



To help improve the natural areas around Tuggerah Lake, works are underway on the foreshore at Killarney Vale as part of the Estuary Management Plan. Pictured is one of three sites under construction.

Business Paper

ORDINARY COUNCIL MEETING

28 March 2012



2.4 Wyong Shire-wide Heritage Review - Consideration of Deferred Items

TRIM REFERENCE: CPA/158185 - D02842211

MANAGER: Paul Bowditch, Manager Place Management

AUTHOR: Rianan Rush; Strategic Planner

SUMMARY

At its meeting held on 13 July 2011 Council resolved to defer the recommendation made under the Wyong Shire-wide Heritage Review to list certain proposed heritage items to allow for a site inspection to be undertaken. This report recommends that the above items be endorsed by Council for inclusion in Wyong Local Environmental Plan (WLEP) 2012.

RECOMMENDATION

- 1 That Council adopt the recommendation to establish the Wyong Town Centre Heritage Conservation Area and South Tacoma Heritage Conservation Area for inclusion in Wyong Local Environmental Plan 2012 and Development Control Plan 2012.**
- 2 That Council include the heritage item 'Streetscape' in the draft heritage schedule for inclusion in Wyong Local Environmental Plan 2012.**

BACKGROUND

At its meeting held on 13 July 2011, Council considered a report on the Wyong Shire-wide Heritage Review. At that meeting Council resolved to include certain items in the Heritage Schedule for Wyong Local Environmental Plan 2012 (WLEP 2012). Council also resolved to defer certain items to enable a Councillor inspection as per the resolution below:

- "2 That Council defer the recommendation to establish conservation areas at South Tacoma and Wyong to enable a Councillor inspection.*

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

AGAINST: NIL"

A Councillor inspection of the above proposed conservation areas was undertaken on 7 September 2011. It is recommended that Council now adopt the recommendation to establish the Wyong Town Centre Heritage Conservation Area and South Tacoma Heritage Conservation Area and the proposed heritage listing of the potential heritage item – 'streetscape' at 64-70;78 Pacific Highway, Wyong.

THE PROPOSAL

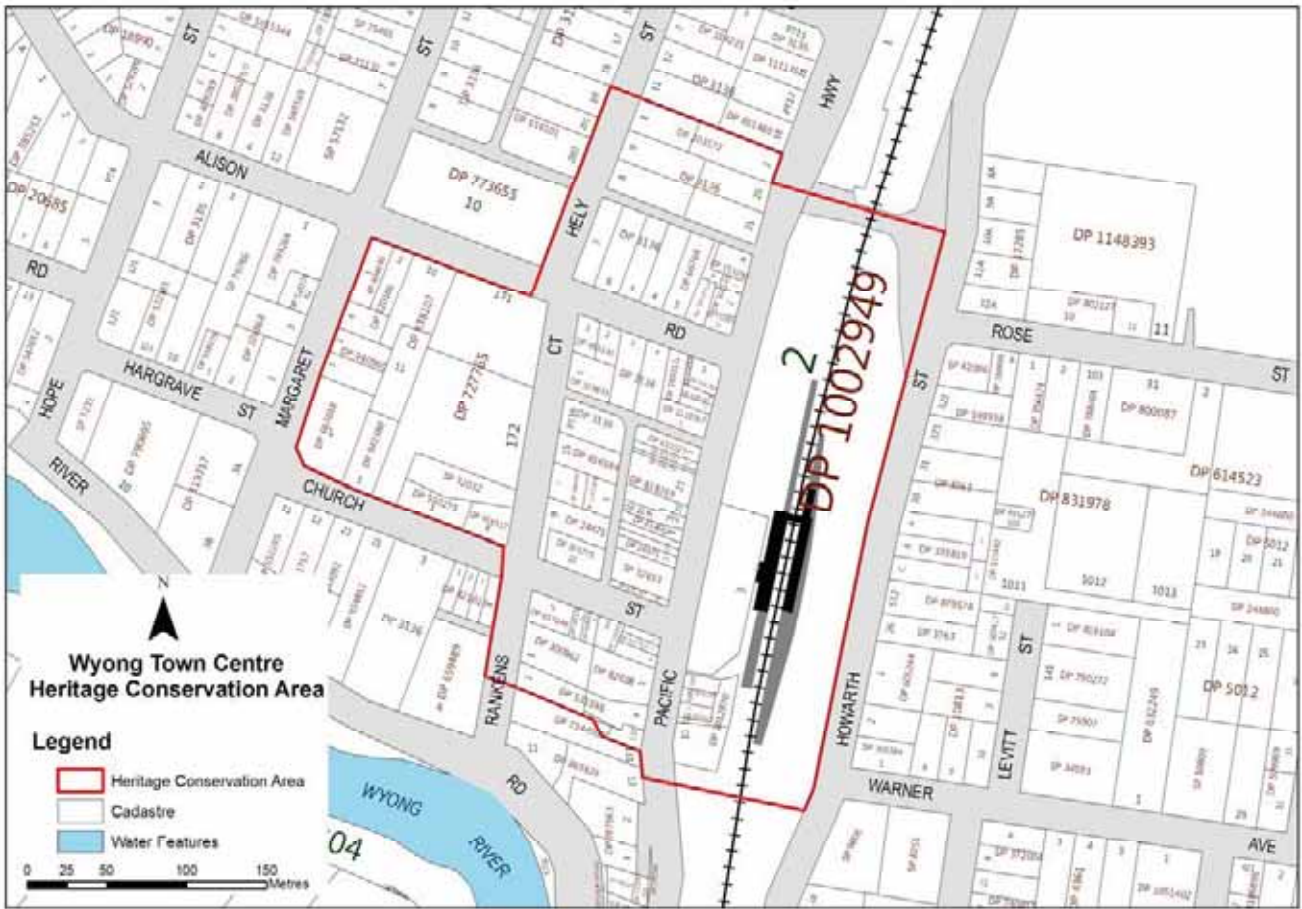
The Wyong Shire-wide Heritage Review recommended the establishment of Heritage Conservation Areas within the Wyong Town Centre and at South Tacoma. A Conservation Area is a geographic area containing many different elements which collectively have heritage significance. Characters and elements that contribute to the significance include:

- Subdivision patterns.
- Consistency of building material.
- Consistency of building styles.
- Common building stock.
- Planting elements.
- Common uses and/or a layering of historical elements that provide evidence of the development through various periods.

Implementation of a Heritage Conservation Area is through the WLEP with the controls for development contained within the Development Control Plan (DCP). All development within a Heritage Conservation Area is subject to review by Council in relation to the impact of the development on the significance of the Heritage Conservation Area. Development controls would apply to changes to heritage listed buildings, buildings in the visual vicinity of listed buildings and generally to infill buildings in relation to their scale and character. Controls for Heritage Conservation Areas aim to promote good design, the reuse or adaptive reuse of buildings of heritage significance and contemporary interpretations for new work. It is considered that establishing these Heritage Conservation Areas would assist to retain and enhance the unique identity of Wyong Shire.

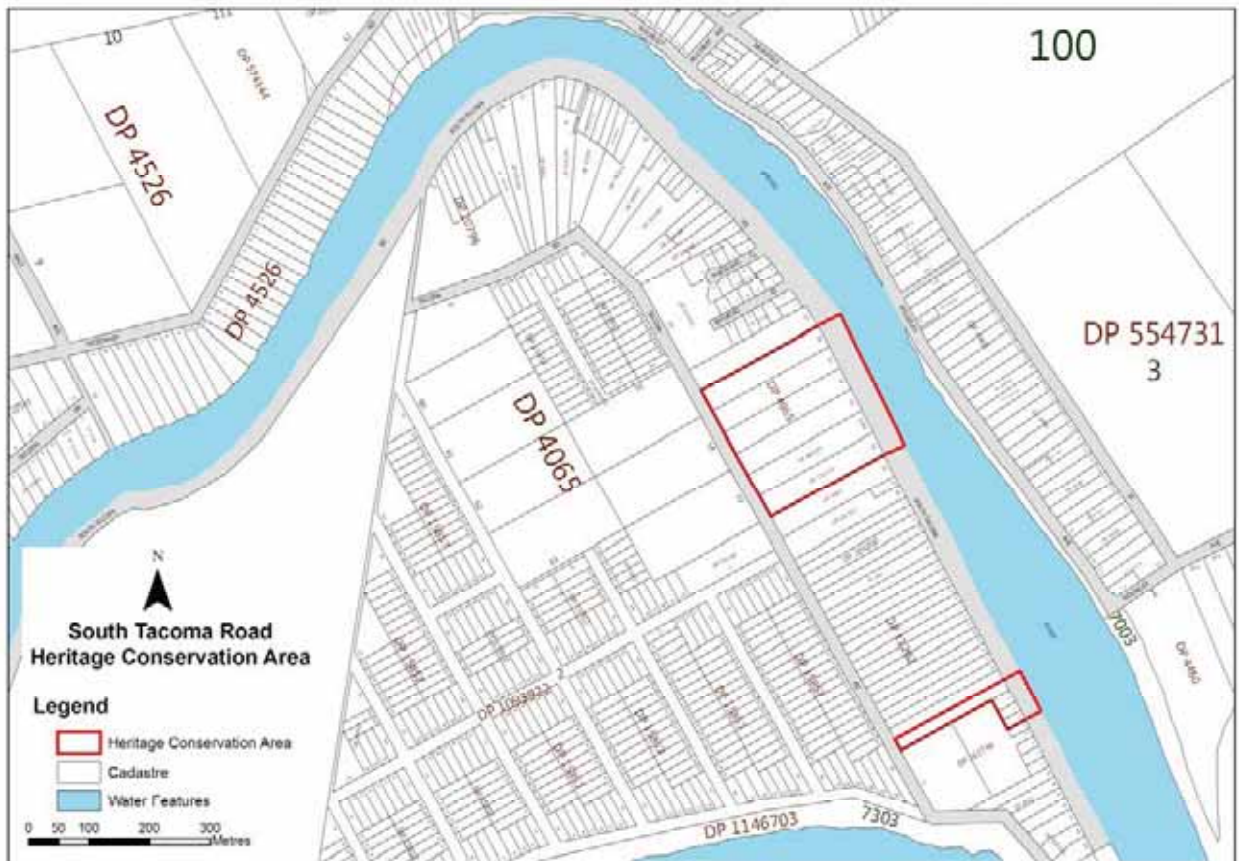
Wyong Town Centre Heritage Conservation Area

This Heritage Conservation Area has been proposed in Wyong Town Centre as the centre retains good examples of civic, commercial and residential development of high integrity, constructed up until 1945. Wyong Town Centre also remains largely intact in terms of retaining its historical subdivision pattern, natural prominence located above the Wyong River, built fabric, avenue tree planting and the prominence of the Railway and Station Buildings. The proposed Heritage Conservation Area for Wyong Town Centre is reflective of those areas of the Town Centre which, collectively, have a high level of local heritage significance.



South Tacoma Road Heritage Conservation Area (South Tacoma)

The Conservation Area includes items which are representative of a residential riverside precinct that retains good examples of housing constructed up until c.1939 which are of high integrity and remain intact.



Proposed LEP Item 'Streetscape'

A rare set of commercial streetscape elements which retain their original character, design, materials and finishes are present in this locality. The buildings mark the intense build up of the central commercial area and while minor items detract, the scale, detail and traditional character have significance as the early commercial benchmark for the development of commerce and a town centre.

This item includes three separate buildings, each of which have a different heritage status (see below image).



Should the streetscape listing be adopted by Council all three buildings would be incorporated into one heritage listing. If Council does not adopt the streetscape listing as a proposed heritage item, LEP Item No 65 (indicated in yellow) and the proposed LEP item (indicated in blue) would retain separate heritage listings and the pawnbroker shop (indicated in green) would not be heritage listed.

Redevelopment Potential

Often when items and conservation areas are proposed to be established concerns are raised as to the impact the heritage listing may have on the redevelopment potential of a site.

There are many examples where new development has been successfully incorporated into existing heritage listed developments and heritage conservation areas. eg, The Forum at Honeysuckle in Newcastle which involved retrofitting of a former railway workshop building into a health and wellness centre. The protection of these significant buildings via listing to retain their historical value provides a positive contribution to the streetscape and would contribute to developing a town centre with a unique character and identity. It is considered that significant buildings and/or facades that exist alongside new quality development establish an urban environment that is culturally diverse and meaningful, and foster a sense of civic pride.

Further to this, the incentive clauses within the WLEP enable substantial concessions for combined developments that incorporate sensitively designed modern buildings with heritage buildings. These concessions may attract investment in the Wyong Town Centre and are provided as an incentive to retain heritage buildings while encouraging growth and redevelopment.

In addition to the above, mechanisms exist for when all other avenues of retaining the heritage building have been exhausted. Such mechanisms include recording the details of the building prior to demolition; this requirement would form part of Council's conditions of consent.

GOVERNANCE AND POLICY IMPLICATIONS

If Council endorses the recommendation to heritage list the proposed item 'Streetscape' and establish Heritage Conservation Areas at South Tacoma and Wyong these would be incorporated into WLEP 2012 - Schedule 5 Environmental Heritage.

CONCLUSION

It is considered that the establishment of these Heritage Conservation areas, (particularly in the Wyong Town Centre) would promote a sense of civic pride and provide an important cultural commodity in developing the Town Centre. It should be noted that the establishment of a Heritage Conservation Area in the Wyong Town Centre is consistent with the objectives of the Wyong/Tuggerah Planning Strategy which identifies the Town Centre as a historic precinct.

