owns the property, left the chamber at 8.51 pm, took no part in discussion, did not vote and returned to the chamber at 9.28 pm.

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

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

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

AGAINST: NIL

**1.2 Address by Invited Speakers**

---

**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:**

**1 That Council receive the amended report on Invited Speakers.**

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

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

AGAINST: NIL

**1.3 Proposed Inspections and Briefings**

---

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

***That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

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

AGAINST: NIL

**1.4 Confirmation of Minutes of Previous Meeting**

---

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

**That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 14 September 2011 and Extraordinary Meeting held on 21 September 2011.**

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

AGAINST: NIL

**BUSINESS ARISING**

There was no business arising.

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

---

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

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

- **Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley**
- **Report No 12.2 – Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay**

**2 That Council note:**

**The reason for considering Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley in confidential session being that it contains information of a confidential nature that would, if disclosed, would confer a commercial advantage on a competitor of the council, and;**

**The reason for considering Report No 12.2 –Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay in confidential session being that it may confer a commercial advantage should the discussions be held in a non-confidential environment.**

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

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

AGAINST: NIL

## **2.1 Mayoral Minute - Recognition of Service - Councillor Doug Eaton**

---

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is the recipient of the proposed recognition, left the chamber at 5.36 pm, took no part in discussion, did not vote and returned to the chamber at 5.46 pm.

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

- 1 That Council acknowledge the continuous representation and service to the Wyong Shire by Councillor Doug Eaton in his role as a Councillor of Wyong Shire since 1991, including Mayoral terms in 1997 and 2010.**
- 2 That Council authorise the General Manager to make application to the NSW Local Government Association for the granting of an Outstanding Service Award.**
- 3 That Council authorise the Mayor and the General Manager to arrange an appropriate event to mark this 20 year milestone.**
- 4 That Council authorise the General Manager to request a representative of the NSW Local Government Association to present the award.**

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

AGAINST: NIL

## **2.2 Mayoral Minute - NSW Coastal Conference**

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

- 1 That Council agree to submit a nomination to host the 2012 NSW Coastal Conference.**
- 2 That Council support a delegation to present the nomination at the 2011 Conference in Tweed Heads in November 2011.**
- 3 That Council underwrite the Conference to a maximum of \$10,000 and Council's direct and indirect costs are covered from the proceeds of the conference.**

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

AGAINST: NIL

**3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests**

---

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

- 1 That Council endorse the revised Wyong LEP project schedule and 'composite' content of the new LEP instrument.**
- 2 That Council place the draft Settlement Strategy on public exhibition concurrently with the exhibition of the draft Wyong LEP and Wyong DCP 2012.**
- 3 That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister for Local Government under Section 458 of the Local Government Act 1993.**

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

AGAINST: NIL

**3.2 Wyong Civic and Cultural Precinct Masterplan**

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

- 1 That Council adopt the draft Wyong Civic and Cultural Precinct Masterplan.**
- 2 That Council note relevant Section 149 Certificates.**
- 3 That Council request the GM to advise residents who made submissions to the exhibition of the draft Masterplan of the decision.**
- 4 That Council request the GM to contact the Roads and Traffic Authority seeking an update on the progress of the public exhibition of the proposed Pacific Highway upgrades.**
- 5 That Council request the General Manager to consider future public domain planning for the Future Investigation Area (as identified in Figure 1 of the report) in conjunction with the Roads and Traffic Authority's upgrade plans for the Pacific Highway.**
- 6 That Council consider the forward funding of some of the short term elements of the draft Masterplan as identified in the Implementation Plan as part of the 2012/2013 Wyong Shire Strategic Plan.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

**4.1 CPA/188604 - Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant**

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Councillor Wynn declared a pecuniary interest in the matter for the reason that a close family member is an employee of the successful tender bid, left the chamber at 6.00 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

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

- 1 That Council accept the tender from Parsons Brinkerhoff for the amount of \$633,830 (excl. GST) for Contract CPA/188604 – Concept and detail design for augmentation of Wyong South Sewage Treatment Works.**
- 2 That for Contract CPA/188604, Council approve a contract budget of \$728,830 (excl. GST) that provides for a contingency amount of \$95,000 (excl. GST), representing approximately 15% of the contract value, to address potential risks that may arise over the course of the project.**

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

AGAINST: NIL

**4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre**

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Councillor Wynn left the meeting at 6.43 pm and returned to the meeting at 6.46 pm during consideration of this item.

**PROCEDURAL MOTION****SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council defer item 4.2, CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre, to be considered later in the meeting, to enable staff to check the figures.**

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

AGAINST: NIL

Councillor Vincent left the meeting at 9.33 pm and Councillor Vincent returned to the meeting at 9.37 pm during consideration of this item.

Councillor Eaton left the meeting at 9.34 pm and Councillor Vincent returned to the meeting at 9.36 pm during consideration of this item.

**PROCEDURAL MOTION****SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
  
- 2 That Council defer item 4.2, CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre, to allow discussions to occur during the Confidential Session.**

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

AGAINST: NIL

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Director of the Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

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

- 1 That Council accept the tender from Newcastle Security in the estimated total amount of \$410,100.00. (excl. GST) for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities for a period of two years.**
  
- 2 That Council approve a contract budget for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities of \$492,120.00 (excl. GST) that provides for a contingency amount of \$82,020.00 (excl. GST), representing approximately 20% of the contract value, to provide for unscheduled alarm responses and other unforeseen additional services that may become necessary during the two year period of the contract.**
  
- 4 That Council accept the tender from Evolution Security NSW Pty Ltd in the estimated total amount of \$164,450.00 (excl. GST) for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre for a period of two years.**
  
- 5 That Council approve a contract budget for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre of \$197,340.00 (excl. GST) that provides for a contingency amount of \$32,890.00 (excl. GST), representing approximately 20% of the contract value, to provide for any unforeseen additional services that may become necessary during the two year period of the contract.**

- 6 ***That Council authorise the General Manager to offer Newcastle Security and or Evolution Security NSW Pty Ltd an extension to the contract period for an additional year subject to satisfactory performance by the Contractor during the initial two year contract period.***

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

AGAINST: NIL

#### **4.3 CPA/197481 - Operation and Management of Councils Four Holiday Parks**

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

- 1 ***That Council accept the tender from Australian Tourist Park Management (alternative fee proposal 3) as completed in Section 10: THE FEE within Attachment 1 of the tender documents, Returnable Forms and Schedules – Part C for the period of up to three (3) years with an option to extend for an additional two (2) years.***
- 2 ***That Council delegate authority to the General Manager to approve the option to extend the contract period for the additional two years subject to satisfactory performance.***
- 3 ***That Council, in accepting the tender of Australian Tourist Park Management (alternative fee proposal 3) enter into four separate contracts, one for each Holiday Park.***

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

AGAINST: NIL

#### **4.4 Provision of Security and Gate Keeping Services at Buttonderry Waste Management Facility**

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

***That Council accept tender no. 2 from Business Security Management Solutions Pty Ltd for a period of up to three years commencing on 5 December 2011. The estimated expenditure against this contract is outlined in the Confidential Attachment and includes a 5% contingency. However actual expenditure may vary with fluctuations in demand and annual adjustments for rise and fall.***

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: COUNCILLOR VINCENT

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

**That with the exception of report numbers 4.2, 5.1, 5.4, 5.7, 5.8, 5.9, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 9.1, 10.1 and 10.2 and Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

**5.1 Review of the Impacts of Council's Local Preference Policy**

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

- 1 That Council receive the report on the impact of Council's Local Preference Policy.**
- 2 That Council adopt Option 1 for the continuation of the Local Preference Policy.**

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

AGAINST: NIL



**5.2 Rate Payment Incentive Scheme 2011-12**

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

**That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2011-12.**

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

AGAINST: NIL

The winner of Council's ratepayer incentive scheme for 2011-12 is Mr and Mrs Hardy from Woongarra (subject to verification).

**5.3 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$7,040.00 from the 2011-12 Councillors' Community Improvement Grants as follows:**

<b>Central Coast Community Chest (\$5,000-\$10,000) (\$500 already allocated)</b>	<b>Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.</b>	<b>500</b>
<b>Central Coast Family Support Service - Grandparents raising grandchildren (\$2000) (\$1000 already allocated)</b>	<b>Weekend Getaway (respite) Camp</b>	<b>200</b>
<b>Central Coast Foster Carers Support Group (\$1000) (\$650 already allocated)</b>	<b>Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.</b>	<b>200</b>
<b>Central Coast Hash House Harriers (\$2000)</b>	<b>To assist with the administrative costs associated with hosting/organising the Central Coast Half Marathon and 10km Fun Run.</b>	<b>2,000</b>
<b>Northlakes United Junior Rugby Union (\$240) (Emergency approved by GM)</b>	<b>To assist with ground fees incurred for hiring Slade Park on 9 October plus catering arrangements provided to participants and officials involved with the game.</b>	<b>240</b>
<b>Northern Women's Health Centre (\$600) (\$450 already allocated)</b>	<b>To provide a Calmbirth program to pregnant women and their birth partners.</b>	<b>150</b>
<b>The Salvation Army Oasis Youth Support Network (\$2000) (\$1350 already allocated)</b>	<b>Facilitate the workshops at the Salvation Army Oasis Centre</b>	<b>650</b>
<b>Toowoona Bay Ocean Swim 2011 (\$500)</b>	<b>To purchase two shade gazebos and administration costs.</b>	<b>100</b>
<b>Toukley Swimming Club Inc (\$3100)</b>	<b>To purchase electronic timing equipment.</b>	<b>2,000</b>
<b>Toukley Torch Bearers for Legacy (\$1000) (Emergency approved by GM)</b>	<b>To assist with costs/advertising for Harry Moore OAM Memorial Legacy Golf Day</b>	<b>1,000</b>

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

AGAINST: NIL

**5.4 Representation by Councillors on Committees and External Organisations**

Councillor Matthews left the meeting at 6.19 pm and as a result did not take part in voting on items 1 - 4.

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

- 1 That Council classify the Beach Liaison Committee as a staff committee with no Councillor delegates.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLOR VINCENT

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

- 2 That Council appoint three Councillors delegates to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee, these being Councillors Graham, Wynn and Webster.**

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

AGAINST: NIL

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

- 3 That Council appoint two Councillor delegates and one alternate to the Governance Committee, these delegates being Councillors Graham and Wynn, and Councillor Vincent as the alternate.**

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

AGAINST: NIL

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

- 4 That Council classify the Consultative Committee as a staff committee with no Councillor delegates.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLOR VINCENT

Councillor Matthews returned to the chamber at 6.24 pm.

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

- 5 That Council provide for the General Manager's Performance Review Panel to be made up of ten Councillors.**

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

AGAINST: NIL

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

- 6 That Council appoint three Councillor delegates to the Wyong Shire Grants Committee, these being Councillors Eaton, Matthews and Wynn.**

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

AGAINST: NIL

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

- 7 That Council classify the Senior Citizen's Council as a staff committee with all Councillors invited to attend as observers.**

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

AGAINST: COUNCILLOR VINCENT

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

- 8 That Council appoint three Councillor delegates to the Wyong Shire Sports Committee Charter, these being Councillors McBride, McNamara and Symington.**

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

AGAINST: NIL

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

- 9 That Council appoint a minimum of three Councillors to the Strategic Finance Committee, with Councillor McBride as the Chairperson and Councillors Wynn and Vincent as standing Councillor delegates.**

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

AGAINST: NIL

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

- 10 That Council advise the Central Coast Regional Organisation of Councils (CCROC) Executive Committee that Wyong Shire Council delegates will be made up of the Mayor, Deputy Mayor, Councillor Eaton and the General Manager.**

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

AGAINST: COUNCILLOR VINCENT

#### **5.5 2011 Wyong Regional Chamber of Commerce Annual Business Awards**

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

- 1 That Council authorise any interested Councillor/s to attend the 2011 Wyong Regional Chamber of Commerce Annual Business Awards function.**
- 2 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

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

AGAINST: NIL

#### **5.6 2011 Tuggerah Lakes Mardi Gras Black Tie Ball**

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

- 1 That Council authorise any interested Councillor/s to attend the 2011 Tuggerah Lakes Mardi Gras Black Tie Ball.**
- 2 That Council meet any reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

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

AGAINST: NIL

**5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011) Governance Committee Meeting and confirmed Minutes of 16 March 2011 Governance Committee Meeting**

Councillor Best left the meeting at 6.39 pm and Councillor Vincent returned to the meeting at 6.41 pm during consideration of this item.

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

- 1 That Council receive the draft minutes of open and confidential sessions of the Wyong Shire Governance Committee Meeting held on 29 June 2011 (reconvened on 31 August 2011) and adopt the recommendations contained therein.**
- 2 That Council endorse the amended format for reporting of items to the Governance Committee to include the following:**

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
1	<i>Disclosure of Interest</i>	<i>Procedural Item</i>	<i>2 mins</i>
2	<i>Confirmation of Previous Minutes</i>	<i>Procedural Item</i>	<i>5 mins</i>
3	<i>Status Report on Outstanding Actions</i>	<i>Chairman</i>	<i>5 mins</i>
4	<i>Enterprise Risk Management Strategy</i>	<i>Project Manager</i>	<i>10 mins</i>
5	<i>Major Projects</i> <ul style="list-style-type: none"> <li>• <i>Probity Reports</i></li> <li>• <i>Major Project Risk Updates</i></li> <li>• <i>Upcoming High Risk Procurement</i></li> </ul>	<i>Manager Major Projects</i>	<i>20 mins</i>
6	<i>Financial Overview</i>	<i>General Manager</i>	<i>15 mins</i>
7	<i>Information Management Status Report</i>	<i>Chief Information Officer</i>	<i>10 mins</i>
8	<i>Special Investigations</i>	<i>Appointed Investigators</i>	<i>10 mins</i>
9	<i>Report from Internal Ombudsman</i>	<i>Internal Ombudsman</i>	<i>10 mins</i>
10	<i>Compliance Reviews</i>	<i>General Counsel</i>	<i>5 mins</i>
11	<i>Legal Matters/Issues Report</i>	<i>General Counsel</i>	<i>10 mins</i>
12	<i>Risk Register Report</i>	<i>Director Corporate Services</i>	<i>10 mins</i>
13	<i>Internal Audit</i> <ul style="list-style-type: none"> <li>• <i>Balanced Score Card</i></li> <li>• <i>Internal Audit Reports Issued</i></li> <li>• <i>Other Matters</i></li> </ul>	<i>Internal Auditor (JS)</i>  <i>Internal Auditor (JS)</i> <i>Senior Internal Auditor (TB)</i>  <i>Internal Auditor (JS)</i>	<i>15 mins</i>
14	<i>Status Report on Outstanding Internal Audit agreed actions</i>	<i>Internal Auditor (JS)</i>	<i>5 mins</i>
15	<i>External Audit Report</i>	<i>External Auditor</i>	<i>5 mins</i>
16	<i>Other Matters</i>	<i>Chairman</i>	<i>5 mins</i>

- 3 That Council **adopt** the minutes of the Wyong Shire Governance Committee Meeting held 16 March 2011 and confirmed by the Committee on 29 June 2011.
- 4 That Council **endorse** the change of Chairperson of the Governance Committee from Mr David Holmes to Mr Bruce Turner.
- 5 That Council **acknowledge** the contributions of the inaugural external member, Mr David Holmes in his role as Chair for the Governance Committee.
- 6 That Council **recommends** to the Governance Committee to alternate the start times of its meetings to allow full time working Councillors to attend.
- 7 That Council **investigate** and report on appropriate technology to allow a voice or video real time participation by Councillors at Committee meetings.
- 8 That Council **authorise** the Mayor and the GM to discuss with Mr Holmes his date of retirement from the Governance Committee.

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

AGAINST: NIL

#### **5.8 2010-11 Annual Financial Reports**

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

- 1 That Council **adopt** the draft Wyong Shire Council financial statements for 2010/11 as presented.
- 2 That Council **refer** the draft Wyong Shire Council financial statements for 2010/11 (as presented) to external audit.
- 4 That Council **authorise** the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.
- 5 That Council **fix** 26 October 2011 as the date for the presentation of the audited 2010/11 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.

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

AGAINST: NIL

**5.9 SEGRA Conference 2012**

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Board Member of Regional Development Australia Central Coast and participated in consideration of this matter.

Councillor Webster stated:

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

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

- 1 That Council provide funding of \$10,000 including GST to Regional Development Australia to support their bid to secure the 2012 SEGRA Conference.**
- 2 That Regional Development Australia be requested to enter into a sponsorship agreement with Council prior to payment of the funding.**

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

AGAINST: NIL

**6.1 Information Reports**

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

***That Council deal with the following Information Reports by the Exception Method.***

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

AGAINST: NIL

**6.2 Submission on Proposal to Upgrade Existing Warnervale Railway Station by Hannan Pty Ltd**

Mr David Hannan addressed the meeting at 5.11 pm, answered questions and retired at 5.18 pm.

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

- 1 That Council endorse the attached submission to the NSW State Government supporting the offer to fund the extension to the existing Warnervale Railway Station.**
- 2 That Council reiterate to the Member for Wyong and to The Premier of NSW that North Warnervale railway station must also be constructed as a matter of urgency.**

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

AGAINST: NIL

**6.3 Investments Report for August 2011**

---

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

***That Council receive the report on Investments Report for August 2011.***

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

AGAINST: NIL

**6.4 Annual Disclosure of Interest Returns 2010-11**

---

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

***That Council receive the report on Annual Disclosure of Interest Returns 2010-11.***

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

AGAINST: NIL

**6.5 Information Concerning Rates and Charges Written Off 2010-11**

---

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

***That Council receive the report on Information Concerning Rates and Charges Written Off 2010-11.***

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

AGAINST: NIL

**6.6 Mardi to Mangrove Link Project Status**

---

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

***That Council receive the report on Mardi to Mangrove Link Project Status.***

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

AGAINST: NIL



## **6.7 Central Coast Water Corporation Update**

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Councillor McNamara left the meeting at 6.55 pm and returned to the meeting at 6.57 pm during consideration of this item.

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

***That Council receive the report on Central Coast Water Corporation Update.***

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

AGAINST: NIL

## **6.8 Outstanding Questions without Notice and Notice of Motions**

---

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

***That Council receive the report on Outstanding Questions without Notice and Notice of Motions.***

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

AGAINST: NIL

## **8.1 Notice of Motion - Tidy Towns**

---

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

- 1** ***That WSC report to Council on the interface between WSC, the community and Tidy Towns.***
- 2** ***That WSC look at the current model used with our Landcare volunteers to see if a similarly designed policy would achieve the right outcome for Council and the community.***
- 3** ***That a cost benefits analysis of supporting this program be considered as part of the report.***

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

AGAINST: NIL

**PROCEDURAL MOTION****SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council merge items 8.2, Notice of Motion - Development Applications for Retail Liquor Outlets, and 8.6, Notice of Motion - Proliferation of Alcohol Outlets, to be considered in conjunction with each other.**

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

AGAINST: NIL

**8.2 Notice of Motion - Development Applications for Retail Liquor Outlets**

Constable Andrew Cooper addressed the meeting at 7.08pm, answered questions and retired at 7.25 pm

Councillor Vincent left the meeting at 7.15 pm and returned to the meeting at 7.17 pm during consideration of this item.

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

- 1 That Wyong Shire Council make representation to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.**
- 2 If the Crime Prevention partnership Committee group can not form a working party then Council will establish a licensed premises reference group comprising of:**
  - a) Council Officers, including Rangers**
  - b) NSW Police Local Area Commander**
  - c) A NSW Office of Liquor and Gaming Representative**
  - d) Central Coast Area Health Representative**
- 3 That Council reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.**
- 4 That Council make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:**
  - the escalation of binge drinking**
  - anti social behaviour**
  - alcohol related violence**
  - hospitalizations**
  - consumptions of police and custodial resources**
  - millions of dollars of damage to public and private property**
  - domestic violence**
  - motor vehicle abuse**
  - addictions**
  - the cost to society of managing the resultant chronic life issues**

- 5 That Council seek to move urgency at the upcoming Local Government and Shires Association Conference seeking to reject this proposal.
- 6 That Council inform all fellow NSW Councils of its intention to reject this push to escalate the sale of alcohol through local service stations and urge all sister Councils to make similar formal representations.
- 7 That Council inform all fellow NSW Councils of its opposition to the proposal for the sale of alcohol in convenience stores and urge other Councils to make similar representations.
- 8 That Council advocate to the Minister for Planning and the Honourable Tim Moore, who is currently leading the review of the Planning Legislation, regarding Council's serious concerns around the exempt and comply provisions that enable a change of use to a liquor shop without Council consent.

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCNAMARA, VINCENT, WEBSTER AND WYNN  
 AGAINST: COUNCILLOR EATON

### **8.3 Notice of Motion - Diamond Jubilee Queen Elizabeth II**

---

It was *MOVED* Councillor EATON and seconded by Councillor MCNAMARA:

- 1 That Council formally approach the Federal and State Governments, via its local members, to obtain details of the Governments' proposed celebrations to mark the Diamond Jubilee for Queen Elizabeth II which will be celebrated on 6 February 2012.
- 2 That Council note the correspondence received from the Australian Monarchist League requesting Council consider "doing something in its own right to mark the diamond Jubilee.

**The MOTION was put to the vote and declared LOST.**

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

### **8.4 Notice of Motion - Joint Regional Planning Panel Representation**

---

It was *MOVED* by Councillor EATON and seconded by Councillor BEST:

- 1 That Council recognises that its representatives to the Joint Regional Planning Panel (JRPP) should be Councillors as they are the elected representatives of the community and changes its current representation to reflect this principle such that Councillor Symington be appointed its other delegate replacing Ms Vereker.
- 2 That Council appoint a Councillor as an alternate delegate to the JRPP.
- 3 That Council advise the secretariat of JRPP of these changes to its representation.
- 4 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.

An AMENDMENT was moved by Councillor WYNN and seconded by Councillor GRAHAM:

- 1 That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.
- 2 That Council advise the secretariat of the JRPP of those changes to its representation.
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.

**The AMENDMENT was put to the VOTE and declared CARRIED on the casting vote of the Mayor.**

**The AMENDMENT became the MOTION.**

FOR: COUNCILLORS GRAHAM, MATTHEWS, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

- 1 That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.
- 2 That Council advise the secretariat of the JRPP of those changes to its representation.
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.

**The MOTION was put to the VOTE and declared CARRIED on the casting vote of the Mayor.**

FOR: COUNCILLORS GRAHAM, MATTHEWS, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

### **8.5 Notice of Motion - Vales Point Reserve**

---

Mr Andrew Whitbourne addressed the meeting at 8.14 pm answered questions and retired at 8.30 pm.

Councillor Webster left the meeting at 8.15 pm and returned to the meeting at 8.16 pm during consideration of this item.

Councillor Eaton left the meeting at 8.27 pm and returned to the meeting at 8.29 pm during consideration of this item.

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

- 1 That Council declares the works at Vales Point Reserve, Mannering Park to be of significant priority and importance.***
- 2 That Council requests the General Manager to ensure that the State Government Grant funds are fully utilised (in accordance with the grant conditions).***
- 3 That Council requires a Part 5 Environmental Assessment be undertaken to address the migration of foreshore stabilisation stones into the pool.***
- 4 That Council provide monthly progress reports in respect of the project and the Part 5 Assessment process, to the Mannering Park Community Precinct Committee, prior to its meetings until the project is completed.***

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

AGAINST: NIL

### **8.6 Notice of Motion - Proliferation of Alcohol Outlets**

---

Meeting practice was suspended to allow consideration of this item in conjunction with Item 8.2 Notice of Motion - Development Applications for Retail Liquor Outlets.

### **9.1 Rescission Motion - Eco Tourism Park Proposal**

---

*It was MOVED by Councillor BEST and seconded by Councillor MCNAMARA:*

*That the following resolution carried at the Ordinary Meeting of Council held on 26 June 2011 be rescinded, in part, as follows:*

- 2 That Council defer any decision regarding its support or opposition to the proposal pending completion of all relevant ecological studies due October 2011.***
- 3 That Council consider a report on the ecological studies.***

***The MOTION was put to the VOTE and declared LOST.***

FOR: COUNCILLORS BEST, MCNAMARA AND VINCENT

AGAINST: COUNCILLORS EATON, GRAHAM, MATTHEWS, WEBSTER AND WYNN

**CONFIDENTIAL SESSION**

At this stage of the meeting being 8.50 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.

**OPEN SESSION**

Council resumed in open session at 9.39 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**U27/11 Motion of Urgency – Improvement of Road Safety in Mannering Park**

***That Council request staff to undertake and report on a traffic risk assessment at 464 Ruttleys Road, Mannering Park.***

**10.1 Iconic Development Site No 16 - 216-222 Main Road and 21 Rowland Terrace, Toukley**

***That Council defer determination of the request from Rustrum Pty Ltd Pending:***

- 1 An inspection of the subject foreshore area by Councillors during the next Councillor inspections to be held on 2 November 2011;***
- 2 A review by Council's Valuers of the valuation report prepared by Coleman Estate Agents; and***
- 3 A staff report on alternative options for the achievement of significant public benefit relevant to this development, should Council determine to revise its requirement for public ownership of the foreshore.***

**10.2 Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay**

- 1 That Council approve a call for Expressions of Interest to the lease of the former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay.***
- 2 That Council receive a recommendation from staff following evaluation of the proposals receive through the expressions of interest process. The recommendation report to Council should detail the essence of each proposal.***

**THE MEETING** closed at 9.43 pm.

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

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TRIM REFERENCE: F2011/00027 - D02806970

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Administration Assistant

### **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 (e) and 2(g) of the Local Government Act 1993:**

***Report no Item 8.1 Ruttleys Road, Mannering Park***

- 2 That Council note its reason for considering Report No 8.1 in confidential session is because it contains:**

**\* *information that would, if disclosed, prejudice the maintenance of law (Section 10A(2)(e))***

**\* *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g)).***

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

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

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

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

## 2.1 DA/ 574/2011 - Proposed Disability Access Ramp and Deck at Lakes Beach Surf Club, Budgewoi

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TRIM REFERENCE: DA/574/2011 - D02779640

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jenny Webb; Senior Development Planner

### SUMMARY

An application has been received for the construction of an access ramp and decking at the Lakes Beach Surf Club. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Wyong Shire Council
<b>Owner</b>	Trustees Lakes Surf Club and Crown Land
<b>Application No</b>	DA/574/2011
<b>Description of Land</b>	Lot 525 DP 755266, Lot 7318 and 7319 DP 1148096, Budgewoi Road, Budgewoi
<b>Proposed Development</b>	Access ramp and decking at Lakes Beach Surf Club
<b>Site Area</b>	N/A
<b>Zoning</b>	6(a) Open Space and Recreation
<b>Existing Use</b>	Surf club building and carparking
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$300,000

### RECOMMENDATION

- 1 ***That Council grant consent subject to the conditions detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 ***That Council request the General Manager to forward a copy of the development consent to the NSW State Property Authority for information.***

### PRECIS

- A development application has been received for the construction of a beach access ramp and decking at Lakes Beach Surf Club to provide beach access facilities for disabled persons and an outdoor recreation area (deck) for the existing surf club.



## **2.1 DA/ 574/2011 - Proposed Disability Access Ramp and Deck at Lakes Beach Surf Club, Budgewoi (contd)**

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- The site is affected by the Draft Wyong Shire Coastal Zone Management Plan (CMP).
- Approval is recommended subject to a time-limited consent, whereby the deck is to be removed when the zone of wave impact is within 5 metres of the development.
- The application is referred to Council in accordance with the resolution of 25 May 2011 relating to the draft CMP, which requires full Council to consider all development applications in the various affected coastal areas during the exhibition period and beyond until Council has completed its consideration of submissions.

### **INTRODUCTION**

#### **The Site**

The proposed disabled access ramp and decking is to be constructed at the existing Lakes Beach Surf Club, Budgewoi Road, Budgewoi. The site comprises three (3) separate lots as follows:

Lot 525 DP 755266 – Lakes Beach Surf Club building.

Lot 7319 DP 1148096 – Carparking facilities.

Lot 7318 DP 1148096 – Carparking facilities, toilet/change room facilities and beach.

A café is located on a separate lot, being Lot 534 DP 755266, which is not affected by the application.

The existing building accommodates the Surf Life Saving Club and also contains rooms that are available for hire for functions, training, conferences, etc. The Surf Club was established in 1953 and has been identified by Council as requiring refurbishment once funds are available.

The site is affected by coastal hazards and is included in the Draft CMP. The site is also identified as bushfire prone land due to surrounding dune vegetation.



*Aerial Photograph of Site*



*Existing Surf Club*



*Existing Access from Carpark*

### **The Proposed Development**

It is proposed to construct a new beach access and deck adjacent to the existing Surf Club, which are designed to provide access for both able bodied and disabled persons. Ancillary facilities are also proposed including a wheelchair compatible BBQ area and two (2) beach showers as well as some minor alterations to the existing carpark to facilitate disabled parking and a drop-off area.

The total floor area of the deck is approximately 415 m<sup>2</sup>, being approximately 39.5 metres long (north to south) and 10.5 metres wide (east to west from existing club house toward dune crest). The deck also includes a shade structure of approximately 300 m<sup>2</sup>. As the deck is proposed to be attached to the existing Surf Club it would also provide disabled access to the club, which is currently only accessible via stairs.

Three (3) access ramps from the carpark, which converge to a single access ramp to the north of the Surf Club, are proposed. The ramp would be approximately 2.6 metres wide and have a length of approximately 33 metres to provide continuous access from the carpark to the Surf Club, deck and beach. Both the deck and ramp are proposed to be constructed from timber or suitable synthetics (such as recycled plastic or plastic grid sheeting), with stainless steel fixings.

**Summary**

The main issue with the proposed development relates to coastal hazards. Under the Draft CMP, the location of the deck is identified as being within an area of "immediate reduced foundation capacity". While it is preferable that no new development is approved within potential hazard areas, it is also recognised that certain facilities associated with surf clubs are most appropriately sited in these locations. Having regard to the public benefit in terms of improving disabled access to a public beach, the development application is supported, subject to conditions, including a time-limited consent.

**VARIATIONS TO POLICIES**

No variations to adopted policies are proposed.

**HISTORY/BACKGROUND**

Following representations from the Disabled Surfers Association of Australia Inc (DSAA) regarding a proposal to improve disability access and facilities at Lakes Beach, the Council resolved the following at the Ordinary Meeting on 9 June 2010:

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

- 1. That Council support in principle the installation of disabled beach access facilities at the Lakes Beach Surf Club and a status report be brought back to Council.*

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

AGAINST: NIL"

In accordance with the Council resolution, a further report was prepared. As part of that report, it was identified that Toowoona Bay is currently the most accessible beach for people with disabilities and that Council provides beach access wheelchairs for public use at Toowoona Bay, Lakes Beach and Soldiers Beach.

The DSSA have conducted assessments of Soldiers Beach, Cabbage Tree Harbour and Lakes Beach and believe that the two former sites are not suitable for the proposed disability access project. The DSAA have considered Lakes Beach as the best option being a medium to low energy beach which has a "Kiddies Corner" at the southern end. Lakes Beach also has adequate parking for large passenger vehicles.

The report was considered by Council at its meeting held on 11 August 2010 and the Council resolved as follows:

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

- 1. That Council receive the status report on the proposed installation of disabled beach access facilities at the Lakes Beach Surf Club.*

2. That Council support in principle the installation of disabled beach access facilities at the Lakes Beach Surf Club with the provision that the project meets the Standards established under the Disability Discrimination Act 1992.
3. That the matter be considered as part of the initiatives to be funded in the four year delivery plan.
4. That Council acknowledge potential growth opportunities identified in the Central Coast Destination Management Plan for Tourism in the areas of disability /accessible tourism.
5. That Council give in principle support to the formation of the Northern Lakes Disability Tourism Steering Committee.
6. That Council facilitate a disability access audit of the Northern Lakes Disability Tourism Precinct by the Disability Tourism Precinct Steering Committee.
7. That Council report on the progress made by both the Lakes Disability Beach Access Steering Committee and the Northern Lakes Disability Tourism Steering Committee.
8. That Council delegates to the General Manager to give owners consent to any development applications relating to the proposed access.

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

AGAINST: NIL"

The development application for the proposed beach access and decking has been lodged by Council on behalf of the DSAA.

### PERMISSIBILITY

The subject site is zoned 6(a) Open Space and Recreation pursuant to Wyong Local Environmental Plan (WLEP) 1991. In accordance with WLEP 1991, the existing Surf Club is defined as a 'Community Facility' and the proposed access ramp and decking are considered to be ancillary to the existing use. Community facilities are permissible in the 6(a) Open Space and Recreation Zone and are defined as follows:

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

Clause 10 of WLEP 1991 states that Council must not grant consent to the carrying out of a development unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out. The objectives of the 6(a) Open Space and Recreation Zone are:

*(a) to provide for the open space and recreation needs of the local community and visitors, and*

*(b) to allow for other leisure and recreation-orientated development, or any other use that is authorised by a plan of management adopted under section 40 of the Local Government Act 1993, which:*

*(i) promotes worthwhile community benefits, and*

*(ii) would not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and*

*(iii) would not have an unacceptable impact on the amenity of adjacent areas, and*

*(iv) would not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as Tuggerah Lakes, Lake Macquarie, streams, estuaries and wetlands.*

Being Crown Land, a Plan of Management adopted under section 40 of the Local Government Act (LGA) 1993 does not apply to the site and therefore objective (a) is applicable. The proposed development is compatible with this objective as it will provide for both the open space and recreation needs of the community, including disabled persons by providing improved access to a public beach and additional facilities associated with the surf club.

#### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- State Environmental Planning Policy No 71 – Coastal Protection
- State Environmental Planning Policy (Infrastructure) 2007
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
  - Chapter 13 – Interim Conservation Areas
  - Chapter 14 – Tree Management
  - Chapter 67 – Engineering Requirements for Development
  - Chapter 69 – Guidelines for Waste Management
  - Chapter 99 – Building Lines
- Council Policy L1 Landscape Guidelines
- Draft Wyong Shire Coastal Zone Management Plan

#### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

The proposal has been assessed having regard to Ecologically Sustainable Development principles and is considered to be consistent with the principles.

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

**Climate Change**

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application. This assessment has included consideration of such matters as potential rise in sea level, potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion, as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, rising sea levels and coastal erosion are of particular importance. Consideration of these issues, together with the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010), which supports the NSW Government policy position and the Draft CMP are discussed further in the report under consideration of natural hazards.

**ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP& A Act 1979 and other statutory requirements, Council’s policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon.

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

***State Environmental Planning Policies No 71(SEPP) – Coastal Protection***

SEPP 71 – Coastal Protection applies to the development as the site is located within 100 metres of the Pacific Ocean and is identified under the SEPP as being within a sensitive coastal location. In accordance with Clause 7, the proposal has been assessed against the matters for consideration outlined under Clause 8 and found to be satisfactory. The proposal has also been considered under Part 4 of the SEPP relating to public access, and stormwater and is consistent with the requirements identified under this part.

	<b>Matters for Consideration</b>	<b>Proposed</b>
a	The aims of the Policy	The proposal is consistent with the aims of the policy, particularly in relation to improving public access, improving coastal vegetation, and protecting the visual amenity of the coastline.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal would improve the current public access to the beach by providing a ramp suitable for disabled persons.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The development will improve access from the new ramp and provides a new decking area for persons with a disability to enjoy the coastline.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for the construction of a deck adjacent to the existing surf club facility, subject to a time-limited consent to address potential coastal hazards.

e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal will not cause any detrimental overshadowing of public open space, loss of views or the amenity of the coastal foreshore.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal would be visible from the beach or an off-shore position however is considered to be compatible with the surrounding scenic qualities of the coastal area and does not extend above the height of the existing surf club.
g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The development site is largely cleared land. It is not anticipated that the surrounding natural bushland will be interrupted.
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The site is above the high water mark and therefore not likely to create any impact to marine life.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor as the development site has been largely cleared. Vegetation to the south and west of the development area will be maintained as vegetative corridors.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The proposal is set landward of the immediate wave action line, although is affected by reduced foundation capacity. The footings of the deck would need to be appropriately designed and it is recommended that a time-limited consent be issued to ensure that the deck does not become a hazard. Due to the recommendation of a time-limited consent, it is not expected that the proposed development would impact on coastal processes or hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal is not likely to create any conflict between land based and water based activity.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal water bodies.	The site is not adjacent to any lake or river water body and would only generate roof water.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	The proposal does not generate any energy and timers are proposed to be connected to the beach showers.



***State Environmental Planning Policy (SEPP) (Infrastructure) 2007***

Division 25 - Waterway or Foreshore Management Activities and Schedule 1 of SEPP (Infrastructure) are relevant to the proposed development. Schedule 1 permits access ramps for persons with a disability to be constructed as exempt development, provided that certain criteria and standards are met. Division 25 also enables foreshore access ways to be undertaken by or behalf of a public authority without consent. However, the proposed decking does not fall within the provisions of SEPP (Infrastructure) and given that tree removal is required for the construction of the access ramp, it is not considered that it should proceed as a Part V and therefore a development application has been lodged.

Division 25 of the SEPP also contains a requirement for coastal protection works to be referred to the NSW Coastal Panel for comment or approval. However, as the proposed deck and access ramp does not involve coastal protection works, there is no requirement for the application to be referred to the NSW Coastal Panel.

***Wyong Local Environmental Plan 1991(WLEP)******Clause 15 – Development on land containing acid sulphate soils***

WLEP 1991 requires special assessment to be given to development on land subject to actual or potential acid sulphate soils. The site is identified as being partly within Class 5 and partly within Class 3 on the Acid Sulphate Soils Planning Map. For Class 5 land, any works that are likely to lower the water table in an adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD, require more detailed assessment and for Class 3, works beyond 1 metre require further assessment. As part of the development application, the exact depths of the footings for the deck are not known as this detail would form part of the Construction Certificate. It is therefore recommended that a condition of consent be included for an Acid Sulphate Management Plan to be prepared, should works extend more than 1 metre in depth.

***Clause 24 – Development by the Council***

Clause 24 states that development carried out by, or under the authority of, or on behalf of Council requires development consent, except for certain works specified in subclause (2). The exceptions relate to certain road works, minor extensions, improvements or maintenance of existing utility installations or existing public facilities or works owned, operated or controlled by the Council, and landscaping and gardening.

The proposed development is not considered to be 'minor extensions or improvements' of the existing facility and as such, development consent is required for the proposed development.

***Clause 28 – Tree Management***

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

*(a) such works are ancillary to or necessary to undertake a use permitted on the land, and*

(b) *the Council has made an assessment of the importance of the vegetation in relation to:*

- (i) *soil stability and prevention of land degradation, and*
- (ii) *water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
- (iii) *scenic or environmental amenity, and*
- (iv) *vegetation systems and natural wildlife habitats.*

The proposed tree removal is ancillary to the proposed construction of the deck and access ramps (community facility), and is therefore permissible with consent. The vegetation to be removed is generally of poor quality and it is unlikely that the removal of the trees would have a significant impact on soil stability, water quality, scenic or environmental amenity or wildlife habitats. A revegetation plan has also been submitted which includes replacement plantings of more appropriate species as well as revegetation of surrounding areas which are currently dominated by exotic weeds and grasses. Vegetation removal is discussed in more detail later in the report.

#### *Clause 29 – Services*

This clause requires all new development to have an adequate water supply and facilities for the removal or disposal of sewage and drainage. The existing Surf Club is currently connected to these services. The proposed beach showers are to be connected to the reticulated water system and stormwater is to be connected to the existing system where necessary.

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

##### *Chapter 13 – Interim Conservation Areas*

The aim of this plan is to protect and conserve remaining natural areas and wildlife corridor opportunities until ecological studies have been fully completed within 'potential conservation investigation areas'.

Along the immediate coastline areas affected by Chapter 13 extend from the northern boundary of the Shire to the southern extent of Lakes Beach. While the subject site is covered by the provisions of Chapter 13, the location of the proposed deck and access ramp is largely clear of vegetation and is currently used for active recreation. As such, it is unlikely that the proposed access ramp and deck would have a detrimental impact on maintaining wildlife linkages or inhibiting the aims and objectives of the policy.

##### *Chapter 14 – Tree Management*

Up to seven (7) trees are proposed to be removed as a result of the development, including Cabbage Palms (*Livistora australis*), New Zealand Christmas Bush (*Metrosideros excelsus*) and Norfolk Island Pine (*Araucorian heterophila*).

The foliage from Cabbage Palms are listed as Protected Native Plants under Section 7.2.1 of DCP Chapter 14 (Tree Management) as they are contained in Schedule 13 of the National Parks and Wildlife Act 1974 (NP&W Act).

## 2.1 **DA/ 574/2011 - Proposed Disability Access Ramp and Deck at Lakes Beach Surf Club, Budgewoi (contd)**

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However, under the NP&W Act, this species may be removed providing the removal is not for commercial, scientific, conservation or educational purposes and therefore there are no restrictions under the NP&W Act in this instance.

Norfolk Island Pines are also listed in Section 7.2.5 of DCP Chapter 14 as trees of Cultural Significance. There are three (3) Norfolk Island Pines in the vicinity of the proposal and it is proposed to remove two (2) of these, which are in poor condition.

There is also a large Coastal Banksia at the western end of the beach access, which is identified within DCP Chapter 14 as a 'keystone species', which can provide habitat for the threatened squirrel glider. It is proposed that the disabled beach access would be constructed to ensure there is no damage to this tree which has been identified as the only significant endemic tree in the proposed work area. Within the tree protection zone, excavation will only be carried out by hand and undertaken under the guidance of an appropriately qualified person.

### *Chapter 67 – Engineering Requirements for Development*

The proposed civil works including the changes to the carpark need to be undertaken in accordance with Council's DCP Chapter 67. Compliance with relevant standards can be included as conditions of consent.

### *Chapter 99 – Building Lines*

DCP Chapter 99 typically sets a 20 metre building line from Mean High Water Mark, which is identified on the deposited plan. The proposed development is compliant with this setback.

### **Coastal Zone Management Plan**

Section 79C(1)(a)(v) of the EP&A Act requires consideration of any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979). The Draft Wyong CMP has been publically exhibited. As the Plan has not been adopted, the contents and recommendations of the Plan are discussed later in the report under Section 79C(1)(b) considerations.

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

#### ***The relationship to the regional and local context and setting***

The existing surf club is isolated from other developed areas, being more than 300 metres to the east of the Toukley golf course and more than 500 metres north of the nearest residential development at Noraville. The proposed deck is to be located on the eastern side of the surf club and would be visible from the beach. The proposed deck and access ramp would not have a detrimental impact on the regional or local context and setting.

***The access, transport and traffic management measures***

Minor modifications to the existing carpark are proposed in order to provide disabled carparking spaces and a 'kiss and ride' drop off area. The proposed arrangements would provide four (4) disabled parking spaces within the existing carpark and would replace two (2) existing spaces with the 'kiss and ride' area.

The existing carpark has more than 360 carparking spaces and the proposed changes are not expected to have a detrimental impact on the existing arrangements. Conditions of consent can be included to ensure appropriate line marking and signage.

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

The proposal is intended to improve public access to the beach. During construction there would be a temporary disruption to the existing access, although alternative beach access is available from the main carpark. A plan of management is recommended as a condition of consent to address pedestrian access and safety during construction.

The plans submitted with the development application indicate that the access ramp is to continue to the beach, past the crest of the dunes. It has since been confirmed by the applicant that the ramp will end at the crest of the dunes and therefore the plan is to be amended in red accordingly.

***The impact on utilities supply.***

The proposal is not expected to have any significant impact on existing utilities. The beach showers are proposed to be connected to the reticulated water system and therefore requirements under the Water Management Act (WMA) 2000 would be applicable as a condition of consent.

***The effect on heritage significance.***

There are no heritage items in the vicinity of the Surf Club.

***Any effect on other land resources.***

It is not anticipated that the proposal would have any impact on land resources.

***Any impact on the conservation of water.***

The proposal incorporates two (2) beach showers that are proposed to have timers to reduce water usage.

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

The proposal would have negligible impact on the conservation of soils. An Acid Sulphate Soils Assessment/Management Plan would be required for excavation more than 1 metre below natural ground level.

***Any effect on quality of air and microclimate conditions.***

The proposal is not expected to impact on the quality of air or microclimate conditions.

***Any effect on the flora and fauna.***

The proposed construction of the deck and beach access would require the removal of some degraded and poorly maintained vegetation. Dune vegetation around the Surf Club ranges from 50% to 100% coverage of exotic weeds and some areas are devoid of any vegetation. Up to seven (7) trees are proposed to be removed, including Cabbage Palms (*Livistora australis*), New Zealand Christmas Bush (*Metrosideros excelsus*) and Norfolk Island Pine (*Araucorian heterophila*).

The foliage from Cabbage Palms are listed as Protected Native Plants under Section 7.2.1 of DCP Chapter 14 as they are contained in Schedule 13 of the National Parks and Wildlife Act 1974 (NP&W Act). However, under the NP&W Act, this species may be removed providing the removal is not for commercial, scientific, conservation or educational purposes and therefore there are no restrictions under the NP&W Act in this instance.

Norfolk Island Pines are also listed in Section 7.2.5 of DCP Chapter 14 as trees of Cultural Significance. There are three (3) Norfolk Island Pines in the vicinity of the proposal and it is proposed to remove two (2) of these, which are in poor condition.

There is a large Coastal Banksia at the western end of the beach access, which is identified within DCP Chapter 14 as a keystone species, which can provide habitat for the threatened squirrel glider. It is proposed that the disabled beach access would be constructed to ensure there is no damage to this tree which is the only significant endemic tree in the proposed work area. Within the tree protection zone, excavation will only be carried out by hand and undertaken under the guidance of an appropriately qualified person.

A vegetation landscape plan has also been prepared which includes the areas either side of the access ramp. Appropriate understorey planting as well as trees are proposed, including Coastal Wattle, Pigface, White Correa, Mat Rush, Coastal Banksia and Tuckeroo. The proposed revegetation can be enforced through the recommended conditions of consent.

***The provision of waste facilities.***

The proposed development will not require additional waste facilities. Demolition materials are proposed to be recycled where possible as are waste products from the construction phase.

***Whether the development will be energy efficient.***

Being development for an access ramp and deck, there are no ongoing energy efficiency requirements for the proposal.

***Whether the development will cause noise and vibration.***

It is not expected that there would be any detrimental impact in terms of noise or vibration as the site is isolated from populated areas.

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

### Bushfire

The site is identified on the Bushfire Prone Land Map as being within the buffer to Vegetation Category 2. As such, the site is bushfire prone land and in accordance with section 79BA of the EP&A Act, the development must conform to the specifications and requirements of the document *Planning for Bush Fire Protection 2006* (PBP).

As the proposed development does not involve residential/rural residential subdivision, residential dwellings or a "special fire protection purpose", it is referred to as 'other development' and must meet the aims and objectives of PBP rather than prescriptive performance criteria.

