



Council received the 2013 National Landfill Excellence Award for its Buttonderry Waste Management Facility. Judges said it is an exceptionally well managed facility.

# Business Paper

## ORDINARY COUNCIL MEETING

**28 August 2013**

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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber,**  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 28 AUGUST 2013** at **5.00 pm,**  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2013/00023 - D03609582

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

### RECOMMENDATION

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

## 1.2 Proposed Inspections and Briefings

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TRIM REFERENCE: F2013/00023 - D03609585  
MANAGER: Sonia Witt, TL Governance and Councillor Services  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

### SUMMARY

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

Date	Briefing	Directorate
28 August 2013	Q4 2012/13	GM Unit
28 August 2013	Budgewoi Masterplan	Land Management
28 August 2013	Upgrading of the intersection of Wyong Road and Enterprise Drive	Land Management
28 August 2013	Upgrading of Wyong Road between Mingara Drive and Tumbi Road	Land Management
28 August 2013	Organisational Restructure *CONFIDENTIAL	GM Unit
28 August 2013	The Entrance Town Centre Management	Land Management

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Proposed Briefings - 28 August 2013 D03668819

### Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Q4 2012/13	GM Unit		28/08/2013
Budgewoi Masterplan	Land Management		28/08/2013
Upgrading of the intersection of Wyong Road and Enterprise Drive	Land Management		28/08/2013
Upgrading of Wyong Road between Mingara Drive and Tumbi Road	Land Management		28/08/2013
Organisational Restructure *CONFIDENTIAL	GM Unit		28/08/2013
The Entrance Town Centre Management	Land Management		28/08/2013
Central Coast Academy of Sport	Community and Recreation Services		11/09/2013
Sick Leave Policy	GM Unit		11/09/2013
Engagement story - where we've come from, where we're headed	Community and Recreation Services		25/09/2013
Roads & Maritime Services	GM Unit		25/09/2013
ERMS Training	GM Unit		09/10/2013
CONFIDENTIAL - Child Care	Community and Recreation Services		09/10/2013
National Place Based Advisory Group Strategic Projects	Community and Recreation Services		09/10/2013
ERMS Training	GM Unit		23/10/2013
Model Code of Conduct and procedures training	GM Unit		13/11/2013
Q1 2013/14	GM Unit		27/11/2013
Library Strategic Plan	Community and Recreation Services		27/11/2013
Surf Life Saving Central Coast	Community and Recreation Services		27/11/2013
Natural Resources Management Strategy	Land Management		12/02/2014
Biodiversity Management Plan	Land Management		12/02/2014
Urban Design Principles & Concepts	Land Management	December	
Bateau Bay Draft Masterplan	Land Management	September	
Tuggerah Town Centre	Land Management	September	
Lake Haven Draft Masterplan	Land Management	September	
Improved C&PM Processes	Infrastructure Management	September	

### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2013/00023 - D03609602  
MANAGER: Sonia Witt, TL Governance and Councillor Services  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 14 August 2013.

#### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 14 August 2013.*

#### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | MINUTES- Ordinary Council Meeting - 14 August 2013                                     | D03636604 |
| 2 | MINUTES- Confidential Session of Ordinary Council Meeting - 14 August 2013 (D03638857) |           |



WYONG SHIRE COUNCIL

MINUTES OF THE  
**ORDINARY COUNCIL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 14 August 2013  
COMMENCING AT 5:00 PM

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**PRESENT**

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

**IN ATTENDANCE**

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

The Mayor, Councillor Eaton, declared the meeting open at 5.04 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

**APOLOGIES**

An apology for the inability to attend the meeting was received on behalf of Councillor Vincent.

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

***1005/13 That Council accept the apology and grant leave of absence from the meeting.***

A request for leave of absence from Councillor Troy for this meeting and the 28 August 2013 due to work commitments.

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

***1006/13 That Council accept the apology and grant leave of absence from this meeting and 28 August 2013.***

At the commencement of the ordinary meeting report nos 1.1, 2.1, 3.1, 5.4 and 8.1 were dealt with first and the remaining reports by the exception ,method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

The General Manager announced that Council's Buttonderry Waste Management Facility (BWMF) has taken out the major prize at the coveted Waste Management Association of Australia's 2013 Landfill and Transfer Station Innovation and Excellence Awards.

He further advised that he is immensely proud of the environmental management of the site, particularly in relation to the resource recovery, landfill operations, stringent environmental controls, and tight security to control access to the site.

## **1.1 Disclosures of Interest**

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### **3.3 Classification of Land, Lot 2073 DP 1052715 at 3 Bounty Close, Tuggerah**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which previously owned the site in question, and transferred it to Wyong Shire Council under the terms of the CCGT agreement around the Skills Centre Proposal and participated in consideration of this matter.

Councillor stated:

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

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

**1007/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

## **PROCEDURAL MOTION**

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

**1008/13 That Council allow meeting practice to be varied.**

**1009/13 That Council use the exception method to deal with the balance of the Agenda.**

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

**1010/13 That with the exception of report numbers 2.1, 3.1, 5.4 and 8.1, Council adopt the recommendations contained in the remaining reports.**

## **1.2 Proposed Inspections and Briefings**

---

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

**1011/13 That Council receive the report on Proposed Inspections and Briefings.**

**1.3 Address By Invited Speakers**

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

1012/13 That Council receive the amended report on Invited Speakers.

1013/13 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

**1.4 Confirmation of Minutes of Previous Meeting**

---

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

1014/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 July 2013.

**Business Arising**

There was no business arising

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

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

1015/13 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:

**9.1 Councillors Outcomes Report**

1016/13 That Council note its reason for considering Report No 9.1 – Councillors Outcome Report as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business .

1017/13 That Council request the General Manager to report on this matter in open session of Council.

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**2.1 Consideration for Road Dedication at Little Brush Lane, Ourimbah**

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

- 1018/13 That Council dedicate Little Brush Lane, Ourimbah as Public Road.
- 1019/13 That Council, prior to the dedication of Little Brush Lane, Ourimbah enter into a deed of agreement with the property owners of the 3 lots, Lot 62 DP1081176, Lot 12 DP 4097 and lot 52 DP 1149472 for the closure and sale at market rate of Little Brush Lane, Ourimbah, at no cost to Council with the residents to be responsible for the cost of constructing and maintaining access.

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**3.1 Proposed Appointment as Reserve Trust Manager of Crown Land at Tumbi Creek**

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

- 1020/13 That Council advise Crown Lands that it will accept the role of Reserve Trust Manager for Lots 7308, 7309 and 7310 in DP 1146699 adding these lots to adjoining Council managed reserves.
- 1021/13 That Council advise Crown Lands that it will accept the role of Reserve trust Manager for Lot 7307 DP 1146702 adding this lot to adjoining Council managed reserves.
- 1022/13 That Council agree to a License with the Crown for that part of the new Tumbi Creek Bridge to be constructed over Tumbi Creek.
- 1023/13 That Council advise Crown Lands that it will accept the role of Reserve trust Manager for Lot 7311 DP 1146701 adding this lot to adjoining Council managed reserves.

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**3.2 Proposed Acquisition of Easement for Drainage over part of Lot 67 DP 1009123 Hely Street, Wyong**

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

- 1024/13 That Council acquire an easement for drainage 4.84 metres wide over Lot 67 DP 1009123.
- 1025/13 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.
- 1026/13 That Council proceed to compulsorily acquire the interest in land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.

- 1027/13 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.
- 1028/13 That Council authorise the Mayor and the General Manager to execute all documents.

### **3.3 Classification of Land, Lot 2073 DP 1052715 at 3 Bounty Close, Tuggerah**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which previously owned the site in question, and transferred it to Wyong Shire Council under the terms of the CCGT agreement around the Service Centre Proposal and participated in consideration of this matter.

Councillor stated:

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

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

- 1029/13 That Council propose classification of Lot 2073 DP 1052715 at 3 Bounty Close Tuggerah as Operational Land.
- 1030/13 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993
- 1031/13 That Council adopt the classification if no adverse submissions are received.

### **4.1 CPA/225116 Construction of Cell 4.3 and Associated Works, Buttonderry Waste Management Facility**

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

- 1032/13 That Council accepts the tender from the company nominated as Tenderer No. 6 in the attached Tender Evaluation Report, for the estimated total amount of \$6,972,863.72 (excl GST) for Contract CPA/225116 – Construction of Cell 4.3 and Associated Works, Buttonderry Waste Management Facility.
- 1033/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.
- 1034/13 That Council approves the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

**5.1 Payment of Public Liability Professional Indemnity Insurance Policy**

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

**1035/13 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.**

**1036/13 That Council approve the premium payment of \$510,375 ex GST.**

**1037/13 That Council, for the purpose of s. 55(3)(i) of the Local Government Act 1993, determines that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council.**

**5.2 Proposed Councillors' Community Improvement Grants**

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

**1038/13 That Council allocate an amount of \$1,770.00 from the 2013-14 Councillors' Community Improvement Grants as follows:**

<b>14 August 2013</b>		
<b>Alison Homestead Men's Shed Association (\$2000)</b>	<b>Purchase tools and equipment</b>	<b>1,050</b>
<b>Alzheimers Society (\$170)</b>	<b>Emergency Charity Soccer Shield day at EDSACC</b>	<b>170</b>
<b>NSW Justices Association Inc. (\$2000)</b>	<b>To purchase a laptop computer for training of desk volunteers</b>	<b>100</b>
<b>Southern Cross Austereo</b>	<b>Give Me 5 for Kids - Hospital fundraiser for children on the Central Coast to buy needed equipment.</b>	<b>100</b>
<b>St Andrews Presbyterian Church - The Entrance (\$2000)</b>	<b>Painting of Church Building</b>	<b>350</b>

**5.3 Draft Minutes of the 19 June 2013 Audit and Risk Committee Meeting**

---

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

- 1039/13 That Council adopt the minutes of Wyong Shire Audit and Risk Committee meeting held on 19 June 2013.
- 1040/13 That Council request the General Manager to provide the Audit and Risk Committee an Internal Audit work programme proposed for 1 July 2013 to 30 June 2014.
- 1041/13 That Council request the General Manager to provide the Audit and Risk Committee a report on the results of a mid-period review of the Internal Audit Work Program.
- 1042/13 That Council request the General Manager to provide the Audit and Risk committee an update on the following items;
- *Probity Management Policy*
  - *Procure to pay review*
  - *Contract Register*
  - *Delegation arrangements for due diligence reviews (contract documentation)*
- 1043/13 That Council request the General Manager to confirm that Council is meeting the requirements of the Surveillance Devices Act 2007.
- 1044/13 That Council invite the Senior Project Executive to attend the next Audit and Risk meeting.
- 1045/13 That Council request the General Manager to provide a further report on the risk register to be considered at the next Audit and Risk Meeting.

**5.4 Councillor Local Project Fund - 2012/2013**

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

- 1046/13 That Council receive the report Councillor Local Project Fund – 2012/2013.

**5.5 Payment of Comprehensive Motor Vehicle Insurance Policy**

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

**1047/13 That Council approve the renewal of Wyong Shire Council's Comprehensive Motor Vehicle insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.**

**1048/13 That Council approve the premium payment of \$156,802.50 ex GST.**

**1049/13 That, for the purpose of s. 55(3)(i) of the Local Government Act 1993, Council decides that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council at a competitive rate.**

**5.6 Grants Advisory Committee Meeting 2 August 2013**

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

**1050/13 That Council receive the draft minutes of the Wyong Shire Grants Advisory Group held on 2 August 2013.**

**1051/13 That Council approve the guidelines for the Sport and Cultural Sponsorship Program in Attachment 1.**

**1052/13 That Council reallocate \$20,000.00 from the Community Benefit Program to the new Sport and Cultural Sponsorship Program (as indicated in the Council resolution of 24 July 2013).**

**1053/13 That Council allocate \$1,400.00 from the 2013-14 Sports and Cultural Sponsorship Program as follows:**

<b>Applicant</b>	<b>Purpose of Funding</b>	<b>Funding Recommended</b>	<b>Recommendation</b>
Adam Gowen	Australian Men's Oztog Team tour of New Zealand	\$500.00	Recommended - Representing Australia
Benjamin Butler	Assistance towards costs of travelling on representative rugby tour to the UK and France	\$250.00	Recommended pending copy of letter of support from NSW Country Rugby Union – Representing NSW
Rodney Dillon	Represent Australia in New Zealand for Oztog in the 2013 Trans Tasman Tour	\$500.00	Recommended - Representing Australia
Ryan Slattery	Central Coast team for State Surfing Titles	\$150.00	Recommended - Representing Central Coast



**1054/13 That Council decline the following ineligible Sport and Cultural Sponsorship Program applications and refer applicants to apply for Council's Community Benefit Program:**

<b>Applicant</b>	<b>Purpose of Funding</b>	<b>Funding Recommended</b>	<b>Recommendation</b>
Mingara Athletics Club	Staging 2013 State Road Relays	\$0	Not Recommended. Application is ineligible as it is not an individual or team. Recommend referring to apply for Community Benefit Grants which open 19th August 2013.
The Entrance Amateur Swimming Club	Purchase new seating and two marquees	\$0	Not Recommended. Application is ineligible as it is not an individual or team. Recommend referring to apply for Community Benefit Grants which open 19th August 2013.

**1055/13 That Council allocate \$630.00 from the 2013-14 Community Subsidy Program as follows:**

<b>Applicant</b>	<b>Purpose of Funding</b>	<b>Funding Recommended</b>	<b>Recommendation</b>
Lakes Anglican Church	Equipment Hire - Hire of display boards for Artfest 2013.	\$630.00 – in-kind	Recommended

**1056/13 That Council defer the following applications until the next round of the Community Subsidy scheme, after consultation with WSC staff for the reasons as indicated in the table below:**

<b>Applicant</b>	<b>Purpose of Funding</b>	<b>Funding Recommended</b>	<b>Recommendation</b>
St Mary of The Cross MacKillop Parish	Venue Hire - Hire of Wallarah Point Peace Park Gorokan, for a Parish picnic bringing the youth of the Parish together	\$0	Recommend - defer until next assessment period. Awaiting copy of financials and public liability insurance.

## **5.7 Conference Attendance - LGNSW Water Management Conference 2013**

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

**1057/13 That Council authorise interested Councillor/s to attend the LGNSW Water Management Conference 2013.**

**1058/13 That Council note it is a joint host of the Conference and the Conference is being held on the Central Coast.**

- 1059/13 That Council authorise more than three Councillors to attend the entire conference, individual sessions and/or social events, given its status as a joint host.
- 1060/13 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors with approval for more than three Councillors to attend in this instance.

#### **5.8 Course Attendance - Finance for Directors**

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

- 1061/13 That Council authorise interested Councillor/s to attend the Finance for Directors Course conducted by the Australian Institute of Company Directors.
- 1062/13 That Council meet reasonable expenses incurred by Councillors attending the above Course in accordance with Council's Facilities and Expenses Policy for Councillors.

#### **5.9 Local Government NSW Annual Conference 2013**

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

- 1063/13 That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2013.
- 1064/13 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.
- 1065/13 That Council determine the seven delegates with voting entitlements.
- 1066/13 That Council note the deadline for any motions to be submitted for inclusion on the business paper has already passed.

#### **6.1 Annual Water Supply and Sewerage Performance Reporting**

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

- 1067/13 That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

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**6.2 Report on Submissions to Public Exhibition of RZ/15/2009, No. 76 Berkeley Road, Fountaindale**

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

- 1068/13 That Council receive the Report on Submissions to Public Exhibition of RZ/15/2009, No. 76 Berkeley Road, Fountaindale.**

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**6.3 Road Capital Works Program**

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

- 1069/13 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

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**6.4 Outstanding Questions on Notice and Notices of Motion**

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

- 1070/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

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**6.5 Contracts & Project Management Unit Annual Summary Report for 2012/13**

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

- 1071/13 That Council receive the report on Contracts & Project Management Unit Annual Summary Report for 2012/13.**

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**8.1 Notice of Motion - Halekulani Confusion**

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Ms Rowena Hamilton, representing , addressed the meeting at 5.23 pm, answered questions and retired at 5.33 pm.

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

- 1072/13 That Council note the community and visitor confusion regarding the boundaries and general location of the suburb of Halekulani due to anomalies such as there being no directional or Welcome signage to Halekulani and that Budgewoi Public School is actually in Halekulani and the Halekulani Bowling Club is in Budgewoi and it is further noted that the 'Welcome to Budgewoi' sign in Halekulani.**
- 1073/13 That Council undertake preliminary consultation with local key stakeholder groups and organisations in the affected area with a view to obtaining feedback around suitable signage or whether the community is of a mind to**

*consider a consolidation into Budgewoi.*

**1074/13** *That Council notes it prefers the enhanced signage option, however will be guided by the community.*

**1075/13** *That Council receive a report outlining the community feedback around naming and signage options.*

Confidential item 9.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

**9.1 Councillor Outcomes Report**

---

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

**1076/13** *That Council receive the Councillor Outcomes Report.*

**QUESTIONS ON NOTICE**

**Q33/13 Prior Road Ourimbah**  
**Councillor Lloyd Taylor**  
F2004/07718

*“Mr General Manager, Could you please advise if Wyong has the responsibility for the maintenance of Prior Road, Ourimbah and if so, what is the maintenance schedule. If not, what are the arrangements with Gosford for the maintenance of the road?”*

**THE MEETING** closed at 5.45 pm.

## **1.4 Address By Invited Speakers**

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TRIM REFERENCE: F2013/00023 - D03614315

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

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

### **ATTACHMENTS**

Nil

28 August 2013

To the Ordinary Council Meeting

Councillor

## **2.1 Mayoral Minute - Motor Sports Precinct**

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TRIM REFERENCE: F2009/00481 - D03594715

AUTHOR: Doug Eaton; Councillor

In recent years Council had supported the establishment of a motor sports precinct within Wyong Shire. At one stage Council held a series of meeting with high profile motor sport identities and had staff investigate a number of locations to identify a suitable area to establish a motor sports precinct.

At the Ordinary Meeting of Council held on 25 November 2009 Council resolved the following:

*“ORDINARY MEETING HELD ON 25 NOVEMBER 2009*

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

- 1 That Council approach Lower Hunter Local Councils and Gosford City Council to investigate potential sites within these local government areas for an Automotive Racing Precinct.*
- 2 That if the investigations referred to in No 1 above result in a suitable site being identified, Council make available information relating to the research undertaken by staff on this matter.*
- 3 That Council advise those parties that have responded to the questionnaire, provided letters of support or objection of the decision.*
- 4 That with the exception of fulfilling the above recommendations, no further staff resource be utilised in further investigating this project.*

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

*AGAINST: COUNCILLOR SYMINGTON”*

For the past three years a group of community minded local business people have worked to establish a motor sports precinct that will not only be a sporting icon but also a social and business hub.

This group has now entered into a formal agreement with the land owner Darkinjung to continue to develop a master plan for such a precinct at Bushells Ridge.

The proposal is estimated to cost in excess of \$25 million, create 200 Full time jobs and 150 indirect jobs, inject over \$17 million into the local economy and provide a venue for social partnerships that will benefit our local community particularly our youth.

The proponents of the motor sport precinct recently informed council that they now have the backing of the Confederation of Australian Motor Sport (CAMS) for this project. This support has attracted other investors to indicate interest in the project.

## **2.1 Mayoral Minute - Motor Sports Precinct (contd)**

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The northern part of Wyong Shire requires employment and social opportunities to be created to address the needs of the residents. A project of this nature that has the ability to impact on employment, tourism, social and community infrastructure is one that must be supported by Council.

*I formally move:*

- 1 That Council rescind the following Resolution(Part 4) in regard to report 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project considered at the Ordinary Meeting of Council held on the 25<sup>th</sup> November 2009:**
  - “4 That with the exception of fulfilling the above recommendations, no further staff resource be utilised in further investigating this project.”**
- 2 That Council provide support to the consortium currently investigating the establishment of a motor sports precinct on Darkinjung Aboriginal Land Council’s land at Bushells Ridge.**
- 3 That Council liaise with the proponents of the motor Sport precinct to investigate opportunities to co-locate community facilities within the precinct.**
- 4 That Council provide a letter of support to assist the proponent to advance this initiative.**

### **ATTACHMENTS**

- 1 CASAR Park - Sponsors and Supporters Pack      D03594811**

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For our Region... a Game-changer

# CASAR Park

(Community Automotive Sport And Recreation Park)

## Sponsors & Supporters Pack

Contact details – Brad Wilson  
m: 0417 493 447 / e: [casarpark@gmail.com](mailto:casarpark@gmail.com)



### *Introduction*

CASAR Park is a Social Enterprise. Our mission is to provide training, work experience and social engagement opportunities for young people on the Central Coast. Our enterprise is the commercial operation of a motoring complex and other recreation and tourism-based businesses.

The \$14 million motoring complex is stage one of this development and features a 3.5 km tarmac race track, undercover pit garages, driver training facilities, a dual use go-kart track / simulated driving environment and associated amenities.

The primary objectives of the motoring complex are to support:

- Club-level motor sport participation
- Motoring-related tourism
- Road safety awareness
- Driver and Rider training
- Automotive skills training

Once completed, the Park will generate \$17 million annually in economic contribution to the local economy with 200 jobs and 200 training & work experience positions onsite once fully operational, and a further 150 indirect jobs.



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### *The Central Coast region needs a “game-changer”*

Local residents, community organisations and business owners recognise the need for a significant project on the Central Coast. Whilst shopping centres and industrial / housing estates have a role to play in our economic growth, our region is too heavily reliant upon them.

In the Tourism Opportunity Plan report recently commissioned by Wyong & Gosford Councils together with Tourism Central Coast, a Motorsport precinct was identified among the **top 5 catalyst projects for the region.**

### *Supporters, Stakeholders and Partners*

CASAR Park is the brainchild of local community-minded business people who are passionate about making a difference for the people of the Central Coast. Combining their expertise, technical knowledge and links to the community sector, the founders and partners are committed to establishing a precinct that is a sporting icon and beacon of social entrepreneurship.

#### Partners

Bolte Civil  
SJ Ford  
Achieve Financial  
Youth Connections  
ET Australia  
Job Centre Australia  
Green Grove Organics

#### Key Stakeholders

Motorsport Services & Tourism Operators  
Car & Bike Clubs  
Darkinjung Local Aboriginal Land Council  
Wyong Shire Council  
University of Newcastle  
Road Safety Education Ltd  
Northern Lakes Disability Tourism  
Motorsport Governing Bodies

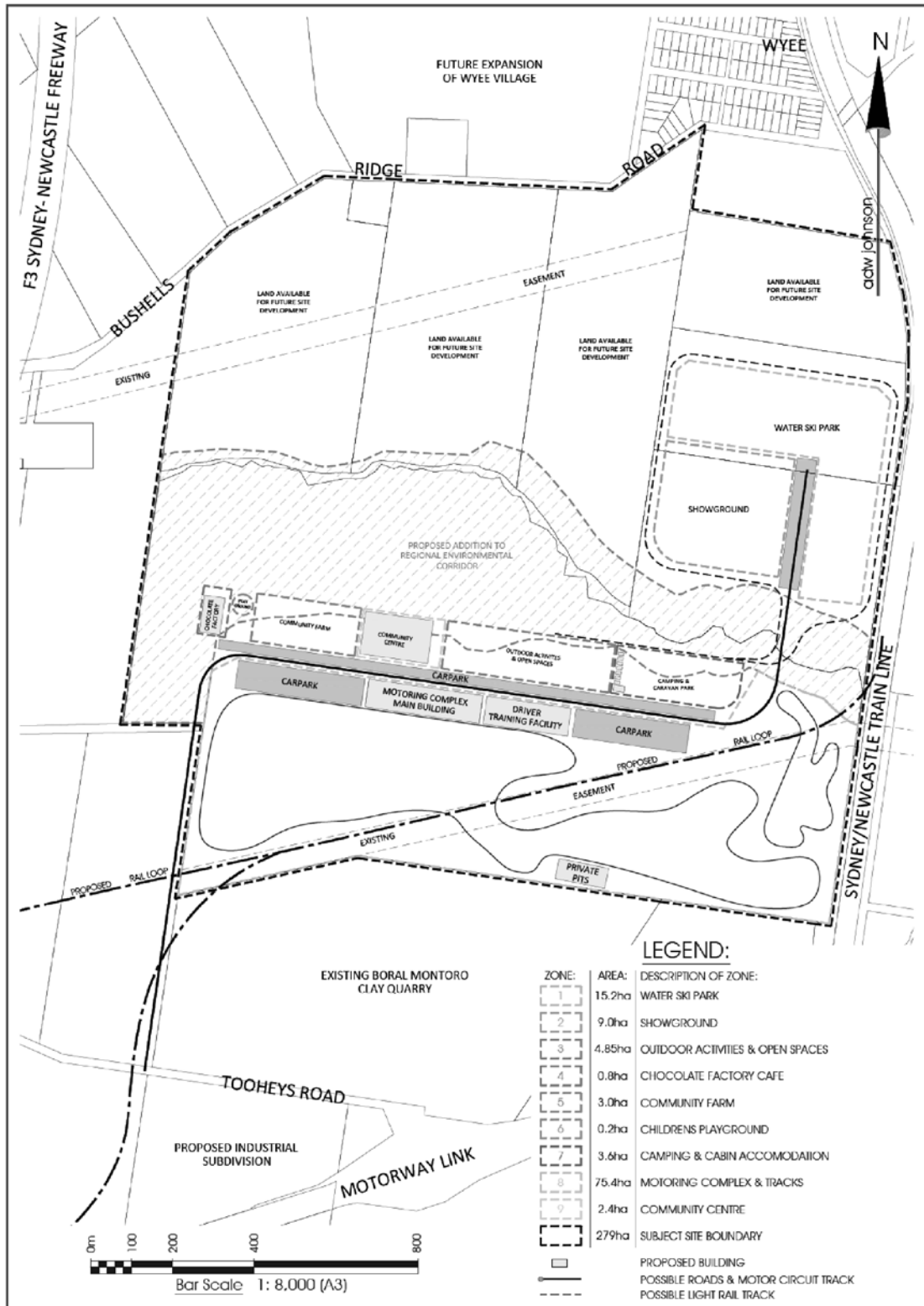
### *Location*

The proposed site is a 115 hectare parcel in north Wyong Shire, near the southern boundary for Lake Macquarie City. The landowners have issued a Letter of Support in relation to this project, expressing their preparedness to enter into a long term lease.