ATTACHMENTS

Nil

2.5 Precinct 7A Rezoning - Warnervale and Hamlyn Terrace

TRIM REFERENCE: F2007/00274 - D02936964

MANAGER: Martin Johnson, Manager Land Use Planning and Policy Development

AUTHOR: Scott Duncan; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement to proceed to public exhibition of the draft Planning Proposal for Precinct 7A for a large scale residential land release, business park, neighbourhood shops, open space and conservation land. The combined value of investment created by this rezoning will exceed one billion dollars which will provide a significant boost for the local economy.

The rezoning proposal based upon a Structure Plan which has been developed for Precinct 7A. The report highlights the outcomes of additional planning work that has been conducted since Council resolved to commence planning investigations to prepare the rezoning on 10 December 2008. The report concludes that the level of work conducted is sufficient to proceed to public exhibition with the attached Planning Proposal. It is also proposed to develop a DCP and Section 94 Contribution Plan to support the rezoning.

RECOMMENDATION

- 1 That Council endorse the Planning Proposal for the purposes of community consultation (see Enclosure/Attachment 6).**
- 2 That Council exhibit the Planning Proposal for 28 days, subject to the determination and specification of any additional requirements arising from further Gateway consultations.**
- 3 That Council receive a further report on the results of public consultation.**
- 4 That Council prepare a Development Control Plan based on the Precinct 7A Structure Plan.**
- 5 That Council exhibit Development Control Plan for 28 days.**
- 6 That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal prior to public exhibition.**

BACKGROUND

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

This agreement established a process to amend Wyong Local Environmental Plan 1991 to change the zoning of various portions of land under the ownership of F Hannan Pty Ltd

within the Precinct 7A study area. This rezoning is being undertaken through the Precinct 7A rezoning project. A Funding Agreement was developed to specify each parties commitment with respect to progressing and funding the Precinct 7A rezoning. The projected date for gazettal of the LEP is May 2012 which will be difficult to achieve, but Council has advised Hannan Pty Ltd that it is working towards this date as a target and is progressing the rezoning with as much urgency as possible whilst still meeting other critical Council project commitments.

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

Councillor Best declared a non pecuniary significant conflict of interest in the matter for the reason that he is considering the purchase of a home in the precinct area, left the Chamber at 7.40pm, took no part in discussion, did not vote and returned to the Chamber at 7.41pm.

Councillor Eaton declared a non pecuniary insignificant conflict of interest in the matter for the reason that he was solicitor for defendants in action David Hannan took against a number of landowners and Council participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the matter was settled some two years ago."

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

- 1 That Council prepare a draft Local Environmental Plan in accordance with Section 64 of the Environmental Planning and Assessment Act to rezone Precinct 7A (and those additional properties as detailed in Enclosure 1) to appropriate residential, employment, commercial and environmental zones to reflect a preferred land use outcome for the study area.*
- 2 That Council prepare a Local Environmental Study in accordance with Section 57(1) of the Environmental Planning and Assessment Act considering any additional directions or specifications issued by the Department of Planning.*
- 3 That Council prepare or amend appropriate Chapters of Development Control Plan 2005 and Contribution Plans to guide future development within the area.*
- 4 That Council advise the Department of Planning of the decision.*
- 5 That Council write to all relevant government agencies advising of Council's resolution to proceed with the rezoning.*
- 6 That Council undertake Section 62 consultations with relevant public authorities and stakeholders.*

2.5 Precinct 7A Rezoning - Warnervale and Hamlyn Terrace (contd)

- 7 *That Council authorise the Mayor and General Manager to execute all documents and agreements relating to undertaking the rezoning, including any required Deeds of Agreement between Council and participating land owners.*
- 8 *That Council undertake a review of zonings on Council owned land within the Warnervale Education Precinct and Country Music site in order to determine the suitability of other alternative uses.*
- 9 *That Council note Section 149 Certificates for those affected properties.*

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

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

CURRENT STATUS

The Site

The study area consists of approximately 540 hectares and is located north of the Wadalba Neighbourhood centre (Study Area and Locality Map).

The study area includes a major floodplain to the south of the site, forming part of the Porters Creek Wetland System, a significant natural wetland for the management of stormwater within the region. Included within this floodplain is a SEPP 14 wetland consisting of state significant endangered ecological communities. Warnervale Village occurs within the study area, with a focal point being 'Warnies General Store' and the existing Warnervale Train Station. Surrounding development is rural residential in nature, consisting of large wooded allotments and grazing land.

The study area is predominantly zoned 10(a) Investigation and 2(a) Residential under Wyong LEP 1991. Some land within is also zoned for Open Space and Special Uses (Schools).

The southern portion of the study area has significant areas of land which is flood affected and contains wetlands and endangered ecological communities. This area is currently zoned 7(g) Wetlands Management and 1(c) Non Urban Constrained Land under Wyong LEP 1991. It is important to note however that some of these constraints exist in the northern portion of the site, particularly along upper creek lines.

Site History

Investigations and planning work on Precinct 7A commenced in early 2007 through a number of landowner meetings and public forums. These meetings were held in order to develop an agreed approach to fund the cost of rezoning studies. The study area was defined in this period however further expanded in 2008 to include Council owned land zoned for educational purposes which is located to the west of the Sydney to Newcastle Rail Line.

A Funding Agreement was entered into between Hannan Pty Ltd/Bitova and Wyong Shire Council on 28 November 2008. This agreement outlines each parties obligations to fund the rezoning, supporting studies and documents.

On 10 December 2008 Council resolved to prepare an amendment to Wyong Local Environmental Plan 1991 (WLEP 1991) to rezone Precinct 7A to facilitate the provision of additional residential, employment generation, commercial, conservation and open space land. This rezoning was transferred into the 'Gateway' rezoning process on 4 November 2010 and the Department of Planning and Infrastructure (DP&I) has requested that a more detailed Planning Proposal be referred to them before the Planning Proposal is publicly exhibited. An extension of time to complete the Planning Proposal was granted on 20 October, 2011 which extended the timeframe to complete the rezoning by 11 August, 2012.

An update Planning Proposal was forwarded to the 'Gateway' for further assessment in mid March 2012 in order to publicly exhibit the proposal. Council anticipates that a response will be received from the Department of Planning and Infrastructure by mid April 2012 which will outline public consultation requirements and any changes to the Planning Proposal (if any) prior to public exhibition. If significant changes are required the exhibition timeframes will need to be adjusted to allow for these changes to be made.

Precinct 7A is identified in Council's Residential Development Strategy 2002 as being in an urban development programme and having a medium priority for urban land release. The area is also identified with a different precinct numbering system in the draft North Wyong Shire Structure Plan (dNWSSP). In this document the area is known as Precincts 4, 5 and 7. Under this plan the area has a 'medium term' release priority. All land in the 'medium term' under the dNWSSP is scheduled to be rezoned before 2020. The draft NWSSP establishes a residential density target of 1,848 dwellings and an employment target of 273-546 jobs for this area. Council's proposed rezoning readily achieves these targets.

LOCAL CONTEXT AND SURROUNDING DEVELOPMENT

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

PRECINCT 7A STRUCTURE PLAN

Land Use

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

- Low density residential
- Medium density/aged housing
- Neighbourhood shopping facility
- 30 Ha business park on Council owned land which is well connected to the Link Road and close to the new Warnervale Town Centre.

- 7 Ha Mixed use precinct on Council owned land at the topographic high point to the north of the employment district and would contain smaller office uses
- Future school.
- Extensive areas of public greenspace, wetlands and parks:

A copy of the Precinct 7A Structure Plan is provided in Attachment 1.

The Precinct 7A Structure Plan and Masterplan Principles document includes a baseline report that organises and documents an analysis of existing conditions and draws on various Council and consultant studies as well as the research of the Architectus team. The key opportunities and constraints have been documented in this report where potential developable areas and constraints are identified.

The Precinct 7A Structure Plan also includes an Illustrative Master Plan (See Attachment 2) and includes development principles to guide future development. The latter includes character statements, typical built form guidelines for residential, employment and neighbourhood centre development and built form guidelines.

A Community Charette was held on 29 November 2010 where various Structure Plan options were examined on how the development should proceed in the study area. Through this process a preferred Structure Plan was developed which incorporated the views of community, agency and staff who were present at the Charette workshop. Major stakeholders were consulted on 7 September 2011 where the preferred Structure Plan was presented. This was attended by representatives from NSW State Government agencies, major landowners and some Councillors. Councillors were also briefed on the preferred Structure Plan on 23 February 2011 and on 7 September 2011 where feedback was received to proceed with exhibition (subject to minor modifications) which have since been incorporated in the final Precinct 7A Structure Plan map (see Attachment 1).

The draft Structure Plan has been developed in consultation with relevant Council staff, Councillors, key stakeholders and the community representatives.

The rezoning will provide development yields which will marginally exceed those outlined in the Draft North Wyong Shire Structure Plan (DNWSSP). Expected dwelling targets are as follows:

- 1,350 detached dwellings (approx 500m² lot size)
- 700 medium density 55+ dwellings, mixed use and infill style development in Warnervale Village (approx 300m² lot size)

Based on the projected residential density targets (see Attachment 3) the rezoning is estimated to produce 2,050 residential lots. This equates to 5,300 additional residents in the study area, keeping in mind that the total population will be 5,900 in total after making an allowance for the existing population in the study area.

PRECINCT 7A STRUCTURE PLAN DESIGN PRINCIPLES

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

Street Layout

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

Neighbourhood Centre

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

Low & Medium Density Residential

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

Housing Diversity

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

Employment Area

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

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

Open space, conservation and drainage network

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

Sustainability

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

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

ALTERNATE STRUCTURE PLAN

A major land owner has made an unsolicited offer to the NSW State Government to upgrade the Warnervale Village Railway Station and provide additional commuter carparking. This offer is still being considered by the NSW State Government. If this offer is accepted and the Warnervale Railway station is upgraded a more intensive development scenario could be pursued within those parts of the study area that are within walking distance of the railway station.

An alternate Structure Plan option has been developed which outlines how this option might look (see Attachment 4). It should be noted that this scenario would need to be supported by a new Planning Proposal as the unsolicited offer by a major landowner to upgrade the Warnervale Railway Station has not yet been determined by the NSW State Government. If a favourable decision is made to upgrade the existing railway station, a number of the technical reports underpinning the current Planning Proposal would need to be revised and a fresh rezoning proposal prepared to implement the land use mix envisaged in Attachment 4.

THE PRECINCT 7A STUDY PROCESS

An outline of the Precinct 7A study process is provided in Attachment 5 which lists the technical studies that have been conducted and provides an overview of the consultation process with the community and government agencies.

When the Planning Proposal is publicly exhibited all affected land owners will be notified and plans will be placed on public exhibition for 28 days. Government agencies have been consulted under the 'old LEP' Plan making process under (Section 62) and were invited to the major stakeholders briefing on 6 September 2011. Further consultation will also occur with NSW State Government agencies when the Planning Proposal is publicly exhibited.

It is not proposed to publicly exhibit the DCP and Section 94 Contribution Plan at the same time as the Planning Proposal. Both of these documents will be exhibited later in 2012 and a satisfactory arrangements clause will be applied to the rezoning proposal which will require that a site specific DCP and Section 94 Contribution Plan be adopted by Council before DA's can be determined. Alternatively a VPA could have the same effect as a Section 94 Contribution Plan. Other associated documents such as Plans of Management for future public lands and possibly a Biodiversity Certification will be finalised post gazettal.

FUTURE DEVELOPMENT CONTROL PLAN

A Site specific Development Control Plan will be developed based on the Structure Plan and the Urban Design Principles contained in the report Structure Plan and Development Principles report from Architectus.

Many of the existing Shire-wide DCP provisions will be able to be used for the various development types expected to occur within the Precinct. Only some precinct specific development controls will be included in a Precinct 7A DCP amendment. Such matters covered will include:

- Density targets
- Character statements
- Built form guidelines
- Road layout and hierarchy
- Road typology and cross sections
- Drainage requirements
- Landscape guidelines
- Noise control requirements

MAJOR PLANNING ISSUES AND OUTCOMES

A brief overview of the subject work and conclusions is provided below. These issues are discussed in more detail in the draft Planning Proposal and supporting technical reports.

ENVIRONMENT

Ecology

An ecological assessment has been conducted by Umwelt. The ecological constraints discussed in the ecological assessment were considered as part of the development of the proposed Structure Plan for the study area, and this has led to the retention and protection of 288 Ha (53%) of the study area (much of this area is flood affected and contains Endangered Ecological Communities (EECs), recorded locations of threatened flora and fauna species, or their known habitats. A total of 14 vegetation communities and six different habitat formations were identified and described. Key findings of these investigations included the identification of five threatened flora species, nineteen threatened fauna species, one endangered flora population and four endangered ecological communities (EECs) within the study area.

Endangered Ecological Communities (EEC's)

Of the 14 vegetation communities identified in the study area, four EEC's listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) were identified. These are:

- River-flat Eucalypt Forest on Coastal Floodplains EEC;
- Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions EEC;

- Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions EEC; and
- Sydney Freshwater Wetlands in the Sydney Basin Bioregion EEC.
-

Threatened plant species

Five threatened flora species and one endangered flora population (all listed under the TSC Act), have been recorded in the study area by Umwelt and in previous flora surveys. These species are:

- heath wrinklewort (*Rutidosia heterogama*);
- biconvex paperbark (*Melaleuca biconvexa*);
- small-flower grevillea (*Grevillea parviflora* subsp. *parviflora*);
- *Thelymitra* sp. *adorata*; and
- *Maundia triglochinosoides*.

Of these, heath wrinklewort, biconvex paperbark and small-flower grevillea are also listed as Vulnerable under Commonwealth Legislation under the Environment and Protection and Biodiversity Conservation Act, 2000 (EPBC Act). The endangered population *Eucalyptus parramattensis* subsp. *parramattensis* in the Wyong and Lake Macquarie LGAs has been recorded by Umwelt in the study area.