The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including fire-fighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment. More specifically, the objectives are to:

- i. afford occupants of any building adequate protection from exposure to a bush fire;*
- ii. provide for a defensible space to be located around buildings;*
- iii. provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- iv. ensure that safe operational access and egress for emergency service personnel and residents is available;*
- v. provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and*
- vi. ensure that utility services are adequate to meet the needs of fire-fighters (and others assisting in bush fire fighting).*

The proposed deck is an extension of the Surf Club building, which has existing utility services and management and maintenance of adjoining vegetation. The proposed deck is also heavily protected from nearby vegetation by the existing building. Safe and operational access and egress for emergency services is provided via the existing carpark and driveway and there is considered to be appropriate separation and defensible spaces around the building and deck to satisfy the aims and objectives of PBP.

### Coastal Hazards

Council's Coastline Management Study and Hazard Assessment has lead to the preparation of the Draft Coastal Zone Management Plan, which was placed on public exhibition from 6 June until 26 August, 2011. The plan addresses three aims – expected coastal risks and development approval, what policies can be adopted to reduce future risks, and how Council will manage its own assets (roads, surf clubs, parks etc) in the coastal zone.

The Draft Coastal Zone Management Plan includes mapping of the immediate, 2050 and 2100 hazards for Lakes Beach, which are summarised below. The Draft CMP takes into account the NSW Sea Level Rise Policy Statement, which establishes sea level rise benchmarks for planning purposes of up to 40 centimetres by 2050 and 90 centimetres by 2100.

**2.1 DA/ 574/2011 - Proposed Disability Access Ramp and Deck at Lakes Beach Surf Club, Budgewoi (contd)**

<b>Planning Period</b>	<b>Impact at Lakes Beach</b>
Within zone of immediate wave impact or slope adjustment	Not affected
Within immediate zone of reduced foundation capacity	Passes through the surf club
Within 2050 zone of wave impact and slope adjustment	Landward of the surf club, affects seaward part of car park
Within 2050 zone of reduced foundation capacity	Landward of the surf club, affects seaward part of car park
Within 2100 zone of wave impact or slope adjustment	Landward of the surf club and almost entire car park also affected, plus part of Central Coast Highway
Within 2100 zone of reduced foundation capacity	Landward of the surf club and almost entire car park also affected, plus part of Central Coast Highway
Within area of wave runup (using current sea level)	Seaward of surf club



**Legend**

- Immediate Limit of Zone of Wave Impact and Slope Adjustment
- Immediate Limit of Zone of Reduced Foundation Capacity

**Legend**

- 2050 Limit of Zone of Wave Impact and Slope Adjustment
- 2050 Limit of Zone of Reduced Foundation Capacity

**Legend**

- 2100 Limit of Zone of Wave Impact and Slope Adjustment
- 2100 Limit of Zone of Reduced Foundation Capacity

As shown in the figures above, the Surf Club and location of the proposed decking is within the immediate zone of reduced foundation capacity and by 2050 it is likely that the entire Surf Club would be subject to wave impact and slope adjustment as well as reduced foundation capacity.



## 2.1 DA/ 574/2011 - Proposed Disability Access Ramp and Deck at Lakes Beach Surf Club, Budgewoi (contd)

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In section 9.1.7.1 of the Draft CMP, the planning strategies for Lakes Beach have been grouped with Soldiers Beach and include:

- *Land seaward of the immediate coastal hazard line will be zoned as open space or environment protection with the intent of preventing new development that increases risk. Zoning will be reviewed at 5 yearly intervals.*
- *At Lakes Beach and Soldiers Beach, Council will allow coastal recession to proceed in the coastal dunes.*
- *Council will relocate surf club infrastructure at Lakes Beach and Soldiers Beach landward as necessary to minimise risks.*
- *At Lakes Beach, Council will defend the alignment of the Central Coast Highway as necessary. Interim works to extend the time before coastal recession threatens the Highway include dune nourishment (raise the height of the dune crest) and vegetation enhancement.*

Approval of the proposed access ramps and decking would not be contrary to the above strategies, although relocation of the proposed decking may be warranted as coastal erosion progresses. In terms of structural protection of coastal assets, the Draft CMP states that Council will prepare detailed designs for interim (up to 10 years) protection for existing surf clubs and major access infrastructure at surf clubs which are at immediate risk.

While the Draft CMP typically supports the principle of no new development within the immediate coastal hazard planning area for the relevant planning period, it does recognise that some functions and services of surf club sites require a location very close to the beach and with direct line of sight to areas used by people swimming or surfing. These include:

- Beach lookouts for lifeguards
- Focal points for safety issues for beach users
- Main beach access to patrolled swimming areas
- Source of information to beach users, including about beach safety, beach access and protecting coastal environments
- Storage of surf life saving equipment such as surf boats, rubber duckies, surf skis, buggies for towing etc
- Showers at beach access points
- Disabled access points onto beaches

The proposed beach access and decking to provide facilities for disabled persons is considered to be consistent with the types of uses listed above. In addition, Section 19.4.3 of the Draft Coastal Zone Management Plan is particularly relevant to and supports the subject development application, stating that:

*Surf Club buildings are a major community asset along the coastline, supporting recreational activity and fitness, as well as attracting visitors to the area for sage beach activities and for major competitions. Surf clubs also provide a venue for a range of community social functions.*

*Surf club facilities are the principal exception to Council's proposal that no new development will be approved inside the immediate coastal hazard area for the relevant planning period. Even so, not all surf club facilities would be located in immediate hazard zones. Major investment in surf club buildings, for instance, is better set back out of the immediate hazard zone for the life of the surf club building asset.*

In addition to the Draft Wyong Shire Coastal Zone Management Plan, the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010), which supports NSW Government policy, must be considered when addressing sea level rise matters relating to development assessment in coastal areas. More specifically, the Guideline states that when assessing development applications in coastal areas, consent authorities must have regard to the Coastal Planning Principle 5 and Principle 6 of the Guideline.

*Principle 5 – Minimise the exposure of development to coastal risks.*

*Principle 6 – Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.*

The above principles can generally be satisfied by meeting the planning criteria set out in the Guidelines, which are also reflected in the Draft Wyong Shire Coastal Zone Management Plan.

<b>NSW COASTAL GUIDELINE: ADAPTING TO SEA LEVEL RISE Planning criteria for proposed development in coastal risk areas</b>	
<b>Criteria</b>	<b>Comment</b>
Avoid or minimise exposure to immediate coastal risks	Both the NSW Government guidelines and Council's Draft Coastal Zone Management Plan typically support the principle of no new development within the immediate coastal hazard. However, as detailed under the Draft Coastal Zone Management Plan, there are some functions and services of surf club sites that require a location very close to the beach, such as the proposed access ramps and deck.
Provide for the safety of residents, workers or other occupants on-site from risks associated with coastal processes	Given the nature of the proposal at a patrolled beach, once coastal hazards are considered dangerous the beach can be closed, which would protect workers and other occupants. There are no permanent residents that could be affected.
Do not adversely affect the safety of the public off-site from a change in coastal risks as a result of the development	It is unlikely that the proposal would have any adverse impact on public safety. Should the development be approved, it is recommended that the deck and ramps are to be removed once they are impacted by coastal erosion or waive impact.
Do not increase coastal risks to properties adjoining or within the locality of the site	The site is isolated from other developed areas, with the closest coastal development being more than 530 m to the south, or over 1.5 km to the north.

Ensure infrastructure, services and utilities on-site maintain their function and achieve their intended design performance	The proposal does not require any additional services or utilities or changes to the existing.
Accommodate natural coastal processes	The proposed ramps and decking would have minimal impact (e.g. elevated off the dunes and with minimal footings) and would be unlikely to restrict natural processes.
Protect coastal ecosystems from development impacts	The development area is already disturbed and being used for active recreation associated within the Surf club and the beach use. It is not anticipated that it would result in any impacts on coastal ecosystems.
Maintain existing public beach, foreshore or waterfront access and amenity	The development application seeks to improve public access to the beach, in particularly for disabled persons.

Given that the proposed development would provide a public benefit in terms of improving access to a public beach as well as the Surf Club (which is consistent with the planning criteria under the NSW Coastal Planning Guideline as well as SEPP 71 – Coastal Protection), it is considered reasonable that the development is supported. However, support for the development should be subject to a time-limited consent to ensure that coastal hazards can be appropriately managed. This approach is consistent with Coastal Planning Principle 6 and Draft Wyong Shire Coastal Zone Management Plan and is feasible due to the public nature of the development and the construction methods of decks, which can be disassembled or relocated as required.

As detailed in Section 9.1.5.1 of the Draft CMP, Council is considering using time-limited consents, to allow appropriate new development within coastal risk areas. As the location of the proposed deck is within the 2050 hazard line, it is considered appropriate to issue a consent up to 2050. In keeping with the Draft CMP, it is recommended that a condition be imposed that requires the deck to be removed once the zone of wave impact is within 5 metres of the development.

#### Mine Subsidence

The site is within a mine subsidence area and the Mine Subsidence Board (MSB) has given approval for the proposed works.

#### ***Any risks from technological hazards.***

There are no known technological hazards that would impact the development.

#### ***Whether the development provides safety, security and crime prevention.***

The proposed development is not expected to impact on safety, security or crime prevention. The deck is proposed to be attached to the existing Surf Club, with excellent surveillance opportunities from the Surf Club and the beach.

***Any social impact in the locality.***

The proposed development would improve facilities for both disabled and able bodied persons and would have a positive impact in the locality and local community.

***Any economic impact in the locality.***

The proposed development is unlikely to have any significant economic impact in the locality, although the additional and improved facilities may encourage increased usage of the Surf Club.

***Any impact of site design and internal design.***

The proposed deck and ramps are unlikely to have a detrimental impact on the site or internal design and would be beneficial in terms of improving facilities for disabled persons and providing disabled access to the existing Surf Club.

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

Any restrictions to public access to the beach during construction would need to be addressed through the preparation of and implementation of a management plan. This requirement can be imposed as a condition of consent.

Conditions of consent can also address the need to provide engineers details for the footings and design of the deck.

***Any cumulative impacts.***

The site is quite isolated and the proposed development is unlikely to result in any cumulative impacts. In a broader sense, the proposed development is quite unique in that it relates to a Surf Club facility for the benefit of the public and therefore is unlikely to set a precedent for private development to occur within areas subject to coastal hazards. This approach is also consistent with the Draft CMP.

**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):*****Whether the proposal fits in the locality.***

The proposed beach access ramp and deck adjacent to an existing Surf Club is suited to the locality.

***Whether the site attributes are conducive to development.***

The site attributes are typical of a coastal beach environment and subject to a time-limited consent to ensure that coastal hazards can be appropriately managed, the site is considered suitable for the development.

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

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

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

The application was required to be referred to the MSB, who has granted approval. The Land and Property Information, Crown Lands Division, has provided owners consent for the lodgement of the development application over Crown land.

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

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

The proposal is considered to be in the public interest as it will provide improved facilities at an existing surf club, including facilities for people with a disability.

**OTHER MATTERS FOR CONSIDERATION**

***Section 94 Contributions***

The site falls within the Toukley District Development Contributions Plan, which collects contributions toward Community Facilities, Public Open Space, Carparking (Toukley Town Centre), Service Access (East Toukley) and Drainage. Due to the location and non-residential nature of the proposed development, contributions are not required under this Plan. Similarly, the Shire Wide Contributions Plan is not applicable as the proposal does not relate to residential development.

The Section 94A Levy Contributions Plan also applies to all land within Wyong Shire, where the value of proposed development exceeds \$100,001 and where there are no other Section 94 contributions imposed. However, the Section 94A Levy Contributions Plan was adopted and came into force on 17 August 2011 and does not apply to development applications submitted prior to the adoption date. The subject application was lodged on 5 July 2011 and therefore the Plan does not apply.

***Councillor Representations***

Other than resolutions of Council as detailed previously in the report, there are no known Councillor representations in relation to the proposed development application.

***Political Donations or Gifts***

Any political donations or gifts disclosed?      No

**CONCLUSION**

The application seeks approval for the construction of a disabled access ramp and decking adjacent to the Lakes Beach Surf Club. The proposed facilities will improve disabled access to the beach and Surf Club and would assist associations such as the Disabled Surfers Association of Australia Inc, which currently operates at Lake Beach. The main constraint affecting the proposal is coastal hazards as the existing Surf Club has been mapped within an area of immediate reduced foundation capacity and is likely to be seaward of the zone of wave impact by 2050. However, the draft Wyong Shire Coastal Zone Management Plan identifies and recognises that surf club facilities are the principal exception to the proposal that no new development is to be approved inside the immediate coastal hazard area for the relevant planning period. To reduce the risk to the public as well as the environment, it is recommended that a time-limited consent is issued whereby the deck is to be removed once the zone of wave impact is within 5 metres of the development so that coastal hazards can be appropriately managed as erosion continues or other hazards emerge.

**ATTACHMENTS**

- |   |                             |           |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D02802846 |
| 2 | Development Plans           | D02795680 |

**Date:** 13 October 2011  
**Responsible Officer:** Jenny Webb  
**Location:** Surf Club Lakes, Budgewoi Road, BUDGEWOI NSW 2262,  
 Budgewoi Road, BUDGEWOI NSW 2262, Car Park, Budgewoi  
 Road, BUDGEWOI NSW 2262  
 Lot 525 DP 755266, Lot 7318 DP 1148096, LI 452504, Lot 7319  
 DP 1148096  
**Owner:** Trustees Lakes Surf Club  
**Applicant:** Wyong Shire Council  
**Date Of Application:** 5 July 2011  
**Application No:** DA/574/2011  
**Proposed Development:** Community Facility (Disability Access & Deck at Lakes Beach  
 Surf Life saving Club)  
**Land Area:** 59860.00

## PROPOSED CONDITIONS

### Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Site Plan and Site Analysis Diagram	DA01	-	September 2009	ILD Design & Drafting
Plan, Section and Elevations	DA02	B	16/8/11	ILD Design & Drafting

## Prior to Release of Construction Certificate:

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

### Certificates – Application and Approval

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

- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Application for Civil Works and Subdivision Works must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

#### **Acid Sulphate Soils – Investigation and Reporting Requirements**

- 5 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must be provided for the approval of the Accredited Certifier for any works beyond 1 metre below the natural ground surface.

#### **Erosion and Sediment Control – Design Requirements**

- 6 Prior to the issue of a Construction Certificate, design details for the control of soil erosion from the site must be provided for the approval of the Accredited Certifier. Required design details must comply with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites or '*Soils and Construction – Managing Urban Stormwater*' (*Blue Book*).

#### **Stormwater Drainage - Design Requirements**

- 7 The submission to the Accredited Certifier of a stormwater management plan with stormwater disposal to an existing approved system. The plans must be prepared in accordance with *AS/NZS3500.3:2004* and approved by the Accredited Certifier prior to issue of the Construction Certificate.

#### **Structural Design Requirements**

- 8 Prior to the issue of a Construction Certificate, suitable structural engineers details for all structural elements involved with the proposed works are to be provided for the approval of the Accredited Certifier.

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

- 9 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls where necessary for the drop-off area and disabled parking spaces.
  - Amendment to the disabled carparking spaces to achieve geometric compliance with the parking requirements for people with disabilities.

The design drawings shall be prepared generally in accordance with the requirements of AS/NZS 2890 – Part 6 and Development Control Plan 2005 Chapter 67 – Engineering Requirements for Development, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.



## Water and Sewer Services - Design Requirements

- 10 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

## Prior to Commencement of Works:

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

### Ecology/Trees Requirements

- 11 Prior to works associated with the development commencing, all trees nominated for retention, including the Coastal Banksia to the south of the main access ramp, are to be suitably protected by fencing or other accepted protection method in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All required tree protection measures are to be maintained for the duration of construction works.

### Erosion and Sediment Control Requirements

- 12 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 13 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### Site Requirements

- 14 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.

- 15 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development.
- 16 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by the Principal Certifying Authority for any works that impact on existing carparking and beach access. The Plan of Management is to document how public access and safety to the carpark, surf club and beach will be maintained during the construction period.

## **During Construction Works:**

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

### **Approved Plans**

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

### **Ecology/Trees - Construction Requirements**

- 18 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.

### **Erosion and Sediment Control - Construction Requirements**

- 19 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

### **Site Requirements**

- 20 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 21 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not unreasonably restricted and to prevent damage to public infrastructure.

**Waste Management Requirements**

- 22 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

**Prior to Release of Occupation Certificate:**

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

**Building Code of Australia – Compliance Requirements**

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

**Disabled Access Requirements**

- 24 Prior to the issue of an Occupation Certificate, access to and throughout the development shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

**Landscaping Requirements**

- 25 Prior to the issue of an Occupation Certificate, all areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised in accordance with the Revegetation Plan submitted with the application and dated August 2011, so as to prevent erosion occurring.

**Stormwater – Compliance Requirements**

- 26 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to the existing stormwater disposal system servicing the allotment.

**Vehicle Access and Parking – Compliance Requirements**

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

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

- 28 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.

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

## **Ongoing Operation:**

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

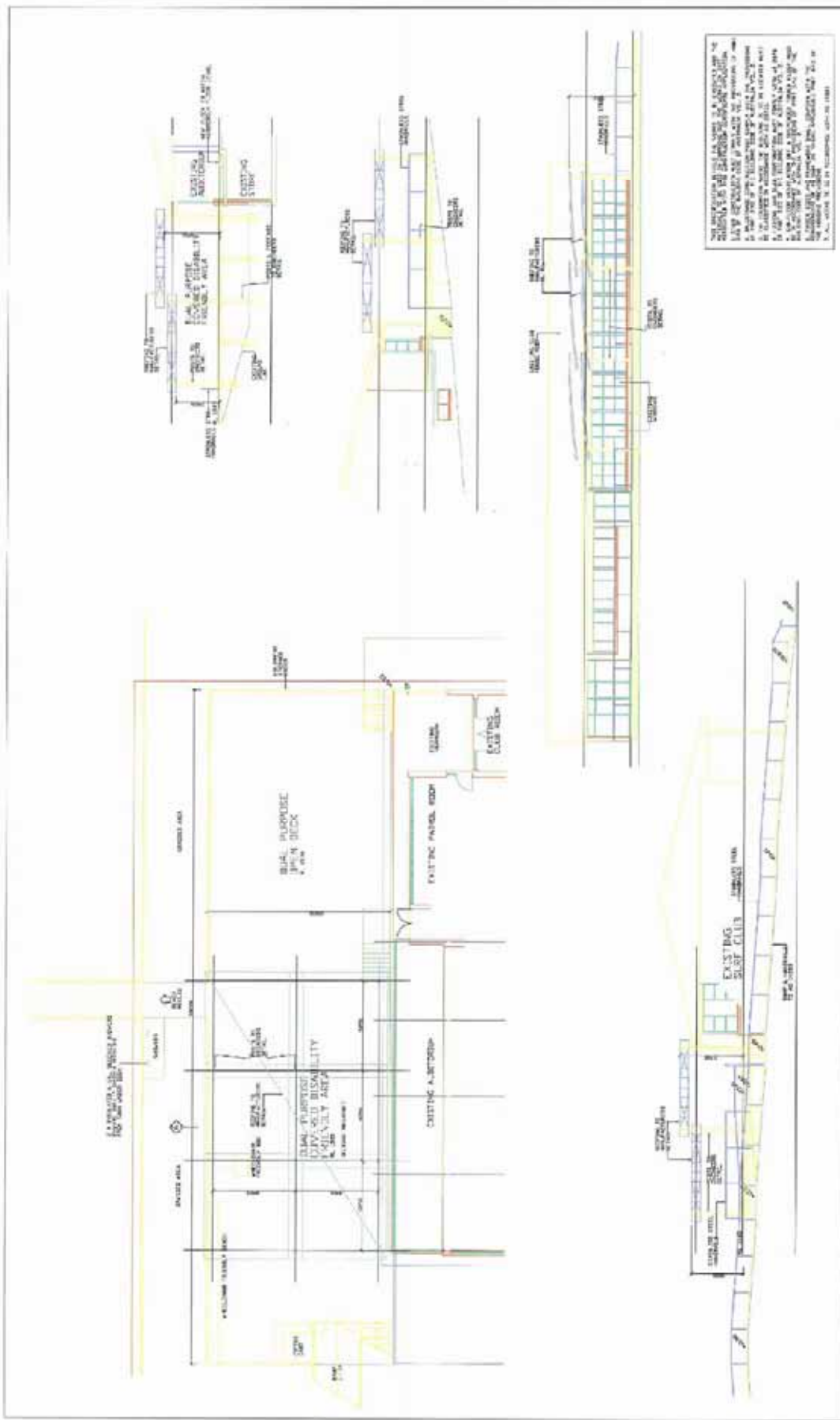
### **Restrictions on Use Requirements**

- 30 The deck must be immediately removed from the site once the zone of wave impact is within 5 metres of the deck.

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

- 31 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 32 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.





NO REPRESENTATION IS MADE BY ARCHITECT FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE APPROPRIATE AGENCIES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.

PROJECT NO.	2024-001
DATE	SEPTEMBER 2024
SCALE	1" = 20' R.A.
PROJECT NAME	PROPOSED DECK & DISABLED ACCESS AND AMENITIES
LOCATION	BUDGETS RD. NOKALVILLE, GA 30062
CLIENT	THE LAKES 33, LLC
DESIGNER	DAVID B. BROWN ARCHITECTS, LLC
REVISION	B



NO.	DATE	REVISIONS
1	08.28.24	ISSUE FOR PERMIT
2	09.05.24	REVISIONS

## 2.2 DA/1486/2010 Proposed Restaurant and Drive-Through Facility at Ourimbah

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TRIM REFERENCE: DA/1486/2010 - D02784332

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jenny Webb; Senior Development Planner

### SUMMARY

A development application has been received for a restaurant and drive-through facility at Pacific Highway, Ourimbah. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	SJH Planning and Design Pty Ltd
<b>Owner</b>	Mr A R Watt, Mrs W A Watt and Sharplan Pty Ltd
<b>Application No</b>	DA/1486/2010
<b>Description of Land</b>	Proposed Lot 11 in subdivision of Lot 1 DP 1104659 and Lot 105 DP 738176, No 207-225 Pacific Highway, Ourimbah
<b>Proposed Development</b>	Restaurant with drive-through facility and ancillary works including storage and food preparation areas, carparking and landscaping
<b>Site Area</b>	4,907 m <sup>2</sup>
<b>Zoning</b>	7(b) Scenic Protection Zone
<b>Existing Use</b>	Vacant
<b>Employment Generation</b>	40 full-time and part-time staff
<b>Estimated Value</b>	\$1.2 million

### RECOMMENDATION

- 1** *That Council grant consent subject to the conditions detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.*
- 2** *That Council vary Development Control Plan 2005 Chapter 61 and 65 to permit the development.*

### PRECIS

- Proposed Heatherbrae's Pies restaurant and drive-through facility on a vacant site adjacent to the F3 Freeway at Ourimbah.
- No public submissions were received.

- Employment generating development creating up to 40 full-time and part-time jobs.
- The application is being reported to Council due to the proposed variation to Development Control Plan 2005 Chapter 61 – Carparking and Chapter 65 – On Site Effluent Disposal in Non Sewered Areas.
- Approval of the application is recommended.

## INTRODUCTION

### The Site

The proposed Heatherbrae's Pies bakery and restaurant is to be located on proposed lot 11, resulting from the subdivision (boundary adjustment) of Lot 1 DP 1104659 (No 207) and Lot 5 DP 738176 (No 225) Pacific Highway, Ourimbah. Development Consent was granted on 14 February 2011 for the subdivision (boundary adjustment), although it is yet to be registered with NSW Land and Property Information.



*Existing lot 5 DP 738176*



*Existing lot 1 DP 1104659*





*Aerial view with proposed lot arrangement*

Both properties have direct access to the Pacific Highway with their rear (western) boundary adjoining the Sydney-Newcastle F3 Freeway. The site is part of an isolated section of the 7(b) Scenic Protection Zoning bounded by the Pacific Highway, Freeway and Palmdale Road. The lot configurations are uncharacteristic of the zoning of these properties being a direct result of land transactions for the Freeway extension undertaken in the early 1980's.

Lot 1 was the site of a former service station which has been demolished and the site remediated. An existing dwelling-house and associated outbuildings occupies Lot 5, which would be located on proposed lot 12 and does not form part of this application.

There is an existing freeway advertising structure located on Lot 5, which will be located on the subject site once the subdivision is registered. There is a lease over part of the subject site for the signage as well as a right of carriageway and easement for repairs. The proposed restaurant development would not impact on the existing sign, right of carriageway or lease agreement.

The portion of Lot 5 that forms part of the subject site has also previously been used for the sale of fruit and vegetables. The former bitumen carpark and concrete slab of the building remain.

The site has previously been filled and is predominantly cleared but does support re-growth vegetation along the property boundaries. The site is also identified as being bushfire prone land.

### **The Proposed Development**

The proposed restaurant building is two storeys, having an overall height of 11 metres to the top of the parapet and a gross floor area of approximately 700 m<sup>2</sup>. The ground floor of the building proposes internal seating for 66 people, together with counter, kitchen/bakery, refrigeration and store room, loading dock, staff room, office and customer amenities. An additional 40 outdoor seats are proposed together with a drive-through facility. The first floor contains a test kitchen, staff training rooms, a meeting room, covered deck area, storage, a lift and amenities.

The building has been designed to reflect the “corporate image” of Heatherbrae’s Pies, which has an existing restaurant located adjacent to the Pacific Highway at Heatherbrae. The proposal differs to the existing restaurant at Heatherbrae in that it proposes a second storey. The application states that a greater floor area (in particular the first floor) is required at the proposed Ourimbah restaurant to accommodate:

- Bulk storage of packaging;
- Office functions;
- Test kitchen facilities for the development of new recipes, refining baking practices and processes;
- To assist in apprenticeship pastry cook training; and
- Staff training space in relation to:
  - general sales duties
  - health, safety and hygiene processes;
  - customer service
  - ‘back of house’ functions including stock rotation, product handling and waste management.

In addition to the above, the first floor has been specifically designed to cater for the needs of a disabled staff member.



***Proposed development as viewed from the Pacific Highway***

Bakery operations on the site would typically commence at 2:00 am and continue to 10:00 am daily. Delivery vehicles are expected to service the site at either the start or end of a typical day between the hours of 7:00 am and 4:00 pm. Sales operations would commence in the early morning in preparation for the 6:00 am opening and continue to 9:00 pm. From 9:00 pm to midnight, routine cleaning and maintenance operations would be undertaken, with the morning baking shift re-commencing at 2:00 am.

A total of 42 carparking spaces are proposed, together with two coach/boat/caravan parking spaces and a drive-through facility. Separate ingress and egress points are provided directly to the Pacific Highway and there is no direct access to or from the Freeway. Substantial filling of up to 4 metres is proposed at the rear of the site to accommodate the drive-through facility, which would be parallel to the Freeway.

The current development application does not propose any signage and the applicant has advised that a separate development application would be lodged for signage.

**Referrals**

The application was referred to the NSW Roads and Traffic Authority (RTA).

The issues raised in the referral process are discussed in the report and where relevant are reflected in the recommended conditions of consent.

**Summary**

The initial assessment of the development application identified a number of design issues including the vehicular access to the site, stormwater management, building and site design and uncertainties relating to the operational details of the restaurant. The applicant submitted additional information and an amended design to address these issues and it is now recommended that development consent is granted, subject to conditions of consent.

**VARIATIONS TO POLICIES**

Clause	Clause 3.0
Standard	12 spaces per 100 square metres GFA plus 1 space per 5 seats plus queuing for 5 - 12 cars.
LEP/DCP	DCP Chapter 61 - Carparking
Departure basis	Based on the DCP, 105 spaces are required and only 44 are provided (58% variation). The variation is supported on the basis that the proposal complies with the RTA publication Guide to Traffic Generating Developments (2002), in terms of number of carparking spaces.

Clause	3.2
Standard	Pump-out effluent disposal systems no longer considered acceptable given their misuse and maintenance problems.
LEP/DCP	DCP Chapter 65
Departure basis	Pump-out system relates to a commercial premises rather than a residential premises

**HISTORY****Lot 1 DP 1104659**

Lot 1 in DP 1104659 was registered under a redefinition of the title on 18 October 2006. The previous land title was registered in September 1965.

In February 1974, Council approved DA 74/27 under the Wyong Planning Scheme Ordinance to expand the existing approved service station and cafe. The zone at that time was Non Urban "B" and the development was prohibited. The application was approved under existing use rights provisions as an expansion to a service station.

DA 194/1998 for the Decommission of Fuel Storage Tanks was approved on 11 May 1998.

DA 1327/99 for the expansion of the Service Station was approved on 8 June 1999.

DA 1360/2004 for a Motor Vehicle Repair Station was refused on 22 October 2004. The reasons for refusal were based on the abandonment of existing use rights as the site had been left inactive for several years.

DA 2251/2004 to demolish the service station was approved and the building was subsequently demolished in November 2004.

DA 2120/2006 for the construction of a Service Station was refused on 28 August 2007. The reasons for refusal were based on the expiry of existing use rights. A service station is listed as a prohibited use within the 7(b) Scenic Protection Zone.

**Lot 5 DP 738176**

Lot 5 in DP 738176 was registered from lot 2 in DP 14377 and lot 19 in DP 517076 in November 1986 as a result of acquisition of part of the land by the NSW Government for the extension of the Sydney-Newcastle freeway.

In the period of 1970 – 1974, several negotiations between Council, the land owner (at the time) and the Department of Main Roads (DMR, to later become the RTA) were undertaken to consider the viability of subdividing the original land package of lot 2 in DP 14377 and lot 19 in DP 517076.

Whilst approval for subdivision was not forthcoming, consent was issued for a caravan park under DC 75/87 on 28 May 1975. This approval was never acted upon and subsequently lapsed.

A dwelling and machinery shed was approved and constructed in 1986, after the previous dwelling on the site was demolished as part of the Freeway construction.

A 'roadside stall' for the purpose of selling fruit and vegetables was relocated to the site of the proposed restaurant in 1972, where it operated under existing use rights for a number of years. The property was rezoned to 7(b) Scenic Protection, in which road side stalls are a permissible use. Council's records indicate that the site ceased to be used for the selling of fruit and vegetables in 1997.

## 2.2 DA/1486/2010 Proposed Restaurant and Drive-Through Facility at Ourimbah (contd)

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A development application for a machinery shed and dog kennels was approved in 1997, although this was located on the northern portion of lot 5 and does not affect the subject site.

In 1998 a development application was lodged for the use of the existing 'road side stall' building to be used for an upholstery business. The development application was refused on the basis that the use was prohibited in the zone.

A development application for an advertising sign was refused in 1998.



*Fruit and Vegetable Store and Service Station in 1991*

### Proposed Lot 11

DA/893/2010 was approved in February 2011 for a boundary adjustment between Lot 5 DP 738176 and Lot 1 DP 1104659, although this is yet to be registered with NSW Land and Property Information. The boundary adjustment regularised each of the lots resulting in proposed lot 11 having an area of 4,907m<sup>2</sup> and proposed lot 12 having an area of 7,393m<sup>2</sup>.

### PERMISSIBILITY

The site is zoned 7(b) Scenic Protection Zone pursuant to Wyong Local Environmental Plan 1991 (WLEP 1991). The proposal is defined as a 'restaurant' and is permissible within the 7(b) zone subject to development consent.

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

While the first floor is not proposed to be open to the public as part of the restaurant, it incorporates additional storage for ingredients and packaging, staff training areas and a test kitchen which are all ancillary to the restaurant.

Clause 10 of WLEP 1991 states that Council must not grant consent to the carrying out of a development unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out. The objectives of the 7(b) Scenic Protection Zone are:

*The objective is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:*

- (a) prejudice the present scenic quality of the land within this zone, or*
- (b) generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or*
- (c) prejudice the viability of existing commercial centres, or*
- (d) have an adverse impact on the region's water resources.*

Despite its 7(b) Scenic Protection zoning, the site has limited scenic quality as it is surrounded by two major roadways, being the F3 Freeway and the Pacific Highway. While the restaurant would be visible from both the Freeway and the Pacific Highway, it is unlikely to prejudice the present scenic quality of the land and therefore is compatible with objective (a).

In relation to objective (b), the Pacific Highway serves as a collector/distributor road between Tuggerah and Ourimbah and travels through both urban and rural environments. The road is a bitumen sealed, two lane two-way divided carriageway with raised central median and sealed shoulder. In the vicinity of the site, the road is of straight alignment, a low level grade and generally has good horizontal and vertical sight distances. It is expected that customers of the restaurant would be either passing the site along the Pacific Highway, or would leave the Freeway at the Ourimbah interchange and travel north to the site. Since the closure of the service station in 1997, this section of the Pacific Highway would have attracted a low customer base. However, the road is in good condition and it is expected that the traffic generation associated with the proposed restaurant could be safely accommodated by the existing road network.

Having regard to objective (c), the proposed restaurant would be located approximately 2.5 km to the north of the existing business zone at Ourimbah and is unlikely to impact the viability of that centre. The facility is likely to attract passing trade from vehicles travelling along the Freeway.

Although the site is within a drinking water catchment, it is not expected that the proposal would impact on the region's water resources or water quality as stormwater from the site would be treated and discharged to an existing stormwater system and water usage would be controlled through conditions imposed under the Water Management Act 2000. The proposal is therefore compatible with objective (d).

## **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007

- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005 Chapter 14 – Tree Management
- Chapter 65 – On Site Effluent Disposal in Non Sewered Areas
- Chapter 61 – Carparking
- Chapter 69 – Waste Management
- Chapter 67 – Engineering Requirements for Development
- Chapter 99 – Building Lines
- Ourimbah Section 94 Plan
- Council Policy L1 – Landscape Policy and Guidelines
- Council Policy P1 - Potentially Contaminated Land
- Council Policy W1 - Water Catchment Areas Development

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

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

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application. Climate change includes consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope/combat/withstand these potential impacts. The proposed development would not be impacted by sea level rise, flooding or coastal erosion, although it is within a bushfire prone area.

### **ASSESSMENT**

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

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

#### **State Environmental Planning Policy No 55 – Remediation of Land**

Clause 7 of SEPP 55 specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. Specifically, Clause 7 states that:

- 
- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Lot 1 DP 1104659 has previously been used for the purpose of a service station, which is a use listed within Table 1 to the contaminated land planning guidelines as referred to in subclause (4)(b) above.

Various reports and audits have been prepared for the site of the former service station, including:



## 2.2 DA/1486/2010 Proposed Restaurant and Drive-Through Facility at Ourimbah (contd)

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- *Environmental Site Assessment* (2000), prepared by Robert Carr & Associates Pty Ltd.
- *Further Investigative Work, Former Caltex Service Station, Ourimbah* (2002), prepared by Robert Carr & Associates Pty Ltd.
- *Site Remediation and Validation Report, Former Caltex Service Station, Pacific Highway, Ourimbah* (2006), prepared by Robert Carr & Associates Pty Ltd.
- *Site Audit Report, Caltex Ourimbah* (2006), prepared by Environ Australia Pty Ltd.

The Environmental Site Assessment report (2000) was conducted during the decommissioning of the site and subsequent remedial works, which included the removal of all fuel facilities, including seven (7) underground fuel tanks and the excavation and remediation of contaminated soil. Remedial works were on-going for 18 months and involved the land farming of approximately 600m<sup>3</sup> of soil. Groundwater investigations were also undertaken. The Environmental Site Assessment report concluded that the site was suitable for commercial purposes.

Further investigations were undertaken in 2002, which included soil and groundwater testing and then following the demolition of the service station, a further site remediation and validation report was prepared in 2006. The 2006 report concluded that the site *'should be considered suitable for any development which meets the requirements of the current zoning and relevant Wyong Shire Approvals, including residential development'*.

There are no known uses of Lot 5 for any purpose listed in Table 1 to the contaminated land planning guidelines.

### **State Environmental Planning Policy (Infrastructure) 2007**

Part 3, Division 17, Subdivision 2 of the SEPP (Infrastructure) relates to development in or adjacent to road corridors and road reservations. In particular, Clause 101 – Development with frontage to a classified road is applicable.

Clause 101 states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The development does not propose any access to or from the Freeway and therefore subclauses (a) and (b) are satisfied (the Pacific Highway is not listed as a classified road). In relation to subclause (c), the NSW Road Noise Policy (2011) specifies that for commercial and industrial premises, information on desirable internal noise levels is contained in Australian Standard 2107:2000. For restaurants and cafeterias, the recommended design sound level (LAeq) is 45 dB(A), with the maximum being 55 dB(A). This issue can be addressed through conditions of consent should consent be granted.

The development application was also referred to the RTA and no objections were raised, subject to a number of recommended conditions.

### **Wyong Local Environmental Plan 1991**

#### *Clause 15 – Development on land containing acid sulphate soils*

WLEP 1991 requires special assessment to be given to development on land subject to actual or potential acid sulphate soils. The site is identified as Class 5 (outside 500m of Class 1 to 4 Acid Sulphate Soils) on the Acid Sulphate Soils Planning Map. For Class 5 land, any works that are likely to lower the water table in an adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD, require more detailed assessment. As the site is not within 500 metres of another Class of land and there are no works proposed that are likely to lower the water table, no further assessment is required.

#### *Clause 28 – Tree Management*

Clause 28 of WLEP 1991 requires development consent for the removal of trees and states that Council shall not grant such consent unless:

- (a) such works are ancillary to or necessary to undertake a use permitted on the land, and*
- (b) the Council has made an assessment of the importance of the vegetation in relation to:*
  - (i) soil stability and prevention of land degradation, and*
  - (ii) water quality and associated ecosystems, such as streams, estuaries and wetlands, and*
  - (iii) scenic or environmental amenity, and*
  - (iv) vegetation systems and natural wildlife habitats.*

The proposed tree removal is ancillary to the proposed construction of the restaurant and associated carparking facilities, and is therefore permissible with consent. An Arborist Report has been submitted in support of the proposal and the vegetation to be removed is generally of poor quality. It is unlikely that the removal of the trees would have a significant impact on soil stability, water quality and scenic or environmental amenity once the retaining walls and landscaping proposed as part of the development are completed. The site does not contain any hollow-bearing trees and the impact on vegetation systems and natural wildlife habitats is unlikely to be significant. Council is therefore able to grant consent to the removal of the trees currently on the site. Further details of proposed tree removal is included under the heading DCP 2005, Chapter 14 – Tree Management.

*Clause 29 – Services*

This clause requires all new development to have an adequate water supply and facilities for the removal or disposal of sewage and drainage. Water and stormwater connections are available to the site, although there is currently no sewer servicing the land. Septic tanks with a pump out arrangement are proposed and satisfy this clause.

**Development Control Plan 2005**

*Chapter 14 – Tree Management*

In accordance with DCP 2005 Chapter 14, an Arborist report has been submitted with the application. The Arborist report identifies that there are eighteen (18) trees that would be affected by the building and associated works and are therefore proposed to be removed. This includes eight (8) native trees and 10 non-native trees. Council's Arborist and Landscape Design Assessment Officer has recommended that a tree replacement ratio of 2:1 be provided. Based on this ratio, 36 trees would be required to be incorporated into the landscape design, resulting in an additional eight (8) trees to that shown on the landscape plan submitted with the application.

In relation to replacement plantings, a number of the trees incorporated into the landscape design are to be located along the Pacific Highway frontage. However, the proposed setback at the front of the property to the proposed carpark is only 1.5 metres and this distance is too narrow to accommodate tree plantings due to potential conflict with the pavement. Given the length of the front boundary, the extent of hardstand area proposed and the visual prominence of the site along the Pacific Highway, it is considered necessary to achieve a high level of landscaping along the frontage. It is therefore recommended that additional landscaping be provided within the grass verge between the Pacific Highway pavement and the front property boundary, which would have the benefit of improving landscaping associated with the proposed development as well as improving the existing roadside conditions, which includes guardrail and bitumen, which has been redundant since the closure of the service station.

*Chapter 61 – Carparking*

DCP Chapter 61 specifies carparking rates for both restaurants and drive-in takeaway food outlets. Given the nature of the proposed development, the carparking rates for a drive-in takeaway food outlet are applicable, which requires 12 spaces per 100 square metres Gross Floor Area (GFA) plus 1 space per 5 seats plus queuing for 5 - 12 cars. The GFA of the building is approximately 700m<sup>2</sup> (including the first floor but excluding external areas and loading).

This would generate a carparking requirement of 105 spaces (84 spaces based on floor area, plus 21.2 spaces based on the number of seats). The development proposes a total of 44 carparking spaces, including two (2) coach/trailer/caravan parking spaces, which represents a variation of 58%. Queuing for 6 vehicles in the drive-through is also proposed.

The carparking requirements included in the DCP are considered to be excessive when compared to the rates prescribed within the RTA's *Guide to Traffic Generating Development*. The RTA Guideline specifies the following rates for a restaurant comprising on-site seating and drive-through facilities:

The greater of:

- 1 space per 2 seats (internal), or.
- 1 space per 3 seats (internal and external).

Using the RTA requirements, 36 on-site carparking spaces (based on 106 internal and external seats) would be required. The large discrepancy between the two calculations is partially due to the DCP requirements being based on GFA plus number of seats, whereas the RTA rates are based solely on the number of seats. The extensive GFA of the building, including the first floor, further exaggerates the required number of carparking spaces required under Council's DCP. While the first floor of the development is not proposed to be used by the public, the DCP definition of GFA does not enable this area to be excluded from the calculation. If the first floor area was to be excluded from the GFA, a total of 67 spaces would be required, which still results in a 34% variation to the DCP and exceeds staff delegations. The proposed variation to DCP Chapter 61 is supported on the basis that the proposed development complies with the carparking requirements of the RTA's publication "Guide to Traffic Generating Development".

#### *Chapter 65 – On Site Effluent Disposal in Non Sewered Areas*

This Chapter of the DCP describes Council's requirements for on-site disposal of effluent and states that pump-out systems are no longer approved for new dwellings, and are not considered an alternative system due to improper use and the unsustainable nature of their operation. The proposed restaurant seeks approval to use a pump-out system on the basis that the site constraints would not enable on-site waste water application. Although these types of systems are no longer supported for residential premises, the applicant has provided documentation in relation to the sizing and on-going management of the proposed system in a commercial arrangement. It is proposed to install two (2) x 6,000 litre underground tanks, with the second tank acting as an overflow storage. The main tank would be emptied every 5-8 days.

#### *Chapter 69 – Waste Management*

A Waste Management Plan has been submitted in accordance with DCP Chapter 69. As the development is non-residential, the collection can be through either Council's contractors or a private contractor.

#### *Chapter 67 – Engineering Requirements for Development*

The proposed civil works including work within the road reserve and the stormwater drainage need to be undertaken in accordance with Council's DCP 2005 Chapter 67. This can be addressed through conditions should consent be granted

*Chapter 99 – Building Lines*

DCP 2005 Chapter 99 establishes setbacks between proposed buildings and property boundaries. The DCP includes building lines for Rural and Rural Residential Land, which would typically include the 7(b) Scenic Protection Zone. However, the DCP only specifically deals with rural dwellings, farm buildings, ancillary buildings, machinery sheds, water tanks etc. For these types of development, a front setback of 20 metres is specified, with side and rear setbacks of 10 metres. The proposed development proposes a 21 metre front building setback to the Pacific Highway, a 10-18 metre rear building setback to the Freeway and a 16 metre side setback and therefore complies with the DCP. While the building setbacks comply with the DCP, substantial filling, carparking and other hardstand areas are proposed within the setbacks and are discussed further in the report.

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

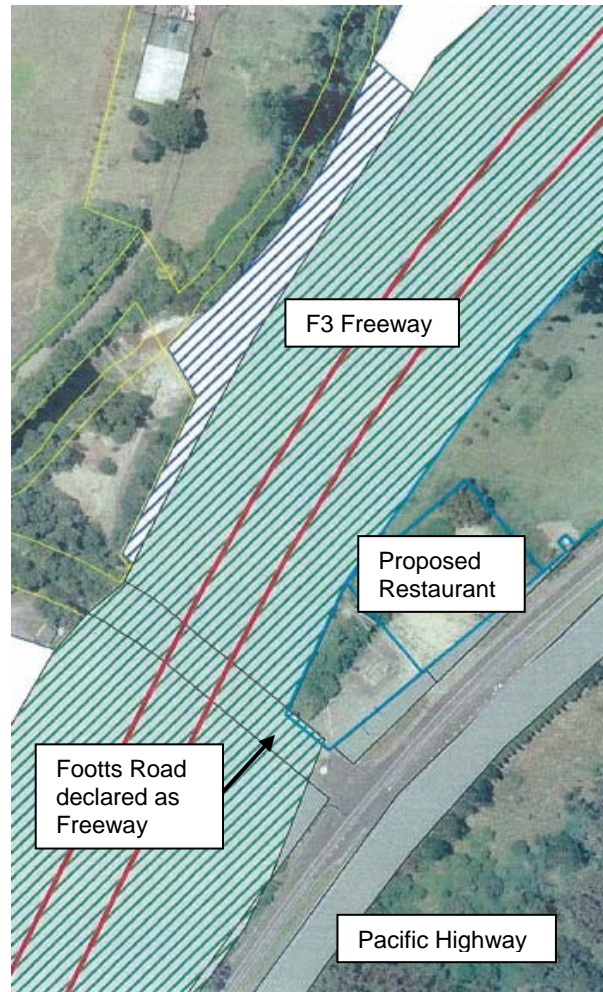
***The relationship to the regional and local context and setting.***

The site is bounded by major roadways, being the F3 Freeway at the rear of the property and the Pacific Highway along the frontage. The site is located approximately 850 metres north of the F3 Ourimbah Interchange and existing development in the immediate area primarily consists of rural residential properties. The site comprises one of six (6) parcels of land that are zoned 7(b) Scenic Protection and that are situated between the Freeway and the Pacific Highway. Three (3) of these parcels of land are occupied by Mackay Family Funerals. The subject site is vacant and the two other parcels of land in the vicinity support single dwelling houses. Land on the western side of the Pacific Highway is zoned 7(a) Conservation.

While there are no similar developments in the immediate vicinity, the proposed use of the site is consistent with the previous use (under existing use rights), which was for a commercial development, namely a service station.

***The access, transport and traffic management measures***

The site is located between the Pacific Highway and the F3 Freeway. The plans initially proposed access to the site via an unformed section of Footts Road, which connects to the Pacific Highway. However, upon further assessment, it was revealed that this portion of Footts Road was included in the gazettal of the F3 Freeway and has therefore been declared part of the Freeway, falling under the control of the RTA. As direct access to land classified as Freeway is prohibited by the RTA, the proposed access arrangements for the restaurant were modified and are now proposed directly to/from the Pacific Highway rather than via Footts Road.



**Road Classifications**

### External Road Network

The Pacific Highway at Kangy Angy/Ourimbah was handed over to Council by the RTA as of 1 July 2010. The road pavement, table drains and drainage are in fair condition. There is an existing RTA information sign within the road reserve immediately to the south of the site, which is protected by guardrail that is in good condition. There are also two (2) sections of guardrail in front of and to the north of the site that are in poor condition. These appear to have been made redundant following the closure of the service station and it is recommended that they are removed.

