



Wyong  
Shire  
Council  
CENTRAL COAST



Council has engaged contractors to start rebuilding the historic Alison Homestead this month (artist's impression - Webber Architects)

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

**08 October 2014**

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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 8 OCTOBER 2014** at **5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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**7 CONFIDENTIAL ITEMS**

7.1	Art House Tender Negotiations	
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**8 QUESTIONS ON NOTICE ASKED**

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

Michael Whittaker  
**GENERAL MANAGER**



## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2013/02042-02 - D11690964

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; 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: F2013/02042-02 - D11690968  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; 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
8 October 2014	2013/14 End of Financial Year accounts (pre-exhibition)	GM Unit
8 October 2014	CONFIDENTIAL: Building Certification Business	Development and Building
8 October 2014	Central Coast Regional Growth and Infrastructure Plan Discussion Paper	Development and Building
8 October 2014	Annual Report (concept and initial design)	GM Unit
8 October 2014	Policy for Sales and Acquisitions of Council land	Property and Economic Development
8 October 2014	CONFIDENTIAL – Arthouse	GM Unit

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 08 October 2014 D11724495

## Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
2013/14 End of Financial Year accounts (pre-exhibition)	GM Unit		08/10/2014
CONFIDENTIAL: Building Certification Business	Development and Building		08/10/2014
Central Coast Regional Growth and Infrastructure Plan Discussion Paper	Development and Building		08/10/2014
Annual Report (concept and initial design)	GM Unit		08/10/2014
Policy for Sales and Acquisitions of Council land	Property and Economic Development		08/10/2014
CONFIDENTIAL – Arthouse	GM Unit		08/10/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		12/11/2014
Regional Playgrounds	Community and Recreation Services		12/11/2014
Legal and Governance Org Review	GM Unit		12/11/2014
CCRDC Update - Graeme Inchley & Greg South	GM Unit		26/11/2014
Community Facilities Strategy Update	Community and Recreation Services		26/11/2014
2014/15 Q1	GM Unit		26/11/2014
Discussion on topics for weekend workshop - Capital budget - Key business objectives articulated and agreed - Q1 Report	GM Unit		26/11/2014
Rating Model (3hrs)	GM Unit		10/12/2014
Fees and charges -- Special Rate Variation	GM Unit		21/01/2015
Q2 Report	GM Unit		25/02/2015
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Final draft plan changes and considerations	GM Unit		25/03/2015
Discuss and consider submissions -- Q3	GM Unit		27/05/2015
Wyang Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	

### **1.3 Address By Invited Speakers**

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TRIM REFERENCE: F2013/02042-02 - D11690973  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; Councillor Services Officer

#### **SUMMARY**

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

#### **RECOMMENDATION**

*That Council receive the report on Invited Speakers.*

#### **ATTACHMENTS**

Nil

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

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TRIM REFERENCE: F2013/02042-02 - D11690982

MANAGER: Lesley Crawley, Manager

AUTHOR: Fiona Kurtz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 24 September 2014.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 September 2014.***

### **ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Minutes - Ordinary Meeting 24 September 2014                               | D11715891 |
| <b>2</b> | Minutes - Confidential Session of the Ordinary Meeting 24 September 2014 - | D11720786 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL**

**HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 24 SEPTEMBER 2014  
COMMENCING AT 5.00PM**

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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, A Troy (Arrived 5.56pm), D P Vincent.

**IN ATTENDANCE**

Acting General Manager, Director Development and Building, Acting Director Property and Economic Development, General Counsel, Acting Section Manager Marketing, Tourism and Communications, IT Infrastructure Administrator, IT and Operations Manager and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm 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.

**APOLOGY**

An apology for the inability to attend the meeting was received on behalf of Councillor Webster due to attendance at a conference.

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

***1035/14 That Council accept the apology and grant leave of absence from the meeting.***

All reports were dealt with in sequential order.

**1.1 Disclosures of Interest**

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**4.4 Sponsorship Program 2014-15 Applications**

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is on The Entrance Mardi Gras Committee and participated in consideration of this matter.

Councillor Taylor 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 GREENWALD and seconded by Councillor NAYNA:**

**1036/14 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 BEST:**

**1037/14 That Council allow meeting practice to be varied.**

**1038/14 That Council use the exception method to deal with the balance of the Agenda.**

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

**1039/14 That with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 4.2, 4.4, 4.7, 5.2, 5.3, 5.5, 5.8, 7.1, and 8.1 Council adopt the recommendations contained in the remaining reports.**

**1.2 Proposed Inspections and Briefings**

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

**1040/14 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 BEST and seconded by Councillor NAYNA:**

**1041/14 That Council receive the amended report on Invited Speakers.**

**1042/14 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**

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

**1043/14 That Council confirm the minutes of the previous Extraordinary Meeting of Council and the Ordinary Meeting of Council held on Wednesday 10 September 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 BEST and seconded by Councillor NAYNA:**

**1044/14 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(c) and (2)(d)(i) of the Local Government Act 1993:**

**8.1 Land Acquisition - Land Valuation and Due Diligence Report**

**1045/14 That Council note its reason for considering Report No 8.1 - Land Acquisition - Land Valuation and Due Diligence 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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

**1046/14 That Council request the General Manager to report on this matter in open session of Council.**

**2.1 Proposed Transfer of Land at Berkeley Vale to Roads & Maritime Services**

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

- 1047/14 That Council authorise the transfer of Lot 17 DP 255990, Lot 7 DP 259648, Lot 60 DP 818089 and part Lot 503 DP 627895 at the intersection of Enterprise Drive and Wyong Road, Berkeley Vale to Roads & Maritime Services for an amount not less than market value as determined by a licensed valuer.**
- 1048/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the transfer of the land.**
- 1049/14 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL

**3.1 CPA/241428 - Construction of Wyong Art House**

Councillor Matthews left the meeting at 5.21pm and returned to the meeting at 5.22pm during consideration of this item.

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

- 1050/14 That Council consider the tenders submitted and decline to accept any of the tenders; and**
- 1051/14 That Council delegate the General Manager authority to commence negotiations with the tenderers and the results of the successful negotiations be reported to Council for their endorsement; and**
- 1052/14 That Council resolve that its reason for declining to invite fresh tenders is that the tenders received provide appropriate market responses that will allow Council to enter a best value contract; and**
- 1053/14 That Council determine to enter into negotiations with some or all of the tenderers, for the purpose of Clause 178 of the Local Government (General) Regulations 2005, that:**
- (a) There is potential benefit to pursue alternative proposals in some tenders; and**
  - (b) To explore potential reductions in contract costs.**
- 1054/14 That Council determine that this is a matter of urgency and be enacted immediately.**

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

AGAINST: COUNCILLORS VINCENT

**3.2 CPA/247310 - Alison Homestead - Rebuild**

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

- 1055/14 That Council accept the tender from Collaborative Construction Solutions, for the lump sum amount of \$995,130.18 (excl GST) for Contract CPA/247310 – Alison Homestead Rebuild – Construction.
- 1056/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 1057/14 That Council approve the contingency sum at the rate that applies to Collaborative Construction Solutions as detailed in the Tender Evaluation Report in Attachment A.

**PROCEDURAL MOTION**

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

- 1058/14 That Council separate the recommendation in item 4.1 Rebranding Consultation to allow voting on recommendation 1 and 2, then 3 and 4 independently.

**4.1 Rebranding Consultation**

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Councillor Troy arrived at the meeting at 5.56pm during consideration of this item.

Councillor Matthews left the meeting at 6.15pm and returned to the meeting at 6.17pm during consideration of this item.

Councillor Taylor left the meeting at 6.20pm and returned to the meeting at 6.22pm during consideration of this item.

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

- 1059/14 That Council receive and note this report on the community consultation.
- 1060/14 That Council adopt the draft Brand Strategy outlined in Attachment 1 including the vision and mission statements, values, cultural beliefs, personality and brand essences.

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

- 1061/14 That Council give delegation to the Mayor and General Manager to discuss possible name changes with the Minister for Local Government and Council's submission for Fit for the Future.
- 1062/14 That Council request a further report be provided on the outcomes of the discussions with the Minister for Local Government.

A DIVISION was called by Councillor VINCENT

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

**4.2 Councillor Strategic Planning Workshop 2015**

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Councillor Best left the meeting at 6.35pm and returned to the meeting at 6.36pm during consideration of this item.

*It was MOVED on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:*

*That Council defer this item to look at possible venues on the Central Coast.*

*An AMENDMENT was MOVED by Councillor EATON and seconded by Councillor TAYLOR:*

- 1 That Council note the contents of this report and provide direction to staff regarding a venue for the 2015 Council Strategic Planning Workshop.*
- 2 That Council endorse the workshop dates as 13 to 15 February 2015.*
- 3 That Council hold the workshop at the same venue as previous years.*

***The AMENDMENT was put to the vote and declared CARRIED.***

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

***The AMENDMENT became the MOTION.***

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

- 1063/14 That Council note the contents of this report and provide direction to staff regarding a venue for the 2015 Council Strategic Planning Workshop.***
- 1064/14 That Council endorse the workshop dates as 13 to 15 February 2015.***
- 1065/14 That Council hold the workshop at the same venue as previous years.***

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

**4.3 2015/16 Strategic Planning - Councillor Engagement**

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

- 1066/14 That Council endorse the Councillor Engagement Schedule for the 2015/16 Strategic Planning process***

#### 4.4 Sponsorship Program 2014-15 Applications

Councillor Taylor left the meeting at 6.53pm and did not return for the duration of the meeting.

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is on The Entrance Mardi Gras Committee and participated in consideration of this matter.

Councillor Taylor 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:**

**1067/14 That Council allocate \$62,000.00 from the Sponsorship Program 2014-15 as follows:**

<b>Positioning</b>	<b>Initiative</b>	<b>Funding Recommended</b>	<b>Total over 3 years</b>
<b>Tier 1 Multi-year</b>	<b>Central Coast Rugby Sevens - – an international rugby festival running a three day series of games looking to grow in size and prestige. Attracts teams from Fiji, Canada, United States, New Zealand, Japan, Brazil and Malaysia.</b>	<b>\$20,000 funding</b>	<b>\$60,000</b>
<b>Tier 2 Multi-year</b>	<b>GOATS Family Festival – an established community based youth event. Funding provided on a sliding scale to support transition to independent event management</b>	<b>\$10,000 funding</b>	<b>\$20,000</b>
<b>Tier 2 Multi-year</b>	<b>The Entrance Triathlon - a new major sporting event on the Central Coast as part of the Triathlon NSW Sprint Series. Two events to be held (January and April 2015)</b>	<b>\$15,000 funding</b>	<b>\$45,000</b>

<b>Tier 2 Single year</b>	<b>The Entrance Mardi Gras – to support re-establishment of The Entrance and District Mardi Gras Festival to be held over the first week of December 2014</b>	<b>\$5,000 in-kind support, subject to Council receiving the following by 9 October 2014:</b> <ul style="list-style-type: none"> <li>- Appropriate - documentation to Council for road closures</li> <li>- Detailed budget</li> <li>- Appropriate aquatic licenses.</li> </ul>	
<b>Tier 3 Multi-year</b>	<b>Kids' Day Out – an established event on Central Coast that supports a regional focus of support for needs of children and families in the region</b>	<b>\$5,000 funding</b>	<b>\$11,000</b>
<b>Tier 3 Single year</b>	<b>Success Women's Networking Events – a series of networking events in the Wyong Shire aimed at helping businesswomen on the Central Coast to succeed</b>	<b>\$4,000 funding</b>	<b>\$12,000</b>
<b>Tier 3 Single year</b>	<b>CASAR Virtual Park Launch - create a computer model and marketing launch for the CASAR circuit launch providing participants with a realistic experience of how the track will eventually drive</b>	<b>Deferred for further discussion</b>	
<b>Tier 3 Single year</b>	<b>Relay for Life – an established fundraising and fun run event held at Mingara Recreation Club attracting over 3000 participants</b>	<b>\$3,000 funding</b>	

1068/14 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant and directed to alternate funding programs:

<b>Positioning</b>	<b>Amount</b>	<b>Initiative</b>	<b>Assessment</b>
<b>Tier 1 Multi-year</b>	<b>\$150,000</b>	<b>Mariners A-League Pre-season and National Youth League Matches</b>	<b>Basic eligibility: Minimum 50% contribution not met.</b>
<b>Tier 1 Multi-year</b>	<b>\$60,000</b>	<b>Vital Equipment Replacement Program</b>	<b>Basic eligibility: Funding requested for purchase of operations vehicle; ineligible expense. Suitable for grants.</b>
<b>Tier 1 Single year</b>	<b>\$72,000</b>	<b>Lightscape The Entrance</b>	<b>Basic eligibility: 50% contribution not met. No option for establishment of self-sustaining event.</b>

<b>Tier 2 Multi-year</b>	<b>\$30,000</b>	<b>Long Jetty Artisan Market</b>	<b>Basic eligibility: No legal identity, 50% contribution not met, funding requested for salaries and wages.</b>
<b>Tier 2 Single year</b>	<b>\$13,940</b>	<b>Water Activities Centre Long Jetty</b>	<b>Basic eligibility: General public cannot access facilities, 50%, contribution not met, funding requested for fencing.</b>
<b>Tier 2 Single year</b>	<b>\$10,000</b>	<b>Armstrong Tag Archery</b>	<b>Basic eligibility: funding for ineligible expenses, 50% contribution not met, tangible community benefits not shown.</b>
<b>Tier 3 Single year</b>	<b>\$5,000</b>	<b>Community Outreach Program</b>	<b>Basic eligibility: Did not specify date for event. Information unclear, does not contribute minimum 50%.</b>
<b>Tier 3 Single year</b>	<b>\$2,750</b>	<b>Special Needs Christmas Party</b>	<b>Basic eligibility: pending grant application. Require higher weighting. Appropriate for grants.</b>
<b>Tier 3 Single year</b>	<b>\$1,500</b>	<b>19<sup>th</sup> Annual Business Awards</b>	<b>Basic eligibility: sponsorship to cover ineligible expenses, already established initiative that is financially viable. Encourage support through Greater Toukley Vision.</b>

#### **4.5 Councillor Attendance - Australian WiFi Summit**

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

**1069/14** That Council authorise those interested Councillors to attend the Australian WiFi Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.

**1070/14** That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

#### **4.6 Councillor Attendance - The Newcastle China Business Forum**

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

**1071/14** That Council authorise those interested Councillors to attend the Newcastle China Business Forum in accordance with the Council's Facilities and Expenses Policy for Councillors.



- 1072/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

#### 4.7 Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing Structure for Waste Services

Councillor Greenwald left the meeting at 6.59pm and returned to the meeting at 7.00pm during consideration of this item.

Councillor Vincent left the meeting at 6.59pm and returned to the meeting at 7.01pm during consideration of this item.

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

- 1073/14 That Council receive the report on Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing Structure for Waste Services.

- 1074/14 That Council note that no public submissions were received during the exhibition period.

- 1075/14 That Council make the following amended annual Domestic Waste Management Charges for 2014-15, pursuant to Section 496 of the Local Government Act 1993:

Description	Charge Amount
Domestic Waste Management Charge	\$485.00
Domestic Waste Management Charge West of M1 Motorway	\$409.00
Domestic Waste Management Charge – 240 litre Waste Upgrade	\$146.17
Domestic Waste Management Charge – Additional 240 litre Waste Bin Service	\$442.29
Domestic Waste Management Charge – Additional 140 litre Waste Bin Service	\$298.00

- 1076/14 That Council make the following amended Waste Management Charges for 2014-15, pursuant to Section 501 of the Local Government Act 1993:

Description	Charge (incl 10% GST)
Waste Management Charge – 140 litre Waste Bin Service	\$374.00
Waste Management Charge - 240 litre Waste Bin Service	\$490.29
Waste Management Charge - 660 litre Waste Bin Service	\$1996.29
Waste Management Charge - 1.1 cubic metre Waste Bin Service	\$2,792.14
Waste Management Charge - 1.5 cubic metre Waste Bin Service	\$3,759.29

- 1077/14 The Council implement the amended charges in recommendation 3 and 4 above from 1 July 2014.

- 1078/14 That Council implement the new fees and charges at the Buttonderry Waste Management Facility from 1 October as outlined in Attachment 1.

**5.1 Investment Report for August 2014**

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

**1079/14 That Council receive the Investment Report for August 2014.**

**5.2 Metro Cinemas Tree Application**

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Councillor Nayna left the meeting at 7.04pm and returned to the meeting at 7.07pm during consideration of this item.

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

**1080/14 That Council note the Metro Cinemas Tree Application report.**

**1081/14 That Council grant permission for removal of the tree and notes metro cinemas correspondence on the tree's dangerous condition.**

**5.3 'Fit for the Future' State Government Response to the Independent Local Government Review Panel Final Report**

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

**1082/14 That Council note and receive the report on 'Fit for the Future' State Government Response to the Independent Local Government Review Panel Final Report.**

A DIVISION was called by Councillor VINCENT

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR AND TROY

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

**5.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 4 September 2014**

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

**1083/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 4 September 2014.**

**5.5 Asbestos Amnesty Program - Update**

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

**1084/14 That Council receive the update report on the status of the Asbestos Amnesty Program - Update.**

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

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

**1085/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**5.7 Works in Progress - Water Supply and Sewerage**

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

**1086/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

**5.8 Activities of the Development Assessment and Building Certification Compliance and Health Units**

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Councillor Troy left the meeting at 7.25pm and returned to the meeting at 7.27pm during consideration of this item.

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

**1087/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of August 2014.**

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

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

**1088/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**7.1 Notice of Motion - Innovative Disabled Beach Access Facility at Lakes Beach**

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Mr David Galea, representing the Northern Lakes Disability Tourism Precinct Committee,

addressed the meeting at 7.29pm, answered questions and retired at 7.45pm.

Councillor Matthews left the meeting at 7.30pm and returned to the meeting at 7.31pm during consideration of this item.

Councillor Greenwald left the meeting at 7.52pm and returned to the meeting at 7.54pm during consideration of this item.