Threatened fauna

Nineteen threatened fauna species have been recorded in the study area by Umwelt and in previous fauna surveys. These species are:

wallum froglet (<i>Crinia tinnula</i>);	barking owl (<i>Ninox connivens</i>);
Australasian bittern (<i>Botaurus poiciloptilus</i>)	varied sittella (<i>Daphoenositta chrysoptera</i>);
green and golden bell frog (<i>Litoria aurea</i>)	squirrel glider (<i>Petaurus norfolcensis</i>)
black-necked stork (<i>Ephippiorhynchus asiaticus</i>)	koala (<i>Phascolarctos cinereus</i>)
little lorikeet (<i>Glossopsitta pusilla</i>)	large footed-myotis (<i>Myotis macropus</i>)
little eagle (<i>Hieraaetus morphnoides</i>)	little bentwing-bat (<i>Miniopterus australis</i>)
powerful owl (<i>Ninox strenua</i>)	eastern bentwing-bat (<i>Miniopterus schreibersii oceanensis</i>)
masked owl (<i>Tyto novaehollandiae</i>)	greater broad-nosed bat (<i>Scoteanax rueppellii</i>)
grey-headed flying-fox (<i>Pteropus poliocephalus</i>)	eastern freetail-bat (<i>Mormopterus norfolkensis</i>)
yellow-bellied sheath-tail bat (<i>Saccolaimus flaviventris</i>)	

Connectivity

There is currently a high degree of connectivity of vegetation in the study area, which will be modified by future urban development. The Precinct 7A Structure Plan shows that significant areas of native vegetation will be protected on the floodplain. Cleared portions of the floodplain will also need to be revegetated, and will be targeted to enhance habitat connectivity between habitat fragments on the floodplain.

Future management of conservation lands

Large areas of the Warnervale Floodplain will be protected as part of this rezoning. The majority of these areas are identified for acquisition under the existing Section 94 Contribution Plan for the Warnervale/Wadalba area. However, these acquisition areas will need to be revised to align with the boundaries of conservation zoned land outlined in this Planning Proposal. Much of this land will be transferred to Council ownership over an extended timeframe as Precinct 7A is developed.

A draft Conservation Management Plan has been prepared. This document provides the objectives and management recommendations for the maintenance and enhancement of biodiversity values for those parts of the study area set aside for conservation purposes. Approximately 288 Hectares of the study area is proposed for conservation purposes and it is expected that 80 Ha of the floodplain will eventually be restored. Other parts of the floodplain will be used for stormwater management, drainage and passive recreational uses.

Council also has legal obligations with Hannan and Bitova to accept the transfer of a large portion of the Warnervale floodplain (approx 186 Ha) and extensive areas of SEPP 14 - Coastal Wetland within 6 months of gazettal of the Precinct 7A LEP. It is likely that this will occur in 2013 so Council will need to be in a position to manage this land when the time arises. Staff from Land Use and Policy have met with staff from the Open Space Unit to discuss the matter and additional resources will be required to take on these expanded environmental management responsibilities.

Offsetting

The Precinct 7A Structure Plan has been developed to minimise the loss of native vegetation as much as practicable, however vegetation removal will still occur and these impacts will need to be carefully examined and offset with appropriate mitigation measures. The Precinct 7A rezoning will result in the creation of 288 ha of environmental land. This area mostly covers floodplain, wetlands (including a large area of SEPP 14) and EEC's. Approximately 50 Ha of vegetation and a further 20 Ha of disturbed vegetation will be removed within development areas identified by the Structure Plan.

There are a number of different offsetting tools available in NSW. None of which integrate particularly well with the land rezoning process. The main mechanisms include Biobanking, Biocertification and offsets under the *Native Vegetation Act*. Significant community benefit will result in securing the significant environmental assets proposed as part of the Precinct 7A rezoning. However, it will only have minimal value in terms of satisfying the "maintain/improve outcome" as measured by Bio Metric techniques such as Biobanking or Biocertification as a strategy to offset development impacts. These bio Metric techniques are still weighted heavily on a 'like for like' rule which basically means that additional offsets would need to be obtained to offset the clearing of dryland forests which are not well represented in proposed conservation areas (which mostly contain swamp forest vegetation communities).

There are significant benefits in achieving Biocertification terms of providing development certainty where threatened species legislation can be turned off in new development precincts, managing future risks in terms of potential impacts from new threatened species listings and different views on interpreting whether EEC's should apply or not to a particular area. However, the benefits for this precinct would need to be more closely scrutinised.

The implication might mean that some future residential subdivision proposals may have localised "significant" impacts under S. 5A of the *Threatened Species Conservation Act, 1995* and will need to be supported by a Species Impact Statement (SIS) and will require OEH concurrence. This will lead to delays in processing some applications with protracted negotiations with OEH and possible sterilisation of developable land in some locations. There is also the risk that new threatened species could be listed before development proceeds.

Due to the time consuming nature of preparing biocertification documentation (as experienced by Council with the Warnervale Town Centre example) and the likelihood that large offset areas would need to be purchased off-site to achieve biodiversity certification (which would need to be purchased and managed) protect significant areas of biocertification at the present point in time. This is something that Council might be able to pursue post gazettal of the Precinct 7A rezoning.

CONTAMINATED LAND

A detailed land contamination report was conducted for the study area by Douglas Partners which identified past and potentially contaminating activities. A number of sites were identified as Areas of Environmental Concern (AEC) and it is recommended that the future DCP for the area includes a provision that these sites be re-assessed to update their contamination status at the development application stage. Further details are summarised in the Planning Proposal (See Attachment 6).

ACID SULPHATE SOILS

A preliminary acid sulphate soil assessment has been conducted by Douglas Partners. The report concludes that acid sulphate soils are not generally present within the study area and that the soil could be excavated without the need to operate under an acid sulphate soil management plan.

SALINE GROUNDWATER ON FLOODPLAIN

A salinity report was submitted by Douglas Partners. The report indicates that low lying parts of the floodplain are moderately to highly saline at depths greater than one metre. Council has taken this constraint into consideration in developing the Integrated Water Cycle Management Strategy for this precinct which is based on a design which involves minimal excavation in areas where high salinity groundwater occurs.

BUSHFIRE

Large areas of Precinct 7A which are classified as Bushfire Prone Land. A Bushfire Threat Assessment Report has been conducted by Peak Land Management. Peak Land Management concludes that providing the subdivision is designed to conform with Planning for Bushfire Protection 2006 and that adequate asset protection zones are maintained then all bushfire risks will be mitigated. Council has consulted the NSW Rural Fire Service and no objection was raised to the rezoning proceeding.

Flooding

(Cardno) has completed the draft flood study and has provided information on the 1% Annual Exceedence Probability (AEP), channel design and flood mitigation measures within the study area. Flood modelling scenarios have also been conducted with an allowance for climate change. This information has been incorporated to inform the development of the Structure Plan.

Noise and vibration impacts

A Noise and Vibration Impact Assessment has been conducted by Renzo Tonin and this has concluded that parts of the study area will be exposed to traffic and rail noise which exceed the relevant standards in respect of acceptable acoustic amenity. It further concluded that a range of ameliorative (design focused) measures, including setbacks, barriers and building design/treatment, could be readily implemented to achieve sustainable noise outcomes. Appropriate requirements will be included in the future Precinct 7A DCP which will specify noise requirements in noise affected areas.

The required measures will be implemented generally as conditions of development consent at subdivision and/or dwelling construction stage. It will be necessary, however to integrate construction of noise barriers and related works (or similar) with any design plans/capital works program of the Roads and Maritime Services (RMS) and Rail Corp, in respect Sparks Road and the main northern rail line respectively.

Additionally aircraft noise was identified to not adversely impact the Precinct. It was also concluded that rail vibration was not likely to impact development within proximity of the railway.

Aboriginal and European Heritage

AS&R was engaged to complete an Aboriginal and European Heritage Assessment. Eighteen sites containing stone artefactual material were recorded during the investigation. The recommendations in general are that artefact material for sites that cannot be avoided by future development should be salvaged. ASR recommends that no development should be approved at, or in the vicinity of the site locations before a Cultural Heritage Management Plan has been developed by a qualified archaeological consultant in consultation with the Darkinjung Local Aboriginal Land Council (DLALC) and Guringai Tribal Link for the further management of those sites and their contents. Efforts were made in the development of the Precinct 7A Structure Plan to incorporate a significant number of these sites into environmental areas.

Schedule 1: Heritage Items of Wyong Local Environment Plan 1991 identifies one heritage item within the study area, this being, a "Shop/residence" on Warnervale Road (Warnies), which it describes as being of Regional heritage significance. No further items of European heritage assessment were found to warrant protection.

Open Space and Recreation

The key design principles underpinning the Structure Plan have been discussed earlier in the report. Planning requirements for Open Space and Recreation were derived from the Open Space and Recreation Study referenced in the Planning Proposal. (See Attachment 6).

2.5 Precinct 7A Rezoning - Warnervale and Hamlyn Terrace (contd)

In brief, the study reinforced the importance of access to a diverse range of quality open space and recreational opportunities, in both formal (build/structured) and informal (naturalistic) contexts.

The identified needs (as reflected in the Structure Plan) are to be accommodated in the study area (local) and higher order needs (district) in locations such as the proposed Warnervale Town Centre, Hakone Road precinct (Woongarah) and the like.

The required areas/facilities will be dedicated and/or acquired through Section 94 and will be levied to fund the required acquisition and/or embellishment of open space.

- Types of usable public open space include:
 - Parks with formalised structures and play equipment
 - Open parkland with grass and trees
 - Recreational playing fields

In the later 1990's Council identified a site to the south of Sparks Road as a future district playing field for the Greater Warnervale District. Attempts were made to locate district playing fields (approximately 6 fields) in this location in Precinct 7A when the Structure Plan was being developed. However upon further analysis of flooding constraints it was not possible to locate any more than 4 fields on this site. Consequently, an alternative site will need to be identified to provide a district level facility for the Greater Warnervale area outside of the Precinct 7A area.

ECONOMIC IMPACTS

Job Creation

The Precinct 7A rezoning is likely to result in over a billion dollars of investment in the local economy. It is expected that the new land release area will accommodate a net increase of 5,300 additional residents in the study area. This is likely to mean that 2,500 new workers will eventually be accommodated in the study area. It is estimated that the business park and mixed use development will generate a minimum of 1,000 jobs, which means that the project links the creation of new residential land to partly meet employment needs of the Shire and future Precinct 7A residents. This does not include short term jobs generated in construction and land development process.

Land supply/demand impact

The proposed rezoning is estimated to produce 2,050 residential lots. Lot creation data collected between 2005-2009 through Council's Residential Land Monitor indicates that there has been an average of 348 lots created in Wyong Shire over the period (note this applies to all lots not just in Greenfield areas). Based on these average lot creation rates 2005-2009 period, the Precinct 7A rezoning will boost short term land supply for a further 6 years.

Economic viability of development

A consultant has recently been engaged to conduct a financial feasibility assessment on the Precinct 7A rezoning. The results of this study will help inform the DCP and Section 94 Contribution Plan. Council staff have undertaken an initial economic viability assessment to examine the feasibility of developing residential land in the study area. This involved a survey

of recent land sales and a survey of vacant, serviced land currently advertised for sale within Watanobbi, Wadalba, and Hamlyn Terrace. The investigation has also had regard to an analysis of estimated development costs based on the level of information currently available to Council.

Land within Watanobbi, Wadalba, and Hamlyn Terrace is currently advertised at sales prices of between \$129,000 to \$185,000, (for 510sqm to 762sqm lots) with the highest price advertised for Hamlyn Terrace. Land sales achieved in the last 6 months range from \$155,000 to \$187,000 for Wadalba (450sqm to 825sqm), and \$145,000 to \$182,000 for Hamlyn Terrace (450sqm to 894sqm lots). Assuming Section 94 costs per lots do not exceed the \$30,000 cap an estimated land sale price of between \$145,000 and \$150,000 would be required to achieve a developer margin of approximately 20%. This is an industry adopted target.

This assessment also excludes the purchase price of the underlying land, which if taken into account would increase the estimated land sale price by between \$30,000 and \$60,000. Based on the recent market survey it is estimated that single dwelling/dual occupancy lots of approximately 500sqm to 650sqm may achieve between \$135,000 and \$165,000 in the current market conditions. Englobo and multi-unit lots have not been considered in this survey and will also impact on viability. Furthermore areas of Precinct 7A with high amenity levels (e.g. attractive views) are likely to achieve a premium to the estimated prices mentioned above.

In comparison to sites such as the Warnervale Town Centre, topographic and infrastructure servicing requirements are likely to pose less of a challenge in Precinct 7A, which will result in lower land preparation costs. However holding costs, the level of SIC (or whether one will apply), and the underlying cost of land are not known and will have a significant impact on viability. This might mean that high amenity locations or properties that have been purchased at favourable prices (held for a long time) are developed before others.

Council will be testing the above assumptions as part of an economic viability assessment. Likewise developers will undertake a viability analysis before proceeding with the development of land. The final economic viability assessment will be available to Council following the consideration of submissions received during public exhibition of the Planning Proposal.

Notwithstanding viability considerations Council may rezone land having regard to an urban development program, enabling development to proceed when market forces determine that development is viable to develop.