The development proposes a two-way access to the southern side of the site from the Pacific Highway and a one-way access (left turn only) to exit the site to the north. The accesses will need to cater for vehicles up to a Long Rigid Bus (14.5m).

The traffic report submitted with the application indicates that an auxiliary left turn lane is required at the southern access to the development. This is based on traffic volumes similar to that of a KFC fast food restaurant. Further information provided by the applicant indicates that the vehicle estimates referenced in the traffic report were over estimated and that approximately 30 vehicles in the peak hour are expected to access the site.

The Austroads guidelines for Unsignalised and Signalised Intersections are marginally in favour of an auxiliary lane over a basic left turn. However, due to a bend in the road and possible implications for an increase in right turn accidents due to sight distance implications with the installation of an auxiliary lane, it is considered that a well designed major access would better service the site and safety needs at this location. Consequently, the southern access to the site is to be a combination of a rural basic left turn and an access in accordance with AS/NZS2890.1/2. The shoulder pavement would need to be incorporated into a basic left turn design and the applicant would need to demonstrate that the pavement in this area is suitable for expected traffic loads and types. The existing guardrail would also require adjustment on the approach to the access with consideration of “shy lines”, (Shy Line definition “*The distance from the edge of the travelled way beyond which a roadside object will not cause a driver to change their vehicular lateral placement or speed*”). The southern egress would be restricted to a single lane, maximum 3.5m wide, to avoid sight distance issues when two (2) vehicles are side by side in a turning situation. The southern ingress would be a minimum of that identified in AS/NZS2890.2 for a major access suitable for articulated vehicles. The ingress and egress lanes would also need to be separated by a traffic island with a minimum width of 1.5m.

The northern exit from the site is to be used as a left turn only, designed in accordance with AS/NZS2890.2 for a major access (exit side only). The design would need to be suitable for articulated vehicles as this exit would be used by larger vehicles that are unable to turn within the development site. For vehicles travelling south, they would be able to perform a u-turn at the Palmdale Road roundabout which is approximately 600m to the north of the site.

Pavement marking for the development frontage would need to be formalised and the area between the development frontage and the road formation remediated and landscaped. Landscaping would need to be controlled in height and approved by Council prior to construction. Lighting would be required at the entrance/exits in accordance with AS/ NZS 1158 to ensure safe vehicle movements. These requirements can be accommodated within the existing design and can be enforced through appropriate conditions of consent.

### **Internal Circulation**

The internal access and traffic movements can be conditioned to comply with AS/NZS 2890.1/2. Internal pavement marking should separate the travelling lane from the heavy vehicle and trailer parking to direct vehicles to the drive-through facility. A median will be required at the southern access to separate entering and exiting vehicles. The necessary signage and linemarking can be addressed by conditions of consent.

### **Carparking**

The development proposes a total of 44 carparking spaces, including two (2) coach/trailer/caravan parking spaces, which represents a variation of 58% to Council’s DCP. Support for this variation is discussed previously in the report and is based on compliance with the RTA’s requirements for traffic generating development. Queuing for 6 vehicles as part of the drive-through is also proposed. The construction of carpark area would need to comply with AS/NZS 2890.1/2/6 with the surface and travelling lanes being an asphaltic concrete surface as a minimum. Safety fencing would also be required around the drive-through facility where the batters/retaining walls are proposed.

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

The proposed development is not expected to have any impact on the public domain.

***The impact on utilities supply***

The site benefits from a connection to the reticulated water system, although does not have a sewer connection. As such, it is proposed to install two (2) x 6,000 litre septic tanks which would be pumped out by a contractor on a weekly basis. The Applicant has also advised that electricity and telephone connections are available to the site.

***The effect on heritage significance.***

There are no listed heritage items in the vicinity of the site.

***Any effect on other land resources***

The site is not known to contain any valuable land resources such as agricultural land, minerals or other extractive resources. The site is within a drinking water catchment.

***Any impact on the conservation of water***

The applicant has proposed an internal drainage system incorporating underground piped drainage, overland flows and two (2) x 10,000 litre underground reuse tanks. The outlet to the stormwater drainage is to be directed to the piped road drainage system. Stormwater quality must be addressed and can be conditioned to comply with ARQ outcomes. On-site detention is not considered necessary as the proposed development is similar in hardstand area to the previous development on the site.

It is proposed that rainwater tanks would be used for irrigation of landscaped areas and other external uses including hosing down hardstand areas. Plumbing to internal fixtures such as toilets is not proposed, although it is recommended that this be included as a condition of consent in keeping with Council's standard practice for reducing potable water consumption.

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

The filling of the rear of the property would be up to 4 metres in depth and would need to be retained and controlled by geotechnical testing. All footings and drainage associated with the retaining would need to be contained within the development site. Typically, batters are to be a maximum of 4:1 unless identified otherwise by a qualified practicing geotechnical engineer but are not to be any greater than 2:1. Conditions of consent can be imposed on a consent to address these issues.

Discussions of previous soil contamination have been addressed previously in the report. Should development consent be granted, standard conditions regarding the control of soil erosion and sedimentation, dust suppression and revegetation of batters would be applicable. It is not expected that any acid sulphate soils would be encountered on the site and therefore an acid sulphate soils management plan is not required.



***Any effect on quality of air and microclimate conditions***

No detrimental impacts on air quality or microclimate conditions are anticipated.

***Any effect on the flora and fauna***

The proposed development requires the removal of 18 trees, eight (8) of which are native species. Although one (1) species (1 *Eucalyptus saligna*) is characteristic of the River-flat Eucalypt Forest Endangered Ecological Community (EEC), due to historical filling, the site is no longer flood prone and therefore does not qualify as the EEC.

The Arborist Report submitted as part of the application identified six (6) habitat boxes on the site that were likely to be impacted by the development. Upon inspection, the boxes were unable to be located, although five (5) boxes were identified on the adjoining land to the south of the site, which is managed by the RTA. Correspondence with the RTA's ecological consultant, confirmed that the nest boxes had been installed on behalf of the RTA to mitigate impacts of recent vegetation management along the edge of the Freeway and associated advertising sign. It appears that the boxes were also unknowingly installed on privately owned land (thought to be RTA land) and the boxes were then removed by person/s unknown prior to inspection. As a result, there are no hollow-bearing trees or nest boxes currently on the site. However, one (1) possum drey was observed in a Cheese Tree on the site and therefore it is recommended that an ecologist or wildlife handler inspect the trees prior to clearing.

The proposal is unlikely to have any impact on threatened species, endangered populations, ecological communities, or their habitats and therefore a Species Impact Statement is not required.

***The provision of waste facilities***

Bulk waste bins for both putrescibles and recyclables are proposed within the loading dock area and would be collected daily by a commercial contractor, as detailed in the Waste Management Plan.

***Whether the development will be energy efficient***

Energy usage for lighting is proposed to be reduced by installing motion activated lighting. The proposed building would also be subject to Part J – Energy Efficiency, of the Building Code of Australia (BCA), which is assessed as part of the Construction Certificate.

***Whether the development will cause noise and vibration***

Activities are proposed on site almost 24 hours a day, seven (7) days per week and therefore there is the potential for increased noise levels. The closest residence is located approximately 56 m to the north of the site although no submissions were received in relation to concerns over noise. However, to ensure that any plant and mechanical equipment is suitably designed and installed, a condition of consent should be included in relation to an acoustic assessment prior the issue of a Construction Certificate.

As previously discussed in the report, the NSW Road Noise Policy (2011) refers to the Australian Standard 2107:2000 for noise criteria for commercial premises affected by road noise. For restaurants and cafeterias, the recommended design sound level (LAeq) is 45 dB(A), with the maximum being 55 dB(A). A report demonstrating that compliance with the Australian Standard can be achieved should be required as a condition of consent.

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

Bushfire

The site is identified as bushfire prone land and therefore in accordance with section 79BA of the EP&A Act, the development must conform to the specifications and requirements of the document *Planning for Bush Fire Protection 2006* (PBP). A Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd was completed for the previous boundary adjustment, which was approved in February 2011. That report also dealt with the future use of the site for the proposed restaurant.

The proposed restaurant is a Class 6 building as defined by the BCA. Chapter 1, Section 1.3 of PBP states that the construction of Class 5-10 buildings on bushfire prone land must meet the aims and objectives of the document.

The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including fire-fighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment. More specifically, the objectives are to:

- i. afford occupants of any building adequate protection from exposure to a bush fire;
- ii. provide for a defendable space to be located around buildings;
- iii. provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- iv. ensure that safe operational access and egress for emergency service personnel and residents is available;
- v. provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the Asset Protection Zone (APZ); and
- vi. ensure that utility services are adequate to meet the needs of fire-fighters (and others assisting in bush fire fighting).

The proposal is considered to adequately address the objectives of PBP through the provision of and maintenance of APZ, utility services, vehicular access and through building construction standards. Specifically, the report recommends the following:

- The curtilage to the building is to be maintained in accordance with Appendix 5 of PBP and the NSW Rural Fire Service document *Specifications for Asset protection Zones*;
- Construction standards are to include aluminium or stainless steel flyscreens; door seals and mesh over ventilation louvers/vents to prevent the entry of embers;
- Fire-fighting water supplies to be provided to the building; and

- Evacuation Plan to be prepared for the restaurant.

#### Flooding

The property is not flood affected and does not form part of the flood storage from either Canada Drop Down Creek or Ourimbah Creek.

#### ***Any risks from technological hazards***

There are no known technological hazards that would impact the development. However, there are standard overhead power lines and underground Telstra lines within the road reserve at the front of the site, which would need to be protected during construction.

#### ***Whether the development provides safety, security and crime prevention***

To minimise the opportunity for crime and in accordance with principles of Crime Prevention through Environmental Design (CPTED), recommended conditions are proposed to address the following:

- Whole of site CCTV security coverage;
- Responsibilities regarding anti-social behaviour;
- Timely removal of graffiti;
- Lighting to AS1158; and
- The design, installation and maintenance of landscaping to not impede visibility and clear sight lines.

In accordance with the Crime Risk Assessment Protocol, the application was not required to be referred to the NSW Police Service.

#### ***Any social impact in the locality***

The proposed restaurant is unlikely to have a detrimental social impact. Recommended conditions regarding security and anti-social behaviour are listed above.

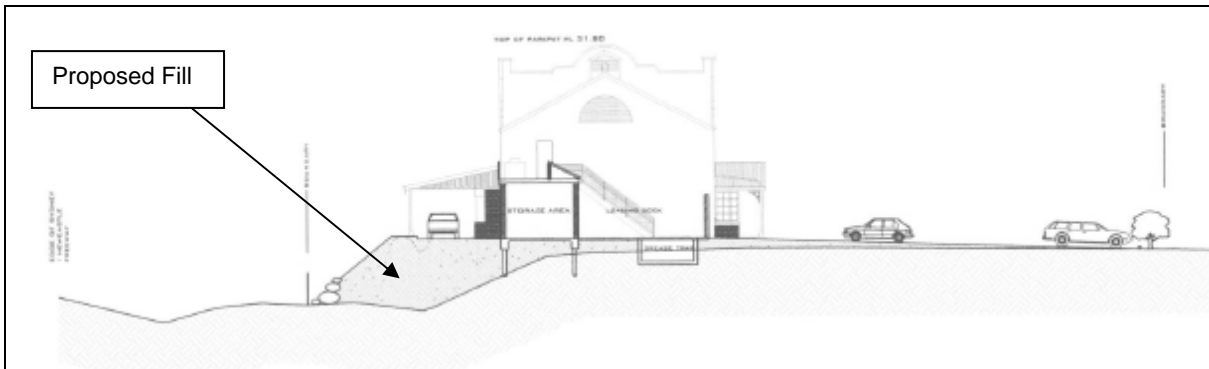
#### ***Any economic impact in the locality***

The proposed development would generate new job opportunities and consequently is expected to have a positive economic impact.

#### ***Any impact of site design and internal design***

The site has a number of constraints including its irregular shape, topography, dual road frontage, lack of sewer connection and easements associated with the existing signage.

At the rear of the site, the ground level falls approximately 3.6 metres from RL 20.4m AHD to RL 16.8 m AHD at the boundary with the Freeway. To accommodate the proposed development, up to four (4) metres of fill is proposed, which would be located under both the drive-through facility and part of the building as shown below. Due to the irregular shape of the site, the buffer between the fill batter and the common boundary with the Freeway varies from less than a metre to approximately seven (7) metres. If the development application is approved, the batter should be densely planted to reduce the visibility of the development from the Freeway. At the request of the RTA, a 1.8 metre high fence is also required at the base of the batter and along the property boundary to prevent any pedestrian access to the Freeway.



Filling of up to two (2) metres is also proposed adjacent to the common property boundary proposed lot 12 (North) for the proposed drive-through facility. Stormwater from all hardstand areas would be directed to a piped stormwater system and therefore should not impact on the adjoining property.

The irregular shape of the site has also resulted in the building being orientated away from the main Pacific Highway frontage. The applicant has made some changes to the main façade and entry in order to improve the street presentation and has requested that consideration be given to the function of the building in terms of the drive-through arrangement; the constraints of the site with respect to vehicular access and parking; and the need to provide North facing dining space that is separate from the vehicular activity.

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

Standard conditions are recommended in relation to hours of construction, the preparation and approval of a traffic management plan and protection of existing services.

***Any cumulative impacts***

Given that the site is fairly isolated, any cumulative impact of the proposed development is likely to be minimal. Potential for more significant cumulative impacts would be expected if adjoining sites are developed for similar purposes in the future.

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

The site has a number of constraints including its irregular shape, topography, dual road frontage, lack of sewer connection, previous soil contamination issues and easements associated with the existing signage. The proposed development has been designed to address these constraints as discussed previously in the report.

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

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

The application was advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with no submissions being received.

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

The application was referred to the RTA due to the proximity of the development to the Freeway. Details of the RTA response in relation to access of the site and the need for fencing along the Freeway boundary have been discussed previously in the report.

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

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

With the exception of the comments made by the RTA in terms of the road network, there have been no submissions or representations made on behalf of the State or Federal Government.

Council has adopted a number of Policies that are aimed at protecting the interests of the community in relation to both the natural and built environment. The following Council Policies are relevant to the subject application:

***Council Policy W1 - Water Catchment Area***

The objective of Policy W1 is to reduce the potential threats to the quality of the Central Coast water supply by restricting land use in the Wyong water supply catchment area. The policy seeks to 'prohibit' certain land uses within the water catchments of Ourimbah, Wyong and Jiliby Creeks, which have the potential to impact the quality of drinking water. Restaurants are not listed in the Policy as being a 'prohibited' land use.

***Council Policy P1 - Potentially Contaminated Land***

The objectives of the Policy include identifying land that is potentially contaminated and to provide guidance on the assessment and treatment of potentially contaminated land, to ensure the protection of community health standards and the environment. As discussed previously in the report, a number of site investigations and assessment reports have been prepared for the site following the decommissioning of the service station located on part of the site. The site investigation and audits have concluded that the site is suitable for commercial development.

**Council Policy L1 - Landscape Guidelines**

The objective of this policy is to encourage a high standard of landscape design and construction and to reduce the impact of any developmental activity on the landscape. The proposed development would fall within Category 3 as the development has frontage to major roadways. The application has been accompanied by a landscape plan by a Category 3 approved consultant. However, as discussed previously in the report, Council's Arborist and Landscape Design Assessment Officer has made a number of recommendations in relation to the proposed landscaping and in particular, replacement tree plantings.

In addition, it is recommended that species endemic to the central coast area be used and therefore species such as *Leptospermum nitidum* should be replaced with *Leptospermum laevigatum* and *Agapanthus campanulatus* and *Alternanthera dentate* be replaced with native shrubs. These changes can be implemented via conditions of consent.

**OTHER MATTERS FOR CONSIDERATION**

The Ourimbah District Development Contributions Plan 2010 applies to the site. Under the Plan, contributions are levied for Roadworks and Traffic Management, Open Space and Recreation Facilities, Community Facilities and Administration costs. The site does not fall within the Contributions Plan Area for Roadworks and Traffic Management and contributions for Open Space Recreation Facilities and Community Facilities are not levied for commercial or restaurant developments. As no other contributions are applicable, the Administration contribution cannot be levied and therefore there are no section 94 contributions applicable to this application. The Section 94A Contribution Plan is not applicable as the application was lodged prior to the commencement of the Plan.

**CONCLUSION**

The application seeks approval for the construction of a restaurant with drive-through facility and associated works. The site has previously been used for the purpose of a service station and a roadside stall selling fruit and vegetables, although these uses ceased operation more than 10 years ago. The site has a number of constraints, which have been addressed through the design and subject to conditions of consent, the use of site as a restaurant is considered appropriate for the locality and would provide new opportunities for local employment. Variations to the requirements of Wyong Shire DCP 2005 are proposed in relation to Chapter 61 – Carparking and Chapter 65 - On Site Effluent Disposal in Non Sewered Areas, although these variations are not expected to have any detrimental impacts on the environment and or neighbouring properties. The development is considered to be consistent with the objectives of WLEP 1991 and other DCP requirements and the development is recommended for approval subject to appropriate conditions.

**ATTACHMENTS**

- |   |                                                        |           |           |
|---|--------------------------------------------------------|-----------|-----------|
| 1 | Draft Conditions of Consent                            |           | D02796462 |
| 2 | Photomontages of the Development (Colour)              | Enclosure | D02795677 |
| 3 | Plans - General Arrangement and Landscaping Plan (A3 ) | Enclosure | D02795675 |
| 4 | Development Plans - Floor Plan and Elevations (A3)     | Enclosure | D02795674 |

**Date:** 6 October 2011  
**Responsible Officer:** Jenny Webb  
**Location:** 207 Pacific Highway, OURIMBAH NSW 2258  
 Pt Lot 1 DP 517076, Lot 1 DP 1104659  
**Owner:** Sharplan Pty Ltd  
**Applicant:** SJH Planning & Design Pty Ltd  
**Date Of Application:** 13 December 2010  
**Application No:** DA/1486/2010  
**Proposed Development:** Restaurant including Drive-through Facility  
**Land Area:** 5578.00

## PROPOSED CONDITIONS

### Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Proposed Heatherbrae's Pies	Sheets 1 to 10	A	May 2011	Sharplan Pty Ltd
General Arrangement Plan	1011.11	C	15/4/11	Cahill & Cameron Registered Surveyors
Statement of Environmental Effects – Proposed Heatherbrae' Pies Restaurant and as amended by the Supplementary Statement of Environmental Effects and other supporting information.			December 2010	SJH Planning and Design

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

## **Prior to Release of Construction Certificate:**

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

### **Certificates – Application and Approval**

- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed 'Application for Civil Works or Subdivision Works' must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

### **Acoustic**

- 5 An acoustical investigation is to be undertaken by a suitability qualified acoustical consultant assessing the impact of noise emissions from the mechanical equipment and other plant associated with the proposal and recommending appropriate noise attenuation measures. The report is to be provided to the Accredited Certifier and all recommendations are to be incorporated into the design plans prior to the issue of a Construction Certificate.
- 6 The development is to be designed to comply with the NSW Road Noise Policy (2011) for commercial premises and Australian Standard 2107:2000. Details, which demonstrate how compliance can be achieved, are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

### **Bush Fire Requirements**

- 7 In accordance with the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd Assessment No B101329-1, Issued 19/7/10, the following construction standards are required:
  - Any operable windows shall be fitted with aluminium,/stainless steel mesh flyscreens having a maximum mesh aperture size of 2 mm;
  - Access doors to the building shall be fitted with seals that seal the bottom, stiles and head of the door against the opening/frame to prevent the entry of embers into the building;



- Any external vents, grilles and ventilation louvers shall have stainless steel mesh with a maximum aperture of 2 mm square fitted to prevent the entry of embers into the building or be fitted with a louvre system which can be closed in order to maintain a maximum aperture or gap of no more than 2 mm; and
- Roof ventilators shall be fitted with stainless steel flymesh (2 mm aperture) to prevent the entry of embers into the building or be fitted with a louvre system which can be closed in order to maintain a maximum aperture or gap of no more than 2 mm.

Details are to be included on the design plans and submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

### **Dust Control Requirements**

- 8 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

### **Erosion and Sediment Control – Design Requirements**

- 9 Prior to the issue of a Construction Certificate, design details for the control of soil erosion from the site must be provided for the approval of the Accredited Certifier. Required design details must comply with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites or '*Soils and Construction – Managing Urban Stormwater*' (*Blue Book*).

### **Food Act Requirements**

- 10 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by the Accredited Certifier.

### **Landscaping Design Requirements**

- 11 Prior to the issue of a Construction Certificate, landscape design drawings, prepared by an approved consultant and generally in accordance with the Landscape Concept Plan prepared by Stuart Blyton and Cahill & Cameron Registered Surveyors Drawing No 1011.11 Revision C, must be provided for both within the subject site and the area between the Pacific Highway pavement and the property boundary. Works within the road reserve must be submitted to and approved by Council as the Roads Authority. Such landscape design plans must be prepared in accordance with Council's Landscape Policy L1 for a Category 3 development and include (but not limited to) the following:
  - Replacement trees at a ratio of 2:1 for those removed as part of the development. A minimum of 36 trees are to be incorporated into the landscape design to replace those recommended for removal in the Arborist report submitted with the development application. Some of these trees may be included as street trees to be approved by Council as the

Roads Authority.

- The landscape architect is to nominate trees and shrubs that will provide a dense screen to the front of the property. The planting is to achieve tree heights greater than 10 metres and shrubs that will achieve a height greater than 2 metres upon maturity.
- The batters are to include a mix of trees, groundcovers, grasses and perennials.
- A 1.8 metre high man proof open style fence is to be constructed, to the satisfaction of the RTA and Council to prevent any access to the F3 Freeway. The fence is to set back a minimum of 1.5 metres from the property boundary and is to include planting on both sides of the fence.
- All trees planted are to be a minimum 100 litre and shrubs 25 litre. All ground covers and grasses are to be tube stock or 5 litre.
- To encourage the use of endemic species *Leptospermum nitidum* are to be replaced with *Leptospermum laevigatum* and *Agapanthus campanulatus* and *Alternanthera dentate* are to be replaced with native shrubs endemic to the central coast area.
- A 52 week maintenance schedule is to be submitted to both the Accredited Certifier and Council as the Roads Authority. Provenance stock is to be used where ever possible and placed into the maintenance schedule.

### Roadworks - Design Requirements

- 12 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Formalisation of the road pavement and shoulder area for the full frontage of the development.
  - Plans shall generally be in accordance with those submitted by Cahill and Cameron 1011.11/C Sheets 1-5.
  - Pavement marking for the development frontage shall require formalising as part of the development works.
  - The area between the development boundary and the road formation will require landscaping. Landscaping shall be controlled in height and approved by Council.

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 13 All damaged and obsolete guardrail fronting the proposed development site shall be removed and stored for collection by the Roads and Traffic Authority of NSW (RTA). The area containing the guardrail shall be remediated as part of the formalisation of the road fronting the development site.

- 14 The provision of vehicular access crossings in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and AS/NZS2890.1/2. Design drawings must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate. The design shall include:-
- The shoulder pavement on the approach to the southern access will need to be utilised as identified in a basic left turn design in Austroads Guide to Road Design Part 4A Unsignalised and Signalised Intersections. The pavement in the road shoulder on the approach to the southern access shall be confirmed as suitable for expected traffic loads and types by a suitably qualified consultant.
  - Guardrail on the approach to the southern access shall be adjusted where necessary in accordance with Austroads Guide to Road Design Part 6 Roadside Design, Safety and Barriers.
  - The southern access, exit side from the development site, shall be restricted to a single lane, maximum 3.5m wide, to avoid sight distance issues when 2 vehicles are side by side in a turning situation.
  - The southern access, entry side to the development site, shall be a minimum of that identified in AS/NZS2890.2 for a major access suitable for articulated vehicles.
  - A traffic island shall be provided to separate the entry and exit at the southern access with a minimum width of 1.5m.
  - The access to the north of the site shall be a left turn only onto the Old Pacific Highway.
  - Pavement marking and signage shall be included on both accesses in accordance with AS1742.
  - The access pavement shall be designed to cater for the maximum design vehicle and traffic loadings.
- 15 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

### **Stormwater Drainage - Design Requirements**

- 16 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Drainage pit at the boundary line.

- The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
- An emergency overland flow path catering for the 100 year ARI design flows.
- Piped drainage to cater for the minimum 5%AEP stormwater event
- The principles of Water Sensitive Urban Design may also be applied in order to achieve water quality requirements.
- Groundwater seepage and overland stormwater flow which affect the classified road reserve (freeway) must be managed on site.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 17 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings, generally in accordance with the plans submitted by Cahill and Cameron No1011.11 Rev C Sheet 2, prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development must be approved by Council prior to the issue of a Construction Certificate. Plans shall include the details of the connection to the external drainage system and formalisation of the existing road table drain for the frontage of the site in the Pacific Highway. All other stormwater management works must be approved by the Accredited Certifier.
- 18 The developer shall confirm the functionality of the existing external drainage system and its suitability and size for expected flows. Any works required to ensure the piped drainage system is functioning to capacity shall be the responsibility of the developer. On site detention shall be required where total expected flows within the external piped drainage system exceed capacity.

### **Structural Design Requirements**

- 19 All proposed load bearing retaining walls and structures are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards.
- 20 A geotechnical report is to be undertaken for the area of the proposed development that is to be filled. This report is to identify existing ground conditions including identification of any relevant groundwater and watertables and the most suitable method of support for the proposed development. Filling stability is to be included in the geotechnical investigation. The report is to be submitted to the Accredited Certifier and shall demonstrate that the construction will not have an impact upon the surrounding area or structures. Details are to be approved by the Accredited Certifier prior to a Construction Certificate being issued

- 21 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Accredited Certifier for piling / piling, retaining walls and structures prior to the issue of a Construction Certificate. Piling / piling, retaining walls and structures are to be designed in accordance with the findings and recommendations of the Geotechnical report. The structural design for all piling / piling, footings, retaining walls and structures is to be endorsed by a qualified geotechnical engineer. Details are to be approved by the Accredited Certifier prior to a Construction Certificate being issued.
- 22 Prior to the issue of a Construction Certificate, a construction management plan for the construction of the retaining wall is required to be provided for the approval of the Accredited Certifier. Such management plan shall be certified by the retaining wall Design Engineer and detail the construction methodology to ensure workers safety. Where required, an authority to enter the adjoining property must accompany the required management plan if the construction methodology or temporary protection works encroach into any adjoining property.

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

- 23 The submission to the Accredited Certifier of a detailed car parking design generally in accordance with the plan by Cahill and Cameron 1011.11/C sheets 1-5. The design shall include:
- A minimum of an asphaltic concrete pavement surface for the drive through and carpark areas.
  - Traffic movements within the development site shall be controlled via line marking and signage in accordance with AS/NZS 2890.1 and AS 1742.
  - Access grades shall comply with AS/NZS2890.1/2.
  - Pavement marking and signage of the bus / trailer parking and bulk waste area indicating restrictions on parking and the area's use.
  - The bus and vehicle with trailers parking area is to be designed to cater for a minimum of a 14.5m long rigid bus.
  - Car spaces in accordance with AS/NZS2890.1 with suitable pavement marking to delineate the spaces.
  - Disabled car spaces in accordance with AS 2890.6.
  - Wheel stops on all carparking spaces.
  - Pavement design to cater for the largest expected design vehicle and axle loads for the life of the pavement.
  - Extension of the proposed median in the southern access to the start of the carparking area to separate vehicles entering and exiting the site via the southern access.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 24 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

### **Water and Sewer Services**

- 25 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 26 Prior to the issue of a Construction Certificate, an application is to be lodged with Council for an on site sewage management facility that addressed the requirements of the Environment and Health Protection Guidelines and AS/NZS1547-2000 – Onsite Domestic Wastewater Management.
- 27 Prior to the issue of a Construction Certificate, the owner of the land is to enter into an agreement with Council's waste contractor with regard to the pumping out of the effluent storage tanks. A copy of the agreement is to be submitted to Council.

## **Prior to Commencement of Works:**

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

### **Erosion and Sediment Control Requirements**

- 28 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 29 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.

- 30 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

### Filling and Haulage Requirements

- 31 Prior to works associated with the development commencing, details for the disposal of any spoil gained from the site and/or details of the source of fill materials to be imported to the site, are to be provided and approved by the Principal Certifying Authority.

### Roads - Preconstruction Requirements

- 32 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
  - Obtain a copy of Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. This is Council's Specification for Civil Works and is available on Council's web site.
  - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 33 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 34 Prior to works associated with the development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

## Site Requirements

- 35 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 36 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer system; or
  - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 37 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 38 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify 'Dial Before You Dig' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

## During Construction Works:

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

### Approved Plans

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



**Dust Control Requirements**

- 40 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

**Earthworks and Haulage - Construction Requirements**

- 41 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 42 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 43 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.
- 44 Retaining wall construction including footings shall be entirely contained within the applicant's property. Incorporated subsoil drainage shall not be directed onto neighbouring properties.
- 45 Stabilisation of all batters around the filled area in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development. Batters shall be a maximum of 4 to 1 or as identified by a qualified practicing geotechnical engineer but shall be no greater than 2 to 1 and shall include, planting of suitable groundcovers to stabilise and the use of mulch.

**Ecology/Trees - Construction Requirements**

- 46 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed Fauna Ecologist or wildlife handler is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist/wildlife handler is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.

**Erosion and Sediment Control - Construction Requirements**

- 47 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works and until all disturbed areas are stabilised. On the spot fines for non-compliance with this requirement may be issued under the provisions of the Protection of Environment Operations Act, 2000

**Potentially Contaminated Land Requirements**

- 48 During the construction phase of the development, any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and required remediation must be notified to Council immediately upon discovery.
- 49 The Principal Certifying Authority must be notified should asbestos contaminated soils be exposed during works, and an occupational hygienist must assess the site and determine:
- if the asbestos material is bonded or friable;
  - the extent of asbestos contamination; and
  - safe work procedures for the remediation of the site.

The safe work procedures must reflect the level of the hazards and the proposed use of the land. A clearance certificate from an occupational hygienist must be obtained following the completion of all remediation work.

**Services/Utility Requirements**

- 50 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 51 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - AGL Sydney Limited for any change or alteration to gas line infrastructure;
  - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

**Site Access Requirements**

- 52 All construction access and deliveries are to be via the Pacific Highway. No construction access or deliveries are to be permitted from Footts Road or the F3 Freeway.

**Site Requirements**

- 53 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 54 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited.
- 55 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

**Waste Management Requirements**

- 56 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

**Prior to Release of Occupation Certificate:**

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

**Building Code of Australia – Compliance Requirements**

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

**Bush Fire – Compliance Requirements**

- 58 In accordance with the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd Assessment No B101329-1, Issued 19/7/10, the following are to be implemented prior to the issue of an Occupation Certificate:
- The curtilage to the buildings shall be maintained in accordance with Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service document 'Specifications for Asset Protection Zones'.

- Structural fire-fighting water supplies shall be provided to the building in accordance with the requirements of the Building Code of Australia and Australian Standard AS 2419.1-2005.
- An evacuation Plan shall be prepared for the restaurant pursuant to the requirements of AS3745-2002 'Emergency control organisation and procedures for buildings, structures and workplaces'.

### **Dilapidation Rectification Requirements**

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

### **Disabled Access Requirements**

- 60 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

### **External Colours/Finishes Requirements**

- 61 Prior to the issue of an Occupation Certificate, the completed development must comply with the schedule of external colours and materials submitted with the application and as shown on the materials board/model/photomontage.

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

- 62 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Principal Certifying Authority prior to issue of the Occupation Certificate.

### **Food Act Requirements**

- 63 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 64 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 65 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2004, and AS4674-2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 66 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

- 67 Hand washing facilities are to be provided in sufficient numbers to ensure the food handler does not travel more than 5 metres to the nearest basin.

### **Landscaping Requirements**

- 68 Prior to the issue of an Occupation Certificate, landscaping is to be provided to the development site in accordance with Council's Policy Number L1 for a Category 3 development in accordance with the approved Landscape Construction Certificate Plan. Required landscaping is to be the subject of an appropriate landscape implementation report from the approved landscape consultant submitted to and approved by the Principal Certifying Authority.
- 69 Prior to the issue of an Occupation Certificate, all areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.
- 70 Prior to the issue of an Occupation Certificate, a detailed maintenance schedule for all landscaping areas associated with the development is to be provided to and approved by the Principal Certifying Authority.

### **Lighting Requirements**

- 71 Prior to the issue of an Occupation Certificate, suitable lighting to the carpark and accesses to the site shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

### **Noise Control Requirements**

- 72 All recommendations made in the acoustic report accompanying the Construction Certificate application must be implemented prior to issue of the Occupation Certificate.

### **Plumbing and Drainage - Compliance Requirements**

- 73 Prior to the issue of an Occupation Certificate, the provision of rainwater tanks, of at least 20,000 litre capacity, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and external landscaping. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.
- 74 Prior to the issue of an Occupation Certificate, the required On Site Sewage Management Facility associated with the development, is to be inspected and finalised by Council as the Water and Sewer Authority under the provisions of the Water Management Act.

### **Roads – Compliance Requirements**

- 75 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.

- 76 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate. Works shall include but not be limited to:-
- Where identified, the upgrade of the road shoulder on the approach to the southern access.
  - The adjustment of the guardrail on the approach to the southern access as required.
  - The provision of the southern and northern accesses to the development as designed.
  - Adjustment of all relevant services as required.
  - The formalisation of the road pavement, pavement markings, road shoulder and reserve area to the property boundary area for the full frontage of the development, including landscaping.

#### **Security Requirements**

- 77 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

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

- 78 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

#### **Subdivision– Compliance Requirements**

- 79 The submission to the Principal Certifying Authority of proof of registration of the subdivision creating the property under DA/893/2010, prior to the issue of the Occupation Certificate.

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

- 80 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1/2/6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate

- 81 Safety railing / fencing shall be required where batter grades are greater than 4:1 and for those areas where level changes exceed 600mm. Safety railing / fencing shall be designed and constructed in accordance with the Austroads Guide to Road Design – Part 6 Roadside Design Safety and Barriers and AS/NZS1170.1.
- 82 Prior to the issue of an Occupation Certificate, fencing to a height of 1.8 metres is to be erected to prevent any pedestrian or vehicular access to the F3 Freeway.

### **Waste Management Requirements**

- 83 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
  - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
  - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
  - All entry points into the room must be bunded to prevent the escape of liquid waste. Bunding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
  - Adequate ventilation shall be provided;
  - Adequate lighting shall be provided;
  - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
  - Waste storage areas shall prevent the access of vermin;
  - Waste receptacles used shall be compatible with Wyong Council's waste collection service;
  - The door to the storage area shall be weatherproof and shall be openable from the inside at all times; and
  - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

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

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

### **Work as Executed Requirements**

- 85 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

### **Miscellaneous**

- 86 Certification from a qualified structural/civil engineer shall be submitted prior to Occupation Certificate that all retaining structures as built have been constructed in accordance with the Construction Certificate, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.
- 87 All civil works requiring approval of the Principal Certifying Authority and/or Council are to be completed prior to the issue of the Occupation Certificate. These include, but are not limited to the following:-
- Access construction.
  - All external roadworks
  - Drainage works
  - Water and Sewer works
- 88 The easement for services, easement for repairs and right of way shall remain free of encumbrances and available for proposed use as identified.

## **Ongoing Operation:**

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

### **Advertising Sign Requirements**

- 89 Separate Development Consent is required for any advertising, business identification or building identification signs.

### **Bush Fire Compliance Requirements**

- 90 The curtilage to the building shall be maintained in accordance with Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service document 'Specifications for Asset Protection Zones'.



**Hours of Operation Requirements**

- 91 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation for sales to the public are restricted to between 6.00am and 9.00pm, 7 days per week. Routine cleaning and food preparation by staff may be undertaken within the building 24 hours per day, 7 days per week.

**Industrial/Commercial Operational Requirements**

- 92 The proposed use shall not cause unreasonable noise or interference to adjoining occupations or residences. Special precautions must be taken to avoid nuisance, particularly from intruder alarms, plant, mechanical equipment and the like and staff activities undertaken outside public trading times.
- 93 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to a maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.
- 94 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- 95 Loading and unloading of vehicles and delivery goods and merchandise and the like to and from the premises must be carried out within the land as it is shown on the endorsed plan and be conducted as to cause minimum interference with other vehicular traffic.
- 96 Loading bay(s) shown on the endorsed plan shall be designed and constructed to the satisfaction of the Consent Authority. The loading bay shall be kept unobstructed when not in use.
- 97 Deliveries to and from the site including waste collection must only take place between the following times: -
- 7.00am and 6.00pm Monday to Friday
  - 8.00am and 4.00pm Saturdays
- 98 The training facilities are only to be used by employees of the restaurant operating at the site.
- 99 No part of the building is to be used for the purpose of a dwelling, without prior consent from Council.
- 100 The effluent storage tanks servicing the development are to be pumped out at intervals as indicated by any approval to install and /or operate the effluent management system.
- 101 Any change to the agreement with Council's waste contractor with regard to the pumping out of the effluent storage tank is to be conveyed to Council's Environmental Health officer within three (3) working days.

**Lighting Spill Requirements**

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

**Noise Control Requirements**

- 103 To ensure reasonable acoustic amenity for surrounding properties is maintained, all recommendations made in the acoustic report accompanying the Construction Certificate application must be complied with.

**Site Appearance, Maintenance and Security Requirements**

- 104 The owner/operator(s) of the site must maintain the external finishes of the building, structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 105 The owner/operator(s) of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.
- 106 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 107 All site landscaping, including fencing is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 108 In order to maintain a safe level of visibility for pedestrians within and around the development, adequate lighting to AS 1158 is to be provided to all common areas including parking, and any pedestrian routes to these areas. All lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.

**Stormwater – Ongoing Maintenance Requirements**

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

**Vehicle Access and Parking – Ongoing Requirements**

- 110 The largest vehicle permitted to access the development during ordinary business hours, including waste collection vehicles, is the 14.5m long rigid bus.
- 111 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 112 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

## **SCHEDULE OF CONTRIBUTIONS**

Ourimbah District Administration	\$0.00
Ourimbah Rural Nth East Water DSP	\$29,087.10

## 2.3 DA/1112/2009 - Proposed Change of Use from a Carpet Warehouse and Showroom to a Retail Premises (Liquor Shop) under Existing Use Provisions at Kanwal

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TRIM REFERENCE: DA/1112/2009 - D02794940

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Emily Goodworth; Senior Development Planner

### SUMMARY

An application has been received for the change of use of a carpet warehouse and showroom to a retail premises. The application has been examined having regard to the matters for consideration detailed in Section 106 and 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	KL Properties Pty Ltd c/ SJH Planning & Design
<b>Owner</b>	KL Properties Pty Ltd
<b>Application No</b>	1112/2009
<b>Description of Land</b>	Lot 2 DP 518378, No 211 Wallarah Road, Kanwal
<b>Proposed Development</b>	Retail Premises (liquor shop)
<b>Site Area</b>	2890m <sup>2</sup>
<b>Zoning</b>	2 (b) Multiple Dwelling Residential
<b>Existing Use</b>	Carpet Warehouse and Showroom
<b>Employment Generation</b>	15 Full time and 20 part-time employees
<b>Estimated Value</b>	\$350,000

### RECOMMENDATION

- 1 ***That Council, refuse the application subject to appropriate reasons for refusal detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 ***That Council request the General Manager to advise those who made written submissions of its decision.***
- 3 ***That Council request the General Manager to instigate appropriate action to have the current unauthorised use of the premises of a furniture shop ceased.***

### 2.3 DA/1112/2009 - Proposed Change of Use from a Carpet Warehouse and Showroom to a Retail Premises (Liquor Shop) under Existing Use Provisions at Kanwal (contd)

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#### BACKGROUND

Council has previously considered a report in relation to Development Application No DA 1112/2009 at its meeting held on 13 October 2010. At this meeting Council resolved the following:

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

*That Council defer the application pending the applicant being invited to discuss with the General Manager and Mayor, alternate more appropriate uses of the site which may require a rezoning. Subject to a positive outcome from such discussions, the applicant be required to withdraw the application.*

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

AGAINST: NIL”

The subject site is zoned 2(b) Multiple Dwelling Residential under WLEP 1991. A “shop” is a prohibited use in the zone. Notwithstanding this, if the subject site and proposed development was deemed to enjoy the provisions of existing use rights then a change of use from a “commercial use” to another “commercial use” (the definition of which incorporates a retail premises) is permissible in the zone by virtue of the provisions of Clause 41(1) (e) of the Environmental Planning & Assessment Regulation 2000 subject to compliance with the requirements of Clause 41(2).

However, the current application for a change of use from a carpet warehouse to a liquor shop does not fall within the provisions of a change of use within the meaning of Clause 41(1) (e), therefore, the proposed use of the building as a ‘shop’/retail premises’ is considered to be a non-conforming use and a development that cannot be granted consent under the Existing Use Rights provisions contained within Clause 41 of the Regulations.

Furthermore, Section 107 (2)(e) and (3) of the Act prohibits the continuance of a use where that use is abandoned and states that a use is “*to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months*”. There is no evidence to indicate that the use of the premises as a carpet showroom and warehouse has not been abandoned.

Discussions were held with the applicant and owner on 3 May 2011 to discuss the inclusion of the property as part of the Kanwal Iconic Development Site. Discussions at this meeting centred around the intention for Lot 2 DP 518378 (the subject site for this development application) to be consolidated with the other surrounding lots owned by KL Properties Pty Ltd to form part of the overall Kanwal Iconic Development Site, rather than being considered in isolation. Since this meeting no further discussions have taken place with Council.

On 20 June 2011 a development proposal, prepared by Urbis (Urban Design Consultants) was submitted to Council for consideration. An assessment of this proposal revealed a number of issues that were required to be addressed having regard for the discussions of the 3 May meeting. These issues related to the following:

### **2.3 DA/1112/2009 - Proposed Change of Use from a Carpet Warehouse and Showroom to a Retail Premises (Liquor Shop) under Existing Use Provisions at Kanwal (contd)**

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- the Oasis Caravan Park site had not been integrated with the Wyong Leagues Club site which is fundamental to any proposed development on the Kanwal Iconic Development site and;
- the proposal predominantly consisted of retail development with no net community benefit.

Urbis was advised of these issues and to date Council has not received any additional information or entered into further discussions regarding the design of the proposal. This is despite the fact the Council has tried to make contact with the consultants.

Council has delayed its determination of the development application on Lot 2 DP 518378 to allow for appropriate discussions to take place with the owners of the site and enable them adequate time to be given enough time to decide how they wish to proceed with an alternative development on their land. The applicant has been requested to withdraw the current application on two separate occasions, the most recent being 19 September 2011, whereby the applicant was advised that if no response was received the application would be referred back to Council for determination. The applicant has failed to contact Council in relation to the application.

Taking into account the above and the following factors, it is recommended that the application be refused:-

- Statutory timeframes require the determination of applications within 40 days. The application has now been with Council for two years and it is appropriate to now finalise determination of the development application.
- The applicant has had 12 months to consider development options and to date, no further information has been provided to Council relating to the subject site. Determination of the application will not preclude consideration of future development options for the site.
- The proposal for the change of use from a carpet warehouse and showroom to a retail premises (liquor shop) under existing use rights is prohibited, therefore there is no ability for Council to approve the application.

It is considered reasonable for Council to determine the current application for a retail premises with a view to continue to work with the land owner to explore other options for their site. As the proposed use of the premises is prohibited under the provisions of the Wyong Local Environmental Plan 1991, Council has no alternative than to determine the application by refusal.

The premises are currently being used as a furniture shop without having obtained prior development consent. The current unauthorised use of the premises is prohibited and it is recommended that appropriate action be instigated to have the unlawful use cease.

#### **ATTACHMENTS**

1	Report to Council 13 October 2010	Enclosure	D02286191
2	Reasons for Refusal		D02347150
3	Development Plans - Fit Out Plan		D02347385
4	Development Plans - Site and Floor Plan		D02347382

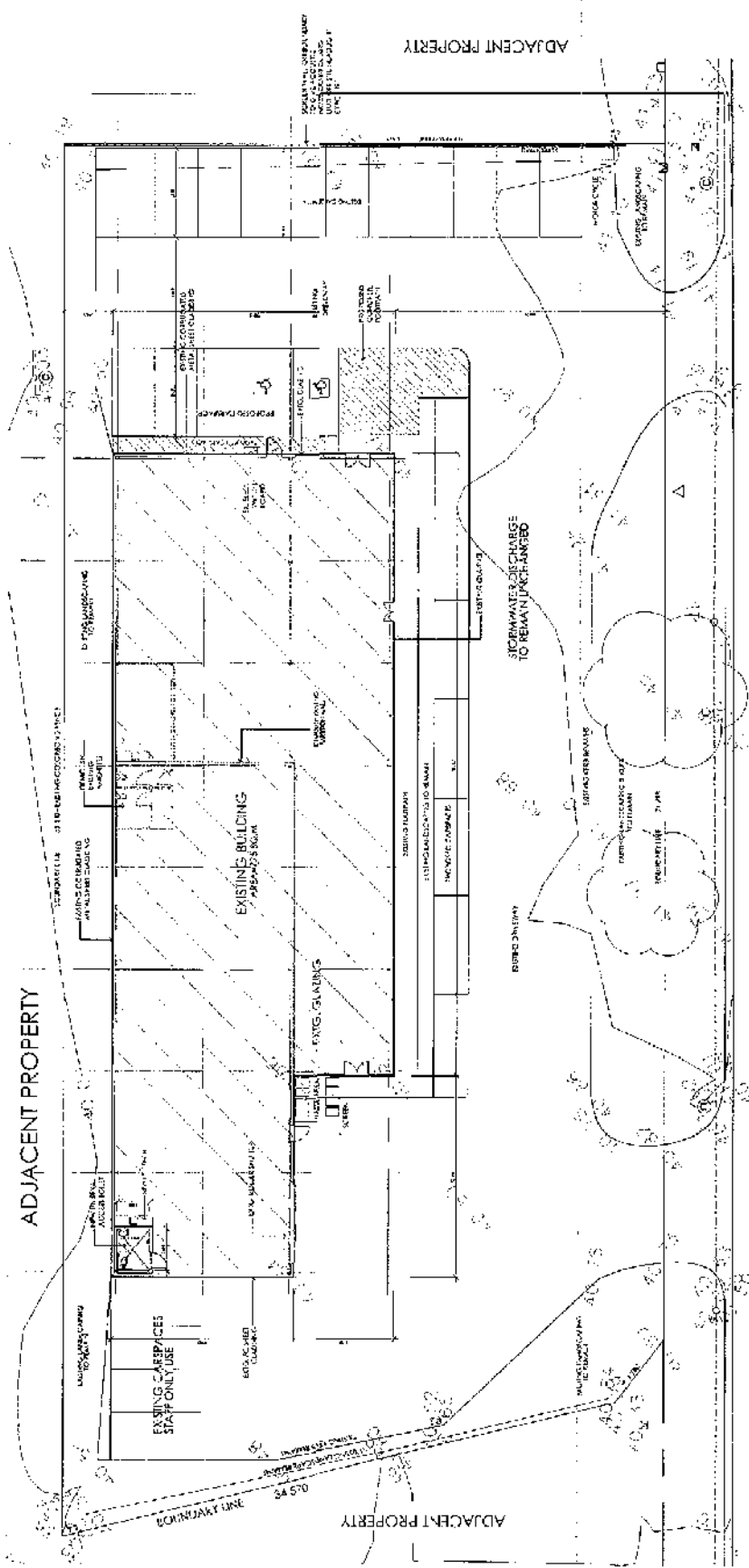
**Date:** 3 September 2010  
**Responsible Officer:** Emily Goodworth  
**Location:** 211 Wallarah Road, KANWAL NSW 2259  
Lot 2 DP 518378  
**Owner:** K L Properties Pty Ltd  
**Applicant:** K L Properties Pty Ltd  
**Date Of Application:** 8 October 2009  
**Application No:** DA/1112/2009  
**Proposed Development:** Re-use of existing building as a liquor outlet  
**Land Area:** 2883.00

### **REASONS FOR REFUSAL**

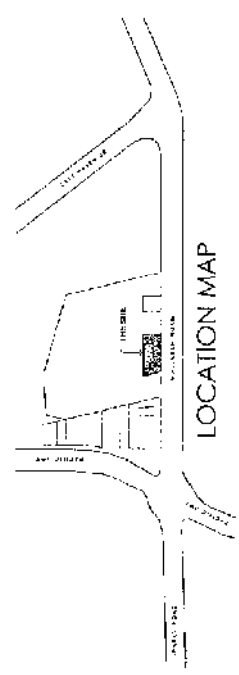
- 1** *Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the submission under Clause 41 of the Environmental Planning and Assessment Regulation 2000 relating to Existing Use Rights has not adequately demonstrated how the carpet warehouse and showroom could change its use to a retail premises having regard for the change of use provisions.*
- 2** *Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided in the Statement of Environmental Effects having regard for the requirements of Clause 50 and Schedule 1 of the Environmental Planning and Assessment Regulation 2000.*
- 3** *Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to adequately assess the likely impacts of the development.*







**SITE + FLOOR PLAN**



**LOCATION MAP**

LOT AREA - 2800 SQ. M.  
 COVERED AREA - 1000 SQ. M.  
 CAPACITY - 27 CARS  
 PARKING RATIO 1:27  
 \* WITHING COUNCIL TO CONFIRM RATE

**NB: ALL EXISTING LANDSCAPING TO REMAIN.**

**SITE PLAN+FLOOR PLAN+LOCATION PLAN**

**LEFFLER SIMES ARCHITECTS**  
 10/100 WOODSIDE DRIVE  
 WARRAWONG NSW 2204  
 TEL: (02) 4393 1111  
 FAX: (02) 4393 1112  
 WWW.LEFFLER-SIMES.COM.AU  
 PROJECT NO: 2018/001  
 DATE: 10/10/2018



**KANWAL LIQUOR STORE**  
 WALLARAH ROAD, KANWAL

DATE: 10/10/2018  
 DRAWN: [Name]  
 CHECKED: [Name]  
 SCALE: 1:100  
 PROJECT NO: 2018/001  
 DATE: 10/10/2018

### **3.1 Establishment of a Status of Women Advisory Committee**

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TRIM REFERENCE: F2004/06502 - D02640665

AUTHOR/ MANAGER: Lesley Crawley; Manager Corporate Governance

#### **SUMMARY**

Reporting on a Council resolution to investigate the formation of a Status of Women Committee.