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

**1089/14 That Council recognise the tremendous efforts of the volunteers of the Lakes Beach United Dune Care and Coast Care in volunteering to build the beach access facility at Lakes Beach.**

**1090/14 That Council note that this group has indicated it would like the access ramp to be handed over to Council to maintain as a Council asset.**

**1091/14 That Council request the General Manager to provide a report to Council on this matter.**

## **7.2 Notice of Motion - Review of Code of Meeting Practice**

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

**1092/14 That Council review its Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting, thereby avoiding residents having to wait, often for 3 or 4 hours, to address their Council.**

## **QUESTIONS ON NOTICE**

**Q76/14 Erosion at The Entrance Beach  
Councillor Luke Nayna  
F2004/07718**

*"My question is to the Acting General Manager,*

*I note recent erosion at The Entrance Beach and the subsequent decision by Surf Life Saving Central Coast to keep the beach closed due to safety reasons.*

*With the busy summer period approaching can Council please investigate and report back on cost options available to restore sand to The Entrance Beach including re profiling and trucking in sand?"*

**Q77/14 Council Building Security  
Councillor Adam Troy  
F2004/07718**

*"Could the General Manager investigate the current adequacies of security in the Council building for meeting and everyday business and report back to Council on his findings?"*

**CONFIDENTIAL SESSION**

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

***1093/14 That Council move into Confidential Session.***

At this stage of the meeting being 8.06pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

**OPEN SESSION**

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

***1094/14 That Council move back into Open Session.***

Council resumed in open session at 8.15pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**8.1 Land Acquisition - Land Valuation and Due Diligence Report**

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***1095/14 That Council receive the report on Land Acquisition - Land Valuation and Due Diligence Report.***

**THE MEETING** closed at 8.16pm.

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

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TRIM REFERENCE: F2013/02042-02 - D11690985  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; Councillor Services Officer

### **SUMMARY**

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

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

### **RECOMMENDATION**

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

#### **7.1 – Art House Tender Negotiations**

- 2 That Council note its reason for considering Report No 6.1 – Art House Tender Negotiations information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

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

*2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*

*2(d) commercial information of a confidential nature that would, if disclosed:*

*(i) prejudice the commercial position of the person who supplied it, or*

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

*(iii) reveal a trade secret,*

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

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



8 October 2014

To the Ordinary Council Meeting

Councillor

## **2.1 Mayoral Minute - Meet the Mayor Forums**

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TRIM REFERENCE: F2004/06896 - D11726177

AUTHOR: Doug Eaton; Councillor

Recently at the Ward Forums and through letters to the editor a number of residents have asked about how they engage with the Councillors. Although all phone numbers of Councillors are published and can be contacted directly, requests can be made to speak at Council meetings or before at a Residents Forum, feedback from some residents is that they would like more access to Councillors.

Over the last two years a 'Meet the Mayor' event has been held with great success and it is recommended that Council expand the options to engage with Councillors, particularly the Mayor, to a Meet the Mayor session at locations around the Shire. It is proposed that a series of Meet the Mayor sessions be trialled in 2015, with the first 'Meet the Mayor' session commencing in February.

It is proposed to hold the sessions on a Saturday morning for an hour at each of the locations below, twice a year:

- Tuggerah Library
- Bateau Bay Library
- Lake Haven Library; and
- Lake Munmorah Shopping Centre.

The series of eight sessions over the year will provide an invaluable opportunity for residents to get to know their Mayor and/or Councillors, raise concerns and hear about plans for the area and have their say on the future of Wyong Shire. Residents will have the opportunity to drop in for a chat or book in advance to ensure time with the Mayor or his delegate. It is intended that these sessions be informal and provide an opportunity for one on one discussion, there will be no presentations.

It is suggested that the sessions be open to all Councillors to attend and meet with residents.

To assist in the management of the Meet the Mayor sessions two staff would be required, one to raise service requests and note comments and actions and the other to manage the movement of residents through the process.

This type of session with the Mayor has been used in other councils and seems to have success with particular groups in the community. This is recommended as a trial as another way Council is engaging with our community to ensure that they have access to Councillors, hear about Council business and are able to provide Council with direct feedback.

***I formally move:***

***That Council trial a series of eight 'Meet the Mayor' forums to be held at key locations across the Shire.***

### **ATTACHMENTS**

*Nil.*

### **3.1 Incentives for Dual Occupancy Development**

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TRIM REFERENCE: F2013/02015 - D10252807

MANAGER: Scott Cox, Director

AUTHOR: Rodney Mergan; Senior Planner

#### **SUMMARY**

This report considers potential incentives for dual occupancy development in order to promote aged and affordable housing and stimulate construction employment. The incentives will also promote the removal of old housing stock that is often energy inefficient and that often contain hazardous building material such as asbestos.

#### **RECOMMENDATION**

- 1 That Council amend Development Control Plan 2013: Chapter 2.3 – Dual Occupancy Development to provide incentives for dual occupancy development by amending Chapter 2.3 in the following way:**
  - **Reducing the open space area requirements per dwelling from 60m<sup>2</sup> to 45m<sup>2</sup>.**
  - **Reducing the minimum lot size requirements for side-by side dual occupancy from 550m<sup>2</sup> to 450m<sup>2</sup> and a front/rear dual occupancy from 700 m<sup>2</sup> to 600m<sup>2</sup> where the proposal involves the demolition of an existing dwelling greater than 30 years old and is located on land zoned for residential purposes (R1,R2 &R3 zones).**
- 2 That Council consider for a period of twelve months the requirement for kerb, gutter and foot paving for dual occupancy development not be applied to isolated sites unless a significant safety concern is evident.**
- 3 That Council place the Draft Development Control Plan 2013: Chapter 2.3 – Dual Occupancy Development on public exhibition for a period of 28 days for public comment.**
- 4 That Council adopt subject to there being no significant objections, the draft Development Control Plan and appropriate public notice be given.**
- 5 That Council authorise the General Manager to make any minor amendments to the DCP (if required).**

#### **BACKGROUND**

Council has identified a need to create opportunities to promote aged housing, affordable housing and stimulate employment within the construction industry. The provision of dual occupancy development in older residential areas encourages the regeneration of old and energy inefficient housing stock, often located on comparatively large residential lots and underutilising existing Council services.

### 3.1 Incentives for Dual Occupancy Development (contd)

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At the Ordinary Meeting held 10 November 2010, it was resolved;

*“RESOLVED unanimously on the motion of Councillor EATON:*

*2.1 a Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas. Recognising that dual occupancy development is generally suitable for aged housing and replacing old housing with new housing increases energy and resource and environmental efficiency.”*

At the Ordinary Meeting held 23 October 2013, it was resolved;

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

*1337/13 That Council request the General Manager to amend the Wyong DCP 2013 to remove the requirement for the applicant to provide kerb and gutter for Dual Occupancy developments on isolated sites.*

*1338/13 That Council request the General Manager to give proper consideration to the need for any requirement for a condition of consent requiring the construction of kerb and gutter for dual occupancy developments on isolated sites in the interim.”*

#### **CURRENT STATUS**

The provisions for dual occupancy development in Wyong Shire are located in Chapter 2.3 and in Wyong Local Environmental Plan (LEP) 2013. The specific provisions that have been identified for variation to provide incentive for dual occupancy development are:

- Section 5.1 – Lot size provisions
- Section 6.1 – Private open space provisions
- Section 7.2 – Kerb and gutter provisions

#### **THE PROPOSAL**

##### **Amendment of Chapter 2.3**

###### **1 Incentive by varying minimum lot size**

Currently dual occupancy development is permitted as follows:

- Side-by-side ('terrace style') – 550m<sup>2</sup>
- Front-and-rear – 700m<sup>2</sup>

It is proposed that for proposals that involve the demolition of an existing dwelling greater than 30 years old this provision be relaxed to the following:

### 3.1 Incentives for Dual Occupancy Development (contd)

- Side-by-side ('terrace style') – 450m<sup>2</sup>
- Front-and-rear – 600m<sup>2</sup>

There are a significant number of lots with an area of slightly less than 700 m<sup>2</sup> correlating to an old imperial lot size measurement, which could be considered suitable for dual occupancy development

Comparison with other LGA's and the established standards of the Department of Planning and Environment (DP&E) under SEPP Exempt and Complying Development for small dwellings and State Environmental Planning Policy No. 53 (now repealed) for dual occupancy development (see Table 1 below), along with consultation with relevant staff, indicates that these provisions could be altered to encourage redevelopment.

#### 2 Proposed variation to open space area requirements

Currently dual occupancy development requires 60 m<sup>2</sup> of open space area. It is proposed that this be relaxed to 45 m<sup>2</sup> of open space area per dwelling.

Open space requirements were increased from 45m<sup>2</sup> to 60 m<sup>2</sup> as part of the adoption of Wyong DCP 2005. Other existing controls relating to the location of the open space with regard to living areas and sunlight access ensure that the open space areas are functional. If used for aged housing, given the additional maintenance requirements, large areas of private open space are not desirable. Table 1 indicates that the proposed open space provisions are not inconsistent with comparable policies.

Source	Lot Size	Open Space	Document
Lake Macquarie	500 m <sup>2</sup> . for dual occupancy -	24 m <sup>2</sup>	Draft DCP 2014
Gosford	500 m <sup>2</sup> - attached 800 m <sup>2</sup> . - detached	75 m <sup>2</sup>	LEP 2014 Note: prohibited in R2 zone
Hills	600 m <sup>2</sup> - attached 700 m <sup>2</sup> – detached	80 -100 m <sup>2</sup> with 24 m <sup>2</sup> directly attached to the living areas	LEP 2012 DCP 2012
Port Stephens	500 m <sup>2</sup> - attached 600 m <sup>2</sup> – detached	50 m <sup>2</sup> with 35 m <sup>2</sup> directly attached to the living areas	LEP 2013 Provisions shown apply to R1&2 zones
Cessnock	450 m <sup>2</sup>	50-70 m <sup>2</sup>	DCP 2010
DP&E	small dwellings- 200m <sup>2</sup> <i>Applies to Small lot Development (Integrated Housing) under Wyong LEP 2013.</i>	16 m <sup>2</sup>	SEPP E&C Development
DP&E <i>Repealed Legislation</i>	400 m <sup>2</sup> – attached 600 m <sup>2</sup> - detached	N/A	SEPP 53 (repealed)

**Table 1- Provision Comparison**

### 3.1 Incentives for Dual Occupancy Development (contd)

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*Notes: WSC not directly comparable as we use side by side and front/rear to characterise dual occupancy development and not attached/detached.*

*Other comparable Councils (e.g. Newcastle, Hornsby) do not use dual occupancy definition relying on the definition of multi-dwelling housing and not permitting dual occupancy in low density zones.*

#### **Proposed variation to kerb, gutter and foot paving requirements**

The provision of kerb, gutter and foot paving is an additional cost for dual occupancy development and a potential deterrent to the redevelopment of existing dwellings for dual occupancy development. These additional costs are generally between \$15,000 and \$18,000. The issue of this cost being an unreasonable imposition has been raised with Council by developers, often in areas where there is little or no kerb and gutter nearby or likely to be in the future.

Council's Roads and Drainage staff have indicated that there is no long term program for the extension of kerb and gutter within the Wyong Shire or the likelihood that isolated sections of kerb and guttering be connected to existing kerb and guttering.

With regard to the provision of civil works, Chapter 2.3 states the following:

- "a The provision of kerb and guttering, associated street drainage, pavement construction and foot paving will be required across the frontage of the site if these do not currently exist. The only exceptions to these requirements are where, in Council's opinion:*
- it is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolated section will present a hazard to road traffic safety*
  - the street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development*
  - kerb and gutter is not the most suitable streetscape treatment for the particular area on the basis of existing and anticipated development*
- b In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish drain, cemented paving stones or other treatment may be required with the exact type based upon the characteristics of the site."*

Council staff are currently implementing the current resolution of Council requiring:

*"the General Manager to give proper consideration to the need for any requirement for a condition of consent requiring the construction of kerb and gutter for dual occupancy developments on isolated sites.."*

This provision is designed to reduce the costs of dual occupancy development, on 'isolated' development sites, thereby stimulating dual occupancy development. For the purpose of this process an 'isolated site' is currently considered to be a site with no kerb and gutter or foot paving exists on immediately adjacent sites.

### **3.1 Incentives for Dual Occupancy Development (contd)**

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A draft DCP amendment for this provision to be permanently implemented was previously placed on public exhibition with the DCP 2013 minor amendments package. A submission summary is included as Attachment 1. Submissions received raised the following issues:

- The importance of preventing erosion and increased siltation of gross pollutant traps, waterways and the Lakes system from incomplete or informal works.
- The current flexibility available within the existing DCP clause to look at site specific circumstances.
- The perception that works completed will be “throw away” as any works in areas redeveloped in the future will be removed.
- The likely increased frequency and costs to Council of roads and drainage maintenance due to issues such as shoulder damage or fretting.
- The principle that the measure provides a short-term stimulus to the development industry at the long-term expense of ratepayers.
- In areas where there is a high probability of intensification and redevelopment and Council carries out these works there will be a cost for the future owners.
- A survey of other LGA’s indicated that kerb and gutter is generally required for dual occupancy development.

The points raised by staff are relevant and therefore it is recommended that as part of the incentives for dual occupancy development, that the kerb and gutter relaxation for isolated sites be reviewed in twelve months.

It is proposed that this variation be implemented by Council Resolution and after a twelve month period the results be reviewed by Council to review impacts and whether further changes to the DCP should be made.

#### **CONSULTATION**

As previously mentioned the potential impacts of the continued variation to Kerb and Gutter requirements have previously been placed on public exhibition and subsequently discussed with relevant staff.

The other proposed incentives have been discussed with Development Assessment Staff with no objection being raised.

#### **CONCLUSION**

The implementation of the recommendations provided will address previous Council Resolutions, will provide suitable incentive for dual-occupancy development in appropriate locations and clarify how Council's kerb and gutter requirements are to be interpreted. The effectiveness of these and other provisions will be monitored over a twelve month period with the potential for further amendments to be considered at that time.

#### **ATTACHMENTS**

*Nil.*

### **3.2 Review of Landscape Provisions for Development**

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TRIM REFERENCE: F2013/02015 - D09981934

MANAGER: Scott Cox, Director

AUTHOR: Chris Ferry; Strategic Planner

#### **SUMMARY**

This report discusses the review and recommendations for the Policy for Landscape and its Guidelines.

This report recommends that the Policy should be repealed and only apply to Council works on public land as a guideline only. It also recommends that landscaping controls for private land development be provided in the relevant chapters of Wyong Development Control Plan (WDCP) 2013 where not already included.

#### **RECOMMENDATION**

- 1 That Council repeal the Policy for Landscape.**
- 2 That Council amend Development Control Plan 2013 to incorporate landscaping requirements into the appropriate Chapters.**
- 3 That Council place on public exhibition for a period of 28 days the proposed amendment to Development Control Plan 2013.**
- 4 That Council endorse the amendments to Development Control Plan 2013 subject to there being no significant objections.**
- 5 That Council request the General Manager to consider adopting the contents of the existing Landscape Policy as a guideline for Council works only where applicable.**

#### **BACKGROUND**

Council's current Landscape Policy was developed in 1988 and was last substantially modified in 1999. As a result of changes to the Environmental Planning and Assessment (EP&A) Act, the introduction of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and changes to the building certification regime of development, the current policy was well overdue for review.

The key components of the existing policy include:

- Comprises of the following three areas, Council's Policy, Landscape Consultant Eligibility and Registration and Assessment and Design Requirements.



## **3.2 Review of Landscape Provisions for Development (contd)**

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- Divides development into different categories with reference to cost and impact and requires the preparation and installation of landscaping to be conducted by appropriately qualified consultants. For example a Category 3 landscape design and plan (which is required for significant development over a value of \$2 million or sites which are ecologically sensitive) is to be prepared by a qualified landscape architect from an approved consultant list.
- Development such as Dual Occupancy, rural dwellings and minor commercial or industrial development, under the current policy, are considered as Category 1 development and are not subject to the policy.
- Category 2 development consists of proposals under the value of \$2 million and could include Residential Units, Residential subdivision, Rural Residential Subdivision Industrial and Commercial Development. These proposals require landscape design and plans to be prepared by a Landscape Consultant approved for Category 2 works.
- The policy emphasises the use of approved consultants and categories are allocated depending on the level of training and experience of the consultant.
- An approved consultant list is provided on Council's web site and is updated every 3 months, Council's Landscape Architect has the sole responsibility for approving consultants and updating the list.
- Places the responsibility of ensuring landscaping is designed, completed and certified on the consultant.
- Requires staff to perform an auditing role including inspection of landscaping and reporting any maintenance requirements followed by additional inspections as required ensure the rectification work has been completed by the applicant.
- Eliminates merit based assessment and focuses on registration rather than design.

Since the last amendment to the policy in 1999, the Landscape Policy and Guidelines has undergone several reviews, the first being in 2003 then 2008 and 2011, with no amendments made to the policy.

Wyong's current Landscape Policy requires extensive staff time to manage the current landscaping requirements which, due to resources, is not always followed.

### **Investigation of Other Local Government Areas**

Staff investigated the following Local Government Area's (LGAs) requirements for landscaping for development of private land:

- Ku-ring-gai
- Blacktown
- Campbelltown
- Fairfield
- Gosford
- Lake Macquarie

## 3.2 Review of Landscape Provisions for Development (contd)

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The requirements for landscaping on private land in the above LGAs do not require landscape architects to register and be accepted by Council before they can submit landscape design plans.

For development such as subdivision creating public roads, large scale commercial, industrial or residential flat buildings/multi dwelling development, some of these LGAs require the landscape design plans to be submitted by a “suitably qualified” practitioner who is eligible for membership to the Australian Institute of Landscape Architects (AILA) or the Australian Institute of Landscape Designers and Managers (AILDM). Council can incorporate a similar clause into WDCP 2013 to ensure landscape planning and design will be of a high quality.

Furthermore in some of the LGAs the maintenance of the grounds surrounding development rests with the owner or owners of the property. Consent conditions can require a provision for the maintenance of landscaping to a reasonable standard without the strict maintenance schedule required by the current policy.

### **CURRENT STATUS**

The Policy as amended in 1999 was reformatted into the new Policy template in 2014 with no changes made to the content.