The subject is bounded (broadly) by the Sydney-Newcastle (F3) Freeway to the west, Bushell’s Ridge Rd to the north, the Sydney-Newcastle Rail line to the east and to the south by the Motorway Link Rd which joins the Freeway to the Pacific Highway and on to the eastern side of Lake Macquarie. Zoning allows for a major recreational facility.

The following page is a proposed layout for the site and includes both stage one and two.

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### *Our Message to Sponsors & Supporters*

The CASAR Park concept was born in July 2010. Now some three years later, more than 500 volunteer hours of research, lobbying and planning have come to fruition and we are ready to pursue our Development Application. This is the critical next step for CASAR Park and community support is essential. Our target is to raise \$350,000 by 30<sup>th</sup> September 2013 through commercial sponsorships and crowdfunding pledges.

**For the Central Coast community**, this project delivers economic benefits in the form of visitor spend, employment and training opportunities, and flow-on to local business. Socially, it will provide a space for young people to enjoy recreational activities and engage with each other in an environment of their own creation.

**For the business community** we will fund work experience and training opportunities for their direct benefit, together with opportunities for marketing, team building or driver education experiences. More broadly, we are providing local businesses with an opportunity to reduce their reliance on the retail and construction sectors, and reduce their need to travel outside our region.

**For the motorsport community** we offer something in very short supply – a venue. But not just any venue. The track itself is 12m wide with generous run-off and the thickness of sub-base and asphalt is at international standard – quality of the driving surface is paramount. Our family-friendly precinct welcomes participants, supporters, their family and friends and all are encouraged to have an extended stay to enjoy all facilities.

In order for this valuable asset to remain in community ownership, it is the community who must take the most important first step. A crowdfunding model is the ideal platform to gauge true community support. The more that is pledged the stronger our conviction and the louder our united voice within government. We have to demonstrate unequivocally that the demand for a motoring facility is there and the desire to improve outcomes for our youth is there.

The funds raised will be utilised for:

- External specialists to undertake environmental, engineering, planning and other tasks associated with the Development Application, DA Fees, and legal fees to document the lease agreement - \$191,200
- Project management, planning, liaison, lobbying and administrative costs in preparation for and throughout the Development Application process – \$158,800

Our funding model has \$250,000 as the tipping point, ie the minimum required to progress the project forward, while the ultimate target enables the volunteers to be supported with professional day-to-day project management resources.

**Our partner organisations work with disengaged, disadvantaged and disabled young people every day. CASAR Park is a comprehensive innovation that can produce sustainable and positive outcomes for our youth. We are united in taking action that provides opportunities for social engagement, and for advantage and ability through work experience and training.**

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### *Founding Sponsor packages*

Founding Sponsors are a crucial part of our project and will be recognised accordingly.

Benefits include:

- **Work Experience & Training (WET) Credits.** These credits can be used to fund wages for a keen young local to undertake work experience in your business, or, provide increased training and certification for your existing staff.
- **Track Credits.** These credits can be applied to any of the 'motoring experiences' at the Park. Anything from driver training for your staff through to a drive in a V8 Racecar! You may even wish to hold a drive experience-based marketing event for your clients.
- **Recognition throughout our media campaign and on our website.**

Our sponsorship process is unique in that the majority of your investment is not required until the total pledges for the project exceed the 'tipping point' (this is the minimum funding point at which the project can proceed).

***I want to pledge \$2,750 to support this great cause!***

As a Foundation Sponsor this pledge will entitle you to \$4,000 in WET Credits plus, \$1,000 in Track Credits, and of course, we'll shout your name from the virtual rooftops with acknowledgement throughout our media campaign and with a link to your business from our website.

***I want to grow my business and pledge \$4,950 in support of this great cause!***

As a Foundation Sponsor this 'business builders' pledge will entitle you to \$8,000 in WET Credit plus, \$2,000 in Track Credits and of course, we'll shout your name from the virtual rooftops with acknowledgement throughout our media campaign and with a link to your business from our website.

***Corporate Sponsorship – by negotiation***

If your organisation would like to leverage from this fantastic cause we'd be happy to tailor something to your specific needs. You may wish to secure a day's track hire for a product launch, offer a reward to our crowdfunding pledgers, offer a drive experience as part of a competition, or secure Work Experience & Training Credits for your customers or strategic business partners.

***In-kind***

If you or your business are able to offer any services associated with the Development Application process, we'd be pleased to hear from you.

To proceed with your support for this worthwhile cause, please complete the following page.

CASAR Park  
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**CASAR Park Sponsorship Pledge**

Please return via email to: Att Brad Wilson  
[casarpark@gmail.com](mailto:casarpark@gmail.com)

Telephone contact: 0417 493 447

Pledge Type (please tick):

- \$2,750 for \$4,000 in WET Credits and \$1,000 in Track Credits
- \$4,950 for \$8,000 in WET Credits and \$2,000 in Track Credits
- Corporate
- In Kind

Your name: \_\_\_\_\_

Your email: \_\_\_\_\_

Organisation name: \_\_\_\_\_

Organisation ABN: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Once we receive your pledge we will issue a tax invoice. 25% of the total sponsorship is payable up front, with the balance payable once the 'tipping point' is reached. The funding target for our project is \$350,000 with a tipping point of \$250,000.

*The fine print*

- o *WET & Track Credits are available for redemption during the first two years of operation of the motoring complex. Priority order is based on the order in which a sponsor pays their first instalment.*
- o *The notion of Work Experience under the CASAR Park model is to provide paid work experience (at the award rate) for an individual to undertake a meaningful and effective 3-6 months of work experience in your organisation.*
- o *The individual recipient of the training or work experience opportunity must be resident of Wyong or Gosford LGA.*
- o *WET & Track Credits can be transferred with the approval of CASAR Park, as long as the above conditions are still met.*

Signed and dated on behalf of the sponsor

.....

...../...../.....

**CASAR Park**  
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## **Community Benefits Summary**

- Over \$17 million in economic contribution to the region per annum
- Over 200 training and work experience places per annum
- Over 200 full time equivalent (FTE) direct jobs
- A further 150 indirect jobs
- \$25 million construction cost with priority given to local businesses and non-profit organisations
- Diversification of our local economy away from construction and retail
- Increased skills for road-users, reduction in at-risk behaviour and road fatalities
- Bringing together local business, training and education providers, non-profit organisations and community
- Helping to give our region its own identity and fair representation within Government
- Providing a role model for the social enterprise concept, attracting further interest to the site and our supporting partners

### 3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba

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TRIM REFERENCE: RZ/1/2013 - D03422502

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Chris Ferry; Strategic Planner

This report relates to a rezoning application (Planning Proposal) which seeks to rezone land at 145 Johns Road Wadalba from 10(a) Investigation Precinct Zone to Low Density Residential and Environmental Conservation. A review of information submitted has concluded that the proposal has merit but lacks strategic justification. Further as the timing of this proposal and broader East Wadalba rezoning will be compatible, the incorporation of this single lot planning proposal into the East Wadalba proposal would optimise the development potential of this lot and the broader precinct. Both rezonings require the resolution of a number of strategic issues namely provision of infrastructure and positioning boundaries of the wildlife corridor and realignment of Johns Road.

<b>Applicant:</b>	Aconsult
<b>Owners:</b>	Zaychan Pty Ltd
<b>Proposal No:</b>	RZ/1/2013
<b>Description of Land:</b>	Lot 27 DP 663622
<b>Zoning:</b>	10(a) Investigation Precinct Zone
<b>Existing Uses:</b>	Residential Dwelling and Disused Poultry Sheds

#### RECOMMENDATION

***That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.***

#### BACKGROUND

The site is a single lot, and is zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan 1991 (WLEP 1991). For the purposes of this report the land will be identified as "the site".

Existing development on the site consists of a single storey residential dwelling, a masonry shed and disused poultry sheds. The site has been cleared of over 70% of vegetation with some native vegetation returning. Two watercourses cross the site generally in a north south direction with two 900mm twin culverts located along the Johns Road frontage.

The intent of this report is to inform Council of the proposed rezoning and in this instance seek Council support to incorporate this proposal into the broader East Wadalba Precinct proposal.

## CURRENT STATUS

### The Site



Figure 1 145 Johns Road Wadalba – ‘The Site’

The entire site is zoned 10(a) (Investigation Precinct Zone) under WLEP 1991.

The site is rectangular in shape (Figure 1), rural residential properties are located south and east of the site and an approved residential subdivision is located to the west of the site (DA/1082/2011) which also provides a section of the Wadalba Wildlife Corridor adjoining the unformed Louisiana Road to the west. The Wadalba Reservoir is located to the north-west of the site.

The relationship of the site to the ‘East Wadalba Precinct’ proposal is shown in Attachment 1.

## THE PROPOSAL

The proposal seeks to amend WLEP 1991 by rezoning the land part 2(a) (Residential Zone) and part 7(a) (Conservation Zone). Should draft Wyong Local Environmental Plan 2013 be made prior to the initialisation of this proposal the zoning would amend the new plan and the Standard Instrument zones of R2 Low Density Residential and E2 Environmental Conservation would apply.



## ASSESSMENT

In support of the application, a draft Planning Proposal has been submitted by the applicant.

The draft Planning Proposal has been reviewed considering:

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

## ISSUES ANALYSIS

The planning proposal submission has been assessed having regard for the following matters:

Flora and Fauna

Bushfire

Climate Change

Mine Subsidence

Aboriginal Archaeology and European Cultural Heritage

Contaminated Land and Acid Sulfate Soils

Flooding and Drainage

Noise and Acoustics

Traffic and Transport

Social and Economic Impact

Servicing

The most significant issues for consideration relate to flora and fauna, road widening/realignment and sewer servicing.

### ***Flora and Fauna***

The site has been utilised for poultry farming for many years. The area proposed for residential development is predominantly cleared of native vegetation. Some areas on the northern and western portions of the site contain remnant vegetation and are proposed to be zoned for conservation purposes as part of this proposal. There is significant vegetation located on the eastern boundary of the site which could provide an equally effective corridor link. Although no threatened flora or fauna have been identified on the site, this site is the location for the critical link of the Wadalba Wildlife Corridor (WWC) which provides habitat for the endangered squirrel glider and connectivity to the Tacoma Wetlands located South of Johns Road.

The proposal states that the land allocated for the extension to the WWC will be sufficiently wide which is to ensure a functioning corridor. However an agreed width for a regional corridor cannot be confirmed by the Office of Environment and Heritage, therefore it is difficult to determine if the proposal will provide an effective corridor.

Remnant vegetation that is within the proposed environmental zone requires rehabilitation and removal of invasive weeds such as Lantana. Should this proposal be included in the

broader East Wadalba precinct proposal the costs of rehabilitation could be shared by all landowners.

### ***Road Widening/Realignment***

Sufficient land at the south western corner of the site is required to enable the realignment of Johns Road to remove the series of curves adjacent to the western boundary of the property. This may involve a triangular section of land at least 20 metres wide by 120 metres long. The proponent would be required to ensure this land is provided at no cost to Council including the relocation of any services including power poles. Should this proposal be included in the broader East Wadalba precinct proposal the costs could be shared by all landowners.

### ***Sewer Servicing***

The current sewer service in this location involves the construction of a gravity main to transfer sewerage to the proposed lift station south of Johns Road – the lift station is not proposed to be constructed until such time as the surrounding area is developed. An alternative would be for the proponent to bear the costs of construction, ongoing operation / maintenance and decommissioning of a temporary pump station located near the western boundary of the site. By incorporating this proposal into the broader precinct proposal it would eliminate the need for a temporary pump station.

## **LOCAL PLANS, POLICIES AND STRATEGIES**

### **Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 10(a) (Investigation Precinct Zone) under Wyong LEP 1991. The objectives of this zone are:

- (a) to protect native vegetation, maintain ecological processes and biological diversity within land that is under investigation for conservation purposes, and
- (b) to protect rural land that, after detailed environmental investigations, may be suitable for ecological conservation or future urban development, and
- (c) to prohibit development that it is likely:
  - (i) to lead to the premature and sporadic subdivision of land, or
  - (ii) to inhibit the potential for urban expansion in selected areas, particularly the urban fringe, or
  - (iii) to prejudice the present environmental quality of the land, or
  - (iv) to generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (d) to ensure that any interim development is carried out in a manner that minimises risks from natural hazards, minimises degradation of environmental values, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of rural areas, and
- (e) to allow mining to occur in an environmentally acceptable manner.

Council's Standard Instrument LEP proposes to zone the site RU6 Transition. The objectives of the RU6 zone are as follows:

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not adversely impact upon the conservation/or development potential of land identified for future investigation within the North Wyong Shire Structure Plan and / or Wyong Settlement Strategy.

### **Draft Wyong Settlement Strategy 2012**

Council's draft Settlement Strategy (SS) was publicly exhibited between 9 January 2013 and 20 February 2013. The SS:

- *Establish(es) the strategic direction and framework for the Wyong (Local Government Area) LGA and inform the preparation of Wyong LEP 2012 and Wyong DCP 2012: Development Provisions for Wyong Shire;*
- *Provides a blueprint for the growth of the (Local Government Area) LGA with accessible and reliable transport, a strong regional economy, a vibrant community and a healthy natural environment; and*
- *Provides an analysis of demand, supply and nature of land and identifies where additional land may need to be set aside for residential, business and commercial development while retaining the LGA's enviable natural environment;*

Key planning considerations for the release of future urban land, including infill development as identified by the SS requires that development be:

- Undertaken in an orderly manner and shall be consistent with the timeframes of the NWSSP and Council's Settlement Strategy;
- Not occur until such time that adequate transportation, utility, community and recreational infrastructure can be guaranteed including matters for consideration identified in Part 6 of Wyong SI LEP;
- Facilitate the creation of social hubs that satisfy the needs of the community, including cultural, educational, health and recreation facilities;
- Incorporate the principles of Healthy Spaces and Places, Crime Prevention Through Environmental Design, and the Universal Design Principles for Accessible Environments;
- Provide for appropriate housing choice. This may be assisted by the incorporating the findings of the Affordable Housing study.

It should be noted that although the draft Settlement Strategy has been endorsed by Council, it has not yet been endorsed by the DoPI.

The draft Wyong Shire Settlement Strategy has recommended this site be retained as an urban investigation precinct and has been identified as a "Strategically located, constrained site" subject to further investigation and offset strategies to define conservation requirements and development potential.

### 3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba (contd)

This site requires more detailed investigation, ideally as part of the greater East Wadalba Precinct rezoning to determine its environmental value, wildlife corridor boundaries, development potential and appropriate zoning and development controls to achieve a balance between development and biodiversity conservation within the broader context of the Settlement Strategy, Central Coast Regional Strategy and NWSSP.

#### Development Control Plan

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2005, or pending timing of DCP 2012 (now DCP 2013), in particular, the following Chapters:

DCP 2005	DCP 2012
- 61: Car Parking;	- Chapter 2.1: Dwelling Houses and Ancillary Structures
- 66: Subdivision;	- Chapter 2.3: Dual Occupancy Development
- 67: Engineering Requirements for Development;	- Chapter 2.11: Parking and Access
- 69: Controls for Site Waste Management;	- Chapter 3.1: Site Waste Management
- 58: Dual Occupancy Development;	- Chapter 3.2: Water Sensitive Urban Design
- 100: Quality Housing;	- Chapter 3.3: Floodplain Management
- 99: Building Lines;	
- 13: Conservation Areas for Wyong Shire	- Chapter 3.6 Conservation Areas for Northern Wyong Shire

#### STATE LEGISLATION, POLICIES, PLANS AND STRATEGIES

##### Central Coast Regional Strategy

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

Incorporation of this proposal within the investigation of the broader East Wadalba Precinct will ensure the provision of a mix of housing types in accordance with the Central Coast Regional Strategy '*Centres and Housing*' outcomes. In addition the incorporation of the two proposals will assist in creating an attractive, adaptable, and self-reliant community.

##### North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan was developed to provide a high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development and all of the Central Coast region's greenfield employment land to 2031.

The site is not located within a future investigation precinct but is located between Precinct 2B and Precinct 3B as provided in the NWSSP. The entire site has been identified as a “Green Corridor” in the NWSSP.

Because of this, the site should be included in this broader East Wadalba Precinct rezoning to ensure that strategically identified development precincts are developed in accordance with the NWSSP precinct staging plan.

The planning proposal shows some consistency with the NSSWP as it provides a corridor extension the WWC but not in the same configuration as that depicted in the Structure Plan.

**Regional Economic Development and Employment Strategy (REDES) 2010**

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

**Section 117 Directions**

The proposal has been assessed against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 2 of this report. The proposal is considered to be consistent with the applicable Directions, subject to the outcomes of a number of further investigations.

The following table provides an overview of the consistency of the proposal against the applicable Section 117 Directions.

<i>Number</i>	<i>Direction</i>	<i>Applicable</i>	<i>Consistent</i>
Employment & Resources			
1.1	Business & Industrial Zones	N	N/a
1.2	Rural Zones	N	N/a
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/a
1.5	Rural Lands	N	N/a
Environment & Heritage			
2.1	Environmental Protection Zones	Y	TBD
2.2	Coastal Protection	N	N/a
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y

<b>Number</b>	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/a
3.6	Shooting Ranges	N	N/a
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	N	N/a
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/a
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N	N/a
5.6	Second Sydney Airport: Badgerys Creek	N	N/a
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/a

### State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs) as follows:

- SEPP 44 – Koala Habitat
- SEPP 55 – Contaminated Land

It is considered that the proposal is generally consistent with the aims and objectives of the requirements of the above SEPPs. Assessment of the proposal against the relevant SEPPs is detailed in Attachment 3.

## OPTIONS

### Option 1: Proceed to Gateway Determination as a standalone Planning Proposal

This option would provide one possibility for the extension to the WWC and provide additional residential land. A Voluntary Planning Agreement would be required at an early stage to ensure the dedication of the continuation of the WWC at no cost to Council, dedication of a section of the property for the realignment of Johns Road and ensure the costs of commissioning, decommissioning and maintenance of a temporary sewer pump station are borne by the proponent. The applicant believes that this option would best serve their interests as it would avoid any possible delay caused by resistance or any dispute over funding from other landowners within the East Wadalba Precinct. This is not the preferred option because by incorporating the two proposals Council is able to better manage issues such as the boundaries of the WWC and realignment of Johns Road.

### Option 2

Incorporate this planning proposal RZ/1/2013 with the broader East Wadalba proposal RZ/2/2013 for Precincts 2A, 2B and 3A received by Council on 14 June 2012.

In August 2011 the Minister for Planning and Infrastructure announced the state government would review potential land owner nominated housing sites over 100 hectares which could be developed within three years at no additional cost to the government. The Wadalba Lobby Group submitted the East Wadalba Precinct which included Precincts 2A, 2B and 3A as identified in the (NWSSP). In March 2013 the Minister for Planning and Infrastructure provided advice that of the 29 sites nominated seven sites were identified for immediate action. Included in these sites was the East Wadalba Precinct. Strategically the inclusion of this single allotment proposal within the broader precinct will provide for better management of issues such as flora and fauna, transport and sewer servicing. This will also ensure that the proposal is advanced on the basis that there will be no cost to Council.

This is the preferred option

### Option 3 Not Proceed with Rezoning at all

The site is identified within the NWSSP as a '*Green Corridor and Habitat Network*'. It is timely that this proposal has aligned with the processing and assessment of the East Wadalba Precinct zoning. Incorporation of the site into the greater East Wadalba Precinct is of strategic significance particularly in respect to resolving WWC boundaries and maximising development potential of sites affected by WWC. Therefore this option is not supported

### Link to Community Strategic Plan (CSP) (2030)

The proposal can be directly linked to the following objectives of the plan:

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
  - (e) Developing and implementing the Wyong Shire-wide Settlement Strategy.
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
  - (f) Maximise the access to, and potential for, new and existing facilities/infrastructure to support growth.

4. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.
  - (a) Preserving threatened and endangered species as well as ecological communities and biodiversity.
  - (c) Ensuring all development areas create or maintain tree covered ridgelines and waterways

The CSP identifies a number of essential services which must be provided. These are delivered by Council through a number of Principal Activity Areas. The assessment of the impacts of land use strategies and rezonings is incorporated within the Environment and Land Use 'Principal Activity Area' which aims to *support(s) the natural and built environment on both private and public land. This is done by providing strategic planning and policy as well as controls over land-use in order to maintain a high quality of life and natural environment. Through this activity Council seeks to promote sustainable use of natural resources on the Central Coast.*

### **Budget Impact**

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent who will be required to enter into a funding agreement with Council. Should the site be incorporated into the East Wadalba Precinct rezoning as recommended there may be cost saving to the applicants. The East Wadalba Precinct proposal has been supported by Council on the basis that Council incurs no costs for the provision of infrastructure.

### **CONSULTATION**

The proposal was referred to a cross section of Council staff representing diverse interests including:

- Ecology;
- Transport/Accessibility;
- Wastewater/Sewer;
- Developer Contributions;
- Service Infrastructure; and
- Social Planning.

Comments received have informed the assessment of the proposal and the need for any additional investigative studies.

### **GOVERNANCE AND POLICY IMPLICATIONS**

Refer to discussion relating to Local Plans, Policies and Strategies



**MATERIAL RISKS AND ISSUES**

The assessment of the proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practices. This assessment is considered to fulfil Council's requirements under Section 733 of the *Local Government Act 1993*.

**CONCLUSION**

The proposed rezoning has considerable merit given the location of the site in relation to the existing residential development and the strategic Wadalba Wildlife Corridor link.

However to ensure the orderly and timely delivery of urban land including the determination of the extension to the Wadalba Wildlife Corridor, it is considered that this proposal (RZ/1/2013) should be incorporated into the broader East Wadalba Precinct RZ/2/2013 planning investigations. Incorporation of this site into the broader East Wadalba Precinct rezoning will ensure greater equity of development and conservation outcomes through a precinct based rezoning process.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Relationship of RZ/1/2013 to Wadalba East Precinct Rezoning | D03609031 |
| 2 | Section 117 Ministerial Directions Assessment RZ/1/2013     | D03575559 |
| 3 | State Environmental Planning Policy Assessment RZ/1/2013    | D03575530 |



## Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed rural zone.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Applicable.</p> <p>Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW</i></p>

Direction	Comment
<p>aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p><i>Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The site has been identified as a green corridor in the NWSSP</p> <p>It is considered that by incorporating this proposal with the greater precinct proposal environmental conservation will be further investigated to ensure a positive environmental outcome for this site and the broader precinct.</p> <p>Further investigation of the broader precinct will assist in determining the consistency with this direction.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p>	<p>Not Applicable.</p>

Direction	Comment
Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i> .	The site is not within the Coastal Zone.
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not identify an impact on any European or Indigenous heritage items or objects. It is therefore considered that the proposal is consistent with this Direction.</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.</p>
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable.</p> <p>The proposal seeks to rezone the site to enable subdivision to create an additional residential land.</p> <p>The proposal is located adjacent to an existing residential area, therefore is able to access and augment existing services and infrastructure for any new subdivision.</p> <p>Additionally, Council's Transportation, Water &amp; Sewer and Design Engineers have identified that the required services (water, sewer, power, roads etc) for the proposal are available to the site.</p> <p>In respect of Sewer, the proponent will be required to provide temporary pumping station should development occur prior to the construction of the proposed pumping station south of Johns Road which will service the</p>

Direction	Comment
	<p>development.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.</p>
3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable.</p> <p>It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development.</p> <p>The proposal is in close proximity to a well serviced bus stop. Further assessment to ensure availability of alternative transport choices will be undertaken during the Development Application process.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the</p>	<p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the</p>

Direction	Comment
<p>vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal is does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable.</p> <p>A desktop mapping exercise has identified that the potential for acid sulfate soil on the proposal site is unknown. Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment.</p> <p>It is therefore considered that this proposal will be consistent with this Direction.</p>
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or</p>	<p>Applicable.</p> <p>Consultation will be undertaken with the MSB on</p>



Direction	Comment
<p>potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Not Applicable.</p> <p>The site of the proposal is not identified as being flood prone land.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The site of the proposal contains Category 2 bushfire prone vegetation and bushfire buffer zones.</p> <p>A bushfire threat assessment report for the land proposed to be zoned residential should be prepared identifying appropriate APZ.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on</p>	<p>Applicable.</p> <p>The proposal is considered to be consistent with the Central Coast Regional Strategy.</p> <p>It is therefore considered that the proposal is</p>



Direction	Comment
land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.	consistent with this Direction.
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>

Direction	Comment
Areas.	
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to include provision which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal seeks to create land for public purposes, being the extension of the Wadalba Wildlife Corridor, the proponent will be required to dedicate that land to Council via a VPA.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable a specific use on the site which is not permissible under the proposed zones (2(a) Residential or R2 Low Density Residential and 7(a) Conservation Zone or E2 Environmental Conservation).</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	

<b>Direction</b>	<b>Comment</b>
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

## State Environmental Planning Policy Assessment

SEPP	Comment
SEPP No. 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>As the area subject to the proposal is greater than 1hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered.</p> <p>Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.</p>
SEPP No. 55 – Contaminated Land	
<p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>the preliminary desktop mapping/ assessment exercise has not identified any contamination of the site this issue still requires formal assessment.</p> <p>Should the proposal proceed beyond a Gateway determination, the proponent will be required to undertake a contaminated land assessment to comply with the provisions of this SEPP.</p>

### **3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release**

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TRIM REFERENCE: RZ/2/2013 - D03604351

MANAGER: Martin Johnson, Manager Strategic Development

AUTHOR: Scott Duncan; Senior Strategic Planner

#### **SUMMARY**

This report seeks Council's endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million and will generate significant employment in the local construction industry. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the proposal has been undertaken, which identifies that the concept has merit 'in principle', and that Council should initiate the rezoning process by preparing a Planning Proposal and referring it to the Department of Planning and Infrastructure (DP&I) for a "Gateway" determination.