#### **RECOMMENDATION**

- 1** *That Council establish a Status of Women Advisory Committee under Section 355 (c) of the Local Government Act, 1993.*
- 2** *That Council adopt the Status of Women Advisory Committee Terms of Reference attached to this report.*
- 3** *That Council elect Councillor membership to the Advisory Committee.*
- 4** *That Council note that the General Manager will determine community membership of the Committee in accordance with the Terms of Reference.*

#### **BACKGROUND**

Council has previously resolved to investigate the establishment of a Status of Women Committee as part of a review of the WSC Committee structure. On 10 November 2010 Council unanimously resolved:

- "1 That Council include consideration of a Status of Women Committee during their deliberations on the whole committee structure.*
- 2 That Council consider participation / membership to include Councillors, staff and community representatives to support women's issues within the Local Government area."*

Gosford City Councillor Vicki Scott addressed the Council in relation to the Status of Women Committee operating at Gosford City Council (GCC).

The GCC SoWC is classified as an advisory committee and consists of two Councillors and an alternate, two staff and six community representatives. The six community representatives are sourced from a variety of representative groups. A copy of the GCC Committee Terms of Reference is attached (Attachment 1).

The GCC model as described includes involvement in the conduct of events and has a budget of \$10,000 per annum.

### 3.1 Establishment of a Status of Women Advisory Committee (contd)

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Ryde City Council (RCC) also operates a Status of Women Advisory Committee. A copy of the Ryde City terms of reference is attached (Attachment 2). The RCC model has a more strategic focus, affording an opportunity for the Committee deliberations to inform the Council via input into the Strategic Plan.

#### **CURRENT STATUS**

An overall review of Committees was being undertaken during the time which this resolution was made. The review aimed to take a strategic approach to the Committee structure. The existing committee structure has developed on an ad-hoc basis over a number of years. A robust framework will enhance Council's governance and decision making system.

The review was reported to Council on 23 February 2011. At that meeting Council resolved:

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

*That Council defer the Review of Council and Committee Meeting Structure until a workshop on the proposal has been conducted with Councillors at the earliest possible convenience.”*

A workshop has been scheduled for the fourth quarter of 2011.

As the overall review is unlikely to be considered in the short term an individual response to the deferred resolution is now provided for the consideration of Council.

Council's collective views were taken into consideration as well as model Terms of Reference from GCC and RCC.

#### **THE PROPOSAL**

It is proposed to establish a Status of Women Committee.

The Gosford and Ryde committees have similar aims and objectives however the RCC model is considered to be a more suitable model to adopt in Wyong because its clearly defined strategic focus is more aligned with WSC's approach and Community Strategic Plan.

It is not proposed that this WSC advisory committee be involved in the operational matters concerning events. A more suitable model would see the committee acting in an engagement and advisory capacity supporting any interested community groups in the conduct of events.

The Advisory Committee's primary focus would be to address identified Status of Women issues in the community through input into WSC Strategic policies via the WSC strategic planning framework as indicated in the model below.

In addition the Committee would review the recommendations contained in the "The Way Forward-National Framework for Women in Local Government", published by the Australian Local Government Womens Association and identify any opportunities relevant to WSC.

### Model of Advisory Committee input to WSC Strategic Planning



#### Proposed Charter (key elements) of a WSC SOWAC are:

#### The primary role of the Status of Women Advisory Committee is to:

- To promote the Status of Women in Wyong LGA;
- To foster active participation from women in the Wyong LGA to link with established networks;
- To encourage and support the community to conduct and participate in organised women's events.
- To promote a regional focus on the Status of Women.

#### The Status of Women Advisory Committee is responsible for:

- To be involved with and influence the Wyong Shire Council Strategic Planning process to ensure the final document reflects the issues affecting women;
- To review and identify opportunities for WSC from the Way Forward-National Framework for Women in Local Government\*;
- To identify events, activities and opportunities to bring women together both in formal and social settings;
- To identify strategies to develop leadership opportunities for young women;
- To engage and liaise with GCC SOWAC to promote regional status of women issues.

### 3.1 Establishment of a Status of Women Advisory Committee (contd)

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\*The Way Forward-National Framework for Women in Local Government was published by the Australian Local Government Womens Association including strategies to address the Status of Women in Local government.

[http://www.algwa.net.au/files/VLJXY6QUTT/ALGWA\\_The\\_Way\\_Forward.pdf](http://www.algwa.net.au/files/VLJXY6QUTT/ALGWA_The_Way_Forward.pdf)

A copy of the proposed Terms of Reference for the WSC Status of Women Advisory Committee (SOWAC) is attached.

#### OPTIONS

Option 1 - Establish a WSC Status of Women Advisory Committee with the role and responsibility of the committee being to identify issues relating to the Status of Women in the Wyong Shire and inform the Wyong Strategic Plan. This is the preferred option, offering an opportunity for the Council to be informed by an advisory committee regarding matters which Council may then choose to include in the strategic planning process.

Option 2 - Approach GCC to establish a regional committee to identify regional issues relating to the Status of Women. This option would involve the consent of GCC.

Option 3 - Not establish a WSC Status of Women Advisory Committee.

Other options

Council may also consider adopting this TOR for its other Committees to ensure consistency in practice.

#### STRATEGIC LINKS

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

It is proposed that the Advisory Committee will be involved with and influence the Wyong Shire Council Strategic Planning process to ensure the final document reflects the issues affecting women in Wyong Shire.

##### **Long term Financial Strategy**

Nil

##### **Asset Management Strategy**

Nil

##### **Workforce Management Strategy**

Nil

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

The Proposed committee could significantly inform the Community Plan process by acting as a focus for the views of women on civic matters of concern.

The Committee would be fulfilling the aims of Community Connectedness – one of the key priorities of the CSP.

**Budget Impact**

The proposed advisory committee would not have delegated authority to expend funds on behalf of Council. Recommendations arising from the Advisory Committee would be considered by Council via its adopted strategic planning and budgetary processes.

An additional committee operating under the current committee structure represents an additional administrative resource to the organisation – an item not currently budgeted for 2011-12. The budget impact is estimated at \$4,000 per annum.

The additional resources indicated are staff attendance at the committee and administrative and secretariat duties. The terms of reference of the Committee set out that Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof. The Director of the appropriate Department will report to Council any Committee recommendations requiring the committing of Council funding.

**CONSULTATION**

NIL

**GOVERNANCE AND POLICY IMPLICATIONS**

The right to establish an Advisory Committee is given to Council under s355, of the Local Government Act 1993 (the Act).

Council must establish the Committee in accordance with s.259-s.271 of the Local Government Regulations (General) 2005 (the Regs.)

Council may either establish a Committee of which only Councillors are members (Section 355(b)) or an Advisory Committee where members non Councillors may also be part of the membership (355(c)).

It is proposed to establish an Advisory Committee where membership includes community representation and consensus rules may apply. Section 355 (c) of the Act provides a mechanism for a council to establish a body to exercise its functions partly or jointly by the council and another person or persons. These bodies do not necessarily require that membership of a councillor or staff member and are not restricted to membership of Councillors only. Council, by resolution may delegate certain powers to the body.

In this instance no formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

**Committee Accountability**

The Committee would be accountable to Council.

**Committee Membership**

With respect to existing SOWAC that have been investigated, Committee membership numbers vary between Councils depending on function. The roles and background of

### **3.1 Establishment of a Status of Women Advisory Committee (contd)**

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members is also varied but is always linked with the function of the committee. It is proposed that the membership of the SOWAC be:

- Minimum one Councillor
- Community Representatives (minimum 3 – maximum 6) representing a mix of the following:
  - Representatives of women's organisations
  - Highly regarded business professionals
  - Youth representatives
  - Multicultural Representatives
  - Aboriginal Representatives
  - Women who have previous advocacy experience highlighting women's issues
  - Individuals with specialist skills and professional interest in issues affecting women will be co-opted as required

The General Manager will determine the community membership via a process of expression of interest to groups nominated in the TOR.

The following Wyong Shire Council staff ordinarily attend the Committee meetings but are not members of the Committee:

- General Manager's Delegate
- Any staff member nominated by the General Manager.

#### **Chairperson**

In accordance with the proposed Terms of Reference the Chairperson of the Committee will be a Councillor or Staff Member as elected by Council.

In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting. A staff member appointed as Chairperson of the Committee does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

#### **Meeting Frequency**

The frequency of meetings is also dependent on the function of the committee and amongst other Councils, appears to range from monthly to quarterly. With respect to the recommended option to establish an SOWAC, it is proposed that meetings would be held quarterly.

**MATERIAL RISKS AND ISSUES**

NIL

**CONCLUSION**

The Council has indicated its intention to consider the establishment of an Advisory Committee which informs it regarding the Status of Women in Wyong Shire.

The role of the Advisory Committee would be to promote the status of Women in the Shire.

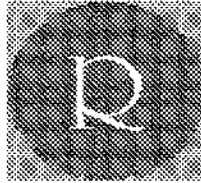
An Advisory Committee may be established under the Local Government Act, 1993. Terms of Reference proposed for the Committee is provided.

**ATTACHMENTS**

- |   |                                                            |           |
|---|------------------------------------------------------------|-----------|
| 1 | Gosford City Council Status of Women Committee TOR         | D02641854 |
| 2 | Ryde City Council - Status of Women Advisory Committee TOR | D02728226 |
| 3 | TOR - WSC Status of Women Advisory Committee V1.1          | D02729212 |



<b>STATUS OF WOMEN COMMITTEE</b>	
<b>Membership</b>	<p>Councillors Scott (Chair), Latella, Holstein and Maher OAM (alternate)</p> <p><i>Gosford City Council</i> Dianne Nelson - Equal Employment Co-ordinator Sue Verhoek - Team Leader Community Partnerships</p> <p><i>Community Representatives (up to 6)</i> Audrey McDonald, Rowena Newton, Shayne Silvers, Rachel Legge and Dixie Brown.</p> <p>The encourages representation of women from the diverse areas of interest in Gosford LGA, such as:</p> <p>Women who represent women's organisations Highly regarded professional women Youth representatives Multicultural Representatives Aboriginal Representatives</p>
<b>Terms of Reference</b>	<p>To promote the Status of Women in Gosford Local Government Area.</p> <p>To encourage a "sense of place" for women in the Gosford LGA.</p> <p>To foster active participation from women in the Gosford LGA to develop a centralised local networking hub.</p> <p>To hold events throughout each year including International Women's Day, that provide a forum for women to voice their concerns and discuss local issues.</p> <p>In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy</p>
<b>Meetings</b>	Monthly and as required.
<b>Appointed Minute No</b>	8 March 05, (2005/198)
<b>Reviewed Minute No</b>	11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 27 March 07 (2007/156); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 27 Jul 10 (2010/553); 2 Nov 10 (2010/746), 7 Dec 10 (2010/858)
<b>Type of Committee</b>	Advisory



City Of Ryde

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**STATUS OF WOMEN ADVISORY COMMITTEE**

**TERMS OF REFERENCE**

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 Terms of Reference – Status of Women Advisory Committee
 

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**DOCUMENT APPROVAL**

This Document has been approved by Council at its meeting held on 20 April 2010.

**DOCUMENT VERSION CONTROL**

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**CHANGE HISTORY**

Version	Issue Date	Author	Reason for Change
1.1	6/10/09	Scott Allen	Cttee TOR authorised
1.2	20/4/10	Shane Sullivan	Resolution of Council 8 July 2008 Minutes of all Advisory Committees to be incorporated in the business papers of the next Council/Committee meeting and then placed on Council's website. : page 7
1.2	20/4/10	Shane Sullivan	Resolution of Council 7 October 2008: - that at least one (1) Councillor delegate is required to be appointed (with no upper limit) : page 4 - the Mayor not automatically be represented on certain Committees : page 4 - that where the Mayor is appointed to be a delegate on an Advisory Committee, it not be necessary that the Mayor be Chairperson of this Committee : page 6 - that a Councillor or an appropriate staff member be Chairperson on an Advisory Committee : page 6
1.2	20/4/10	Shane Sullivan	Resolution of Council 20 April 2010 Provisions for casual vacancies: page 5
1.3	14/09/10	Jennifer Anderson	Resolution of Council 14 September 2010 to report all Minutes to CIB unless resolution of Council required: page 8

Terms of Reference – Status of Women Advisory Committee

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Terms of Reference – Status of Women Advisory Committee

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## 1. ROLE

**The primary role of the Status of Women Advisory Committee is to:**

- To promote the Status of Women in Ryde LGA;
- To encourage a 'sense of place' for women in the Ryde LGA;
- To foster active participation from women in the Ryde LGA to develop a centralised local networking hub;
- To hold events and support other organised women's events by external groups throughout each year including International Women's Day, which provide a forum for women to voice their concerns and discuss local issues.

## 2. RESPONSIBILITIES

**The Status of Women Advisory Committee is responsible for:**

- To be involved with and influence the Ryde 2030 Strategic Planning process to ensure the final document reflects the issues affecting women
- To review and identify opportunities for City of Ryde from the Way Forward-National Framework for Women in Local Government.
- To identify events, activities and opportunities to bring women together both in formal and social settings
- To advise Council on implementation of recommendations from social planning and service mapping processes.
- To identify strategies to develop leadership opportunities for young women

## 3. MEMBERSHIP, CHAIRPERSON AND VOTING

**Membership of the Status of Women Advisory Committee comprises:**

- No less than one (1) Councillor appointed annually  
*(Resolution of Council, 7 October 2008)*
- Eight (8) Community Representatives

**Note: the Mayor is not automatically represented on certain Committees**  
*(Resolution of Council, 7 October 2008)*

### Terms of Reference – Status of Women Advisory Committee

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Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives. These members shall be:

- Women who represent women's organisations
- Highly regarded professional women
- Women from CALD backgrounds
- Young women
- Women who have previous advocacy experience highlighting women's issues
- Individuals with specialist skills and professional interest in issues affecting women will be co-opted as required

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

- Manager – Community and Culture
- Social Policy and Planning Coordinator

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

#### **Term of Membership to Committee**

Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council although membership can be altered at any time by resolution of Council. Each September, the current membership of the Committee will be submitted to Council for confirmation.

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager.

#### **Casual Vacancy**

A casual vacancy caused by the resignation or death of a Member will be filled by undertaking the following process:

- (i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council or Committee of the Whole Meeting.
- (ii) The Committee Facilitator will provide a report to next available Council or Committee of the Whole Meeting regarding the proposed replacement that will give consideration to the following options;
  - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).

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 Terms of Reference – Status of Women Advisory Committee
 

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- (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.
- (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.
- (d) Where a vacancy occurs within 9 months of the end of the term of the current Council, the vacancy will not be filled
- (iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced

**The Chairperson of the Committee is:**

- A Councillor or Staff Member as elected by Council.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda. All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting.

A staff member appointed as Chairperson of the Committee, does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings which are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a staff member or Councillor. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee. *(Resolution of Council, 7 October 2008)*

**Committee Facilitator**

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee. The Facilitator has the right to refuse a request from a member of the public to address the Committee if it deemed more appropriate for that person to address a formal Council or Committee meeting.

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## Terms of Reference – Status of Women Advisory Committee

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### **Voting**

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

### **Proxy**

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

### **Quorum**

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

## **4. MEETINGS**

### **Meeting Schedule and Procedures**

Meetings are to be held quarterly from 5:30pm to 7:00pm. The Chairperson has the authority to call meetings.

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

Each meeting shall be properly recorded by the taking of minutes.

### **Public Participation**

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers, however, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.



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Terms of Reference – Status of Women Advisory Committee

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## 5. COMMUNICATIONS & REPORTING

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee Meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council policy, then the Minutes shall be reported to the next available Council or Committee of the Whole meeting. *(Resolution of Council, 14 September 2010)*

All agendas shall be published on Council's website within 5 days of completion.

All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council. *(Resolution of Council, 14 September 2010)*

A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

## 6. CODE OF CONDUCT AND OTHER COUNCIL POLICIES

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

# **WYONG SHIRE COUNCIL STATUS OF WOMEN ADVISORY COMMITTEE**



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## 1. Role

**The primary role of the Status of Women Advisory Committee is to:**

- To promote the Status of Women in Wyong LGA;
- To foster active participation from women in the Wyong LGA to link with established networks;
- To encourage and support the community to conduct and participate in organised women's events;
- To promote a regional focus on the Status of Women.

## 2. RESPONSIBILITIES

**The Status of Women Advisory Committee is responsible for:**

- To be involved with and influence the Wyong Shire Council Strategic Planning process to ensure the final document reflects the issues affecting women;
- To review and identify opportunities for WSC from the Way Forward-National Framework for Women in Local Government\*;
- To identify events, activities and opportunities to bring women together both in formal and social settings;
- To identify strategies to develop leadership opportunities for young women;
- To engage and liaise with GCC SOWAC to promote regional status of women issues.

\*The Way Forward-National Framework for Women in Local Government was published by the Australian Local Government Womens Association including strategies to address the Status of Women in Local government.

[http://www.algwa.net.au/files/VLJXY6QUTT/ALGWA\\_The\\_Way\\_Forward.pdf](http://www.algwa.net.au/files/VLJXY6QUTT/ALGWA_The_Way_Forward.pdf)

### 3. Membership

#### **Membership of the Status of Women Advisory Committee comprises:**

- No less than one (1) Councillor appointed annually
- Community Representatives (minimum 6 – maximum 8)

#### Notes:

1. the Mayor is not automatically represented on advisory Committees
2. Local residents shall be appointed by the General Manager in accordance with the criteria set out below, following advertisement for nominations in at least one local newspaper and on Council's website. Nominations are to be in writing.

#### These members shall be:

- Representatives of women's organisations
- Highly regarded business professionals
- Youth representatives
- Multicultural Representatives
- Aboriginal Representatives
- Women who have previous advocacy experience highlighting women's issues
- Individuals with specialist skills and professional interest in issues affecting women will be co-opted as required.

The following Wyong Shire Council staff ordinarily attend the Committee meetings but are not members of the Committee:

- General Manager's Delegate
- Any staff member nominated by the General Manager.

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

#### **4. Term of Membership to Committee**

Non Councillor Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council although membership can be altered at any time by resolution of Council.

Each September the Councillor membership will be considered.

Council staff will be appointed and removed by the General Manager.

#### **5. Casual Vacancy**

Casual vacancies will be appointed by the General Manager in accordance with the initial membership process.

#### **6. Chairperson**

**The Chairperson of the Committee is:** A Councillor or Staff Member as elected by Council.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda. All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Facilitator or a staff member shall chair the meeting.

A staff member appointed as Chairperson of the Committee does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

WSC's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings which are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a Councillor or a staff member. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee.

#### **7. Committee Facilitator**

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee.

The Facilitator has the right to refuse a request from a member of the public to address the Committee if it deemed more appropriate for that person to address a formal Council or Committee meeting.

## **8. Voting**

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

## **9. Quorum**

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

## **10. Meetings**

### **Meeting Schedule and Procedures**

Meetings are to be held quarterly. The Chairperson has the authority to call meetings. The Agenda and meeting papers shall be circulated to members at least 3 days prior to the meeting.

Each meeting shall be properly recorded by the taking of minutes.

## **11. Secretary**

The position shall be filled by a staff member from Corporate Governance. A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

## **12. Agenda**

All agenda items shall be submitted to the Council 14 days before the meeting. Members submitting items should ensure the content is given in sufficient detail to assist members understand the issues raised, or by providing additional supporting information.

If a Committee member wishes to raise an urgent/late item that is not on the agenda, it is at the Chairperson's discretion to determine the appropriate manner for dealing with the matter.

### **13. Minutes**

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- a Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- b A list of persons present.
- c Notification of endorsement of minutes from previous the meeting.
- d Whether there was business arising from the minutes.
- e Notation of reports or correspondence.
- f items of general business.
- g Time meeting closed, date and venue for next meeting.

### **14. Committee Members Non-Attendance at Meetings**

Committee members are expected to attend all Committee meetings.

Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, the organisation that that person represents will be requested to replace its representative.

### **15. Expenses of Committee Members**

Each participating organisation with membership of the Committee shall meet all costs of its members participation and attendance at Committee Meetings.

### **16. Public Participation**

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers; however, they cannot speak at a meeting unless prior arrangements are made through the staff. Presentations shall be limited to a maximum of 5 minutes.



## **17. Communications and Reporting**

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be circulated to all Councillors for information of the Committee Meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council policy, then the Minutes shall be reported to the next available Council or meeting.

All agendas and minutes shall be published on Council's website.

A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

## **18. Code of Conduct and Other Council Policies**

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

## **19. Procedure for Changing the Charter**

- a Council may amend the Charter by resolution.
- b The following procedures shall apply for the Committee to amend the Charter.
  - i Any proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
  - ii Any proposed changes will require the support of the majority of the Committee membership.
  - iii Proposed amendments to the Charter can be effective only after approval by the Council.

Any requests from Council management to amend the charter shall be directed to the management representative for submission to the Committee.

## **20. Committee Term**

The Committee will report to the Council and cease operation on 1 September 2012.

The Committee will cease to operate before 1 September 2012 if Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

### **3.2 Establishment of an Environment Committee**

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TRIM REFERENCE: F2004/06960 - D02689307

AUTHOR/ DIRECTOR: Gina Vereker; Director Environment and Planning Services

#### **SUMMARY**

At the Ordinary meeting of Council held on the 14 April 2010, Council resolved to establish a Strategic Environment Committee (SEC). This report provides a draft Charter for Council's consideration and asks Council to confirm the membership of the Committee.

#### **RECOMMENDATION**

- 1 That Council adopt the Charter of the Strategic Environment Committee.**
- 2 That Council determine the membership of the Strategic Environment Committee.**
- 3 That Council note the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee will continue to operate as a separate advisory committee.**

#### **BACKGROUND**

At the Ordinary meeting of Council held on the 9 September 2009, Council resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Best as follows:

*"That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee. The report should include, but not be limited to:*

- The Terms of Reference (charter, roles, responsibilities and function);*
- Possible membership;*
- Whether it should be a committee of Council; and*
- Report on environment committees that have been established in other Council areas, their roles, functions and achievements."*

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

AGAINST: NIL

At its meeting held on 14 April 2010, Council considered a report in response to the above resolution (See Attachment 1) and resolved on the motion of Councillor Wynn and seconded by Councillor Eaton as follows:

- “1 *That Council establish a strategic Environment Committee.*
- 2 *That Council determine the membership of this Environment Committee.*
- 3 *That Council consider a report on the charter of this Environment Committee.*
- 4 *That Council note that the purpose of the Environment Committee is to examine, develop, review and report to Council on broad shire wide strategic environmental issues and initiatives.*

FOR: COUNCILLORS EATON, MCNAMARA, SYMINGTON, WEBSTER AND WYNN  
AGAINST: COUNCILLORS GRAHAM, MCBRIDE AND VINCENT “

## **PROPOSAL**

### **Council Objectives**

Based on Council's resolution outlining the purpose of the SEC, it is understood that the goal Council wishes to achieve in establishing an SEC is enhanced strategic environmental management. The outcomes of the Committee should therefore assist in the following:

- Enhancing Councillors' understanding of strategic environmental issues.
- Enabling timely input by Council into corporate planning matters that potentially affect Council's ability to manage and influence strategic environmental issues.
- Enhancing Council's decision-making ability in respect of the prioritisation of environmental objectives as measured against social and economic objectives.

It is further proposed that the responsibilities of the SEC should therefore include:

- To enhance the Shire's environmental sustainability by way of the development and consideration of strategic environmental policy.
- To consider, examine and review broad shire wide strategic environmental issues and initiatives.
- To drive the implementation of the strategic environmental objectives contained within the Community Strategic Plan.
- To enable strategic and corporate focus to be given to the environmental aspects of the triple bottom line in a similar way to the Strategic Finance Committee and its consideration of economic aspects.

### **3.2 Establishment of an Environment Committee (contd)**

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- To encourage/consider Council's advocacy role at State and Federal Government level in relation to environmental issues affecting Wyong Shire.
- To develop and consider strategic environmental initiatives of benefit to the Shire such as carbon trading, bio banking etc.
- To develop strategic environmental KPI's and monitor Council's strategic environmental performance.

Taking into account the above objectives it is considered appropriate that the SEC perform a similar function in respect to environmental issues as is currently fulfilled by the Strategic Finance Committee in relation to financial matters. Therefore the draft Charter proposes that the Committee consist of Councillors and operate as a formal committee of Council.

To meet its strategic objectives, the Committee would not deal with operational matters such as individual development applications or local environmental plans. However, it would be appropriate that major strategic planning policies and documents that may substantially impact the environment (in a positive or negative way) be considered by the SEC. Examples of these would include the Shirewide Settlement Strategy, Comprehensive LEP, the environmental part of the State of the Shire Report, Natural Resources Strategy and the Biodiversity Management Plan.

#### **Role of Existing Committees**

The SEC will operate as the peak strategic environmental committee of Council. It therefore will perform an entirely different role to that of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC).

The current role fulfilled by the TLECFMC is of significant importance for Council, Government entities and the Community. The Committee must continue to function from a legislative point of view (as outlined in the Coastline Management Manual, Floodplain Management Manual and the Estuary Management Manual), and it performs an extremely important role in community engagement. However, the TLECFMC deals with particular aspects of the environment at an operational level. In contrast the SEC will deal with wider environmental issues at a strategic level.

**Legislative Background**

The right to establish an SEC is given to Council under s355, of the Local Government Act 1993 (the Act).

Council must establish the Committee in accordance with s.259-s.271 of the Local Government Regulations (General) 2005 (the Regs.)

**CONCLUSION**

Council has previously resolved to establish a Strategic Environment Committee. Attached for Council's consideration is a draft Charter for the operation of the Committee. It is recommended that the Committee be a formal committee of Council that performs a similar function to that of the Strategic Finance Committee. It is further recommended that the SEC be constituted separate to the TLECFMC on the basis that the TLECFMC has a specific and separate operational, legislative and community engagement role.

**ATTACHMENTS**

- |   |                                             |                     |
|---|---------------------------------------------|---------------------|
| 1 | Charter - Sustainable Environment Committee | D02803627           |
| 2 | Report to 14 April 2010                     | Enclosure D02132081 |



**CHARTER**

**OF THE**

**STRATEGIC ENVIRONMENT COMMITTEE**

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# CHARTER

## WYONG SHIRE STRATEGIC ENVIRONMENT COMMITTEE

### 1 ROLE

The goal for Council in establishing an SEC is to promote a more sustainable shire through the strategic management of environmental issues. The outcomes of the Committee should assist in

- Enhancing Councillor's understanding of strategic environmental issues.
- Enabling timely input by Council into corporate planning matters that potentially effect Council's ability to manage and influence strategic environmental issues.
- Enhancing Council's decision-making ability in respect of the prioritisation of environmental objectives as measured against social and economic objectives.

### 2 RESPONSIBILITIES

- To enhance the Shire's environmental sustainability by way of the development and consideration of strategic environmental policy.
- To consider, examine and review broad shire wide strategic environmental issues and initiatives.
- To drive the implementation of the strategic environmental objectives contained within the Community Strategic Plan.
- To enable strategic and corporate focus to be given to the environmental aspects of the triple bottom line in a similar way to the Strategic Finance Committee and its consideration of economic aspects.
- To encourage/consider Council's advocacy role at State and Federal Government level in relation to environmental issues affecting Wyong Shire.
- To develop and consider strategic environmental initiatives of benefit to the Shire such as carbon trading, bio banking etc.
- To develop strategic environmental KPI's and monitor Council's strategic environmental performance.

### 3 MEMBERSHIP

- The Mayor OR a Councillor elected as Chairperson by the Council.
- Minimum of 2 other Councillors elected by the Council.
- All other Councillors, if in attendance.

The Committee is established in accordance with Section 355 (b) of the Act and Section 260 of the Local Government Regulations 2005.

#### **4 TERM OF MEMBERSHIP TO COMMITTEE**

Each September the Councillor membership will be considered.

Council staff will be appointed and/or removed by the General Manager.

#### **5 CHAIRPERSON**

The Chairperson will be the Mayor or, in accordance with LG Regulation 2005 s.267. If the Mayor declines to be the chairperson of the Committee, the Council shall appoint a Chair within one month of the Mayor being elected to office. Should the Chairperson not be present, the Committee should elect a Chairperson from among its number.

#### **6 DECISION MAKING PROCEDURES**

A Committee of the council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.

No powers are delegated to the Committee and minutes shall be adopted by Council.

#### **7 VOTING**

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee. If voting is tied, the Chairperson has a casting vote.

#### **8 QUORUM**

A quorum of three members is required for any meeting.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson may re-schedule the meeting for another time.

#### **9 MEETINGS**

Meetings are to be held quarterly. The Chairperson has the authority to call meetings. The Agenda and meeting papers shall be circulated to members at least 3 days prior to the meeting.

Each meeting shall be properly recorded by the taking of minutes.

**10 SECRETARY:**

The position shall be filled by a Councillor Services staff member appointed by the Director of Corporate Services.

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

**11 AGENDA**

The Agenda shall be set by the General Manager and will be sent to each Councillor at least three days before each meeting of the Committee, specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

**12 MINUTES:**

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) Items of general business.
- (g) Time meeting closed, date and venue for next meeting.

**13 COMMITTEE MEMBERS' NON-ATTENDANCE AT MEETINGS:**

Committee members are expected to attend all Committee meetings.

Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, the organisation that the person represents will be requested to replace its representative.

**14 PUBLIC PARTICIPATION**

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers; however, they cannot speak at a meeting unless prior arrangements are made through the staff. Presentations shall be limited to a maximum of 5 minutes.

**15 COMMUNICATIONS AND REPORTING**

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

All agendas and minutes shall be published on Council's website.

The Committee shall report to the Council on each meeting held.

**16 PROCEDURE FOR CHANGING THE CHARTER**

(a) Council may amend the Charter by resolution.

(b) The following procedures shall apply for the Committee to propose an amendment of the Charter to Council.

- i Proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
- ii Proposed changes will require a majority vote of the Committee membership before recommendation can be made to Council.
- iii Amendments to the Charter will be effective after a resolution of approval by the Council.

**17 COMMITTEE TERM**

The Committee shall be appointed for the term of Council within one calendar month of the Council taking office after an election, and will cease operations six weeks prior to any election. Council may also dissolve the Committee by adopting a recommendation from the General Manager following a review of the Committee's activities that indicates that the Committee is either not fulfilling, or is in breach of its Charter.

Established	For Council consideration
Reports to	Council
File Reference	
Reviewed	
Review details	

### **3.3 Opportunity to increasing the Level of Service to Parks, Reserves and Roadside Vegetation Maintenance**

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TRIM REFERENCE: F2010/01191 - D02723438

AUTHOR/ MANAGER: AUTHOR: Brett Sherar; Manager Open Space

#### **SUMMARY**

This report provides options for increasing the level of service to Parks, Reserves and roadside vegetation maintenance in high visibility town entries and also provides the cost of this service.

#### **RECOMMENDATION**

- 1** *That Council agree to maintain the level of service to roadside vegetation maintenance to entries to the Shire, townships, high usage roads and high volume intersections that was increased at July 1, 2011, as outlined in this report.*
- 2** *That Council agree to maintain the current level of service for parks and reserves for the 2011/12 financial year.*
- 3** *That Council request staff to prepare a budget that allows for a higher level of service for parks and reserves to be considered as part of the 2012/13 business planning process.*

#### **BACKGROUND**

Councillors requested the General Manager provide further information on the levels of service of our open space roadside maintenance operations and options for improved levels of service for future consideration.

#### **Parks and Reserve Maintenance**

Council's Open Space Unit maintains 413 parks and reserves in Wyong Shire, these parks and reserves have three different levels of service.

- 61 parks have the highest level of service, being maintained every third week in the growing season (October – April) and every five weeks in the low season (May – September).
- 188 parks have the standard level of service, which are maintained every fifth week in the growing season and every eight weeks in the low season.
- The rest of the reserves are considered natural reserves and are maintained by tractor slasher at least once every three months.

A restructure of the then Open Space & Recreation section in 2008 allowed staff to focus on the specific tasks required to maintain parks and reserves in a safe and useable state within the allocated budget.

As part of this process many actions were taken to increase efficiencies. They included:

- Changes in mowers and other plant items were made to improve efficiency and therefore increased the area that could be mowed per hour.
- Applying chemical retardants to reduce growth rate of grass.
- Undertaking all non safety related asset repairs during low season.

When setting the mowing schedules staff considered available funding, available work hours, amount of maintenance that could be achieved per hour as well as the visibility and usage of each park.

With the current machinery, budget and staffing levels it is considered that the current level of service is optimal.

This level of service was introduced in October 2008 and has remained unchanged.

### **Roadside vegetation Maintenance**

Included for the first time in the 2008/09 budget was an initiative referred to as "Community Pride Mowing". This initiative funded an increased level of service to high visibility and high usage parks as well as focusing on the visual amenity of entries to the Shire, townships, high usage roads and high volume intersections.

Benchmarking surveys have indicated a substantial increase in community satisfaction with the quality of Wyong Shire's parks and reserves since the Community Pride initiative was introduced. Similar surveys have not been undertaken to gauge the community's satisfaction with the corresponding increase in service to the road assets.

At the 2010/11 Q1 review, due to budgetary pressures, numerous possible savings were put to Council to help reduce the budget deficit. One of the savings offered was the Community Pride roadside vegetation maintenance. The budget saving for this service was adopted by resolution and the works stopped immediately.

The level of service reduction has led to a material decrease to the visual amenity of areas previously maintained, leading to complaints from community members.

Four staff members (two x two man crews) were required to maintain the original level of service on the selected roadside areas on a four-five week rolling roster. The staff that undertook these works were re-deployed to vacant positions within the Open Space Unit.

## **CURRENT STATUS**

### **Parks and Reserve Maintenance**

The current status of the parks and reserve maintenance is that is unchanged since October 2008.

### **Roadside Vegetation Maintenance**

The adoption of the 2011/12 Annual Plan resulted in the Community Pride Roadside Vegetation Maintenance Program having its funding partially reinstated. This program re-

**3.3 Opportunity to increasing the Level of Service to Parks, Reserves and Roadside Vegetation Maintenance (contd)**

commenced on the 1<sup>st</sup> July 2011 allowing a six to ten week rolling works roster to sites listed in Table 1.

One team of two staff were reassigned to these works.

<b>ROAD ASSET VEGETATION CONTROL</b>
<b>Entry Points to Shire</b>
Elizabeth Bay Drive/Pacific Highway intersection Rutleys Road Mannering Park Kanangra Drive intersection Pacific Highway / Wye Road / Scenic Drive Doyalson Pacific Highway/ Sparks Road R.A.B. Pacific Highway/ Burns Rd Ourimbah Pacific Highway/ Walmsley Road Ourimbah Central Coast Highway/ Bellevue Road Bateau Bay
<b>Entry Points to Villages</b>
Buff Point roundabout corner Mannering Park entry Pacific Highway, San Remo intersection Budgewoi Road /Ouringo Road, Budgewoi Scenic Drive / Wills Road, San Remo Wilfred Barrett Drive/Dennison Road Noraville
Roundabout Wilfred Barrett Drive/Teralbah/Wyuna Nth Entrance Lake Haven Drive/ Chelmsford Road Lake Haven Lake Haven Drive/ Wallarah Road Pacific Highway/ Minnesota Road, Wadalba Pacific Highway/ Johns Road, Wadalba Pacific Highway/ Britannia Drive, Watanobbi Pacific Highway Cutler Drive to North Road Wyong Pacific Highway/ Howarth Street Overbridge rail embankment Wyong Pacific Highway / River Road, Wyong Hue Hue Road /Jilliby Road Jilliby Pacific Highway Ourimbah to Kangy Angy Eastern Road/ Tumbi Road, Killarney Vale Tumbi Road/ Bellevue Road, Tumbi Central Coast Highway from Bellevue to Long Jetty Lions Park Eastern Road to Brooke Avenue Killarney Vale Wyong Hospital intersection
<b>Town Villages</b>
Gwandalan Summerland Point Chain Valley Bay South Lake Munmorah Mannering Park Budgewoi/ Halikelani Buff Point

East Toukley
Charmhaven
San Remo
Gorokan
Norah Head
Kanwal
Tuggerawong
Watanobbi
Long Jetty
Toowoan Bay
Bateau Bay East
Bateau Bay/ Pacific Highway
Cresthaven
Killarney Vale, Robertson Rd
Killarney Vale,
Lakedge/ Bluebell
Lakedge/Shannon
Lakedge/ Elaine
Chittaway

*Table 1: Roadside assets maintained as part of the Community Pride roadside vegetation maintenance initiative.*

The Roads and Stormwater team also undertake roadside mowing which is undertaken when it is considered to be a danger to the public or impacts the vision of vehicles or for public amenity. A higher level of service is attributed to active parks and reserves than is undertaken on roadside mowing as parks and reserves supply the community with the opportunity to partake in recreational pursuits, they also require a higher level of public safety due to the number of users.

Staff recognise that there may be an issue in that residents don't understand why staff mowing the park can not mow nearby road reserves or the schedules are not the same. The levels of service for both parks and roadsides are set to match available budgets, any changes to these levels of service would require extra funding or a reduction of service in other areas.

## THE PROPOSAL

### Parks and Reserve Maintenance

As part of the 2012/13 business planning process Open Space management prepare a budget to Council that allows staff to maintain all high profile and standard parks and reserves on a three weekly roster in the growing season and five weekly roster in the low season. In recognition of the budget situation operational staff are consulted to find alternate and more efficient processes that may be introduced.

This year, out front mowing plant has been replaced with air conditioned enclosed cabins which allow staff to continue to mow in windy, dusty and hot weather. This meets OH&S requirements and allows for less lost time.

Some of the efficiencies that will be considered to increase the service levels for Parks and Reserve maintenance in the 2012/13 financial year include:



### **3.3 Opportunity to increasing the Level of Service to Parks, Reserves and Roadside Vegetation Maintenance (contd)**

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- Road registered high output gang mowers that have a much higher volume – Estimated \$130,000 each.
- Job share with construction – Open space in summer, working for road construction in winter on work that is not seasonal so Open space doesn't over resource in the low period.
- Large decks for slashers – Greater output per hour – Minimal cost at scheduled changeover.
- Upgrade a number of current mowers to multi cut to have greater output per hour – Extra \$30,000 to \$40,000 for initial replacement.
- Possible extra apprentice to cover for assistant who could be on multi mower. \$50,000 per annum.
- Design changes in reserves to reduce time, eg trees in groups with mulch around rather than singular trees.

Many of these efficiencies relate to capital purchase of equipment (that is not currently budgeted for) to increase the speed of which mowing is undertaken, enabling staff to do more within the time frame.

#### **Roadside vegetation Maintenance**

It is proposed that Council consider the options described below and select the most appropriate level of service, taking into consideration the costs of each and the community's needs, noting that an increased level of service will require a resolution to make an amendment to the Annual Plan to increase funding to undertake these works.

#### **OPTIONS**

There are three levels of service options for roadside maintenance as outlined in this proposal:

##### **Option 1**

No scheduled vegetation maintenance of the areas listed in Table 1. Servicing of these areas would be by request for service only. This level of service is not recommended as it detracts from the visual amenity of the Shire. Reactive maintenance is less cost effective than scheduled, during the last two quarters of the 2010/11 financial year no proactive maintenance led to complaints from the community.

##### **Option 2**

The current level of service allows for each of the sites in Table 1 to be maintained once every six to ten weeks on a rolling schedule. As the seasons change, the level of visual amenity will differ. This level of service is funded in the 2011/12 Annual Plan and was activated on 1 July 2011.

##### **Option 3**

Increase the current level of service to allow for each of the sites in Table 1 to be maintained once every three to four weeks on a rolling schedule (currently 8-10 weeks). This level of service is 50% funded and would require a further \$173,788.00. This includes wages, allowances, on costs, materials, plant hire, tipping fees etc.

Initial investigations into the cost benefits of undertaking the works via contractual arrangement rather than day labour have indicated no material difference in costs, therefore unless this increased level of service was adopted, there will be no further investigation into the benefits of undertaking this work via contract.

If this level of service is adopted and the cost benefit analysis shows that day labour is the most economical way to provide the service, an increase to the Open Space full time equivalent (FTE) staff allocation of two staff members will be required.

There are two options for efficiency gains outlined in this proposal:

#### Option 4

Staff continue to investigate operational efficiencies utilising existing equipment and current budget allocation.

#### Option 5

An increase in budget allocation to support the purchase of equipment and other efficiencies outlined in this report within the Open Space unit be considered in the planning for 12/13 planning processes.

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Activity and Objectives</i>	<i>Financial Line Item No and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Roads	Roads	Roadside vegetation maintenance to increase community satisfaction and enhance the amenity of high visibility roadsides.	D402 Local Roads 10.6500.191	Manage budgets within 5% variation.
Community Recreation	Sport, Leisure & Recreation	Increase the level of service to parks and reserve.  Increased capital replacement costs for plant.	10.5000.191	Community satisfaction with parks and reserves 7.5/10

#### Contribution of Proposal to the Principal Activity

#### Long term Financial Strategy

The increased cost if this increase in level of service was adopted would increase Council's net deficit.

### **3.3 Opportunity to increasing the Level of Service to Parks, Reserves and Roadside Vegetation Maintenance (contd)**

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#### **Asset Management Strategy**

Open Space utilises a large number of plant equipment, if changes were made to this equipment the management and maintenance of both the current and new equipment would need to be considered as part of managing Council's assets.

#### **Workforce Management Strategy**

If option 3 is resolved by Council, it will require two permanent Full Time Employee (FTE).

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

Enhancement of Council's Roadside Vegetation Maintenance and increased service levels across our open space will help assist in creating a sense of pride in the area and provide quality open spaces for the community to use. This supports objective 1: Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.

#### **Budget Impact**

Option 3 will require Council to source \$173,788.00 to fund in the 2011/12 financial year. This cost will recur (indexed) for future budgets.

Option 5 will also require future budget, the amount will be dependent on what elements are selected to support efficiency improvements.

#### **CONSULTATION**

Staff in Open Space continually identify possible efficiency improvements through service unit planning which has resulted in changes in the past and has informed the options provided in this report. There has been no formal consultation on this report.

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

Nil impact

#### **MATERIAL RISKS AND ISSUES**

Nil impact

#### **CONCLUSION**

Open space is an important part of any community, for both active and passive use and the visual amenity of an area, as our entry points to our towns and villages. Currently staff maintain these areas to an agreed level. Many efficiency gains were identified and have been undertaken as a result of the restructure of Open Space in 2008. Even so, staff continually aim to find efficiencies within our processes and programming to make better use of the budget allocation and provide a better level of service to the community.

If Council wish to provide further funding for capital purchases to assist in creating further efficiencies, a budget allocation would be required.

If Council wish to introduce a high level of service for the roadside vegetation maintenance the cost versus benefit needs to be considered. The cost is established earlier in this document but the benefit is not easily measured. Staff believe that the level of service introduced on 1 July 2011 may satisfy the community and should be maintained.

The levels of service for both parks and roadsides are set to match available budgets, any changes to these levels of service would require extra funding or a reduction of service in other areas.

#### **ATTACHMENTS**

*Nil.*

### **3.4 Exhibition of Porters Creek Floodplain Risk Management Plan**

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TRIM REFERENCE: CPA/168276 - D02795624

MANAGER: Robert Fulcher, Manager Asset Management

AUTHOR: Shah Alam; Engineer Hydrology

#### **SUMMARY**

As part of Wyong Shire Council's Floodplain Management Program, the exhibition report of the Porters Creek Floodplain Risk Management Study has been finalised and subsequently the DRAFT Porters Creek Floodplain Risk Management Plan (The Plan) has been prepared in accordance with the NSW Government Floodplain Management Program. The DRAFT Plan recommends a set of measures to manage the existing and future flood risk in the Porters Creek catchment. The DRAFT Plan requires close consideration by all different stakeholders, including the general community, prior to finalisation and adoption by Council.