### **Proposed Amendments**

It is recommended that the Policy for Landscape be repealed. There are a number of chapters in WDCP 2013 that contain details of landscaping requirements. These chapters include:

- Chapter 2.2 Bed and Breakfast
- Chapter 2.3 Dual Occupancy Development
- Chapter 2.4 Multiple Dwelling Residential Development
- Chapter 2.8 Child Care Centres
- Chapter 2.11 Parking and Access
- Chapter 2.12 Industrial Development
- Chapter 2.14 Emergency Services Facilities
- Chapter 3.6 Tree and Vegetation Management
- Chapter 3.9 Commercial Hydroponic Development
- Part 4 Subdivision
- Chapter 5.2 Wyong Town Centre
- Chapter 5.3 The Entrance Town Centre
- Chapter 6.1 Key Sites
- Chapter 6.2 Hamlyn Terrace – Louisiana Road Infill Precinct
- Chapter 6.3 Bateau Bay - Centre Support Development
- Chapter 6.5 Warnervale South
- Chapter 6.7 West Wyong Area
- Chapter 6.8 Lake Munmorah – Village Centre
- Chapter 6.11 North Wyong Industrial Area
- Chapter 6.14 Tuggerah Precinct
- Chapter 6.15 Craigie Avenue Precinct
- Chapter 6.21 The Entrance – Key Site
- Chapter 6.22 Glenning Valley

## 3.2 Review of Landscape Provisions for Development (contd)

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If the Landscape Policy is repealed further amendments to WDCP 2013 could be made to the Chapters where landscaping requirements are currently not covered, Attachment 1 to this report indicates where amendments could be applied to the various Chapters.

Potential amendments to WDCP 2013 would include:

- The deletion of references to the Landscape Policy L1 wherever they occur and replace it with an appropriate Landscape Clause in the applicable Chapters. Note many of the Chapters have Clauses specific to landscape requirements for development – an example appears in Attachment 2 to this report.
- Provide the 'term' for Suitably Qualified Landscape Consultant within the Glossary (Section 1.9 of WDCP 2013).
- Removing the references to Categories and replace with the words *Suitably Qualified Landscape Professional* as will be defined in the Glossary.
- Section 4 – Subdivision has adopted many of the provisions from the current policy required for the design and construction of subdivision works including requirements for street tree planting. It is considered that there are adequate controls in this part to ensure that subdivision development occurs with adequate landscaping.

The amendment to WDCP 2013 will require all those references to be amended, the amendment, although affecting a large number of chapters is considered minor, details of the proposed amendments to the various chapters is provided in Attachment 1.

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

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

The proposed amendment to the Policy for Landscape and WDCP 2013 is linked to the Community Strategic Plan under the section "Civic Leadership" by providing regulatory requirements.

### CONSULTATION

Internal staff consulted included; Development Planners, Subdivision Design Engineers, Landscape Architect, Building Certifiers and the Environmental Management Coordinator who assists staff directly involved in Part V applications. Part V assessments are conducted to evaluate the environmental impact of activities that Council undertakes.

Comments received from Council staff are as follows:

- The administration of landscape requirements rests with the Engineering Assessments Unit which is remote from Council's Landscape Architects. Functions such as requesting reports, searching for masterplans and approved plans are generally carried out by this unit causing delays in the approval process. In addition Council's Landscape Architects do not currently perform a regulatory function within Development and Building Department.

## 3.2 Review of Landscape Provisions for Development (contd)

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- The current policy commenced prior to private certification and has not been modified to address the legislative changes..
- Private certifiers can sign off landscape plans at Subdivision Certificate or Occupation Certificate stage
- A significant proportion of works are now either complying or exempt development, SEPP Infrastructure, state approvals where Council is not involved in the certification or monitoring of landscaping works.
- The existing policy has accredited landscape architects acting in a dual role. This consists of working for both the client and Council, and there is inherent conflict in how this works in practice.
- The policy is process driven rather than focused on outcomes
- Part V approvals for Council and other Government departments are not audited.  
Comment

WDCP 2013 has appropriate provisions to reduce the time currently undertaken by Council officers in administering the current policy. The inclusion of specific requirements within the WDCP chapters will provide development assessment staff with clear guidelines for landscaping requirements in relation to development of private land.

Community consultation will be undertaken for a period of 28 days which in accordance with the EPA Regulations for amendments to the Wyong Development Control Plan 2013.

### **Legislation Changes and Context**

Changes in legislation, including the introduction of Clause 161 of the Environmental Planning and Assessment Regulations gives private certifiers the authority to certify landscape design, physical work and/or conditions of development consent. This effectively takes the entire process relating to the Landscape Policy and Guidelines out of Council's control for development that is privately certified. Major development are often certified by Private Certifiers, therefore making the current policy redundant

### **Benefits of repealing the Policy**

- Eliminate duplication, requirements for landscaping has been included in Wyong Development Control Plan 2013. Repealing the Policy will provide developers with a single point of investigation for development in Wyong with regard to landscaping of their development.
- Cost reduction to Council and less cost to the applicant
- The new process will be more efficient and is similar to the approach occurring at other Councils
- Ensures the Policy is consistent with the legislative requirements of Part IV of the Environmental Planning and Assessment Act relating to private certification.

- Is not restrictive to eligible landscape architects and designers not accredited with Council.

**GOVERNANCE AND POLICY IMPLICATIONS**

It is intended to amend the current Policy for Landscape which will provide the requirements for Council conducted works and activities only.

Requirements for landscaping on development applications should be reflected in Development Control provisions, therefore sections WDCP 2013 will be amended to include those provisions to ensure quality development outcomes.

**CONCLUSION**

The current Landscape Policy was introduced in 1988 before a number of WDCP's were written, before exempt and complying development provisions were legislated and before the introductions of private certification. The policy is now considered redundant with the landscaping requirements for private development being provided in the relevant WDCP 2013 chapters.

The amendments to WDCP 2013 will provide clear requirements to applicants and consultants for landscaping on private land and streamline the assessment and certification processes.

**ATTACHMENTS**

- 1 Attachment 1 Table of Amendments D11553138
- 2 Attachment 2 Generic Landscape Clause D11553507

Chapter	Section	Amendments Required
Chapter 1.1 Introduction and Application	Glossary	<i>Definition of Suitably Qualified Landscape Profession to be added</i> <b>Suitably Qualified Landscape Professional</b> means a person who: Is a practicing landscape architect or landscape designer; Have recognized industry qualifications; Have project experience relating to development applications and Be able to produce high quality documents that clearly and accurately identify the scope of works required for the development
Chapter 2.1 Dwelling Houses and Ancillary Structures	1.3	Remove Reference to Policy - L1 Landscape Guidelines
Chapter 2.2 Bed and Breakfast Accommodatio n	2.13	<b>Requirements</b> <del>A Landscape Plan must be prepared and submitted in accordance with Category 2 (as a minimum) of Council's Landscape Policy L1.</del>  <b>Delete any reference to landscaping from this Chapter</b>
Chapter 2.3 Dual Occupancy Development	1.3  9.1	Remove Reference to Policy - L1 Landscape Guidelines  <del>Dual Occupancy housing in residential zones shall be treated as minimum Category 2 development under Council's Landscape Policy L1 and Guidelines. The engagement of an approved consultant suitably qualified landscape professional to undertake the design and construction of landscape works for the development and submission of the landscape design with the development application</del>
Chapter 2.4 Multiple Dwelling Residential Development	L1  9.1.1	Remove Reference to Policy - L1 Landscape Guidelines  <b>General Requirements</b> <del>Compliance with the requirements detailed in Council's Landscaping Policy L1.</del> This includes the engagement of a suitably qualified <del>approved</del> landscape professional to undertake the design and construction of landscaping for the development. In consideration of landscape design for residential development, the following practices should be considered
Chapter 2.7 Caravan Parks	1.3	Remove Reference to Policy - L1 Landscape Guidelines

Chapter	Section	Amendments Required
Chapter 2.8 Child Care Centres	3.10	<p><b>Requirements</b>  <del>All applications for child care centres constitute Category 3 developments under Council's Landscape Policy and are to comply with the requirements under that Policy.</del>  A Landscape Design Report prepared by <del>an approved consultant</del> <i>suitably qualified landscape professional</i> is to be submitted with the development application (<del>notwithstanding the provisions of Council's Landscape Policy</del>).</p>
Chapter 2.11 Park and Access	4.11	<p><b>Requirements</b>  <del>The design and construction of the landscaping is to be carried out in accordance with Council's Landscape Policy and Guidelines as amended.</del> All clearances to vehicles, pedestrians, cyclists, etc is to be from the mature size of the proposed landscaping. Should an appropriate maintenance plan be provided such clearances may be reduced to provide for landscaping pruning</p>
Chapter 2.12 Industrial Development	1.3 2.11	<p>Remove Reference to Policy - L1 Landscape Guidelines</p> <p><b>Requirements</b>  A Landscape Design Report and associated plan(s), is <del>to be prepared in accordance with Council's Landscape Policy L1, for Category 2 or 3 development, as defined,</del> by a <i>suitably qualified Landscape Professional</i> and submitted with the application</p>
Chapter 2.13 Emergency Services Facilities	L1 2.4	<p>Remove Reference to Policy - L1 Landscape Guidelines</p> <p><b>Requirement</b>  Due to emergency service vehicles often requiring buildings, garages, driveway, parking and turning areas which exceed normal or domestic scale, Council considers that the landscape treatment of the site upon which an Emergency Services Facility is to be sited is critical in mitigating the impacts generated by the scale of the facility, whilst not impeding the ability for rapid emergency response. Proposals for Emergency Services Facilities should therefore be supported by a Landscape Design Report <del>under Category 3 of Council's Landscape Policy L1</del> <i>prepared by a suitably qualified landscape professional</i>, addressing softening of the building(s) and extent of hardstand areas, together with screening of the scale of the facility.</p>
Chapter 3.1 Site Waste Management	1.3	Remove Reference to Policy - L1 Landscape Guidelines
Chapter 3.4 Conservation Areas for Northern Wyong Shire	Appendix A	Remove Reference to Policy - L1 Landscape Guidelines

Chapter	Section	Amendments Required
Chapter 3.6 Tree Vegetation Management		<b>This Chapter is under review any changes will reflect this review</b>
Chapter 3.9 Commercial Hydroponic Development	2.3	<b>Requirements</b> A <del>Category 3</del> Landscape Report and Visual Assessment is to be submitted with any commercial hydroponic proposal where it is considered by Council that the site is a visually significant location. <del>Compliance with Council's Landscape Policy will be required for all development proposals.</del>
Part 4 Subdivision	1.3 2.1.1 3.6 3.7	Remove Reference to Policy - L1 Landscape Guidelines Landscape Assessment and Design Report, in accordance <i>with this Chapter and</i> Chapter 3.6 – Tree Management (incorporating the Street Tree Planting Plan) – Refer s.2.3 & s.3.6. <del>Council's Landscape Policy L1</del> is to be prepared by a suitably qualified landscape professional A street tree planting plan is to be included as part of the Landscape Assessment and Design Report <del>in accordance with Council's Policy L1: Landscape.</del> <del>Landscape Assessment and Landscape Design shall be carried out in accordance with Council's Policy L1: Landscape Guidelines.</del>
Chapter 5.2 Wyong Town Centre	2.4 3.2	<del>Council's Landscape Policy sets out the requirements in relation to the engagement of an approved consultant/contractor for the purpose of designing the landscape works associated with development.</del> Council requires a high standard of landscaping fitting for a town centre, especially around Gateway sites. <del>A Category 3 Landscape Plan</del> A Landscape Assessment and Design Report prepared by a suitably qualified landscape professional is required to accompany applications for development at these critical locations. Council's Landscape Architect should be contacted to ascertain any specific landscaping requirements.
Chapter 5.3 The Entrance Town Centre	Nil	Has its own landscape requirements
Chapter 6.1 Key Sites	Nil	Has its own landscape requirements



Chapter	Section	Amendments Required
Chapter 6.2: Hamlyn Terrace – Louisiana Road Infill Precinct	1.3	Remove Reference to Policy - L1 Landscape Guidelines
	3.1	<b>Requirements</b> A streetscape plan, <del>prepared and submitted as part of a Category 3 Landscape Design Report</del> <i>prepared by a suitably qualified landscape professional in accordance with Council's Landscape Guidelines</i> is to be provided with each subdivision application. The streetscape plan shall show:
	3.5	Landscaping associated with or adjacent to WSUD elements should be based on plants indigenous to the locality. This will minimise requirements for water, energy, fertilizers and herbicides. This includes the use of native grasses. The landscaping should seek to capture runoff through the use of depressions, swales, rock channels, ridges, reed beds or similar. Details shall be provided in a <del>Category 3 Landscape</del> <i>design report prepared by a suitably qualified landscape professional</i> with any development application for subdivision or integrated housing.
	4.0	A requirement of the Structure Plan for the LRIP is the provision of service roads which run parallel to Pacific Highway with residential development proposed to front these service roads. Hence residential development will not be 'backing onto' the Highway as has been past practice. It is intended for residential development to be visible from the Pacific Highway in order to provide passing pedestrians and motorists a sense of place. Recommendations to mitigate noise will need to be consistent with this design approach. While a combination of <del>Category 3</del> landscaping and mounding may be appropriate on land between the service roads and Pacific Highway solid noise fencing is not appropriate.

Chapter	Section	Amendments Required
Chapter 6.3 Bateau Bay – Centre Support Development	2.6	Landscaping should be based on plants indigenous to the locality. This will minimise requirements for water, energy, fertilizers and herbicides. This includes the use of native grasses. The landscaping should seek to capture runoff through the use of depressions, swales, rock channels, ridges, reed beds or similar. <del>Details shall be provided in a Category 3 Landscape Report for the development.</del>
	2.9	A landscape plan and Vegetation Management Plan <del>under Category 3 of Council's Landscape Policy</del> are to be prepared by <del>an approved landscape architect</del> <i>a suitably qualified landscape professional</i> . These plans are to show a theme for the development, considering the local context and justify the species and materials selected. Landscaping is to provide a consistent theme or image, being appropriately integrated with landscaping themes of adjoining development.
	3.10	<del>Building setbacks are to be used for landscaping in accordance with Category 3 standards. The objective of this landscaping is to:</del> integration of any acoustic fences or barriers with the design of boundary fencing and landscaping (this should also be addressed in the <del>Category 3</del> landscape report);
Chapter 6.5 Warnervale South	4.2	<del>Category 3</del> A Landscape Plan <i>prepared by a suitably qualified landscape professional</i> is to be provided with development applications where landscaping works are proposed.
	5.2	<del>Category 3</del> A Landscape Plan <i>prepared by a suitably qualified landscape professional</i> is to be provided with all development proposals.
Chapter 6.7 West Wyong Area:	1.3	Remove Reference to Policy - L1 Landscape Guidelines
	2.11	All applications for subdivision must be accompanied by a <del>Category 3 Landscape Plan, prepared by a suitably qualified landscape professional</del> to be submitted <del>in accordance with Council's Policy L1 Landscape Guidelines</del> that demonstrates that potential visual impacts are resolvable. The landscape plan must indicate:
Chapter 6.8 Lake Munmorah Village Centres	2.7	A landscape plan and Vegetation Management Plan (VMP) <del>under Category 3 of Council's Landscape Policy</del> are to be prepared by <del>an approved landscape architect</del> <i>a suitably qualified landscape professional</i> . These plans are to show a theme for the development and justify the species and materials selected, including their location.
Chapter 6.10 Jilliby – Hue Hue Road	1.3	Remove Reference to Policy - L1 Landscape Guidelines

Chapter	Section	Amendments Required
Chapter 6.11 North Wyong Industrial and Enterprise Precinct	1.3  2.6  3.2	Remove Reference to Policy - L1 Landscape Guidelines  <del>Landscaping is to be carried out in accordance with Council's Landscaping Policy for the appropriate category of development. Landscape Assessment and Design Reports shall be submitted with any development application for:</del> <del>Category 3 developments</del>  A 5 metre building line from the Pacific Highway shall apply to all development. No development is permitted in this area other than landscaping and driveway accesses. <del>This area shall be landscaped in accordance with Section 2.6 and Council's Landscape Policy.</del> No development shall be permitted in this area other than landscaping and driveway access.
Chapter 6.12 Ourimbah Commercial Area	1.3	Remove Reference to Policy - L1 Landscape Guidelines
Chapter 6.13 Tumbi Valley Residential	1.2	Remove Reference to Policy - L1 Landscape Guidelines
Chapter 6.14 Tuggerah Precinct	1.3.1  2.1.4  2.1.9	Remove Reference to Policy - L1 Landscape Guidelines  All development proposals shall include a landscape plan and details of all landscape works associated with the development in accordance with Section 5.1.3. In most instances developments will <i>require a landscape plan and design report to be prepared by a suitably qualified landscape professional</i> <del>be a Category 3 development. Further detail on the extent of information required can be found in Council Policy L1 – Landscape Guidelines.</del>  Remove reference to Category 3 Standard.
Chapter 6.15 Craigie Avenue Precinct	1.3  2.9	Remove Reference to Policy - L1 Landscape Guidelines  <del>Category 3</del> A Landscape Plan in accordance with Council's Landscape Policy <i>prepared by a suitably qualified landscape professional</i> is to be provided with all development proposals.
Chapter 6.17 Warnervale East. Wadalba North West – Urban Release	L1  2.1	Remove Reference to Policy - L1 Landscape Guidelines  A streetscape plan, prepared and submitted as part of a <del>Category 3</del> Landscape Design Report <i>prepared by a suitably qualified landscape professional</i> <del>in accordance with Council's Landscape Guidelines</del> is to be provided with each subdivision application. The streetscape plan shall show:

Chapter	Section	Amendments Required
Area		
Chapter 6.19 Charmhaven West Industrial Area	1.2	Remove Reference to Policy - L1 Landscape Guidelines
Chapter 6.21 The Entrance Key Development Site	2.5	Has its own landscape requirements
Chapter 6.22 Glenn Valley	1.3  2.7  2.14	Remove Reference to Policy - L1 Landscape Guidelines  Any landscaping, including the provision of street trees is to be consistent with the requirements of Section 2.14 of this Chapter. <del>Council's Landscaping Guidelines, Policy L1.</del>  Insert Generic Clause

## 0.0 LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

### 0.1 Landscape Design

#### OBJECTIVES

To provide habitat for native indigenous flora and fauna

To provide for softening of building forms and enhancement of the urban environment

To assist in the reduction of stormwater runoff from a site

To improve urban air quality

To contribute to biodiversity

To relate landscape design and fencing to the desired proportions and character of the streetscape

To retain existing significant native vegetation on site

#### REQUIREMENTS

##### 0.1.1 General Requirements

The engagement of a suitably qualified approved landscape professional to undertake the design and construction of landscaping for the development. In consideration of landscape design for development, the following practices should be considered:

- a Improve the amenity of open areas with a landscape design which:
  - i provides appropriate shade from trees or structures;
  - ii provides accessible routes within the site and between buildings;
  - iii screens cars, communal areas, swimming pools and courtyards on ground level.