Real Description: Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan (also known as East Wadalba)

Street Address: Various

Applicant: ADW Johnson

Owner/s: Various landowners represented by Wadalba Landowners Lobby Group

Site Area: 241 Hectares

Current Zoning: 1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management), 10(a) Investigation Precinct Zone.

Current Land use: Non-intensive animal agriculture (grazing) and hobby farming

#### **RECOMMENDATION**

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.**
- 2 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.**
- 3 That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.**

- 4 ***That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.***
- 5 ***That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.***
- 6 ***That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:***
  - a. ***Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.***
  - b. ***Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).***
- 7 ***That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.***
- 8 ***That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).***
- 9 ***That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.***

## **BACKGROUND/CURRENT PROJECT STATUS**

The land proposed to be rezoned has been identified for future residential development in Council’s Residential Development Strategy and Settlement Strategy. The land is also identified in the North Wyong Shire Structure Plan as proposed residential with a medium term release priority (meaning that it is expected that the land will be released before 2027).

ADW Johnson is representing a group of landowners (Wadalba Landowners Lobby Group) in the study area who are seeking to advance the early release of land in Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan.

In an attempt to positively influence the production of housing, particularly within identified growth areas, the NSW State Government has created a new program called the “Potential Home Sites Program”. The aim of the program is to fast track the production and delivery of housing, particularly within identified growth areas of the state.

On 12 August 2011 the NSW Minister for Planning and Infrastructure created the "Potential Home Sites Program" and asked for landowners to nominate large sites (>100 Hectares) which could be developed for housing within 3 years. Of a total of 43 landowner submissions received by DP&I, one submission was lodged within the Wyong Shire by the Wadalba Landowners Group.

The Wadalba East area was subsequently brought to the attention of the Minister and DP&I with a formal submission made by 29 November 2011 on behalf of the Wadalba Lobby Group. In April 2012, DP&I released a short list of nominated Potential Housing sites, which included the Wadalba East Site.

As part of the review, the Minister invited Council to comment on the Wadalba land owner's submission. On 22 February 2012, Council:

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

- 1 That Council acknowledge that the Wadalba East Precinct is already incorporated in Council's Residential Development Strategy and draft Wyong Shire Settlement Strategy with master planning to commence following completion of Precinct 7A.*
- 2 That Council note that the current time line for the development of the Wadalba East Precinct is "in the medium term" as established by direction from the Department of Planning and Infrastructure.*
- 3 That Council advise the Minister for Planning and Infrastructure that it supports the identification of the Wadalba East Precinct as part of the Potential Home Sites Program subject to the following:*
  - a Council not being responsible for the cost of the public infrastructure required to support the development; that such infrastructure should include both hard infrastructure, the roads water and sewer and drainage and soft infrastructure which includes open space, community facilities and environmental corridors.*
  - b Council being responsible for managing the rezoning process (at the applicant's cost);*
  - c The community being fully engaged as part of the rezoning process;*
  - d Performance requirements being placed on the developer (i.e.; by way of a "sunset clause" or other means) to ensure that the production of lots proceeds within the Government's timeframe. (ie, 3 years); and*
  - e Early agreement being reached between the proponents, government and Council regarding not only the range of infrastructure to be provided, but also the cost, timing and responsibility for funding and provision of that infrastructure.*

### 3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)

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- 4 That Council acknowledges that the Wadalba East Precinct would support the Wyong Town Centre business, recreation and public amenities that already exist.

FOR: Councillors Best, Eaton, Graham, Matthews, McBride, McNamara, Symington, Vincent and Wynn

AGAINST: Nil

- 5 That Council direct the General Manager to approach the Minister for Planning and Infrastructure proposing that its current priority program for housing development be extended to apply to the fast tracking of employment land within North Wyong.

FOR: Councillors Best, Graham, Matthews, McBride, McNamara, Symington, Vincent and Wynn

AGAINST: Nil

Following a review of these potential sites the DP&I advised Council on 20 March 2013 that 29 large sites had been reviewed in the Sydney Region under the program. Through this program, the Government has supported the immediate action to progress 7 nominated sites (which included the Wadalba East site) and to investigate a further 13 sites through upcoming strategic plans.

The Wadalba Landowners Lobby Group have been encouraged to continue discussions with Council to implement the release of the land in accordance with the North Wyong Shire Structure Plan, including the option for accelerated release. A key principle for accelerated release is the “principle of no cost to government”. Through this program, landowners will be required to enter into an agreement to pay for infrastructure. The DP&I has indicated that new development through the “Potential Home Sites Program” will need to establish the necessary supporting infrastructure before the sites are allowed to be subdivided.

ADW Johnson on behalf of the Wadalba Landowners Lobby Group lodged a Planning Proposal with Council to commence the rezoning process. Assessment of this rezoning application commenced when the rezoning fee was paid on 14 June 2013.

#### STUDY AREA

The site comprises approximately 241 hectares covering over 85 different parcels of land under different ownership (See Attachment 1). The land is predominantly zoned 10(a) (Investigation Precinct Zone) under Wyong Local Environmental Plan 1991. Under the Draft Local Environmental Plan 2012, the study area is predominantly zoned RU6 Transition and E2 Environmental Conservation (See attachment 2).

The study area is generally characterised by large rural holdings and hobby farms in the south east corner of the study area. The study area is also bisected by habitat corridors linking Wadalba Wildlife Corridor to the Tacoma/Tuggerawong Wetlands.



A constraints map has been prepared by ADW Johnson which provides a first cut analysis of areas affected by flooding, conservation corridors and steep slopes in excess of 20% (see Attachment 3). The constraints analysis will be refined with further input from specialist reports (e.g. ecological, flooding, archaeological etc).

### **PLANNING PROPOSAL**

The site has been identified as being suitable for residential growth within the North Wyong Shire Structure Plan ("NWSSP") which was adopted by the NSW State Government in October 2012 (See Attachment 4). This NWSSP provides the framework to accommodate the population and dwelling targets set within the Central Coast Regional Strategy. The NWSSP also highlights important linkages which will affect the future planning of new urban areas green corridor and habitat networks.

The proposed rezoning will need to accommodate these linkages in the final development footprint. A Concept Master Plan accompanies this proposal which provides for the protection of areas with conservation values and continues the urban structure with existing settled areas (refer to Attachment 5). The exact boundaries of environmental areas and the concept plan will be further refined by technical studies, feedback from Council and Government agencies through the rezoning process.

A first cut analysis has been undertaken by the ADW Johnson and suggests that there is approximately 182 Ha of constraint free land exists and will be suitable for residential development.

Key features of the proposal are as follows:

- Expected yield of between 1710 to 2050 residential lots.
- Incorporate wildlife corridor linkage connecting Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetland.
- Mixture of lot sizes will be provided which will provide housing choice for local market.
- Opportunities will be explored to provide some small lot developments (<200m<sup>2</sup>) in locations with suitable topography. This will deliver to a large market base and will provide opportunities for the lower and very price sensitive market segment.
- Development is proposed to be staged from Pollock Avenue and land will be released in stages from west to east.

**STUDY PROCESS**

A number of technical studies will need to be conducted to provide the required level of documentation to support the proposed rezoning of land.

An indicative list of reports to support the Planning Proposal is outlined below.

1. Funding agreement (including examination of different funding models) to enable landowners to fund Council and State Government infrastructure. This will be based on a *"principle of no cost to government"*.
2. Water and sewer servicing plan (which will include details on who will design and build infrastructure. Details will also be required on the timing of the provision of funds to provide these services)
3. Services Review (gas, telecommunications, electricity provision etc.)
4. Ecological investigations (seasonal flora and fauna surveys/vegetation mapping/conservation offset strategy)
5. Flood and drainage studies
6. Open space and recreation analysis
7. Visual impact analysis
8. Social Impact Assessment
9. Preliminary Contaminated Land Study
10. Acid sulphate soil risk analysis on low lying parts of the site
11. Noise assessment for main road frontages e.g. Pacific Highway
12. Aboriginal archaeological assessment
13. Integrated Water Cycle Management (IWCM) Strategy
14. Traffic Report (which will also examine public transport, pedestrian and cycleway planning issues)
15. Structure Plan, Urban Design principles and draft Development Control Plan
16. Draft VPA and possibly Section 94 Contribution Plan (dependent on type of infrastructure model adopted).
17. Updated Planning Proposal/Planning Controls (rezoning)

The detailed scope of works statements will be prepared by the applicant upon receipt of a Gateway Determination with input from Council staff and relevant Government agencies.

Council staff will provide a review role on all technical studies to ensure that all relevant issues and community concerns are addressed.

Council will require the applicant (who will work on behalf of the Wadalba Landowners Lobby Group) to enter into a Funding Agreement to ensure that Council staff costs are recovered as per Council's Planning Proposal Policy Procedure. Council will also develop a work program in consultation with the applicant with project milestones and timeframes which all parties will work towards.

Not all landowners in the study area are members of the Wadalba Landowners Lobby Group. Council will require funding arrangements to be entered into with an entity with legal authority to represent the landowners.

**KEY ISSUES**

A Planning Proposal submission was prepared by ADW Johnson which outlines relevant planning issues (see Enclosure1). This document acknowledges that a number of specialist reports will be required to further progress the development of this rezoning proposal.

The main issues are outlined below, these and other issues will be expanded upon and informed as further technical studies are done to the further develop the Planning Proposal.

**Flooding and Stormwater**

A Flood and Drainage Study will be required to support the proposal. This will need to examine overland flooding impacts and drainage corridors will need to be identified to a 1% Annual Exceedence Probability (AEP) (with appropriate freeboard buffer). These areas will need to be zoned appropriately to ensure that drainage flow paths are not blocked.

Suitable measures will also be required to prevent future residents driving west along Pollock Avenue during heavy rains (ensuring flood free access).

Stormwater management investigations will be undertaken and should include a review of existing creeks and watercourses on the site and potential land loss due to riparian zone setbacks. Trunk drainage corridors would be identified and modeling undertaken to provide indicative drainage corridor dimensions.

Due to the proximity of the site to Tuggerah Lake and sensitive wetlands, water quality and management of downstream wetland hydrology will be of critical importance, especially due to the presence of SEPP 14 – Coastal Wetlands downstream. Stormwater modelling and water quality treatment requirements will also need to be undertaken.

**Topography**

The study area general contains gentle undulating terrain similar to developed portions of Wadalba. There are some ridgelines which have significantly steeper topography. One of these also contains significant vegetation and forms part of a wildlife corridor linkage and the other contains land with a slope in excess of 20%.

**Bushfire**

Large areas of the study area are classified as “bushfire prone land”. Future development would need to adopt appropriate Asset Protection Zones (APZ's) and incorporate these requirements into future street layouts and likely setbacks. An assessment of the proposal against Planning for Bushfire Protection 2006, and other relevant guidelines will be required as master plans of the site are developed.

## **Ecological**

The main ecological issues with the proposal are discussed under the following sub-headings.

### Wildlife Corridors

A major wildlife corridor runs through the study area which will provide a connection to the Wadalba Wildlife Corridor to Tacoma/Tuggerawong Wetlands. This wildlife linkage is shown in a number of documents e.g. NWSSP, Wyong Shire DCP 2005 - Chapter 13 – Interim Conservation Areas and Chapter 49 – Warnervale East and Wadalba North West Urban Land Release Area. The exact placement and dimensions of this corridor will need to be examined as part of this rezoning proposal.

Council is also in receipt of another Planning Proposal on 145 Johns Road, Wadalba (RZ/1/2013) which is located within a green corridor and conservation link as shown in the North Wyong Shire Structure Plan (See notation in Attachment 1 for location of RZ/1/2013). As this rezoning proposal is located in the middle of the study area, it is recommended that this site be incorporated into a precinct based rezoning process as opposed to a spot rezoning process. This rezoning proposal requires the resolution of a number of strategic issues, namely optimal provision of infrastructure, positioning boundaries of wildlife corridors on adjoining sites and development of precinct based environmental offset strategy (biodiversity certification) to provide development certainty in future urban zones. Council will attempt to find some way of achieving a partial development outcome on this site and adjoining sites, in order to achieve some equity of development and conservation outcomes through a precinct based rezoning process.

### Threatened species and meeting legislative requirements

A targeted flora and fauna survey will need to be conducted to inform the rezoning process. This will also need to be supported by detailed vegetation and habitat mapping. This program will need to target relevant threatened species listed in Commonwealth and State legislation.

### Biodiversity Certification and Offsetting

Whilst most of the area proposed to be rezoned is cleared, there is likely to be some areas of native vegetation which will require removal in certain locations. These impacts will need to be carefully examined and offset with appropriate conservation measures.

Preliminary conversations with the applicant have indicated that they are interested in pursuing a Biocertification Application to support the rezoning. The area is considered to be a suitable location for this to be pursued. This will result in significant cost savings for Council and developers as threatened species assessments/Species Impact Statements will not be required to support future DAs if it can be achieved.

More importantly, biocertification will remove the risk of developable land being sterilised to protect threatened species habitat, as the number of threatened species and the impact of future listings will continue to be a risk going forward in Council's Urban Land Release Program. Biocertification removes this risk.

Future ownership of conservation land

The current proposal seeks to zone a large portion of the subject site for residential purposes, having regard to environmental and physical attributes. The preliminary boundaries of environmental land are shown in Enclosure 1 (See Appendix 3). The boundaries of conservation zones will be refined as the Planning Proposal is developed and informed by technical studies.

In the past, Council has identified that land with significant conservation values should be transferred into Council ownership for ultimate management. This practice however has resulted in a significant financial burden for its upkeep. This approach may not be pursued by Council for future conservation land in the study area. Further discussions will need to occur with the applicant concerning the future ownership of conservation lands which form part of this rezoning proposal.

**Noise and Vibration**

A noise and vibration assessment will explore potential noise or vibration sources within the locality which may impact on the amenity of future residents. The assessment will also look at potential impacts to existing residents during construction and for the life of the development.

**Visual Impact**

The future development of the area would generally be in the form of low scale residential development similar to existing development at Wadalba. Appropriate urban design provisions will be developed which will be incorporated into a future DCP to support the rezoning of the land.

**Acid Sulfate Soils and Contaminated Land Assessment**

Geological and geotechnical investigations will be undertaken to investigate the extent of acid sulphate soils in the area and the potential effect of these on future residential development and supporting infrastructure. A preliminary contaminated land assessment will also be required addressing the requirements of SEPP 55 Contaminated Land.

**Aboriginal Archaeology and European Cultural Heritage**

There are some locations within close proximity to the study area (within the existing Wadalba Wildlife Corridor) which contain sites identified on the Aboriginal Heritage Information Management System (AHIMS).

Aboriginal archaeological investigations will be undertaken including an assessment of the cultural significance of the site. This will involve a desktop review of relevant registers, community consultation and broad site assessments in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

A separate assessment will also be undertaken to assess items within site which have European cultural significance.

### **Concept Development Plan**

The applicant has prepared a preliminary Concept Plan showing indicative road layouts and development pattern (see Attachment 5). Whilst it is recognised that the Concept Plan will change as it is informed by further technical studies and liaison with Council staff. The following preliminary comments are made (more detailed comments will be forwarded to the applicant to assist with more detailed masterplanning).

#### Potential new village centre

The NWSSP shows a potential new Village Centre as being placed within close proximity to the study area (See Attachment 4). The location of this proposed centre is only indicative on the NWSSP Map and the exact location will need to be confirmed. The NWSSP seeks to provide a variety of medium density housing types within 400-600 m of this proposed new village centre. The location of the new centre will need to be confirmed through the study process and if it is decided to place the new centre within the rezoning area, appropriate development objectives/principles will need to be established.

#### Wildlife corridor linkage

Boundaries of wildlife corridors will need to be closely examined to provide some equity in terms of conservation and development outcomes. A wildlife corridor linkage will also need to be planned and incorporated into the development to provide a link through the northern part of the precinct into adjoining Precinct 3A to be consistent with the NWSSP.

#### Street and subdivision layout

There are a number of detailed comments provided from Council's Development Assessment - Design Engineering Unit concerning matters which will affect the street patterns and layouts covering:

- Road safety planning
- Improvements in road layouts to assist garbage servicing
- Road geometry and sight distance
- Improvements in intersection planning and location
- Bushfire assessments will inform planning of Urban Interface Areas (UIAs)
- Odour, acoustic and visual treatment of future sewage pump stations shall be examined.
- Overland floodways will need to be identified and excluded from developable lands

#### Open space

The location of small parks and open space for future residents will need to be informed by an Open Space and Recreational Needs Analysis. The results of this report will inform where open space and parks will be located in the Concept Plan.

### **Social Impacts**

The Planning Proposal identifies the need to undertake a specialist study to examine Social Impact/Human Services Analysis. This study should identify the social issues and potential needs of current and future residents within the area. This assessment will enable Council to ensure the full extent of social impacts is identified as well as the identification of human service requirements for current and future residents.

### **Mine Subsidence**

Part of the study area is located within a Mine Subsidence District. Preliminary advice from the Mine Subsidence Board (MSB) indicates that they are likely to apply similar surface development controls as set for current residential development at Wadalba. If any further concerns are raised by the Mine Subsidence Board (MSB) they will be addressed as the Planning Proposal is developed.

### **Water and Sewer**

The Wadalba East area will require significant water and sewer infrastructure to service the new development. The Planning Proposal submission by ADW Johnson includes a preliminary water and sewer servicing strategy that would allow for the efficient servicing of future development in the area (see Appendix 6 of Enclosure 1 for details).

#### Water Supply

Provision has been made to service the site in Council's DSP No 1, with an extension of an existing 200mm water trunk main to the south of existing infrastructure. The rest of proposed infrastructure aligns with Council's servicing intentions for the area.

All reticulation mains (150mm and below) are to be constructed by the developer and donated to Council.

The design and construction of the water mains are to be in accordance with the WSAA Water Supply Code of Australia WSA-02 Sydney Water Edition.

#### Sewer

Overall, the preliminary sewer system proposed by the developer aligns with Council's servicing strategy.

Council's sewer servicing strategy for the Wadalba area involves the construction of gravity mains to transfer sewage to a sewer lift station (Wadalba 2) south of Johns Road. The Wadalba 2 station will lift the sewage to a proposed trunk gravity main to allow gravity transfer to a new Sewage Pump Station (SPS) Wadalba 1 as described in Council's Development Servicing Plans (DSP). This enables servicing of the whole catchment in an efficient and planned manner. If the timing for development of this site is consistent with the surrounding area then the developers would be required to construct the infrastructure identified in the servicing strategy. All reticulation infrastructure (150mm gravity mains) are to be constructed by the developer and donated to Council.

### **3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)**

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The existing SPS CH26 will be decommissioned once the proposed development is in place. Therefore, provision needs to be made for the SPS CH26 catchment to drain into the new proposed sewer system.

The design and construction of the sewer mains and sewage pump stations are to be in accordance with the WSAA Sewerage and Pumping Station Code of Australia Sydney Water Edition. Council will specify required amendments to the SWC Pump Station Design Code at the detailed design stage.

#### **Road infrastructure and traffic impacts**

The proposal is likely to generate up to 800 peak hour vehicle trips in the AM and PM.

A Traffic Impact Assessment will be required to determine the impact on the existing local and State road network as a result of the proposal. The report will include modeling of all key intersections including Pacific Highway and Johns Road, Louisiana Road, Craigie Avenue and Britannia Drive. The modeling should include 10 and 20 year traffic growth projections based on background growth of 1.5% per annum, but also including potential traffic generated by the other major land release areas such as the Warnervale Town Centre, Precinct 7A and WEZ.

The following intersections will most likely require upgrading, however improvements may be required at other intersections along the Pacific Highway.

- Pacific Highway and Johns Road – Traffic Signals
- Pacific Highway and Louisiana Road – Traffic Signals

Any proposals for the upgrading of intersections with Pacific Highway will require the concurrence of the Roads and Maritime Service (RMS). Early consultation with the RMS will be required to determine funding requirements to service major intersection upgrading works on the Pacific Highway.

Johns Road, Pollock Avenue and Jensen Road will also require upgrading to accommodate future traffic projections. The intersections of proposed internal roads within the existing road network will most likely require roundabouts.

Public transport routes will need to be investigated in order to adequately service the newly created development within TFNSW guidelines. This will need to identify the type of public transport needed to service the development and means of encouraging public transport use in lieu of the motor vehicles. A pedestrian and cycleway report identifying movement desire lines to and from schools, shops, recreational areas and identifying facilities will also be required.

A road hierarchy with similar road cross sections to those which were adopted by Council as part of the Warnervale Town Centre and Precinct 7A – Warnervale and Hamlyn Terrace rezoning, will be required.



### **Infrastructure Funding**

Council staff have met with the proponents, (Wadalba Landowners Lobby Group), on a number of occasions. Landowners within the rezoning area have been made aware that if they wish to proceed with rezoning in advance of the existing urban land release timeframes, they will be required to fund all infrastructure that is necessary to service the land.

It is considered that to effectively manage the funding of infrastructure, the payment of funds for infrastructure will most likely need to be staged, such that those that wish to proceed first commit to providing necessary upfront infrastructure via a Voluntary Planning Agreement. As there are over 80 land holders in the study area, it is unlikely that all land owners will agree to be a party to a Voluntary Planning Agreement to fund infrastructure. To date potential funding models have not been discussed with the consortium of landowners and there is likely to be a significant amount of State Government infrastructure required to service the precinct as well. Agreement will need to be reached on these issues prior to public exhibition of the Planning Proposal as funding for infrastructure and services is critical to the project proceeding.

### **Impact on Residential Land Supply**

The supply of greenfield residential land within Wyong Shire is considered sufficient (as reported in the government's Metropolitan Development Program) to meet market demands without releasing additional residential land at the present point in time, especially given the imminent gazettal of the rezoning of land to the south of the Warnervale Town Centre (Precincts 4, 5 and 7 which has the potential to provide 2,300 residential lots). It is acknowledged, however, that the issue the Government is attempting to resolve is not that of land supply, but rather the production and actual release of residential lots to the market. The Wadalba East rezoning will boost short term housing supply as per the NSW State Government's "Potential Home Sites Program" to provide needed lot production.

## **LOCAL PLANS, POLICIES AND STRATEGIES**

### **Wyong Local Environmental Plan 1991 and Wyong Standard Instrument Local Environmental Plan**

The subject site is currently zoned 1(c) Non Urban Constrained Lands Zone, 6(b) (Regional Open Space and Recreation Zone, 7(c) Scenic Protection Small Holdings Zone), 7(g) (Wetlands Management) and 10(a) Investigation Precinct Zone.

The Wyong Local Environmental Plan (2012) as exhibited proposes to zone the site to RU6 – Transition, E2 - Environmental Conservation and E3 - Environmental Management Zone. These zones are the direct conversion zones from Wyong LEP 1991 zones.

There are also a number of properties affected by lot amalgamation provisions clause in the study area.

**Draft Wyong Settlement Strategy 2012**

Council's draft Wyong Shire Settlement Strategy and the NSW State Government's North Wyong Shire Structure (NWSSP) incorporates the development staging of land within the medium and long term categories. This is particularly important for land in the 'medium term' category in the NWSSP. There is a considerable amount of land falling into this category and it is not practicable that all land is released and serviced at the same time. Therefore Council's draft Settlement Strategy proposes that development precincts identified as 'medium term' be divided into five priority categories.

In accordance with existing state government policies, Council's staging strategy in the draft Settlement Strategy seeks to prioritise the release of land in the 'medium' term by releasing land which is in close proximity to WTC before releasing land in fringe locations which require significant infrastructure provision to service new development. This was done to ensure consistency with the CCRS which states the majority of future greenfield development is to be concentrated around WTC and the WEZ.

The NSW Government has also supported the inclusion of the Wadalba East Precinct under the "Potential Home Sites Program", so some re-alignment of priorities may need to occur to reflect this decision of the NSW Government which was made after the exhibition of the draft Settlement Strategy. In any case, the Wadalba East Precinct is located within close proximity to Wyong Township and existing residential areas at Wadalba and is therefore logical from an urban expansion point of view.

**Development Control Plan (DCP) 2005: Development Controls for Wyong Shire & Draft DCP 2012: Development Provisions for Wyong Shire**

Any development of the subject site being undertaken as a result of the rezoning will be required to be consistent with the relevant controls in DCP 2005, or pending timing of DCP 2012, in particular, the following Chapters:

<b>DCP 2005</b>	<b>DCP 2012</b>
61: Car Parking;	Chapter 2.1: Dwelling Houses and Ancillary Structures
66: Subdivision;	Chapter 2.3: Dual Occupancy Development
67: Engineering Requirements for Development;	Chapter 2.11: Parking and Access
69: Controls for Site Waste Management;	Chapter 3.1: Site Waste Management
58: Dual Occupancy Development;	Chapter 3.2: Water Sensitive Urban Design
100: Quality Housing; and	Chapter 3.3: Floodplain Management
99: Building Lines;	
Draft Chapter 97: Water Sensitive Urban Design.	