#### **RECOMMENDATION**

- 1 That Council adopt the Porters Creek Floodplain Risk Management Study.**
- 2 That Council endorse the Porters Creek Floodplain Risk Management Plan for public exhibition.**
- 3 That Council endorse the public exhibition period to extend from 1 November 2011 to 1 December 2011.**

#### **BACKGROUND**

The DRAFT Porters Creek Floodplain Risk Management Study and Plan (FRMS&P) has been prepared in accordance with the NSW Floodplain Development Manual (2005) and relevant updated Guidelines from the NSW Government. The DRAFT Plan has used information from the Porters Creek Flood Study (2009), Porters Creek Flood Study - Addendum 1 (2011) and Porters Creek Floodplain Risk Management Study (2011) to conclude with the recommended measures suitable for managing existing and future flood risks within the Porters Creek catchment. The Porters Creek Flood Study (2009) and Porters Creek Flood Study - Addendum 1 (2011) provided information on flooding mechanisms and the extent and magnitude of floodprone land within the catchment. The Porters Creek Floodplain Risk Management Study (2011) examined existing and future risks associated with flooding and assessed a range of floodplain management options to manage those risks. This work included an assessment of the social, economic and environmental impacts of each of these management options, together with opportunities to enhance the floodplain environments.

The primary aim of the Porters Creek Floodplain Risk Management Plan is to recommend measures for managing existing and future flood risks to people and properties in the catchment and develop planning guidance to ensure future development is planned in a manner consistent with the flood risk.

### **3.4 Exhibition of Porters Creek Floodplain Risk Management Plan (contd)**

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The Porters Creek Floodplain Risk Management Study was finalised considering feedback received from stakeholders and the community through consultations and public exhibition of the report for an extensive period of 8 (eight) weeks in early 2011. This has eliminated the need for exhibiting the DRAFT Plan publicly for such extensive period of 8 (eight) weeks. Therefore the Plan is being proposed for public exhibition for a period of 4 (four) weeks, after which the DRAFT Plan will be finalised after giving consideration to the comments received during the public exhibition. The final Plan will then be presented to Council for adoption.

The Porters Creek Floodplain Risk Management Study and Plan was two thirds (2 / 3) funded by the Office of Environment and Heritage (OEH) under their Floodplain Management Program.

#### **Porters Creek flooding**

The catchment area of Porters Creek is approximately 55 square kilometres and includes the suburbs of Kanwal, Hamlyn Terrace, Woongarra, Warnervale, Watanobbi and Jilliby. The Porters Creek system consists of three (3) major creeks system: Woongarra Creek, Buttonderry Creek and Hue Hue Creek. The Woongarra Creek conveys runoff from Kanwal, Hamlyn Terrace, Woongarra and Watanobbi. The Buttonderry and Hue Hue Creeks convey runoff from Jilliby and Warnervale. All three creeks confluence into the Porters Creek Wetland located west of the Northern Railway line. Porters Creek wetland drains through Porters Creek into Wyong River near the Wyong Christian School at Alison Road, Wyong. The low-lying southern part of the study area can also be affected by backwater flooding from Wyong River.

Porters Creek has a history of major and minor flooding. The most significant recent flood occurred in October 2004 and June 2007. The June 2007 flood event was believed to be equivalent to a 5% Annual Exceedance Probability (AEP) flood event. This is equal to a 20 year Average Recurrence Interval (ARI) flood event. The October 2004 flood had more localised flood impact within the Porters Creek catchment, particularly in the Warnervale, Hamlyn Terrace, Woongarra and Kanwal areas.

#### **Porters Creek Flood Study Addendum 2011**

The Porters Creek Flood study was completed in 2009. An addendum to this study was completed in June 2011 as part of the floodplain risk management study to reflect the current catchment condition and to include up to date climate change guidance from NSW State Government. The key results provided from the study were:

**Probable Maximum Flood (PMF)**, 0.5%, 1%, 2%, 5%, 10% and 20% AEP flood information in the form of flood height, depths and velocity. These equate to the 200 year ARI, 100 year ARI, 50 year ARI, 20 year ARI, 10 year ARI and 5 year ARI design storm event.

Sensitivity analyses for several different key factors were examined to assess the Porters Creek catchment's response to variation of these factors. The key factors assessed were:

**Climate change** - based on the DECCW guidelines: 'Floodplain Risk Management Guideline: Practical consideration of Climate Change – October 2007' the following two climate change scenarios were modelled and tested to understand the catchment response to potential climate change:

- 15% increase in 1% AEP design storm rainfall intensity
- 30% increase in 1% AEP design storm rainfall intensity

### 3.4 Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

The results indicated 15% and 30% increase in rainfall intensity could add up to 0.3 and 0.5 metre depth, respectively, to the 1% AEP flood levels at particular locations. Average increases to the depth for a 15 % increase rainfall in the catchment were less than 0.1 metre. The 1% AEP design storm event was the only event examined for this sensitivity analysis.

**Culvert blockage** - Was examined in seven (7) key locations for 20 year ARI, 100 year ARI and PMF flood events. A 50% reduction in design capacity was assessed at each of these locations. The assessment indicated that such blockages could have localised impact of between 0.8 metre to 1.0 metre upstream of the structures.

**Surface Roughness** – It is considered that surface roughness is likely to increase in areas of the floodplain where dense vegetation would occur naturally as it is expected that the floodplain will re-establish and regenerate. In general the increase in the 1% AEP flood levels was in the range of no increase to 0.25 metre increase.

#### Porters Creek Floodplain Risk Management Study (2011)

The Porters Creek Floodplain Risk Management Study (2011) was prepared based on the Porters Creek Flood Study (2009) and Addendum 1 (2011). The risk management study examined the existing and future flood risk within the catchment and assessed potential floodplain risk management measures suitable for the catchment. This Study was finalised considering feedback received from stakeholders, including the general community, through consultations and public exhibition of the report for an extensive period of 8 (eight) weeks in early 2011.

Reference is made to the enclosure – ‘Porters Creek Floodplain Risk Management Study (2011)’

#### **Flood Hazard Classification for Porters Creek**

Provisional flood hazard is based on the combination of the peak depth and velocity of floodwaters. The peak velocity and depth results from the 5% AEP, 1% AEP and PMF were used to develop the velocity-depth relationship across the floodplain and determine the provisional flood hazard for each of these design storm events.

The hydraulic flood hazard category is refined to reflect the impact of all relevant factors which may affect the safety of individuals. This resultant hazard classification is called the true flood hazard, and forms the basis of all decisions in the floodplain risk management study and plan.

For Porters Creek, the following factors were considered to determine the true flood hazard.

Criteria	Comment
Size of the flood	Flood hazard has been assessed for the PMF, 1% AEP and 5% AEP design storm events. As the size of the flood increases in the Porters Creek catchment, the damages increase significantly.
Effective Warning time	There is generally insufficient warning time in the urban catchment to the east of the railway, with the critical storm duration of two (2) hours for the 5% AEP and 1% AEP design storm events. In other areas, particularly the low lying southern parts of the catchment, the critical storm duration is 9 hours,

	which enables adequate warning time to notify residents.
Flood Readiness	Flood readiness or preparedness can greatly influence the time taken by flood affected residents and visitors to respond in an efficient pattern to flood warnings. The responses from the resident survey suggest that around fifty percent (50%) of the residents are not concerned about flooding in the catchment. Flood awareness of larger floods is likely to be relatively low except for rural residential areas across the lower floodplain where over floor flooding is common in the five (5) year ARI.
Rate of Rise of floodwaters	The rate of rise of floodwaters affects the magnitude of the consequence of a flood event. Generally a rate of rise of 0.5 metre/hour in conjunction with the flood depth equal to or greater than 0.5 metre has been considered as indicative of high hazard. In the Porters Creek catchment, these areas are located within the provisional high hazard area.
Duration of flooding	The duration of flooding can have a significant impact on the costs and disruption associated with flooding. The low lying areas of the Porters Creek catchment are flooded for 9 to 36 hours and are covered by the provisional high hazard area.
Ease of evacuation	Ease of evacuation considers the number of people requiring assistance; mobility of those being evacuated; time of day and suitable evacuation equipment. The duration of flooding in the urban areas of the catchment is short. Therefore evacuation issues for the majority of the catchment are not considered to be an issue except for properties that experience over floor flooding in the 100 year ARI and PMF events that do not have a second level they can vertically evacuate to. There are a total of eighteen (18) residential properties in the 100 year ARI event and ninety three (93) in the PMF event that experience over floor flooding and are therefore considered high hazard.
Effective flood access	Effective access implies that there is an exit route available that remains trafficable for sufficient time to evacuate people and possessions. Road crossings are considered impassable for a flood depth 0.2 metre or greater and for a period of one hour (1) or longer in 1% AEP flood event. In the Porters Creek catchment the roads that are impassable include Warnervale Road at the Woongarra Creek crossing; Hue Hue Road at the Buttonderry Creek crossing; Alison Road at the confluence of Porters Creek and Wyong River, Minnesota Road and Louisiana Road.
Type of development	The degree of hazard to be managed is a function of the type of development and resident mobility. The land use in the study area is generally residential with some small areas of commercial and industrial. There are a number of child care facilities, as well as the Wyong Christian School that are located in the floodprone areas.

### Flood Damage Assessment

Flood damages can be classified as tangible or intangible. Tangible damages are those for which monetary value can be assigned; intangible damages are those which cannot easily



### 3.4 Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

be attributed a money value. Intangible damages include the social impacts as a result of flood events, such as stress, loss of life or serious injury, depression, insecurity or inconvenience.

As part of this study, floor level information for properties which experience over floor flooding in 1% AEP flood event was provided by Council. This information was then used to estimate flood damages for the Porters Creek catchment, which includes residential, commercial and industrial properties.

Design storm event ARI	Design storm event AEP	Number of properties with over floor flooding	Number of properties with overground flooding	Estimated damage (\$ March 2010)
5 year ARI	20 % AEP	17	35	\$2,363,385
10 year ARI	10 % AEP	17	40	\$2,467,744
20 year ARI	5 % AEP	18	45	\$2,654,260
50 year ARI	2% AEP	19	51	\$2,963,465
100 year ARI	1% AEP	26	53	\$3,763,148
PMF	PMF	129	229	\$25,181,731

NOTE: ARI = Average Recurrence Interval  
 AEP = Annual Exceedance Probability  
 PMF = Probable Maximum Flood

#### Floodplain Management Measures

The Porters Creek Floodplain Risk Management Study provides the basis for assessment of the floodplain management measures, which will form the basis for determining a coherent and integrated Management Plan. Accordingly, community input is vital in determining the most appropriate means of managing the flood risk of Porters Creek to enable the ongoing occupation of the floodplain. A summary is provided below of the potential measures investigated for the management of the floodprone areas of Porters Creek. A detailed description of each of the floodplain management measures can be found in the Porters Creek Floodplain Risk Management Study, pages 61 – 73.

#### 1. Flood Modification Measures

The following flood modification measures are considered for Porters Creek:

- Detention Basins;
- Upgrade of inundated Road Crossings;
- Channel Improvements;
- Levees.

#### 2. Response Modification Measures

The following response modification measures are considered for Porters Creek:

- Information Transfer to SES;
- Update Local Flood Plan (SES);
- Community Awareness/Education;
- Flood Prediction and Warning System;
- Flood Warning Signs at Critical Locations.

### 3. Property Modification Measures

The following property modification measures are considered for Porters Creek:

- Building and Development Controls;
- Zoning;
- Voluntary Purchase;
- Voluntary House Raising/Rebuilding;
- Land Swap;
- Flood Proofing Building.

A total of 23 potential risk management options were investigated and further assessed against a range of criteria: economic, environmental and social. These options were then ranked based on their Socio-economic merits and the feedback received from the stakeholder consultations. Finally the study recommended 15 (fifteen) options for inclusion in the Plan.

### THE PROPOSAL

Council has an obligation to manage the flood risk in the Porters Creek catchment, which includes residential, commercial and environmental occupants of the floodplain. Despite the large areas of Porters Creek floodplain that are already occupied, Council has the opportunity to manage the continuing flood risk for these occupants, as well as minimise future flood risks with flood mitigation measures that are specific to the Porters Creek catchment.

The Porters Creek catchment is undergoing urban development predominantly in the eastern part of the catchment, upstream of the Northern Railway. Further land release is planned in eastern and northern parts of the catchment. It is necessary to put robust planning policies in place to ensure that flood risk is managed as the urban development progresses. Thus the Porters Creek Floodplain Risk Management Plan recommends a mix of strategies to manage the risks of flooding, based on the outcomes from the Floodplain Risk Management Study. The risk management options were prioritised for implementation based on the following criteria:

- Cost Benefit Ratio
- Capital cost
- Timing (i.e. construction period)
- Available resources
- Funding Source
- Community and Stakeholder expectations

The risk management options recommended in the Plan are presented below according to their priority:

1. Option P1 – Planning Controls
2. Option P2 – Development Controls
3. Option 1.10 - Natural Channel Maintenance

### 3.4 Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

4. Option EM1 - Information Transfer to SES
5. Option EM2 – Revise the Wyong Local Flood Plan
6. Option EM3 –Wyong Community Christian School Emergency Management Plan Update
7. Option EM4 – Community Flood Awareness
8. Option EM5 – Signage at road crossings
9. Option DC1 – Data Collection Strategy
10. Option 1.5 – Raise Road Levels of Hue Hue Road at Buttonderry Creek Crossing
11. Option 1.8 - Warnervale Road Upgrade at Ebony Drive
12. Option 1.9 - Bingarra Channel Crossing at Minnesota Road
13. Option P7 – Flood Proofing Controls
14. Option P3 – House Raising for non-slab on ground houses up to the 5 year ARI
15. Option 2.1 – Lucca Road Levee Extension

The table below provides estimated capital and recurring costs of each option recommended in the Plan:

ID	Name	Description	Capital Cost	Recurring Cost	Fund Source	Priority
P1	Planning Controls	Local Environmental Plan (LEP) – Wyong update	\$5,000	\$1,000	Council	High
P2	Building and Development Controls	Development Control Plan (DCP) Chapter 113 - Flooding	\$15,000	\$1,000	Council	High
P3	House raising - up to 5yr	Raising habitable building's floor above 5 year ARI flood level	\$640,000	\$35,000	Council	Low
P7	Flood proofing guidelines	Involves modification to existing structures or design and construction of new structures considering the associated risk from flooding.	\$15,000	\$1,000	Council	Medium
EM1	Information Transfer to SES	Transfer of information such as flood extent map, Hazard maps, and major roads cut-off for different ARI flood events.	\$3,000	\$3,000	Council/SES	High
EM2	Revisals of SES Local Flood Plan/DISPLAN	Updating DISPLAN and Local flood plan with the information provided in this report.	\$30,000	\$2,000	Council/SES	High
EM3	Flood Warning System	Introduction of alarm system based on real-time information from water level and rain gauges to warn emergency management staff that flood is imminent.	\$0	\$0	Council/SES	High
EM4	Community Flood Awareness	Community within the catchment must be aware of what to do in the event of flood, their responsibility and where to seek assistance.	\$20,000	\$5,000	Council/SES	High
EM5	Signage at road Crossings	Installation of signs that read 'Do not drive through flood	\$10,000	\$200	Council	High

## 3.4

## Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

ID	Name	Description	Capital Cost	Recurring Cost	Fund Source	Priority
		water' at Alison Road near Wyong Community Christian School, Minnesota Road and Warnervale Road.				
1.5	Buttonderry Creek crossing at Hue Hue Road	Raise the Hue Hue Road crown to flood planning level (FPL) to make the road trafficable for flood events up to and including 100 year ARI. No culverts are proposed to retain hydraulic behaviour in the creek downstream.	\$595,200	\$5,000	Council/OEH	Medium
1.8	Warnervale Road Upgrade at Ebony Drive	Raise the road crown level of Warnervale Road and provide a new culvert to increase serviceability of road and reduce flood risk to adjacent property.	\$3,500,000	\$20,000	Council	Medium
1.9	Bingarrah Creek Crossing at Minnesota Road	It is proposed to raise the road crown level and provide a series of culverts to increase serviceability of road up to and including the 100 year ARI.	\$5,000,000	\$50,000	Council	Medium
1.10	Natural Channel Maintenance	A plan of management for each natural flow path will be required for 3 flow paths including Woongarra Creek, Bingarra channel and Kanwal channel. The maintenance work involves removal of sediment and weeds at culverts or bridges in residential areas.	\$643,200	\$480,000	Council/OEH	High
2.1	Lucca Rd Levee Extension	Extension of existing levee along the rear property boundary by an earth bund up to a level of 6.5 m AHD to protect property from the 100 year ARI flood level of 6.2 m AHD	\$545,000	\$10,000	Council/OEH	Low
DC1	Data Collection	Preparation of a flood data collection form and use of this form following a flood event	\$5,000	\$3,000	Council/SES	High
<b>Total cost of implementing the Plan</b>			<b>\$11,026,400</b>	<b>\$613,200</b>		

Based on the options recommended above, the cost of implementing the Plan would be an estimated capital cost of approximately \$11M and an annual recurrent cost of approximately \$620,000.

### 3.4 Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

While existing flood risks are managed through implementation of the flood mitigation measures, flood risk to the future development can be best managed through the application of appropriate land use planning control. Thus a development control matrix has been prepared to guide future development within the Porters Creek Floodplain. Based on the flooding regime and associated flood hazard the floodplain of the Porters Creek has been divided into three flood planning areas. The proposed development control matrix relates to the three flood planning areas:

- Flood Planning Area 1: The area of land below the level of the PMF and above the level of the FPL
- Flood Planning Area 2: The area of land below the level of the FPL and above the level of a combination of the Floodway/True High Hazard Areas
- Flood Planning Area 3: The area of land below the Floodway/True High Hazard Areas

The flood planning level for residential development is recommended to be the designated flood level plus 500mm freeboard. The designated flood is the 100 year ARI plus 15% rainfall intensity increase. This takes into account the projected impacts of climate change according to the latest available guidelines for the NSW Central Coast. The flood planning controls are applied to building and development in the catchment through a flood planning matrix to be included in Council's Floodprone Land Development Control Plan (DCP 2005 chapter 113). The summary of the development control matrix and associated flood planning controls are provided below:

#### Porters Creek Floodplain Development Control Matrix:

	Flood Planning Area 1										Flood Planning Area 2										Flood Planning Area 3										
	Critical Infrastructure	Sensitive Uses and Facilities	Land Subdivision	Low Density Residential	Medium to High Density Res.	Commercial and Industrial	Sheds/Garages/ancillary residential	Tourist Development	Agricultural and Recreation	Earthworks	Critical Infrastructure	Sensitive Uses and Facilities	Land Subdivision	Low Density Residential	Medium to High Density Res.	Commercial and Industrial Uses	Sheds/Garages/ancillary residential	Tourist Development	Agricultural and Recreation	Earthworks	Critical Infrastructure and Facilities	Sensitive Uses and Facilities	Land Subdivision	Low Density Residential	Medium to High Density Residential	Commercial and Industrial Uses	Sheds/Garages/ancillary residential	Tourist Development	Agricultural and Recreation	Earthworks	
Floor Level	3,5	3,5												1,5	2,5	5,6	1,5	4													4
Building Components	1,3	1,3												1	1,2,3	1	1,2,3	1												1	
Structural Soundness	1	1												1	1	1	1	1	1	1										1	1
Flood Affection	1	1						1,2						1,2	1	1		1	1	1,2									1,2	1,2	
Evacuation	1	1												1,2	1,2			1,2,3	1,2										1,2		
Access	1	1											1,2	1,2	1,2			1,2	1									1			
Other	1	1											2			1	3	1										1			

**Colour Legend**

- Unsuitable land use- requires performance based assessment
- Not Relevant
- 1 Flood related controls apply

← FPA1 →

## Flood Planning Development Controls:

**Floor Level**

- 1 = Flood Planning Level (FPL) for residential development Designated flood level plus 500mm freeboard
- 2 = FPL for commercial and industrial development = Designated flood level plus 0mm freeboard
- 3 = FPL is PMF level plus 0mm freeboard
- 4 = FPL for non habitable floor is 20% AEP flood level with 0mm freeboard
- 5 = Mine subsidence allowance to be added to flood level to determine flood planning level, if applicable. Information is to be obtained by applicant from Mine Subsidence Board.
- 6 = Ground level. Absolute minimal filling will be permitted to provide vehicular access to sheds and other residential ancillary structures such as pools and gazebos, where required.

**Building Components**

- 1 = Any part of the building located below the FPL to be constructed of flood compatible materials.
- 2 = Basement carpark entry level to be the designated flood level plus 500mm or the PMF, whichever is the higher.
- 3 = Above ground carparks are to be at a minimum level of 150mm below the designated flood. Flood Affection rules 1 and 2 below apply where filling is proposed.

**Structural Soundness**

- 1 = Engineering report - the structures can withstand floodwater forces including debris and buoyancy up to the FPL.

**Flood Affection**

- 1 = Engineering report to certify that the development will not increase flood affection elsewhere, having regard to a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity, d) negligible impact to flood hazard as a result of development
- 2 = There must be no loss in floodplain storage or floodway capacity as a result of earthworks i.e. filling will only be permitted with the equivalent level-for-level excavation in the same floodplain, provided that the fundamental flow patterns are not significantly altered.

**Evacuation**

- 1 = Engineers report demonstrating that permanent, failsafe, maintenance free measures are incorporated in to the development for timely and safe evacuation of people without significant cost added to the development.
- 2 = Where flood evacuation from the property cannot be provided, flood refuge above the level of the PMF is required on the property for a minimum of 1 day during a flood event
- 3 = Effective evacuation plan is to be developed by the park manager, in conjunction with the SES, with adequate documentation (signs) of the plan to be displayed around the park. Plan is to be updated every 2 years.

**Access**

- 1 = Emergency vehicle access for ambulance, SES and fire trucks for all floods up to and including the designated flood level.
- 2 = Access for pedestrians or vehicles required during the designated flood event to an appropriate area of refuge located above the PMF level.

**Other**

- 1 = Provision of adequate flood liability information and advice to residents, attendants, guests and /or visitors
- 2 = Creation of fully flood affected lots (in flood planning area 3) through subdivision of parent lots that are partially flood prone will not be permissible.
- 3 = Maximum size of enclosed shed/garage/ancillary structure is 50m<sup>2</sup>

**Definitions**

Designated Flood (residential) = 1% AEP design storm event plus 15% rainfall intensity increase

Floodway = Those areas, often aligned with obvious naturally defined channels, where a significant discharge of water occurs during floods. They are also areas where, if only partially blocked, will cause a significant redistribution of flood flow or significant increase in flood levels, which many impact on other properties.

PMF – Probable Maximum Flood

ARI – Average Recurrence Interval

SES – State Emergency

Reference is made to the enclosure – 'Porters Creek Floodplain Risk Management Plan – Exhibition Report (2011)'

## OPTIONS

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the NSW Floodplain Development Manual and other relevant State Government Policies. The information presented in the Porters Creek Floodplain Risk Management Study (2011) is the best available information Council has on the risks of flooding in the catchment, and the recommended floodplain management measures provided in the 'Porters Creek Floodplain Risk Management Plan (2011) will alleviate existing and future flood risk within the Porters Creek catchment.

The alternate to not developing Porters Creek Floodplain Risk Management Plan is the "Do Nothing" approach. This would require the assessment of development in the Porters Creek floodplain to continue on an ad-hoc basis, without consideration for the cumulative impacts on flood behaviour and risks caused by individual developments or works. Applicants and Council staff would be forced to refer to the most recent version of the NSW Floodplain Development Manual (FDM), and other State Government Policies, to satisfy the "merits based approach". This would not provide clear guidance to Council staff or the local community on Councils aims and objectives for the long term development of the community.

## STRATEGIC LINKS

### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Communities Education	Nil impact
A More Sustainable Economy	NIL	Nil impact
A More Sustainable Environment	Natural Areas	Nil impact
Infrastructure	NIL	Nil impact
Organisation	NIL	Nil impact

### Contribution of Proposal to the Principal Activity

## Link to Shire Strategic Vision

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<p><b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p>	<p><b>Relevant Annual Plan Strategies:</b></p> <p>1.5 – Develop and implement the Wyong Shire Settlement Strategy</p> <p><b>Comment</b></p> <p>The adopted flood hazard information will be used to inform the development of Wyong Local Environmental Plan 2011 and Development Control Plan 2011.</p>
<p><b>Travel</b> - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</p>	<p>Will contribute to ease of travel throughout the Porters Creek catchment if inundated roads are upgraded as per recommendation of the Plan</p>
<p><b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p>Nil impact</p>



<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<p><b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p><b>Relevant Annual Plan Strategies:</b></p> <p>4.4 – Establish and maintain a committed network of education, community, business and government representatives.</p> <p><b>Comment</b></p> <p>Flood awareness and flood education is a very important component of floodplain management. The Porters Creek Floodplain Risk Management Study and Plan will provide clear and concise information to the community regarding the flood risk of the Porters Creek catchment.</p> <p>With the number of residential, commercial and industrial properties experiencing over floor flooding in the Porters Creek floodplain, as well as those people potentially impacted by flooding by such things as inundated roads, it is important that the community are kept up to date with flood information and Council's direction on floodplain management. Ongoing networking and distribution of information will ensure the broadest information flow to people.</p>
<p><b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>5.8 – Ensure adequate and appropriate employment land in the Shire.</p> <p><b>Comment</b></p> <p>The Warnervale Town Centre (WTC), Warnervale Employment Zone (WEZ) and Precinct 7a are located within the Porters Creek catchment.</p>
<p><b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>Nil impact</p>

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<p><b>Natural Areas</b> - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p>	<p><b>Relevant Annual Plan Strategies:</b></p> <p>7.3 – Ensure all development areas create or maintain tree-covered ridgelines and waterways. 7.4 – Develop and implement strategies to reduce the Shire’s environmental footprint.</p> <p><b>Comment</b></p> <p>Implementation of the Plan, once finalised and adopted by Council, will be consistent for the whole of the Porters Creek catchment and will ensure that high flood risk areas are kept free from development. Each of the floodplain management options has considered the impacts on the environment and ecological communities, as well as the social impacts and community acceptance.</p>
<p><b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.</p>	<p>Nil impact</p>

### Financial Implications

ID	Name	Description	Capital Cost	Recurring Cost	Fund Source
P1	Planning Controls	Local Environmental Plan (LEP) – Wyong update	\$5,000	\$1,000	Council – staff salary
P2	Building and Development Controls	Development Control Plan (DCP) Chapter 113 - Flooding	\$15,000	\$1,000	-Council – staff salary  -Draft Flood Prone Land Development DCP has been prepared by Council officers and is waiting approval for public exhibition
P3	House raising - up to 5yr	Raising habitable building's floor above 5 year ARI flood level	\$640,000	\$35,000	Low Priority
P7	Flood proofing guidelines	Involves modification to existing structures or design and construction of new structures considering the associated risk from flooding.	\$15,000	\$1,000	Council – staff salary
EM1	Information Transfer to SES	Transfer of information such as flood extent map, Hazard maps, and major roads cut-off for different ARI flood events.	\$3,000	\$3,000	Council/SES
EM2	Revisals of SES Local Flood Plan/DISPLAN	Updating DISPLAN and Local flood plan with the information provided in this report.	\$30,000	\$2,000	Council/SES

## 3.4

## Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

ID	Name	Description	Capital Cost	Recurring Cost	Fund Source
EM3	Flood Warning System	Introduction of alarm system based on real-time information from water level and rain gauges to warn emergency management staff that flood is imminent.	\$0	\$0	-Council – staff salary  - Bureau of Meteorology- staff assistance
EM4	Community Flood Awareness	Community within the catchment must be aware of what to do in the event of flood, their responsibility and where to seek assistance.	\$20,000	\$5,000	Council – staff salary /SES
EM5	Signage at road Crossings	Installation of signs that read 'Do not drive through flood water' at Alison Road near Wyong Community Christian School, Minnesota Road and Warnervale Road.	\$10,000	\$200	Council – staff salary
1.5	Buttonderry Creek crossing at Hue Hue Road	Raise the Hue Hue Road crown to flood planning level (FPL) to make the road trafficable for flood events up to and including 100 year ARI. No culverts are proposed to retain hydraulic behaviour in the creek downstream.	\$595,200	\$5,000	Council/OEH
1.8	Warnervale Road Upgrade at Ebony Drive	Raise the road crown level of Warnervale Road and provide a new culvert to increase serviceability of road and reduce flood risk to adjacent property.	\$3,500,000	\$20,000	Council
1.9	Bingarrah Creek Crossing at Minnesota Road	It is proposed to raise the road crown level and provide a series of culverts to increase serviceability of road up to and including the 100 year ARI.	\$5,000,000	\$50,000	Council
1.10	Natural Channel Maintenance	A plan of management for each natural flow path will be required for 3 flow paths including Woongarrah Creek, Bingarrah channel and Kanwal channel. The maintenance work involves removal of sediment and weeds at culverts or bridges in residential areas.	\$643,200	\$480,000	Council/OEH
2.1	Lucca Rd Levee Extension	Extension of existing levee along the rear property boundary by a earth bund up to a level of 6.5 m AHD to protect property from the 100 year ARI flood level of 6.2 m AHD	\$545,000	\$10,000	Council/OEH

## 3.4

## Exhibition of Porters Creek Floodplain Risk Management Plan (contd)

ID	Name	Description	Capital Cost	Recurring Cost	Fund Source
DC1	Data Collection	Preparation of a flood data collection form and use of this form following a flood event	\$5,000	\$3,000	Council/SES
<b>Total cost of implementing the Plan</b>			<b>\$11,026,400</b>	<b>\$613,200</b>	

### Principles of Sustainability

A properly considered floodplain risk management plan will enable the ongoing use and occupation of the floodplain in a sustainable manner. The Porters Creek Floodplain Risk Management Study provides the basis for the recommended works in the Porters Creek Floodplain Risk Management Plan. As stated in the 2005 NSW Floodplain Development Manual, the advantages to Council and the community of a properly considered floodplain risk management plan will include:

- Proper basis for managing and using floodprone land to provide a balance between danger to personal safety and economic losses due to flooding, and social, ecological and cultural interests. This provides the current and future community best value from managing and using the floodplain;
- Optimise use of community infrastructure such as roads, water supply and sewerage;
- Strategically assessing future developable land so the impacts of its development on flooding and the affects of flooding on the development can be effectively considered. This allows the community to grow in a responsible and socially cohesive fashion in consideration of flood issues.

### CONSULTATION

The Porters Creek Floodplain Risk Management Study has been developed in accordance with the 2005 NSW Floodplain Development Manual and Office of Environment and Heritage (OEH)'s Floodplain Management Program.

There has been on-going consultation with the community via the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC). This Committee has representatives from Wyong Shire Council technical staff and elected Councillors, community representatives, officers from OEH, officers from the SES, and representatives of relevant industry bodies, such as the local Catchment Management Authority and Department of Lands.

As part of the data collection for the Porters Creek Floodplain Risk Management Study, a community questionnaire was sent out to approximately 4,600 properties within the study area in January 2010. The intention of the survey was to inform the community that Council had commenced work on the Porters Creek Floodplain Risk Management Study and Plan. As part of that process, Council required an understanding of the community's level of flood knowledge and of their concern with flood related issues in their area. The survey also asked residents about their experiences with previous floods and if they had any additional information on historic flooding in the Porters Creek catchment area. The survey presented a range of floodplain management options and asked the community what options they consider would be appropriate to manage the flood risk in the Porters Creek catchment.

Over 700 responses were received from the survey. The community's preferred options were assessed and ranked accordingly. The summary of the responses to these management options is presented below:

## Porters Ck Resident Questionnaire Summary

Proposed Option	No. of Responses		Rank
	Most Preferred	Least Preferred	
Natural channel maintenance	415	63	1
Planning controls	390	56	2
Culvert/pipe/bridge enlargement	405	67	3
Natural Flowpath Recognition	426	98	4
Flood forecasting and emergency response	329	87	5
Detention basins	324	88	6
Education	276	95	7
Levee Banks	215	149	8

The community's preference for the floodplain risk management options was considered during the selection of each of the floodplain risk management options for the Porters Creek catchment. The community's responses were also used to determine input and weightings of the social impacts in the multi-criteria assessment matrix.

Presentations were also made at the Watanobbi / Warnervale Community Precinct committee in February 2009 and February 2011.

The DRAFT Porters Creek Floodplain Risk Management Study was publicly exhibited for a period of 8 (eight) weeks on March 2011 and copies of the study were made available to public via Council's website, Civic Centre and Libraries. A Community Forum for the draft study was also held at Council's Civic Centre on 4 May 2011. Attendees were given the opportunity to rank the flood risk management options according to their preference. The summary of the community's ranked options is provided in table below:

Table 4-2: Community ranking of risk management options

Option ID	Proposed Option	Rank
1.4	Natural channel maintenance	1
1.9	Minnesota Road Culvert	2
1.8	Warnervale Road Culvert	3
P1 & P2	Planning controls	4
1.7	Warnervale Road Raising	5
2.1	Lucca Road Levee Extension	6
1.6	Road Raising Hue Hue Road	7
P7	Flood Proofing Guidelines	8
EM3	Flood Warning System	9
P3	House Raising	10
P5	Voluntary purchase	11

## GOVERNANCE

The following Legislation has been referred to in the preparation of the Porters Creek Floodplain Risk Management Study and Plan:

- NSW Flood Prone Land Policy,
- NSW Local Government Act (1993)
- Wyong Local Environmental Plan (1991)
- Wyong Development Control Plan 2005
- NSW Government Floodplain Development Manual (2005)
- Wyong Shire Council Policy F5 – Flood Prone Land Development
- Wyong Shire Council Policy F3 - Filling of Land
- NSW Sea Level Rise Policy Statement, DECCW (2009).
- Flood Risk Management Guide – Incorporating sea level rise benchmarks in flood risk assessments, DECCW (2010).
- NSW Coastal Planning Guideline to Adapting to Sea Level Rise, DoP (2010).

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the Floodplain Development Manual.

## CORPORATE RISKS

Wyong Shire Council is responsible for the management of the Porters Creek floodplain. As such, Council has an obligation to reduce the impact of flooding and flood liability on individual owners and occupiers of floodprone property, and to reduce private and public losses resulting from floods, utilising ecologically sustainable measures. The ongoing use and occupation of the Porters Creek floodplain must be managed in a manner which is consistent with Wyong Shire Council's long-term Shire Strategic Vision.

The Porters Creek Risk Management Study and Plan have been prepared in accordance with the NSW Government Floodplain Development Manual (2005), the Office of Environment and Heritage (OEH)'s Floodplain Management Program. Accordingly, if the recommendations from the Study are incorporated into the Porters Creek Floodplain Risk Management Plan and then adopted and implemented by Council, Council can refer to Section 733 of the Local Government Act 1993, *Exemption from liability-flood liable land and land in coastal zone*, if and/or when floodplain management issues arise on the Porters Creek floodplain associated with flood damage to private or public properties.

## CONCLUSION

Having regard to the above, the following conclusions can be made:

- Wyong Shire Council is responsible for floodplain management of the Porters Creek catchment. In accordance with Council's planning responsibilities under the EP&A Act, Council must plan and manage flood prone land in accordance with its flood exposure.
- The Porters Creek Floodplain Risk Management Study and Plan have been prepared in accordance with the most recent version of the NSW Floodplain Development Manual, the Office of Environment and Heritage (OEH)'s Floodplain Management Program and other relevant State Government policies.
- A comprehensive analysis of flood hazard to establish the true flood hazard was developed for the Porters Creek catchment within the strategic framework of a floodplain risk management study.
- The flood hazard mapping indicates that only part of the Porters Creek catchment is already developed, primarily with residential development. There are 26 residential and industrial properties located within the 1% AEP flood extent, and 129 residential, commercial and industrial properties located within the PMF flood extent.
- The Porters Creek Floodplain Risk Management Study discusses a variety of floodplain management measures, including flood modification, response modification and property modification measures, which can be implemented to manage the existing and ongoing flood risk of the Porters Creek catchment.
- Effective community consultation is vital to gaining the community's acceptance of the findings of the Porters Creek Floodplain Risk Management Study and subsequent Plan. As such, extensive community consultation has been made during the preparation of the study.



- The intention of the public exhibition of the Porters Creek Floodplain Risk Management Plan is to obtain feedback from the local community and stakeholders on the recommended risk management options and their priorities. The final Porters Creek Flood Risk Management Plan will be prepared based on the outcomes and comments of the public exhibition.

**ATTACHMENTS**

- 1 Porters Creek Floodplain Risk Management Study (D02794480 Enclosure  
Distributed under Separate Cover)
- 2 DRAFT Porters Creek Floodplain Risk Management Study Enclosure D02794482  
Plan

### **3.5 Presentation on 2010-11 Annual Financial Reports**

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TRIM REFERENCE: F2011/00023 - D02796541  
MANAGER: David Jack, Director Corporate Services  
AUTHOR: Cate Trivers; Chief Financial Officer

#### **SUMMARY**

Report on the presentation by Council's External Auditor of the audited 2010-11 Financial Reports and External Audit Report.

#### **RECOMMENDATION**

- 1 That Council present the Audited Financial Reports for 2010-11 in accordance with the Local Government Act 1993.**
- 2 That Council invite the External Auditor, Mr Dennis Banicevic (representing Price Waterhouse Coopers) to formally present the Auditor's report on Council's Annual Financial Reports for 2010-11.**

#### **BACKGROUND**

Council at its meeting held on 12 October 2011 resolved in part as follows:

- "1 That Council adopt the draft Wyong Shire Council financial statements for 2010/11 as presented.*
- 2 That Council refer the draft Wyong Shire Council financial statements for 2010/11 (as presented) to external audit.*
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.*
- 5 That Council fix 26 October 2011 as the date for the presentation of the audited 2010/11 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993."*

In accordance with this resolution, Council's External Auditor, Mr Dennis Banicevic of Price Waterhouse Coopers will present the audited 2010-11 Financial Reports and External Audit Report.

**THE PROPOSAL**

Council is required to present and adopt the Audited Financial Reports at a Council meeting and can invite the external auditor to present.

**ATTACHMENTS**

- |   |                                                                                                                                                    |           |           |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| 1 | WSC General Purpose & Special Purpose Financial Statements Year end 30 June 2011 (D02808229 Distributed under Separate Cover)                      | Enclosure |           |
| 2 | (Draft) WSC Water Supply Authority Financial Statements Year end 30 June 2011 (D02808233 Distributed under Separate Cover)                         | Enclosure |           |
| 3 | WSC Annual Financial Statements - General Purpose 2010-11 (signed) and WSC Financial Statements Report WSC Water Supply Authority 2010-11 (signed) |           | D02805278 |

Wyong Shire Council

Special Purpose Financial Statements  
for the year ended 30 June 2011

Statement by Councillors and Management  
made pursuant to the Local Government Code of Accounting Practice and  
Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

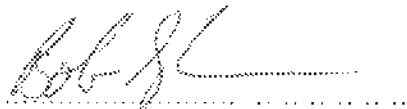
- NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- Division of Local Government guidelines "Pricing and Costing for Council Businesses. A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water and Office of Environment and Heritage Guidelines.

To the best of our knowledge and belief, these Reports

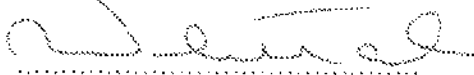
- present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 October 2011:



Robert Graham  
Mayor



Michael Whittaker  
General Manager



Sue Wynn  
Deputy Mayor



David Jack  
Responsible Accounting Officer

**Wyong Shire Council**

**General Purpose Financial Statements**  
for the year ended 30 June 2011

**Statement by Councillors and Management**  
made pursuant to section 413 (2)(c)  
of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with


- The Local Government Act 1993 (as amended) and the Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting.


To the best of our knowledge and belief, these Statements;

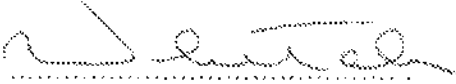
- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

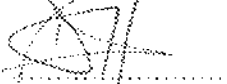
We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 October 2011.

  
.....  
Robert Graham  
Mayor

  
.....  
Sue Wynn  
Deputy Mayor

  
.....  
Michael Whittaker  
General Manager

  
.....  
David Jack  
Responsible Accounting Officer

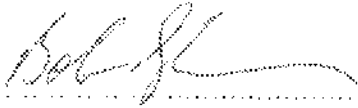
Wyong Shire Council Water Supply Authority

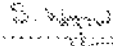
Financial Report  
for the year ended 30 June 2011


Statement by Councillors and Management  
made pursuant to section 41c (1b) and (1c) of  
the Public Finance and Audit Act 1983


Pursuant to Section 41C (1B) and 1(C) of the Public Finance and Audit Act 1983 we state that:

- 1 The financial report presents a true and fair view of the financial position of the Wyong Shire Council Water Supply Authority as at 30 June 2011 and its performance, as represented by the results of its operations and its cash flows for the year ended on that date.
- 2 The financial report has been prepared in accordance with Australian Accounting Standards (including Australian Accounting Interpretations), the *Public Finance and Audit Act 1983* and the *Public Finance and Audit Regulation 2010*.
- 3 We are not aware of any circumstances at the date of this statement that would render any particulars included in the financial report to be misleading or inaccurate.

  
-----  
Robert Graham  
Mayor

  
-----  
Sue Wyhn  
Deputy Mayor

  
-----  
Michael Whittaker  
General Manager

  
-----  
David Jack  
Responsible Accounting Officer

### 3.6 Contract Variations and Finalisation - September 2011

TRIM REFERENCE :F2007/01410 D02788017  
AUTHOR: John McCarthy; Purchasing Coordinator  
MANAGER: David Witherdin; Manager Contracts and Project Management

#### SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have a value greater than \$150,000.00 (excl GST).

The report covers contract variations processed in September 2011.

#### RECOMMENDATION

- 1 That Council receive the *Contract Variations and Finalisation September 2011 report (Attachment 1 and 2)*.
- 2 That Council approve *additional expenditure above resolved estimates for the following contracts:*

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (excl GST)</b>	<b>Additional Budget Approval</b>
<b><i>Provision of Property Manager Services – Mardi to Mangrove Link Project</i></b>	<b><i>CPA/146302</i></b>	<b><i>\$775,245.00</i></b>	<b><i>\$700.00</i></b>
<b><i>Construction of Hamlyn Terrace Community Centre &amp; Sporting Facility</i></b>	<b><i>CPA/172612</i></b>	<b><i>\$7,640,811.82</i></b>	<b><i>\$330,000.00</i></b>
<b><i>Soldiers Beach Surf Lifesaving Club (SLSC)</i></b>	<b><i>CPA/184454</i></b>	<b><i>\$3,094,344.00</i></b>	<b><i>\$310,000.00</i></b>
<b><i>Shelly Beach Surf Lifesaving Club (SLSC)</i></b>	<b><i>CPA/184446</i></b>	<b><i>\$3,307,804.00</i></b>	<b><i>\$480,000.00</i></b>

- 3 That Council note *the additional expenditures requested are within approved program budgets.*

#### BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract and the risks, or may be expressed as a specific dollar value.

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

Variations to the contract that are within the Council approved contract budget (including contingency) are reported herein for Council's information. Council's approval is sought where variations are such that an increase in the approved contract budget is required.

**THE PROPOSAL**

The report for September 2011 seeks Council's formal approval for additional funding on 4 contracts.

The variations relate to an increase funds request for Property Management Services for the Mardi to Mangrove pipeline project, Construction of Hamlyn Terrace Community Centre & Sporting Facility and the construction of Soldiers and Shelly Beach Surf Lifesaving Clubs.

Details of the variations are contained in Attachment 1.

**Summary for September 2011 period.**

Contracts with variations processed in September 2011	5
Contracts requiring increase to the contract budget estimate	4
Contract where current funds are sufficient to complete	1
Contracts finalised in September 2011	1

**OPTIONS**

The variations reported in Attachment 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

**STRATEGIC LINKS**

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

**FINANCIAL IMPLICATIONS**

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.



## PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

## CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

## GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

## CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
<b>Budget Control</b> Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations.
<b>Legislative Requirements</b> Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly reporting of variations. - Local Government Act requirements in relation to Tenders.

## CONCLUSION

Variations detailed in this report that are within the approved contract budget (including contingency) are reported for Council's information.

Council's approval is sought where variations are such that an increase in the approved contract budget is required.

## ATTACHMENTS

- |   |                                      |           |
|---|--------------------------------------|-----------|
| 1 | Contract Variations - September 2011 | D02796233 |
| 2 | Contracts Finalised September 2011   | D02796320 |

**Construction of Hamlyn Terrace Community Centre & Sporting Facility**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
172612	14/4/2010	Scape Constructions Pty Ltd	6,360,811.82	7,310,811.82	47,628.17	107,528.43	155,156.60	6,515,698.42	S94	6,515,968.42

**Individual Variations For Reporting Period**

Description	Value \$	Description	Value \$
Variation 16 The existing material on site could not achieve specified design criteria. The specification was altered to reflect achievable results. Consistent rainfall required the material to be returned and re-compacted because of it's inferior quality. This variation reflects the cost of re-working the material. Additionally, adequate foundations for the oval light poles could not be achieved - existing material was removed, new material imported, supplied, laid and compacted - plus the excavated spoil was spread, dried and compacted.	49,742.07	Variation 17 The foundations for the underground storage tanks were very soft - bad ground - and had to be removed and replaced with imported material as well additional depth concrete added to the bases of all 3 150k litre tanks. Additionally an ag line was installed to drain water build up	30,230.00
Variation 23 The specification called for the re-use of existing topsoil for new landscaping. The soil was tested and found to be deficient in nutrients and the consultant, Jim Hull recommended additives to bring the material up to spec - this variation represents the cost of this initial volume of top soil	27,556.36		

Work under the contract is estimated at 92% complete.

The project has experienced extensive periods of wet weather since construction commencement which in combination with the on site soils has led to difficulties and delays for the contractor with earthwork activities. A number of variations have been submitted by the contractor in relation to this and also the Community Centre, amenities block and netball courts. With the information currently available, an increase in the contract budget of \$330,000.00 is sought to cover the potential

cost increases from these issues. Current commitments in relation to expected variations will use the current contingency funds for this contract which necessitates the increase to the contract budget. These variations are currently being assessed and will be the subject of a future report to Council.

The principal contract variations leading to this contract budget increase are:

- Extra over for rock excavation which is a latent condition under the contract
- Changes in the groundwork specification due to the quality of the spoil performing substantially less than reported by geotechnical advice pre-tender
- Top soil quality being less than reported by geotechnical advice
- A delay claim resulting from the above scope changes and resultant delays.

**B9 Sewage Rising Main Extension: Long Jetty**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
179981	10/8/2011	Delcare Constructions Pty Ltd	2,338,610.00	351,390.00	Nil	15,099.00	15,099.00	2,353,709.00	Sewer Fund Sewer Mains- General Expansion Works	Nil
Individual Variations for Reporting Period										
Description						Value \$	Description			Value \$
Variation 1 Supply all materials and construct a scour valve arrangement and pump out pit at Ch. 1150. Additional scour requested by client to improve maintenance of the rising main by allowing scouring of the rising main in 1 km sections.						15,099.00				

Work has only just started on this project. With the information currently available, the contract budget as approved by Council is considered sufficient.