State Infrastructure Contributions

The DP&I currently collect State Infrastructure Contributions (SICs) on new greenfields residential and employment land releases. SIC charges currently apply in locations like the Warnervale Town Centre and Wyong Employment Zone. Council has not been provided any advice to date on whether a SIC will apply or at what rate for this rezoning. However, it is understood that the NSW State Government is in the process of reviewing the SIC process. The economic viability assessment will examine the financial impact of applying a SIC to the development and it is expected that this report will assist Council in making a case which will seek to exempt this rezoning from applying a SIC due to the adverse impact that it will have on development viability.

TRAFFIC AND TRANSPORT

Traffic and transport issues are discussed under the following sub headings:

Traffic assessment report

Future traffic conditions in and around the Precinct 7A study area will be influenced by a combination of background traffic growth, additional traffic generated by proposed developments and planned network changes at regional and local levels.

A traffic and transport study is currently being finalised by Hyder Consulting Pty Ltd to identify the road and intersection requirements along Sparks Road and within the Precinct 7A development site to accommodate the projected traffic increases, to cater for forecast traffic flows, at 2021 and 2031. A preliminary traffic assessment has been completed and the study will be finalized shortly. Initial recommendations are as follows:

- It is essential that a new connecting road be constructed between Warnervale Road and Sparks Road. The road should align with the proposed entry road to the proposed Warnervale Town Centre, forming a 4-way intersection at Sparks Road.
- To encourage direct access along this connecting road (Warnervale Road to Sparks Road) to the Town Centre, the following is required:
 - A left turn slip lane be provided for Minnesota Road northbound traffic at the Warnervale Road intersection.
 - Traffic calming be provided along Minnesota Road, between Warnervale Road and Sparks Road. This is to discourage excessive speeds and use of this section of Minnesota Road.
- The Link Road between Watanobbi and Warnervale is required to eliminate excessive traffic volumes along Minnesota Road and other local streets. It will also take some pressure off the Roads and Maritime Services (RMS – formally the Roads and Traffic Authority) for the upgrading of the Pacific Highway.
- The option to provide a vehicular grade separated facility over the railway line, north of Warnervale Road should be preserved in the Precinct 7A Structure Plan, however it is acknowledged that no funding source exists and it is only likely to be built if grant funding is obtained.

Road Hierarchy and connectivity to surrounding areas

A proposed road hierarchy has been developed for Precinct 7A. The proposed road hierarchy has taken into account the long term planning requirements to integrate Precinct 7A with other planned urban release areas outside the precinct, for example, Warnervale Town Centre and Wyong Employment Zone.

Future Upgrading Sparks Road

The RMS is currently preparing concept plans for the Sparks Road entry into Warnervale Town Centre. Whilst, initially the road will require upgrading to dual carriageway (two lanes in each direction), the RMS is preparing its design for the ultimate road width of three lanes in each direction. This is to ensure that there will be adequate road reserve width for the future.

The RMS will need to identify sufficient areas of land at each intersection, for three (3)

Through lanes in each direction on Sparks Road, plus the additional turning lanes. These will need to be identified in zoning plans. If the RMS is able to finalise these plans in time they can be included in this LEP and identified for future acquisition.

Public Transport

The Structure Plan has been developed to provide for the possibility of a grade separated crossing, for both pedestrians and vehicles in the vicinity of Warnervale Village. It should be noted that a major Precinct 7A landowner has made an unsolicited request to the Department of Premier and Cabinet to upgrade the existing Warnervale Village Railway Station to provide an 8 car capacity with additional commuter car parking provided on the eastern side of the railway line.

Bus stops will be provided along the route at a maximum of 400 metre spacing. Approval from the local bus company and Transport for NSW is required for the proposed route as it will be an extension of current bus service to the area. The frequency of the services will also need to be determined and approved by the local bus company and Transport of NSW.

Pedestrian and Cycleway Movement

Walkability and the provision of cycleways/shared paths, is a key feature of the proposed Structure Plan. A combination of on and off road cycleways is proposed. These are to encourage residents to walk or cycle to the proposed neighbourhood shopping centre, local schools and Warnervale Village Railway Station. The proposed cycleways/shared pathways are identified in Planning Proposal.

SOCIAL IMPACT AND HUMAN SERVICES

An indicative future population profile (predicted largely on recent nearby communities at Hamlyn Terrace/Wadalba and Woongarra/Warnervale), established a template of required human services and facilities for a sustainable new community, inclusive of facilities within the precinct and beyond.

Precinct 7A is considered to be well located in relation to a wide range of existing and planned retail, commercial, community, recreation, medical and transport facilities and services.

Residents of Precinct 7a will have access to an existing network of community facilities and proposed district level facilities and services within the new Warnervale Town Centre.

Hamlyn Terrace Community Centre and Sporting Facility has recently been constructed next to Warnervale Public School on Minnesota Road. This facility will provide a focal point for the delivery of services, programs and activities to meet needs of residents in both Hamlyn Terrace and Precinct 7A. A multi-purpose district level community facility is proposed to be built in Warnervale Town Centre incorporating community spaces for children, family and youth programs, active and healthy living programs, library and Council services, art and cultural space and potentially a government transaction centre and telecommuting hub.

Developer contributions, together potentially with VPA's will form the principal funding source of the required social infrastructure

A new primary school has recently been completed in the study area at Hamlyn Terrace (Warnervale Public School). Capacity has been built into this school to accommodate additional students from Precinct 7A. The Department of Education and Training (DET) owns land in the north of the study area on Sparks Road which is proposed to be a future high school site. Two private schools, Lakes Anglican Grammar (K-12) and Mackillop College (K-12) are located near the study area.

The old Warnervale Public School is located within the study area. This site is owned by DET and it is currently used as a community training facility.

The Structure Plan has incorporated a local neighbourhood shopping centre to be developed around the existing "Warnies" precinct. This will enhance the role of "Warnies" as popular focal point for the community.

The Structure Plan has had regard to liveability principles, including connectivity and linkages to key destinations within the precinct and the new Warnervale Town Centre; provision and location of local spaces and places for residents to come together and interact; affordable housing; community safety and amenity.

INFRASTRUCTURE AND SERVICES

Water

An existing Trunk Main currently runs east-west along Sparks Road to the north of Precinct, to which 100mm distribution mains along Albert Warner Drive and Nikko Road are connected. This enables the provision of water supply to the existing Warnervale Village via further distribution mains established on St Albans Road, Aldenham Road, Railway Road (Including Sun Dew Close), Wyreema Road and Kanowna Road. A distribution main extends the entire length of Warnervale Road.

Development Servicing Plan No 7 identifies that a future 200mm main will be provided from the connection of Sparks Road and Virginia Road. This will extend to meet that point where the water supply main already exists on the southern portion of Virginia Road.

A 200mm water main is planned for construction in 2012/13 along Railway Road North of Warnervale Road intersection that will be connected to the 375mm trunk main in Sparks Road. This main is considered a second source of supply to the existing Warnervale Village and the future surrounding areas.

Sewerage

Sewerage infrastructure is currently provided within the existing Warnervale Village, with mains located on St Albans Road, Railway Road (Including Sun Dew Close), Wyreema Road and Kanowna Road. Mains also run between St Albans Road and Aldenham Road, Railway Road and Aldenham Road, Sun Dew Close and Albert Warner Drive, Warnervale Road and Wyreema Road. This area is connected to the Warnervale Road Sewerage Pump Station c15 near the airport which drains into the Charmhaven wastewater management scheme via SPS C12 in Warnervale Road. It is anticipated that the majority of these mains are expected to reach consumption capacity by 2020.

A gravity infrastructure system using 300 - 600mm diameter sewer mains is proposed to be constructed from the intersection of Sparks Road and Virginia Road which cuts across that

land currently identified for district level open space and follows a path south to a connection point on SPS C13 Warnervale Road.

Construction contracts for the sewerage to service most of Precinct 7A is gravity fed and the Warnervale Town Centre are ready to go to tender when required.

Stormwater treatment

On 10 February 2010 Council endorsed a concept plan for the management of urban stormwater management for the Porters Creek Wetland. This scheme was developed to collect and divert urban stormwater runoff from the broader Warnervale area (including the Warnervale Town Centre, Wyong Employment Zone and Precinct 7A) and divert it to Wyong River downstream of Wyong weir. The scheme has been developed to protect porters Creek Wetland. Porters Creek Wetland is exhibiting signs of stress from altered drainage and hydrology from development approved in its catchment. The increased runoff from additional development, if left unchecked, will result in the loss and/or modification of significant areas of EEC and a consequential reduction in habitat values and water quality functions of Porters Creek Wetland.

The Precinct 7A rezoning will implement a significant component of this scheme and Cardno has been engaged to complete an IWCM Strategy for Precinct 7A. The purpose of the integrated water cycle management study is to protect Porters Creek Wetland and hydrologically sensitive ecosystems. The Cardno report has provided constructed wetland and storage designs to implement the Precinct 7A component of the Scheme. It has also Identified WSUD measures at a lot scale, streetscape and end of pipe measures, in accordance with the draft WSUD Development Control Plan. The report will be used to inform the future DCP for Precinct 7A and Section 94 Contribution Plan.

Electricity and Gas Supply

Consultation undertaken with Energy Australia has identified that a new substation is will be built within the precinct to service the needs of future population of the local area. This substation will be located on the site on the corner of Sparks Road and Virginia Road and is proposed to be zoned SP2.

The Jemena Gas main trunk main is located along the F3 Freeway easement, with secondary high pressure mains located on Albert Warner, Sparks, Railway and Warnervale Roads. A 210kPa supply also runs the length of Minnesota Road.

AMENDMENT TO PLANNING PROVISIONS

This rezoning is being undertaken in accordance with Council's adopted Planning Proposal procedure.

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

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides for Council to submit the Planning Proposal to the Minister (DP&I) for a Gateway Determination. DP&I will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modification to the Proposal, community and government agency consultation requirements and other matters.

The timing of the making of draft Wyong LEP 2012, which is in the Standard LEP format, will affect the Planning Proposal. Initially, it was anticipated that the Planning Proposal will be an amendment to Wyong LEP 2012. However, if that draft LEP 2012 is delayed significantly, then the Planning Proposal may reasonably proceed as an amendment to LEP 1991.

To give statutory effect to the rezoning it is proposed to amend Wyong LEP 2012 provided such plan is gazetted in a timely manner. In the event that the Precinct 7A rezoning precedes the making of Wyong LEP 2012 it is proposed that a suite of similar planning provisions be incorporated in the prevailing Wyong LEP 1991.

The Planning Proposal (see Enclosure 1) outlines draft planning controls and provides a brief explanation of intent. Further details are contained in the Planning Proposal. The principal controls include:

- Land use zones which address the diverse range of land uses identified in the Structure Plan.
- Relevant planning controls in the form of minimum lot size, maximum building height and floor space ratio.
- Maps depicting the foregoing, together with land application, land acquisition (and related schedule) and Urban Release Area maps.

Proposed Zones

The following zone amendments are proposed (refer to the Attachments section of Enclosure 6 - Planning Proposal for submission to DP&I for a graphical representation of the following changes):

- Ecologically sensitive environmental areas identified as endangered ecological communities within the precinct are to be Zone E2 (Environmental Conservation).
- Lands constrained by flooding and/or containing wetlands areas are proposed to be Zone E3 (Environmental Management).
- The commercial/community facilities focused upon Warnervale Station/Warnies are proposed to be Zone B1 (Neighbourhood Centre) to facilitate the establishment of a neighbourhood level commercial centre to service the immediate precinct.
- The existing “Warnies” store is to be zoned B1 (Neighbourhood Centre) and the immediate down-slope curtilage RE2 (Private Recreation).
- The land focused on Warnervale Station, including that contiguous with the Warnies precinct is proposed to be Zone R1 (General Residential) so as to permit generally flexible residential development inclusive of medium density housing and seniors housing.
- Radiating out from the Zone R1 (General Residential) area, the surrounding residential precincts are proposed to be Zone R2 (Low Density Residential).
- The school sites are to assume the proposed zoning of surrounding lands; namely Zone R2 (Low Density Residential).

- The proposed Business Park on the western perimeter of the precinct is proposed generally to be Zone B7 (Business Park) but for a component adjacent to the Lakes School which is proposed to be Zone B4 (Mixed Use).
- The open space including recreation areas and facilities are proposed to be Zone RE1 (Public Recreation).
- The multiple use open space/stormwater management areas are generally also proposed to be Zone RE1 (Public Recreation).
- the substation site and Sparks Road and the Link Road are to be zoned SP2 (Infrastructure)
- The “rose farm” is proposed to be Zone RU1 (Primary Production).

Development Standards

The following amendments to the prevailing principal development standards are proposed to give effect to the Structure Plan and are discussed in more detail in the Planning Proposal (see Attachment 6 Planning Controls section of the Planning Proposal for future information. All Planning controls recommended are consistent with those in the draft Composite LEP 2012.)

Lot Size Map

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

- Zone R2 (Low Density Residential) – 450m²
- Zone R1 (General Residential) – 300m²

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

The Business Park/mixed use precinct is not proposed to be subject to minimum lot size mapping.

Maximum Height of Buildings

The maximum building height for the B4 and B7 zone shall be 12 metres.

Floor Space Ratio

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

- Zone B7 (Business Park) – 0.8:1
- Zone B4 (Mixed Use) – 1:1

Land acquisition within certain zones

A provision has also been added which will allow relevant land acquisition functions to be performed. The purpose for acquisition and the relevant State Authority to acquire will be

nominated to permit floodplains and local parks to be acquired in the future by Council. The provision has also been included which will permit the RMA to acquire land for future road upgrading on Sparks Road.

Urban Release Areas

The Precinct is identified as an Urban Release Area and will be subject to model clauses 6.1, 6.2, 6.3 and 6.4 under the SI.

Clause 6.1 contains provisions requiring satisfactory arrangements to be in place for future development to contribute towards designated State public infrastructure.