## **STATE PLANS, POLICIES AND STRATEGIES**

### **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.

To date the focus of Council and State Government has been on the release of new development precincts in close proximity to the Warnervale Town Centre (WTC) in an effort to stimulate development of the town centre precinct. Existing state and local planning strategies including the Central Coast Regional Strategy (CCRS), North Wyong Shire Structure Plan, draft Wyong Shire Settlement Strategy and Wyong Shire Residential Development Strategy all reflect this objective.

The CCRS in particular, states that the majority of future greenfield development is to be concentrated around WTC and the Wyong Employment Zone (WEZ). Whilst these plans also support the future development of the Wadalba East precinct, it is perhaps now less of an issue given the imminent rezoning of a large urban land release in Precincts 4, 5 and 7 (Precinct 7A).

The North Wyong Shire Structure Plan (NWSSP) shows the area subject to the rezoning proposal as Precincts 2A, 2B and 3B. Under this plan the area is identified as having a 'medium term' release priority. All land in the 'medium term' under the NWSSP is scheduled to be rezoned before 2027. The NWSSP establishes a residential density target of 15 dwellings per Ha which equates to 1,591 dwellings in total which should easily be met or exceeded by the proposed rezoning.

### **Regional Economic Development and Employment Strategy (REDES) 2010**

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council.

Whilst the proposal will not directly supply long term employment opportunities, short term opportunities would be created through associated planning and construction work.

### **State Environmental Planning Policies**

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs). The assessment in full is contained within Attachment 6 of this report.

#### **SEPP 44 – Koala Habitat**

Subject to the findings of further investigative fauna studies, consideration of the proposal against SEPP 44 – Koala Habitat may be required.

**3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)**

SEPP 55 – Contaminated Land

It is considered that the proposal can be consistent with SEPP 55 – Contaminated Land, provided further investigative studies are undertaken in relation to this issue.

SEPP 71- Coastal Protection

The subject site is located within the “coastal zone” (i.e. one kilometer from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71- Coastal Protection. Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

**Section 117 Directions**

The proposal has been assessed on a preliminary basis against relevant Section 117 Ministerial Directions. The assessment in full is contained within Attachment 7 of this report.

The consistency of the proposal against a number of Section 117 Directions is subject to the outcomes of a number of additional updated studies required to be undertaken by the proponent.

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

Number	Direction	Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones	Possible	Possible
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
<b>Environment and Heritage</b>			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
<b>Housing, Infrastructure and Urban Development</b>			
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
3.6	Shooting Ranges	No	N/A
<b>Hazard and Risk</b>			
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
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies	No	N/A

**3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)**

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
5.7	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

**OPTIONS**

**Option 1 Discontinue the Proposal (Not Recommended)**

Various levels of Government have acknowledged the increasing challenges facing potential home owners and renters in securing suitable accommodation in the areas they work and want to live. In this regard, the planning proposal will result in additional land being available for approximately 1710 - 2050 residential allotments. The proposal will also create local employment opportunities, provide for additional open space and conservation areas. Discontinuing the process will prevent these outcomes from being achieved.

**Option 2 Proceed with the Proposal as an Amendment to the Draft LEP 2012 (Recommended)**

It is expected that the draft LEP 2012 will be gazetted before the end of 2013. Any zoning changes arising from the Planning Proposal will amend the future WLEP 2012. Preparation of a Planning Proposal is the most effective and timely method to proceed with the State Government's desire to progress the site for future growth within the short term under its "Potential Home Sites Program". However it is recommended that agreement is reached on infrastructure and servicing agreements prior to the public exhibition of the final Planning Proposal.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

The proposal is consistent with Wyong Shire Council's Strategy Annual Plan.

**Long term Financial Strategy and Asset Management Strategy**

Management of conservation land where number of landowners are involved is problematic. It is difficult to ensure the same standards of management are applied consistently across the asset.

In the past, Council has identified that areas of significant conservation value should be transferred into Council ownership. This practice however has resulted in a significant financial burden for its upkeep, therefore it is not recommended in this instance.

### **3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)**

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Subject to a positive determination being received from the Gateway, the Proponent will be requested to further investigate additional management options for any environmentally significant land.

#### **Link to Community Strategic Plan (2030)**

Out of the eight priority objectives of the Community Strategic Plan, 3 are relevant:

- There will be ease of travel;
- Communities will have a range of facilities and services; and
- Areas of natural value will be enhanced and maintained.

The development of rezoning plans for the Wadalba East Precinct will need to take into account the above objectives.

#### **Governance and Policy Implications**

Refer to discussion relating to Local Plans, Policies and Strategies

#### **Budget Impact**

There are no immediate budget impacts, as progress of the Planning Proposal is being funded by payment of a Phase 1 Rezoning Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the proponent.

The more significant issue relates to the funding of required infrastructure. The NSW State Government has made it clear that one of the requirements for "land owner nominated sites" through the "Potential Home Sites Program" is that they can enable dwelling production in the short term "*at no additional cost to Government*".

Council is not in a financial position to enable it to fund the required infrastructure nor should the community be required to make up any shortfall between what the developer is required to fund or provide and the total cost of providing facilities to a new community.

#### **CONSULTATION**

The proposal was referred to the following internal Council units for comment:

- Community and Cultural Development – Social Planning
- Development Assessment - Design Engineering
- Development Assessment – Development Applications
- Floodplain and Stormwater Management - Hydrology
- Strategic Development – Ecology
- Strategic Development - Bushfire
- Strategic Development – Transportation Engineering
- Strategic Development – Planning
- Strategic Development – Section 94
- Water and Sewer Planning

### **3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release (contd)**

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Comments received were utilised to assess the proposal and determine the need for additional investigative studies.

Future community and government agency consultation requirements will be outlined by the Gateway Determination as the assessment of the Planning Proposal is progressed.

#### **CONCLUSION**

This report seeks Council's endorsement to commence the rezoning for Precincts 2A, 2B and 3B as shown in the North Wyong Shire Structure Plan. The combined value of investment created by this rezoning is estimated to be in the vicinity of \$750 million. It is estimated that the site will also yield 1710-2050 residential lots.

An assessment of the Planning Proposal has been undertaken which identifies that the concept has merit 'in principle' and that Council should initiate the rezoning process by referring it to the Department of Planning and Infrastructure (DP&I) for a Gateway Determination. Further supporting studies will need to be done by the applicant on behalf of the Wadalba Landowners Lobby Group. These will be done if a positive Gateway Determination is received.

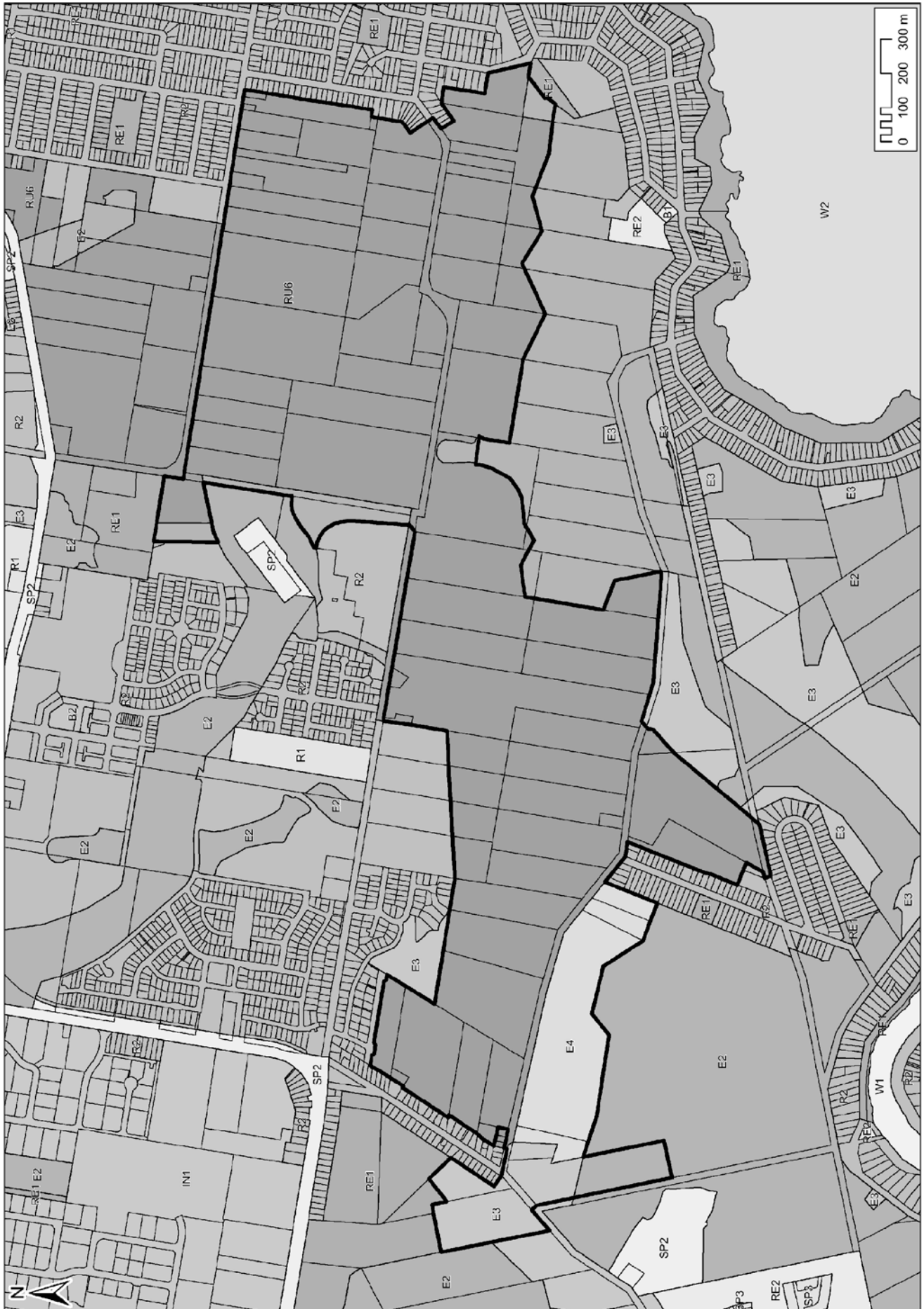
Agreement will need to be reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the "principle of no cost to government") as this is a key principle for the NSW Government's "Potential Home Sites Program". Further discussions with the applicant will need to occur on possible funding models and agreement reached in principle prior to any plans being placed on public exhibition.

#### **ATTACHMENTS**

<b>1</b>	Proposed Study Area		D03609031
<b>2</b>	Wyong LEP 2012 Zone Map		D03609172
<b>3</b>	First Cut Constraint Map - Prepared by ADW Johnson		D03604730
<b>4</b>	Relationship to North Wyong Shire Structure Plan		D03605211
<b>5</b>	Concept masterplan for Precincts 2A, 2B and 3B - Note final development boundaries and street layouts will be refined by technical studies		D03604713
<b>6</b>	Assessment of State Environmental Planning Policies		D03609741
<b>7</b>	Section 117 Direction Assessment		D03614800
<b>8</b>	Discussion paper to inform preparation of Planning Proposal for Wadalba East Urban Land Release Area	Enclosure	D03377780





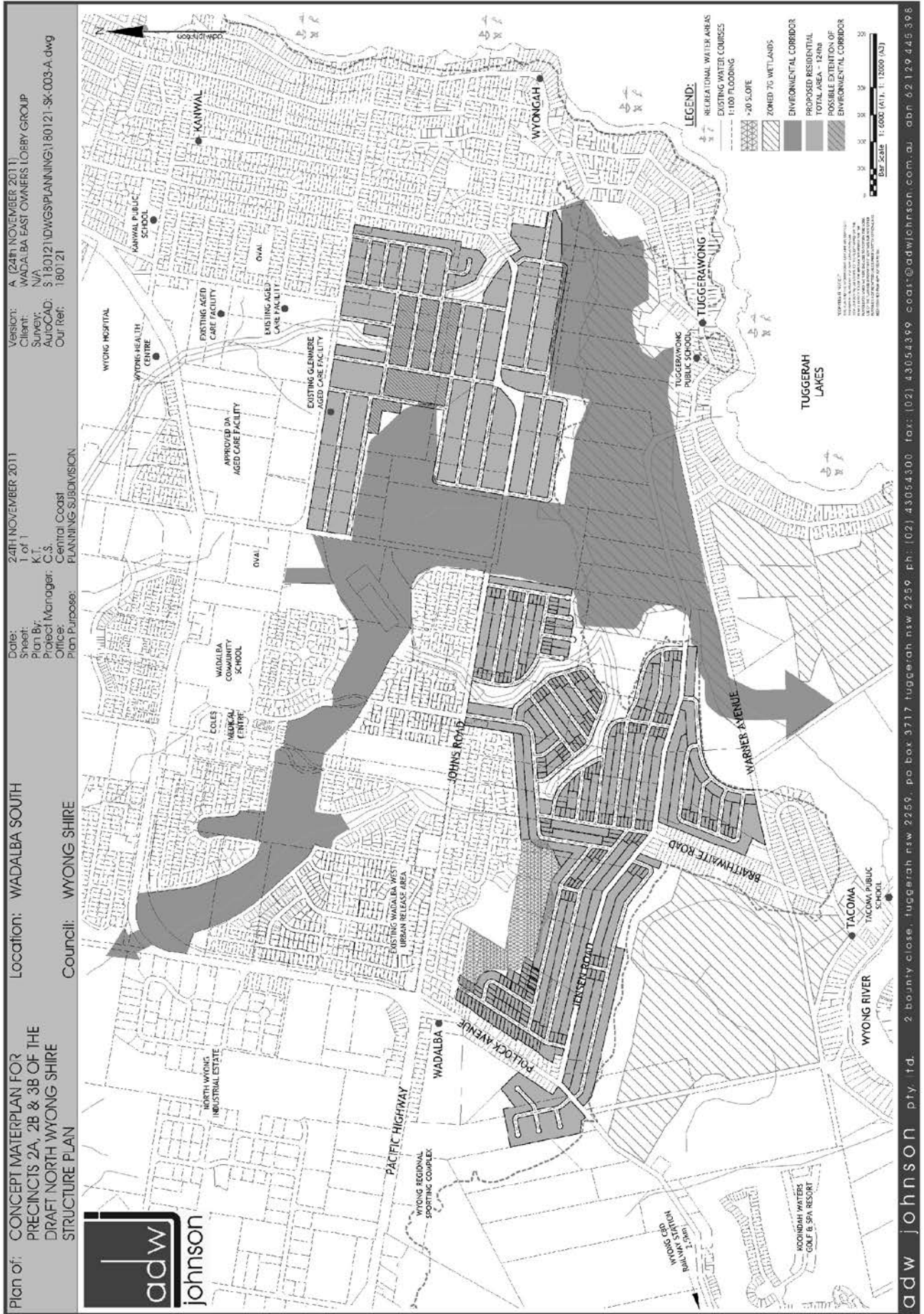






North Wyong Shire Structure Plan





## State Environmental Planning Policy Assessment

SEPP	Comment
<b>SEPP No. 44 – Koala Habitat</b>	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>This policy applies to the Wyong LGA in locations which contain potential Koala Habitat. A Potential Koala Habitat assessment will be undertaken as part of future ecological assessment work which will address SEPP 44 matters.</p>
<b>SEPP No. 55 – Contaminated Land</b>	
<p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Following receipt of a positive Gateway Determination, to address SEPP 55, a Phase 1 Contaminated Lands Assessment will be undertaken by a suitably qualified geotechnical engineer who will review site history and undertake necessary fieldwork to establish the potential risk of site contamination resulting from past activities. The report will identify and provide advice on the necessary measures to remediate potentially contaminated sites and will identify Areas of Environmental Concern (AECs) for Phase 2 Assessment at the development application stage.</p>

### State Environmental Planning Policy No. 71 – Coastal Protection

**Aims:**

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (f) to protect and preserve beach environments and beach amenity, and
- (g) to protect and preserve native coastal vegetation, and
- (h) to protect and preserve the marine environment of New South Wales, and
- (i) to protect and preserve rock platforms, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991 ), and
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- (l) to encourage a strategic approach to coastal management.

The subject site is located within the “coastal zone” (i.e. one kilometre from the coast or a coastal estuary as indicated on the adopted maps) and is therefore subject to the provisions of SEPP 71. In accordance with Clause 7 of the SEPP, Council is required to have regard to the matters for consideration identified under Clause 8 when preparing a Draft Local Environmental Plan.

The following table addresses the principles and matters for consideration within the SEPP relevant to the subject rezoning and where not already addressed within this discussion paper:

SEPP 71	
CLAUSE 8	
Matters for Consideration	
(a) The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment.
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The subject site will have no impact on existing public access to the foreshore.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Given the location of the site, there are no opportunities to provide additional public access to the foreshore.
(d) The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed rezoning will facilitate the creation of allotments that are consistent with the size and character of surrounding allotments along Tuggerah Lake. Further regard to sensitive dwellings design, bulk and scale would be undertaken within the Development Assessment phase.
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	Future dwellings on the land will not result in any overshadowing of the foreshore nor result in any loss of views given the low scale of residential development envisaged.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The subject site is located a significant distance from the coastline such that the future development would not result in any adverse impact on the scenic quality of the coast.
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The subject proposal and future development will have no impact on water-based coastal activities.

Taking the above into consideration, the subject rezoning is deemed consistent with SEPP 71.

## Section 117 Ministerial Directions Assessment

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>The proposal does not affect land within an existing or proposed business or industrial zone.</p> <p>Possibly applicable if new neighbourhood retail centre is located within the rezoning area. If it is applicable no inconsistency is likely to occur as the dLEP would be implementing the new village centre proposed by the NWSSP.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Generally consistent.</p> <p>The proposal does not affect land within any existing rural zones. However proposed WLEP 2012 seeks to convert the 10 (a) (Investigation Precinct Zone) into RU6 (Transition) Zone.</p> <p>Whilst the RU6 (Transition) Zone is a rural zone, the State Government has plans through the NWSSP to expand residential development into these areas and the transitional quality of the land is recognised.</p> <p>The change is therefore of minor significance and consistent with the NWSSP and is therefore consistent with the Direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting</p>	<p>Applicable.</p> <p>Preliminary consultation has been undertaken by the proponent and further consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent</p>



Direction	Comment
a land use that is likely to be incompatible with such development.	with this direction.
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	<p>Not Applicable.</p> <p>The Planning Proposal is not located in Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This direction does not apply to the Wyong LGA.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The study area contains wetlands and wildlife corridors. These areas are proposed to be rezoned for environmental purposes.</p> <p>Minor changes to proposed environmental zones may occur as the rezoning process is progressed and informed by ecological studies.</p>

Direction	Comment
	It is considered that the proposal is consistent with this Direction.
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>Applicable.</p> <p>Part of the study area is within the Coastal Zone. The project is considered to be consistent the aims of the Policy.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Following Gateway Determination, studies will be conducted to investigate the presence of European and Indigenous heritage items or objects.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable development for recreational vehicle use. It is therefore considered that the proposal is consistent with this Direction.</p>
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone,</p>	<p>Applicable.</p> <p>The proposal seeks to rezone the site to enable subdivision to create an additional residential land within land identified for future residential development by the NWSSP.</p> <p>The proposal will allow for the creation of a variety of different lot sizes which will include different housing types and styles (including affordable housing).</p>

Direction	Comment
and any other zone in which significant residential development is permitted or proposed to be permitted.	<p>The proposal is located adjacent to an existing residential area, therefore is able to access and augment existing services and infrastructure to support the rezoning of the land.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to rezone land to provide for caravan parks or manufactured home estates</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not seek to prohibit home occupations. It is therefore considered that the proposal is consistent with this Direction.</p>
3.4 Integrating Land Use & Transport	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable.</p> <p>It is considered that the proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Transport and Development.</p> <p>The proposal is in close proximity to major road networks. Further assessment to ensure availability of alternative transport choices, cycleway planning and provision of bus routes/stops will be undertaken as part of traffic and transport investigations to support the rezoning.</p> <p>It is therefore considered that the proposal is consistent with this Direction.</p>

3.5 Development Near Licensed Aerodromes	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable.</p> <p>The proposal does not seek to create, alter or remove a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	<p>Not Applicable.</p> <p>The proposal does not propose to affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable.</p> <p>Should the proposal be endorsed by the Gateway, the proponent will be required to undertake an acid sulfate soil assessment.</p> <p>It is therefore considered that this proposal will be consistent with this Direction.</p>

4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable.</p> <p>Consultation will be undertaken with the MSB on how the proposal will impact on resource extraction in the future. It is considered that the site will have development similar to that of land to the west therefore mineral extraction will not adversely affect the site, or the proposal.</p> <p>It is considered that the proposal is consistent with this direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Applicable.</p> <p>The proposed rezoning has considered the existing 1% AEP Flood Line, however further flood and drainage studies will be required to identify local floodways. A flood and drainage study is proposed to be conducted as part of the rezoning process.</p> <p>Once the above mentioned information has been considered and integrated into the proposal, it is expected that the rezoning will be consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The site of the proposal contains land classified as Bushfire Prone under Council's Bushfire Prone Lands Map.</p> <p>An assessment of the proposal against Planning for Bushfire Protection, 2006 and other relevant Guidelines will be undertaken through the rezoning process.</p> <p>Adoption of future recommendations arising from further Bushfire Assessment work will ensure consistency with this Direction.</p>

Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy &amp; South Coast Regional Strategy.</p>	<p>Applicable.</p> <p>The proposal is considered to be consistent with the Central Coast Regional Strategy and the North Wyong Shire Structure Plan.</p>
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>

5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The planning proposal does not seek to include provisions which require concurrence from other agencies.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>Work has not yet been conducted at the required level of detail to determine if there will be requirement for land reservations for traffic improvements, parks and wildlife corridors. Future reservation areas may be identified as further work is conducted on the project.</p> <p>It is therefore considered the proposal will be consistent with this Direction.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable.</p> <p>The proposal does not seek to enable a specific use on the site which is not otherwise be permissible within the proposed zones.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p>

Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>



#### **4.1 Contract No. CPA/223684 - Construction of Sewer Rising Main B14, Bateau Bay**

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TRIM REFERENCE: CPA/223684 - D03584916

MANAGER: Gary Kinney, Project Director

AUTHOR: Tim Burch; Project Manager

#### **SUMMARY**

Evaluation and selection of tenders for Contract Contract No. CPA/223684 – Construction of Sewer Rising Main B14, Bateau Bay

#### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer '1' in the attached Tender Evaluation Report, for the lump sum amount of \$338,260 (excl GST) for Contract No. CPA/223684 – Construction of Sewer Rising Main B14, Bateau Bay.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

This work is for the construction of a new section of sewer rising main (B14) along Eastern Road, Bateau Bay. The main is required to replace an existing sewer main which is badly corroded and could be at risk of failing.

#### **INVITATION TO TENDER**

Tenders were publicly invited. The tender was advertised in the Sydney Morning Herald and eTender on 28 May 2013 and the Central Coast Express Advocate 29 May 2013.

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

A compulsory pre-tender meeting was held on Site at 10am on 4 June 2013 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 20 June 2013

#### 4.1 Contract No. CPA/223684 - Construction of Sewer Rising Main B14, Bateau Bay (contd)

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### TENDER SUBMISSIONS

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

- Bothar Boring & Tunneling Operations Pty Ltd
- Codmah Pty Ltd
- Codmah Pty Ltd (Alternative)
- Kerroc Constructions Pty Ltd
- Maxibor Australia Pty Ltd
- Mendhams Pty Ltd

Mendhams Pty Ltd tender was received late and was not accepted for further assessment.

Maxibor Australia Pty Ltd (Maxibor) submitted a tender on time however the submission comprised of uncompleted blank versions of all of the required Returnable Forms and Schedules. The tenderer attempted to correct the omission by submitting the completed Returnable Forms and Schedules 6 days after the closing time. Accordingly Maxibor's tender was not accepted or assessed further during the tender evaluation.

### TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted (Trim Doc: D03516347).

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

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

#### Threshold Criteria

- Compliance with the tender documents including lodgement by specified time;
- Evidence of corporate systems to manage environmental, safety and quality risk;
- Satisfactory financial capability assessment;
- Demonstrated experience confirming successful and timely completion of similar projects previously involving the construction of large diameter sewer rising mains using HDD.

#### Weighted Criteria

- Assessed level of Local Content in accordance with Council's "Local Preference Policy – Procurement";
- Proposed methodology and construction programme;
- The tendered price and structure; as well as any other potential costs to Council that may be identified;
- Level of experience and demonstrated performance (including satisfactory referee checks) on similar projects completed previously involving the construction of large diameter sewer rising mains using HDD.

#### **4.1 Contract No. CPA/223684 - Construction of Sewer Rising Main B14, Bateau Bay (contd)**

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##### **FINANCIAL IMPLICATIONS**

Funds are available and have been allocated for this contract within the current financial year's Water & Sewerage capital works program under Project No. 15812.

##### **RELEVANT LEGISLATION**

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

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

##### **CRITICAL DATES / TIME FRAMES**

A delayed date for Possession of Site has been specified in the Contract until 8 October 2013. Assuming the Contract is awarded at the earliest opportunity following Council's consideration of the matter, the works should be able to start by the Time of Possession of Site and be completed within 10 weeks by mid-December 2013.

##### **OPTIONS/ALTERNATIVES**

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

##### **PUBLIC CONSULTATION**

No public consultation specific to this project was necessary and none has occurred. Notices to businesses and residents affected by construction will be distributed prior to commencing works.