Contribute to streetscape character and the amenity of the locality by:

- iv using planting, fencing and other landscape elements appropriate to the scale of the development;
- v visually softening the bulk of large development for the person on the street;
- vi incorporating suitable deep soil zones;
- vii visually softening hardstand areas associated with carparking, including paving design / unit paving and shade tree planting.

Design landscape which contributes to the site's particular and positive characteristics, for example:

- viii by enhancing habitat and ecology;
- ix by incorporating trees, shrubs and ground covers endemic to the area;
- x by retaining and incorporating changes of level, visual markers, views and any significant site elements;
- xi by retaining existing vegetation on site.

### **9.1.2 Deep Soil Zones**

- a A minimum 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone. This may be achieved by optimising the retention provision of consolidated deep soil zones within a site by:
  - i the design of basement and sub-basement car parking, so as not to fully cover the site;
  - ii the use of front and side setbacks for deep soil planting.

Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjoining properties.

Promote landscape health by supporting a rich variety of vegetation types and sizes.

Increase the permeability of paved areas by limiting the amount of hardstand surfaces on the site or using pervious materials.

Incorporation of existing vegetation into these zones.

### **0.1.3 Planting on Structures**

A common scenario in urban areas is the establishment of landscape areas using planter boxes, green walls and green roofs on top of basement car parks, podiums or on the roofs of development. High quality landscape design and open space amenity relies in part on the quality and health of plants. The plants in these areas are grown in total containment with artificial soils, drainage and irrigation. Plants grown in such situations are subject to a range of environmental stresses that affect the health and survival of the plants.

- a Design for optimum conditions for plant growth by:
  - i providing soil depth, volume and area appropriate to the mature size of proposed plantings;
  - ii providing appropriate soil conditions and irrigation methods;
  - iii providing appropriate drainage.

Design planters to support the appropriate soil depth and plant selection by:

- iv ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant however, soil depths less than 1.5 metres are unlikely to have any benefits for tree growth;
- v providing square or circular planting areas rather than long, narrow linear areas to promote balanced root development and robust plant structure.

Increase minimum soil depths in accordance with:

- vi the mix of plants;

- vii the level of landscape management, particularly the frequency of irrigation;
- viii anchorage requirements of large and medium trees;
- ix soil type and quality.

### **3.3 Proposed Amendments to Tree Policy**

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TRIM REFERENCE: F2014/00370 - D11707296  
MANAGER: Scott Cox, Director  
AUTHOR: Peter Kavanagh; Senior Planner

#### **SUMMARY**

This report considers amendments to Wyong Development Control Plan (WDCCP) 2013: Chapter 3.6 – Tree and Vegetation Management.

The report recommends that the draft Wyong Development Control Plan (WDCCP) 2013: Chapter 3.6 – Tree and Vegetation Management be placed on public exhibition for comment.

#### **RECOMMENDATION**

- 1 That Council amend Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management in accordance with the draft attached to this report.**
- 2 That Council place draft Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management on public exhibition for a period of 28 days for public comment.**
- 3 That Council adopt the draft Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management subject to there being no significant objections received.**

#### **BACKGROUND**

At Ordinary Meeting held 10 September 2014 it was resolved;

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

- 1005/14 That further to the recent state government legislative 10/50 bushfire protection rules Council now amend its DCP chapter 36 in accordance with the following objectives*
- a That Council has no objection to the planting or removal of any vegetation on any residentially zoned lot less than 1500 square metres.*
  - b Existing controls for non-residential and residential over 1500 square metres remains unchanged from existing controls in the current DCP.*
- 1006/14 That staff submit a revised DCP in accordance with the 1 above for Councils consideration.”*



**Discussion:**

The Tree and Vegetation Management Chapter of the DCP was amended to reflect the Council Resolutions 1005/14 and 1006/14. The key changes made to the Chapter include:

- Enables the removal of all trees on residential land <1500m<sup>2</sup>;
- Enables the removal of trees within 12m of an approved structure on residential and non-residential land >1500m<sup>2</sup>;
- A simple, easy to read, streamlined system, with a clear flowchart;
- The Policy provides advice to landowners that they may have obligations under other legislation;
- The number of pages in the Policy has been reduced from 36 pages to 14 pages with 10 of these appendices.

**CONSULTATION**

Consultations have been conducted to date with planning, ecologist, open space and tree assessment staff, also including General Counsel.

The draft amendments will be placed on public exhibition for 28 days, in accordance with the Environmental Planning and Assessment Regulation, 2000. Further internal and external consultations with key stakeholders will be conducted during the public exhibition period.

**CONCLUSION**

It is considered that the recommended amendments to WDCP 2013: Chapter 3.6 Tree and Vegetation Management will streamline the assessment process, reduce red tape and achieve the stated Council objectives. It is recommended the draft DCP 2013: Chapter 3.6 – Tree and Vegetation Management be placed on exhibition for public comment and that a report on submissions received within the exhibition period be forwarded for Council's consideration.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Council Report of 10 September 2014                          | D06582471 |
| 2 | Draft DCP 2013: Chapter 3.6 - Tree and Vegetation Management | D11717032 |

10 September 2014  
To the Ordinary Council Meeting

Director's Report  
Development and Building Department

## 2.5 Proposed Amendments to Tree Management Controls

TRIM REFERENCE: F2014/00370 - D06582471

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

### SUMMARY

This report considers potential amendments to Wyong Development Control Plan (WDCP) 2013: Chapter 3.6 – Tree and Vegetation Management.

The report recommends that the amendments described within Option 1 be placed on public exhibition for comment.

### RECOMMENDATION

1. That Council amend Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management in accordance with Option 1.
2. That Council place draft Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management on public exhibition for a period of 28 days for public comment.
3. That Council adopt the draft Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management subject to there being no significant objections received.
4. That Council note that Resolutions 1, 2, & 3 operate to modify Resolutions 1428/13 – 1432/13 of 13 November, 2013.

### ORDINARY MEETING HELD 10 SEPTEMBER 2014

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

**1005/14 That further to the recent state government legislative 10/50 bushfire protection rules Council now amend its DCP chapter 36 in accordance with the following objectives**

- a That Council has no objection to the planting or removal of any vegetation on any residentially zoned lot less than 1500 square metres.**
- b Existing controls for non-residential and residential over 1500 square metres remains unchanged from existing controls in the current DCP.**

**1006/14 That staff submit a revised DCP in accordance with the 1 above for Councils consideration.**

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

AGAINST: NIL

## BACKGROUND

On 13 November, 2013, Council resolved to enable landowners to remove a single tree each year from residential properties less than 1,000m<sup>2</sup>, if the tree is deemed hazardous to life or property. Council also resolved that the General Manager investigate the amendment of the WDCP and WLEP to facilitate the streamlining of the removal of hazardous trees.

Specifically, Council “*RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:*

- 1428/13 *That Council resolve to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.*
- 1429/13 *That Council note that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.*
- 1430/13 *That Council request the General Manager to provide a report to Council, outlining further possible amendments to Council’s Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:*
- a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.*
  - b to minimise Council’s exposure to claims and litigation arising from damage caused by trees and;*
  - c to reduce the number of circumstances in which Council’s approval is required for the removal of trees on private property.*
- 1431/13 *That Council request the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.*
- 1432/14 *That Council note that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees.*

The purpose of this report is to detail options for streamlining the process for the removal of trees that pose a potential risk to life and property, and to recommend that WDCP, 2013 be amended in accordance with Option 1 in the following way:

- To acknowledge and align with the NSW Rural Fire Service (RFS) 10/50 Vegetation Clearing Code of Practice – to introduce a single “10m Rule” to simplify the process;
- To enable landowners (with expert assistance) to determine the risk to life and property from trees – removing the need for applications;
- To reduce the number of trees on the Prescribed Species Lists.

## CURRENT STATUS

The focus of the existing Policy is to:

- Protect all native tree species, rather than the management of risk to life and property from trees;
- Preserve the character of areas;
- Preserve endangered and vulnerable flora and fauna species in line with environmental legislation.

The Policy is a complex & detailed document. It is very prescriptive, with limited flexibility afforded to tree assessment officers to make discretionary decisions. The most disputed decisions arise from the proximity of native trees to homes and structures. Currently, the removal of trees without consent is limited to:

- noxious weed species;
- pruning in accordance with the Australian Standard;
- removal of trees under 3m in height and less than 75mm diameter;
- removal or pruning of “undesirable species” as defined in the DCP (includes all non-native or exotic species, and all species permitted by the “6m Rule” in residential areas or the “12m Rule” in non-residential areas);
- removal of a tree(s) to implement a Development Consent;
- removal of a tree or vegetation that *Council is satisfied* is dying or dead and is not required for habitat of native fauna;
- removal of a tree or vegetation that *Council is satisfied* is a risk to human life or property;
- removal of trees to enable survey of boundaries, emergency access or where an imminent bushfire hazard has been identified; and
- removal of trees via available exemptions under the Native Vegetation Act on rural lands.

### Tree Application Statistics

Some relevant statistics associated with the management of trees on private land are as follows:

- Approx. 500 Tree Applications (TAs) are received per year;
- Approx. 60% of TAs are approved without change;
- Approx. 10% of TAs only, are refused;
- Approx. 3% of TAs are cancelled or withdrawn following advice that an application was not required;
- TAs refused are usually due to the tree being of good health and vigour, adding to local amenity, and minor pruning works are instead recommended; and
- In some instances refusals are based on the tree species being on Council's Prescribed Species Schedule.

### 10/50 Vegetation Clearing:

Whilst researching potential amendments to Council's Tree Policy (1 August, 2014), the NSW RFS introduced its *10/50 Vegetation Clearing Code of Practice*, through amendments to the Rural Fires Act, 1997.

This Code applies clearing distances around approved buildings containing “habitable rooms” (bedrooms) within “Vegetation Clearing Entitlement Areas”, based on the Bushfire Prone Lands Map. The Code permits the clearing of trees within 10m of these structures (regardless of species) and the removal of shrubs within 50m (see Figure 1 below). Whilst the RFS has not yet produced mapping of the entitlement areas, it is clear that they cover the majority of land within Wyong Shire, including the areas previously identified in the DCP as “Culturally Significant”.

There are only small areas of the Shire which are not “entitled”, and these are generally within cleared residential suburbs. It is therefore considered equitable for Council to consider a general “10m Rule” for the Urban Zones of the Shire, as Exempt Vegetation Management Work (no consent required).



**Figure 1: 10/50 Vegetation Clearing**

The 10/50 Code also applies to vegetation clearing for “entitlement areas” within Rural Zones, with any further works regulated by the Greater Sydney Local Land Service (LLS) in conjunction with the Minister for the Environment under the Native Vegetation Act, 2003.

## **THE PROPOSAL (Option 1 – Attachment 2)**

The development of the draft Tree Policy gave consideration to the following:

- The *10/50 Vegetation Clearing Code of Practice* is now in place and covers the majority of the Shire;
- The Policy should be easy to read, administer, & be flexible to amend;
- The “perception” of danger to life or property, is a “reality” to some landowners and affects their wellbeing;
- Risk perception affects priorities and choices;
- Risk assessments should be determined by landowners & third party experts, not by Council;
- Not everyone can afford to remove trees; and
- Not everyone wants to remove trees.

The amended Policy (Draft Chapter 3.6 attached) focusses on:

- Simple presentation and simpler language - residential tree removal & pruning section first, clear flowcharts;
- Focus on trees native to NSW;
- Minimise “Red Tape” and streamline the need for Approvals;
- Recognition of the *10/50 Vegetation Clearing Code of Practice* and the application of a blanket “10 metre Rule” for simplicity (Exempt Vegetation Management Work);
- Provide for a maximum of 5 trees able to be removed per calendar year without consent;
- Landowner to determine risk, with assistance of “technical expert” – Dead, Dying, Dangerous & Hazardous;
- Reduction in the list of prescribed trees, to those listed in legislation as Threatened and Vulnerable Species and listed Endangered Ecological Communities. Keystone species will not be classified as a prescribed tree if within 10 metres of an approved structure or if classified as dead, dying, dangerous or hazardous by a technical expert;
- Removal of culturally significant areas and allow removal of large species (e.g., Norfolk Island Pines) from residential lands; and
- Council resources focussed on trees on public land.

These proposals will incorporate the resolutions of 13 November, 2013, to deliver the following outcomes:

- a *to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.*
- b *to minimise Council's exposure to claims and litigation arising from damage caused by trees and*
- c *to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.*

(Note: In reference to Council Resolution 1430/13 b (above), it can be noted that Council has not litigated any matters relating to trees on private lands, and Council has never paid any claims in relation to trees on public lands.

### Relevant Local Planning Controls:

- **Wyong Local Environmental Plan (WLEP) 2013**

Clause 5.9 of the WLEP defines environmental objectives, approval and exemption requirements relating to tree preservation and tree removal. It defines the rules applying for lands within the various zones within the Shire, and enables the adoption of a Development Control Plan to explain these controls and exemptions. Clause 5.9AA, permits trees not prescribed by the DCP to be pruned or removed without the need for consent.

- **Wyong Development Control Plan (WDCP) 2013: Chapter 3.6 - Tree and Vegetation Management**

In accordance with Clause 5.9 of the WLEP, the WDCP currently identifies significant tree species and those which are less desirable and can be removed without development consent. The Chapter contains Council's Significant Species Schedule (Register of Significant Trees), which identifies the species protected under State and Federal legislation. It is a complex document, which is not easily understood and administered.

### OTHER OPTIONS

Options considered in drafting the proposed controls included the following:

#### **Option 1: Recommended as The Proposal (above)**

Enable landowners to remove a maximum of 5 trees per year by determining risk without application, expand the 6m rule to 10m across the Shire as available Exempt Vegetation Management Works, and minimise the Prescribed Species List. The Prescribed Species will be limited to:

- Listed Threatened and Vulnerable Species;
- Listed Endangered Ecological Communities;
- Keystone Species which are located outside the "10m Rule" area, which are not considered Dead, Dying, Dangerous or Hazardous to human life or property; and
- Trees on Public Land.

#### **Comment:**

This is the recommended option.

**Option 2: Limit tree removal to one (or other number) trees per calendar year****Comment:**

Five (5) is considered a reasonable number, and most urban sites would have less than 5 trees to remove.

**Option3: Remove keystone species category altogether from Prescribed Species****Comment:**

Keystone species have been identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. They are typically widespread and common in Wyong, but clearing and fragmentation have significantly reduced the occurrence of some species (eg. *Swamp Mahogany* and *Forest Red Gum*), and the fauna which rely on them. In consideration of these matters, together with risks from trees to public health and safety, it is considered that Option 1 provides a more appropriate balance.

**Option 4: Require the lodgement of a DA for the removal of keystone species****Comment:**

This Option would not assist in reducing the number of applications considered by Council to the degree provided by Option 1. It also would not reduce the number of disputes. Having regard to the comments above (Option 3), and the imperative to recognise the risks to life and property from unhealthy or poorly located tree specimens, Option 1 provides a better Policy option.

**Option 5: No Tree Policy****Comment:**

This Option is not supported on the following grounds:

- The WLEP, 2013 requires a list of Prescribed Species and exemptions within a DCP;
- The Policy also covers non-urban lands, industrial, commercial, etc., and provides advice in relation to the Native Vegetation Act requirements, and Endangered Species;
- Good governance and leadership is provided by the Policy; and
- The Policy provides a balance in the management of trees.

**STRATEGIC LINKS****Budget Impact**

An expansion of the exemptions for tree removal will lead to a reduction in Council income. Council receives an average of approximately 520 tree applications per year, generating approximately \$66,000 per annum in income.

**CONSULTATION**

Consultations have been conducted to date with planning, ecologist, open space and tree assessment staff, also including General Counsel.

The draft amendments will be placed on public exhibition for 28 days, in accordance with the Environmental Planning and Assessment Regulation, 2000. Further internal and external consultations with key stakeholders will be conducted during the public exhibition period.

**CONCLUSION**

It is considered that the recommended amendments to WDCP 2013: Chapter 3.6 Tree and Vegetation Management will streamline the assessment process, reduce red tape and achieve the stated Council objectives. It is recommended the draft DCP 2013: Chapter 3.6 – Tree and Vegetation Management be placed on exhibition for public comment and that a report on submissions received within the exhibition period be forwarded for Council's consideration.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Current DCP 2013: Chapter 3.6 Tree and Vegetation Management | D11689925 |
| 2 | DRAFT - Chapter 3.6 Tree and Vegetation Management           | D11704117 |



# CHAPTER 3.6 TREE AND VEGETATION MANAGEMENT

## 1.0 INTRODUCTION

### 1.1 Objectives of this Chapter

- To set out Council's requirements with respect to the management and preservation of trees and vegetation, for the purposes of clause 5.9 of the Wyong Local Environmental Plan 2013 (WLEP 2013).
- To provide a streamlined process for practical tree management within urban areas.
- To identify when approval is required to remove trees.

### 1.2 Land to which this Chapter Applies

This Chapter applies to all land within the Shire of Wyong except land zoned RU3 Forestry and E1 National Parks and Nature Reserves.

### 1.3 Relationship to other Plans and Policies

#### 1.3.1 Wyong Local Environmental Plan 2013

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the EP&A Regulations 2000 require Development Control Plan (DCP) 2013 to be consistent with WLEP 2013, as amended. In the event of any inconsistency between this Chapter and the WLEP, the provisions of the LEP shall prevail.

#### 1.3.2 Other Related Acts and State Environmental Planning Policies (SEPPs)

The Acts and State Environmental Planning Policies (SEPPs) listed within Appendix A relate to biodiversity conservation, tree removal and vegetation management. These should be considered before the removal of trees as concurrence or approval may be required. For requirements relating to the clearing of trees or vegetation on non-urban lands, refer to Appendix B.

Most of these Acts and SEPPs contain exemptions or alternative approval processes, for example, **in relation to structures containing approved habitable rooms, the Rural Fires Act, 1997, incorporated the "10/50 Vegetation Clearing Code of Practice for NSW" on 1 August, 2014**. This Code of Practice permits vegetation clearing work within identified "vegetation clearing entitlement areas". Reference should be made to the NSW Rural Fire Service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) to determine whether these exemptions apply.