Clause 6.2 contains provisions that require adequate arrangements to have been made to ensure that essential infrastructure is either available or will be made available when required.

Clause 6.3 contains provisions to ensure development on land in an urban release area occurs in a cost-effective and logical manner including that a development control plan for the precinct has first been prepared prior to any development consent on the land. Such a Development Control Plan is proposed to be prepared for Precinct 7A and will be informed by the Structure Plan/Masterplan principles document.

Lot Amalgamation Provision Removal

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

STATUTORY COMPLIANCE

State Environmental Planning Policies

The proposal has been considered having regard for relevant State Environmental Planning Policies (SEPPs) and draft SEPPs. The following SEPPs have been identified as being applicable to the proposed rezoning, and the rezoning is generally considered to be consistent with the provisions of the SEPPs. Further justification of consistency with the relevant provisions is provided within the attachments to this report:

- SEPP 14 – Wetlands.
- SEPP 44 – Koala Habitat.
- SEPP 55 – Remediation of Land.
- SEPP (Infrastructure) 2007.

Section 117 Ministerial Directions

Section 117 of the EP&A Act, 1979 requires Council to consider various directions issued by the Department of Planning and Infrastructure. The rezoning proposal is considered to be generally consistent with Section 117 Directions, with those directions requiring more detailed discussions being outlined within the Planning Proposal in Enclosure 1.

The following table identifies the applicability and consistency of the proposed rezoning with the current Section 117 Directions:

Number	Direction	Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	Yes	Yes
1.3	Mining, Petroleum Production and Extractive Industries	Yes	Yes
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	Yes
Hazard and Risk			
4.1	Acid Sulphate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies	No	N/A
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A
5.6	Sydney to Canberra Corridor	No	N/A
5.7	Central Coast	Yes	Yes
5.8	Second Sydney Airport: Badgerys Creek	No	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	No	N/A

OTHER MATTERS FOR CONSIDERATION

Central Coast Regional Strategy and draft North Wyong Shire Structure Plan

The Central Coast Regional Strategy (CCRS), released in June 2008, provides the base planning framework for the growth of the Central Coast Region over the next 25 years (2006-2031).

The CCRS identifies that an additional 39,500 dwellings will be required to accommodate an anticipated population growth of 71,100 persons. 16,000 of these new dwellings will be required to be accommodated within new release or 'Greenfield' areas. It is stated that majority of new Greenfield land releases should be concentrated around Warnervale Town Centre and the WEZ. The Planning proposal adjoins both of these areas and is therefore consistent with this requirement.

The draft North Wyong Shire Structure Plan (dNWSSP) shows the Precinct 7A rezoning areas as Precincts 4, 5 and 7. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the dNWSSP is scheduled to be rezoned before 2020. The dNWSSP establishes a residential density target of 1,848 dwellings and an employment target of 273-546 jobs.

The Planning Proposal is consistent with both of these documents and the residential density targets and employment targets proposed in the dNWSSP are readily achievable.

OPTIONS

In broad terms there are two key options with regard to progressing the Planning Proposal for Precinct 7A. The first is to progress the Planning Proposal to public exhibition and consult the community and stakeholders. The second is to not proceed with the rezoning. Each of these options is discussed in more detail below.

However under Option 1 there are a number of sub-options that exist with respect to how the Planning Proposal could be implemented. These sub-options are due to timing uncertainty associated with Wyong LEP 2012 and are discussed below:

Option 1: Public exhibition and consult community on Planning Proposal

The Planning Proposal is consistent with the Central Coast Regional Strategy and draft North Wyong Shire Structure Plan and is consistent with all relevant section 117 Directions. The current proposal provides significant community benefits in terms of creation of new housing opportunities, local employment opportunities and significant areas of public open space and conservation areas. Continued support is justified and it is recommended that the plan be publicly exhibited.

The following sub-options exist with which to progress the amendments proposed in this Planning Proposal:

Sub-option A – Proceed with the Proposal as a separate amendment to WLEP 2011 (Not recommended)

Council's initial expectation was for the Planning Proposal for Precinct 7A to proceed as an amendment to Wyong Local Environmental Plan (WLEP) 2012 based on an assumption that the Composite LEP (WLEP 2012) would be gazetted in 2011. However due to delays to the delivery program for WLEP 2012, it is anticipated that the timing for the Planning Proposal for Precinct 7A will precede the WLEP 2012. Therefore this option is not favoured as it would likely impose delays to this Planning Proposal which might have legal implications for Council as it has obligations to progress the Precinct 7A rezoning with major landowners.

Sub-option B - Include Precinct 7A within the Comprehensive LEP Review (Not Recommended)

Integrating the proposed zone and planning provision amendments of the Precinct 7A Planning Proposal within WLEP 2012 is another option. As both WLEP 2012 and the Precinct 7A Planning Proposal have been drafted in accordance with the template of the NSW Standard Instrument. This sub-option makes some sense. However due to uncertainties surrounding the timing, in particular WLEP 2012 this sub-option is not favoured.

Sub-option C – Proceed with the Proposal as a separate amendment to WLEP 1991 as a Schedule in Standard Instrument (Recommended)

Should the timeframe for the Planning Proposal for Precinct 7A precede WLEP 2012, it could be progressed as an Amendment to WLEP 1991. This would involve the utilisation of land use zoning and associated clauses and definitions or the NSW Standard Instrument (SI). The planning associated with the Planning Proposal has been undertaken based on the SI. It is desirable that such an amendment to WLEP 1991 utilise the land use zoning, clauses and provisions of the SI as this would make the integration into the Wyong LEP 2012 more straightforward and less problematic. This is the favourable option.

Sub-option D – Proceed with the Proposal as a separate amendment to WLEP 2011 (Not Recommended)

This option assumes that the Planning Proposal be progressed as an amendment to WLEP 1991 by using the zoning, associated clauses and definitions of WLEP 1991 where possible and including additional provisions where necessary. This sub-option will be more complicated when attempting to integrate and convert these provisions into WLEP 2012 and therefore is not favoured.

Option 2: Not Proceed with Rezoning

Not proceeding with the Proposal would result the loss of significant residential and employment opportunities and an estimated one billion dollars in local investment opportunities which will be created by the rezoning. This option is not favoured.

STRATEGIC LINKS**Wyong Shire Council Strategic/Annual Plan**

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

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

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
1 Community & Education	1.1 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Significant increase in utilisation of facilities. Additional Section 94 contributions will be collected to provide for expanded population.
2 Community Recreation	2.1 Open Space 2.2 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Increase in utilisation of facilities and open space. Significant new areas of open space will be created. Additional Section 94 contributions will be collected.
3 Economic & Property Development	313 Economic and Property Development	Creation of Council business park	Precinct to be developed Council or land sold.	Ultimately: - amount of construction - construction labour - post construction (employment)

<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>
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use	6.2 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation.	Strategies still in preparation – KPIs to be developed
	6.3 Land Use Planning & Policy Development	Develop comprehensive DCP, planning policies, voluntary planning agreements, review s94 plans. Increase revenue from full cost recovery and rezoning fees		6 planning proposals required to be prepared by June 2012. This planning Proposal is the largest urban land release conducted in Wyong Shire and will part satisfy this KPI.
7 Waste	7.1 Waste	Provide regular domestic waste & recycling service	Revenue	Increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	None relevant			

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
10 Water & 11 Sewerage Services	10.1 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developers cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

Contribution of Proposal to Principal Activities

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

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

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

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

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

FINANCIAL IMPLICATIONS

The Long Term Financial Strategy recognises that operating revenue (excluding capital grants) has not covered operating expenditure to maintain existing services and levels of service. Additionally, the required maintenance and renewals of existing assets cannot be funded. The Long Term Financial Strategy is aimed at providing a framework in which

Council “can assess its revenue building capacity to meet the activities of and level of services outlined in the Community Strategic Plan.”

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

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

This is able to be satisfied through the existing funding agreement with the developer.

2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development.

This is expected to be satisfied through existing developer contributions plans or possibly a VPA.

3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing developer contribution plan, is to be fully funded by the developer, unless its is can reasonably be added to an existing contribution plan as essential infrastructure.

4. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges.

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

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

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

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

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

Asset Management Strategy

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

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

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

Link to Community Strategic Plan (2030)

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

1. Communities will be vibrant, caring and connected.

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

2. There will be ease of travel.

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

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

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

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

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

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

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

6. There will be a strong sustainable business sector.

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

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

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

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

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

Budget Impact

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

CONSULTATION

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

- Section 62 consultations with State Government agencies (prior to transfer into Gateway rezoning system – March 2009.
- Masterplan Community Charette Workshop – 29 November 2010.
- Major stakeholder briefing on preferred Structure Plan with NSW State Government Agencies and major landowners – 6 September 2011.
- Briefing and Feedback from Council’s Executive Team – 17 February 2011.
- Regular meetings with landowners funding the study have occurred as part of the project.
- Internal consultation has been undertaken across relevant sections of Council.
- Councillor briefing on preferred Structure Plan – 23 February 2011 and 7 September 2011 where feedback has been received on preliminary versions on Structure Plan options, preferred Structure Plan and direction given to proceed with exhibition.

Further community consultation and government agency consultation will be undertaken once Gateway Determination has been received confirming that the Planning Proposal is adequate for the purpose of formal public exhibition.

Council's interest as a landowner in the Warnervale Education Precinct will also be extensively detailed in accordance with DOP&I’s Best Practice Guidelines in respect of land in Council ownership, so as to ensure appropriate transparency.

GOVERNANCE AND POLICY IMPLICATIONS

Council is in a position to further advance the Planning Proposal, by seeking endorsement from DOP&I to proceed to formal consultation, as mentioned above. In proceeding to public exhibition Council will need to ensure all appropriate protocols are observed.

Any submissions received in response to the consultation will need to be addressed and will influence the future passage of the Planning Proposal. It is not considered likely that Council will receive submissions of a nature that jeopardies the ultimate rezoning of the land.

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

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

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

MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

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

CONCLUSION

The Precinct 7A Planning Proposal has been documented to a level considered suitable for community and stakeholder consultation. Such consultation is critical to the rezoning process and must occur in a timely manner, given the “Gateway” date imposed for concluding the Planning Proposal of 11 August, 2012.

The Planning Proposal is consistent with the draft North Wyong Shire Structure Plan and the Central Coast Regional Strategy. The proposal is considered to be consistent with relevant Section 117 directions.

Following a Gateway Determination, additional matters may need to be addressed prior to public exhibition of the planning proposal and as such it is proposed to delegate the authority to make these changes to Council’s General Manager. This will assist in improving community benefits of the proposal and managing ecological impacts and social impacts.

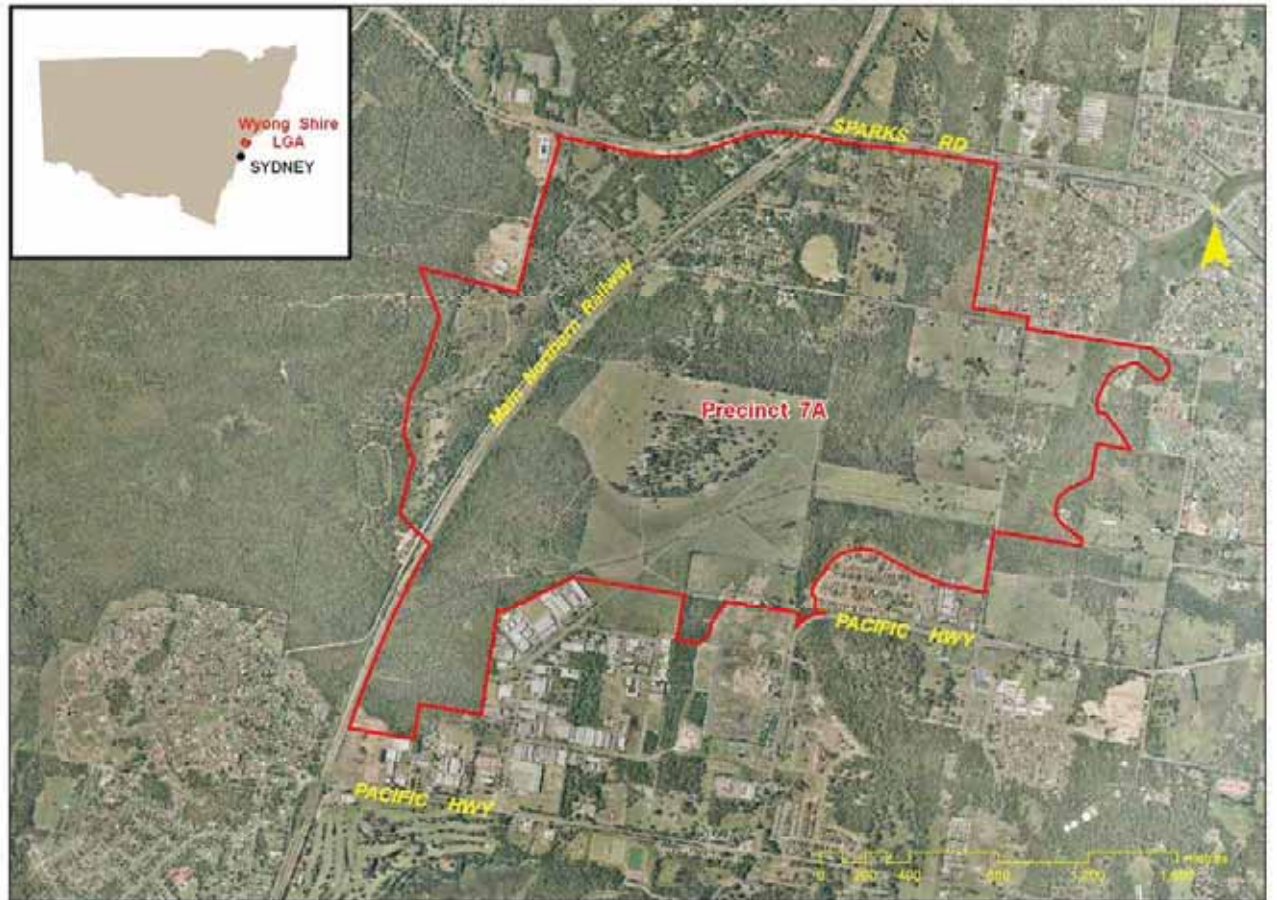
The proposal is considered to be consistent with the Wyong Shire Council Strategic Plan and Annual Plan. Under Council’s Financial Strategy, a number of matters are to be addressed during the processing of the Planning Proposal. The Proposal is considered capable of being consistent with Council’s Asset Management Strategy. A number of matters are to be addressed during the processing to ensure consistency with the Community Strategic Plan. The processing of the Planning Proposal is expected to have no net impact on Council’s budget as it is a developer funded rezoning.