**Provision of Property Manager Services – Mardi to Mangrove Link Project**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
CPA/146302	N/a	ME Barry Consulting Pty Ltd	150,000.00	Nil	624,545.00	700.00	625,245.00	775,245.00	M2M Project	775,245.00

**Individual Variations for Reporting Period**

Description	Value \$	Description	Value \$
Variation 12 As reported to Council on the 22 June 2011 the engagement of ME Barry Consulting Pty Ltd has ended on the 31 August 2011. Mary-Ellen Barry was contracted by Council to provide Property Manager services for the Mardi to Mangrove Link Project. This variation is to finalise the payment claim for August 2011.	700.00		

As reported to Council on the 22 June 2011 the services provided by ME Barry Consulting Pty Ltd have expired on the 31 August 2011. This contract is now finalised.

**Soldiers Beach Surf Lifesaving Club (SLSC)**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
184454	22/9/2009	National Buildplan Group Pty Limited	2,503,904.00	2,784,344.00	93,022.47	Nil	93,022.47	2,596,926.47	2.5 Million Federal 735K Surf Clubs Redevelopment	2,580,593.00

Project is 100% complete.

With the information currently available, the contract budget as approved by Council will not be sufficient and an increase to the contract budget of \$310,000 is therefore sought. This additional contract budget is required principally to cover the cost of the roadworks and car park construction that were undertaken as a variation to the surf club contract. These works were originally intended to be undertaken by Council's Roads and Stormwater unit, but this did not occur due to commitments to other program works. These works were budgeted for in the project costings but weren't included in the contract as it was allocated for separately within the Roads and Stormwater budget. The increased contract funding requires approval to reflect that these works were undertaken as a variation. The funding will be re-allocated from the Roads and Stormwater budget.

**Shelly Beach Surf Lifesaving Club (SLSC)**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
184446	22/9/2009	National Buildplan Group Pty Limited	2,542,989.00	2,827,804.00	Nil	Nil	Nil	2,542,989.00	2.5 million Fed 729K from Surf Club Redevelopment	2,288,213.69

Project is 95% complete.

With the information currently available, the contract budget as approved by Council will not be sufficient and an increase to the contract budget of \$480,000 is therefore sought. This additional contract budget is required principally to cover the cost of the roadworks and car park construction that were undertaken as a variation to the surf club contract. These works were originally intended to be undertaken by Council's Roads and Stormwater unit, but this did not occur due to commitments to other program works. These works were budgeted for in the project costings but weren't included in the contract as it was allocated for separately within the Roads and Stormwater budget. The increased contract funding requires approval to reflect that these works were undertaken as a variation. The funding will be re-allocated from the Roads and Stormwater budget.

**Attachment 2**  
**Contracts Finalised Sep 2011**

<b>SIGNIFICANT CONTRACTS FINALISED – SEPTEMBER 2011</b>							
<b>Contract Number</b>	<b>Date of Council Award</b>	<b>Name of Contractor</b>	<b>Contract Description</b>	<b>Contract Price Type</b>	<b>Approved Expenditure Ex. GST \$</b>	<b>Final Contract Value Ex. GST \$</b>	<b>Comments</b>
CPA/142295	10 Dec 2008	Poles and Underground Pty Ltd	Construction of the Mardi High Voltage Power Supply on to Site	Lump Sum	4,025,053.00	3,735,651.81	Contract was delivered within budget expectations.



### **3.7 Governance Committee Chairman's Report**

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TRIM REFERENCE: F2004/07245 - D02792111  
AUTHOR: Monica Redmond, Administration Assistant  
MANAGER: Lesley Crawley, Manager Corporate Governance

#### **SUMMARY**

To submit the Chairman's Report prepared by Mr David Holmes, Chairman of the Governance Committee, to Council which was considered by the Governance Committee on 5 October 2011.

#### **RECOMMENDATION**

***That Council receive the Governance Committee Chairman's Report .***

#### **BACKGROUND**

Council at its meeting of 13 October 2010 resolved, in part, as follows:

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

*3 That Council invite the Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.*

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN"

In compliance with the above resolution, The Chairman of the Governance Committee, Mr David Holmes, has now been invited to address Council.

#### **CONCLUSION**

That the presentation of the Governance Committee's Chairman's Report to Council will provide an opportunity to Councillors and staff to gain an insight into the operations of the Governance Committee.

#### **ATTACHMENTS**

1 Governance Committee Chairman's Report as presented to 5 October 2011 Governance Committee D02799103

## **The Governance Committee Chairman's Report to Wyong Shire Councillors September 2011**

### **Governance Committee Charter:**

By way of background, it is worth noting that the Charter of the Governance Committee includes the following points;

- Governance is the system by which an organisation is directed and controlled. The objective of the Committee is to provide an assurance role, from a position independent of management, in respect of Wyong Shire Council's governance arrangements including its risk, control and compliance frameworks
- The Council authorises the Committee, within the scope of its roles and responsibilities and the requirements of the Local Government Act 1993 (The Act). The Committee has no executive powers
- The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.

### **Overview:**

The importance of the existence of a Governance Committee with a majority of independents cannot be underestimated. The Committee believe that we have played a significant role within our powers under the Charter in ensuring that important matters were not ignored and were appropriately addressed.

The Committee's existence is an essential element in allowing the more sensitive issues to be raised within Council in an independent and objective manner. Furthermore, without a Committee with a majority of independents, we believe that the independence of the Internal Audit and Internal Ombudsman functions can be severely diminished. In particular, the following areas are worth noting:

- The Committee recognises the strengthened investigation and complaints management practices that have come to Council through the Internal Ombudsman role. As this role matures it will further strengthen the underlying governance framework across Council. The employment of a General Counsel is proving to be valuable in making better decisions from a legal and legislative perspective.
- The Committee has given support to many initiatives of the General Manager since his appointment in May 2010. The outcomes of the Service Delivery Review are recognition of his ability to drive change. The Committee is also cognisant of the increased risk which comes with a more business-like approach and continues to review the consideration of risk and probity of any new ventures which are entered into. The Committee also in particular notes the successful resolution of the S:430 investigation and the DECCW (now OEH) prosecution achieved primarily through the efforts of the General Manager with the full support of all Councillors.

**The Governance Committee Chairman's Report to  
Wyong Shire Councillors September 2011 (Cont)**

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- Several Committee members continue to play a significant role in the enhancement of governance processes across the local government sector through wider professional participation. This professional outreach plays an important role in strengthening the wider governance reputation of Wyong Shire Council.

**Areas of Review:**

During the year, a number of significant areas and topics have been addressed. These include the following;

- The Governance Committee Review was reported to Council in March 2011. The Committee has already adopted several significant issues raised by the review. In particular the revised agenda which focuses on areas where oversight from the Governance Committee can add greater value in a timely manner will be in place from the December 2011 quarterly meeting.
- The Committee has indicated support for resourcing of the Enterprise Risk Management Strategy project through use of the Internal Auditor as project manager and the engagement of an external facilitator. Strengthened risk management processes across Council will help better focus the Governance Committee on the areas of higher and emerging risk.
- Emphasis on the completion of audits has been reflected in the setting of a more audit focussed internal audit plan for 2011/13. Several key audit reports have already been completed including the Link Road project and Corporate Information both of which have been the catalyst for significant improvements around project and information management across Council. A further 18 major audits are planned and need to be completed by June 2013.
- The underlying strength of the Governance processes in Council has been reinforced through the outcomes of the S:430 investigation. In particular the actions of Councillors and the Internal Auditor received the following positive acknowledgement at page 8 of the report:  
*"While much of the content of this report will reflect poorly on Wyong Shire Council, in fairness it is perhaps appropriate to also acknowledge the positives disclosed by this investigation. In particular, the checks and balances that exist within a council's corporate governance framework operated as they are required to in the case of Wyong Shire Council. Firstly, many of the issues of concern examined by this investigation were first identified by Council's Internal Auditor and subsequently by its Contract Services Coordinator. Their recommendations have since been implemented by the Council. Secondly, the governing body of the Council exercised its role diligently, applying rigorous scrutiny to the Council's "body hire" practices, taking the step to report them to the former Department of Local Government and resolving to end the practices".*

**The Governance Committee Chairman's Report to  
Wyong Shire Councillors September 2011 (Cont)****Committee Review – Progress to-date:**

The Committee supports and encourages enhanced reporting on council's compliance obligations in line with improvements sought in the last detailed review.

Accordingly I provide a brief progress report against the 'improvement opportunities' identified in the review. There were six main areas identified for improvement;

1. Consider the composition of the Committee (i.e. balance between independent members and Councillors), and the need for greater involvement by the Mayor. This has largely been achieved.
2. Training of Committee members. This is now available.
3. Strengthening the processes and reporting arrangements in respect to: (i) legal and regulatory compliance; (ii) fraud risk assessment; and (iii) the control environment / framework more broadly. Further work is required in this area.
4. More closely monitoring the activities and performance of Internal Audit function. This has involved completion of the external quality assessment review of internal audit and formalising the functional reporting lines to the Governance Committee. This has been achieved.
5. Strengthening the communication between the Governance Committee and the Council. This has been broadly achieved and is continuing.
- 6. Improved reporting to the Committee (eg greater summarisation; less word-smithing; more transparency; improved quarterly and annual financial reporting; external auditing arrangements and reporting). Ensuring sufficient time to appropriately discuss all items on the agenda. This has improved and is continuing.

**The Future:**

This year has also seen a significant amount of time devoted to procedural matters. With a new Mayor and new General Manager at WSC, the Committee in general, and the Chairman in particular, have discussed and finalised processes relating to the setting of the agenda, the format and approval of the minutes, and the attendees at the quarterly meetings.

With these issues largely resolved, (only the matter of a quorum to be resolved), we look forward to working with the General Manager and his executive team in the coming year, and particularly in the following areas;

- improved engagement with the whole Council and the General Manager and Directors - the revised agenda should go a long way to achieving this
- more effective Governance Committee meetings - an agenda concentrating on value add areas and improved risk information are designed to make the meetings more effective
- the delivery of completed audits on a regular basis is essential for the Committee to gain a view of the adequacy of the control environment across Council
- the successful delivery of the Enterprise Risk Management Strategy

**The Governance Committee Chairman's Report to  
Wyong Shire Councillors September 2011 (Cont)**

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- monitoring and providing proactive advice on the areas of significant change including the impact of the Water Corporation, the process of a return to a balanced budget and the economic development initiatives particularly where Council's assets are involved
- Facilitating the continued evolution of the Internal Audit function to better practice levels of independent assurance to management and the council on the control environment.
- Achieving an improved understanding of role of the Committee and Internal Audit through an education strategy
- Biennial performance reviews of the committee

**Conclusion:**

Having been Chairman of the Committee for a number of years, and being aware of good governance practice with regard to the rotation of this position, I have indicated to the Mayor my intention to step down as Chairman following the October 2011 meeting. I have recommended that Bruce Turner would be the appropriate new Chairman. I also propose to discuss with the Mayor and the new Chairman a mutually convenient time to retire from the Committee. I know I leave the Committee in the good hands of the existing two independent members, ably supported by the Mayor and the General Manager.

The Governance Committee Chairman, or either of the independent members, is available to present this report to Council if required. All members of the Committee look forward to being involved in future discussions with Councillors concerning the role and charter and operations of the Committee.

David Holmes – Chairman WSC Governance Committee

### **3.8 Delegates Report - 2011 ALGWA Conference - SWIFT - Strong Women Influencing Trends**

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TRIM REFERENCE: F2004/06517 - D02797394

MANAGER: Lesley Crawley, Corporate Governance.

AUTHOR: Monica Redmond, Administration Assistant, Councillor Services

#### **SUMMARY**

Report submitted by Councillor Matthews following her attendance at the 2011 ALGWA Conference - SWIFT - Strong Women Influencing Trends held 26-28 May 2011.

#### **RECOMMENDATION**

*That Council receive the Delegates Report - 2011 ALGWA Conference - SWIFT - Strong Women Influencing Trends.*

#### **ATTACHMENTS**

- |          |                                                                                                         |           |
|----------|---------------------------------------------------------------------------------------------------------|-----------|
| <b>1</b> | Councillor Matthew's Delegates Report - 2011 ALGWA Conference - SWIFT - Strong Women Influencing Trends | D02797432 |
|----------|---------------------------------------------------------------------------------------------------------|-----------|

Conference Report- Lisa Matthews- 2011 ALGWA Conference NSW

SWIFT (Strong Women Influencing Trends)

26 May- 28<sup>th</sup> May 2011

Host Council – Blacktown

Venue- Rooty Hill Novotel Resort

Event Program

Keynote speaker- Robyn Moore

Topic- "Power of the word"

Robyn gave an extremely interesting presenting and certainly set the mood of the conference. Robyn is the voice over for a famous radio program called "How green was my cactus"

She gave great general advice about public life and constantly reminded us to "Check your face" and "Live with urgency before emergency"

Second speaker was Deborah Wallace- Commander Middle Eastern Crime Squad.

Deborah was the first women appointed to the position.

She gave an overview of her career spanning some 27 years in the force outlining the challenges that she overcame along the way.

Third Speaker on Saturday morning was Liz Ellis- Retired Australian Netballer.

Liz spoke about her career in Netball and ongoing involvement in sport through her current media career.

She reminded us that Women in sport helps to build social confidence, creates healthy bodies and mind of our youth. She also insisted that it was okay to lose in sport!

Gosford Council was also awarded host Council of the 2012 ALGWA conference at the Dinner.

On Saturday we went on a tour to enjoy the local Blacktown Festival then onto viewing Blacktown Leisure Centre Stanhope and The Dennis Johnson Library. This is one building and has three sections: Leisure including gym, pool, squash courts, and meeting rooms and a Library.

Our tour ended with a visit to Blacktown City Arts Centre.

### **3.9 Australia Day Awards 2012**

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TRIM REFERENCE: F2004/00022 - D02803316

MANAGER: Julie Vaughan, Manager Community and Cultural Development

AUTHOR: Kerrie Forrest; Senior Social Planner

#### **SUMMARY**

This report proposes that an Australia Day Advisory Committee be established to promote and determine the Australia Day Citizen Awards; and to assist and support the organisation of Australia Day celebrations. The report requests Council nominate delegates to be part of the Committee.

#### **RECOMMENDATION**

- 1 That Council form an Australia Day Advisory Committee, comprising of staff and Councillors, to determine the winners of the Australia Day Citizen Awards and to assist with the planning and organisation of Australia Day celebrations.**
- 2 That Council nominate delegates who will be represented on this Committee.**
- 3 That Council consider, as an option, to extend an invitation to representatives from Wyong Regional Chamber of Commerce, The Entrance Town Centre Management and Greater Toukley Vision to be members of the Committee, given that local Australia Day events will be held at both The Entrance and Canton Beach.**
- 4 That Council authorise the General Manager to adopt a charter for the Advisory Committee.**

#### **BACKGROUND**

In celebration of Australia Day each year, Wyong Shire Council recognises the achievements of individuals who have made an outstanding contribution to their local community through the Australia Day Citizen Awards. The most outstanding nominees are chosen for each category and only one award presented in each category.

The 2012 Awards ceremony will be held on Friday 20 January 2012 in the Tony Sheridan room. The Awards will be advertised early November and close mid December, the categories include:

- Wyong Shire Citizen of the Year Award
- Sportsperson of the Year Award
- Community Event of the Year Award
- Community Volunteer of the Year Award
- Cultural Award
- Environmental Award
- Business Person of the Year Awards



Last year Council received 54 nominations and put on a successful dinner event to celebrate the day and present the awards. Across the Shire, both The Entrance Town Centre and Greater Toukley Vision put on events, with financial contributions from Council.

### **CURRENT STATUS**

Australia Day is co-ordinated by the Community and Cultural Development Unit and the Australia Day Citizen Awards are currently determined by the Manager Community and Cultural Development in liaison with the Mayor.

### **THE PROPOSAL**

The proposal is to form an Australia Day Advisory Committee, comprising staff and Councillors, to assist Council to deliver a safe and enjoyable Australia Day celebration within available resources. The intent is to better promote the event and encourage a greater level of participation from local community members to nominate for the Australia Day Citizen Awards.

The main functions of this Committee will be to:

- Oversee the process of calling for nominations for the Australia Day Citizen Awards (as per categories listed above).
- Promote the Australia Day Citizen Awards and encourage the community to nominate persons/events in the various categories.
- Acknowledge the achievements of local community members through the judging and presentation of Australia Day Citizen awards. These awards aim to recognise and celebrate outstanding achievements and contributions to the Wyong Shire community.
- Determine on behalf of Council the winners of the Wyong Shire Australia Day Citizen Awards.
- Encourage attendance and participation of the community at the Australia Day celebration civic dinner and local Australia Day celebrations at Canton Beach and The Entrance.

The Committee is to comprise:

- The Mayor
- 2 Councillors (delegates to be nominated)
- Manager Community and Cultural Development
- Event Co-ordinator, Community and Cultural Development
- Communications Officer

An option would be to include a representative from Wyong Regional Chamber of Commerce and the local town centre committees at The Entrance and Toukley; given that local Australia Day events will be held at The Entrance and Canton Beach.

## OPTIONS

A further option would be to call for nominations from interested members of the community to be part of the Committee through an expression of interest process.

Due to the relatively short period of time available in the lead up to Australia Day 2012, this option has not been recommended but is worthy of consideration for next year.

## STRATEGIC LINKS

### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community and Cultural Development	Implement programs to build community connectedness.  Manage, support and attend key community events throughout the Shire.	11149	20 community and cultural programs conducted each year.  Support 10 community events

### Contribution of Proposal to the Principal Activity

The proposal promotes local community connectedness and participation, and the celebration and significance of Australia Day for the purpose of developing national pride.

### Long term Financial Strategy

Nil impact.

### Asset Management Strategy

Nil impact.

### Workforce Management Strategy

Nil impact

### Link to Community Strategic Plan (2030)

An outcome of the Australia Day Advisory Committee is to encourage a greater level of community involvement and participation in the Australia Day Citizen Awards and local Australia Day celebrations. The awards also recognise and celebrate the outstanding achievements and contributions of local residents to the Wyong Shire Community. This forms part of Council's commitment to building a vibrant, caring and connected community with a sense of belonging and pride.

**Budget Impact**

The budget for the Australia Day award event of up to \$10,000.00 is available. The proposal to establish an Australia Day Advisory Committee does not require any additional funding.

**CONSULTATION**

The Mayor has requested that a Committee be formed to promote and encourage a greater level of entries for the Australia Day Citizen Awards and to determine the Award winners.

**GOVERNANCE AND POLICY IMPLICATIONS**

The Committee will determine on behalf of Council the winners of the Australia Day Citizen Awards. Criteria have been developed for all categories and the Citizen of the Year and these will be communicated as part of the Nomination Form.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

It is recommended that Council resolve to form an Australia Day Advisory Committee, comprising of staff and Councillors, to promote and determine the Australia Day Citizen Awards and it is requested that Council nominate delegates to become members of this Committee. It is also recommended that Council consider extending an invitation to representatives of Wyong Regional Chamber of Commerce, The Entrance Town Centre Management and Greater Toukley Vision to be part of this Committee, given that local Australia Day events will be held at The Entrance and Toukley.

The intent of the Committee is to generate a greater level of community interest and participation in the awards and local Australia Day celebrations.

**ATTACHMENTS**

*Nil.*

### **3.10 Draft Minutes - Extraordinary Governance Committee Meeting held on 5 October 2011**

---

TRIM REFERENCE: F2004/07245 - D02803576

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Administration Assistant

#### **SUMMARY**

An Extraordinary meeting of the Wyong Shire Governance Committee was held on 5 October 2011, draft minutes are now submitted to Council for consideration

#### **RECOMMENDATION**

- 1 That Council receive the draft minutes of the Extraordinary Committee Meeting of the Wyong Shire Governance held on 5 October 2011.**
- 2 That Council note the Committee's advice, whereby upon reviewing the Council's accounts,**
  - a a number of presentation items, including Note 17, were yet to be agreed with the External Auditor, and**
  - b that the accounts show a difficult financial position.**

*Assuming these outstanding matters are resolved, the Governance Committee's recommendations to Council areas follows:*

- 3 That Council adopt the draft Wyong Shire Council financial statements for 2010/11.**
- 4 That Council refer the draft Wyong Shire Council financial statements for 2010/11 to external audit.**
- 5 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.**
- 6 That Council fix 26 October 2011 as the date for the presentation of the audited 2010/2011 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.**
- 7 That Council note that whilst there has been an improvement in the financial situation there are still significant financial risks in relation to assets and revenue.**
- 8 That Council congratulate staff for their significant contribution towards the improved financial position.**

- 9 *That Council request management to continue to advise and recommend strategies to improve the financial position of Wyong Council.*
- 10 *That Council recognise that further work is required to achieve the long term financial goal of a break even operating result 2014-2015.*
- 11 *That Council endorse the Committee's recommendation that Council recognise the excellent contribution and professionalism of the outgoing Chairman, Mr David Holmes, over the past four years and that Council give consideration to formal recognition for his efforts.*
- 12 *That Council appoint Mr Bruce Turner as the Chair of the Governance Committee.*
- 13 *That Council note the resignation of Councillor Symington from the Committee and thank him for the support he has given the Committee over the past three years.*

The draft minutes of that meeting are set out in full below.

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## WYONG SHIRE COUNCIL

### MINUTES OF THE EXTRAORDINARY WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL

HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 05 October 2011  
COMMENCING AT 9:30:00 AM

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#### PRESENT

Mr David Holmes (Chairperson), Mr Bruce Turner and Mr Jason Masters (external members), Councillor R Graham (Mayor) and Councillor S Wynn.

#### IN ATTENDANCE

General Manager, Director Corporate Services, Internal Auditor, Senior Internal Auditor, General Counsel, Chief Financial Officer, Finance Officer, External Auditor, Mr Dennis Banicevic and an administration staff member.

### **3.10 Draft Minutes - Extraordinary Governance Committee Meeting held on 5 October 2011 (contd)**

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The chairperson, Mr David Holmes, declared the meeting open at 9.30 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded. He also confirmed the existence of a quorum, which was maintained throughout the meeting.

#### **APOLOGIES**

An apology was submitted on behalf of the Internal Ombudsman, Ms Belinda Charlton, for her for her inability to attend.

#### **1.1 Disclosure of Interest**

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Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption and the NSW Ombudsman and remained in the meeting during discussion on all items.

Mr Bruce Turner, Independent Member, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for of the Audit and Risk Committee for the Department of Premier and Cabinet which includes oversight of the Division of Local Government and the office of Environment and Heritage Audit and Risk Management Authorities and remained in the meeting during discussion on all items.

Mr David Holmes, Chairperson, declared a pecuniary interest in the matter for the reason that he has a small investment in Cap Gemini and remained in the meeting during discussion on all items.

#### **RECOMMENDATION**

***That the Committee record the Disclosures of Interest made by the external Members relating to matters under consideration at this meeting.***

#### **1.2 Wyong Shire Governance Committee Action Plan - 31 August 2011**

---

Councillor Wynn arrived at 9.35 am during consideration of this item.

#### **RECOMMENDATION**

***That the Committee confirm the action plan of the previous Governance Committee Meeting held on 31 August 2011.***

**2.1 Consideration of Financial Statements for the 2010/11 Financial Year**

---

Councillor Graham left the meeting at 11.00 pm, at the conclusion of discussions on this item, and did not return.

**RECOMMENDATION**

- 1** *In reviewing the Council's accounts, the Governance Committee has noted that there are a number of presentation items, including Note 17, to be agreed with the External Auditor, and also noted that these accounts show a difficult financial position. Assuming these outstanding matters are resolved; the Governance Committee's recommendation is:*
  - 1.1** *That the Committee recommend that Council consider adopting the following resolutions in respect of the amended General, Special and Water Supply Authority Accounts:*
    - 1.1.1** *That Council adopt the draft Wyong Shire Council financial statements for 2010/11.*
    - 1.1.2** *That Council refer the draft Wyong Shire Council financial statements for 2010/11 to external audit.*
    - 1.1.3** *That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.*
    - 1.1.4** *That Council fix 26 October 2011 as the date for the presentation of the audited 2010/2011 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.*
    - 1.1.5** *That Council note that whilst there has been an improvement in the financial situation there are still significant financial risks in relation to assets and revenue.*
    - 1.1.6** *That Council congratulate staff for their significant contribution towards the improved financial position.*
    - 1.1.7** *That Council request management to continue to advise and recommend strategies to improve the financial position of Wyong Council.*
    - 1.1.8** *That Council recognise that further work is required to achieve the long term financial goal of a break even operating result 2014-2015.*

2.2 2010 - 11 Annual Plan - June Quarter Review (Q4)

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RECOMMENDATION

*That the Committee note the fourth Quarterly Review (Q4) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 24 August 2011.*

3.1 External Audit Plan

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RECOMMENDATION

*That the Committee note the 2010-11 External Audit Plan.*

3.2 Governance Committee Chairman's Report

---

RECOMMENDATION

- 1 *That the Committee receive the Governance Committee Chairman's Report.*
- 2 *That the Committee recognise the excellent contribution and professionalism of the outgoing Chairman, Mr David Holmes over the past four years and that Council give consideration to formal recognition for his efforts.*
- 3 *That the Committee recommend to Council that Mr Bruce Turner be appointed as the Chair of the Governance Committee.*

3.3 Other Matters

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COMMITTEE RECOMMENDATION

- 1 *That the Committee note the resignation of Councillor Symington from the Committee and thank him for the support he has given this Committee over the past three years.*
- 2 *That the Committee note the update, given by the General Manager, on the status of the Chinese Cultural Theme Park and request appropriate oversight and reporting of exceptions.*

THE MEETING terminated at 12.34 pm.

ATTACHMENTS

*Nil.*



### **3.11 Draft Minutes - Gosford-Wyong Councils' Water Authority Board Meeting held on 12 October 2011**

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TRIM REFERENCE: F2004/06808 - D02806098

AUTHOR: AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Governance & Administration

#### **SUMMARY**

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 12 October 2011.

#### **RECOMMENDATION**

- 1 That Council receive the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 12 October 2011.**
- 2 That Council adopt the recommendations included in the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 12 October 2011.**
- 3 That Council, in regards to Water Restrictions, endorse the following:**
  - a The easing of the water restrictions from Level 3 to Level 2 as per the refined Level 2 water restriction rules detailed in Table 2,**
  - b The new water restrictions to take effect from 14 November 2011, acknowledging the time taken to print brochures, designing and booking advertising placements etc,**
  - c The community be congratulated for their ongoing efforts to save water on the Central Coast,**
  - d That the communication program ensure that the community is aware that, although water restrictions have been relaxed, community support is still required in conserving our precious water supply.**
  - e That the Waterwise education program, as part of the summer campaign, runs in parallel to the easing of restrictions particularly emphasising the efficient use of water in the home and business.**
  - f The endorsement of the new restriction triggers as outlined in Table 1 of the report.**

4 *That Council, in regards to the Transfer of joint Water Authority Functions, endorse the following:*

- a *That the functions, agreements and arrangements of the Joint Water Authority be transferred from the committee structure to the Councils' General Managers until the Directors of the Central Coast Water Corporation are proclaimed by the Governor.*
- b *That the General Managers report, to their respective Councils, the impact of each of the functions, agreements and arrangements to be transferred across to the Central Coast Water Corporation.*

5 *That Council, in regards to WaterWatch, endorse the following:*

- a *That the Community Environment Network (CEN) be invited to submit a proposal regarding the provision of the Waterwatch program on the Central Coast.*

A meeting of the Gosford-Wyong Councils' Water Authority Board Meeting was held on 12 October 2011 and the minutes of this meeting are supplied, in full, below:

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**WYONG SHIRE COUNCIL**  
MINUTES OF THE  
**GOSFORD / WYONG COUNCILS' WATER AUTHORITY**  
**BOARD MEETING**  
HELD IN THE COUNCIL CHAMBER  
GOSFORD CITY COUNCIL, 49 MANN STREET, GOSFORD  
ON 12 October 2011  
COMMENCING AT 8:30AM

---

**PRESENT:**

CR MACFADYEN\*

CHAIRPERSON

**GOSFORD**

MR P WILSON\*

MR R WILLIAMS\*

**WYONG**

CR WYNN\*

MR M WHITTAKER\*

MR G MCDONALD\*

**GOSFORD CITY COUNCIL STAFF**

MRS P MCCANN

MS L KNIGHT

MS M LOW

MR B SMITH

**WYONG SHIRE COUNCIL STAFF**

MR D MANN

MS M REDMOND

\* BOARD MEMBERS WITH VOTING RIGHTS AT THIS MEETING.

**AUTHORITY STAFF**

MR G CASEMENT

**APOLOGIES**

MR N SLADE

MS D DICKSON  
CR GRAHAM  
CR VINCENT  
CR MAHER  
CR HOLSTEIN  
CR SYMINGTON

### **APOLOGIES**

Apologies for the inability to attend the meeting were received on behalf of Councillors Graham, Maher, Holstein, Freewater and Symington.

***RESOLVED unanimously on the motion of Mr WILSON and seconded by Mr MCDONALD:***

***That the Board accept the apologies and grant Councillors Graham, Maher, Holstein, Freewater and Symington leave of absence from the meeting.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLAIMS.

AGAINST: NIL

### **ELECTION OF THE CHAIRMAN**

***RESOLVED unanimously on the motion of Mr WILSON and seconded by Mr WHITTAKER:***

***That Councillor MacFadyen chair the meeting in the absence of Councillor Maher.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLAIMS.

AGAINST: NIL

### **1.1 Disclosure of Interest**

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***RESOLVED unanimously on the motion of Mr WHITTAKER and seconded by Councillor WYNN.***

***That the Board receive the report on Disclosures of Interest and the fact that no disclosure was made be noted.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLAIMS.

AGAINST: NIL

1.2 Confirmation of Minutes of Previous Meeting

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**RESOLVED unanimously on the motion of Mr WHITTAKER and seconded by Mr WILSON:**

***That the Board confirm the minutes of the previous Gosford/Wyong Councils' Water Authority Board meeting held on 14 July 2011.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLIAMS.

AGAINST: NIL

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

2.1 Water Restrictions

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**RESOLVED unanimously on the motion of Mr WHITTAKER and seconded by Mr WILLIAMS:**

***That the Board receive and note the report on Water Restrictions and recommend to the two Councils:***

- 1 The easing of the water restrictions from Level 3 to Level 2 as per the refined Level 2 water restriction rules detailed in Table 2,***
- 2 The new water restrictions take effect from 14 November 2011, acknowledging the time taken to print brochures, designing and booking advertising placements etc,***
- 3 The community be congratulated for their ongoing efforts to save water on the Central Coast,***
- 4 That the communication program ensure that the community is aware that, although water restrictions have been relaxed, community support is still required in conserving our precious water supply.***
- 5 That the Waterwise education program, as part of the summer campaign, runs in parallel to the easing of restrictions particularly emphasising the efficient use of water in the home and business.***

**6 That the Joint Water Authority recommends to the two councils to endorse the new restriction triggers as outlined in Table 1 of the report.**

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLIAMS.

AGAINST: NIL

**2.2 Transfer of Joint Water Authority Functions**

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**RESOLVED unanimously on the motion of Mr WHITTAKER and seconded by Mr WILLIAMS:**

***That the Board receive and note the report and recommends to the two Councils:***

- 1 *That the functions, agreements and arrangements of the Joint Water Authority be transferred from the committee structure to the Councils' General Managers until the Directors of the Central Coast Water Corporation are proclaimed by the Governor.***
- 2 *That the General Managers report, to their respective Councils, the impact of each of the functions, agreements and arrangements to be transferred across to the Central Coast Water Corporation.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLIAMS.

AGAINST: NIL

**2.3 WaterWatch**

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**RESOLVED unanimously on the motion of Mr WILLIAMS and seconded by Councillor WYNN:**

***That the Board receive the report on the WaterWatch program and recommend to the two Councils that the Community Environment Network (CEN) be invited to submit a proposal regarding the provision of the Waterwatch program on the Central Coast.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND MR WILLIAMS.

AGAINST: NIL

**3.1 Regular Information Report**

---

***RESOLVED unanimously on the motion of Mr WILSON and seconded by Councillor Mr WHITTAKER:***

***That the Board receive Regular Information Report.***

FOR: CR MACFADYEN, CR WYNN, MR WHITTAKER, MR WILSON MR MCDONALD AND  
MR WILLAIMS.

AGAINST: NIL

**THE MEETING** terminated at 9.17 am.

**ATTACHMENTS**

Nil

#### **4.1 Information Reports**

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TRIM REFERENCE: F2011/00027 - D02796978

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Administration Assistant

#### **SUMMARY**

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

#### **RECOMMENDATION**

*That Council deal with the following Information Reports by the Exception Method.*

#### **ATTACHMENTS**

*Nil.*

## 4.2 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02779236

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

ACTING MANAGER: Daryl Mann; Water and Sewerage Operations

### SUMMARY

Water supply and sewerage works in progress and completed for September 2011.

### 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
Pacific Hwy, Wyong Werrina Pde, The Entrance Pacific Hwy, Lake Munmorah Teamster Cl, Tuggerah	27,000	Jul 2011	90	100	Sept 2011	The installation of 100mm fire services, 50mm domestic water and sprinkler services to provide potable water supply to industrial businesses developing on the Central Coast has been completed at these locations.  All works were funded by the Developer.  W&S are waiting for an application for the installation of 150mm fire service and 100mm domestic water service for the Mariners Stadium Tuggerah.



## 4.2

## Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Killarney Vale Ourimbah The Entrance Tuggerah Watanobbi Wyong	500,000	Jul 2011	10	15	Jun 2012	Ongoing water main, stop valve and hydrant replacement works are underway to improve system supply operations.  This work is being funded by the Water and Sewerage Operations and Maintenance Program.
Albatross Rd, Berkeley Vale	50,000	Sept 2011	35	50	Nov 2011	Work has commenced to replace and lower approximately 30 services in aid of road resurfacing works being carried out by Roads and Stormwater.  This work is being funded by the Roads and Stormwater Maintenance Program.
Yaralla Rd Toukley	20,000	Sept 2011	35	50	Nov 2011	Work has commenced to replace and lower approximately 12 water services in aid of road resurfacing works being carried out by Roads and Stormwater.  This work is being funded by the Roads and Stormwater Maintenance Program.

## 4.2

## Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Gavenlock Rd, Tuggerah	240,000	May 2011	150	90	Sept 2011	<p>Collar inspections are underway on the 600mm mild steel cement lined water trunk main in Gavenlock Rd Tuggerah. This is preventive maintenance work in aid of the proposed future subdivision development work in Tuggerah.</p> <p>This trunk main forms an integral part of the water supply infrastructure transferring potable water from Mardi Water Treatment Plant to Kanwal Reservoir, thus supplying potable water to the residents north of Kanwal.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p> <p>Costs have exceeded the estimated cost due to the number of unexpected repairs required to the older 600mm water trunk main.</p>

**SEWERAGE**

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

<b>Location</b>	<b>Est Cost \$</b>	<b>Start Date</b>	<b>% Spent</b>	<b>% Comp</b>	<b>Est Comp Date</b>	<b>Comments</b>
Bateau Bay Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2011	15	25	Jun 2012	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>
Neville Cl, Bateau Bay	25,000	June 2011	50	75	Oct 2011	<p>Work is underway to construct 3 manholes and 6 sewer junctions on the existing 150mm UPVC sewer main to support the residential subdivision development at Lots 700, 706, 715 and 722 DP 801739.</p> <p>This work is being funded by The Developer.</p>

## PROCESS

### Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 30 September 2011 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

### Sewage Treatment

On 26 September 2011 the volume of treated effluent discharged from Bateau Bay ocean outfalls exceeded the licence allowance. Although this constituted a breach of the licence conditions it is not considered to be a pollution issue.

All effluent that was discharged through the outfalls was fully treated in accordance with the licence conditions.

The excess volume was exacerbated by a long period of heavy rainfall within the Wyong local government area which resulted in localised flooding and associated increased levels of Tuggerah Lakes causing submergence of local sewerage systems and allowing the ingress of storm and lake water.

Council staff are continuing work around the foreshores to identify and repair any damaged or dislodged sewage manholes and faulty sewerage systems that may have contributed to the non compliance situation.

The Office of Environment and Heritage, as regulator, has been advised of the breach.

### Sewerage Overflows

There was one reported sewage overflow that occurred on 29 September 2011 which resulted from a mechanical pump failure at C12 Sewage Pumping Station in Warnervale Road, Hamlyn Terrace.

Liquid sewage escaped into the adjacent wetland reserve and the high surface water levels and water course flows at the time mitigated any environmental impacts.

The pump was replaced and the site remediated and local residents were doorknocked and advised of the situation. As a precautionary measure warning signs were also installed to advise local pedestrians.

The Office of Environment and Heritage and Department of Health has been advised of the incident.

## WATER STORAGE

<b>Monday, 10 October 2011</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	68,052	35.8	Up 736 ML
Mardi Dam	7400	7,057	95.4	Down 3 ML
Mooney Dam	4600	4,575	99.5	Down 25 ML
<b>Total</b>	<b>202000</b>	<b>79,684</b>	<b>39.4</b>	<b>Up 708 ML</b>
<b>STORAGE:</b>				
<ul style="list-style-type: none"> <li>Total stored water volume has increased by 1.6% since last month.</li> <li>This day last year the volume stored as a percentage of total capacity was 9.6% lower.</li> </ul>				
<b>HUNTER TRANSFERS:</b>				
<ul style="list-style-type: none"> <li>Hunter Water Corporation supplied 0 ML last week keeping this year's supply to 12 ML.</li> <li>Gosford/Wyong supplied 0ML to Hunter Water last week keeping this year's supply to 0ML.</li> </ul>				
<b>GROUND WATER BORES:</b>				
<ul style="list-style-type: none"> <li>Groundwater Bores supplied 1.5 ML last week, increasing this years supply to 126.5 ML</li> </ul>				
<b>WATER USAGE &amp; RAINFALL</b>				
<b>Period</b>	<b>Water Usage [MI]</b>	<b>Rainfall [mm]</b>		
		<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>
Week to date	450	35	14	19
Previous week	446	65	78	52
Current week last year	490	18	13	26
This year to date	20,342	1,558	1,474	984
Same period last year	20,171	870	901	711
<p>Week to date consumption was 450 ML, 8.2% less than the same week last year and 0.9% more than the previous week.</p> <p>Consumption this year to date is 20,342 ML, 0.8% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 17 October 2011 is 555 ML</p>				

## ATTACHMENTS

Nil.

### 4.3 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02785070

AUTHOR/S: Peter Sheath; Manager Design and Projects & Josette Matthews; PA to Manager, IM Support

MANAGER: David Witherdin; Manager Contract and Project Management

#### SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of September 2011. General Water and Sewerage services are not included.

#### RECOMMENDATION

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

#### ROADS AND STORMWATER SECTION OVERVIEW

##### Capital Works In Progress

The table below is a status report of current major roads and drainage projects.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Lindsay St, between Bonnieview and Koorinda St, Long Jetty Road & drainage upgrade	\$819K	5/7/11	75	90	Oct 2011	Drainage complete. Asphalt surface remaining.
Horns Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah	\$232K	6/12/10	92	98	Oct 2011	Road seal and asphalt to be completed.
Hidden Valley Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah	\$357K	30/3/11	95	95	Oct 2011	Road seal and asphalt to be completed.

## 4.3

## General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Palmdale Road Bridge No. 2 - Reconstruction	\$415K	17/10/11	-	0	Dec 2011	Temporary bridge under construction.
Cabbage Tree Bay – Toe Drainage Structure	\$1.46M	5/6/11	50	100	Sept 2011	Works completed ahead of schedule and under budget.
Woodlawn Avenue, Budgewoi - Drainage Upgrade	\$1.1M	10/10/11	90	90	Oct 2011	Drainage complete – road reinstatement remaining.
Dog Trap Road – Road Upgrade	\$580,000	1/8/11	100	100	Sept 2011	Complete
Minnesota Road, Hamlyn Terrace. Road & Drainage-Upgrade – Stage 1	\$1.828M	1/9/11	2	5	Feb 2012	Site established. Some vegetation clearing undertaken.

**General Maintenance Work**

The following is a list of general works undertaken during this period:

	North	South
<b>Drainage Maintenance</b>	Blue Haven Hamlyn Terrace Toukley	Long Jetty Berkeley Vale Bateau Bay The Entrance Tumbi Umbi
<b>Replacement of Damaged Foot paving</b>	Toukley Wyong Lake Haven	Bateau Bay Killarney Vale

	North	South
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	Charmhaven Budgewoi	The Entrance
<b>Heavy Patching</b>	Budgewoi Lake Munmorah Charmhaven	Nil
<b>Table Drain Maintenance</b>	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah Chain Valley Bay Nth	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale Tuggerah
<b>Carpark Maintenance</b>	Nil	Nil
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah The Entrance Killarney Vale Long Jetty Tumbi Umbi



**CONTRACTS AND PROJECT MANAGEMENT SECTION**

The table below is a status report of current major projects.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	Dec 2006	98	98	Southern Softball Diamonds due for completion October 2011.	Construction works proceeding under Council's direct management. Turf completed to all fields. The Entrance AFL Club has relocated to the new AFL field. Fabrication of the southern softball cages has commenced. Site erection to commence 2 <sup>nd</sup> week in October.
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	98	98	August 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Final Remedial Action Plan (RAP) received. Site Auditor to now prepare audit advice letter for Final RAP document.
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	75	75	April 2012 (RAP & concept design)	Preliminary and detailed site investigations completed. Documents commenced for tenders for Remedial Action Plan (RAP) to be invited in November 2011.
CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	75	75	April 2012 (RAP & concept design)	Preliminary and detailed site investigation completed. Documents for tenders for Remedial Action Plan (RAP) under preparation, for invitation in October 2011.

### 4.3 General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$172K	Mar 2008	96	98	October 2011	Contract awarded to Cardno (NSW) Pty Ltd. Final design and tender documents currently being reviewed. Construction cost estimate is \$2.1M.
CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven	\$163K	Dec 2008	92	90	December 2011	Contract awarded to SMEC Australia Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	85	85	Mar 2013	Hunter Land Management achieved Practical Completion in March 2010. Bush regeneration and maintenance works will continue for two years. Further de-silting work completed in August.
CPA/135454 & CPA/197275 Design and Construction Advice for Toe Drainage Structure, Cabbage Tree Harbour	\$420K \$40K	2008 April 2011	100 100	100 95	SCE (Feb 2011) WP (Sept 2011)	Construction completed ahead of schedule and under budget. Completing As-Built documentation for WP signoff
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale.	\$170K	Mar 2009	90	99	Sept 2011	Council day labour completed earthworks on site Sept 2011.  Contract to be closed
CPA/164637 Preliminary Investigation (complete)	\$250K (three contracts)	Dec 2009	100	100	Complete (Preliminary Investigation)	

### 4.3 General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/185467 Detailed Investigation Toukley Landfill (Sewage Treatment Plant and Transfer site)		Nov 2010	100	100	Complete (Detailed site investigation)	Detailed site investigation completed in June 2011 by Douglas Partners P/L.
CPA/196356 - Remedial Action Plan and Concept Design for former Toukley Landfill		May 2011	80	80	November 2011 Remedial Action Plan (RAP)	Engagement of Golder & Assoc. for completion of the Remedial Action Plan (RAP) by the end of November 2011.
CPA/164957 – Tuggerah Lakes Saltmarsh Rehabilitation ( TL19 & TL20 – Berkeley Vale)	\$500K	Feb 2011	67	67	December 2011	Work has now been substantially completed following the lowering of lake water level after the major storms experienced during July. Minor fencing and site restoration work to be undertaken. Works delayed by difficulty resourcing a gang.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$7.85m	Apr 2010	85	92	Sports fields use possibly early 2012.	Turf to the main playing fields is now scheduled for early October; the Community Centre has obtained Practical Completion; the balance of works should be completed by mid October
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	15	15	April 2012 (Detailed design)	Detailed design contract awarded to SMEC. Design work commenced in June and currently in progress. Initial draft landforms and recreation options examined.
CPA/184446 – Shelly Beach SLSC Construction	\$3.72M	Oct 2010	72	98	Building by 7/10/11 and roadwork by 21/10/11.	The building should achieve Practical Completion 7/10/11 and the roadwork completion by 21/10/11.
CPA/184454 – Soldiers Beach SLSC Construction	\$3.6M	Oct 2010	85	100	Work is complete	Work is complete and has been handed over to Club.

## 4.3

## General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttonderry Waste Management Facility	\$160K	Nov 2010	65	65	April 2012	Subsurface landfill gas encountered around active landfill area. Regular ongoing monitoring continues. Tenders for gas management strategy to be invited in November 2011.
CPA/189210 CPA/194091 CPA/201014 New Cell 4.3 at Buttonderry Waste Management Facility. Investigation and design only	\$430K	Nov 2010	15	15	June 2012	Contract for Area 4 Development Strategy awarded and currently in progress. Tenders for detailed design for new Cell 4.3 invited, closing 6 October 2011.
F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities	\$200K	Dec 2010	50	60	June 2012	Main shelter upgrade works underway. Landscaping works complete. Playground upgrade works expected to be completed October 2011.
CPA/179981 B9 Sewage Rising Main Extension – Long Jetty	\$2,338K	Sept 2011	0	25	April 2012	Work commenced in September 2011. Approximately 800m of pipe laid to date.

**CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS**

Contract No.	Contract Description	Date of Practical Completion
CPA/144547	Construction of Stormwater Treatment Works Colongra Bay Rd, Lake Munmorah	17 <sup>th</sup> August 2011

**CONTRACTS STILL IN DEFECTS LIABILITY PERIOD**

Contract No	Contract Description	Contract Status	% Completed
CPA/184901	Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan as part of the Estuary Management Plan.	Practical Completion on 10 June 2011	30%

## 4.3

## General Works in Progress (contd)

CPA/184904	Construction of Stormwater Treatment Works, Catalina Rd & Liarena Av San Remo	Practical Completion on 20 July 2011	25%
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	Practical Completion on 31 May 2011	40%
CPA/179982	Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	Practical Completion achieved.	70%
CPA/127662	Mardi Suite of Works  Mardi Transfer System, High Lift Pump Station and Intake Tower (Boulderstone)	Practical Completion  Separable Portion 1 - 26 November 2010 Separable Portion 2A - 26 November 2010 Separable Portion 2B - 26 November 2010 Separable Portion 3 - 26 November 2010	83
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor	100
CPA/142295	Mardi Suite of Works  High Voltage Upgrade to Mardi Dam site (Poles and Underground)	Practical Completion  Separable Portion 1 - 10 August 2010 Separable Portion 2 - 10 August 2010 Separable Portion 3 - 27 August 2010	100
CPA/153228	Construction of Woongarah Sports Facility	Practical Completion 4 June 2010 Defects being repaired by Contractor	98
CPA/160794	Construction of the Northern Section of the Link Road	Practical Completion  Separable Portion 1 – 16 March 2010 Separable Portion 2 - 1 September 2010 Separable Portion 3 - 15 November 2010	100 100 85
CPA/154562	Toukley Sewage Treatment Plant Inlet Works Upgrade	Practical Completion 10 December 2010	80
CPA/160330	Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	Practical Completion 1 October 2010	90
CPA/160331	Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	Practical Completion 30 August 2010 Defects Liability period finished 30 August 2011. Final Certificate has been issued and the security has been released. No defects or issues reported.	100
CPA/164633	Excavation & lining of	Defects liability period finished 28 August	100

## 4.3

## General Works in Progress (contd)

	Cell 4.2B Buttonderry Waste Management Facility	2011. Arrangements currently in progress for issue of final certificate and release of final security. No defects, issues or disputes.	
CPA/171026	Installation of Subsoil drainage at Halekulani Oval, Kurraba Oval and Killarney Vale Oval	Practical Completion 1 December 2010	80
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	Practical completion achieved on 31 May 2011	40
CPA/174474	Stormwater Treatment Works Project #6, Parkside Dr Charmhaven	Practical Completion 29 October 2010	95
CPA/177219	Amenities Block at Tenth Avenue, Budgewoi	Practical Completion 30 September 2010	90
CPA/184901	Construction of Stormwater Treatment Works, Gascoigne Road, Gorokan	Practical Completion granted 10 June 2011	30

## ATTACHMENTS

*Nil.*

#### **4.4 Response from Minister for Sport and Recreation on Administration of Water Safety**

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TRIM REFERENCE: F2004/06211 - D02799004  
MANAGER: Maxine Kenyon, Director  
AUTHOR: Tara Mills; Manager Sport Leisure Rec

#### **SUMMARY**

Following Council's request on 13 July 2011, advice has been received from Graham Annesley MP, Minister for Sport and Recreation (see Attachment 1).

#### **RECOMMENDATION**

***That Council receive the response from the Minister for Sport and Recreation on Administration of Water Safety.***

#### **BACKGROUND**

At its meeting on 13 July 2011, Council resolved unanimously on the motion of Councillor Graham and seconded by Councillor Webster:

*"That Council lobby the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.*

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

AGAINST: NIL"

Following a letter of support from Wyong Shire Council, the attached response was received. In this response Graham Annesley MP, Minister for Sport and Recreation, advises that the lead Government agency for water safety in New South Wales would be the Ministry for Police and Emergency Services, and under this portfolio, responsibility for surf life saving will now rest with this agency.

This arrangement will provide valuable funding and support to Surf Life Saving with \$1million for water safety and \$2million for the Surf Club Facility Grant Program. The Surf Club Facility Grant Program will be administered by Surf Life Saving and the Office of Communities.

#### **ATTACHMENTS**

- |   |                                                                                                                                                                                           |           |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1 | Graham Annesley MP -Minister Sport Recreation - re council letter - advise Ministry Police Emergency Services - lead Government agency water safety - responsible for Surf Lifesaving NSW | D02787325 |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|



**The Hon. Graham Annesley MP**  
Minister for Sport and Recreation

Ref: 2298/11  
File No: 11/A/16  
SR11/506

Mr Michael Whittaker  
General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Mr Whittaker

I refer to your correspondence received 30 August 2011 regarding the administration of water safety.

On 12 September 2011, a water safety forum was convened by the Minister for Police and Emergency Services to inform key water safety stakeholders, including Surf Life Saving NSW, of the implementation of the Government's water safety election commitments. The Minister for Local Government, the Minister for Roads and Ports and I attended the forum to demonstrate our commitment to the Government's new directions for water safety.

In line with our election commitments, the Minister for Police and Emergency Services announced that the lead Government agency for water safety in New South Wales would be the Ministry for Police and Emergency Services and under these new arrangements, portfolio responsibility for surf lifesaving will rest with this same agency.

The Government's annual operational grant to Surf Life Saving NSW will now be administered by the Ministry for Police and Emergency Services and the Ministry will work closely with Surf Life Saving NSW on water safety matters.

The Government's support for surf lifesaving clubs includes an annual operational grant of \$2.7m (including the \$1million water safety election commitment) and \$2 million in 2011-12 for the Surf Club Facility Grant Program. The latter program will continue to be administered by Surf Life Saving NSW and the Office of Communities.

I trust this information is of assistance.

Yours sincerely

  
Graham Annesley MP  
Minister for Sport and Recreation

17 SEP 2011



## **4.5 Trial Extension of Lifeguard Service**

---

TRIM REFERENCE: F2004/06257 - D02665838

AUTHOR/ MANAGER: Tara Mills, Manager Sport, Leisure and Recreation

### **SUMMARY**

On 23 March 2011, Council received a report on a "Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011". This report provides information on the outcomes and findings of the trial and the associated costs of the patrol.

### **RECOMMENDATION**

- 1 That Council receive the report on the Trial Extension of Lifeguard Service to Soldiers Beach and Shelly Beach.**
- 2 That Council request the General Manager not to introduce an extended lifeguard service at this time, based on the low numbers of beach swimmers.**

### **BACKGROUND**

At the Ordinary Meeting held on 23 March 2011 Council:

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

- 1 That Council receive the report on Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011.*
- 2 That Council extend the 2010/ 2011 Lifeguard patrol season at Soldiers Beach and Shelly Beach to 1 May 2011.*
- 3 That Council note Surf Life Saving Central Coast's offer to provide volunteer lifesavers to patrolled beaches throughout the May 2011 trial on Saturdays and Sundays.*
- 4 That Council staff collect data on the utilisation of Councils beaches during May 2011 to inform Council when deciding on the date of the 2011/12 season.*

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

AGAINST: NIL"

## 4.5 Trial Extension of Lifeguard Service (contd)

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At the Ordinary Meeting held on 27 April 2011 Council:

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

*“That Council extend the lifeguard season for an additional four weeks, ending on Friday 20 May 2011 at Soldiers Beach and Shelly Beach*

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

AGAINST: NIL”

This report addresses resolution four from the Ordinary Meeting held on 23 March 2011.

### PROPOSAL

#### Description of Trial

The trial was to provide a four week extension of the lifeguard season commencing on 27 April until 20 May 2011 with the support of Surf Life Saving on the weekends. Surf Life Saving had intended to support the trial, however they were unable to access enough volunteers to patrol the beaches on the weekends.

As a result, the first weekend was not patrolled, with the remaining weekends patrolled by lifeguards (7-8 May 2011 and 14-15 May 2011) as the extension had been heavily advertised. The beaches were patrolled between 8:30am and 5:00pm each day with two lifeguards on duty at all times.

The estimated budget to cover the extension was \$24,457.00. The actual cost for the provision of the extended lifeguard patrol was \$34,900.00, due to the inclusion of the additional weekend work.

#### Usage Statistics from Trial

Council lifeguards collect data on each day of their patrol, this continued during the trial and also assists in determining the validity of the extended May beach trial. This data includes photos as well as the following:

- Number of swimmers in the water between the flags per hour
- Number of members of the public on the beach
- Number of school groups in the water and on the beach
- Weather conditions
- Number of incidents requiring first aid, rescues and preventative/regulatory actions\*.

\* Preventative actions are safety actions that include moving swimmers into the flags, moving surf craft riders out of the flags, keeping fishermen out of the patrol area, moving signs and flags to improve safety at the beach etc. Regulatory actions may include asking dog owners to remove their dogs from the beach, fining members of the public for breaches of The Local Government Act, requesting people not to litter or asking people to pick their litter up.

## 4.5 Trial Extension of Lifeguard Service (contd)

The data collected by the lifeguards generally classifies beach users into three categories:

- beach (who are typically land based beach users)
- water (which generally refers to free swimmers)
- surf (which reflects surfers).

Counts of each of these three categories are hourly and recorded into a database (i.e. if a person is at the beach from 9:00am till 11:30am, they will be counted three times; 9:00am to 10:00am, 10:00am to 11:00am and 11:00am to 12:00pm). Similarly if somebody is at the beach, leaves and returns within an hour, they may be counted twice within the hour.

It is recognised that the data collection method is flawed and there are a number of areas highlighted in the statistical information that can be improved, it is being reviewed. As a result of the accuracy of the lifeguard data, an independent person was commissioned to collect data at three to four hour intervals throughout the day. The data collected included:

- Total Number of non swimming beach visitors
- Number of board riders in the water
- Number of school groups
- Number of swimmers in the water between the flags.

The results below show the limited number of swimmers in the water and the higher number of school children, with teachers at the beach.

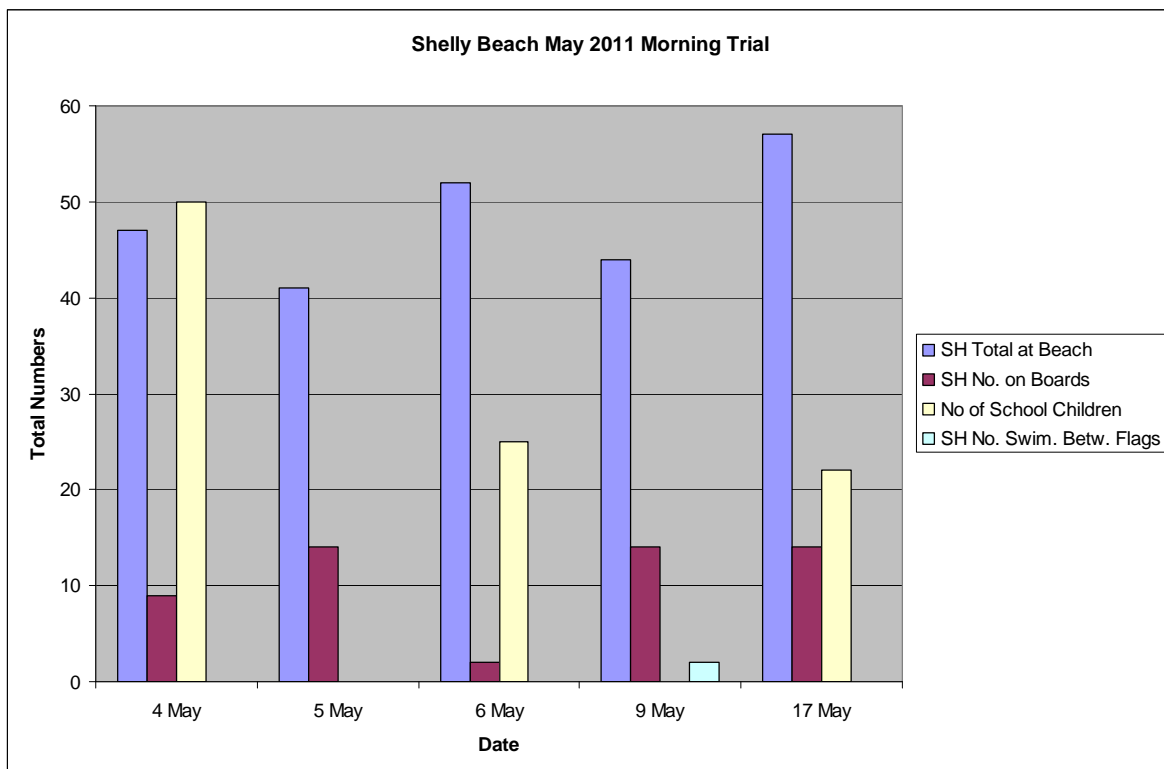


Chart 1: Shelly Beach beach users by type (swimmers, surfers, beach users, school children) over a 5 day sample period during the mornings of the May winter trial.

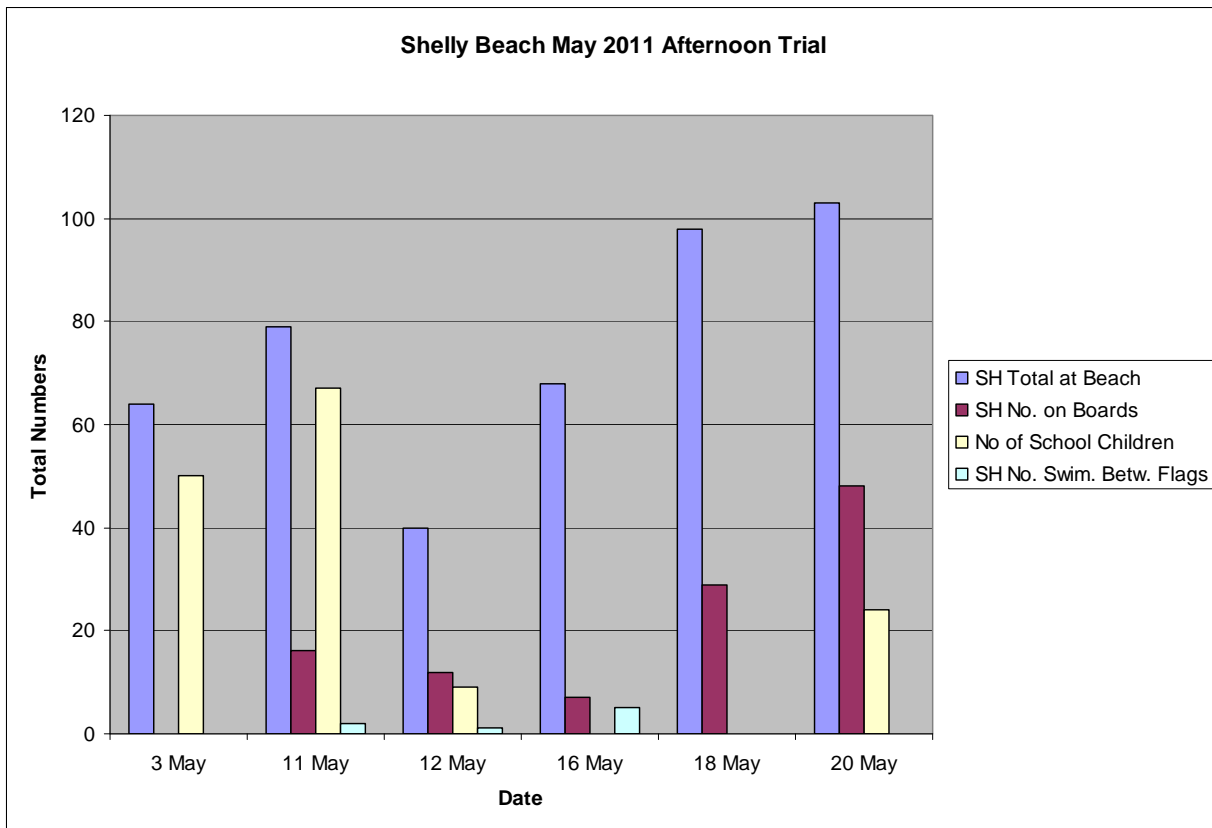
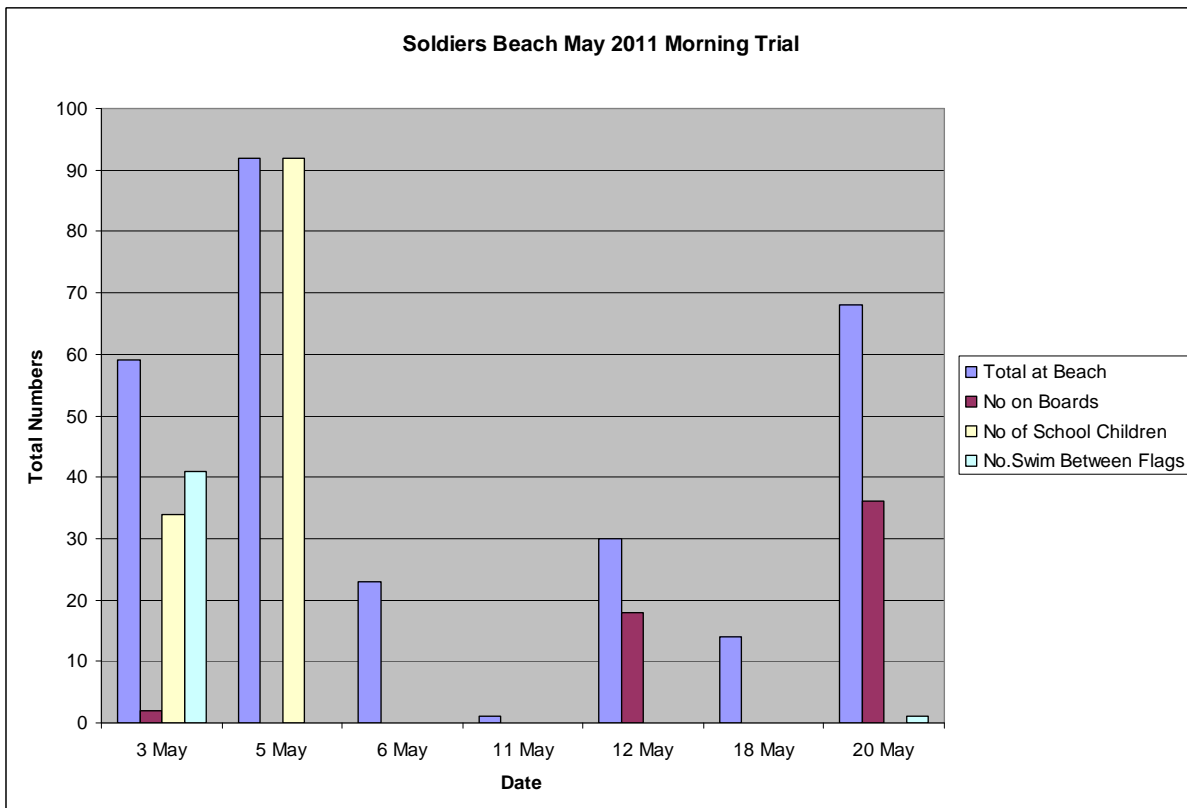


Chart 2: Shelly Beach beach users by type (swimmers, surfers, beach users, school children) over a 5 day sample period during the mornings of the May winter trial.



## 4.5 Trial Extension of Lifeguard Service (contd)

Chart 3: Soldiers Beach beach users by type (swimmers, surfers, beach users, school children) over a 5 day sample period during the mornings of the May winter trial.

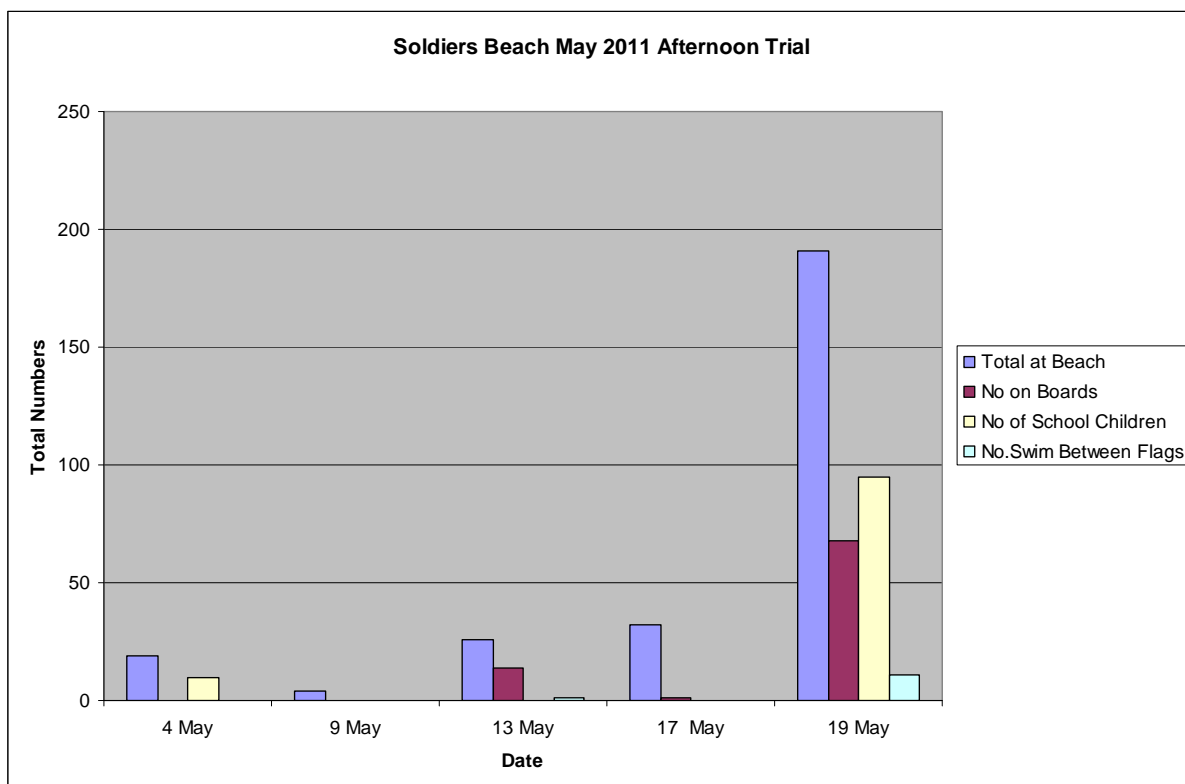


Chart 4: Soldiers Beach beach users by type (swimmers, surfers, beach users, school children) over a 5 day sample period during the mornings of the May winter trial.

This independent data highlights the limited number of swimmers on the beaches during this trial period.

Additional data collected related to weather, non swimming visitors to the beach and first aid.

- On average the weather was not considered swimming weather
- Number of rescues – No rescues during observation periods

### Lifeguard Statistics

Beach information collected and summarised from 27 April 2011 until 20 May 2011 (including the weekends of 7-8 May and 14-15 May 2011) indicated similar results to the independent survey.

	Av. Swimmers per Hour	Av. Surfers per Hour	Av. Beach (on land) users per Hour	Av. Total Beach Visitors (all types) per hour
Shelly Beach	6	10	33	49
Soldiers Beach	4	10	28	42

Table 1: Average recorded beach users by type per hour during the May 2011 lifeguard trial.

## 4.5 Trial Extension of Lifeguard Service (contd)

In addition to these statistics, there have been a number of incidents throughout this trial period that Council lifeguards have responded to. These incidents include:

	First Aids	Rescues	Preventative/ Regulatory Actions
<b>Shelly Beach</b>	2	0	107
<b>Soldiers Beach</b>	1	4	205

Table 2: Numbers of First Aids, Rescues and Preventative actions taken at each beach during the May 2011 Lifeguard trial.

### First Aids:

Soldiers Beach - a surfer requiring medical attention due to a large laceration close to his eye.

Shelly Beach - an injury to a surfers eye that required surgery.

Toowoan Bay - treated a patient for a sting ray hit.

The independent data was only collected on week days and in three or four hourly periods. Overall the independent data reflected lower statistics for similar time periods. This is reasonable considering the flaws in the collection of lifeguard data, for example an individual could be counted at every hour interval, whereby over inflating the number of swimmers.

In addition data was collected on the number of school groups accompanied by teachers. The school groups increased figures anywhere between 20 and 60 as identified in the charts from the independent survey.

### **Comparison with Winter Trial 2010**

	Winter 2010 Shelly Beach	Winter 2010 Soldiers Beach	May 2011 Shelly Beach	May 2011 Soldiers Beach
<b>Average swimmers per Hour</b>	9	5	6	4
<b>Average beach users per hour</b>	50	22	33	28
<b>Average mean temperature at 3:00pm Norah Head</b>	17.1 <sup>0</sup> C	17.1 <sup>0</sup> C	17.8 <sup>0</sup> C	17.8 <sup>0</sup> C

Table 3: Average usage and weather statistics

As can be seen from the above table, the May results are down on the numbers from the 2010 winter trial results.

### **CONCLUSION**

The extension of the lifeguard service was trialled with statistics on usage captured by lifeguards and an independent person which highlighted the following findings:

- There were very few swimmers at the beach
- Most beach users did not enter the water, and those that did were primarily surf craft riders
- As expected, greater numbers of beach users occurred on weekends

#### **4.5 Trial Extension of Lifeguard Service (contd)**

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- Beach user numbers peaked during the middle of the day when the weather was warmer (1:00pm-2:00pm at both beach locations)

These findings do not favourably support extending the current seven month season, nor are funds allocated for an extension in 2012.

Staff will continue to provide education on beach safety to the public throughout the year, particularly around the season through local media and our education programs including the award winning Stay Safe at the Beach project which is again planned for 3 December 2011. Surf Life Saving also provide an education program on water safety.

In addition, an audit of all signage on the beaches to ensure visitors understand that the beaches are not patrolled 365 days a year is currently underway.

#### **ATTACHMENTS**

*Nil.*

#### 4.6 Activities of the Building Certification and Health Unit and Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02794681

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jane Doyle; Senior Administration Support Officer

#### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the months of August and September 2011.

#### RECOMMENDATION

***That Council receive the report on Activities of the Building Certification and Health Unit and Development Assessment Unit.***

#### Development Applications Received and Determined – August 2011

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	13	1,505,250	2	81,000
Industrial	1	6,480	1	720,000
Residential	76	23,036,539	81	10,317,180
Other	14	468,000	11	30,900
<b>Total</b>	<b>104</b>	<b>25,016,269</b>	<b>95</b>	<b>11,149,080</b>

**Note:** Included in the number of development applications lodged in the "Residential" category was additions to an existing Aged Care Facility located at Canton Beach valued at \$14M.

#### Subdivision Applications Received and Determined – August 2011

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	2	2	2	2
Rural	1	-	-	-
<b>Total</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>



## Development Applications Received and Determined – September 2011

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	12	3,169,910	9	2,631,000
Industrial	4	365,000	-	-
Residential	81	12,717,464	77	10,097,204
Other	21	1,281,810	13	770,000
<b>Total</b>	<b>119</b>	<b>17,534,184</b>	<b>99</b>	<b>13,498,204</b>

**Note:** Included in the number of development applications lodged in the "Residential" category was a Residential Flat Development consisting of 11 Units and Strata Subdivision located at Watanobbi valued at \$2M. Included in the number of development applications determined in the "Commercial" category was construction of modular buildings, associated site works and refurbishment of existing buildings at Lakes Anglican Grammar School, Warnervale valued at \$1.5M.

## Subdivision Applications Received and Determined – September 2011

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	3	15	1	4
Rural	-	-	-	-
<b>Total</b>	<b>3</b>	<b>15</b>	<b>1</b>	<b>4</b>

## Net Median Turn-around Time - August

The net median turn-around time in working days for development applications determined during the month of August was **13** days. There was no priority applications determined during the month of August.

## Net Median Turn-around Time - September

The net median turn-around time in working days for development applications determined during the month of September was **14** days. There was no priority applications determined during the month.

## Other Approvals and Certificates

Type:	Number Determined August:	Number Determined September
Trees	30	28
Section 149 D Certificates ( <i>Building Certificates</i> )	12	15
Construction Certificates	70	51
Complying Development Certificates	15	6

## State Environmental Planning Policy No 1

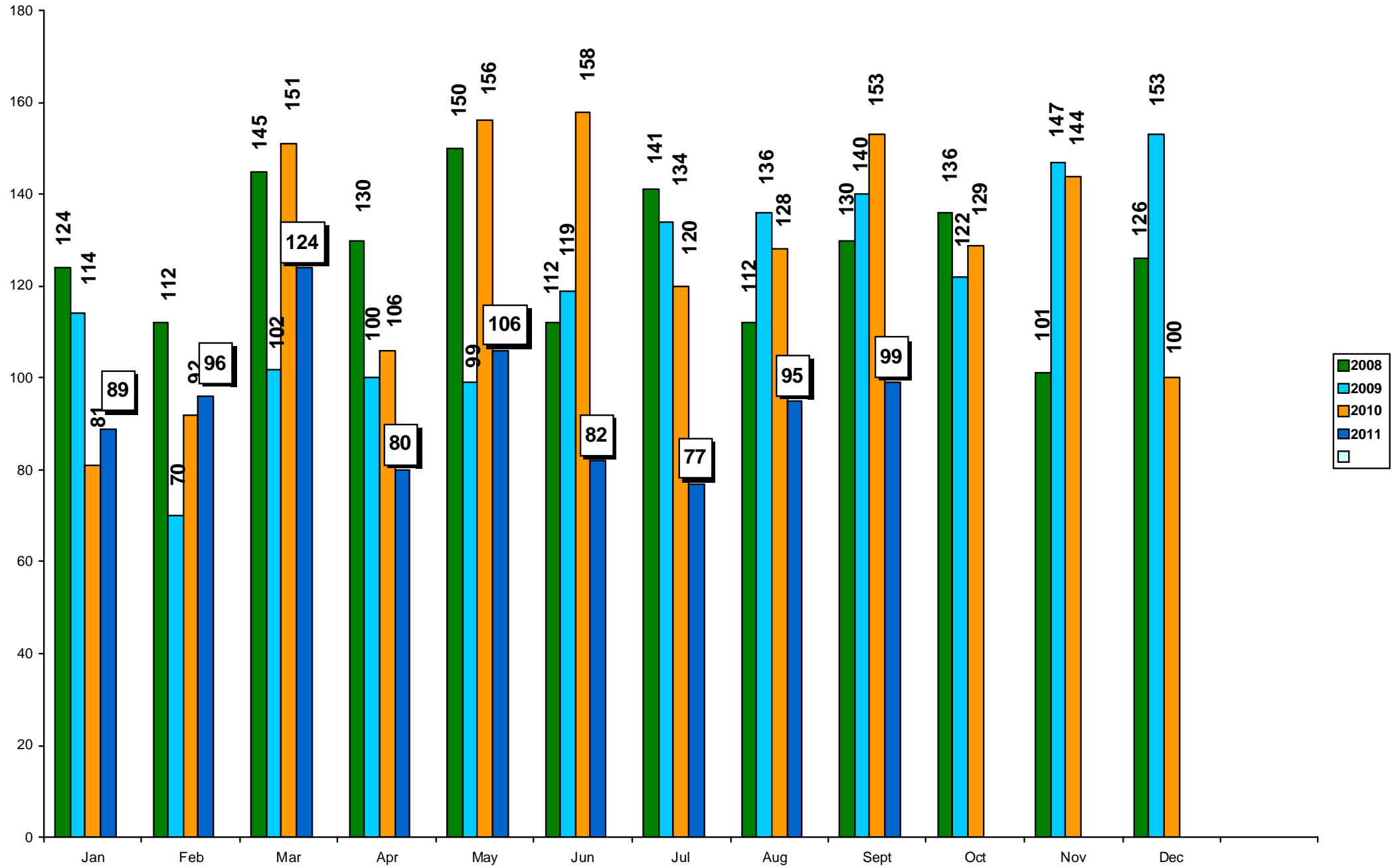
There were no applications that relied on a SEPP 1 variation in excess of 10% for the Month of August or September.

## ATTACHMENTS

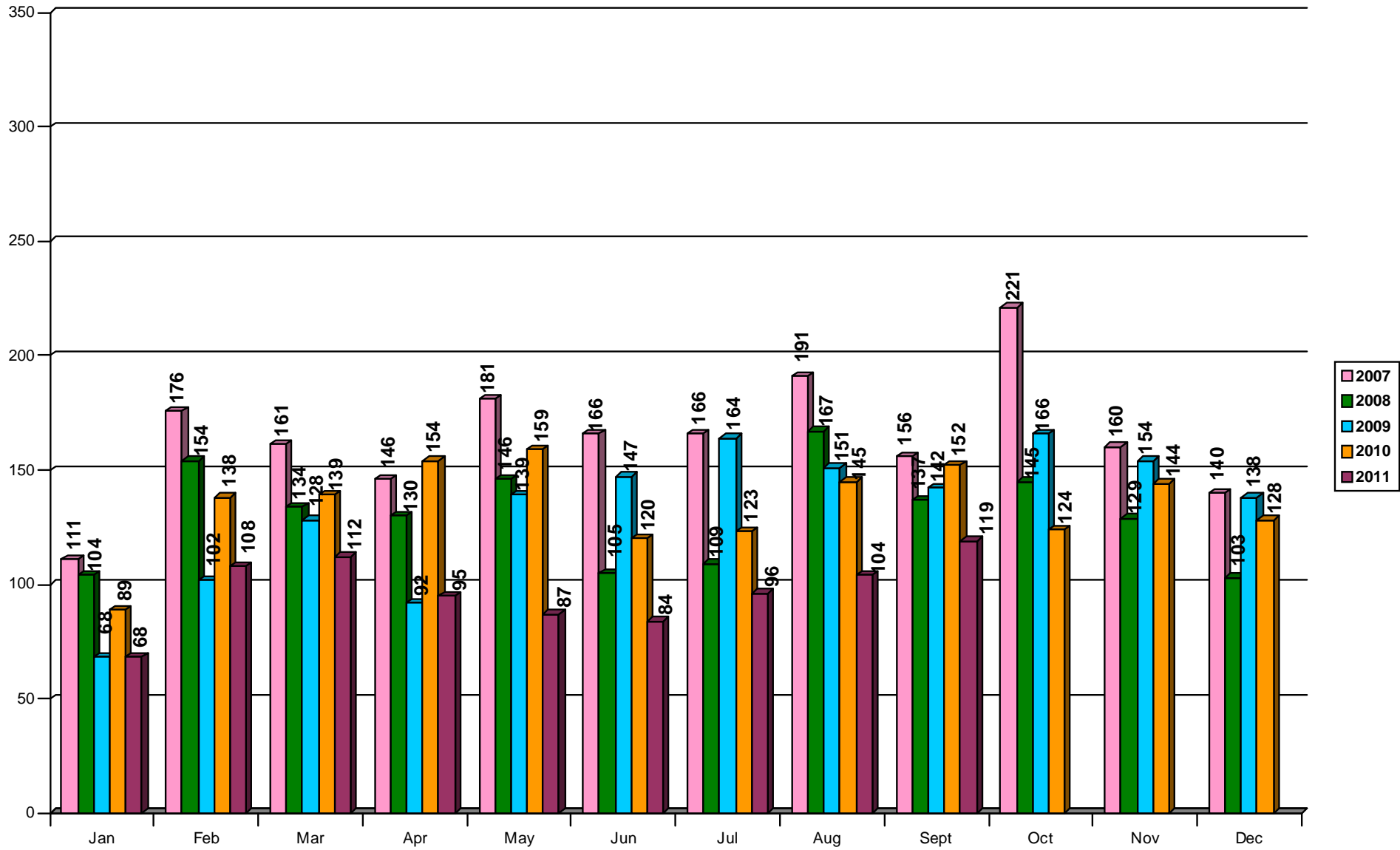
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined (A4 Colour)

D02797096

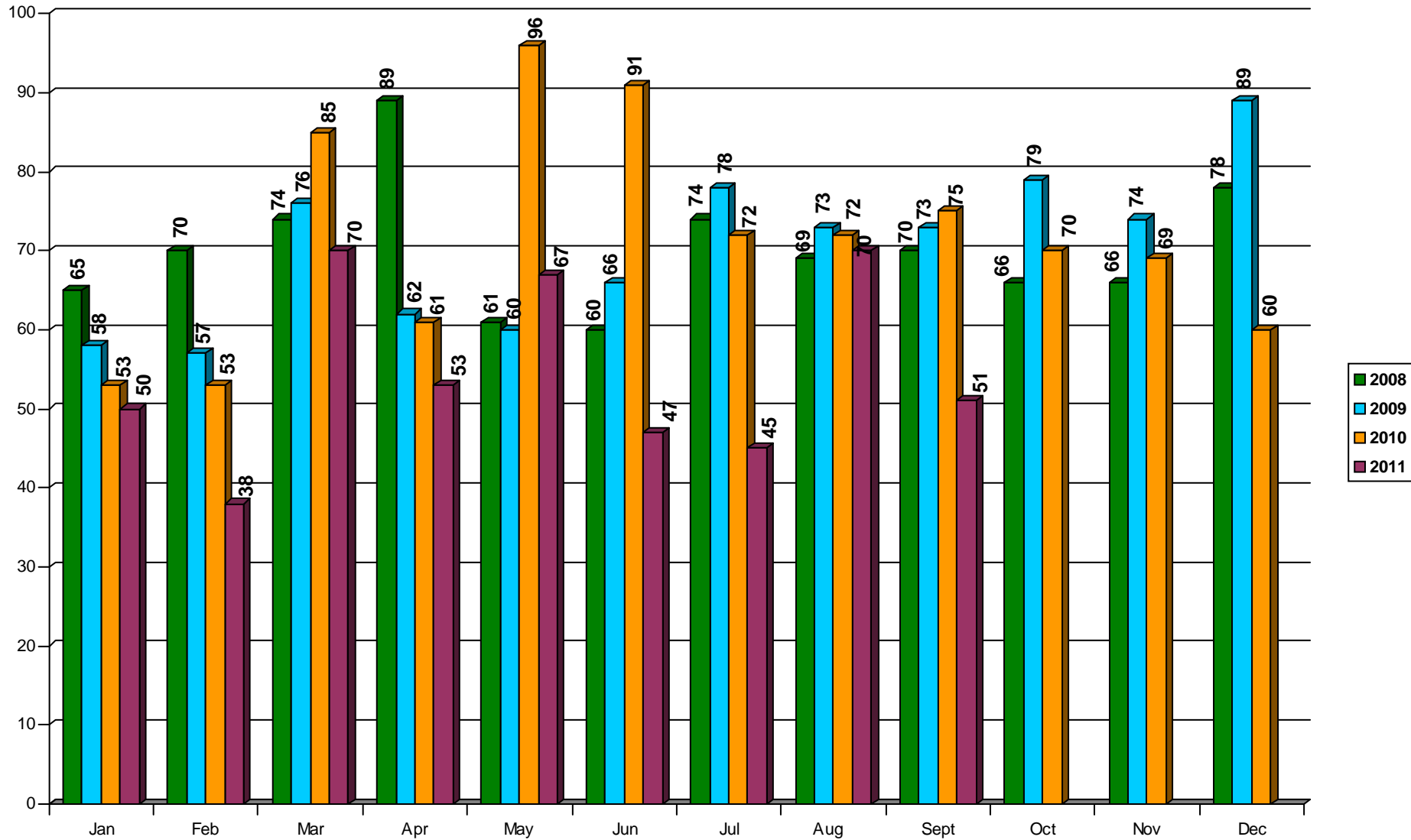
**DAs DETERMINED**



**DAs LODGED**



**CCs DETERMINED**



## 4.7 Operational Activities and Trends Associated with the Animal Care Facility at Charmhaven

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TRIM REFERENCE: F2006/01779 - D02795359

MANAGER: Gina Vereker, Director

AUTHOR: Rob Van Hese; Manager Regulation and Compliance

### SUMMARY

At its meeting held on 12 August 2009, Council resolved that a quarterly trend analysis of operational activities at the Animal Care Facility be undertaken and be reported to Council on a regular basis. This report provides a first quarter financial year analysis for 2011/2012.

### RECOMMENDATION

***That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility at Charmhaven.***

### BACKGROUND

Council at its meeting held 12 August, 2009, resolved, inter alia, unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

*"7 That Staff provide a quarterly trend analysis and operational activities report to Council."*

*FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.*

*AGAINST: Nil"*

This report addresses the abovementioned resolution in regard to WSC'S Animal Care Facility (ACF) operations for the first quarter of the 2010/11 financial year.

### Wyong Shire Companion Animal Strategy

WSC'S Companion Animal Strategy has 5 key objectives:

#### 1 To have fewer animals arrive at the ACF

**Result:** A 25% (108) reduction in the number of animals arriving at the ACF from a peak of 439 in 2009/10 to 331 in 2011/12 has been achieved. This is due to a 30% (48) reduction in the number of animals seized by rangers and a welcome 28% (77) reduction in the number of cats and dogs dumped at the ACF out of hours kennels.

## 4.7

## Operational Activities and Trends Associated with the Animal Care Facility at Charmhaven (contd)

Comparison of 1 <sup>st</sup> Quarter Activities – July to September	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Animals 'Arriving' at the ACF</b>	<b>297</b>	<b>321</b>	<b>284</b>	<b>320</b>	<b>439</b>	<b>430</b>	<b>331</b>
<b>Seized animals transferred to WSC'S ACF</b>							
• Cats	0	1	0	1	3	0	0
• Dogs	167	150	180	99	122	111	88
	<b>167</b>	<b>151</b>	<b>180</b>	<b>100</b>	<b>125</b>	<b>111</b>	<b>88</b>
<b>Dumped</b>							
• Cats	2	30	6	13	73	75	37
• Dogs	71	87	54	135	194	196	157
	<b>73</b>	<b>117</b>	<b>60</b>	<b>148</b>	<b>267</b>	<b>271</b>	<b>194</b>
<b>Surrendered by owners</b>							
• Cats	1	0	0	0	4	5	5
• Dogs	56	53	44	72	43	43	44
	<b>57</b>	<b>53</b>	<b>44</b>	<b>72</b>	<b>47</b>	<b>48</b>	<b>49</b>

**2 To increase the number of animals released to their owners (expressed as a % of total animals arriving)**

**Result:** The number of seized animals released to their owners has increased by 6% (12) to 226 from a previous high of 214 for the first quarter of 2009/10. This may be an indicator of the success of the ongoing staff campaign to improve the rate of animal registration within Wyong Shire, thereby enabling the owners of seized dogs to be identified and contacted when their animal are seized.

Comparison of 1 <sup>st</sup> Quarter Activities – July to September	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Released to owner (from the ACF)</b>							
• Cats	0	0	0	2	11	4	17
• Dogs	61	73	96	97	203	166	209
	<b>61</b>	<b>73</b>	<b>96</b>	<b>99</b>	<b>214</b>	<b>170</b>	<b>226</b>

**3 To increase the number of animals sold (expressed as a % of total animals arriving)**

**Result:** Although sales of dogs and cats has fallen 32% (47) from a high of 149 in the 1<sup>st</sup> quarter of 2010/11, this is the first time that the total number of animals saved (372) has exceeded the total number of new animals arriving (331) at the ACF over the same period.

<b>Comparison of 1<sup>st</sup> Quarter Activities – July to September</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Animals 'Saved'</b>	<b>114</b>	<b>149</b>	<b>127</b>	<b>223</b>	<b>360</b>	<b>378</b>	<b>372</b>
<b>Sold</b>							
• Cats	0	1	0	0	34	53	39
• Dogs	14	22	14	54	64	96	63
	<b>14</b>	<b>23</b>	<b>14</b>	<b>54</b>	<b>98</b>	<b>149</b>	<b>102</b>

**4 To increase the number of animals released to re-homing organisations**

**Result:** The number of animals released to community volunteer companion animal re-homing organisations is 37% (26) less than the high of 70 for the corresponding period in 2008/09. Efforts are continuing to establish a Wyong Shire based community volunteer companion animal rescue and foster care group with the aim of saving every healthy suitable cat and dog.

<b>Comparison of 1<sup>st</sup> Quarter Activities – July to September</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Released to organisations for rehoming</b>							
• Cats	0	12	0	3	7	6	5
• Dogs	31	36	15	67	38	48	39
	<b>31</b>	<b>48</b>	<b>15</b>	<b>70</b>	<b>45</b>	<b>54</b>	<b>44</b>



**4.7 Operational Activities and Trends Associated with the Animal Care Facility at Charmhaven (contd)**

**5 To increase the number of animals saved (expressed as a % of total animals arriving at the ACF)**

**Result:** The total number of animal's euthanased, expressed as a % of total animals arriving at the ACF rose to 18% (61) from a low of 9% (40) for the corresponding period in 2010/11. This however, included 17 dogs that had displayed vicious or unacceptable aggressive behaviour and 14 cats and dogs destroyed on the recommendation of WSC'S contracted vet due to illness, disease or injury. The ultimate aim of the ACF is to save all healthy and suitable animals.

Comparison of 1 <sup>st</sup> Quarter Activities – July to Sept	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Animals 'Euthanased' (* - category 1<sup>st</sup> introduced in 2008/09 reporting period)</b>	<b>185</b>	<b>181</b>	<b>174</b>	<b>79</b>	<b>75</b>	<b>40</b>	<b>61</b>
<b>Euthanased (only category used prior to 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	2 182 <b>184</b>	13 167 <b>180</b>	6 167 <b>173</b>	NA	NA	NA	NA
<b>Euthanased Restricted Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Dogs only</li> </ul>	NA	NA	<b>0</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>8</b>
<b>Euthanased Dangerous Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Dogs only</li> </ul>	NA	NA	<b>0</b>	<b>2</b>	<b>20</b>	<b>6</b>	<b>9</b>
<b>* Euthanased – Owners Request (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* Euthanased – Unsuitable for re-homing (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	<b>0</b>	<b>0</b>	5 9 <b>14</b>	10 20 <b>30</b>

## 4.7

## Operational Activities and Trends Associated with the Animal Care Facility at Charmhaven (contd)

<p><b>* Euthanased – Unable to re-home (Does not include dangerous or restricted dogs)</b></p> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	1 72 <b>73</b>	26 15 <b>41</b>	0 0 <b>0</b>	0 0 <b>0</b>
<p><b>* Euthanased – Due to illness/disease/injury (Does not include dangerous or restricted dogs)</b></p> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	0	4 5 <b>9</b>	12 3 <b>15</b>	7 7 <b>14</b>
<p><b>Animals died at ACF</b></p> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	0 1 <b>1</b>	0 1 <b>1</b>	0 1 <b>1</b>	0	2 3 <b>5</b>	1 0 <b>1</b>	1 2 <b>3</b>
<p>Total animals euthanased as a % of animals arriving at the ACF over the period (including Restricted/Dangerous/III/Diseased)</p>	185/297 <b>= 62%</b>	181/321 <b>= 57%</b>	174/284 <b>= 61%</b>	79/320 <b>= 25%</b>	75/439 <b>= 17%</b>	40/430 <b>= 9%</b>	61/331 <b>= 18%</b>
<p>Animals euthanased (not including Restricted/Dangerous/III/Diseased)</p>				73/320 <b>= 23%</b>	41/439 <b>= 9%</b>	14/430 <b>= 3%</b>	30/331 <b>= 9%</b>

## ATTACHMENTS

*Nil.*

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

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TRIM REFERENCE: F2004/06822 - D02796649

MANAGER: Rob Van Hese, Manager Regulation and Compliance

AUTHOR: Jon Scorgie; Senior Environmental Health Officer

##### **SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the months of August and September 2011.

##### **RECOMMENDATION**

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

##### **Primary Recreation Water Quality Monitoring Program**

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

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

Council at its meeting held on 9 June 2010 resolved as follows:

*"RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:*

- 1 *That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee being:*
  - a *That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.*
  - b *That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes*

#### **4.8 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)**

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*in water quality and the results of such testing be submitted to the Estuary Management Unit.*

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

*AGAINST: COUNCILLORS BEST AND EATON"*

Although the Office of Environment and Heritage's Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

For our winter program, Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

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

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will 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 and September 2011 (Winter Program)**

For the months of August and September all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all of the sampling days.