In the event of there being a prior approval issued by a determining authority under any other Act or SEPP, further development consent for the same works under WLEP 2013 or this DCP Chapter will not be required.

### 1.4 Glossary

Generally, the terms used in this Chapter have the same meaning as those terms are defined within the WLEP 2013. The additional terms relevant to this Chapter are contained within Appendix C.

## 2.0 TREE REMOVAL – RESIDENTIAL AND OTHER URBAN ZONES

### 2.1 Application of this Section

This Section applies to land within the following Zones:

**urban zones** means any of the following zones identified by WLEP 2013, as applied to land with an “urban character”, being land within zone RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, or SP2 Infrastructure.

### 2.2 Exempt Tree and Vegetation Removal Works

The following tree works are defined as Exempt Tree and Vegetation Removal Works within urban zones (*see Notes below*) and **do not require consent** from Council:

- a The removal of exotic trees (non-native to NSW) in all urban zones;
- b The removal of any tree or vegetation on any residentially zoned lot less than 1500 square metres in area (i.e., within the following zones: R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and RU5 Village); and
- c For other urban zoned lots and residential lots over 1500 square metres:
  - i. The removal of any tree or vegetation within 12 metres of an “approved structure”.

*Notes:*

- a *With the exception of any tree(s) nominated for retention by a condition of development consent.*
- b *If appropriate, the branch removal option should be adopted in preference to complete tree removal.*
- c *This distance (12 metres) is measured from the exterior surface of any trunk of the tree, measured at 1.4 metres above ground level, to the outer surface of the nearest footing (or the waters edge for pools), of the approved structure.*
- d *Trees on an adjoining property may only be removed with the consent of the owner of that adjoining land.*
- e *It is recommended that a technical expert or Council arborist is engaged **to identify the species of tree** to ensure the tree is not protected under other legislation (Refer Appendix A).*
- f *It is the owner’s responsibility **to identify if the tree contains habitat** (such as hollows) for threatened species. An inspection by an ecologist may be required if the tree is considered likely to be habitat for Threatened Species, listed under Schedules 1 & 2 of the Threatened Species Conservation Act (1995). **In these circumstances consent from NSW OEH is required to remove these trees**, as special measures may be required to reduce the potential for injury or death of animals likely to inhabit the tree. Such measures may include:*
  - a. *inspection of hollows and other potential sites on the tree;*
  - b. *sectional dismantling; and*
  - c. *supervision of works by an arborist and/or a licensed wildlife carer or handler.*
- g *In order to protect the amenity of the Shire and the locality, Council strongly encourages the planting of a replacement native tree, elsewhere on site.*

## 2.3 When approval is required to remove Trees

Development consent is required for native tree removal where:

- a the land exceeds 1500m<sup>2</sup> in area within a residential zone; or
- b trees to be removed in other urban zones are greater than 12 metres from an approved structure.

Development Consent is obtained through the lodgement of a Development Application with Council.

Figure 1 identifies when consent is required:

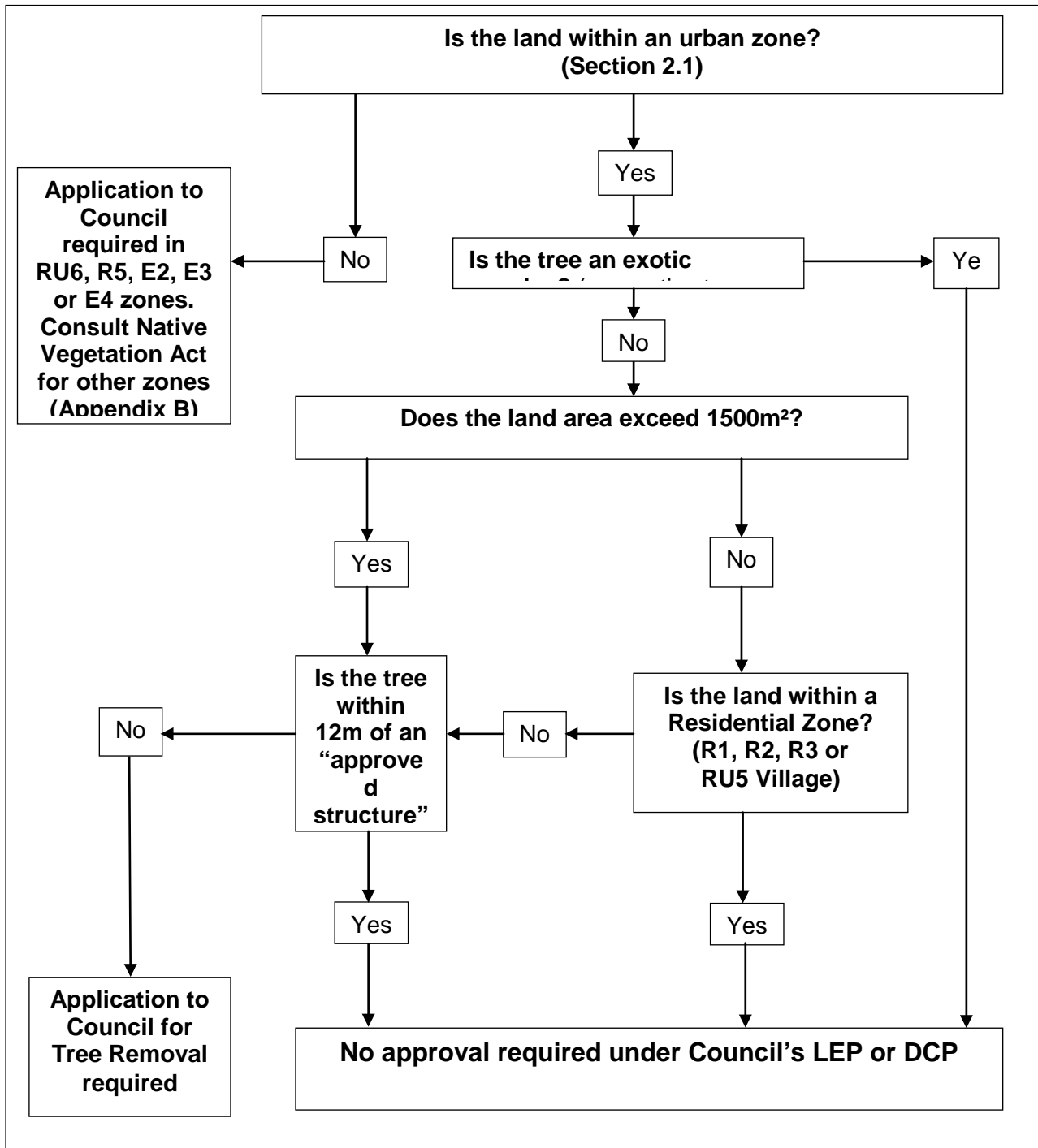


Figure 1: Do I need consent to remove my tree?

## 2.4 Arborist's Reports

- a A report prepared by a Consulting Arborist must be submitted in conjunction with any application for:
  - i. the removal of 10 or more trees native to NSW; or
  - ii. the reconsideration of a decision on an application by Council, lodged under Section 82A of the EP&A Act.
- b Where Council requires a Consulting Arborist to prepare an arborist's report, the minimum qualification standard is the Australian Qualification Framework Level 5 (AQF5).

## 3.0 PENALTIES

### 3.1 Unauthorised Tree Removal or Injury

The unauthorised injury, removal or destruction of trees or clearing of native vegetation, **can be prosecuted** under the provisions of the EP&A Act 1979 by Council, or under other legislation by the NSW or Commonwealth Government. Refer Appendix A.

Council encourages the use of qualified technical experts to assist in the identification of trees, as well as consultation with the relevant legislation and Authorities listed in Appendix A.

## APPENDIX A:

## OTHER LEGISLATION APPLYING TO TREE REMOVALS, VEGETATION MANAGEMENT AND CLEARING

Applicants for tree clearing and removals will also need to consider the provisions of other legislation, including but not limited to the following:

**Commonwealth Environment Protection and Biodiversity Conservation Act, 1999** - protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment.

**NSW National Parks and Wildlife Act 1974** (Schedules 12 and 13) - fauna habitat, protected plants. Contact the National Parks and Wildlife Service at the NSW Office of Environment and Heritage (OEH).

**NSW Threatened Species Conservation Act 1995** - ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans. Contact the NSW OEH.

**NSW Native Vegetation Act 2003** - clearing native vegetation, regional vegetation management plans, property agreements. Contact the NSW OEH.

**NSW Fisheries Management Act 1994** - prohibits cutting of mangroves. Contact the NSW Department of Industry and Investment.

**NSW Water Management Act 2000** - A controlled activity approval under the WMA is required for certain types of developments and activities that are carried out in or near a river, lake or estuary (e.g., for the removal of material or vegetation). Contact the NSW Department of Primary Industries.

**NSW Rural Fires Act 1997** – “10/50 Vegetation Clearing Code of Practice for NSW”, and authorised removal of fire hazards. Contact the NSW Rural Fire Service.

**NSW Heritage Act 1977** (Sections 129A and 139) - sites under conservation orders, relics. Contact the NSW OEH.

**NSW Noxious Weeds Act 1993** - clearing of noxious weeds. Contact the NSW Department of Primary Industries.

The following relevant State Environmental Planning Policies are administered by Council in conjunction with the NSW Department of Planning and Environment:

**State Environmental Planning Policy No 14 - Wetlands**

**State Environmental Planning Policy No 26 - Littoral Rainforests**

**State Environmental Planning Policy No 44 - Koala Habitat**

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

## APPENDIX B:

### CLEARING NATIVE VEGETATION (LAND CLEARING)

#### 1.1 When is Consent Required for Clearing Native Vegetation?

- a The clearing of non-urban lands within Wyong Shire is generally regulated by the Greater Sydney Local Land Service (LLS) in conjunction with the Minister for the Environment under the Native Vegetation Act, 2003 (NV Act). Enquiries should be made to the LLS for **clearing proposals on non-urban lands**.
- b Development Consent is required **from Council** for clearing native vegetation that is on land within zone RU6, R5, E2, E3 or E4, unless the clearing is approved by a development consent or a Property Vegetation Plan (PVP) granted by the Minister for the Environment, under the Native Vegetation Act, 2003.
- c Council will only consider granting consent for clearing native vegetation **within those zones above** (where the NV Act does not apply), where the clearing is associated with a development proposal for a permissible use on land within the zone.

#### 1.2 What are the Requirements when Making an Application for Clearing Native Vegetation?

- a The following general information is usually required to be submitted with an application to Council. However, the amount and level of detail required may vary depending on the circumstances applying:
  - i the written consent of the owner of the land;

- ii a description of the existing trees and native vegetation on the site;
- iii location plan including spot levels and/or contours to be generally at 2 metre intervals and at a scale of 1:200 for sites up to 1 hectare and 10 metre intervals and at a scale of 1:1,000 for sites of more than 1 hectare;
- iv the area to be cleared in hectares;
- v A Consulting Ecologist's Report addressing species (botanical names and common names if known) of individual trees, or the dominants in the case of woodland, forest or groups of trees (to be shown as clumps) and/or vegetation communities to be marked on the plan. A corresponding schedule shall be submitted for vegetation communities outlining structure and floristics (a plant list), identifying the dominants. Any endangered, vulnerable or locally significant plant species should be shown and in such cases an assessment of potential impacts undertaken as per Section 5A of the EP&A Act. A description of the survey methodology should also be provided;
- vi appropriate height and trunk diameter at 1.4 metres above ground (average breast height) for individual trees, where applicable;
- vii approximate canopy spread of individual trees, groups of trees and vegetation communities to be marked on the plan;
- viii A Consulting Arborist's Report addressing individual trees and/or groups of trees, summarising useful life expectancy values with recommendations for removal, retention and/or rehabilitation. In the case of vegetation communities, the schedule should summarise the condition, maturity, intactness and rarity, with recommendations for removal, retention and/or rehabilitation;
- ix a method statement detailing the intended approach to the undertaking of the recommended works;
- x plans shall identify site boundaries, dimensions, orientation (north point), the location of relevant land use zones and site areas of the whole of the land and that area proposed to be cleared in hectares or square metres;
- xi a brief description on the plans of existing trees and native vegetation on adjoining land showing:
  - xii trees, groups of trees and vegetation communities within 20 metres of the site boundaries;
  - xiii the location of trees whose canopy overhangs the site boundaries;

*Note: The development shall not involve works (e.g. roads, driveways, installation of services, cut and fill, drainage works, installation of barriers to natural drainage) that destabilise, disfigure or ultimately destroy any other trees and native vegetation on adjoining or downstream public or private land.*

- xiv the reasons for and purpose of the proposed clearing;
- xv trees and vegetation to be retained, including the purposes of such retention, such as semi-natural open spaces, buffer and exclusion zones, filter/protection and/or riparian habitat strips;
- xvi details for protecting remnant trees and vegetation from damage during clearing works, construction and on completion. This should include site preparation and location of protective fences, in accordance with the methods set out by Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: Protection of Trees on Development Sites;
- xvii soil report and altered ground levels, including soil landscape and profile descriptions, cut and fill, regrading, changes to the soil profile or future growing mediums, fill material, if applicable, and necessary amelioration works required for horticultural purposes;

- xviii drainage details including any natural watercourses or drainage structures, proposed works involving alteration to hydrology, such as ground surface treatments (e.g. paving, accessways, introduction of roads, bund walls, dams or trunk drainage works);
  - xix erosion and sediment controls, including a programme and species list for stabilising disturbed areas and soil stockpiling measures that shall be compatible with vegetation retention measures;
  - xx utility installations (underground and overhead lines) where known. Final locations and installation works to be consistent with vegetation retention proposals, Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: Protection of Trees on Development Sites;
  - xxi proposed new plantings (species, mature heights and spread) establishment and maintenance details. The level of detail shall be sufficient to assess the adequacy of vegetation retention and future landscape proposals. For large scale landscaping proposals, reference should be made to Council's Landscape Policy and the need for landscape Assessment and Design reports;
  - xxii location of future buildings where known and applicable;
  - xxiii the proposed method of clearing, including size and type of any machinery to be used. Final details to comply with Council's Civil Works – Design Guideline and Construction Specification and AS 4970 – 2009/Amendment 1 – 2010: Protection of Trees on Development Sites;
  - xxiv proposed means for disposal of cleared materials. In this regard, sale of millable timber, chipping or tub grinding of plant materials for re-use onsite as mulch to protect and rehabilitate retained vegetation are the preferred methods;
- b In addition to the information required by clause (a) above, applications for clearing in non-urban zones shall also submit the following details:
- i all existing and proposed property improvements including fences, dams, structures, services, service easements, roads, tracks, buildings, outbuildings, stockyards, grazing or cultivated areas, other cleared areas, etc.;
  - ii all existing land features including identification of slopes in excess of 18 degrees, rock outcrops, ridges, drainage lines, gullies, erosion areas;
  - iii where the application is for the purpose of agriculture, a description of the land's suitability for its intended use may be required together with supporting comments from the New South Wales Department of Primary Industries;
- c In addition to the information required by clauses (a) and (b) above, applications for subdivisions which involve clearing shall also show that the subdivision is designed to maximise retention of species present which are listed in the Prescribed Species Schedule in Section 5 and Appendix B of this Chapter.

### 1.3 Considerations

In assessing applications involving the clearing of land, Council will consider the following matters:

- a the potential adverse impacts from the proposed development on:
  - i the condition, patch size and significance of the vegetation on the land and whether it should be substantially retained;
  - ii the importance of the vegetation in that particular location to native flora and fauna and ecosystems;
  - iii any potential to fragment, disturb or diminish the biodiversity values of the land; and

- iv the condition and role of the vegetation as a habitat corridor; and
- v any proposed measures to minimise or mitigate those impacts;
- b before granting consent to development to which this clause applies the consent authority must be satisfied that the development satisfies the objectives of this clause and:
  - i the development is sited, designed and managed to avoid potential adverse environmental impacts; or
  - ii where an impact cannot be avoided, having taken into consideration any feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.
- c whether any species present are listed in the Prescribed Species Schedule in Section 5 and Appendix B of this Chapter. If so, what measures are needed for their conservation, including on-site protection during and after construction and/or the taking of plant material for propagation;
- d the useful life expectancy of remnant trees and native vegetation to be retained;
- e impacts on scenic and visual amenity;
- f the need for bushfire hazard reduction and the effects of this on remaining vegetation. This includes hazard reduction on adjoining land;
- g whether permanent mitigation measures (such as bund walls, catch drains and stilling ponds) to contain nutrient flows and minimise weed spread need to be installed e.g. in non-urban zones or on sites adjoining native vegetation or semi-natural open spaces;
- h whether the proposed means of clearing is appropriate with respect to the soil type, species of understorey or the trees to be retained;
- i the adequacy and appropriateness of siltation and erosion controls during and after construction. In this regard, turf grasses are generally unsuitable in Rural and Environment Protection zones, particularly along or near natural watercourses and native vegetation;
- j the need for retaining vegetation by providing:
  - i buffer zones as screening to roads or for the protection of identified core habitats, wetlands, littoral and other rainforests;
  - ii filter and protection strips to natural drainage lines, watercourses, streams, foreshores or constructed drainage corridors;
  - iii riparian (watercourse) habitat strips;
  - iv wildlife and other "green" corridors connecting remnant patches of vegetation; and
  - v exclusion zones for preserving vulnerable and/or significant remnant vegetation and species;
- k the need to install temporary tree/vegetation protection measures prior to clearing works;
- l whether the proposed method for disposing of cleared materials is appropriate. Any useful timber should be retrieved. Recycling of waste vegetation for fuel, logs, or as chip or grindings is mandatory. The use of wood chips and tub grindings for on site mulching or seedbed regeneration is encouraged;
- m the need for periodic or full time supervision of clearing works to protect environmental values or oversee relocation of native animals;



- n the need to rehabilitate any tree or vegetation adversely affected by clearing or construction works;
- o the need to select and plant new trees as replacement for trees cleared;
- p the effect of the development on the viability and quality of the native vegetation and, in particular, the likelihood of soil erosion, siltation of streams, wetlands and other waterbodies, direct or indirect alterations to drainage patterns and to fire hazard reduction regimes, the spread of weeds, undesirable and exotic species in the native vegetation, rubbish dumping and incursion by domestic or feral animals;
- q the effectiveness of measures proposed to mitigate any identified adverse impacts;
- r any comments made by a public authority including, where appropriate, the Department of Primary Industries, or the Office of Environment and Heritage within the NSW Department of Premier and Cabinet;
- s whether the vegetation is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land (See Appendix 1 of this Chapter);
- t whether the tree or trees provide habitat or is a significant component of the habitat of a species listed in the Prescribed Species Schedule in Section 5 of this Chapter, and whether there is a need to assess the significance of the works in accordance with Section 5A and Appendix B of the EP&A Act;
- u whether a Vegetation Management Plan prepared by a suitably qualified person and detailing procedures and specifications necessary to address any issues of concern, should be submitted for approval prior to commencement of clearing works.