Internal consultation and discussions with the applicant and land owner have been undertaken.

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

Council has project managed a large number of specialist consultant reports to inform the Planning Proposal. The majority of these reports are in final draft stage and will be finalised prior to the public exhibition of the Planning Proposal.

Study area and locality Map



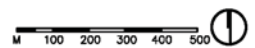
ATTACHMENTS

1	Structure Plan - Precinct 7A	D02943880
2	Precinct 7A Illustrative Map	D02939951
3	Residential Density Distribution Map	D02939972
4	Alternative Structure Plan with Upgraded Railway Station in Warnervale Village	D02939950
5	Study Process Flowchart	Enclosure D02939856
6	Draft Planning Proposal referred to Department of Planning & Infrastructure	Enclosure



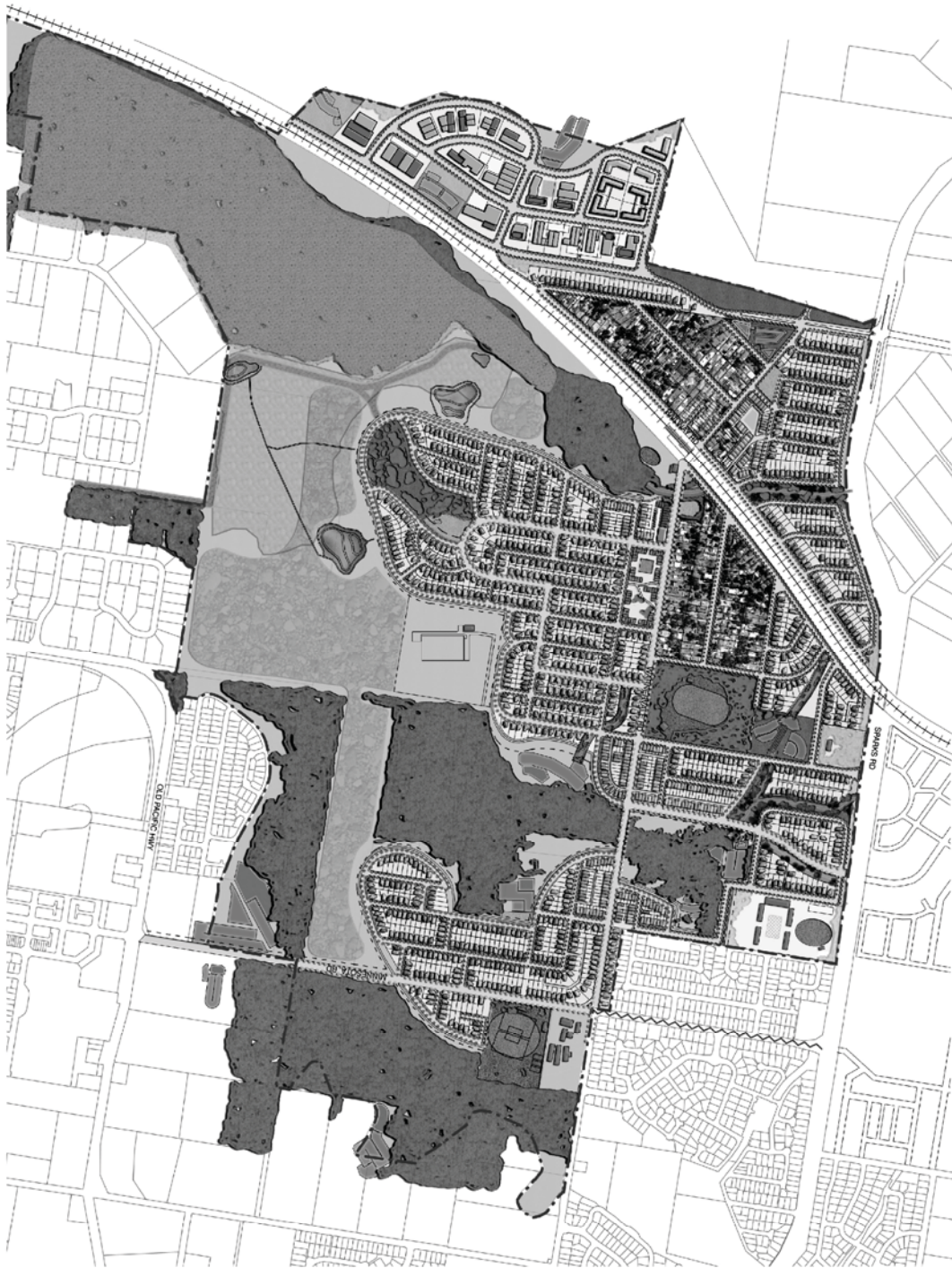
STRUCTURE PLAN

LEGEND



Precinct 7A Boundary	Proposed School Land Use	Possible Overhead Bridge	Acoustic Buffer on Residential Properties
Low Density Residential	Hamlyn Terrace Community Centre	Constructed Wetlands	Wetland Storage
Medium Density Residential	Pedestrian Bridge Over Railway	Flood Plain, Wetlands, Restoration Areas	Inlet Ponds
Over 55's residential	Substation	Endangered Ecological Communities (EEC)	Regional Storage Bund
Neighbourhood Centre	Approved Rose Farm	Parkland	Lucca Road Wetland Protection Bund
Employment Uses	Existing Railway Station	Park - Formalised Structures & Play Equipment	Drainage Chanel to be Retained
Employment Mixed Use	Future Proposed Railway Station	Optional Additional Park Locations	Regional Storage
Existing Warnervale Village (Low Density)	Stage 1 of Link Road (Built)	Recreation / Playing Fields	SEPP14 Wetland
Existing Warnervale Village (Medium Density)	Future Stage 2 Link Road	10m Landscape Buffer to Major Road	On Road Cycleway
Existing School	Traffic Management Devices to Discourage Through Traffic		Shared Path

Illustrative Master Plan Concept



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PRECINCT 7A TARGET DENSITIES

19th January 2012

Scale: 1:12500 @ A3

Drawing no: SK12

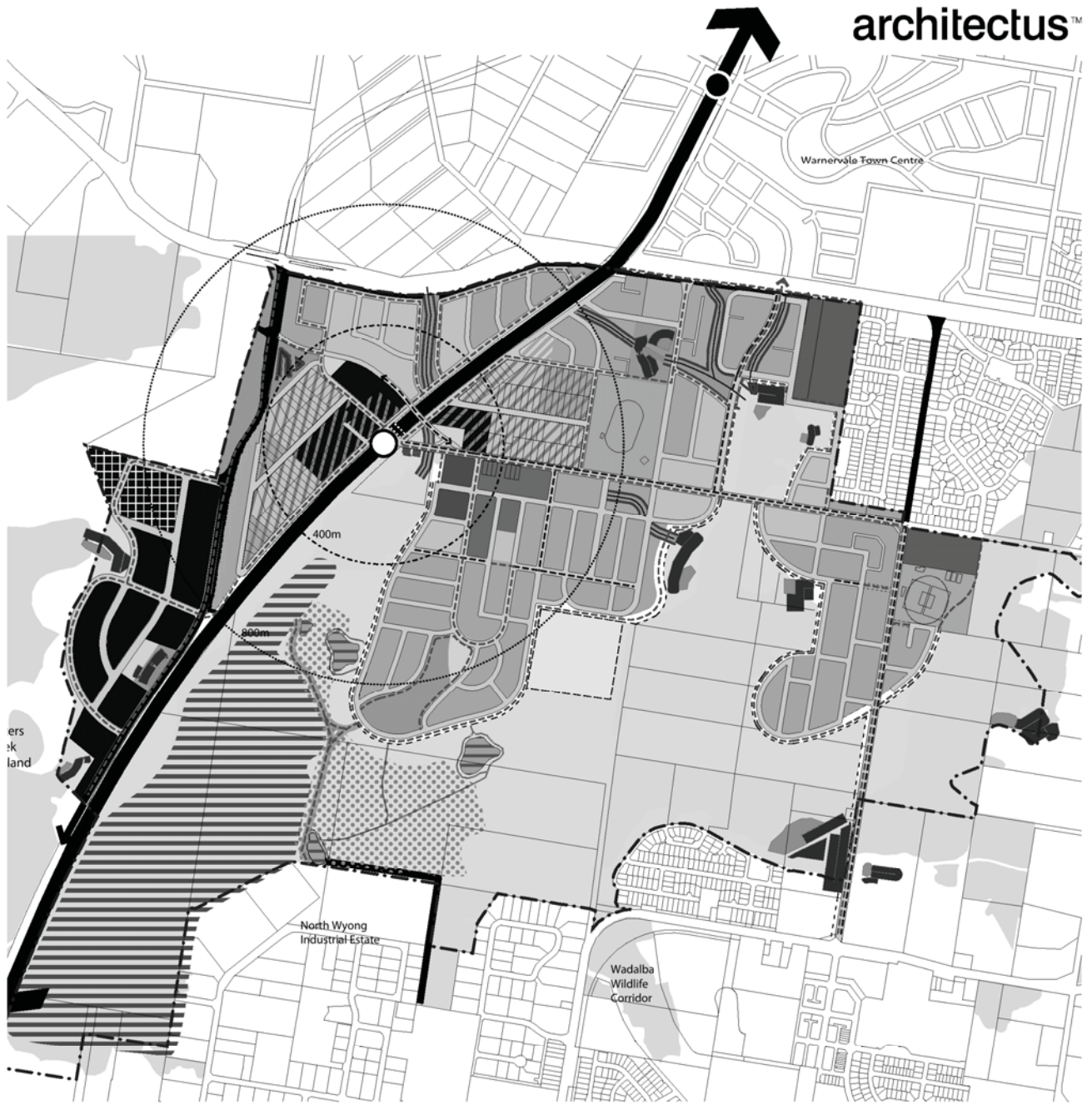
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 Architecture
 Urban Design
 Planning
 Interior Architecture

Legend

- Precinct 7A Boundary
- 15 Dwellings Per Hectare
- 12 Dwellings Per Hectare
- 10 Dwellings Per Hectare
- Mixed Use (50 dwellings)

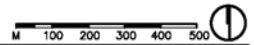
Approximate Total Dwellings = 2050

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ALTERNATIVE STRUCTURE PLAN

LEGEND



- | | | | |
|--|---|---|--|
| <ul style="list-style-type: none"> Precinct 7A Boundary Low Density Residential Medium Density Residential (2 Storeys) Medium Density Residential (14m) Over 55's residential Neighbourhood Centre Employment Uses Employment Mixed Use Existing Warnervale Village (Low Density) Existing Warnervale Village (Medium Density) | <ul style="list-style-type: none"> Existing Warnervale Village (Medium Density - 14m) Existing School Proposed School Land Use Pedestrian Bridge Over Railway Substation Approved Rose Farm Existing Railway Station Future Proposed Railway Station Stage 1 of Link Road (Built) Future Stage 2 Link Road Traffic Management Devices to Discourage Through Traffic | <ul style="list-style-type: none"> Possible Overhead Bridge Constructed Wetlands Flood Plain, Wetlands, Restoration Areas Endangered Ecological Communities (EEC) Open Parkland - grassed / treed spaces Park - Formalised Structures & Play Equipment Optional Additional Park Locations Recreation / Playing Fields 10m Landscape Buffer to Major Road 20-30m Green Acoustic Buffer on Residential Properties | <ul style="list-style-type: none"> Wetland Storage Inlet Ponds Regional Storage Bund Lucca Road Wetland Protection Bund Drainage Channel to be Retained Regional Storage SEPP14 Wetland On Road Cycleway Shared Path |
|--|---|---|--|

3.1 Proposed Easement to AusGrid for Substation Kiosk over Lot 14 DP 726244 at Chittaway Road, Ourimbah

TRIM REFERENCE: F2012/00344 - D02941290

MANAGER: Paul Forster, Services Coordinator Property Administration

AUTHOR: Simone Barwick; Officer

SUMMARY

Approval is sought to grant an easement Kiosk Substation 5.3m² x 3.3m², an easement for electricity & other purposes 2.0m² wide and right of carriageway 4.0m² wide to AusGrid over Council land at Chittaway Road, Ourimbah for a substation kiosk to service Ourimbah pump station WPS 17.

RECOMMENDATION

- 1 That Council grant an easement for a kiosk style electricity substation 5.3m² x 3.3m² over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid.**
- 2 That Council grant an easement for electricity & other purposes 2.0m² wide over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid for a substation kiosk.**
- 3 That Council grant a right of carriageway 4.0m² wide over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid for a substation kiosk.**
- 4 That Council sign the AusGrid Deed of Agreement for Easement which will allow access to the site for the purpose of constructing a substation kiosk to service the Ourimbah pump station WPS 17.**
- 5 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all related documents as required.**
- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.**

BACKGROUND

With the construction of the new Mardi Mangrove water scheme, the Ourimbah pump station forms an integral part of the Wyong Gosford transfer capacity and requires refurbishment to match the pumps with new demand figures.