##### **ATTACHMENTS**

- |  |           |
|--|-----------|
| 1 Confidential Attachment - Construction of Sewer Rising Main B14,<br>Bateau Bay - | D03632903 |
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## 5.1 Submission Review of Organisation Structure

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TRIM REFERENCE: F2012/01895 - D03455598  
MANAGER: Michael Whittaker, General Manager  
AUTHOR: Marie Hanson-Kentwell; Manager Human Resources

### SUMMARY

An amended organisation structure was endorsed by Council 12 June 2013. All staff, Consultative Committee and Unions were provided to 22 July 2013 to provide comment on the draft structure which was considered by Council at the 14 August Council briefing.

A total of 17 submissions were submitted from staff and all of the submissions related directly to the structure were either completely or partially incorporated into the latest proposed organisation structure.

A further consultation period of two weeks to 22 August was provided to all staff, the Consultative Committee and Unions to further discuss and provide feedback on the latest proposed structure. This feedback will be provided as an attachment at the 28 August Council meeting

### RECOMMENDATION

- 1 ***That Council adopt the proposed organisation structure as presented in (Attachment 2 )incorporating the initial staff submissions received as the Wyong Shire Council Organisation Structure.***
- 2 ***That Council designate the vacant Service Unit Manager positions as Senior Designated Officers.***
- 3 ***That Council note the FTE for 2013/14 is 1035 , for 2014/15 is 1020 , for 2015/16 is 1010 and for 2016/17 is 1000 and will be reflected as such in the 4 year delivery plan.***
- 4 ***That Council delegate power to the General Manager to undertake continuous improvement to the WSC Organisation structure to enhance customer service, staff satisfaction and financial savings.***

### BACKGROUND

The proposed organisation structure from 10 June 2013 (attachment 1) accommodated various initiatives within the organisation such as the Corporate Strategic Direction, Service Standard Review, Staff Survey, DLEP and various strategy plans to meet business needs and now the latest proposed structure incorporates staff submissions.

## 5.1 Submission Review of Organisation Structure (contd)

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### Submission process

A large amount of consultation occurred throughout the initial submission period that concluded 22 July including:

- Regular email communication from the General Manager
- Face to face group meetings between Directors and Managers with team members
- One on one face to face discussions between staff and Directors and team members
- Development of a Structure implementation team including implementation project plan and union participation.

A total of 17 submissions were submitted during the initial submission period. The majority of submissions were mostly directed to the unit level rather than Directorate.

Some submissions were recommendations or comments identified as local management actions that will be further reviewed with the individual Director.

Council initially requested possible reductions be reviewed with a specific focus on middle management and all staff below Service Unit Manager given a guarantee of job security

A reduction in Service Unit Manager representation has occurred since 2011, decreasing from 28 Service Unit Managers in 2011, to 26 Service Unit Managers in 2012 to now 16 Service Unit Managers in the most latest proposed structure.

Management have been and remain committed to rightsizing the organisation and to continuing to decrease costs through improved FTE management whereby where budgeted and actual FTE is much more closely aligned. The current budgeted FTE is 1035 and it is planned to further reduce budgeted FTE in the following phased approach:

1/7/2014 – 1020 budgeted FTE;  
1/7/2015 – 1010 budgeted FTE;  
1/7/2016 – 1000 budgeted FTE.

As previously reported it is expected the restructure will create Service Units that are more focused on the core functions/objectives of the department. The streamlining of management functions will result in improvements in project accountability, monitoring and reporting. The changes are expected to create improved operational efficiencies through reduced duplication and overlap of responsibilities whilst providing a more centralised, focused and flexible approach to resource management.

The current proposed organisation structure (attachment 2) focuses on Service Unit Management changes to and in Infrastructure Operations, Land Management, Development and Building, Community and Recreation Services and the General Manager's unit. The key changes of this structure include:

- Reduction of one Service Unit Manager in Development and Building through the merger of roles. The units will be titled Building, Certification Compliance and Health and Development Assessment;
- The function of rezoning has been transferred into the Department of Development and Building within the Development Assessment unit;

## 5.1 Submission Review of Organisation Structure (contd)

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- Reduction of one Service Unit Manager in the Property Department now titled Property and Economic Development through the merger of roles resulting in three service units titled Property Management, Property Development and Commercial Enterprises;
- Tourist Parks will now be located in Department of Property and Economic Development in the Commercial Enterprises unit;
- A reduction from five Service Units to three in Community and Recreation Services comprised of :

Service Unit: Community Partnerships

- Community Connections
- Community Planning and Education
- Care and Education
- Community Facilities

Service Unit: Customer and Community Relations

- Marketing and Communications
- Libraries
- Customer Engagement

Service Unit: Open Space and Recreation

- Natural Areas
- Recreation Planning and Development
- Parks and Sportsfields
- Reduction of one Service unit Manager in Infrastructure and Operations via a lateral transfer of an existing Manager into the Manager, Contracts and Project Management and there has also been a reduction in Project Directors from three to two;
- Plant and Fleet moving to Property and Economic Development into the Commercial Enterprises unit with the exception of depots going to the Property Management Unit under Building Services.
- Corporate Governance has been incorporated into the Legal and Risk unit now titled Legal and Governance. A reduction of one Service Unit Manager occurred being the role of Executive Manager to the General Manager.

With the exception of Service Unit Managers, there will be minimal change except for possible reporting line changes. Job security for permanent Award Staff continues to be a guarantee of this initiative.

## **5.1 Submission Review of Organisation Structure (contd)**

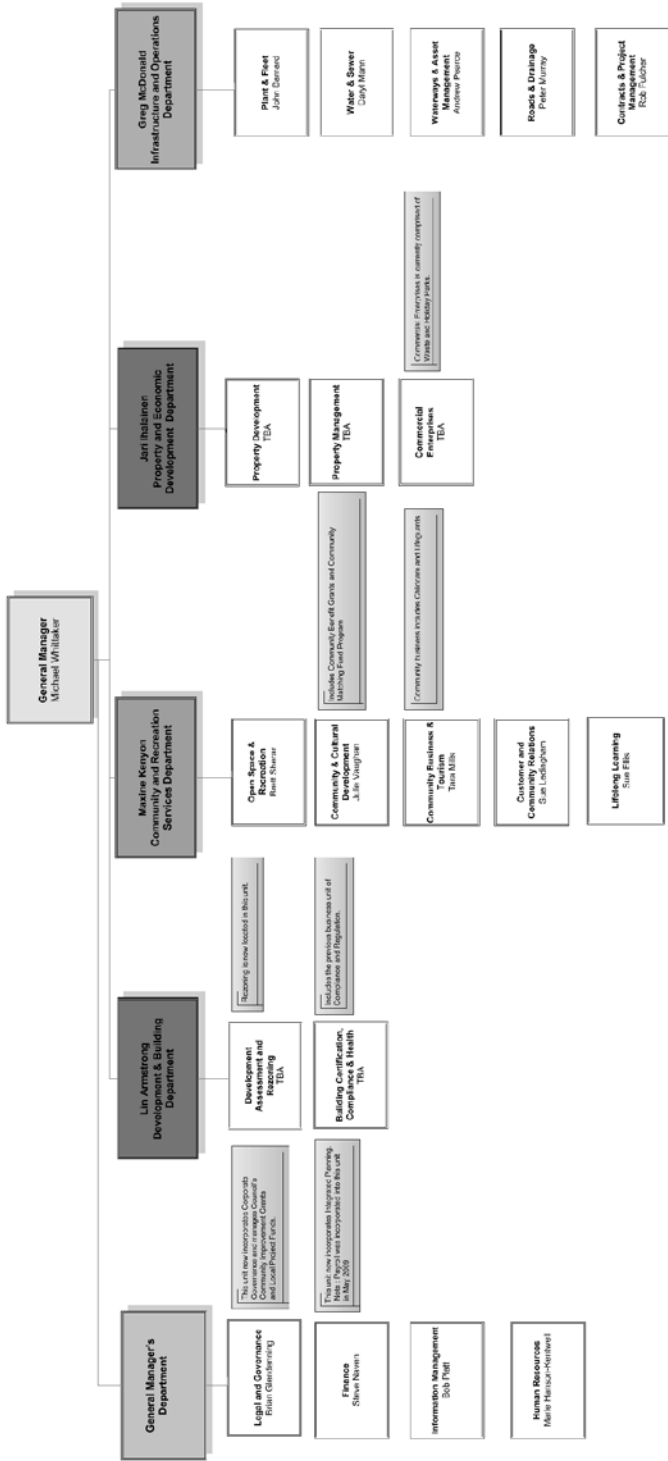
---

The restructure triggers the following positions to be filled through a merit based recruitment process in compliance with the Local Government Act as Senior Designated Officers:

1. Manager, Building, Certification, Compliance and Health
2. Manager, Property Development
3. Manager, Property Management
4. Manager, Commercial Enterprises
5. Manager, Community Partnerships
6. Manager, Customer and Community Relations
7. Manager, Open Space and Recreation

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Proposed Organisational Structure June 2013   | D03669281 |
| <b>2</b> | Visio-2013 Revised Org Structure August 2013 Submissions Council Report Final         | D03669272 |
| <b>3</b> | 22 August 2013 Submission Feedback (D03669482 to be distributed under separate cover) |           |

Attachment 1



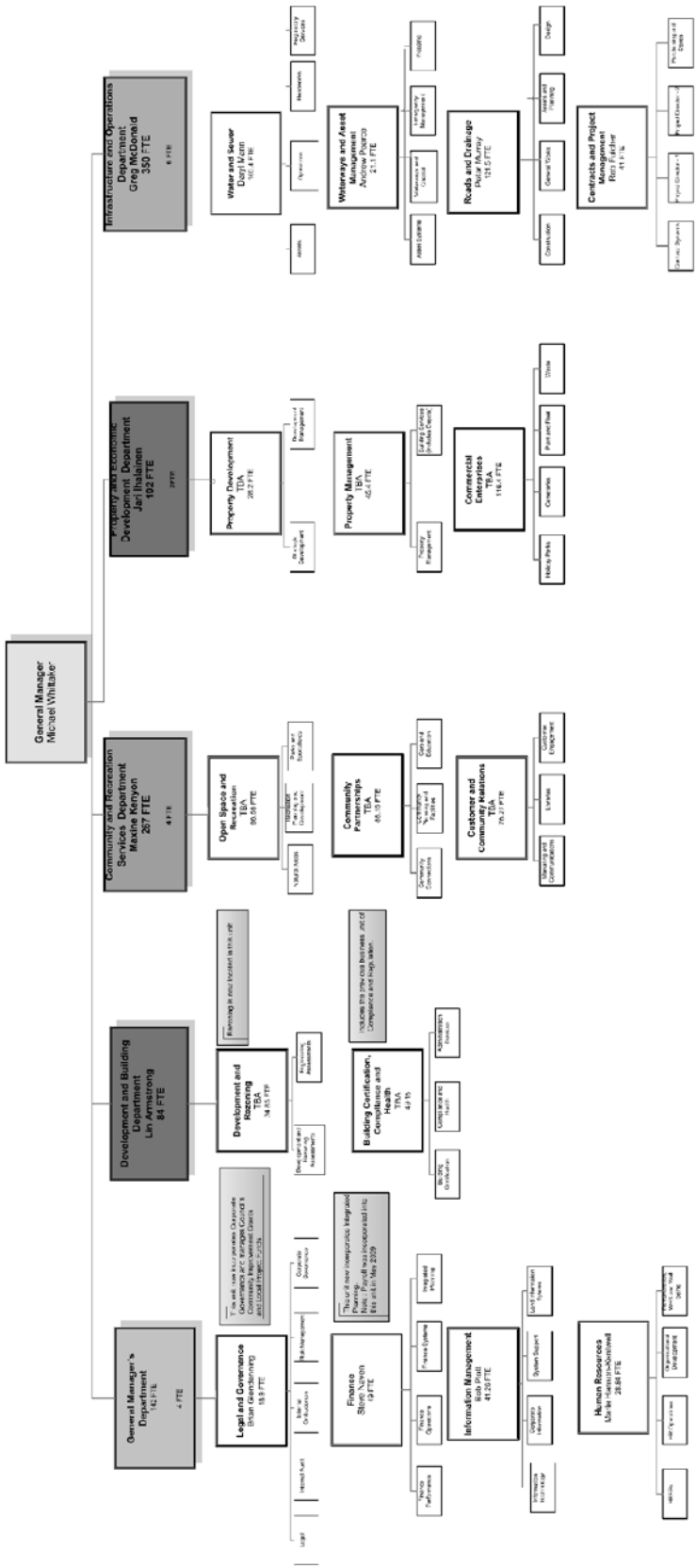
Wyong Shire Council  
June 2013





Attachment 3

Attachment 2 - Draft Proposed Org Structure after L.Amelisken review - August 2013



Wyong Shire Council  
August 2013



## **5.2 2012-16 Strategic Plan - June Quarter Review (Q4)**

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TRIM REFERENCE: F2011/01862 - D03614456  
MANAGER: Stephen Naven, Chief Financial Officer  
AUTHOR: Kim Fitcher; Financial Controller

### **SUMMARY**

This paper reports on Wyong Shire Council's performance progress as measured against the organisation's Strategic Plan for 2012-16. The report covers the period for the twelve months ended 30 June 2013.

### **RECOMMENDATION**

- 1 That Council receive the Q4 Business Report 2012-13 on progress against the WSC 2012-16 Strategic Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**

### **BACKGROUND**

Council is required to review its budget progress each quarter in accordance with the Wyong Shire Council Annual Plan and s.203 of Local Government (General) Regulations 2005.

Each year, Council prepares a Strategic Plan incorporating the 4 Year Delivery Program and the Annual Plan. Progress is measured against this plan and reported on a quarterly basis in terms of actual financial performance against budget; relevant performance indicators; outcomes of actions; and delivery of major projects.

The Local Government Act requires Council to report on its performance at least every six (6) months with respect to each Principal Activity set out in the Strategic Plan.

The quarterly Business Report is presented in the necessary format and is considered to satisfy both requirements.

### **CURRENT STATUS**

The Q4 Business Report 2012-13 is included as an enclosure and reports on progress against the 2012-2016 Strategic Plan for the full fiscal year to 30 June 2013.

The 2012/13 financial year presented many challenges and opportunities as the organisation focused on its correction pathway towards achieving financial sustainability.

As at 9 August 2013, the interim financial result for 2012/13 (including capital grants and contributions) is a surplus of \$21.5m, favourable by \$17.2m compared to the adopted Q3 full year budget surplus of \$4.2m.

The interim financial result for 2012/13 (excluding capital grants and contributions) is also a surplus of \$6.4m, providing a favourable variation of \$13.8m when compared to the adopted Q3 full year budget deficit of (\$7.4m).

The 2012/13 result includes \$6.1m in additional operating income related to the partial early receipt of the Federal Assistance Grant that was planned to be received during 2013/14. It is significantly important that excluding this, Council has achieved a break-even operating result (before capital income) well before anticipated in 2014/15.

Full year expenditure on Council's capital works program totalled \$64.5m and represents 88% of the full year Q3 adopted budget of \$73.6m

Having commenced the year with an original budget deficit of (\$10.0m) and following many years with operating shortfalls (before capital income), the 2012/13 result is an important milestone for Council and represents successful achievement of a commitment towards financial sustainability.

Council's annual financial statements will be audited in September by Council's external auditor PricewaterhouseCoopers and the Wyong Water Supply Authority will be audited by the NSW Auditor General. The draft 2012/13 Financial Statements will be presented to Council on 9 October 2013 for adoption.

### **Financial Implications**

At the time of preparing the Q4 report the financial results are still to be finalised. As such all Full Year (FYR) Actual values within the document represent the unaudited interim financial figures and exclude:

- Final land revaluation adjustments
- Joint Water Scheme equalisations for operating and capital expenditure with Gosford City Council
- Final overhead allocations affecting inter fund allocations between the General, Water and Sewer Funds.

### **CONSULTATION**

All departments were consulted and involved in the preparation of this report.

### **GOVERNANCE**

Quarterly reporting of Council's financial and operating performance is mandatory.

**CONCLUSION**

All requirements of the relevant legislation governing management reporting have been met.

The Responsible Accounting Officer considers that the Quarterly Budget Review Statement for Wyong Shire Council for Q4 indicates that Council's financial position is satisfactory at year end, having regard to the actual income and expenditure and the original budgeted income and expenditure.

The successful financial year result for 2012/13 was achieved through a culture of cost containment across the organisation that must be maintained in the future to ensure financial sustainability.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Q4 Business Report 2012-13 (D03669006 distributed under separate cover) | Enclosure |
|---|---|-----------|

### **5.3 Gwandalan Sewage Treatment Plant Buffer Zone**

---

TRIM REFERENCE: F2004/08382 - D03614547

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

#### **SUMMARY**

Odour modelling has shown that the existing buffer zone at Gwandalan sewage treatment plant is excessive and is artificially constraining development. Reducing the buffer zone to the 1 odour unit contour will remove this constraint while still providing adequate protection against odour nuisance. It also provides the potential to rezone and sell the portion of the STP site unconstrained by odour.

#### **RECOMMENDATION**

- 1. That Council set sewage treatment plant buffer zones at the 1 odour unit contour.**
- 2. That Council remove the existing odour constraints on land at Gwandalan outside of the 1 odour unit contour.**
- 3. That Council investigate for rezoning, the portion of the Gwandalan sewage treatment plant site outside of the 1 odour unit contour and, if feasible, the site be subdivided and the excised portion rezoned and sold.**
- 4. That Council consider the upcoming review of development servicing plans for the Gwandalan sewer catchment include an allowance for future capital costs associated with a covered inlet works and geotube dewatering facility as an odour risk mitigation measure.**
- 5. That Council remove any odour constraints on land outside of the 1 odour unit contours identified in odour studies to be undertaken at Mannering Park and Charmhaven sewage treatment plants.**

#### **BACKGROUND**

Gwandalan sewage treatment plant (STP) is located off Summerland Road Gwandalan, near the intersection with Kanangra Drive. There is a nominal 400 m buffer zone around the plant in which development is not permitted to occur as such development would, theoretically, be subject to odour nuisance from the STP. Lots to the west of the STP between Yeramba Road and Tembula Road have the buffer zone shown on the deposited plan as a restricted area. Development has encroached into the buffer zone to the east of the plant. No odour complaints from this area have been recorded.

Wyong Shire Council does not currently have a formal policy for buffer zones around STPs. Different management approaches have been applied at different sites (e.g. 'sewage buffer' land zoning around Wyong South STP and 'restriction as to user' on certain land parcels in

### 5.3 Gwandalan Sewage Treatment Plant Buffer Zone (contd)

Gwandalan). The approach followed by the Water and Sewerage Business Unit historically has been to defend the nominal 400 m buffer zone provision that was previously described by the *NSW Department of Planning Circular (E3)* which provided guidelines for buffer areas around sewage treatment plants.

*NSW Department of Planning Circular (E3)* was replaced by the *Draft NSW Best Practice Odour Guideline* in April 2010. This more recent document is less prescriptive in setting buffer zones by distance and provides a table that references an Environmental Protection Authority (EPA) Technical Framework titled *Assessment and Management of Odour from Stationary Sources in NSW*, DEC (2006). The revised approach is to set buffer zones on the basis of odour concentration (odour units, which can be physically measured) rather than distance from the odour source.

The framework criteria states that no individual should be exposed to ambient odour levels greater than 7 odour units (OU) and the level at which odours cause annoyance is 2 OU. The criteria are shown in Table 1 below, noting the values are 99 percentiles.

**Table 1: DEC odour assessment criteria**

<b>Population of affected community</b>	<b>Odour assessment criteria (odour units)</b>
Rural single residence (<2)	7.0
10	6.0
30	5.0
125	4.0
500	3.0
Urban areas (>2000) and/or schools and hospitals)	2.0

#### **CURRENT STATUS**

Council engaged consultancy firm Sinclair Knight Merz (SKM) to undertake an odour study of Gwandalan STP. This study was completed in June 2013. The study was undertaken in accordance with the EPA's *Approved Methods of the Modelling and Assessment of Air Pollutants in New South Wales* (DEC 2006), which included the following tasks:

- Characterise the local site setting and dispersion meteorology with the area surrounding the plant;
- Determine odour emissions from the STP process units, based on odour sampling at the plant;
- Modelling of odours from the STP using computer based dispersion model (AUSPLUME), incorporating odour emission results and meteorological data for the site;
- Analysis of model results against EPA criteria.

The modelling was undertaken for the following three scenarios:

1. Existing STP operation
2. Future STP operations (duplication of process tanks)
3. Future STP operations with covered inlet works.

### 5.3 Gwandalan Sewage Treatment Plant Buffer Zone (contd)

The results showed that for the existing and future scenarios the 2 OU contour is generally contained within the existing STP site boundary, with the 1 OU contour encroaching onto land to the west of Kanangra Drive.

The future scenario with a covered inlet works indicated a slight reduction in the 2 and 1 OU contours. There was only a minor reduction as the offsite odour impacts are dominated by the two sludge lagoons rather than the inlet works. A future odour mitigation measure for odours emitted from the sludge lagoons would be the implementation of a “geotube” dewatering facility, with attention paid to weather conditions when opening the bags for disposal.

The odour contours for the future STP operation scenario are shown in Figure 1 below.



Figure 1: Odour contours future STP operation

## THE PROPOSAL

It is proposed that the buffer zone for Gwandalan STP be formally set at the 1 OU contour (future STP operation). This will provide a buffer zone established on the basis of current science rather than past empirical practice. A 1 OU contour provides a reasonable factor of safety to ensure compliance with the regulated 2 OU criterion in the event of process upsets, odours resulting from emptying of tanks or inaccuracies in the modelling.

Council has recently received rezoning requests for landowners surrounding Gwandalan STP to rezone land for residential use. These particular areas are within the current nominal 400 m buffer zone but outside of the 1 OU contour. Setting the buffer zone at the 1 OU contour will remove odour as a constraint in the assessment of these current and any future rezoning proposals.

The Gwandalan STP site is currently zoned 5a Special Uses. A portion of the site on the northern and western sides of the STP (approximately 11 ha) is outside of the 1 OU contour. Setting the buffer zone at the 1 OU contour would allow the STP site to be subdivided and the land outside of the buffer zone rezoned for residential use (subject to land use constraints) and sold.

It is also proposed that the buffer zone for Council's other STPs be formally set at the 1 OU contour. Odour studies will be carried out for the Mannering Park and Charmhaven STPs to ensure that the surrounding land is not unnecessarily constrained. It should be noted that there is no scope for a reduction in the current buffer zones at Toukley, Bateau Bay and Wyong South STPs.

## 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>
PA03.01.01	Economic and Property Development	10% increase in rental and/or land sale revenue to Council	No funding required	Positive
PA05.01.05	Regulatory	Development stimulus to encourage development throughout the Shire	No funding required	Positive

### Contribution of Proposal to the Principal Activity

The proposal addresses the above Principal Activities as follows:

PA03.01.10: Subdividing the STP site and rezoning and selling the proportion unconstrained by odour will generate income for Council.

PA05.01.05: Setting the buffer zone at the 1 OU contour will allow land that is currently artificially constrained to be developed.



**Long term Financial Strategy**

The proposal has the following financial benefits:

- Increase in revenue from developer charges, water and sewerage service charges, water sales and general rates;
- Potential increase in revenue from land sales.

**GOVERNANCE AND POLICY IMPLICATIONS**

Council does not have a formal policy on STP buffer zones. It is proposed that buffer zones be set at the 1 OU contour as formal policy.

**MATERIAL RISKS AND ISSUES**

The following risks are associated with the proposal:

- The odour modelling carried out does not accurately estimate future odour impacts;
- Surrendering land now included within the current buffer will preclude increasing the buffer zone in the future; and
- Unforeseen operational circumstances may generate odours that exceed the odour contours predicted by modelling.

These risks are mitigated by:

- Allowing some conservatism in setting the odour contour used to define the buffer zone. The proposed 1 OU contour provides a factor of safety to ensure that the regulated requirement of 2 OU is achieved; and
- Making provision for future odour amelioration works at the STP in the event that these are required in the future. These would entail covering of the inlet works and converting the sludge lagoons to a geotube dewatering facility. It is proposed to make allowance for these works in the revised developer charges due for introduction in July 2014.

**CONCLUSION**

Odour modelling has shown that the existing buffer zone at Gwandalan STP is excessive and is artificially constraining development. Reducing the buffer zone to the 1 OU contour will remove this constraint while still providing adequate protection against odour nuisance. It also provides the potential to rezone and sell the portion of the STP site unconstrained by odour.

Setting a formal policy of a 1 OU may provide similar benefits at Mannering Park and Charmhaven STPs.

**ATTACHMENTS**

*Nil.*

## **5.4 Payment of Industrial Special Risk Insurance Policy**

---

TRIM REFERENCE: F2013/00290 - D03625850  
MANAGER: Brian Glendenning, General Counsel  
AUTHOR: David Secomb; Insurance Controller

### **SUMMARY**

Approval is required to renew Wyong Shire Council's Property (Industrial Special Risk) insurance with Statewide Mutual.

### **RECOMMENDATION**

- 1 That Council approve the renewal of Wyong Shire Council's Property insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.**
- 2 That Council approve the premium payment of \$489,743.76 ex GST.**
- 3 That Council determines, in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council and Council is not currently eligible to become a member to the two alternate insurance pools, being WestPool and MetroPool.**

### **BACKGROUND**

WSC's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of WSC's Property insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual, for the period 30 June 2013 to 30 June 2014.

Wyong Shire Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Comprehensive Motor Vehicle, Councillors & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits the councils require.

The ceiling limits for property insurance are currently unobtainable in the Australian insurance market. In order for Council to seek alternative terms for these risks an approach to Lloyd's of London insurance market would be required and such an exercise would be costly and time consuming.