## 2.0 VEGETATION MANAGEMENT PLANS

### 2.1 What is a Vegetation Management Plan?

- a A **Vegetation Management Plan** (VMP) comprehensively addresses the protection, maintenance, rehabilitation, removal and/or replanting of trees and vegetation on a particular site. A VMP is similar (on a smaller scale) to a Property Vegetation Plan (PVP) as required for rural landholdings under the Native Vegetation Act, 2003.
- b A VMP must be prepared by a suitably qualified and experienced person such as an Ecologist or Bush Regenerator.
- c Council may grant **development consent** for a VMP **for implementation over** a period of **2 to 10 years**, depending on the scope and complexity of the programme and the size of the site. No further consents are required where works comply with an approved VMP.

### 2.2 When is a Vegetation Management Plan Required?

- a A VMP will be required when Council is of the opinion that a proposed development is of a type needing a comprehensive site-specific management plan to manage the trees and vegetation on a site. The VMP will provide analysis and a strategy to address issues relating to the staging of works, cumulative impact, long term vegetation monitoring and management of progressive tree works for the same site over an extended period of time.
- b Submission of a **VMP is preferred to the making of separate successive applications** for works on/or removal of individual trees for the same site.

## 2.3 What Information is Required in a Vegetation Management Plan?

In addition to the general information required to be submitted with an application that involves clearing of land (refer Section 3.2 of this Chapter), the following specific information is also required to be included in a Vegetation Management Plan:

- a an overall site plan at an appropriate scale, showing the area to which the VMP applies, including management zones, staging information, vegetation to be retained and removed and the extent of dominant weed infestations;
- b a detailed Vegetation Management Plan Report identifying:
  - i the objectives and performance targets for each management zone;
  - ii a description of existing vegetation in each management zone;
  - iii the vegetation management works involved including the methodology for the undertaking of such works and minimum qualifications and experience for persons undertaking the works;
  - iv the likely impacts as a result of such works both within and external to the site;
  - v the proposed measures to mitigate against the impacts of the proposed development, such as use of seed, plant material, natural hollows and organic matter generated on the site, measures to prevent the transfer of weeds or pathogens on to or off the site during works and protection of retained trees and vegetation during works. If replanting is recommended, species composition planting layout and densities must be determined based on native vegetation communities occurring in the locality;
  - vi a works program and specification detailing the sequence and duration of implementation of mitigating measures corresponding with the staging of construction and vegetation management works (including maintenance period);
  - vii a monitoring and reporting program. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes.

## APPENDIX C:

### GLOSSARY

*Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the WLEP 2013. Where a term is defined within the WLEP 2013, it is not repeated here. The following additional terms are relevant to this Chapter:*

**approved structure** includes commercial or industrial buildings, or a dwelling (including buildings containing residential accommodation as defined under Section 100P of the *Rural Fires Act 1997*), a garage or swimming pool, and means a structure which has been approved by Council or a Private Certifier under the EP&A Act, but does not include:

- exempt development under “the Codes SEPP” - a structure included in Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – the General Exempt Development Code; or
- a temporary building within the meaning of the Environmental Planning and Assessment Regulation.

**arboriculture** means cultivating and managing trees as individuals and in small groups for amenity purposes.

**clearing native vegetation** means any one or more of the following:

- cutting down, felling, thinning, logging or removing native vegetation;
- killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation;
- severing, topping or lopping branches, limbs, stems or trunks of native vegetation;
- substantially damaging or injuring native vegetation in any other way.

**consulting arborist** means an Australian Qualification Framework Level 5 arborist (AQF5).

**dangerous tree** means a tree that Council or a technical expert is satisfied is a risk to human life or property.

**dead tree** means a tree with no living vascular tissue.

**destroy** means any activity leading to the death, disfigurement or mutilation of a tree.

**dwelling** means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

**exempt tree and vegetation removal works** means those works not requiring the consent of Council (as defined in Section 2.3 of this Chapter).

**garage** means a class 10(a) building as defined by the Building Code of Australia.

**hazardous** means a risk to human safety and wellbeing or property created by a tree's interaction with its surroundings.

**immediate risk** means a risk where the danger is present, likely and not distant in time of occurrence which is usually the result of extreme wind and storm events.

**lopping** means cutting between branch unions or at internodes on young trees, (but does not refer to lopping solely for the purpose of feeding stock in an officially drought declared area).

**native tree** means a tree which is native to the State of New South Wales.

**native vegetation** means any of the following types of indigenous vegetation as determined by the Native Vegetation Act and includes:

- trees;
- understorey plants;
- groundcover;
- plants occurring in a wetland.

**non-native tree** means an exotic tree, not native to the State of New South Wales.

**non-urban zone** means any of the following zones identified by WLEP 2013, as applied to land within zone RU1 Primary Production, RU2 Rural Landscape, RE1 Public Recreation, RE2 Private Recreation, R5 Large Lot Residential, , E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, and may include W1 Natural Waterways, SP1 Special Activities, or SP2 Infrastructure, dependant on the location.

**private land** means any land not owned by Council or the Crown.

**Property Vegetation Plan (PVP)** means a negotiated and agreed plan to clarify what can be done with native vegetation on a landholder's property, approved under Part 4 of the Native Vegetation Act, 2003. It gives certainty and long term security so that native vegetation can be better managed for both financial and environmental outcomes.

**prune or pruning** means activities as specified in Australian Standard AS 4373-2007, "Pruning of Amenity Trees", including Crown maintenance and/or modifications.

**public land** means any land owned by Council or the Crown.

**residential zone** means any of the following zones identified by WLEP 2013, as applied to land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and RU5 Village.

**sealed driveways and pathways** means an access-way to an approved structure by means of a permanent, constructed, hard surface usually consisting of concrete or paving.

**technical expert** means any suitably qualified person in the fields including and related to arboriculture, forestry, botany, horticulture, ecology or environment, with a minimum Australian Qualification Framework Level 3 (AQF3).

**topping** means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

**tree** means a perennial plant with at least one self-supporting woody or fibrous stem, being of any species whether indigenous, exotic or introduced which:

- is 3 metres or more in height; or
- has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level; or
- has a trunk diameter of 75 mm or more measured at ground level where the tree is removed such that the trunk diameter at 1.4 m above ground level can no longer reasonably be measured; or
- is a cycad or mangrove that is indigenous to or is recorded by Council as having special significance in the area of Wyong, irrespective of its dimensions.

**tree injury** means damage to a tree and includes:

- lopping and topping;
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- cutting and tearing of branches and roots that is not carried out in accordance with accepted arboriculture practices, does not qualify as "pruning" or is done for invalid reasons;
- ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- damaging a trees root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- under-scrubbing, unless carried out by hand tools, such as brush cutters and the like.

**tree removal** means to cut down, take away or transplant a tree from its place of origin.

**trunk** means the main stem of the tree, as distinguished from the branches and roots.

**urban zones** means any of the following zones identified by WLEP 2013, as applied to land within zone RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial, or SP2 Infrastructure.

**Vegetation Management Plan (VMP)** means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

### **3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi**

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TRIM REFERENCE: RZ/14/2012 - D11717830

MANAGER: Scott Cox, Director

AUTHOR: Jenny Mewing; Strategic Planner

#### **SUMMARY**

This report seeks Council's endorsement of a modification to an existing Planning Proposal in respect of land at 414 Old Maitland Road (Old Farm), Mardi.

#### **RECOMMENDATION**

- 1 That Council resolve to revise to the Planning Proposal in respect of land at 414 Old Maitland Road (Old Farm) to incorporate a Retail/Tourism Village development in addition to the currently proposed rural residential/rural village development.**
- 2 That Council, forward the revised Planning Proposal to the Minister to seek a revised Gateway determination in accordance with Section 56(6) of the Environmental Planning and Assessment (EP & A) Act, 1979.**
- 3 That Council undertake community and government agency consultation, in accordance with the requirements attached to any revised Gateway determination.**

#### **BACKGROUND**

An existing Gateway determination exists for the rezoning of land at 414 Old Maitland Road, Mardi (the subject site) for the purposes of a rural residential/rural village development. The proposal, at present, intends for approximately 300 rural residential/rural village lots comprising:

*'An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m<sup>2</sup> of suitably zoned land. Rural dwellings would be provided in the form of:*

- *rural residential lots;*
- *rural village housing; along with*
- *small restaurants and community facilities' and*

*'Areas subject to environmental protection. Including areas designated as*

- *Environmental Living – allowing for rural residential lots with a minimum of 1 hectare; and*
- *Environmental Conservation – allowing for rural residential lots with a minimum of 40 hectares'.*

### 3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)

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The yield estimates for the concept plan are for approximately 270 lots in the village zoning and 30 lots in environmental living and conservation areas.

Council at its meeting held on 27 March 2013,

*“RESOLVED unanimously on the motion of Councillor Best and Seconded by Councillor Graham:*

- 337/13 That a Planning Proposal be prepared 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, for the rural residential/rural village development of Old Farm.*
- 338/13 That Council, forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a “Gateway Determination”, pursuant to Section 56 of the EP & A Act, 1979.*
- 339/13 That Council require, subject to the “Gateway Determination,” the proponent 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.*
- 340/13 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 341/13 That Council undertake community and government agency consultation, in accordance with the requirements attached to the “Gateway Determination”.*
- 342/13 That a further report be submitted to Council to report on results of community consultation.*
- 343/13 That Council request that the Gateway Panel meet with the Mayor and interested Councillors prior to their determination of this matter.”*

#### **CURRENT STATUS**

In accordance with Council’s resolutions of 27 March 2013, the following actions have been undertaken:

- A Planning Proposal was prepared to enable a rural residential/rural village on the subject site and was issued to the Department of Planning and Environment (DoP&E), formerly, Department of Planning and Infrastructure (DoPI), on 22 May 2013 (337/13 and 338/13).
- DoP&E provided Councillors with a briefing of the Gateway process on 27 July 2013 (343/13).

### **3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)**

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- A Gateway determination was issued to proceed with the proposal, dated 25 September 2013 (Attachment 1).
- Formal Agency Consultation was undertaken in accordance with the requirements of the Gateway determination between 14 October and 8 November 2013 (341/13)
- A Funding Agreement between Council and the Proponent was executed by the General Manager on (339/13 & 340/13) in May 2014.

During the formal Agency Consultation period up until the signing of the Funding Agreement, additional liaison with the Department of Trade and Investment (Mineral Resources Branch (DT&I-MRB) and Mine Subsidence Board (MSB) had been required to determine the quality and extent extractive resources beneath the subject site, and the impact the proposal may have on this resource. This issue has since been resolved and the proposal has been given the endorsement by both DT&I-MRB and MSB to proceed.

Since signing the Funding Agreement, the Proponent has undertaken numerous investigative studies. These studies, in the main, have been finalised and support the progression of the proposal. Pending the finalisation of the remaining investigations, Community Consultation of the Proposal can commence.

#### **THE PROPOSAL**

The Proponent has recently requested an amendment to the scope of the Proposal, namely, the incorporation of a 'retail/tourist' type village (Attachment 2). By way of comparison, the Proponent has referred to the Tourist Village at Hunter Valley Gardens (Attachment 3).

The Proponent is seeking the inclusion of an allowance of approximately 6,500m<sup>2</sup> to be zoned or enabled to permit relevant land uses including restaurants, boutique stores, and potentially, accommodation.

Whilst it is acknowledged that the Proposal at present includes opportunity for a rural village, this does not adequately address the more intensive tourist/retail/business uses proposed. Such uses have a larger tourist and retail business focus, which has not been the subject of previous investigation nor assessment. On this basis, a revised Planning Proposal and Gateway determination will be required.

#### **ISSUES ANALYSIS**

The outcomes of the investigative studies being undertaken for the current proposal will not be materially affected by the proposed variation. Predominantly, these studies have been assessing the existing site conditions (e.g. flora and fauna, drainage and hydrology etc.) therefore, additional land uses are not considered to have a substantial impact on the findings. The variation may however require a revision to the current social impact assessment.



### **3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)**

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A revised assessment of the proposal incorporating the retail/tourist variation in terms of its consistency with relevant local, regional and state strategies, policies and legislative requirements, is also necessary, given the retail/business/commercial intent, not considered as part of the original proposal. An assessment of the following has been undertaken (Attachment 4) for this purpose:

- Wyong Shire Community Strategic Plan (April 2013);
- Wyong Shire Retail Strategy (October 2013);
- Economic Development Strategy (July 2014)
- Wyong Shire Settlement Strategy (November 2013);
- Central Coast Regional Strategy (2008);
- Regional Economic Development and Employment Strategy (2010);
- State Environmental Planning Policies; and
- Section 117 Ministerial Directions.

In summary, the proposed variation is generally consistent with the above and enables an alternative and viable land use and economic activity within the western area of the Shire. Inconsistencies of the proposal with the above can be justified by relevant strategies and the outcomes of investigative studies which have been undertaken on the subject site.

#### **OPTIONS**

##### **Option 1 – Proceed with Current Gateway Determination – NOT RECOMMENDED**

Proceeding with the current proposal will result in the future development of the Old Farm site (subject to the successful rezoning) which will provide for an emerging trend of large lot rural residential living.

Whilst a valid proposal in its own right in terms of meeting residential/dwelling demand and targets, the existing proposal does not provide for flow on employment and economic activity within the Shire.

##### **Option 2 – Request Revised Gateway Determination - RECOMMENDED**

The amendment to the current proposal will enable the emerging trend for large lot rural residential living to be achieved in addition to enabling the establishment of tourism, an alternative economic stream, within the western area Shire.

#### **CONSULTATION**

In the event that the current Planning Proposal is revised and a Gateway determination, additional Agency Consultation is likely. Subject to the support of the DoP&E, concurrent Agency and Community Consultation may be undertaken.

The outcomes of this consultation will be reported to Council as per Resolution 342/13 of 27 March 2013.

### **3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi (contd)**

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#### **GOVERNANCE AND POLICY IMPLICATIONS**

The Planning Proposal process, including revision of existing Planning Proposals is governed by the EP&A Act, 1979 and Council's Planning Proposal Procedure.

#### **CONCLUSION**

A request for an amendment to the current Gateway determination for a retail/tourist type village for the Old Farm site has been assessed on its merits against relevant local, regional and state strategies, policies and legislative requirements. This assessment has identified that there is justification for seeking an amendment to the current determination to incorporate this type of future development.

#### **ATTACHMENTS**

<b>1</b>	Current Gateway Determination	D11673112
<b>2</b>	Proponent Submission	D11673092
<b>3</b>	Hunter Valley Gardens Information & Photographs	D11673098
<b>4</b>	Assessment - Local, Regional & State Strategies, Policies and Legislative Requirements	D11677528
<b>5</b>	Councillor Business Update	D11716510

**Planning &  
Infrastructure**

Mr Michael Whittaker  
General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Contact: Glenn Horal  
Phone: (02) 4348 5000  
Fax: (02) 4323 6573  
Email: Glenn.Horal@planning.nsw.gov.au  
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP\_2013\_WYONG\_007\_00 (13/08907)  
Your ref: RZ12/2012

Dear Mr Whittaker,

**Planning proposal to amend Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012**

I am writing in response to your Council's letter dated 22 May 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 5.1 Implementation of Regional Strategies is justified by the conditionally endorsed Wyong Settlement Strategy. No further approval is required in relation to this Direction.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Glenn Hornal of the regional office of the department on 02 4348 5000.

Yours sincerely,

  
Neil McGaffin 25.9.13  
Acting Deputy Director General  
Planning Operations & Regional Delivery

Encl:  
Gateway determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated plan making reporting template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_WYONG\_007\_00):** to rezone land at Mardi for large lot residential/rural village and environmental protection purposes.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012 to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
  - impacts on biodiversity, flora and fauna (including impacts on koala habitat)
  - land use conflict
  - flooding, drainage and servicing arrangements including water, sewer, other utilities
  - Aboriginal and Non-Aboriginal heritage
  - bushfire hazard and acid sulfate soils
  - traffic impacts including public transport, pedestrian and bicycle planning
  - acoustic impacts and social impacts
  - requirements for open space and community facilities
  - emergency services and state or local infrastructure provision
  
2. Once the above additional information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of the below S117 Directions and State policies to reflect the outcome of the work and consultation undertaken:
  - 1.2 Rural Zones
  - 1.3 Mining, Petroleum Production and Extractive Industries
  - 2.1 Environment Protection Zones
  - 2.3 Heritage Conservation
  - 3.4 Integrating Land Use and Transport
  - 4.1 Acid Sulfate Soils
  - 4.2 Mine Subsidence and Unstable Land
  - 4.3 Flood Prone Land
  - 4.4 Planning for Bushfire Protection
  - 6.2 Reserving Land for Public Purposes
  - 3.5 Development Near Licensed Aerodromes
  - State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection
  
3. Council is to demonstrate that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
  
4. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size, urban release area and if applicable, other development standards maps, which are at an appropriate scale and clearly identify the



## Planning & Infrastructure

subject lands. Council is also to update the planning proposal to include a satisfactory arrangements clause.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act or groups and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
  - Hunter – Central Rivers Catchment Management Authority
  - Transport for NSW – Roads and Maritime Services
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
  - Department of Primary Industries – Agriculture (S117 Direction 1.2 Rural Zones)
  - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)
  - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
  - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
  - Darkinjung Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
  - Guringai Tribal Link Aboriginal Consultative Group (S117 Direction 2.3 Heritage Conservation)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 25th day of September 2013.