Council require the installation of a new electricity substation kiosk to provide for the increased power supply to service the Ourimbah pump station WPS 17 as part of the infrastructure for the Mardi-Mangrove Link Project works.

Affected by the proposed installation of the substation kiosk is land owned by Council, Lot 14 DP 726244 Chittaway Road, Ourimbah.

THE PROPOSAL

3.1 Proposed Easement to AusGrid for Substation Kiosk over Lot 14 DP 726244 at Chittaway Road, Ourimbah (contd)

AusGrid has requested that Council grant to it an (A) easement for Kiosk Substation 5.3 x 3.3, (B) easement for electricity and other purposes 2.0 wide, and (C) right of carriageway 4.0 wide to accommodate the installation of the kiosk substation.

AusGrid, to secure its interest, requires Council to enter into a Deed of Agreement for Easement so that it may commence work immediately and in advance of the grant of the easements. This will ensure there is no delay to the completion of the works to provide the required power to the council site.

OPTIONS

Council has the option to:

- 1 Grant the proposed easements to AusGrid, or
- 2 Refuse to grant the proposed easements.

Should Council refuse the granting of the easements it is unlikely AusGrid will pursue the option of compulsory acquisition on the basis the work is being undertaken at Council's requirement for the upgrade of the power supply to the pump station. Refusal to provide the easements would likely result in the required electricity supply being unavailable to Council.

Financial Implications

There is no cost to Council to grant the easements. Council however in this circumstance cannot expect to receive compensation for the use of its land on the basis the requirement for the easement arose as a result of Council's requirement for the installation of the new power supply.



GOVERNANCE AND POLICY IMPLICATIONS

Lot 14 DP 726244 has an area of 4166m² and is zoned 5A Special Uses – Water Supply. The subject land is owned by Council as a Water Supply Authority pursuant to the provisions of the Water Management Act 2000 and there is no impediment to the grant of the easement by Council.

CONCLUSION

Approval is sought to grant the easements to AusGrid over Council land at Chittaway Road, Ourimbah for the construction of a substation kiosk to service Ourimbah pump station WPS 17.

ATTACHMENTS

Nil.

4.1 CPA/181554 - Detailed Design and Documentation for Remediation of Mardi Landfill - Approval of Variation and Increase to Contract Budget

TRIM REFERENCE: CPA/181554 - D02948049

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: Norm Yeend; Project Manager

SUMMARY

Approval is sought for a contract variation and an increase to the contract budget for Contract No. CPA/181554 Detailed Design and Documentation for Remediation of Former Mardi Landfill

RECOMMENDATION

- 1 That Council approve a variation to contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill, in the amount of \$40,000 (excl GST), for Mardi Landfill eastern batter investigation;**
- 2 That Council approve Contract CPA/181554 for a budget of \$379,686.00 (excl GST) that provides an amount of \$40,000 (excl GST) for the variation in Item 1, \$36,500.00 (excl GST) for provisional sum items identified within the tender and a contingency amount of \$39,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

At the Council meeting of 11 May 2011, Council accepted the tender of SMEC Australia Pty Ltd (SMEC) for the detailed design and documentation for remediation of the former Mardi Landfill for the lump sum amount of \$264,186.00 (excluding GST). No contingency sum was approved for the contract budget to provide for unforeseen additional works that may become necessary during the progress of the contract.

A potential variation to the scope of work and contract value has now arisen that requires Council's approval.

In addition, further possible variations are anticipated through the upcoming phases of the contract as a result of its relatively complex nature.

CONTRACT VARIATION

During the concept design phase of the contract, SMEC has identified, that part of the landfill site may have suitable existing cover to be accepted as remediated in its current form. This part of the site comprises a significant area of the existing vegetated batter adjoining the rear of the residential properties at the eastern boundary of the site. In order to be accepted in its

4.1 CPA/181554 - Detailed Design and Documentation for Remediation of Mardi Landfill - Approval of Variation and Increase to Contract Budget (contd)

present form, the embankment surface must be investigated to confirm the depth and composition of the cover over the landfill. The EPA accredited Site Auditor has confirmed and agreed to this proposed investigation.

The area of the batter involved is approximately 9,000 square metres. If the batter surface can be validated as adequate in its current state, an estimated reduction of approximately \$850,000 in the cost of site remediation would be expected. In addition, remediation works would not be required immediately adjacent to the boundaries of 18 properties and significant existing, well established vegetation would remain in place.

An amount of \$40,000 (excluding GST) is required to meet the cost of the investigation, sampling, laboratory analysis and reporting to validate this area of the batter. The potential benefits that are anticipated from this variation are significant.

INCREASE TO CONTRACT BUDGET

The scope of work under the approved contract includes the concept design and master plan design, environmental assessments, development application documentation, detailed design and documentation for tender invitation for construction. This is a broad scope, with the work required for some deliverables being indeterminate at the time of tender and dependent on the outcomes of required design and environmental investigations.

The tender Schedules submitted by SMEC as part of its tender identified and priced, as provisional sum amounts, various works SMEC considered may be required during the course of the contract, additional to its lump sum tender, depending on the outcomes of specified design investigations and the required environmental assessment process. These provisional amounts were taken into account and included in the tender assessment when reported to Council on 11 May 2011, so all tenders could be assessed on the basis of the expected total cost to Council. However, the tender approved by Council did not include the provisional amounts as they were not part of the tendered lump sum.

Work under the contract has progressed with concept design well advanced and site geotechnical investigations and ecological assessments undertaken. In addition, notification has recently been received of the Director General's Requirements for the Environmental Impact Assessment for the works.

Of the provisional sum items included in the tender Schedules, some have now been identified as being required or likely to be required in the design and approval process. This has been either as a result of the geotechnical and ecological investigations to date or to complete the investigations as part of the Environmental Impact Statement now required for the development application for the works. The identified items are:

- Tree assessment and report by an arborist
- Traffic and transport impact assessment and report
- Crime and safety assessment report
- Disability access assessment report
- Acid sulphate soil assessment and report
- Acoustic assessment and report

The total value of the provisional sum amounts above is \$36,500 (excluding GST). Each provisional sum item will be subject to submission, assessment and approval of a priced variation proposal at the appropriate time prior to proceeding with the variation.

4.1 CPA/181554 - Detailed Design and Documentation for Remediation of Mardi Landfill - Approval of Variation and Increase to Contract Budget (contd)

In addition to the above identified possible contract costs, as reported to Council in the contract report on 11 May 2011, this is a contract with a relatively high risk of exceeding the approved contract sum due to its nature. For a contract with this relative risk profile a further contingency sum of \$39,000 (excluding GST), representing approximately 15% of the contract sum is considered appropriate and is recommended for approval.

The addition of the above proposed variation of \$40,000, the provisional sum amounts of \$36,500 and the proposed contingency sum of \$39,000 to the original contract lump sum of \$264,186 would require a contract budget of a \$379,686.

BUDGET

Funds totalling \$380,000 have been included in the 2011/2012 Annual Plan and draft 2012/2013 Annual Plan for the detailed design, documentation and approval for remediation of the former Mardi Landfill. Sufficient funds are available to meet the cost of this proposal.

CONCLUSION

It is recommended that, for Contract CPA/181554, Council approve the proposed contract variation for the Mardi Landfill eastern batter investigation in an amount of \$40,000 and that a contract budget in the total amount of \$379,686 be approved that provides for this variation, plus the provisional sum amounts and contingency sum amount identified in the above report.

ATTACHMENTS

Nil.

5.1 Proposed Amendments to Capital Works Projects to be Completed in 2011/12

TRIM REFERENCE: F2010/01472 - D02939911

MANAGER: Greg McDonald, Director Infrastructure Management

AUTHOR: Robert Fulcher; Manager Asset Management

SUMMARY

This report explains that the 2011/12 Capital Works Program will be underspent (because of a range of savings on completed works and delays or deferrals in proceeding with other projects) and proposes that some planned projects for 2012/13 be brought forward for completion in 2011/12, in order to improve cash flows in both 2011/12 and 2012/13.

RECOMMENDATION

- 1 ***That Council note that the proposed capital expenditure (CAPEX) program for 2011/12 is expected to be underspent by \$21.680M, as a result of some savings being achieved in some completed projects and also as a result of some works being delayed or deferred as a result of issues in the design and approval process or changed circumstances.***
- 2 ***That Council approve the bringing forward of a total amount of \$4,286,500 worth of projects, as listed in the attachment to this report, to allow them to be completed during 2011/12 and to improve cash flows for 2011/12 and 2012/13.***

BACKGROUND

Council's 2011/12 adopted budget included proposed Capital Expenditure (CAPEX) of \$82.47M.

By their very nature, large capital projects can involve substantial lead times to finalise detailed designs and obtain all necessary approvals and permits before work can commence. There can also be changes (increases or decreases) in the final costs of the work, compared with original preliminary cost estimates, as detailed design proceeds.

Rather than planning to complete all survey and design work, obtain necessary approvals, procure delivery contracts and complete construction work in one financial year, staff are moving towards implementing a more manageable process, for large projects, where budgeting is done over several years to allocate the preconstruction cost budget in one year and allocate construction cost budgets in following years.

The 2011/12 CAPEX is currently expected to be underspent by \$21.68M as a result of some works being completed under budget and also as a result of works being delayed or deferred for various reasons. Works that have been delayed or deferred have been included in the current version of the proposed 2012/13 CAPEX. It is important to note that the main reason for delaying most projects is changed circumstances from the time the budget was originally

5.1 Proposed Amendments to Capital Works Projects to be Completed in 2011/12 (contd)

formulated. Many of the deferred projects involve the provision of infrastructure to cater for future growth and development in the Warnervale area. Because that development has been delayed, it is not necessary to complete the service provision work at this time. That work is deferred until the development proceeds.

CURRENT STATUS

No approval exists to bring any projects forward from 2012/13 to be implemented in 2011/12. There is capacity to complete some of those projects in 2011/12 and they are the items proposed in this report to be brought forward.

THE PROPOSAL

There are some advantages in bringing forward some planned works from 2012/13 to 2011/12. The opportunity presented by the expected underexpenditure in 2011/12 can allow the benefits of projects planned for 2012/13 to be gained earlier and also for cash flow to be more even over the two financial years, if selected projects are brought forward.

Councillors are aware of the projects currently proposed for the CAPEX programme for 2012/13, but have not yet formally approved those projects.

OPTIONS

Council could note the fact that the 2011/12 CAPEX will be underspent, adjust its budget accordingly, make no plan to bring any projects forward and aim to complete its 2012/13 CAPEX in that financial year. Such an option involves a similar problem, with some projects, of needing to complete all preconstruction work in time to allow construction to be completed in the one year.

The recommended option has the advantages of:

- (a) allowing the community to benefit from planned works earlier than expected
- (b) allowing necessary preconstruction work on some complex projects to be commenced in 2011/12, to ensure completion in 2012/13
- (c) evening out cash flows over the two financial years

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>
Various	Various	The list of CAPEX projects, from page 105 of the 2011/12 Strategic Plan will be amended by adding those projects listed in the attachment to this report	The total budget of \$82.474M is currently expected to be reduced to \$60.794M, as a result of underexpenditure and delayed/deferred expenditure. This proposal will see it increased to \$65.08M, still under the original amount	Council's target is to deliver at least 80% of its CAPEX, as a measure of time and cost. Without implementing the proposal in this report, the achieved result will be 76%. If the proposal in this report is adopted, the achieved result will increase to 78.9%.

Long term Financial Strategy

The proposal does not adversely affect the Long Term Financial Strategy.

Asset Management Strategy

The proposal supports the Asset Management Strategy as the bulk of the works proposed to be brought forward are asset renewal projects.

Budget Impact

This proposal has no net budget impact. It involves bringing forward planned expenditure from 2012/13 to 2011/12, as a result of the 2011/12 expenditure expected to be below budget estimates.

CONSULTATION

All asset planners and suppliers were consulted to determine any projects (or parts of projects) that both would benefit from being brought forward and also can be completed in 2011/12.

GOVERNANCE AND POLICY IMPLICATIONS

If council agrees with this proposal, the necessary, formal Service Modification User Request Forms (SMURFs) will be completed to ensure correct budget reporting and management

MATERIAL RISKS AND ISSUES

This proposal does not involve any material risks apart from those commonly involved in managing capital works projects

CONCLUSION

There is benefit to be gained by bringing forward projects identified for carrying out in 2012/13, to have them implemented or at least commenced in 2011/12. Those projects are identified in the attachment to this report. They are recommended for approval for inclusion in the 2011/12 CAPEX program

ATTACHMENTS

- 1 Attachment to report re CAPEX brought forward from 2012/13 to 2011/12 Enclosure D02941321

5.2 Memorandum of Understanding with Pacific Link Community Housing Association

TRIM REFERENCE: F2004/09609 - D02946337

MANAGER: Michael Whittaker, General Manager

AUTHOR: Maxine Kenyon; Director

SUMMARY

This report recommends that Wyong Shire Council enter into a Memorandum of Understanding with Pacific Link Community Housing Association Ltd to share information and collaborate to promote the provision of housing choice across the Wyong Shire Local Government Area.

RECOMMENDATION

That Council delegate to the General Manager to enter into a Memorandum of Understanding with Pacific Link Community Housing Association Ltd.