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

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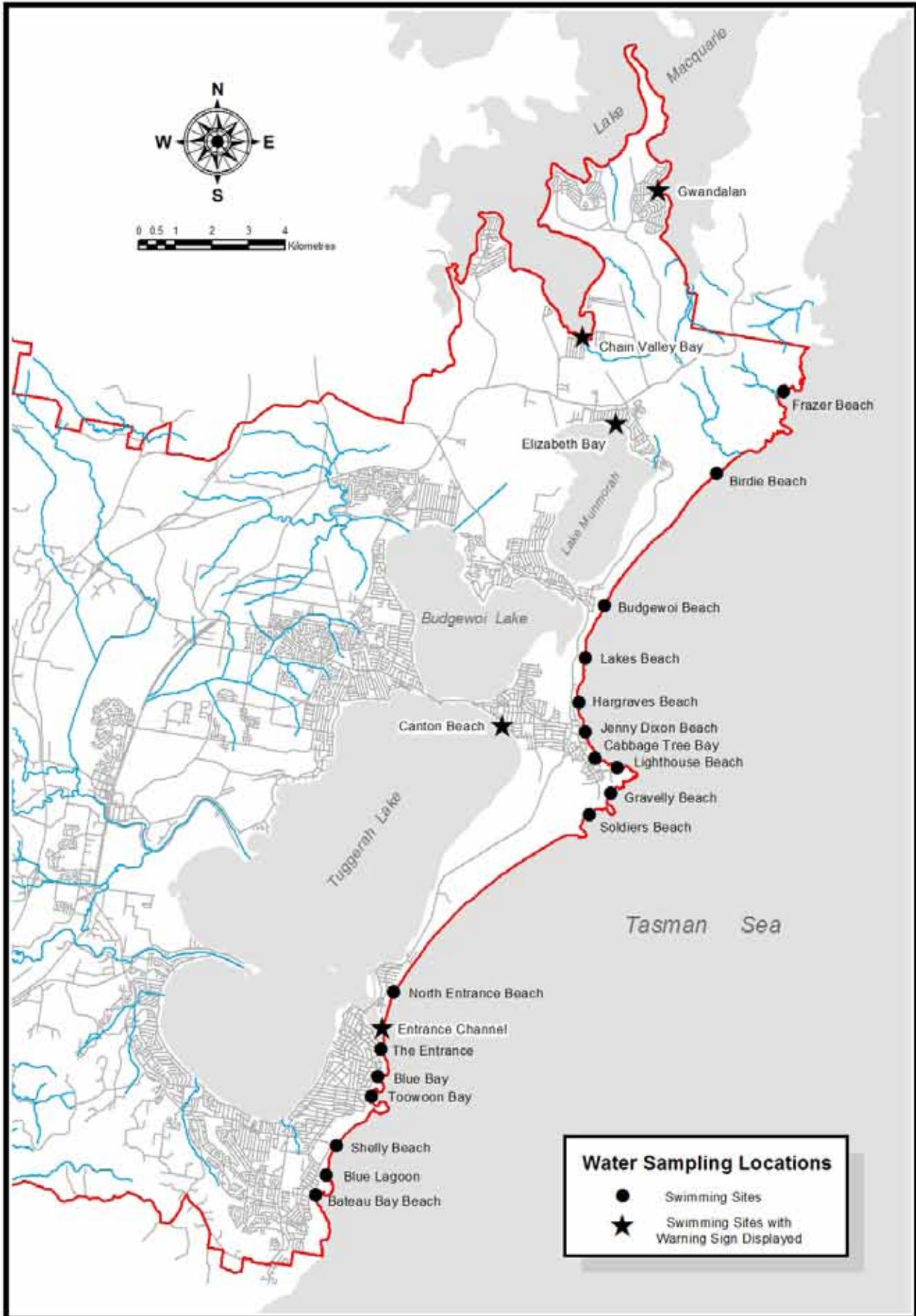
A definition of the star rating system can be seen in Table 1 below.

**Table 1: 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 Locations D02345961



#### 4.9 Mardi to Mangrove Link Project Status

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TRIM REFERENCE: F2007/01120 - D02800336  
AUTHOR: Daniel Kemp; Engineer  
MANAGER: Daryl Mann; Acting Manager Water and Sewerage

#### SUMMARY

Report on status of Mardi to Mangrove Link Project.

#### RECOMMENDATION

*That Council receive the report on Mardi to Mangrove Link Project Status.*

#### PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

#### CURRENT STATUS

<b>Expenditure to date</b>	October 2011	\$108.4m
<b>Value of works Complete</b>	October 2011 (est)	\$110.5m
<b>Approved Budget</b>		\$120.6m
<b>Overall Construction Status (excluding Commissioning)</b>	<b>Completion Date:</b> 25 November 2011	<b>% Work Complete:</b> 99%

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#### Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
<b>Milestone 1:</b>		25 November 2011	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%
Work Package 2 – Wyong River Pump Station	19 February 2010		99%

#### 4.9 Mardi to Mangrove Link Project Status (contd)

Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		100%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		100%

<b>Milestone 2:</b>		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
<b>Milestone 3:</b>		1 February 2012 *	70%
Commissioning	1 August 2011		

**(Dates as per JH latest program C22) \* excl 2 week contractor's float**

#### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011	25 September 2011	<input checked="" type="checkbox"/>
Transfer Pump Station Construction	31 January 2011	4 April 2011	<input checked="" type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>



**Land Matters**

- Pipe laying has been completed on all properties.
- 50/56 properties have been restored (excluding minor outstanding works).
- Works have been 100% completed by John Holland on 50/56 properties.
- 40/56 landholders have signed releases.
- Easement Plans have been prepared for all properties.
- Compulsory acquisition applications for the easement corridor have not been submitted. Plans will be finalised this week and submitted to the Office of Water.

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**Stakeholder Liaison****Media**

- The Community Celebration Day was held on Sunday 16 October was a successful day with a huge interest in the bus tours. MMLP will continue to work through the back log of bus tours.

**Resident communication**

- Direct liaison with affected landholders is ongoing via the project's Property Team.

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**Incidents**

- No significant Environmental or safety incidents occurred in the last period.
  - Ongoing monitoring of siltation controls at Ingram property.
-

**Major Achievements / Issues**

- Work Package 1: Work on this package has been completed
- Work Package 2: Work on the Wyong River Pump Station has also been effectively completed. During the commissioning / testing process there has been identified issues with the Knife gate valves and intake mains which JH are currently working through. Until these issues are rectified commissioning is on hold
- Work Package 3: Work on this package has been completed
- Work Package 4: Construction of the Mardi Dam Discharge Structure has been completed.
- Work Package 6: Construction of the Mardi to Mangrove Transfer Pump Station has been completed. Commissioning of the transfer pump station has now commenced.
- Work Package 7: Construction of the pipeline is now completed. All the hydrostatic pressure testing is complete, commissioning has now commenced.
- Work Package 18: Wyong River weir has now been completed



Mardi to Mangrove System launch, community event  
**(Central Coast Express Advocate, Wednesday 19 October 2011)**

**ATTACHMENTS**

Nil.

#### **4.10 Investment Report for September 2011**

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TRIM REFERENCE: F2004/06604 - D02803003  
MANAGER: Cate Trivers, Chief Financial Officer  
AUTHOR: Devini Susindran; Financial Accountant

#### **SUMMARY**

This report details Council's investments as at 30 September 2011.

#### **RECOMMENDATION**

***That Council receive the report on Investment Report for September 2011.***

#### **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 which were permitted under the previous Minister's order, however are now held under the "grandfather" provisions of the current Ministers Order. The remaining WSC investments are held in the Blackrock Care and Maintenance Fund continue to be wound up progressively and are expected to be finalised by 2016.

#### **CURRENT STATUS**

##### **Managed Funds**

WSC has \$6.58m invested in managed funds which are "grandfathered" investments under the Ministers Order. These investments in September incurred a revaluation adjustment (2.13%). The creditworthiness of these investments remains satisfactory.

Blackrock Care and Maintenance Fund \$6.58m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold.

A capital distribution of \$858,582.45 was made in September. A revaluation capital loss of \$0.14m (unrealised) has also been recorded. No income distribution was made in September.

##### **Cash and Term Deposit Funds**

Term deposits to the value of \$21m were redeemed and \$31m was invested with 1-6 months to maturity (ref Table 1). Return on cash and term deposits for September 2011 was \$0.70m.

**Table 1 Movement of Funds**

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
CBA	3	5.95%	Sept 2011	(\$5,000,000)
Bendigo Bank	3	6.15%	Sept 2011	(\$5,000,000)
Wyong CCC	3	5.85%	Sept 2011	(\$1,000,000)
Treasury Corp	1	4.98%	Sept 2011	(\$10,243,519)
ANZ	3	5.75%	Dec 2011	\$5,000,000
Treasury Corp	1	4.70%	Oct 2011	\$10,243,519
CBA	4	5.65%	Jan 2012	\$5,000,000
Bankwest	4	5.80%	Jan 2012	\$5,000,000
Bendigo bank	5	5.70%	Feb 2012	\$5,000,000
Wyong CCC	6	5.70%	Mar 2012	\$1,000,000

**Total Funds**

Total net return for September 2011 was \$0.56m consisting of \$0.70m interest earnings and \$0.14m capital losses.

**Table 2 Investment Portfolio by Risk Category**

	September 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	8,420	7.80	211
Term Deposits	135,813	5.93	1,758
Cash Management Funds	6,576	(15.62)	(310)
Enhanced Income			(1)
<b>Total Investments</b>	<b>150,809</b>	<b>4.73</b>	<b>1,658</b>

Year to date returns in September of 4.73% is slightly unfavourable when comparing with the benchmark UBSA YTD Bank Bill Index of 5.00% mainly due to unrealised valuation losses of \$0.31m. The year to date return excluding this unrealised loss is 6.11% and compares favourably to the benchmark.

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 as listed in Table 3. Portfolio is currently over-weight in A1 but is a positive position due these investments offering the best rates selected for the investment time frame.

Current world financial market volatility did not negatively impact on the portfolio in September, apart from the minor revaluation of Blackrock securities, however as these are held to maturity this loss will not be realised in the long term. Interest rates are also trending downwards.

**Table 3 – Portfolio Credit Framework**

<b>Investment Category Short Term</b>	<b>Target Allocation Maximum</b>	<b>Portfolio Allocation Short Term</b>	<b>Comments</b>
A1	10.0%	79.1%	
A2	75.0%	15.9%	
A3	10.0%		
Unrated	15.0%	5.0%	Includes Managed Funds
<b>TOTAL</b>	<b>110%</b>	<b>100.0%</b>	

Investment transactions and earnings during September 2011 are shown in Table 4 - Portfolio Performance.

**Table 4 Portfolio Performance**

	<b>Full Year 2010-11 \$m</b>	<b>July 2011 \$m</b>	<b>August 2011 \$m</b>	<b>September 2011 \$m</b>	<b>Year to Date 2011-12 \$m</b>
<b>Movement in Assets</b>					
<b>Opening Balance</b>	<b>126.39</b>	<b>136.86</b>	<b>132.19</b>	<b>145.00</b>	<b>136.86</b>
Capital Gain/Loss – (see below)	1.90	(0.15)	(0.18)	(0.14)	(0.47)
Net Cash/Investments(Withdrawals)	8.57	(4.52)	12.99	5.96	14.42
<b>Closing Balance</b>	<b>136.86</b>	<b>132.19</b>	<b>145.00</b>	<b>150.81</b>	<b>150.81</b>
<b>Trading Position</b>					
Capital Gain/(Loss) Realised	-	-	-		-
Capital Gain/(Loss) Unrealised	1.90	(0.15)	(0.18)	(0.14)	(0.47)
Interest Earnings	5.33	0.78	0.65	0.70	2.13
<b>Total Return for Period</b>	<b>7.23</b>	<b>0.63</b>	<b>0.47</b>	<b>0.56</b>	<b>1.66</b>

Movements in investments comprised the following changes in, valuation, new investments and redemptions during September.

**Table 5 Changes in valuation, new investments and redemptions.**

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.07	
	Net movement	Redemption	(3.25)	(3.18)
Term deposits	CBA	Redemption	(5.0)	
	Bendigo bank	Redemption	(5.0)	
	WCCU	Redemption	(1.0)	
	Treasury Corp	Redemption	(10.2)	
	CBA	Investment	5.0	
	ANZ	Investment	5.0	
	Bankwest	Investment	5.0	
	Bendigo Bank	Investment	5.0	
	WCCU	Investment	1.0	
	Treasury Corp	Investment	10.2	10.0
Managed Funds	Black Rock	Capital Distribution	(0.86)	(0.86)
<b>TOTAL</b>				<b>5.96</b>

### Interest and Investment Returns

Returns as at 30 September 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a favourable variance when compared to the year to date budget.

**Table 6 Annual Investment Portfolio Performance as at 30 September 2011**

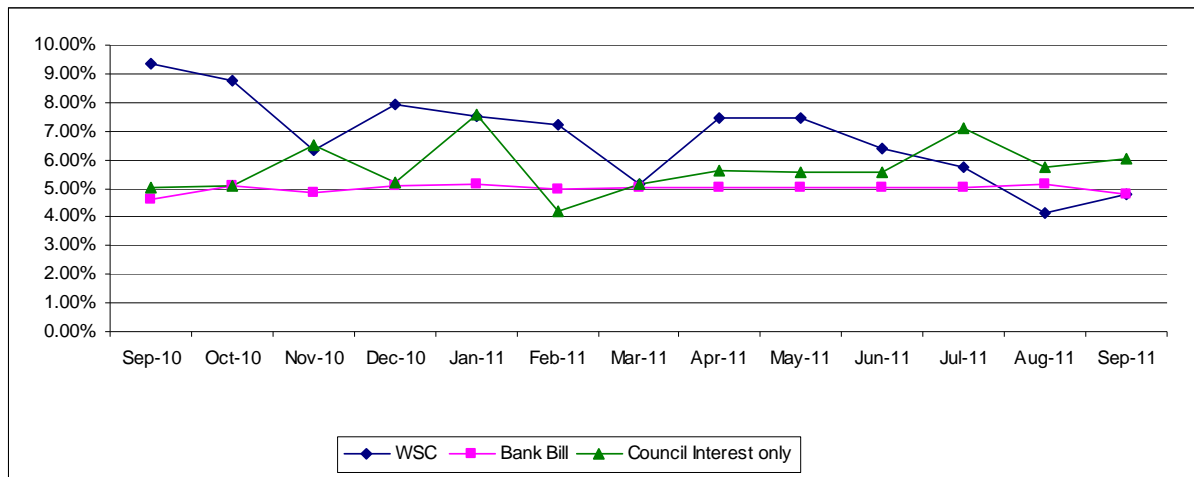
Investment Source	FYR Original Budget \$ '000	YTD Budget \$'000	YTD Interest Actual \$'000	YTD Change in valuation Actual \$'000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,365	<b>935</b>	1013	(224)	<b>791</b>	<b>(144)</b>
Water	1,082	<b>342</b>	846	(187)	<b>657</b>	<b>315</b>
Sewerage	1,653	<b>451</b>	268	(58)	<b>210</b>	<b>(241)</b>
<b>Total</b>	<b>6,100</b>	<b>1,728</b>	<b>2,127</b>	<b>(469)</b>	<b>1,658</b>	<b>(646)</b>

Interest rates in the month, on term deposits other than the statutory \$10.2m deposit for WorkCover, ranged from 5.65% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for September of 4.81%.

### Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the UBSA Bank Bill 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 UBSA Bank Bill Index Comparison**



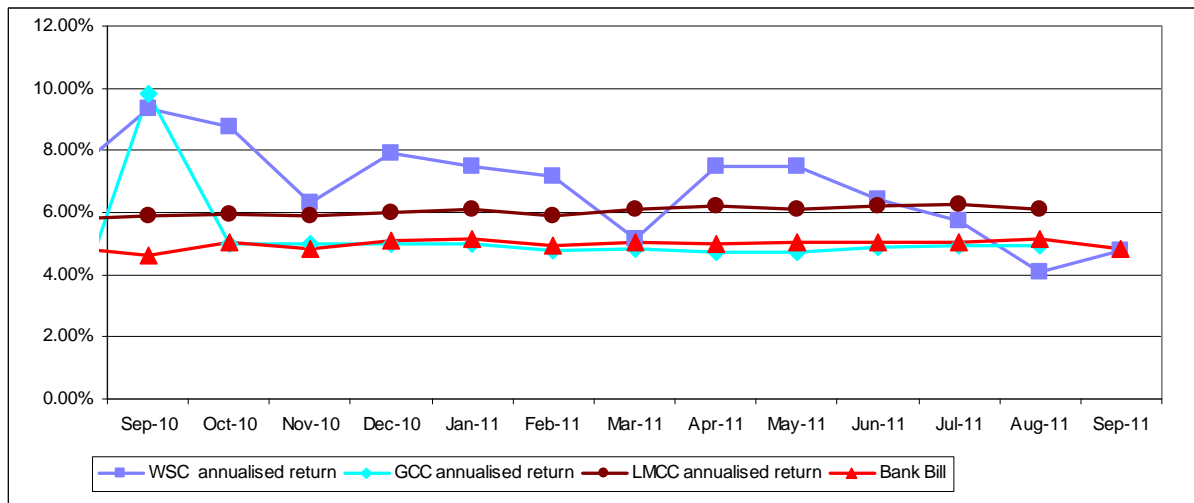
Council: *Council Total Return (Interest and Investments)*  
 Bank Bill: *UBSA Bank Bill Index*  
 Council Interest Only: *Council Interest Earnings*

**Comparison to Similar Councils**

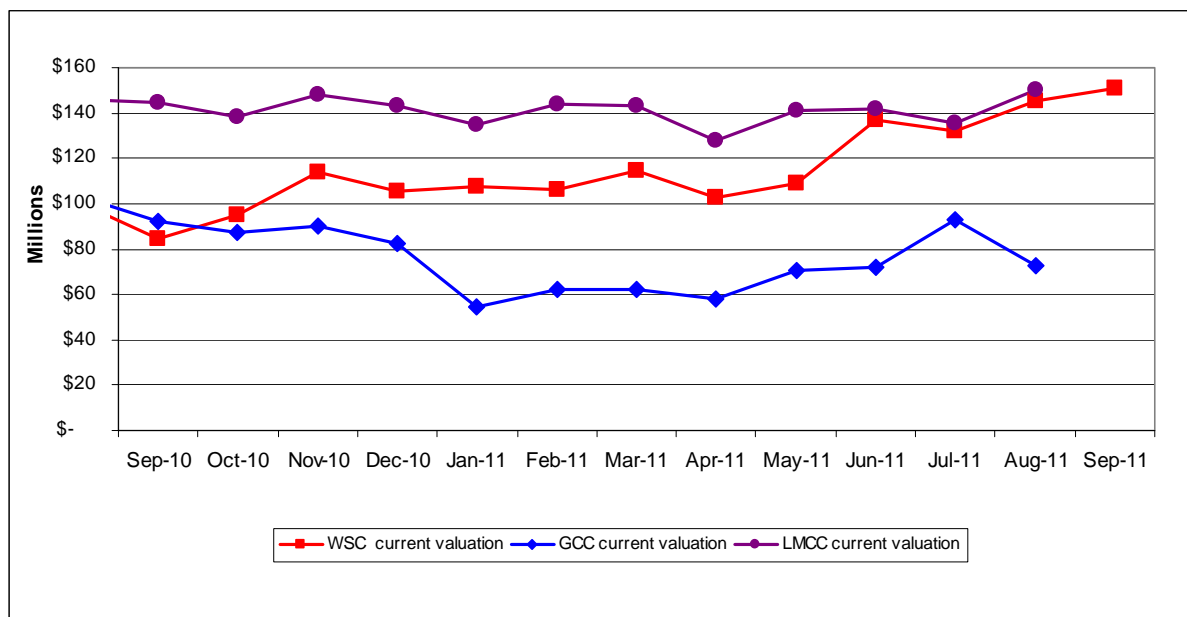
Council’s annualised returns (4.11%) for August compare to similar councils in the area, Lake Macquarie City Council (6.13%) and Gosford City Council (4.92%). Returns for August and September have been impacted by the unrealised capital losses.

There is a one month lag in the information available.

**Table 8 Portfolio Return - Comparison to Neighbouring Councils**



Council’s portfolio has grown gradually with investments now at \$150m and are compared below with Lake Macquarie and Gosford City councils. Approximately \$115m of these funds was restricted at June 2011.

**Table 9 Total Investment – 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 30 September 2011 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

## CONCLUSION

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits in accordance with the provisions of the ministerial investment order.

Investments are being conservatively managed to ensure that value is added to the fixed interest portfolio and Council will be re-developing its long term investment strategy as the level of managed funds in the portfolio reduces.

## ATTACHMENTS

- 1 Summary of Investments by Type - September 2011 D02803044



**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 30 September 2011**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.8.11 \$	PORTFOLIO BALANCE 30.9.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
Westpac Corporate Investment Account (AA)	Daily	11,082,011	7,036,151	64,142	4.75
UBS Cash Account (AA)	Daily	518,527	1,384,380	7,774	
<b>Total Cash At Call</b>		<b>11,600,538</b>	<b>8,420,531</b>	<b>71,915</b>	
<b>TERM DEPOSITS &amp; BONDS</b>					
Commonwealth bank Term deposit	27/09/2011	5,000,000		21,192	5.95
Bendigo/Adelaide Term Deposit	26/09/2011	5,000,000		21,062	6.15
Wyong Credit Union Term deposit	29/09/2011	1,000,000		4,648	5.85
Bankwest Term Deposit	05/10/2011	5,000,000	5,000,000	24,658	6.00
Westpac Term Deposit	05/10/2011	5,000,000	5,000,000	24,164	5.88
NAB Term Deposit	19/01/2012	5,000,000	5,000,000	24,822	6.04
Bankwest Term Deposit	18/04/2012	5,000,000	5,000,000	24,863	6.05
Bendigo/Adelaide Term Deposit	18/04/2012	5,000,000	5,000,000	25,890	6.30
NAB Term Deposit	27/03/2012	10,000,000	10,000,000	51,370	6.25
Bendigo/Adelaide Term Deposit	26/06/2012	4,000,000	4,000,000	21,041	6.40
IMB Term Deposit	26/06/2012	5,000,000	5,000,000	25,890	6.30
SunCorp Term Deposit	04/07/2012	10,000,000	10,000,000	51,781	6.30
NAB Term Deposit	28/12/2012	5,000,000	5,000,000	25,562	6.22
ANZ Bank	27/11/2011	5,000,000	5,000,000	24,658	6.00
SunCorp Term Deposit	27/01/2012	10,000,000	10,000,000	51,041	6.21
IMB Term Deposit	27/11/2011	5,000,000	5,000,000	25,068	6.10
Commonwealth bank Term deposit	07/01/2012	5,000,000	5,000,000	23,836	5.80
Commonwealth bank Term deposit	07/11/2011	2,500,000	2,500,000	11,897	5.79
Commonwealth bank Term deposit	03/10/2011	2,000,000	2,000,000	9,485	5.77
ANZ Bank	29/11/2011	5,000,000	5,000,000	24,041	5.85
Bankwest Term Deposit	27/02/2012	5,000,000	5,000,000	24,041	5.85
Bankwest Term Deposit	10/10/2011	2,000,000	2,000,000	9,370	5.70
ANZ Bank	26/12/2011		5,000,000	3,151	5.75
Bankwest Term Deposit	25/01/2012		5,000,000	3,178	5.80
Commonwealth bank Term deposit	25/01/2012		5,000,000	3,096	5.65
Bendigo/Adelaide Term Deposit	24/02/2012		5,000,000	3,123	5.70
Wyong Credit Union Term deposit	25/03/2012		1,000,000	625	5.70
T-Corp (WorkCover NSW)	02/09/2011	10,243,519		2,795	4.98
T-Corp (WorkCover NSW)	04/10/2011		10,243,519	36,933	4.98
Westpac Deposit Bond	24/09/2012	4,076,063	4,069,907	23,770	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>125,819,582</b>	<b>135,813,426</b>	<b>627,051</b>	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,576,408	6,575,798	-142,027	
<b>Total Cash Management Funds</b>		<b>7,576,408</b>	<b>6,575,798</b>	<b>(142,027)</b>	
<b>TOTAL</b>		<b>144,996,527</b>	<b>150,809,755</b>	<b>556,939</b>	

#### **4.11 Outstanding Questions without Notice and Notice of Motions**

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TRIM REFERENCE: F2011/00027 - D02796988

AUTHOR: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

#### **SUMMARY**

Report on outstanding Questions without Notice and Notices of Motion.

#### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions without Notice and Notice of Motions.*

#### **ATTACHMENTS**

- |   |                                                                                  |           |
|---|----------------------------------------------------------------------------------|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 26 October 2011 | D02795646 |
|---|----------------------------------------------------------------------------------|-----------|

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1	Environment and Planning Services	9.5 - Notice of Motion – Sea Level Rise Notification 1 <u>Write</u> to all property owners affected by the State Governments sea level rise policies. 2 Text of the letter be <u>endorsed</u> by Council.	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified, waiting on Council's General Counsel to submit additional information for the report to be submitted to Council.
2	General Manager's Department - Major Projects	7.6 - Notice of Motion – Warnervale Town Centre Viability <u>Staff report</u> on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.	12 May 2010 Cr Eaton / Cr Best	A consultant has been engaged and commenced work on the report responding to this question. A draft report is proposed prior to the end of this calendar year.
3	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <u>Investigate</u> and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.	14 July 2010 Cr Wynn / Eaton	A briefing was held on 11 May 2011. This report to Council needs to be reviewed following the submission of the Natural Resources Management Strategy draft to Council. A Report is being prepared for the November 2011 round of meetings.
4	Community and Recreation Services	8.2 - Notice of Motion – Acknowledgement of the Darkinjung People <u>Defer</u> this item to allow time to further consider this matter and receive further information.	27 October 2010 Cr Graham / Cr Eaton	Councillor briefing has been postponed. A Councillor Business Update to be submitted in November to address the issue.
5	Community and Recreation Services	Q114/11 – Memorandum of Understanding with Department of Housing <u>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</u>	23 February 2011 Cr Best	A meeting was held with representatives of Housing NSW on 5 July to discuss and finalise the MOU. The final draft MOU will now be forwarded to ET for endorsement.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6	Infrastructure Management	<p>Q2/11 – Odour in Water at Chain Valley Bay North</p> <p><i>Residents in the Chain Valley Bay North area have reported that their town water smells “fishy”. Could Council staff please advise if there is any <u>link</u> between the recently reported manganese levels in the water and the fishy smell. If no <u>link</u> exists, could staff please advise what might be causing the fishy smell?</i></p>	<p>9 March 2011</p> <p>Cr Vincent</p>	<p>Due to no specific location provided for the complaint, other than it was in Chain Valley Bay, Council's flusher cleaned the mains in Chain Valley Bay in April and could not find any problems which related to the particular request. Records since this date indicate no similar problem.</p> <p>A Councillor Business Update is being prepared.</p>
7	Infrastructure Management	<p>7.1 - Notice of Motion - Regional Push to Reinstate F3 Link</p> <p><i>1 That Council <u>form</u> a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</i></p> <p><i>2 That Council <u>urge</u> the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</i></p>	<p>25 May 2011</p> <p>Cr Best / Cr Eaton</p>	<p>A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received.</p> <p>A follow up email has been sent from the General Manager to the Minister for Central Coast, Minister for Resources and Energy.</p>
8	Environment and Planning Services	<p>7.2 – Notice of Motion – Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission</p> <p><i>2 That Council <u>be advised</u> of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.</i></p>	<p>8 June 2011</p> <p>Cr Wynn / Cr Vincent</p>	<p>Letters were issued to relevant members and ministers on 19 July 2011.</p> <p>Report submitted to Council on 14 September 2011, Item 6.2 titled Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
9	Environment and Planning Services	<p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <p>1 That Council <u>acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</p> <p>2 That Council <u>request</u> the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</p> <p>3 That Council <u>request</u> the report be prepared in partnership with the appropriate agencies and indigenous community.</p> <p>4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting.</p>	13 July 2011 Cr Best / Cr Vincent	This NOM has been put on the Environment and Natural Resources Work Programme and timing will depend on the availability within the works programme to undertake unallocated projects unlikely to occur prior to the 2nd quarter.
10	Community and Recreation Services	<p>9.1 – Notice of Motion – Registered Clubs</p> <p>1 That Council <u>support</u> the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.</p> <p>2 That Council <u>provide</u> a letter of support which outlines the important role played by clubs in our community.</p> <p>3 That Council <u>formally advise</u> the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms.</p>	27 July 2011 Cr Graham	Letters currently being prepared.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11	Environment and Planning Services	<p>9.3 - Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys</p> <p>1 <i>That Council <u>call on</u> the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>2 <i>That Council <u>support</u> residents on the Central Coast by <u>requesting</u> the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>3 <i>That Council <u>direct</u> the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>4 <i>That Council <u>commend</u> the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>5 <i>That Council <u>direct</u> the General Manager also write to the Member for Dobell on the status of the his proposed private members bill.</i></p>	27 July 2011 Cr Vincent	Relevant Letters have been issued and awaiting responses.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12	Infrastructure Management	<p>7.2 - Notice of Motion - Proposed Major Transport Infrastructure Projects</p> <p><i>That Council <u>request</u> the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.</i></p>	10 August 2011 Cr Eaton	A meeting has been arranged for the relevant staff to discuss preparation of a scoping brief for the report.
13	Community and Recreation Services	<p>U26/11 - Proposed Grant Application for the Wyong Skills Centre</p> <p>1 <i>That Council <u>note and endorse</u> the funding application as submitted to the Federal Government's Community Infrastructure Grants – Youth Commitments Program for the development of the Wyong Skills Centre on Nos 18 – 20 Margaret Street, Wyong for \$2,985,000.</i></p> <p>2 <i>That Council <u>undertake</u> an Expression of Interest process for partners to provide a suitable site and build and operate the Wyong Skills Centre.</i></p> <p>3 <i>That Council <u>consider</u> a report on the outcome of the Expression of Interest process.</i></p> <p>4 <i>That Council <u>reaffirm</u> the request for staff to investigate other larger suitable sites as possible locations for the Wyong Skills Centre.</i></p>	24 August 2011 Cr Symington	<p>Council has commenced the project planning required to implement the Expression of Interest process required by this resolution.</p> <p>The Expression of Interest has been advertised and closes on Thursday 6 October 2011. An assessment and recommendation will be undertaken by staff and then reported to Council.</p>
14	Corporate Services	<p>Q23/11 - Projected Additional Revenue Raised by Charging School to Utilise Sports Grounds</p> <p><i>“Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council's sports grounds and facilities?”</i></p>	24 August 2011 Cr Vincent	An answer to this question will be submitted to a Council meeting in November 2011.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
15	Environment and Planning Services	<p>8.1 - Notice of Motion - Proposed Public Meeting - Coal Mining Projects</p> <p>1     <i>That Council <u>convene</u> a public meeting in late October 2011 for all residents from Doyalson to Wye Point to Gwandalan to discuss the extension and expansion of coal mining operations in the area and its implications for residents, the environment, infrastructure and Council operations.</i></p> <p>2     <i>That the public meeting be <u>held</u> in a central location in the north of the Shire.</i></p> <p>3     <i>That Council <u>invite</u> representatives from the coal mining companies to present their current proposals.</i></p> <p>4     <i>That Council <u>provide</u> staff to facilitate the public meeting and to outline Council's responses to the current proposals.</i></p> <p>5     <i>That Council <u>record</u> the issues raised at the public meeting and seek responses for the public from the coal mining companies involved.</i></p> <p>6     <i>That Council <u>invite</u> the State Members for Wyong, Swansea and Lake Macquarie and the Minister for the Central Coast to the public meeting</i></p>	14 September 2011 Councillor Wynn	<p>Venue has been booked for 15 November 2011.</p> <p>Letters being prepared to go out to Associations and Precinct Committees.</p>



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
16	Environment and Planning Services	<p>8.2 - Notice of Motion - Coal Seam Gas (CGS) Inquiry</p> <p><i>That Wyong Shire Council:</i></p> <p>1 <i>Write and thank the State Government for banning the chemicals used in the tracking process.</i></p> <p>2 <i>Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;</i></p> <p>3 <i>Call on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and</i></p> <p>4 <i>Calls on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and independently assessed.</i></p> <p>5 <i>Rejects suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.</i></p> <p>6 <i>Place a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands.</i></p>	14 September 2011 Councillor Wynn	Letters currently being prepared.
17	Community and Recreation Services	<p>8.3 - Notice of Motion - Sporting Ground Fees and Charges for Local Schools</p> <p>4 <i>That Council meet with the Regional Council of Parents and Citizens Association as soon as practicable.</i></p>	14 September 2011 Councillor Vincent	Report to be submitted to 9 November 2011 Council meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
18	Environment and Planning Services	Q26/11 Pioneer Dairy <i>“Could staff provide a ‘Councillor Update’ on the current status of Wyong Shire Council in relation to the Pioneer Dairy Trust (community access / progress of site)?”</i>	14 September 2011 Councillor McBride	A Councillor Business Update is currently being prepared.
19	Community and Recreation Services	<p>Notice of Motion - Tidy Towns</p> <p>1 <i>That WSC <u>report</u> to Council on the interface between WSC, the community and Tidy Towns.</i></p> <p>2 <i>That WSC <u>look</u> at the current model used with our Landcare volunteers to see if a similarly designed policy would achieve the right outcome for Council and the community.</i></p> <p>3 <i>That a cost benefits analysis of supporting this program <u>be considered</u> as part of the report.</i></p>	12 October 2011	Initial Community consultation will be undertaken before the end of October.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20	Environment and Planning Services	<p>8.2 Notice of Motion - Development Applications for Retail Liquor Outlets &amp; 8.6 Notice of Motion - Proliferation of Alcohol Outlets</p> <p>1 <i>That Wyong Shire Council <u>make representation</u> to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.</i></p> <p>2 <i>If the crime prevention partnership Committee group can not form a working party then Council will <u>establish</u> a licensed premises reference group comprising of:</i></p> <ul style="list-style-type: none"> <li>a) <i>Council Officers, including Rangers</i></li> <li>b) <i>NSW Police Local Area Commander</i></li> <li>c) <i>A NSW Office of Liquor and Gaming Representative</i></li> <li>d) <i>Central Coast Area Health Representative</i></li> </ul> <p>3 <i>That Council <u>reject</u> the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.</i></p> <p>4 <i>That Council <u>make</u> formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:</i></p> <p><i>.....(Please see minutes for complete resolution.)</i></p>	12 October 2011	<p>Contact has been made with the Crime Prevention Partnership Committee in relation to Resolution 1.</p> <p>A letter is being prepared to address Resolution 3 and 4.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
21	Corporate Services	<p>8.4 Notice of Motion - Joint Regional Planning Panel Representation</p> <p>1 <i>That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, <u>proceed</u> to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as a Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.</i></p> <p>2 <i>That Council <u>advise</u> the secretariat of the JRPP of those changes to its representation.</i></p> <p>3 <i>That Council <u>remunerate</u> its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.</i></p>	12 October 2011	Letters are currently being prepared.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
22	Community and Recreation Services	<p>8.5 Notice of Motion - Vales Point Reserve</p> <p>1 That Council <u>declares</u> the works at Vales Point Reserve, Mannering Park to be of significant priority and importance.</p> <p>2 That Council <u>requests</u> the General Manager to ensure that the State Government Grant funds are fully utilised (in accordance with the grant conditions).</p> <p>3 That Council <u>requires</u> a Part 5 Environmental Assessment be undertaken to address the migration of foreshore stabilisation stones into the pool.</p> <p>4 That Council <u>provide</u> monthly progress reports in respect of the project and the Part 5 Assessment process, to the Mannering Park Community Precinct Committee, prior to its meetings until the project is completed.</p>	12 October 2011	Report currently being prepared.
23	Infrastructure Management	<p>U27/11 Motion of Urgency – Improvement of Road Safety in Mannering Park</p> <p><i>That Council <u>request</u> staff to undertake and report on a traffic risk assessment at 464 Rutleys Road, Mannering Park.</i></p>	12 October 2011	Draft report submitted to Director.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE 12 OCTOBER  
2011**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
1	Environment and Planning Services	8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee	9 September 2009 Cr Wynn / Cr Best	Report included in this business paper.
2	Corporate Services	9.1 - Notice of Motion – Women's Committee	10 November 2010 Cr Matthews / Cr Webster	Report included in this business paper.
3	Community and Recreation Services	Q25/11 - Upgrades at EDSACC Oval North	14 September 2011 Councillor Matthews	A Councillor Business Update was submitted on 18 October 2011
4	Community and Recreation Services	Q24/11 - Refunds to Soccer Associations due to Wet Weather at their Grounds	14 September 2011 Councillor Matthews	A Councillor Business Update was submitted on 19 October 2011

26 October 2011

To the Ordinary Meeting

Councillor

## 5.1 Notice of Motion - Waste Levy Charges

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TRIM REFERENCE: F2004/06762 - D02794061

AUTHORS: Councillors John McNamara and Lynne Webster

Councillors McNamara and Webster have given notice that at the Ordinary Meeting to be held on 26 October 2011 they will move the following Motion:

- "1 That Council note with concern the continued State Government cost shifting and rate pegging and its effects on the social and economic status of the Shire.*
  
- 2 That Council request the General Manager to formally request the NSW Minister for the Environment to amend the Protection of the Environment Operations (Waste) Regulation 2005, or whatever other mechanism is available, to ensure the following:*
  - a Exemption from the payment of the waste and sustainability levy for the receipt and/or disposal of mixed waste, ENM (Excavated Natural Material) and VENM (Virgin Excavated Natural Material), from Wyong Shire Council's road construction works at its Buttonderry Waste Management Facility.*
  
  - b Return of 50% of the total annual Waste Levy paid by Wyong Shire Council for use on local road maintenance and environmental initiatives.*
  
  - c Future Waste and Sustainability Levy increases being limited to the official CPI figure."*

### COUNCILLOR'S NOTE

The waste levy is charged by the state government under section 88 of the Protection of the Environment Operations Act 1997.

The Act can be found at this web address:

[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/poteoa1997455.txt/cgi-bin/download.cgi/download/au/legis/nsw/consol\\_act/poteoa1997455.rtf](http://www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455.txt/cgi-bin/download.cgi/download/au/legis/nsw/consol_act/poteoa1997455.rtf)

The relevant section of the Act is Section 88 (s88):

88. Contributions by licensee of waste facility

1. This section applies to waste facilities that are required to be licensed under this Chapter, but it does not apply to a facility that the EPA determines is used solely for the purposes of re-using, recovering, recycling or processing waste other than liquid waste.
2. The occupier of a waste facility to which this section applies is required to pay to the EPA in respect of all waste received at the facility such contribution as is prescribed by the regulations.
3. An occupier who fails to pay the whole or any part of the contribution payable by the occupier under this section:
  - a) in the manner (if any) prescribed by the regulations or as otherwise directed by the EPA by notice in writing given to the occupier, or
  - b) within the time or at such intervals as prescribed by the regulations, or within the time or at such intervals as may be otherwise directed by the EPA by notice in writing given to the occupier, is guilty of an offence. Maximum penalty:
    - (i) In the case of a corporation--\$1,000,000 and, in the case of a continuing offence, a further penalty of \$120,000 for each day the offence continues, or
    - (ii) In the case of an individual--\$250,000 and, in the case of a continuing offence, a further penalty of \$60,000 for each day the offence continues.
4. (Repealed)
5. The regulations may:
  - a) Provide for contributions to be calculated on such basis (including such estimates), and in accordance with such factors, as may be specified or described in the regulations, and
  - b) Provide for the exemption of specified occupiers, or specified classes of occupiers, from the requirement to pay contributions, and
  - c) Provide for the exemption of specified wastes from the calculation of contributions (including for example wastes that are recycled, re-used, recovered or processed), and
  - d) Provide for the payment of rebates to specified occupiers or specified classes of occupiers.



6. Any contribution payable under this section becomes, if it is not paid in accordance with this section and the regulations, a debt due to the EPA that is recoverable in any court of competent jurisdiction.
7. Interest is payable on any unpaid contribution or any unpaid portion of the contribution under this section at such rate and calculated in such manner as may be prescribed by the regulations. Any such interest may be recovered in the same way as the contribution may be recovered.
8. In this section, "liquid waste" has the same meaning as it has in Schedule 1.

**RESOURCES:**

The implementation of this NOM will be undertaken by existing staff within the Waste Management Unit. It is not envisaged that any additional resources would be required. Actions would require the drafting of a letter to the Minister for the Environment for the General Manager's signature. It is estimated that the drafting of this letter would require approximately one hour.

26 October 2011

To the Ordinary Meeting

Councillor

## **5.2 Notice of Motion - Central Coast Bears - Foundation Membership**

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TRIM REFERENCE: F2007/00321 - D02794640

AUTHOR: John McNamara; Councillor

Councillor John McNamara has given notice that at the Ordinary Meeting to be held on 12 October 2011 he will move the following Motion:

*“That Council become a Foundation Member of the Central Coast Bears Rugby League Club.”*

### **COUNCILLOR’S NOTE**

A Central Coast Bears Foundation Membership costs \$5,000 plus GST.

Just like the Central Coast Mariners, the Central Coast Bears have the opportunity to become the second major sporting club to be based on the Central Coast and participate in a National competition. Even though the NRL do not have teams in Perth and Adelaide they do have a team based in New Zealand. The tourism potential will be very beneficial to the Central Coast.

Gosford City Council are Foundation Members and if Wyong Shire Council could also become a Foundation Member this will send a strong united message to those who will make the decision about the Bear's entry into the NRL.

### **RESOURCES**

There is no financial allocation in the 2011/12 budget for this sponsorship.

To the Ordinary Meeting

### **5.3 Notice of Motion - Submission to the Planning System Review Committee**

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TRIM REFERENCE: F2004/00550 - D02804009

AUTHOR: Doug Eaton; Councillor

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 26 October 2011 he will move the following Motion:

- "1 *That Council request the General Manager to make a submission to the planning system review committee highlighting problems with the current planning system including:*
- a delays particularly with rezonings, but also with other government agencies,*
  - b uncertain outcomes even after land has been rezoned for development,*
  - c infrastructure provision including alternative funding mechanisms such as muni bonds,*
  - d more local flexibility, one size does not fit all,*
  - e more local authority, empowering council to make decisions on minor rezonings and rezonings in line with adopted strategic plans*
  - f cheaper, simpler system.*
- 2 *Council request the General Manager to schedule a briefing, in late January or early February, on the issues paper with a view to developing a Council submission to the issues paper."*

#### **COUNCILLOR'S NOTE**

The closing date for submissions to develop the issues paper for the review of the NSW planning system is 4 November 2011 the issues paper is to be released on 8 December 2011 and submissions to this close on 17 February 2012.

#### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. Departmental staff are currently involved in attending information sessions in relation to the review of the Planning Legislation and it is proposed to prepare a submission in response to the issues papers once it is released. It was always intended that Council would be briefed on the Government's proposed revision and the engagement of Councillors in preparing the Wyong Shire Council submission would form part of that process. It is not envisaged that any additional resources would be required.

#### **5.4 Notice of Motion - Reducing the Graffiti Canvas**

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TRIM REFERENCE: F2004/07937 - D02805321

AUTHOR: Greg Best; Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on 26 October 2011 he will move the following Motion:

- "1 That Council note with concern the escalating costs to Council and its ratepayers as a result of the local graffiti epidemic.*
  
- 2 That Council request the General Manager to report on any emerging urban planning initiatives that may reduce graffiti on boundary fences in new subdivision areas which front public domain areas such as parks and reserves."*

#### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. It is not envisaged that any additional resources would be required. The response would entail the preparation of a report outlining initiatives that have proven successful in other local government areas and potential conditions of development consent.

To the Ordinary Meeting

## 5.5 Notice of Motion - Warnervale Key Road Project

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TRIM REFERENCE: F2004/07706 - D02805344

AUTHOR: Greg Best; Councillor

Councillors Best and McNamara have given notice that at the Ordinary Meeting to be held on 26 October 2011 they will move the following Motion:

- "1 That Council note the completion of the 1.3 M upgrade and traffic light installation at the intersection of Warnervale and Minnesota Roads and the subsequent \$4.6 M reconstruction of the southern section of Minnesota Road.
- 2 That Council request the General Manager provide a report detailing the traffic management initiatives that will be implemented during the construction phase to assist local residents and ratepayers.
- 3 That Council note that as Minnesota Road is being completely reconstructed, closures and partial closures may be necessary, which will have a significant impact on movements in neighbouring Louisiana Road and particularly at the dangerous Pacific Highway intersection.
- 4 That Council request the General Manager to seek urgent advice from the State regarding the measures proposed to minimise risk and increase safety at the Pacific Highway intersection.
- 5 That Council recognise the efforts of the WSC Infrastructure Unit in delivering the much needed \$250,000 upgrade of Louisiana Road.
- 6 That Council thank the local community for its patience and understanding throughout the period of construction of these important safety upgrade works.
- 7 That Council request the General Manager to report on options and opportunities, including possible partnership with the State and Federal Governments, to upgrade Warnervale Road as a priority."

### RESOURCES

- |        |                                                                                                                                                                                                                                                                                                                  |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item 1 | Traffic Management initiatives already in place.                                                                                                                                                                                                                                                                 |
| Item 2 | Estimated four hours for research and report preparation.                                                                                                                                                                                                                                                        |
| Item 3 | Investigations and design for the Roads and Traffic Authority (RTA) to put in place a temporary roundabout at this location have already occurred and submitted to the RTA for endorsement. The cost for works is \$150k and the RTA have been approached for funding. All independent of this notice of motion. |
| Item 4 | Not applicable.                                                                                                                                                                                                                                                                                                  |
| Item 5 | Not applicable.                                                                                                                                                                                                                                                                                                  |
| Item 6 | Estimated four hours for liaison and approval process.                                                                                                                                                                                                                                                           |
| Item 7 | Research and report included in item 2.                                                                                                                                                                                                                                                                          |

## **6.1 Rescission Motion - Joint Regional Planning Panel Representation**

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TRIM REFERENCE: F2011/02277 - D02803857

AUTHOR: Doug Eaton; Councillor

Council, at the Ordinary Meeting held on 12 October 2011 gave consideration to Item 8.4 regarding a Notice of Motion - Joint Regional Planning Panel Representation.

At that meeting, Council resolved as follows:

- "1 That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.*
- 2 That Council advise the secretariat of the JRPP of those changes to its representation.*
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting."*

A Rescission Motion has been received from Councillors Eaton, Best, Webster and McNamara to be moved at the Ordinary Meeting of Council to be held on Wednesday, 26 October 2011, as follows:

*"MOVE that the following resolution carried at the Ordinary Meeting of Council held on 12 October 2011 be rescinded:*

- 1 That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.*
- 2 That Council advise the secretariat of the JRPP of those changes to its representation.*
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting."*

**6.1 Rescission Motion - Joint Regional Planning Panel Representation  
(contd)**

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Should the above Rescission Motion be carried, further notice is given that Councillors Eaton, Best, Webster and McNamara will move the following motion:

*“MOVE*

- 1 That Council recognises that its representatives to the Joint Regional Planning Panel (JRPP) should be Councillors as they are the elected representatives of the community and changes its current representation to reflect this principle such that Councillor Symington be appointed its other delegate replacing Ms Vereker.*
- 2 That Council appoint a Councillor as an alternate delegate to the JRPP.*
- 3 That Council advise the secretariat of JRPP of these changes to its representation.*
- 4 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.”*