**Neil McGaffin**  
**Acting Deputy Director General**  
**Planning Operations & Regional Delivery**  
**Department of Planning & Infrastructure**

**Delegate of the Minister for Planning & Infrastructure**



## Planning & Infrastructure

### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WYONG_007_00	Planning proposal to rezone land known as the 'Old Farm Site' at 414 Old Maitland Road, Mardi for large lot residential/rural village and environmental protection purposes and amend the minimum lot size and if applicable, other development standards for the subject land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 25 September 2013

**Neil McGaffin**  
**Acting Deputy Director General**  
**Planning Operations & Regional Delivery**  
**Department of Planning & Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2013_WYONG_007_00
Date Sent to Department under s56	22/05/2013
Date considered at LEP Review Panel	19/09/2013
Gateway determination date	25/09/2013

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:





# Parramalong Downs

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## REQUEST TO VARY PLANNING PROPOSAL RZ/14/2012

Date 15.08.2014.

ANOTHER QUALITY PROJECT BY  
THE TRANSNATIONAL GROUP OF COMPANIES



# REQUEST TO VARY PLANNING PROPOSAL RZ/14/2012

Application Date 15.08.2014.

## INTRODUCTION

On the 25<sup>th</sup> September, 2013 WSC received Gateway approval for its Planning Proposal for ‘The Old Woodbury Farm’ Site located on Old Maitland Rd Mardi.

Included in the Approval to Councils Planning Proposal was the applicant’s proposal for the following:

(To quote Councils Proposal .... )

‘The current indicative concept plan (Figure 2) proposes:  
‘An identified rural village area containing rural housing lots at a density of 1 dwelling per 2000m<sup>2</sup> of suitably zoned land. Rural dwellings would be provided in the form of:  
- rural residential lots;  
- rural village housing; along with  
- Small restaurants and community facilities.’

The rezoning proposal is now well advance and progressing well.

However following a more comprehensive analysis and market research review, The Proponent holds the view that opportunities exist for the expansion of the original proposal so as to create a ‘WORKING TOURIST VILLAGE’ rather than its initial concept of ‘small restaurants and community facilities’.

The concept adds an exciting perspective to the overall concept but equally will bring considerable benefits to the Shire of Wyong as a whole with the creation of :

- **A focal point of destination for local and state wide visitors.**
- **Employment opportunities, considerable in number and focused at the tourist and service industry.**
- **Job training opportunities for the youth sector of the community.**
- **Creation of new businesses.**
- **The creation of a generally enhanced view of the Wyong Shire and what it represents in the State of N.S.W.**

**Accordingly we respectfully request you accept this submission as or FORMAL REQUEST TO VARY THE W.S.C. PLANNING PROPOSAL RZ 14/2012 to accommodate this Project.**

.....  
Signed  
Laurie Denton.  
TRANSNATIONAL GROUP OF COMPANIES.



# **D**arramalong **D**owns

Secure Country Village Life Style - Commuter Convenience

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## **REQUEST TO VARY PLANNING PROPOSAL RZ 14/2012**

### **INDEX:**

#### **BASIC PROJECT SITE OVERVIEW**

1. General introduction to site

#### **PROPOSAL**

1. Site Specific Request.

#### **GENERAL PROJECT INFORMATION**

1. General introduction to site
2. Location Map.
3. Description
4. Indicative Site Layout
5. List of Proposed Uses.
6. Precinct Plan.
7. Site photos
8. Demonstrative Photos

#### **REZONING SUPPORT DOCUMENTATION**

9. WSC Zoning Proposal RZ/14/12
10. Gateway Committee approval dated 25.09.13





## Yarralong Downs

Secure Country Village Life Style - Commuter Convenience



### 1HR 30MINS from Sydney GPO.

Located just 1.3LKMS off the Freeway Interchange, at Tuggerah and at the start of the famous Yarralong Valley this exclusive development is not 'just a residential project'. **This is Pinnacle Living at it's best.**

A gated community with a beautiful balance of small acreages, executive housing lots, villas and townhouses all incorporated in a rural village theme, this is the dream list of executive living.

Close to the City and built in its own valley, Yarralong Downs has only trees and nature for neighbours.

In addition to the secure estate entry, this living estate includes shops, restaurants, beautiful water features, serviced offices (for those still championing business) and on site administration and associated services such as landscaping contractors, house cleaners and the like.



## Darramalong Downs

Secure Country Village Life Style - Commuter Convenience

### PROPOSAL TO VARY WSC PLANNING PROPOSAL/14/2012.

We request that the planning proposal RZ/14/2012 be modified so as to include for the following:

#### Floor area of 6,500M2

It is intended that the focus of the development will be tourism which as such will require a wide variety of permissible uses. The proposal is intended to be not unlike The Hunter Valley Gardens Project (Located in the Hunter Valley) which will be used as a template.

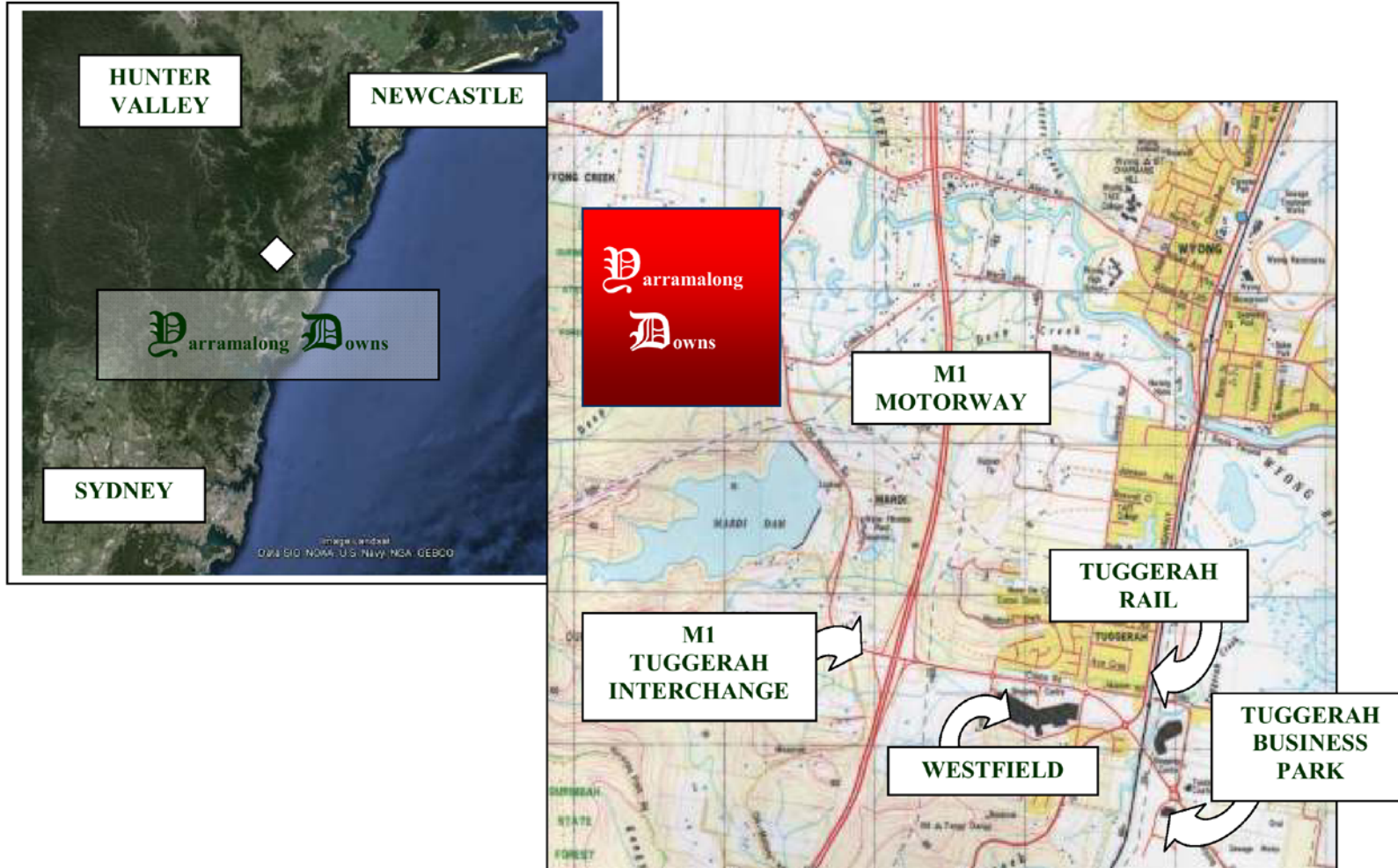
Permissible uses should include the following:

Serviced office space (for estate administration and resident uses)	Boutique fashion
Speciality Shops	Motel
Restaurant, bistro, out door eatery, coffee shop, food and ice cream shop, cookie shop, lolly shop, Chocolate shop, bakery, delicatessen, convenience store.	Boutique fashion, Chemist, Book shop, Gem Shop, Fur outlet, Art Shop,
Tavern, Micro Brewery, Micro Distillery, Cellar Door Wine outlet	Massage/Hair/skin/body shop
Wedding/Function reception centre including chapel.	Public Toilets/Community Hall
Tourist Accommodation	



# Parramalong Downs

Secure Country Village Life Style - Commuter Convenience







# Parramalong Downs

Secure Country Village Life Style - Commuter Convenience





# Darramalong Downs

Secure Country Village Life Style - Commuter Convenience

## COMPARATIVE AERIAL PERSPECTIVE USING HUNTER VALLEY GARDENS (Approx 5,250 M<sup>2</sup> O/A Building Areas)



LOCATION DRAWING –  
Old Maitland Rd Frontage





# Parramalong Downs

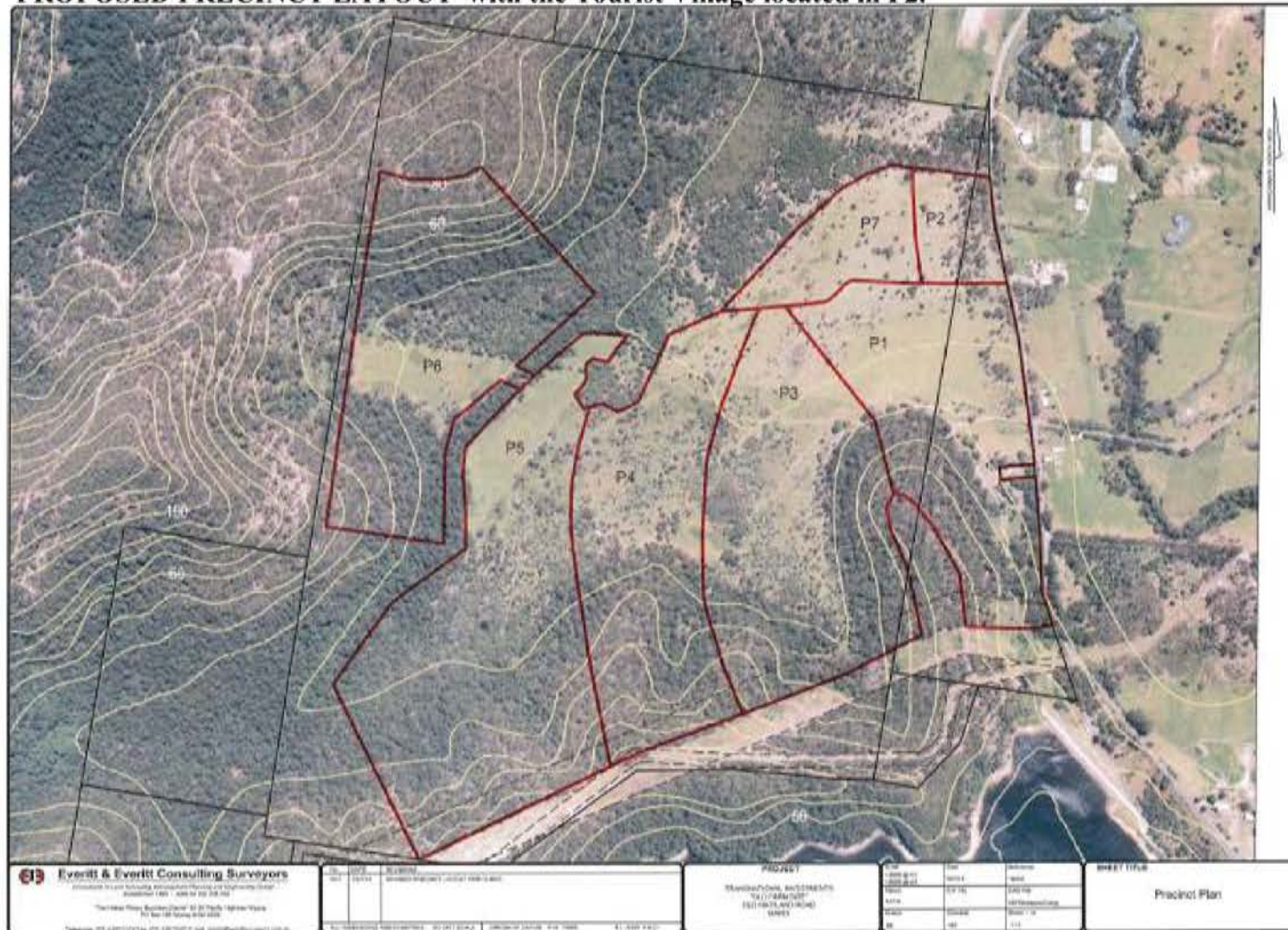
Secure Country Village Life Style - Commuter Convenience

**INTENDED USE OF ARCHITECTURE STYLES –Predominately Old English but with innovative use of 21<sup>st</sup> Century Architecture**





**PROPOSED PRECINCT LAYOUT with the Tourist Village located in P2.**

































### Wyong Shire Community Strategic Plan

An assessment of the proposal against the strategies of the Community Strategic Plan has been undertaken as follows. The proposal meets a number of the strategy objectives.

Strategy	Applicable (Y/N)	Assessment/Comment
<b>1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood</b>		
1a - Expanding and supporting programs that increase participation among all ages	N	Not Applicable
1b - Expanding and supporting programs and activities that encourage and enhance neighbourhood connections	N	Not Applicable
1c - Encouraging and valuing genuine youth and seniors participation in the community	N	Not Applicable
1d - Expanding and resourcing children and family service programs	N	Not Applicable
1e - Developing and implementing the Wyong Shire-wide Settlement Strategy	Y	The proposal is consistent with the WSS
1f - Improving the effectiveness of the system of connections that tie towns/suburbs and facilities of the Shire together as well as connecting to the wider region	N	Not Applicable
1g - Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy)	N	Not Applicable
1h - Planning and delivering a new Town Centre at Warnervale including a new railway station and transport interchange (Regional Strategy)	N	Not Applicable
1i - Having residents as active participants in setting the direction of their communities	N	Not Applicable
1j - Ensuring communities are safe and have a clear perception of security	N	Not Applicable
1k - Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally	Y	The proposal aims to provide rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.

Strategy	Applicable	Assessment/Comment
1l – Taking a long-term integrated approach to the provision of both new and existing infrastructure	N	Not Applicable
<b>2. There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</b>		
2a - Ensuring public and private bus services are timely, clean, safe and affordable	N	Not Applicable
2b - Upgrading train and public transport services between Newcastle and Sydney Central ensuring the service is safe, timely and reliable	N	Not Applicable
2c - Improving and linking the bicycle/shared pathway network and related facilities to encourage more cycling opportunities	Y	Future development of the site will require this issue to be addressed.
2d - Improving commuter parking at railway stations	N	Not Applicable
2e - Improving commuter hubs along the freeway	N	Not Applicable
2f - Creating a better public transport system including new outer suburban train carriages, upgrades of the Tuggerah station, rail maintenance upgrades and better local bus services (Regional Strategy)	Y	Future development of the site will require this issue to be addressed, including servicing of the site by the local bus company.
2g - Ongoing upgrading of roads in the region including The Entrance Road and Pacific Highway (Regional Strategy)	N	Not Applicable
2h - Improving the M1 links to Sydney to three lanes in each direction in partnership with the Federal Government (Regional Strategy)	N	Not Applicable
2i – Providing an integrated transport system that satisfies users' needs	N	Not Applicable
2j – Supporting commuters and their families	N	Not Applicable
2k – Supporting the development of a regional airport within the Shire	N	Not Applicable
<b>3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</b>		
3a - Providing and maintaining local and regional community facilities for recreation, culture, health and education	N	Not Applicable
3b - Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues	N	Not Applicable



Strategy	Applicable	Assessment/Comment
3c - Providing recurrent funding for community support and development services	N	Not Applicable
3d - Promoting community facilities to help maximise their benefits and use	N	Not Applicable
3e - Balancing the varying provision of facilities and amenities between towns/suburbs to enhance the quality of life in the Shire	N	Not Applicable
3f - Maximising the access to, and potential for, new and existing facilities/infrastructure to support growth	N	Not Applicable
3g – Supporting people in the community to lead healthy, active lifestyles	Y	Future development of the site will require this issue to be addressed, including servicing of the site by the local bus company, and the provision of internal cycleways which link to the external road network.
3h – Providing access to basic and specialist health care services to all community residents	N	Not Applicable
<b>4. The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</b>		
4a - Generating community awareness and behavioural change about the value of ongoing education	N	Not Applicable
4b - Creating programs that encourage lifelong learning for everyone	N	Not Applicable
4c - Creating and maintaining programs to actively encourage community involvement in educational institutions	N	Not Applicable
4d - Establishing and maintaining a committed network of education, community, business and government representatives	N	Not Applicable
4e - Providing programs and services which respond to changes in the field of education in Wyong Shire	N	Not Applicable
4f – Accessing a range of post school, tertiary, and degree based educational facilities. Promote innovation in areas important to the local and regional economy	N	Not Applicable
4g – Providing education, training and skills development that reflect the region's specific employment needs	N	Not Applicable
4h – Ensuring that all students and educational institutions have access to high quality services and technological resources	N	Not Applicable

Strategy	Applicable	Assessment/Comment
<b>5. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</b>		
5a - Preserving threatened and endangered species as well as ecological communities and biodiversity	Y	The proponent does not propose to biocertify the subject site. The proposal is however able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.  Areas of significant vegetation are proposed to be managed by Community Title through a Community Plan of Management.
5b - Expanding and continuing programs focused on restoring degraded natural areas in our community	N	Not Applicable
5c - Ensuring all development areas create or maintain tree covered ridgelines and waterways	Y	The proponent does not propose to biocertify the subject site. The proposal is however able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.  Areas of significant vegetation are proposed to be managed by Community Title through a Community Plan of Management.
5d - Developing and implementing strategies to reduce the Shire's Environmental Footprint	N	Not Applicable
5e - Developing and implementing a Natural Resource Management Strategy for Wyong Shire	N	Not Applicable
5f - Ensuring sustainable development that is sympathetic to the local setting and reflects community values	N	Not Applicable
<b>6. There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services.</b>		
6a - Improving and promoting public access to environmental areas	N	Not Applicable
6b - Establishing and maintaining projects and programs to encourage more active participation in community based environmental activities	N	Not Applicable

Strategy	Applicable	Assessment/Comment
6c - Creating and promoting a network of renowned bush trails	N	Not Applicable
6d - Establishing a community event based around our lakes and beaches	N	Not Applicable
6e - Developing and implementing a tree planting program	N	Not Applicable
6f - Creating, maintaining and promoting a series of community gardens	N	Not Applicable
6g - Supporting and encouraging volunteer groups and champions	N	Not Applicable
6h - Maintaining and making available information about the environment and environmental change	N	Not Applicable
6i - Community awareness of sustainability and environmental issues impacting Wyong Shire	N	Not Applicable
<b>7. There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths</b>		
7a - Providing a coordinated approach to business generation, employment and development for the region	N	Not Applicable
7b - Identifying and leveraging the competitive advantages of Wyong Shire	N	Not Applicable
7c - Supporting the growth of the Shire as a competitive major business sector while reducing the alienation of towns/ suburbs that can result from regional pressures	N	Not Applicable
7d - Actively promoting the business benefits of Wyong Shire. Creating a single executive level voice to attract employment generating development to the Central Coast and negotiating in liaison with all relevant agencies	N	Not Applicable
7e - Establishing and maintaining a strategic database on business and economic trends on the Central Coast	N	Not Applicable
7f - Establishing and maintaining key industry networking roundtables	N	Not Applicable
7g - Regularly identifying Central Coast businesses that are innovative and creative with high growth potential ("gazelles")	N	Not Applicable
7h - Supporting the development of a major Conference Centre in the Shire	N	Not Applicable
7i - Ensuring adequate and appropriate employment land in the Shire	N	Not Applicable

Strategy	Applicable	Assessment/Comment
7j - Sourcing tourist attractions across the Shire	Y	The proposed retail/tourist component of the proposal will introduce an alternative tourism market not currently present in the Shire
<b>8. Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</b>		
8a – Advocating for the provision of high speed broadband throughout Wyong Shire	N	Not Applicable
8b - Developing and implementing guidelines to ensure all residences and businesses as well as commercial and educational centres can be quickly linked to fibre-optic telecommunications networks	N	Not Applicable



**Wyong Shire Retail Strategy**

A Net Community Benefit Test of the proposal has been undertaken in accordance with the recommendations of Council's Retail Strategy as it proposes Out-of-Centre retail activity. This assessment (below) identifies that there should be a net community benefit with the retail/tourist component of the proposal.