BACKGROUND

In 2008 Wyong Shire Council adopted the Promoting Choice: A Local Housing Strategy for Wyong Shire. The purpose of this strategy is to provide a cohesive framework to address the housing choice issues affecting the Shire population. It identifies Council's commitment and role in working towards minimizing the level of housing stress in the Shire by retaining and expanding the provision of diverse housing forms. It also identifies the roles that other stakeholders can play such as State Government, the non-governmental sector and the business sector.

As part of its strategic development and planning responsibilities, WSC would like to explore development of residential housing opportunities on land in the Shire to help meet anticipated housing needs in the Shire over the next 2 to 3 decades.

Pacific Link is a community housing provider based in Gosford, New South Wales and manages approximately 900 residential properties between Broken Bay and Port Stephens, including the Gosford and Wyong Local Government Areas. Pacific Link is also concerned with strategy, funding, promotion and a range of other issues which impact upon the availability of community housing.

THE PROPOSAL

In 2011 Council staff were approached by Pacific Link Community Housing Association to discuss the work they do, opportunities that exist across the Shire to support increasing housing choice in the Local Government Area.

From this meeting it was agreed that Council should consider entering into a Memorandum of Understanding (MOU) with Pacific Link.

Staff have liaised with Pacific Link and the attached MOU has been agreed to by both parties. This MOU will assist in creating opportunities to share information or assist in projects that will provide value or benefit to the Wyong Shire community through appropriate housing choice.

The MOU does not identify any particular projects or initiatives, nor does it preclude Council from working with other similar organisations.

OPTIONS

Council could decide to:

1. Enter into an MOU with Pacific Link, this is recommended due to the value it may provide and alignment to Council's adopted Promoting Choice: A Local Housing Strategy for Wyong Shire
2. Not enter into an MOU with Pacific Link.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

In 2008 Wyong Shire Council adopted the Promoting Choice: A Local Housing Strategy for Wyong Shire. The purpose of this strategy is to provide a cohesive framework to address the housing choice issues affecting the Shire population. It identifies Council's commitment and role in working towards minimizing the level of housing stress in the Shire by retaining and expanding the provision of diverse housing forms. It also identifies the roles that other stakeholders can play such as State Government, the non-governmental sector and the business sector.

This MOU will assist in achieving some of these strategies.

Long term Financial Strategy

There is no impact on the Long Term Financial Strategy by signing this MOU.

Asset Management Strategy

There is no impact on the Asset Management Strategy by signing this MOU.

Workforce Management Strategy

There is no impact on the Workforce Management Strategy by signing this MOU.

Link to Community Strategic Plan (2030)

A range of housing choice will support varied objectives in the Community Strategic Plan including:

1. Communities will be vibrant, caring and connected, with a sense of belonging and pride in their local neighbourhood.
2. There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.

Budget Impact

There will be no budget impact by signing this MOU.

CONSULTATION

Discussions have been held with Pacific Link and various units within Council including, Major Projects, Environment and Planning and General Counsel.

GOVERNANCE AND POLICY IMPLICATIONS

This MOU supports the existing adopted document, Promoting Choice: A Local Housing Strategy for Wyong Shire

MATERIAL RISKS AND ISSUES

There are no material risks by signing this MOU.

CONCLUSION

The signing of this MOU provides an opportunity for Council to share information with a key housing provider on the Central Coast and establish a relationship which supports delivery of the Promoting Choice: A Local Housing Strategy for Wyong Shire.

ATTACHMENTS

- 1 DRAFT MOU between Wyong Shire Council and Pacific Link Community Housing Association D02946336

Memorandum of Understanding

This is a memorandum of understanding between:

Pacific Link Community Housing Association Ltd (ABN 82 074 394 648) (“Pacific Link”)

and

Wyong Shire Council (“WSC”)

Preamble

In 2008 Wyong Shire Council adopted the Promoting Choice: A Local Housing Strategy for Wyong Shire. The purpose of this strategy is to provide a cohesive framework to address the housing choice issues affecting the Shire population. It identifies Council’s commitment and role in working towards minimizing the level of housing stress in the Shire by retaining and expanding the provision of diverse housing forms. It also identifies the roles that other stakeholders can play such as State Government, the non-governmental sector and the business sector.

As part of its strategic development and planning responsibilities, WSC would like to explore development of residential housing opportunities on land in the Shire to help meet anticipated housing needs in the Shire over the next 2 to 3 decades.

Pacific Link is a community housing provider based in Gosford, New South Wales and manages approximately 900 residential properties between Broken Bay and Port Stephens, including the Gosford and Wyong Local Government Areas. Pacific Link is also concerned with strategy, funding, promotion and a range of other issues which impact upon the availability of community housing.

As parties to this Memorandum, Pacific Link and WSC would like the opportunity to collaborate both with each other and with other as yet unspecified organisations (both public and private) to promote the provision of housing choice, in a way that contributes to the sustainability of communities, local economies and the environment in the Wyong Local Government area through development and redevelopment of suitable sites within the Shire.

It is anticipated that Pacific Link and WSC will formalise agreements from time to time as specific projects arise.

Terms of Understanding

This Memorandum shall be informed by the following:

1. This Memorandum is not intended to (and nor does it) constitute a legally binding relationship between the parties. It is rather intended to reflect a general understanding between the parties regarding a framework for future co-operation with respect to community housing issues which affect the Wyong Local Government Area.
2. Notwithstanding Item 1, it is not intended that any party should waive its legal responsibilities or rights generally with respect to things done pursuant or incidental to the letter and spirit of the terms of this Memorandum.
3. Either party may give notice to the other in writing that this Memorandum is terminated either with immediate effect or with such termination to take effect at some later time. Any notice of termination with respect to this Memorandum shall have no effect upon any legally binding agreement between the parties which may be in existence at the time such termination is to take effect.
4. In this Memorandum the following terms are used to interpret this Memorandum:
 - a) Relevant projects could include any of the following that support the implementation of the Local Housing Strategy for Wyong Shire, such as:
 - i. Initiatives to promote community housing and greater housing choice which ;
 - ii. Research on community housing and related issues eg: homelessness;
 - iii. Grants, budgeting and funding matters;
 - iv. Management of community housing;
 - v. Planning of development of community housing;
 - vi. Planning of infrastructure associated with community housing;
 - vii. Development of "green field" sites to construct community housing;
 - viii. Development of "brown field" sites to construct community housing;
 - ix. Substantial renovation or refurbishment of existing community housing facilities;
 - x. Any other project which the parties may agree upon as being relevant to community housing.

- b) Community Housing means- Community Housing is one of the three ways social housing is provided in NSW, the others are Public Housing and Aboriginal Housing. Like each of these, community housing offers secure, affordable, long-term rental housing for people on low to moderate incomes, with a housing need through the creation of vibrant caring and connected community housing facilities.
5. Pacific Link and WSC shall co-operate to facilitate the exchange of ideas and information concerning either relevant projects or community housing generally.
 6. Pacific Link intends to make itself reasonably available to WSC in response to requests by WSC for consultation or advice concerning issues related to community housing.
 7. Pacific Link and WSC may from time to time formalise agreements between them with respect to relevant projects.
 8. Pacific Link acknowledges that WSC is bound by various Acts, including the Local Government Act 1993. Pacific Link further acknowledge that there are constraints imposed on Council under s.55 and under Chapter 12 Part 6 of the Local Government Act.
 9. Pacific Link and WSC shall respect the confidence of information exchanged in giving effect to the spirit of co-operation intended to be reflected in this Memorandum, where such information is not publically available, of a confidential nature or has the character of being commercially sensitive. The parties are encouraged to consult each other should there be any doubt about the use a party to this Memorandum may make of information supplied to it by the other party.
 10. Negotiations with respect to any relevant projects to which Pacific Link and WSC are parties, shall be conducted in good faith and in a way that is as transparent as is reasonably possible in consideration of the nature of the project and other parties involved (if any).
 11. Pacific Link and WSC may from time to time enter into formal partnerships or joint ventures with public, private and not-for-profit sector organisations to achieve the desired outcomes with respect to the relevant project/s.

12. Wherever possible the parties shall strive to co-operate to promote each other's stated organisational approach and objectives in their dealings and prevent duplication of effort and resources.

13. Pacific Link and WSC are committed to continuing this co-operative approach to the development of Wyong Shire to optimise the delivery of public value community housing.

Executed on behalf of Wyong Shire Council

Signed: _____ By: _____

Position: _____

Date:

Executed on behalf of Pacific Link Community Housing Association

Signed: _____ By: _____

Position: _____

Date:

5.3 Amendment to the Code of Meeting Practice

TRIM REFERENCE: F2011/01862 - D02954540
MANAGER: David Jack, Director Corporate Services
AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

Amendment to Code of Meeting Practice.

RECOMMENDATION

That Council amend the WSC Code of Meeting Practice, Clause 2.1.5 by adding:-

“-The Chairperson and General Manager, may, by agreement, determine that additional ordinary or extraordinary meetings are required to meet the business needs and workload of Council and they may call such meetings provided that notification is in accordance with legislation and this Code.”

BACKGROUND

The Wyong Shire Strategic Plan process is due for completion and adoption by Council before May 31st 2012 - and the process has raised an issue in respect of how and who may call a meeting.

The planning process for the 2012-16 Plan has been extensive throughout the organisation from top to bottom covering all aspects of Wyong Shire Council's (WSC) activities and aspirations on behalf of its community.

Councillor workshops, briefings and community engagement plus extensive internal working by staff have been the primary activities for developing the plan, its detailed components and the supporting Service Unit Plans..

Council is required to comply with legislation requirements in terms of public exhibition and adoption of the plan.

Briefings before and since the Councillor Weekend Workshop have indicated the timetable for the plan including the deadline dates fro the plan being exhibited and adopted.

CURRENT STATUS

The Weekend Workshop agreed to bring forward the date of adoption to the end of May - May 23rd.being the nearest meeting date suitable.

5.3 Amendment to the Code of Meeting Practice (contd)

The impact on preceding meeting dates is similar however it means the process point of “adoption for exhibition” runs a-fowl with the timeframe need post-workshop to complete the draft plan.

Adopting the draft on March 28th is not practical (the plan draft is not ready) and Council’s current ordinary meeting programme would not allow the required period of exhibition before the legislative deadlines for the May 23rd meeting – let alone there being enough time for the submission process to be managed correctly.

The schedule of dates for Council’s consideration and public exhibition has been discussed with councillors at several workshops

The latest schedule as advised March 7th is provided below:

Date	Event
28/3/12	Councillor Briefing
4/4/12	Adoption of Plan for exhibition
11/4/12	Commence Exhibition
16/5/12	Councillor Briefing
8/05/12	Close Exhibitions
23/5/12	Adopt Plan

Given the timeframes of the schedule and Council’s current adopted meeting schedule there it is clear that the necessary planning business of Council cannot be conducted at any of the existing scheduled Ordinary meetings.

Council ability to call meetings is limited by the Local Government Act 1993 and the Act’s lack of coverage in respect of who and when meetings may be called. Emergency meetings aside Council must comply with Council’s own Code of Meeting Practice which specifically states when ordinary meeting shall be held.

The code also repeats the provisions of the Act in respect of extraordinary meetings and s.366 of the Act provides that at least two councillors may request an extraordinary meeting (and places requirements for that) but it does not contemplate the possibility of Council voting to have an extraordinary meeting or an extra ordinary meeting if it so chooses.

The Act clearly addresses the potential for Councillors to be obstructed from airing issues and s.366 provides for that possibility – but only that circumstance.

Many Councils overcome this flaw by including a provision in their Code. Wyong has no such provision

The WSC Code of Meeting practice sets out a schedule of Ordinary Meetings (cl 2.1.5) for the term of Council.

5.3 Amendment to the Code of Meeting Practice (contd)

Council may only vary the schedule by means of amending its Code of Meeting Practice. This amendment is required to be exhibited to the public and submissions received prior to taking effect. There is not sufficient time for such an amendment to take effect.

The Code of Meeting practice provides for Councillors to call an Extraordinary meeting in certain circumstances (2.2.1 & 2.2.2).

Consideration of the strategic plan process has exposed a need for Council to consider modifying the Code of Meeting Practice

THE PROPOSAL

It is proposed that Council amend the Code of Meeting Practice, Clause 2.1.5 to allow additional ordinary or extraordinary meetings to be called by agreement of the Chairperson and General Manager when circumstances of workload warrant.

Such meetings must be called in accordance with all legislated Notification requirements.

The proposed wording to amend cl 2.1.5

“ -The Chairperson and General Manager, may, by agreement, determine that additional ordinary or extraordinary meetings are required to meeting the business needs and workload of Council and they may call such meetings provided that notification is in accordance with legislation and this Code.”

OPTIONS

Council may call the extraordinary meeting on another date.

The proposed date is preferred as it is held on a day and time to meet the Council's commitment to the scheduling of the strategic plan process and it still remains outside the school holiday period.

In addition it provides Council with greater flexibility around the latter end of the process in the adoption of the plan.

STRATEGIC LINKS

Nil

Budget Impact

Nil

CONSULTATION

Should Council schedule the extraordinary meeting the public will be notified by notice on Council's website.

GOVERNANCE AND POLICY IMPLICATIONS

The WSC Code of Meeting practice sets out a schedule of Ordinary Meetings for the term of Council. Council may only vary the schedule by means of amending its Code of Meeting Practice. This amendment is required to be exhibited to the public and submissions received prior to taking effect.

Council may however call an extraordinary meeting of Council if there is so much business to be dealt with then another meeting is required.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The Act is silent on the subject of who may call meetings but is clear that Council must abide by its Code of Meeting Practice.

WSC's Code

The Council may hold an extraordinary meeting if the business of the Council warrants.

ATTACHMENTS

Nil.