WSC has been a contributor to this scheme for many years. To withdraw, Council is required to give at least twelve months written notice prior to the end of the financial year.

### **CURRENT STATUS**

WSC's Industrial Special Risk insurance for the period 30 June 2012 to 30 June 2013 is with Statewide Mutual.

### **THE PROPOSAL**

The premium applicable to WSC for this insurance renewal is \$489,743.76 ex GST which is a decrease of 20% on last year's premium. The reason for the decrease is due to increasing the deductible from \$10,000 to \$20,000. Limits of protection under this policy are direct physical loss or damage, as defined and limited in the wording, on Real Property, Personal Property, Business Interruption, including the Extensions of Coverage applying at the locations provided on Council's Assets Schedule.

Council shall bear the first \$20,000 as a result of any one occurrence.

### **OPTIONS**

There is no advantage for WSC to pursue its own tender process as there are no available competitive insurers within Australia offering this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW councils. Statewide Mutual was set up in response to the withdrawal of support to local government business in the domestic insurance market.

Outside of the tender scheme there is an alternative to Statewide Mutual and this is through the United Independent Pools formed by two Sydney based Local Government risk management Pools, Westpool and Metro Pool. The councils in these pools work together to manage their risks and to secure all their insurance covers.

However before we could consider joining one of these pools WSC would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from our current scheme.

Additionally the Independent Pools require all new members to apply for membership and they reserve the right to accept or reject the application for membership. In this regard the Pools would undertake a due diligence review of each new member (cost of review approximately \$40,000, half to be covered by the new member) and WSC would be required to sign a Membership Agreement to accept its terms and conditions.

A further option would be to approach Lloyd's of London insurance market through a broker however such an exercise would be costly and time consuming. WSC would be a standalone Council trying to negotiate competitive insurances which would make it a higher risk to an insurer than say Statewide Mutual who negotiate on behalf of numerous Councils. Therefore the outcome would more than likely incur a higher premium plus we wouldn't be able to take advantage of the additional services Statewide Mutual currently provide like assistance with risk management, claims, etc.

Again before WSC could consider this option WSC would need to provide twelve months written notice to Statewide Mutual prior to the end of the financial year to withdraw from its scheme.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

Nil Impact

**Contribution of Proposal to the Principal Activity**

**Long term Financial Strategy**

Nil Impact

**Asset Management Strategy**

Nil Impact

**Workforce Management Strategy**

Nil Impact

**Link to Community Strategic Plan (2030)**

Nil Impact

**Budget Impact**

No additional impact to budget

**CONSULTATION**

Consultation was carried out with internal asset owners to update Council's Asset Schedule.

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil Impact

**MATERIAL RISKS AND ISSUES**

Potential damage caused to Council assets.

**CONCLUSION**

Adequate insurance cover is prudent and best practice.

Prospecting for international suppliers will be costly and difficult for WSC with a very low chance of success.

Cover is only available from a single Australian supplier and combining WSC buying power with NSW Councils provides the best value possible.

**ATTACHMENTS**

*Nil.*

## **5.5 Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 1 August 2013**

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TRIM REFERENCE: F2004/07986 - D03647943

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 1 August 2013.

### **RECOMMENDATION**

*That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 1 August 2013.*

### **ATTACHMENTS**

- 1 MINUTES - Tuggerah Lakes Estuary & Coastal Mgt Committee Meeting - D03563972  
1 August 2013

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN  
MANAGEMENT COMMITTEE OF COUNCIL**

**HELD IN THE COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 01 August 2013  
COMMENCING AT 5:00 PM**

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**PRESENT**

Councillor L Taylor (Wyong Shire Council) – Co-Chairperson  
Councillor L Webster (Wyong Shire Council)  
Mr D Ryan (Wyong Shire Council)  
Mr A Pearce (Wyong Shire Council)  
Mr P Sheath (Wyong Shire Council)  
Mr B Davies (Community Member)  
Mr K Derry (Community member)

\*non voting members

**IN ATTENDANCE**

Mr N Kelleher (Office of Environment and Heritage)\* (Arrived 5.14pm)  
Mr P Buchanan (Office of Environment and Heritage)\* (Arrived 5.14pm)  
Mr G McDonald (Wyong Shire Council)  
Ms N McGaharan (Wyong Shire Council)  
Ms P Laegdsgaard (Umwelt Pty Ltd)  
Mrs S Witt (Wyong Shire Council)  
Ms J Maskiewicz (Wyong Shire Council)

**APOLOGIES**

Mayor D Eaton (Wyong Shire Council)  
Councillor A Troy (Wyong Shire Council)  
Councillor L Nayna (Wyong Shire Council)  
Ms M Pennings (Community Member)

The meeting was declared open by Councillor Taylor at 5.03pm.

**1.1 Disclosure of Interest**

---

**RESOLVED unanimously on the motion of Councillor Webster and seconded by Mr Ken Derry:**

***That the Committee receive the report on Disclosures of Interest and note that there were no disclosures.***

**1.2 Confirmation of Minutes of Previous Meeting**

---

**RESOLVED unanimously on the motion of Councillor Webster and seconded by Mr Ken Derry:**

***That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 4 July 2013.***

**BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**1.3 Address by invited Speakers**

---

Ms Pia Laegdsgaard, representing Umwelt (Australia) Pty Ltd, addressed the meeting at 5.05pm, answered questions and retired at 5.46pm.

Mr Neil Kelleher and Mr Phillip Buchanan arrived at 5.14pm.

Mr David Ryan left the meeting at 5.47pm and did not return.

**RESOLVED unanimously on the motion of Mr Ken Derry and seconded by Councillor Webster:**

- 1** ***That the Committee receive the report on Invited Speakers.***
- 2** ***That the Committee agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.***
- 3** ***That the Committee request a report be submitted by Umwelt (Australia) Pty Ltd at a future meeting.***

**2.1 Monthly Reporting on the Estuary Management Plan**

---

**RESOLVED unanimously on the motion of Mr Bob Davies and seconded by Mr Ken Derry :**

***That the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee receive the June 2013 Financial Expenditure Report.***



**2.2 Estuary Management Plan Status Report**

---

**RESOLVED** unanimously on the motion of Councillor Webster and seconded by Mr Bob Davies :

**That the Committee receive and note the report on Estuary Management Plan Status Report.**

**2.3 Floodplain Risk Management Report**

---

**RESOLVED** unanimously on the motion of Mr Ken Derry and seconded by Mr Bob Davies :

**That the Committee receive and note the Floodplain Risk Management Report.**

**2.4 Coastal Zone Management Plan Status report**

---

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

**That Council receive the report on Coastal Zone Management Plan Status report.**

**2.5 Tuggerah Lakes Commercial Fishing Catch**

---

**RESOLVED** unanimously on the motion of Mr Ken Derry and seconded by Mr Bob Davies:

**That Council receive the report on Tuggerah Lakes Commercial Fishing Catch.**

**2.6 Location of Gross Pollutant Traps in Wyong Shire**

---

**RESOLVED** unanimously on the motion of Councillor Webster and seconded by Mr Ken Derry:

**That Council receive the report on Location of Gross Pollutant Traps in Wyong Shire.**

**2.7 Status Report on Outstanding Actions**

---

**RESOLVED** unanimously on the motion of Mr Ken Derry and seconded by Mr Bob Davies :

**That the Committee confirm the Status Report on Outstanding Actions for the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee Meeting.**

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
ACTION LOG**

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
GB17/13	9 May 2013	Wrack Removal Working Bee at Peace Park, Gorokan	The Manager Estuary Management Project will liaise with Tuggerah Lakes Care Inc in the removal process	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update
GB20/13	6 June 2013	Lake Munmorah Foreshore	Information will be conveyed to a forthcoming Committee meeting in relation to future lake management actions with regards to: <ul style="list-style-type: none"> <li>• <i>Wrack harvesting;</i></li> <li>• <i>GPT's / stormwater treatment; and</i></li> <li>• <i>Beach nourishment options</i></li> </ul>	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update
GB23/13	6 June 2013	Water Testing Results for the Lake Councillor Lloyd Taylor	Could Council also publish in the local newspaper the results of the water testing for the lake	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update
GB27/13	4 July 2013	Shelly Beach Golf Club Andrew Pearce	Staff are liaising with Public Officer regarding distributing the Shelly Beach Gold Club's Water Quality Management Plan to the Committee.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update
GB28/13	4 July 2013	Solar Powered Circulating Pumps Councillor Troy	Information to be obtained regarding water volume data and how pumps function.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update
GB29/13	4 July 2013	Illegal Dumping – Fleet Close Tuggerah Councillor Best	Illegal dumping of materials within the Tuggerah Business Park.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce to provide update

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
COMPLETED SINCE 4 JULY 2013**

Item #	Meeting Date	Report Title	Status/ Notes
GB19/13	6 June 2013	Commercial Fishing Haul Figures	Report has been included in 1 August 2013 Committee agenda.
GB25/13	4 July 2013	Long Jetty Casuarina	Lakes Improvement Strategy was included in Councillor briefing 10 July 2013.
GB26/13	4 July 2013	Gross Pollutant Traps (GPTs)	Report has been included in 1 August 2013 Committee agenda.
2.1	4 July 2013	Consideration of Freeboard and Sea Level Rise Planning Levels	Council considered a report at the Ordinary Meeting 24 July 2013. Refer D03477115.

### 3.0 GENERAL BUSINESS

There were no General Business items.

**THE MEETING** terminated at 7.03pm.

These Minutes were confirmed at the meeting held on Thursday, 5 September, 2013, at which meeting the signature hereunder was subscribed.

## **5.6 Delegate for Soldiers Point Headland Working Party**

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TRIM REFERENCE: F2010/00500 - D03648419

MANAGER:

AUTHOR: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Seeking a delegate for the Soldiers Point Headland Working Party.

### **RECOMMENDATION**

***That Council appoint a delegate to the Soldiers Point Headland Working Party.***

### **BACKGROUND**

At its meeting held on 8 August 2012 Council considered an item concerning the Natural Environment and Indigenous Heritage at Soldiers Point Headland, Norah Head.

At that meeting Council resolved:

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

- 1 That Council receive the report on Destruction of the Natural Environment and Indigenous Heritage at Soldiers Point Headland, Norah Head.*
- 2 That Council establish a working group to finalise the placement of diversionary structures and agree on the most appropriate vegetation management strategy at Soldiers Point Headland.*
- 3 That Council require the working group to:*
  - a include WSC's asset planner and supplier, WSC Landcare Coordinator, interested Aboriginal stakeholders and an Office of Environment and Heritage (OEH) Aboriginal heritage sites officer (if available).*
  - b be formed prior to the next whale watching season (October to early November 2012).*
  - c consult with OEH prior to the commencement of works.*
  - d consider the condition of other registered sites on land under the care and control of Council between Norah Head and the southern end of Soldiers Beach.*
- 4 That Council request the General Manager to submit a report on Council's Committees to the newly elected councillors to enable a Councillor to be elected to the working party.*

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

AGAINST: NIL"

### **CURRENT STATUS**

Staff have prepared a draft project plan for the proposal and have undertaken some preliminary consultation with stakeholders.

Item 4 of the resolution above required that Council consider its delegate to the Working Party when it considered its overall report on delegates to Committees and groups for the 2012-2016 term (October 2012).

The Working Party was not considered at that time and therefore the delegate has not been appointed.

### **THE PROPOSAL**

It is proposed that Council nominate a delegate for the Soldiers Point Headland Working Party.

### **OPTIONS**

Council may:

- 1 Appoint a Councillor to the Working Party, or
- 2 Nominate a staff member to be its delegate on the Working Party.

### **STRATEGIC LINKS**

Nil

### **BUDGET IMPACT**

Budget allocation has been identified for this project.

### **CONSULTATION**

Preliminary consultation has occurred and more formal consultation will occur with the formation of the Working Party.

**GOVERNANCE AND POLICY IMPLICATIONS**

In accordance with Council's adopted Committee structure Council may form working parties to undertake specific functions on its behalf.

Council has resolved to form the Soldiers Point Headland Working Party to:

- *Finalise the placement of diversionary structures and agree on the most appropriate vegetation management strategy at Soldiers Point Headland.*

It has also resolved the following requirements for the Working Party:

- a *include WSC's asset planner and supplier, WSC Landcare Coordinator, interested Aboriginal stakeholders and an Office of Environment and Heritage (OEH) Aboriginal heritage sites officer (if available).*
- b *be formed prior to the next whale watching season (October to early November 2012).*
- c *consult with OEH prior to the commencement of works.*
- d *consider the condition of other registered sites on land under the care and control of Council between Norah Head and the southern end of Soldiers Beach.*

**MATERIAL RISKS AND ISSUES**

Nil

**CONCLUSION**

Council has previously resolved to establish a Working Party to manage the natural and indigenous environment at the Soldiers Beach Headland.

Council further resolved to appoint a delegate when it was determining its Committee representation in 2012. The Working Group was not part of that report.

The proposal to appoint a Councillor to the Working Group is now proposed for Council's consideration.

**ATTACHMENTS**

*Nil.*

## **5.7 2013/14 Strategic Plan Fees and Charges Amendments**

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TRIM REFERENCE: F2012/01427 - D03669011

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Kim Futcher, Financial Controller

### **SUMMARY**

Council's 2013/14 Fees and Charges, incorporated in the Statement of Revenue Policy, were adopted on 10 April 2013 in accordance with the strategic planning process. A number of amendments to the adopted Fees and Charges schedule are now required. This report seeks to adopt amendments to the Fees and Charges schedule for 2013/14.

### **RECOMMENDATION**

- 1 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 as publicly exhibited.***

### **BACKGROUND**

On the 10 July 2013 Council resolved to adopt the proposed amendments to the Fees and Charges Schedule for 2013/14, after an exhibition period of 28 days in accordance with Section 610F of the Local Government Act 1993.

Following feedback and discussion with Council regarding the Disabled Beach Access Licence Fee, it was removed from the Fees and Charges Schedule prior to public exhibition.

### **CONSULTATION**

Council gave public notice of proposed amendments to the 2013/14 Fees and Charges Schedule, as described in Attachment 1, on 24 July 2013 for a period of 28 days.

Upon conclusion of the notification period, Council had not received any submissions regarding the proposed changes.

### **CONCLUSION**

This report seeks to adopt an amended Fees and Charges schedule for 2013/14 containing the changes proposed in Attachment 1.

### **ATTACHMENTS**

- 1 Fees and Charges Amendments 2013/14 Exhibited D03669193**

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
<b>Licence to Use Open Space - Beach Access</b>										
02.21037	Beach Access Licence Fee <i>At a Council approved location. E.g. professional beach fisherman</i>	Commercial fisherman beach access fee - Provide commercial fisherman with vehicular access to key designated and agreed beaches	Per Beach, Per Annum	C	\$575.00	\$336.36	\$0.00	\$33.64	\$370.00	
02.21038	Beach Access Bond <i>Bond is refundable in part or full after deducting any sum required for damages or other costs.</i>	Beach Access Key Bond <i>Bond is refundable in part or full after deducting any sum required for damages or other costs.</i>	Per Beach	C	\$1155.00	\$290.00	\$0.00	\$0.00	\$290.00	
<b>Netball Courts - other complex</b>										
02.21168	Casual Day Fee - Full complex	Casual Day Fee - Full complex	Per Day	C	\$27.00	\$29.09	\$0.00	\$2.91	\$32.00	
02.21170	Casual Night Fee - Full complex	Casual Night Fee - Full complex	Per Night	C	\$32.00	\$24.55	\$0.00	\$2.45	\$27.00	
<b>Public Halls, Community Facilities &amp; Civic Centres</b>										
01.12041	Bond	Bond	Per Booking	C	\$105.00	\$263.00	\$0.00	\$0.00	\$263.00	This has been increased to be consistent with all other low bonds
01.12045	Bond	Bond	Per Booking	C	\$200.00	\$263.00	\$0.00	\$0.00	\$263.00	This has been increased to be consistent with all other low bonds
01.12054	Bond	Bond	Per Booking	C	\$200.00	\$263.00	\$0.00	\$0.00	\$263.00	This has been increased to be consistent with all other low bonds
01.12060	Samaritans Youth Service (bond applies)	Samaritans Youth Service (bond applies)	Per Week	D	\$166.00	\$0.00	\$0.00	\$0.00	\$0.00	No longer required as a Special hire fee no longer required as it is now the same as Medium Office Fee (01.12005) - REMOVE



## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
01.12065	San Remo Neighbourhood Office	San Remo Neighbourhood Office & OOSH Program	Per Week	D	\$83.00	\$174.54	\$0.00	\$17.46	\$192.00	Proposed fee includes the use of Main Hall for OOSH & office hire not just hire fee for small office
01.12067	Samaritans (bond applies)	Samaritans Central Coast Region (bond applies)	Per Week	D	\$160.00	\$340.91	\$0.00	\$34.09	\$375.00	01.12070 has been combined with this fee as it is always charged together
01.12070	Samaritans Disability Services (bond applies)	Samaritans Disability Services (bond applies)	Per Week	D	\$215.00	\$0.00	\$0.00	\$0.00	\$0.00	Combined with 01.12067 - REMOVE
01.12075	Wyong Neighbourhood Centre (bond applies)	Wyong Neighbourhood Centre (bond applies)	Per Week	C	\$166.00	\$0.00	\$0.00	\$0.00	\$0.00	No longer required as a Special hire fee no longer required as it is now the same as Medium Office Fee (01.12005) - REMOVE
01.12076	Breakthru Offices	Breakthru Office 6	Per Week	C	\$89.00	\$76.36	\$0.00	\$7.64	\$84.00	To remain at 2012/13 fee to more closely align to Small Office Fee (01.12004)
01.12077	Breakthru Office 2	Breakthru Office 2	Per Week	C	\$166.00	\$0.00	\$0.00	\$0.00	\$0.00	No longer required as a Special hire fee no longer required as it is now the same as Medium Office Fee (01.12005) - REMOVE
NEW	NEW	Halekulani Kitchen Central Coast Meals on Wheels	Per Week	C	NEW	\$114.55	\$0.00	\$11.45	\$126.00	A historical fee agreement that has not been on prior fees & charges
NEW	NEW	Banksia Community Centre Central Coast Outreach Services	Per Week	C	NEW	\$175.45	\$0.00	\$17.55	\$193.00	A historical fee agreement that has not been on prior fees & charges

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
NEW	NEW	The Gallery & Café - The Entrance Community Centre	Per Call Out	A	NEW	10/11 of the fee charged	\$0.00	1/11 of the fee charged	By Quote	Gallery hire's often seek advise for set-up and of exhibitions. Depending on day/time costs can not be listed. (similar to security call-out fee as listed on line 01.12046)
NEW	NEW	WSC - Fee per hour	Per Hour	C	NEW	\$15.00	\$0.00	\$0.00	\$15.00	New fee to charge WSC staff/departments for hire of facilities for internal use to run meetings, public workshops etc.
<b>Swimming Pools</b>										
NEW	NEW	Swimming Pool Registration Administration Fee (cost for completion of online application)	Per Application	C	NEW	\$10.00	\$0.00	\$0.00	\$10.00	
<b>Waste</b>										
NEW	NEW	Virgin Excavated Natural Material (VENM) & Excavated Natural Material (ENM) - not contaminated - required to meet operational requirements.	Per Tonne	E	\$125.70	\$28.56	\$107.80	\$13.64	\$150.00	

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
NEW	NEW	Organic Material: Including : Trees, garden vegetation, untreated timber, shredded green waste, bio solids. Excluding: tree stumps & trunks greater than 1m measured at widest point, treated timber.	Per Tonne	E	\$115.20	\$136.36	\$0.00	\$13.64	\$150.00	
07.10036	Minimum charge for organic material up to 60kg	Minimum charge for organic material up to 60kg	Per Load	E	\$7.40	\$9.09	\$0.00	\$0.91	\$10.00	
NEW	NEW	Mixed Waste: Including: General waste, building & demolition waste, commercial recyclables, tiles, bricks, concrete, tree stumps & trunks greater than 1m measured at widest point, treated timber.	Per Tonne	E	\$285.50	\$160.38	\$107.80	\$26.82	\$295.00	

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
07.10003	Minimum charge for mixed waste to landfill up to 60kg	Minimum charge for mixed waste up to 60kg	Per Load	E	\$16.00	\$9.89	\$6.47	\$1.64	\$18.00	
NEW		Special Waste: Including: Asbestos, security & customs, animal & food, bulky or dusty waste, deliveries containing more than 15 items of E-Waste or any other waste that requires special treatment.	Per Tonne	E	\$363.50	\$228.56	\$107.80	\$33.64	\$370.00	
07.10029	Minimum charge for Special Waste up to 60kg	Minimum charge for Special Waste up to 60kg	Per Load	E	\$19.00	\$13.53	\$6.47	\$2.00	\$22.00	

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
NEW	NEW	Waste disposal fees for large entities disposing large tonnages may be determined through contract negotiations.	Per Tonne	E						
07.10018	Mattresses	Mattresses	Per Item	E	\$20.00	\$27.27	\$0.00	\$2.73	\$30.00	
07.10005	Virgin Excavated Natural Material (VENM) - not contaminated - required to meet operational requirements.	Virgin Excavated Natural Material (VENM) - not contaminated - required to meet operational requirements.	Per Tonne	E	\$125.70	DELETE	DELETE	DELETE	DELETE	
07.10006	Excavated Natural Material (ENM) - not contaminated - not classified as VENM - required to meet Waste Management Facility operational requirements	Excavated Natural Material (ENM) - not contaminated - not classified as VENM - required to meet Waste Management Facility operational requirements	Per Tonne	E	\$125.70	DELETE	DELETE	DELETE	DELETE	
07.10031	Trees, garden vegetation & untreated timber	Trees, garden vegetation & untreated timber	Per Tonne	E	\$115.20	DELETE	DELETE	DELETE	DELETE	
07.10032	Shredded Green Waste	Shredded Green Waste	Per Tonne	E	\$92.90	DELETE	DELETE	DELETE	DELETE	
07.10033	Bio solids	Bio solids	Per Tonne	E	\$99.90	DELETE	DELETE	DELETE	DELETE	
07.10034	Sea Grass	Sea Grass	Per Tonne	E	\$93.50	DELETE	DELETE	DELETE	DELETE	Internal Fee only - not required for exhibition

## PROPOSED CHANGES TO WYONG COUNCIL FEES &amp; CHARGES

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
07.10002	Waste to landfill	Waste to landfill	Per Tonne	E	\$285.50	DELETE	DELETE	DELETE	DELETE	
07.10008	Mixed building and demolition waste	Mixed building and demolition waste	Per Tonne	E	\$258.10	DELETE	DELETE	DELETE	DELETE	
07.10009	Minimum Charge for mixed building and demolition waste to landfill up to 60kg	Minimum Charge for mixed building and demolition waste to landfill up to 60kg	Per Tonne	E	\$16.00	DELETE	DELETE	DELETE	DELETE	
07.10011	Clean excavated material aggregates > 40mm in diameter (rocks)	Clean excavated material aggregates > 40mm in diameter (rocks)	Per Tonne	E	\$136.00	DELETE	DELETE	DELETE	DELETE	
07.10012	Concrete (source separated, free of contaminants)	Concrete (source separated, free of contaminants)	Per Tonne	E	\$136.00	DELETE	DELETE	DELETE	DELETE	
07.10013	Brick (source separated)	Brick (source separated)	Per Tonne	E	\$136.00	DELETE	DELETE	DELETE	DELETE	
07.10014	Roof Tiles (source separated)	Roof Tiles (source separated)	Per Tonne	E	\$136.00	DELETE	DELETE	DELETE	DELETE	
07.10016	Recyclables - generated by business (eg caravan parks, shops, restaurants, offices)	Recyclables - generated by business (eg caravan parks, shops, restaurants, offices)	Per Tonne	E	\$71.00	DELETE	DELETE	DELETE	DELETE	
07.10017	Recyclables - Commercial quantities or generated/collected by commercial operators	Recyclables - Commercial quantities or generated/collected by commercial operators	Per Tonne	E	\$285.70	DELETE	DELETE	DELETE	DELETE	
07.10035	Tree Stumps and Trunks (with a diameter greater than 1m measured at the widest point)	Tree Stumps and Trunks (with a diameter greater than 1m measured at the widest point)	Per Tonne	E	\$115.20	DELETE	DELETE	DELETE	DELETE	

**PROPOSED CHANGES TO WYONG COUNCIL FEES & CHARGES**

Item Number	Original Fee Description	New Fee Description	Unit of Measurement	Price Category	Total 2013/14 Original Fee (GST inclusive where applicable)	2013/14 Wyong Shire Council New Fee	Other Regulatory Fees & Charges	GST @ 10% Remitted to ATO (if applicable)	Total 2013/14 New Fee (GST inclusive where applicable)	Further Comments
07.10020	e-Waste (more than 15 items)	e-Waste (more than 15 items)	Per Tonne	E	\$245.00	DELETE	DELETE	DELETE	DELETE	
07.10022	Security and Customs Waste	Security and Customs Waste	Per Tonne	E	\$300.20	DELETE	DELETE	DELETE	DELETE	
07.10023	Asbestos - Wyong Shire	Asbestos - Wyong Shire	Per Tonne	E	\$325.70	DELETE	DELETE	DELETE	DELETE	
07.10024	Asbestos generated outside Wyong Shire LG area (Sydney Metropolitan area)	Asbestos generated outside Wyong Shire LG area (Sydney Metropolitan area)	Per Tonne	E	\$363.50	DELETE	DELETE	DELETE	DELETE	
07.10025	Asbestos generated outside Wyong Shire LG area (Extended Regulated area)	Asbestos generated outside Wyong Shire LG area (Extended Regulated area)	Per Tonne	E	\$343.50	DELETE	DELETE	DELETE	DELETE	
07.10026	Animal and food waste	Animal and food waste	Per Tonne	E	\$322.20	DELETE	DELETE	DELETE	DELETE	
07.10027	Bulky demolition wastes	Bulky demolition wastes	Per Tonne	E	\$322.20	DELETE	DELETE	DELETE	DELETE	
07.10028	Fine dusty wastes	Fine dusty wastes	Per Tonne	E	\$289.50	DELETE	DELETE	DELETE	DELETE	

28 August 2013

To the Ordinary Council Meeting

Councillor

## **5.8 Queensland Airport Tour Delegation**

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TRIM REFERENCE: F2012/01319 - D03632123

AUTHOR: Jari Ihalainen; Director Land Management

### **SUMMARY**

A Council delegation (comprising of the Mayor, General Manager and Director of Land Management) visited several airports in south-east Queensland in order to gain a better understanding of the challenges and opportunities in developing a regional airport.

### **RECOMMENDATION**

- 1 That Council receive and note the delegates' report on the Airports Study Delegation to South-East Queensland during the period 7 August 2013 – 9 August 2013 prepared by the Director of Land Management (added as Attachment 5).**
- 2 That Council request the General Manager to prepare a project plan for the delivery of the airport and submit to Council for approval.**
- 3 That Council endorse a delegation of interested Councillors and the General Manager to attend the Regional Aviation Association in Coolumberrah Queensland in October 2013.**

### **BACKGROUND**

Council at its Ordinary Meeting held on 12 June 2013 resolved the following:

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

*756/13 That Council authorise the Mayor, the General Manager and delegated staff to participate in the delegation to visit the Queensland Regional Airports detailed in this report.*

*757/13 That Council authorise the reimbursement of expenses for Councillors in accordance with WSC Facilities and Expenses Policy for Councillors.*

*A DIVISION was called by Councillors Vincent and Matthews.*

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

*AGAINST: COUNCILLORS MATTHEWS AND VINCENT”*



## **5.8 Queensland Airport Tour Delegation (contd)**

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In accordance with the resolution a Council delegation comprising the Mayor, General Manager and Director of Land Management visited several airports in south-east Queensland in order to gain a better understanding of the challenges and opportunities in developing a regional airport. The delegation visited the following airports between 7 August 2012 and 9 August 2012:

- Gold Coast Airport
- Toowoomba Airport
- Sunshine Coast Airport

The delegation met with the developer/owners and managers of the above mentioned airports, namely:

- Queensland Airports Limited - Owners/operators of a network of airports including Gold Coast, Townsville, Mt Isa and Longreach airports.
- Wagners Group – Developers and operators of the new regional Toowoomba Airport
- Sunshine Coast Council – Owners and operators of the Sunshine Coast Regional Airport.

The attached delegates' report is added to this minute. This delegates' report includes market sensitive financial information which has been provided to Wyong Shire Council strictly on the basis that the information be recognised as 'commercial in confidence'. Accordingly, the delegates report (Attachment 5) is confidential.

Other reports attached to this minute include travel itineraries and information packs (developed by WSC staff) in relation to the study tour.

### **CONCLUSION**

The attached delegates' report provides details of the various meetings and site inspections including presentations provided by the hosting organisations. The delegation also presented information on Wyong Shire Council's vision and strategy for economic and social development as well as the proposed Central Coast Regional Airport to host organisations.

### **ATTACHMENTS**

- 1 Confidential - Study Tour Package - Gold Coast Airport - 2-8-2013 (D03668236) -
- 2 Confidential - Annexure 1 - Wyong Site Visit - Gold Coast Airport (D03638177) -
- 3 Confidential - Study Tour Package - Sunshine Coast Airport - 2-8-2013 (D03668237)  
-
- 4 Confidential - Annexure 2 - Wyong Council Briefing - Sunshine Coast Airport (D03638113) -
- 5 Confidential - Study Tour Package - Toowoomba Airport - 2-8-2013 (D03668238) -

## 6.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D03595221

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

### SUMMARY

Water supply and sewerage works in progress and completed for July 2013.

### RECOMMENDATION

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

### WATER SUPPLY

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

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	800,000	July 2013	5	5	July 2014	Replacement of water meters.  This is being funded by the Water and Sewerage Capital Works Program.
Bateau Bay Reservoir	45,000	June 2013	100	100	July 2013	This work consists of essential valve replacements at the base of the reservoir as part of water Quality Improvement Program.  As part of this work transfers were required from Gosford City Council to supply water to the Bateau Bay area.  This work is fully funded by W&S Capital Works Program.

**SEWERAGE**

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

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
All areas	900,000	Oct 2013	0	0	Jun 2014	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system reliability and to reduce blockages and possible overflows.</p> <p>Council's maintenance program of CCTV inspections identifies those sections of sewer mains, manholes and junctions that cause operational problems due to root infestation and stormwater infiltration.</p> <p>Contract to be awarded September.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>

**PROCESS****Water Treatment**

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

**Sewage Treatment**

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

**Sewage Overflows**

There were three reportable sewage overflow incidents in the period 1 July to 31 July 2013.

The first incident occurred on 15 July behind 6 Bermagui Place, Glenning Valley. This overflow was caused by tree roots in manhole VE/1 and resulted in approximately 1000 litres of effluent escaping to a nearby bushland reserve. The site of the overflow was washed down with potable water and disinfected. Environmental impacts were minimal.

The second incident occurred on 17 July and was caused by Ausgrid who broke a pressure main in Wolesley Ave Tacoma. Council staff repaired the main and disinfected the immediate area.

Local residents were informed.

The third incident occurred at a roadwork construction site in Minnesota Rd, Hamlyn Terrace on 18 July. An excavator bucket undertaking roadworks broke the C13 pressure main.

Approximately 2000 litres of effluent escaped to the environment. Environmental impacts were minimal however due to high dilution afforded by heavy rain and significant surface water at the time.

All three incidents were reported to EPA.

## WATER STORAGE

Sunday, 11 August 2013				
DAM STORAGES				
Storage	Capacity Full	Volume in	Percent Full [%]	Storage Change over
Mangrove Dam	190,000	117,836	62.0	Up 242
Mardi Dam	7,400	4,421	59.7	Up 97
Mooney Dam	4,600	4,335	94.2	Down 30
Total	202,000	126,591	62.7	Up 309
Total Dam Storage this time last month was				62.3 Percent
Total Dam Storage this time last year was				49.8 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.0	0.0	11.6	
This year to date	1.1	22.7	35.0	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	15	19	17	
Previous Week	10	9	4	
Current week last year	3	10	0	
This year to date	1,250	1,059	833	
Same period last year	984	938	620	
Water Usage (ML)				
Period	Usage			
Week to Date	517			
Previous Week	508			
Percent change from previous week	1.6 % more			
Current week last year	480			
Percent change from same week last year	7.6 % more			
This year to date	16,795			
Same period last year	15,344			
Percent change from same period last year	9.5 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	5		0	0
This year to date	14,549		1,599	823
Total to date *	28,079		3,533	1,947

\* Post M2M Commissioning

## ATTACHMENTS

Nil

## 6.2 Activities of the Development Assessment and Building Certification and Health Units

TRIM REFERENCE: F2004/07830 - D03604989

MANAGER: Lin Armstrong, Director Development and Building

AUTHOR: Jane Doyle; Senior Administration Support Officer

### SUMMARY

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

### RECOMMENDATION

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

### Development Applications Received and Determined – Development Assessment Unit for July 2013

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	8	51,490,000	9	725,550
Industrial	2	9,121,282	3	18,321,430
Residential (Multiple Dwellings/Dual Occupancy)	5	2,943,219	5	3,495,929
Other Applications	3	4,600	5	23,097,563
Section 96 Applications	8	-	10	-
<b>Total</b>	<b>26</b>	<b>63,559,101</b>	<b>32</b>	<b>45,640,472</b>

**Note 1:** *Included in the number of development applications **Lodged** in the "Commercial" category was for the alterations & additions to Shopping Centre and associated car parking (Westfield Tuggerah) valued at \$49M and lodged in the "Industrial" category is for the remediation of former Mardi Landfill site at Mardi valued at \$8.6M, both these Da's are to be determined by the Hunter Central Coast Joint Regional Planning Panel.*

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

**Note 2:** Included in the number of development applications **Determined** in the "Industrial" category was for the Regional Works Depot at Ourimbah (Ausgrid) valued at \$16.7M and in the "Other Applications" category, there were 2 applications, Catholic High School at Lake Munmorah valued at \$18M and a 128 lot residential subdivision at Woongarra valued at \$5M.

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

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	25,000	2	170,000
Industrial	1	38,800	-	-
Residential (Dwellings)	28	7,339,384	23	6,603,396
Residential (Alterations and Additions)	33	1,340,219	41	
Other Applications	-	-	-	2,716,782
Section 96 Applications	8	-	6	-
<b>Total</b>	<b>72</b>	<b>8,743,403</b>	<b>72</b>	<b>9,490,178</b>

**Subdivision Applications Received and Determined – July 2013**

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	2	2
Industrial	-	-	1	7
Residential	2	4	2	127
Rural	-	-	-	-
Other	-	-	-	-
<b>Total</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>136</b>

**Other Approvals and Certificates**

Type:	Number Determined for June 2013
Trees	39
Section 149 D Certificates ( <i>Building Certificates</i> )	7
Construction Certificates	37
Complying Development Certificates	19

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

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**Waiving of Application Fees**

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

Number	Details	Fees Waived
LA 65/2013	Dooralong Hall (Septic Tank Fee)	\$200.00
DA/1083/2012/A	76 Lot Residential Subdivision at Wyong	\$71.00

**Employment Generating Development Applications**

There was one (1) employment generating application determined which included a Regional Works Depot at Ourimbah (Ausgrid) which was determined by the Hunter Central Coast Joint Regional Planning Panel. The Depot will initially accommodate 288 current staff, comprised of 75 office staff and 212 field staff, including apprentices.

**State Environmental Planning Policy No 1**

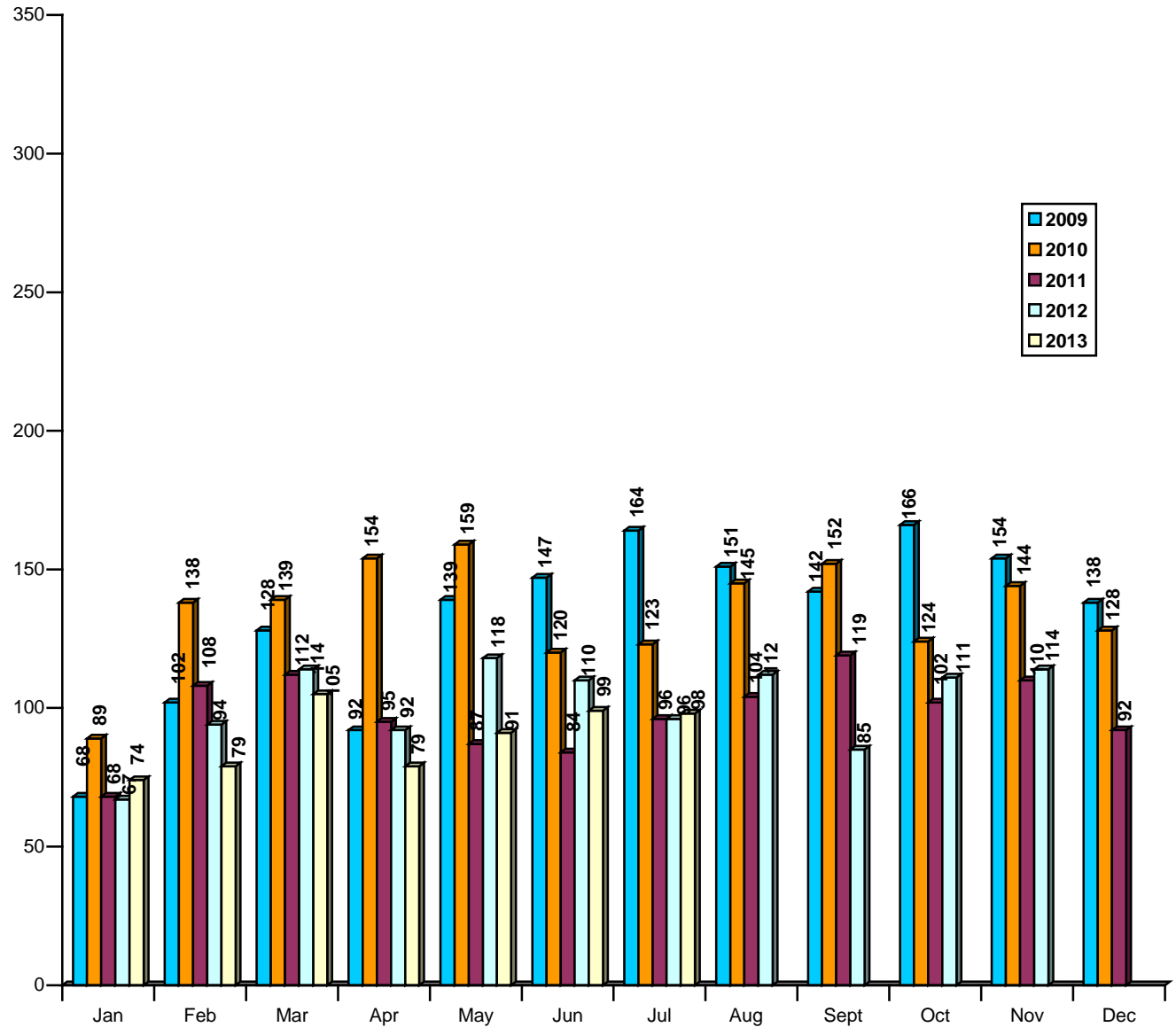
There were no applications that relied on a SEPP 1 variation for the month of July 2013.

**ATTACHMENTS**

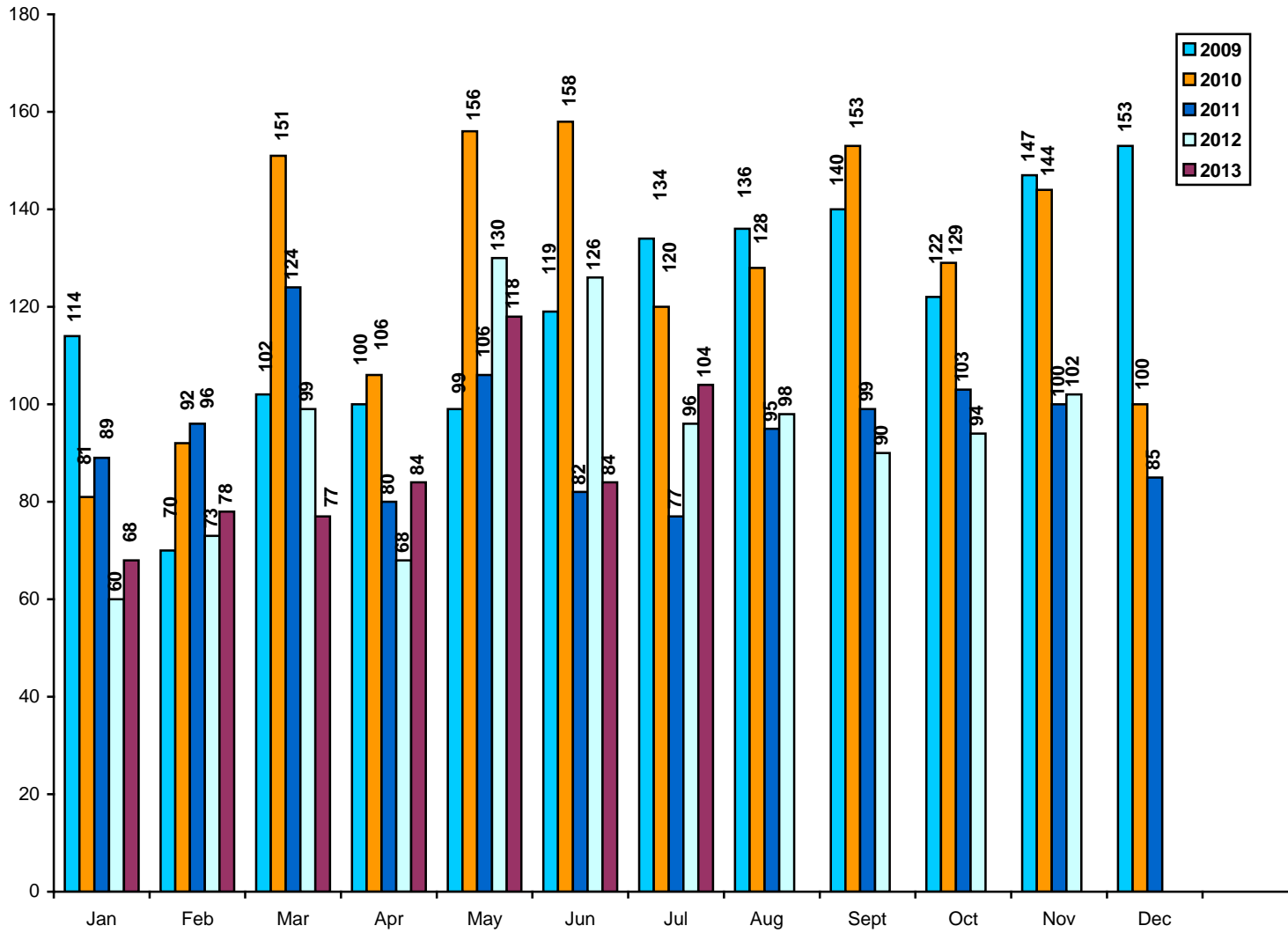
- 1 Graphs: DA's lodged, Determined and CC's Determined D03605192



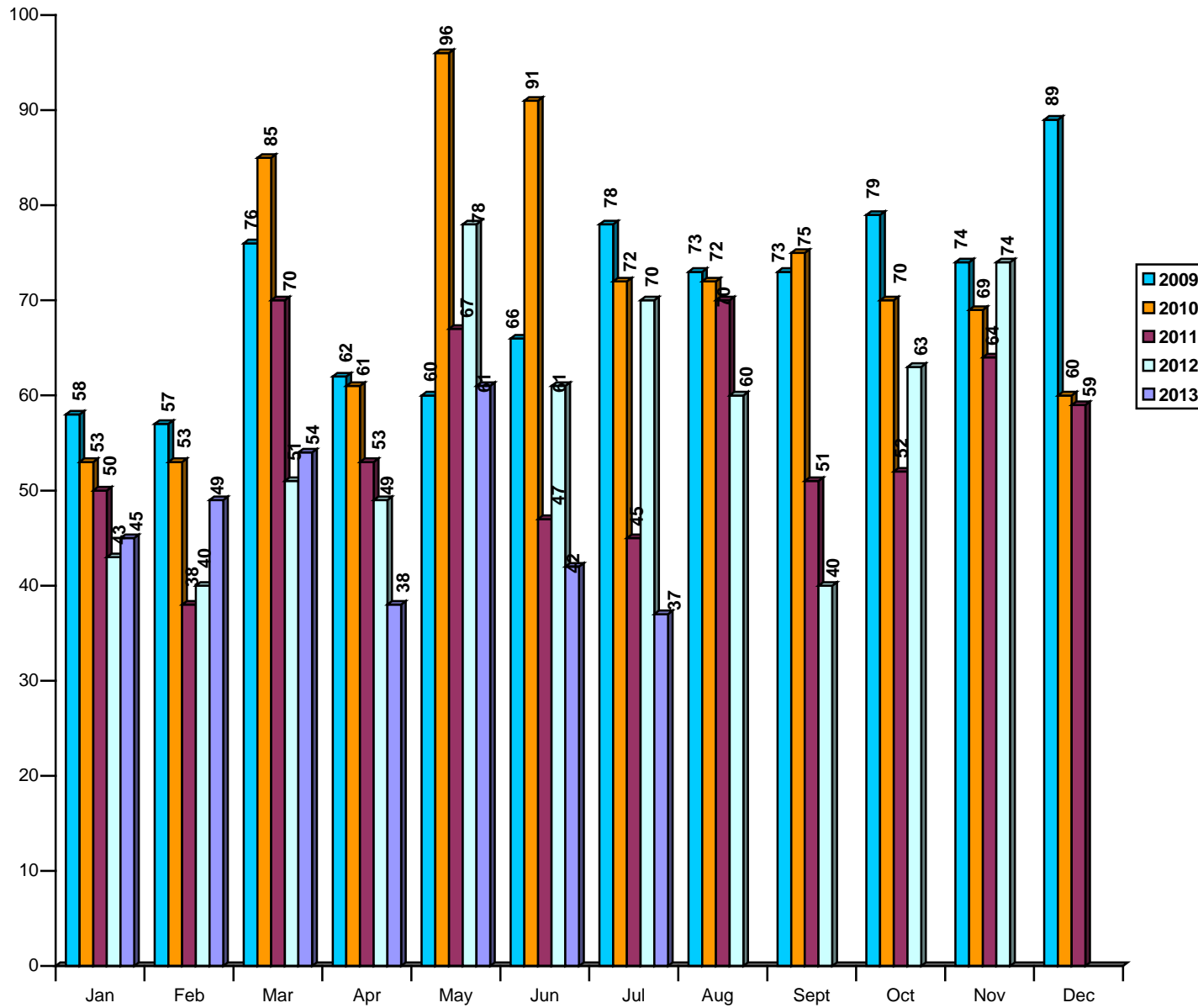
**DA's LODGED**



**DAs DETERMINED**



**CCs DETERMINED**



### **6.3 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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TRIM REFERENCE: F2004/06822 - D03605290

MANAGER: Brett Ball, Acting Manager Community Safety and Compliance

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

#### **Primary Recreation Water Quality Monitoring Program**

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

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

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

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

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

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

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

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

#### Summary of results for July 2013 (Winter Program)

Of the 22 sites sampled, 20 were rated as "good", and two sites (Chain Valley Bay and Canton Beach) were rated as "fair" (see Table 1). Under the NHMRC (2008) star rating system, each of the 22 sites were considered suitable for swimming (see Table 2 below).

**Table 1: Beachwatch average star rating**

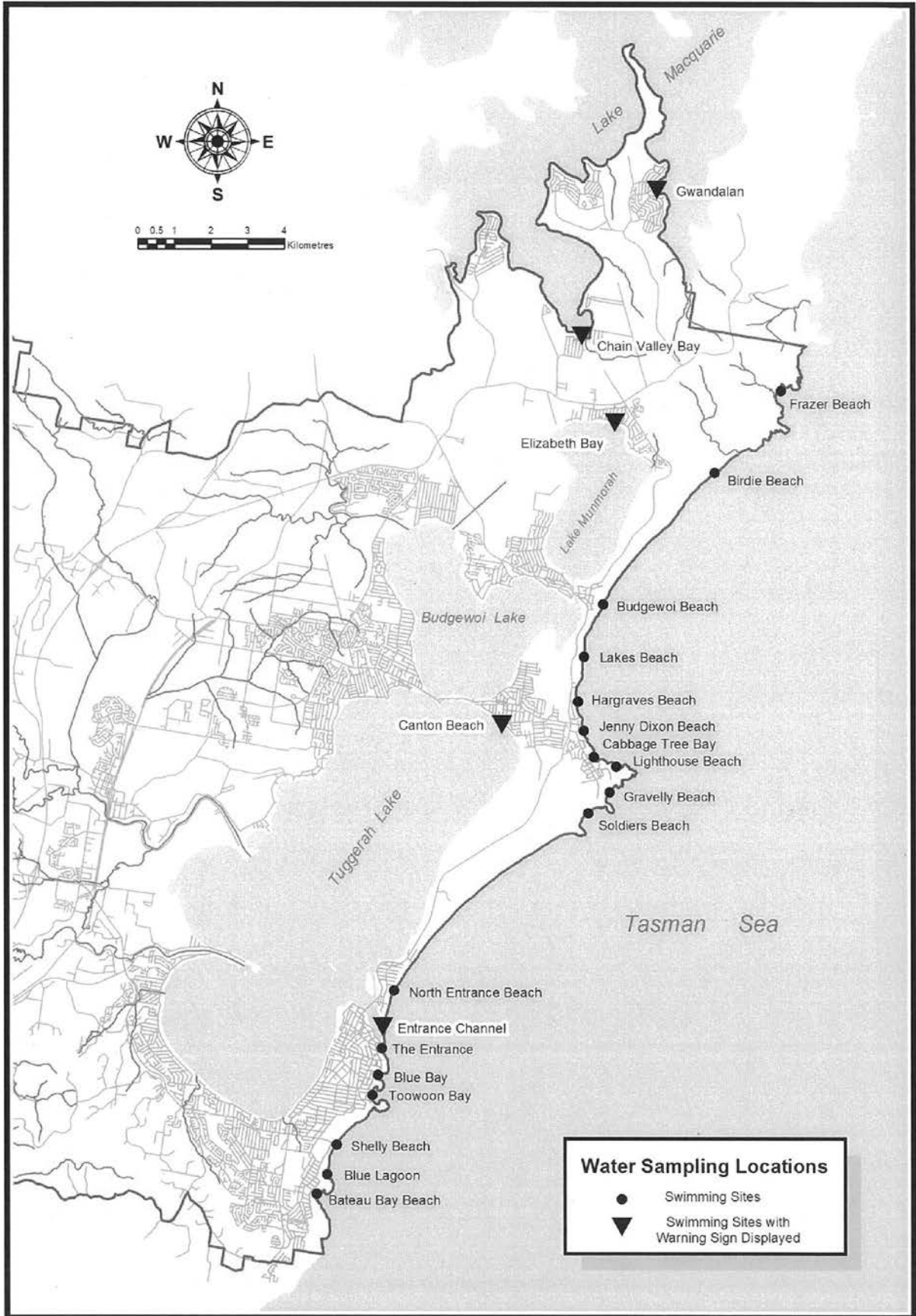
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau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

Table 2: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming.
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming.
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

**ATTACHMENTS**

1 Water Sampling Sites D03238043



## **6.4 Investment Report for July 2013**

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TRIM REFERENCE: F2004/06604 - D03609760  
MANAGER: Carlton Oldfield, Financial Controller  
AUTHOR: Devini Susindran; Financial Accountant

### **SUMMARY**

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

### **RECOMMENDATION**

***That Council receive the Investment Report for July 2013.***

### **BACKGROUND**

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

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

### **CURRENT STATUS**

#### **Managed Funds**

Council holds a "grandfathered" investment in Blackrock Care and Maintenance Fund valued at \$4.80m allowable under the Ministers Investment Order.

The unrealised gain for July and for the year to date was \$0.09m.

BlackRock had a strong month returning +2.00% (net actual) for the month, more than offsetting the losses suffered the previous month. The Fund continues to perform strongly over the long-term with returns close to 8.0% p.a. since inception.

CPG Research & Advisory Pty Ltd is having ongoing discussions with BlackRock in terms of the potential liquidation of the Fund which may begin very shortly. Council will be informed once a decision has been made.



### Cash and Term Deposit Funds

Cash flows in July were managed through maturities and investments in new term deposits, with a net outflow of cash and term deposits of \$5.79m.

Additional funds are being held in Cash at Call (\$16.63m) at 31 July 2013, required to meet possible land acquisition costs and future cash flow requirements. Seasonal supplier payments in July amounted to \$19.26m.

**Table 1 Movement in Cash and Term deposits**

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
<b>Movement in Term Deposits</b>				
Bendigo Bank	7.5	4.68%	Jul 2013	(\$5,000,000)
ING	8	4.60%	Jul 2013	(\$5,000,000)
NAB	8	4.66%	Jul 2013	(\$5,000,000)
ING	6	4.06%	Jan 2014	\$5,000,000
NAB	10.5	3.93%	Jun 2014	\$5,000,000
NAB	11	3.93%	Jun 2014	\$5,000,000
				-
<b>Movement in cash at call</b>				
AMP				-
CBA				-
Westpac		2.85%		(\$5,860,000)
				<b>(\$5,860,000)</b>
Interest earned on all call accounts				\$67,000
				<b>(\$5,793,000)</b>
<b>TOTAL</b>				<b>(\$5,793,000)</b>

### Total Portfolio

Total net return for July 2013 and the financial year was \$0.63m and consisted of \$0.54m of interest earnings and \$0.09m of unrealised capital gains on the Blackrock Care and Maintenance Fund.

Table 2 Net Return

	Full Year 2012-13 \$m	July 2013 \$m	YTD 2012-13 \$m
Capital Gain/(Loss) Realised	-	-	-
Capital Gain/(Loss) Unrealised	0.68	0.09	0.09
<b>Net Capital Gain/(Loss)</b>	<b>0.68</b>	<b>0.09</b>	<b>0.09</b>
Interest Earnings on Call Deposits Received	0.53	0.07	0.07
Interest Earnings on Term Deposits to receive at Maturity	7.04	0.47	0.47
<b>Total Interest earnings</b>	<b>7.57</b>	<b>0.54</b>	<b>0.54</b>
<b>Total Return for Period</b>	<b>8.25</b>	<b>0.63</b>	<b>0.63</b>

Full year returns to July of 5.14% is favourable compared to benchmark BBSW full year Bank Bill Index of 3.01% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital gains on managed funds of \$0.68m is 4.36%.

Table 3 Investment Portfolio by Risk Category

Investment Class	July 2013 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	16,625	67	4.18
Term Deposits	127,870	476	4.56
Managed Funds	4,797	94	26.58
<b>Total Investments</b>	<b>149,292</b>	<b>637</b>	<b>5.14</b>

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

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

Table 4 Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation July 2013	Comments
A1	10.0%	45.88%	
A2	75.0%	47.56%	
A3	10.0%	2.68%	
Unrated	15.0%	3.88%	Includes Managed Funds
<b>TOTAL</b>		<b>100.0%</b>	

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

**Table 5 Portfolio Performance**

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

**Portfolio Interest and Investment Returns**

Full year returns as at 31 July 2013 on council's investment portfolio of deposit accounts, term deposits and managed funds, show a (\$0.04m) or (5.32%) unfavourable variance when compared to the year to-date budget to July 2013.

**Table 6 - Annual Investment Portfolio Performance as at 31 July 2013**

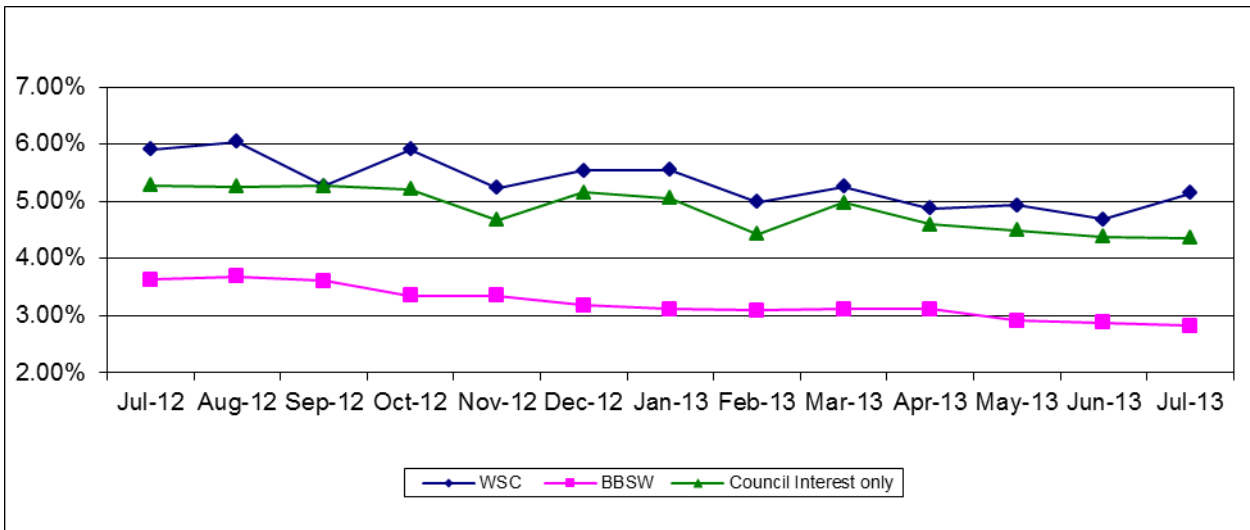
Investment Source	YTD Investment revaluation	YTD Interest	YTD Actual Income	YTD Budget	YTD Variance to Budget	FYR Budget
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
	A	B	C=A+B	D	E=C-D	
General	49	284	<b>333</b>	395	<b>(62)</b>	<b>4,400</b>
Water	20	113	<b>133</b>	94	<b>39</b>	<b>1,130</b>
Sewerage	25	145	<b>170</b>	183	<b>(13)</b>	<b>2,200</b>
<b>Total</b>	<b>94</b>	<b>542</b>	<b>636</b>	<b>672</b>	<b>(36)</b>	<b>7,730</b>

Interest rates in the month, on term deposits ranged from 3.65% to 5.77% with the exception of Heritage Bank at 7.25%. These rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for July of 2.79%.

**Benchmark - Monthly Returns (Annualised)**

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

**Table 7 Annualised Monthly Return – Comparison to Benchmark**

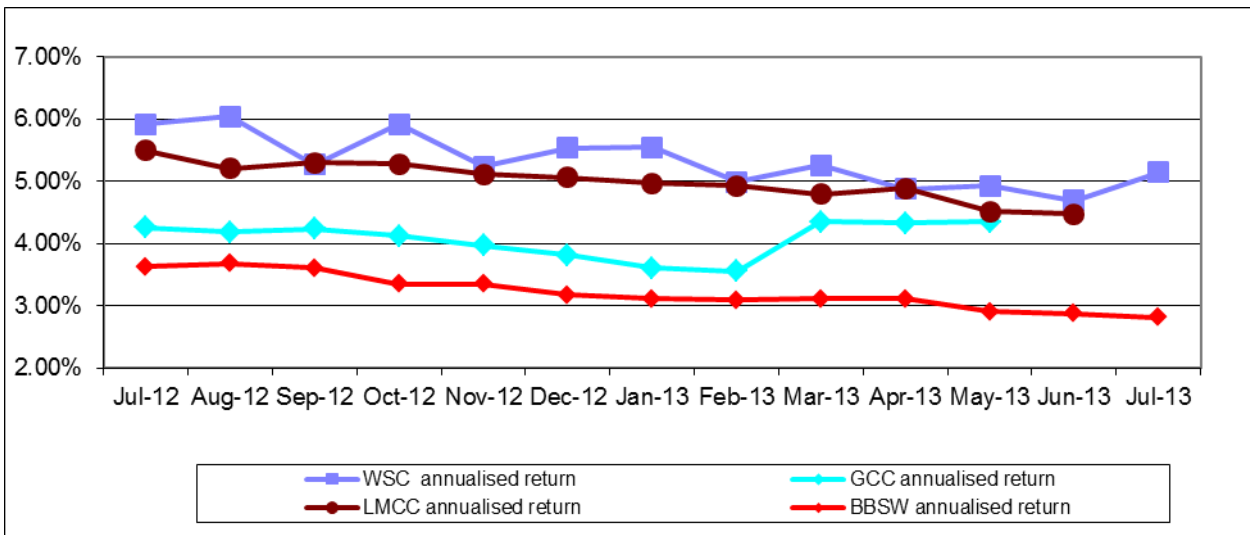


**Comparison to Neighbouring Councils**

Council’s yield of 4.93% for May, 4.69% for June and 5.14% for July compare favourably to neighbouring Councils; Lake Macquarie City Council (4.52% - May, 4.47% - June) and Gosford City Council (4.35% - May).

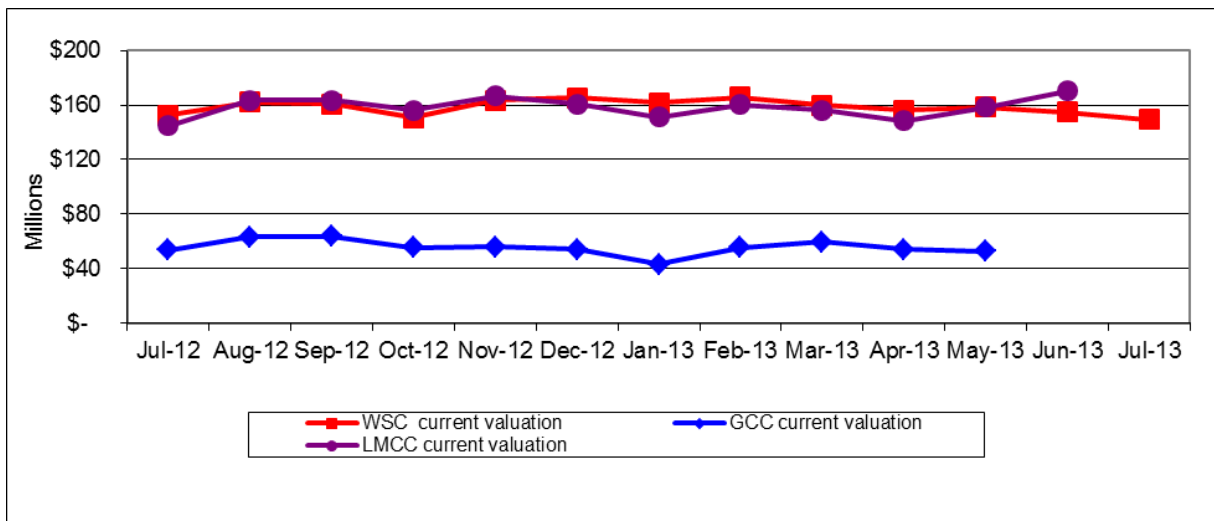
There is a time lag in the information available for neighbouring Councils and reports for June and July were not available at the time of writing this report.

**Table 8 Portfolio Return - Comparison to Neighbouring Councils**



WSC’s investment portfolio at the end of May was \$158.67m, June was \$154.99m and July was \$149.29m demonstrating a strong cash position, similar with Lake Macquarie City Council’s portfolio of \$158.39m in May and \$170.30m in June and more than Gosford City Council’s portfolio of \$52.89m at May 2013 (refer Table 9).

Table 9 Portfolio Valuations - Comparison to Neighbouring Councils



## INVESTMENT STATEMENT

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

## ATTACHMENTS

- 1 Summary of Investment by Type - July 2013 D03614651

Wyong Shire Council Summary of Investments - By Type As at 31 July 2013								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 30.06.13 \$	PORTFOLIO BALANCE 31.07.13 \$	INCOME FOR MONTH OF JULY \$	INTEREST RATES % p.a.
		Short Term	Long Term					
<b>CASH AT CALL:</b>								
Westpac	Corporate Investment Account (AA)	A1	AA	Daily	17,439,877	11,631,417	51,541	2.85
CBA		A1	AA	Daily	-	-	0	2.75
AMP		A1	A	Daily	4,977,393	4,992,612	15,219	3.45
Suncorp		A1	A	Daily	15	15	0	
UBS	Cash Account	A1	AA	Daily	1,402	1,124	0	
<b>Total Cash At Call</b>					<b>22,418,687</b>	<b>16,625,168</b>	<b>66,760</b>	
<b>TERM DEPOSITS &amp; BONDS</b>								
<u>Short term deposits &amp; bills (less than 90 days)</u>								
ING	Term Deposit	A1	A	1/07/2013	5,000,000		0	4.60
NAB	Term Deposit	A1	AA	15/07/2013	5,000,000		13,405	4.66
Bendigo/Adelaide	Term Deposit	A2	A	26/07/2013	5,000,000		16,027	4.68
NAB	Term Deposit	A1	AA	15/08/2013	5,000,000	5,000,000	19,832	4.67
Bendigo/Adelaide	Term Deposit	A2	A	26/08/2013	5,000,000	5,000,000	19,704	4.64
Suncorp	Term Deposit	A1	A	6/09/2013	5,000,000	5,000,000	18,388	4.33
Suncorp	Term Deposit	A1	A	30/09/2013	5,000,000	5,000,000	18,558	4.37
Bendigo/Adelaide	Term Deposit	A2	A	8/10/2013	5,000,000	5,000,000	19,534	4.60
ING	Term Deposit	A1	A	28/10/2013	5,000,000	5,000,000	18,217	4.29
					<b>45,000,000</b>	<b>30,000,000</b>		
<u>Medium Term Deposits (up to 365 days)</u>								
Bank of Queensland	Term Deposit	A2	BBB	12/11/2013	5,000,000	5,000,000	18,685	4.40
NAB	Term Deposit	A1	AA	27/11/2013	5,000,000	5,000,000	20,086	4.73
CUA	Term Deposit	A2	BBB	10/12/2013	5,000,000	5,000,000	18,684	4.40
Rural Bank	Term Deposit	A2	A	20/12/2013	5,000,000	5,000,000	18,515	4.36
NAB	Term Deposit	A1	AA	6/01/2014	5,000,000	5,000,000	18,855	4.44
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/01/2014	1,000,000	1,000,000	3,610	4.25
ING	Term Deposit	A1	A	30/01/2014		5,000,000	0	4.06
CUA	Term Deposit	A2	BBB	11/02/2014	5,000,000	5,000,000	18,685	4.40
ME Bank	Term Deposit	A2	BBB	27/02/2014	5,000,000	5,000,000	18,388	4.33
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014	5,000,000	5,000,000	18,260	4.30
Westpac	Term Deposit	A1	AA	5/03/2014	10,000,000	10,000,000	49,005	5.77
Bank of Queensland	Term Deposit	A2	BBB	27/03/2014	5,000,000	5,000,000	18,473	4.35
ME Bank	Term Deposit	A2	BBB	14/04/2014	5,000,000	5,000,000	18,303	4.31
ME Bank	Term Deposit	A2	BBB	28/04/2014	5,000,000	5,000,000	17,751	4.18
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000	5,000,000	17,836	4.20
NAB	Term Deposit	A1	AA	10/06/2014		5,000,000	0	3.93
NAB	Term Deposit	A1	AA	27/06/2014		5,000,000	0	3.93
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000	5,797	3.65
					<b>72,870,000</b>	<b>87,870,000</b>		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000	26,499	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	24,630	7.25
					<b>10,000,000</b>	<b>10,000,000</b>		
<b>Total Term Deposit &amp; Bonds:</b>					<b>127,870,000</b>	<b>127,870,000</b>	<b>475,728</b>	
<b>CASH MANAGEMENT FUNDS:</b>								
<u>Non - Current</u>								
	BlackRock Care & Maintenance Fund	UNRATED	UNRATED	2016 (Estimate)	<b>4,702,865</b>	<b>4,797,078</b>	94,212	
<b>Total Cash Management Funds</b>					<b>4,702,865</b>	<b>4,797,078</b>	<b>94,212</b>	
<b>Current</b>					<b>140,288,687</b>	<b>134,495,168</b>		
<b>Non-Current</b>					<b>14,702,865</b>	<b>14,797,078</b>		
<b>TOTAL</b>					<b>154,991,552</b>	<b>149,292,246</b>	<b>636,700</b>	

## **6.5 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2013/00023 - D03609604

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Report on Outstanding Questions on Notice and Notices of Motion.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 28 August 2013 | D03665129 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Maxine Kenyon	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	Councillor Nayna 13 March 2013	<p>Preliminary scoping of this report is now underway and investigation is expected to require considerable research. Following the scoping exercise, completion timeframes can be identified. Final information currently being retrieved from field sports users'.</p> <p>A report will be presented to the Ordinary meeting of Council on 11 September 2013</p>
12.	Infrastructure and Operations	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p>	Clr Nayna 13 March 2013	<p>Briefing to Councillors currently being prepared.</p> <p>Letter forwarded to the Hon Robyn Parker MP, Minister for the Environment.</p> <p>Briefing to Councillors still outstanding due to no further information being available. It is expected that EPA will release more information by the end of August 2013 after which time an update will be provided to Councillors.</p> <p>Update to be provided to Councillors in September 2013.</p>



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>5 <i>That Council write to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</i></p>		
20.	Land Management	Martin Johnson	<p>9.1 Notice of Motion – Urgent Employment Stimulus</p> <p><i>“543/13 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.</i></p> <p><i>544/13 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council’s development taxation structure/Section 94 Contributions.</i></p> <p><i>545/13 That Council adopt a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA’s entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.</i></p> <p><i>546/13 That Council authorise existing VPA’s meeting the criteria above to be reduced to this level providing construction has not commenced.</i></p> <p><i>547/13 That any VPA arising from this initiative be reported to Council.</i></p> <p><i>548/13 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014.”</i></p>	Clrs Best and Nayna 24 April 2012	A report will be submitted to Council in early 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
26	Development and Building	Lin Armstrong	<p>6.1 Notice of Motion – Bike Blitz on Cycle Way Menace</p> <p>698/13 <i>That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.</i></p> <p>699/13 <i>That Council raises these concerns as a matter of public safety and as a possible public liability risk.</i></p> <p>700/13 <i>That Council formally raise these community concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.</i></p> <p>701/13 <i>That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.</i></p> <p>702/13 <i>That Council direct the General Manager to report the response from the Local Area Command and suggested action, followed by a later outcomes update report to Council.</i></p>	Clrs Best and Troy 22 May 2013	<p>A letter was forwarded to Local Area Command on 5 June 2013, still awaiting response.</p> <p>No response received as at 20 August 2013.</p>
36	Land Management	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 <i>That Council <u>indicate</u> its intention to rescind_all controls over residential side and rear boundary fencing.</i></p> <p>2 <i>That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</i></p>	24 July 2013 Clr Taylor	The Council resolution requires the proposed amendments to be implemented through amendment 1 to WLEP 2012 (2013). Amendment No.1 has just commenced and will take a number of months to draft so this resolution will not be finalise for some time

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 That Council <i>insert</i> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p> <p>a be not higher than 1.8 metres above ground level (existing); and</p> <p>b be located within, not over, the front boundary; and</p> <p>c be designed to preserve traffic sight line requirements at intersections; and</p> <p>d be not constructed of barbed or razor wire.</p>		
37	Land Management	Martin Johnson	<p>"VPA Voluntary planning Agreement Backlog</p> <p>Mr Mayor,</p> <p>As these planning agreements are central to Councils efforts to better manage developer contributions while providing economic and employment stimulus, could you please advise Council as at 24 July 2013 how many voluntary planning agreements are currently undetermined?</p> <p>Also could you outline what further resources Council may consider to assist staff in dealing with what appears to be a significant backlog?"</p>	24 July 2013 Clr Best	A response will be provided at 11 September 2013 Council Meeting.
39	Community and Recreation Services	Maxine Kenyon	<p>Q31/13 Pioneer Dairy</p> <p>"Can the General Manager make enquiries to inform Council when the public land at Pioneer Dairy, Tuggerah will be regularly open to the public?"</p>	24 July 2013 Clr Greenwald	A response will be provided at a future Council Meeting
41	General Management	Marie Hansen-Kentwell	<p>Q33/13 Financial Impact on Government Changes to Fringe Benefit Tax on Motor Vehicles.</p> <p>Could the General Manager please report back to Council, the potential financial impact on Council of the Rudd Labour Government's plan to change the Fringe Benefit Tax on motor vehicles? And the potential liability that Council and Staff may incur?</p>	24 July 2013 Clr troy	A report will be provided at a future Council Meeting

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
42	Infrastructure and Operations	Peter Murray	Q33/13 Prior Road Ourimbah <i>Mr General Manager, Could you please advise if Wyong has the responsibility for the maintenance of Prior Road, Ourimbah and if so, what is the maintenance schedule. If not, what are the arrangements with Gosford for the maintenance of the road?"</i>	14 August 2013 Councillor Taylor	A response will be provided at a future Council Meeting

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
14 AUGUST 2013**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
7.	Land Management Department	Q34/12 Extension of Draft Pile Burning Policy Exhibition	Councillor Best 24 October 2012	Currently included in Business paper 24 July 2013
21.	Development and Building	9.2 Notice of Motion – Stop Coal Mining in the Valleys	Clrs Eaton and Troy 24 April 2013	A report was provided to Ordinary Meeting held on 26 June 2013
24	Community and Recreation	Notice of Motion – 1915-2015 ANZAC Centenary	Clrs Best and Troy 22 May 2013	Matters resolved through the Working Party will be brought to Council.
30.	Community and Recreation	Q21/13 [REDACTED] – Youth Connections	12 June 2013 Clr Taylor	Currently included in Business paper 24 July 2013
32.	General Managers Unit	Q25/13 2.2 Million Dollar RMS Ruttleys Road Upgrade	26 June 2013 Councillor Best	Letter of appreciation has been forwarded
33	Development and Building	Q26/13 Toukley Taj Mahal Saga “	26 June 2013 Councillor Best	A report is provided Business paper 14 August 2013
34	General Managers Unit	Q27/13 [REDACTED] - Youth Connections	10 July 2013 Councillor Graham	Currently included in Business Paper 28 August 2013.
35	General Managers Unit	Q28/13 Budget Impact of 5% Carbon Tax Increase	10 July 2013 Councillor Nayna	A report is provided Business paper 14 August 2013
38	General Managers Unit	Q30/13 Carbon Tax Rename ,	24 July 2013 Clr Best	A report is provided Business paper 14 August 2013
40	General Managers Unit	Q32/13 Rateable Land	24 July 2013 Councillor Taylor	Currently included in Business Paper 28 August 2013.

## **7.1 Answers to Question on Notice**

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TRIM REFERENCE: F2013/00023 - D03633500 AUTHOR: FK

### **7.1 Q21/13 [REDACTED] – Youth Connections**

The following question was asked by Councillor Graham at the Ordinary Meeting on 10 July 2013:

*“I direct my question to Councillor Taylor.*

*At the Council meeting held on the 12 June 2013 you asked Q21/13 [REDACTED]  
[REDACTED] – Youth Connections.*

*Have you been able to justify your allegations?*

*If not when do you intend to publically apologise to this not for profit community based youth organisation for the hurt you have inflicted upon them?”*

Councillor Taylor provided the following response on the 13 August 2013;

“Yes”

### **ATTACHMENTS**

*Nil.*

## 7.2 Answers to Question on Notice

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TRIM REFERENCE: F2013/00023 - D03668513 AUTHOR: JM

### 7.2 Q32/13 Rateable Land

The following question was asked by Councillor Taylor at the Ordinary Meeting on 24 July 2013:

*“Could the General Manager please advise what percentage of the Shire is rateable land?”.*

This question can be answered in 2 ways:

#### 1. By Area: (% of total shire area that is rateable)

Area of Shire

The shire is 821.5km<sup>2</sup> which includes the lakes and rivers area of 83.2km<sup>2</sup>.

Land Only area 738.3 km<sup>2</sup>

Rateable Area = 346,874,022 m<sup>2</sup>

**Therefore, the % of shire area that is rateable land is:**

**42.2%**                    **Includes lakes and rivers** (346,874,022/821,500,000).. or  
**47.0%**                    **Land area only** (346,874,022/738,300,000)

#### 2. Number of rateable properties as a % of total properties with a value ascribed

For background, land occupied by roads and railway lines don't have valuations, nor do State Forests, and some Crown Land.

Other properties like Strata Plan Common Property is not rateable but has a valuation allocated (with zero % entitlement).

- Number of rateable properties = 64,468
- Number of non-rateable properties = 3,381 (does not include unvalued land like roads etc.)

On this measure, 95% of Council Properties are rateable.

## ATTACHMENTS

*Nil.*

DRAFT