Consideration	Assessment/Comment
Whether the proposal is consistent/compatible with agreed State and regional strategic directions	The proposed amendment is consistent with the Central Coast Regional Planning Strategy and associated Regional Economic Development and Employment Lands Strategy
Whether the proposal is likely to create a precedent.	The current proposal has been assessed against relevant local, regional and state strategies, and is generally consistent or representative of actions within these strategies.  Any proposals for similar development in the future would be required to undergo the same assessment and also be required actions and consistent with the agreed/endorsed direction of Council and the State. It is therefore considered that the proposal under these circumstances will not create precedence.
What the cumulative effects of the proposal might be.	It is envisaged that the tourist/retail component of the proposal will have a positive cumulative effect for the region, in that it will stimulate other tourism activities within the Shire.
Whether it is likely to facilitate employment opportunities.	The proposed retail/tourist component of the proposal has the ability to create local tourism employment opportunities.  Additional short term construction opportunities will also be created through the development of the remainder of the site.
Whether it will impact on the supply of residentially zoned land.	The area proposed for the retail/tourist component was not previously identified for rural residential purposes, therefore the proposed supply of rural-residential land within this proposal overall will not be affected.
Whether there is sufficient infrastructure in place or planned for to service the development.	The proposal has been assessed by Council's water and sewer unit. There is adequate ability within the reticulated systems to support the future development of the subject site.  All infrastructure supporting the proposal is required to be provided at no cost to Council.
Whether it is sustainable.	Proposals such as this are required to ensure that the tourism sector is a sustainable growth industry in Wyong Shire.
Whether it is in the public interest.	The proposal will provide a unique retail/tourist attraction which currently doesn't exist within Wyong Shire. Such a proposals will ensure that the tourism sector and local employment opportunities continue to grow.

Consideration	Assessment/Comment
<p>Whether the proposal will impact on the availability of retail and commercial services in the area. If there is an impact, the extent of that impact and whether the proposed development will 'make good' any change of circumstance arising as a result of that impact. Specifically, the assessment of impact will need to consider any impacts on 'anchor' tenants/facilities within the affected centre(s) and the potential 'knock on' effect of any loss of trade for those major facilities which might affect their ability to continue to trade or function effectively. Anchor tenants or facilities could include supermarkets or grocery stores, government and non-government services, community facilities and any major floorspace user.</p>	<p>Given the specificity of the proposed retail/tourist component, it is unlikely that it will impact other centres in the area.</p> <p>It may provide for goods and services at a local level for the residents within the subject site, however, given this population has not yet been established, the impact of their patronage of this facility will not be detrimental to surrounding centres.</p> <p>The closest centre to the site is currently the Tuggerah Major Centre which, based on previous investigations is trading above capacity.</p>
<p>Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future and if so, what the impacts of that might be.</p>	<p>The proposed retail/tourist components, may in the future, have capability for expansion subject to zoning amendments. Future expansion would be subject to a re-assessment of the impacts.</p> <p>Such expansion would be dependent on the success of the individual site, and the growth of the tourism sector within Wyong Shire. Both are expected to be long term.</p>

### Wyong Shire Economic Development Strategy

The overarching aims of the Wyong Shire Economic Development Strategy are:

- Greater stability for the local economy via a broader industry / investment base
- Build investor confidence ensuring the area is geared to respond to wider market demand
- Create local employment opportunities and attract / retain the talent and skills to fill the workforce demands of this new economy
- Achieve sustainability for the region's economy, community, environment and lifestyle.

The priority actions to achieve these aims and an assessment of the proposal against these actions are provided below. Where applicable, the proposal is consistent with the actions identified within the strategy.

Action	Applicable (Y/N)	Assessment/Comment
<b>Leadership and Collaboration</b>		
1.1 Continue to support the REDES to ensure that key economic strategies are achieved;	Y	The proposal amendment will facilitate employment within the Tourism/Retail Sector, consistent with the strategies of the REDES
1.2 Maintain support of key business development groups such as chambers of commerce, town centre management and tourism industry associations;	N	Not Applicable
1.3 Work to cut red tape and make it easier for target businesses and investors to do business here – provide high quality advice and client management services;	N	Not Applicable
1.4 Identify and mentor potential business and community leaders. Investigate establishment of specific industry groups such as a Young Entrepreneurs Group or Innovation Group;	N	Not Applicable
1.5 Continue to partner with industry and government to deliver on the shared vision of the Economic Development Strategy for the Shire.	N	Not Applicable
<b>Market a Strong Competitive Identity</b>		
2.1 Develop a new place brand and program to market the area's unique attributes to key target business and investment sectors;	N	Not Applicable
2.2 Adopt a targeted approach to promote the region's competitive advantages to priority markets and potential investors;	N	Not Applicable
2.3 Develop a five year Wyong Shire Economic Development Marketing Plan;	N	Not Applicable

Action	Applicable (Y/N)	Assessment/Comment
2.4 Establish a Wyong Shire ambassadorial program and gain the support of business leaders and local identities to promote the region;	N	Not Applicable
2.5 Through a targeted sponsorship, collaboratively establish and promote key events, such as a new Lakes Festival, to raise local profiles and encourage visitation and business relocation;	N	Not Applicable
2.6 Work with Regional Development Australia Central Coast and the Marketing Strategy Implementation Group (SIG) to market the region for business.	N	Not Applicable
<b>Capital Investments</b>		
3.1 Establish the Wyong Education & Business Precinct at Warnervale - complete a masterplan and attract investors;	N	Not Applicable
3.2 Central Coast Regional Airport - complete the planning, studies and engagement required and seek investment to establish this key air transport and freight hub;	N	Not Applicable
3.3 The Art House – development to start in 2014;	N	Not Applicable
3.4 Support development of various Iconic Development Sites through the Shire;	N	Not Applicable
3.5 Establish the new Warnervale North Rail Station and retain Warnervale South Rail Station;	N	Not Applicable
3.6 Establish a Community Hub in the north of the Shire.	N	Not Applicable
3.7 Undertake a review of the Iconic Sites to consider expansion to new sites;	N	Not Applicable
3.8 Link Road at Warnervale - Secure funding and start construction of the remaining section to connect the north of the Shire.	N	Not Applicable
3.9 Facilitate establishment of a suitable “train stop” in Wyong Shire for the future High Speed Train link from Brisbane to Melbourne.	N	Not Applicable
<b>High Value Industries – Education</b>		
4.1.1 Prepare the Ourimbah Planning Strategy to investigate opportunities for student accommodation; improved linkages; and provision of supporting infrastructure and services;	N	Not Applicable
4.1.2 Review and enhance the Ourimbah Precinct Masterplan in consultation with the University of Newcastle.	N	Not Applicable

Action	Applicable (Y/N)	Assessment/Comment
4.1.3 Advocate for TAFE and The University of Newcastle to provide courses which meet local industry demands and emerging skills gaps;	N	Not Applicable
4.1.4 Advocate for increased transport services to Ourimbah train station for improved University and TAFE access;	N	Not Applicable
4.1.5 Construct Stage 2 of the Link Road from Wyong to Warnervale as a priority for access to the Wyong Shire Education and Business Precinct at Warnervale;	N	Not Applicable
4.1.5 Complete a Masterplan and attract investors to establish the Wyong Education Precinct at Warnervale. The project needs multi-level Federal and State government support.	N	Not Applicable
4.1.7 Establish a plan for the development of a community recreational hub as part of the Wyong Education Precinct;	N	Not Applicable
4.1.8 Implement the Learning Community Strategy.	N	Not Applicable
<b>High Value Industries – Aged Care</b>		
4.2.1 Seek private sector commitment for a state-of-the-art aged care living facility;	N	Not Applicable
4.2.2 Facilitate the upgrading of existing facilities to ensure retention of existing aged housing;	N	Not Applicable
4.2.3 Ensure adequate, well located sites are available for aged care housing and services;	N	Not Applicable
4.2.4 Ensure Council operated facilities meet growing demands of the community;	N	Not Applicable
4.2.5 Facilitate the establishment of aged care clusters (groups) to plan, promote and support growth of the sector;	N	Not Applicable
4.2.6 Investigate the use of Iconic Sites for aged housing projects;	N	Not Applicable
4.2.7 Advocate for State and Federal funding for aged care projects on Iconic Sites;	N	Not Applicable
4.2.8 Develop a strategy and marketing plan to promote Wyong as a Centre of Excellence in Retirement Living and Aged Care services both nationally and internationally;	N	Not Applicable
4.2.9 Develop appropriate community facilities to support aged residents (eg seating, ramps, handrails, hydrotherapy pools);	N	Not Applicable

Action	Applicable (Y/N)	Assessment/Comment
4.2.10 Implement actions arising from the Positive Ageing Strategy.	N	Not Applicable
<b>High Value Industries – Health and Well Being</b>		
4.3.1 Better link into regional and state strategies to build a strong health care sector in Wyong/Central Coast being driven by Regional Development Australia. Work with RDA and Wyong Hospital to plan for and support an expanded health care services precinct around Wyong Hospital;	N	Not Applicable
4.3.2 Ensure that the regulatory environment accommodates the growth of health care facilities within the LGA;	N	Not Applicable
4.3.3 Ensure wider community health care strategies are linked to aged care strategies and projects;	N	Not Applicable
4.3.4 Collaborate with local health care operators, doctors and the community to lobby government for increased facilities and services;	N	Not Applicable
4.3.5 Develop a strong data base, in collaboration with regional organisations to underpin increased private health investment in the region;	N	Not Applicable
4.3.6 Ensure suitable sites are appropriately zoned to facilitate development;	N	Not Applicable
4.3.7 Collaborate with the Central Coast Local Area Health District and Health Infrastructure NSW in the preparation of Masterplans for the redevelopment of Wyong and Long Jetty hospitals.	N	Not Applicable
<b>High Value Industries – Tourism</b>		
4.4.1 Review Council's relationship and role with Central Coast Tourism Inc. and better facilitate the implementation of Wyong's priorities in the recently released Tourism Opportunity Plan with development of a Wyong Shire Tourism Opportunities Plan;	N	Not Applicable
4.4.2 Establish the Central Coast Regional Sporting and Recreation Complex at Pioneer Dairy;	N	Not Applicable
4.4.3 Develop a Wyong Shire Events Strategy;	N	Not Applicable
4.4.4 Work with the private sector to ensure provision of adequate facilities (conference halls, recreational options).	N	Not Applicable
4.4.5 Develop the Wyong Art House to attract touring cultural shows and events;	N	Not Applicable
4.4.6 Support proposed tourist developments such as the Chinese Cultural Village and CASAR Park.	Y	Although not specifically listed, the proposed amendment

Action	Applicable (Y/N)	Assessment/Comment
		will incorporate a tourist component.
<b>High Value Industries – Aviation</b>		
4.5.1 Establish a regional taskforce to support and facilitate the regional airport project;	N	Not Applicable
4.5.2 Implement a community information and engagement program to increase community and business understanding and support for the airport;	N	Not Applicable
4.5.3 Allocate funds in Council's budget to enable the necessary investigations and analysis of the proposed regional airport;	N	Not Applicable
4.5.4 Prepare a planning proposal to the NSW Government to obtain approval for the airport precinct development;	N	Not Applicable
4.5.5 Acquire lands for the airport development	N	Not Applicable
4.5.6 Form strategic partnerships and alliances to secure private sector funding for the project delivery;	N	Not Applicable
4.5.7 Project delivery - provided studies prove the concept and the planning proposal is approved, aim to have the airport operational by 2020.	N	Not Applicable
<b>Professional and Skilled Employment</b>		
4.6.1 Encourage government, industry and business to work collaboratively on innovative measures to retain skills and talent within the resident population by: • Ensuring community awareness of local opportunities, and; • Maximising local participation in education, training and industry skills programs that support the demands of 'game changer' projects and highvalue industries.	N	Not Applicable
4.6.2 Aggressively market the area to research and development organisations to relocate or set up in the Wyong Shire;	N	Not Applicable
4.6.3 Continue to pursue the Wyong Education and Business Precinct with co-location of research and development businesses;	N	Not Applicable
4.6.4 Encourage suitably located rural residential developments to meet the housing needs of professionals.	N	Not Applicable
<b>Logistics and Warehousing</b>		

Action	Applicable (Y/N)	Assessment/Comment
4.7.1 Identify appropriate zoned, serviceable and affordable industrial land in close proximity to freeway access and for promote to freight/transport and logistics operators;	N	Not Applicable
4.7.2 Aggressively promote the Shire as an attractive location for logistics and warehouse operators to establish their businesses, leveraging current businesses as ambassadors;	N	Not Applicable
4.7.3 Liaison with logistics experts regarding the evolving warehousing needs, particularly for the growing online retail market;	N	Not Applicable
4.7.4 Review internal road network priorities and new or proposed major road upgrades such as, the Hunter Link and North Connex Link from the perspective of freight/transport and logistics to inform regional and state planning and funding decision making;	N	Not Applicable
4.7.5 Continue to pursue strategies around the development of a regional airport, which would include air freight facilities.	N	Not Applicable
<b>Manufacturing</b>		
4.8.1 Continue to work with NSW Trade and Investment to encourage and promote the Shire as desirable location to establish and grow manufacturing businesses;	N	Not Applicable
4.8.2 Work with State Government agencies to review infrastructure requirements to ensure development is cost effective and competitive;	N	Not Applicable
4.8.3 Develop strong industry relationships to promote opportunities in Wyong Shire.	N	Not Applicable
<b>Agriculture and Food Processing</b>		
4.9.1 Review the availability of industrial land with adequate water supply, drainage and sewerage to accommodate new large food processing facilities;	N	Not Applicable
4.9.2 Ensure intensive development does not sterilize agricultural lands;	Y	The site in its entirety is Class 3/4 Agricultural Land with limited potential. It is not considered that the loss of agricultural land is significant.
4.9.3 Enter a dialogue with existing businesses to understand and help accommodate their existing and emerging needs;	N	Not Applicable
4.9.4 Consider reducing the 20ha minimum lot size where appropriate within the rural areas of the Shire;	N	Not Applicable
4.9.5 Monitor the sector to ensure opportunities are acted upon promptly;	N	Not Applicable



Action	Applicable (Y/N)	Assessment/Comment
4.9.6 Ensure the regulatory environment facilitates and accommodates the sector;	N	Not Applicable
4.9.7 Provide low cost Council venues for more growers markets;	N	Not Applicable
4.9.8 Link in with wider NSW government and regional strategies to support expansion of the sector.	N	Not Applicable
4.9.9 Prepare a Rural Lands Development Control Plan Chapter;	N	Not Applicable
4.9.10 Prepare an Agricultural Potential Study.	N	Not Applicable
<b>Global Connections</b>		
5.1 Establish international relationships and stronger commercial links that will assist local business, leverage new business, and secure public and private investment;	N	Not Applicable
5.2 Develop an annual program of export missions– led by Wyong Council – to grow awareness of the region's products and services and investment opportunities;	N	Not Applicable
5.3 Provide easy access to up-to-date information on the strengths and competitiveness of Wyong Shire for trade and commerce;	N	Not Applicable
5.4 Actively promote the economic opportunities of the Shire at both local and international trade conferences and conventions.	N	Not Applicable
<b>Investing in Talent and Skills</b>		
6.1 Retain and grow a skilled workforce to support the growth of key industry sectors;	Y	The proposed amendment will facilitate additional employment opportunities
6.2 Undertake analysis of workforce requirements for each major growth industry to identify gaps and develop targeted solutions;	N	Not Applicable
6.3 Develop opportunities for identified growth sectors to be established within the Shire;	Y	Tourism is an identified growth sector. The proposed amendment will facilitate additional employment opportunities in this sector.
6.4 Establish local jobs to minimise the large number of residents commuting to work outside the Shire;	Y	The proposed amendment will facilitate additional

Action	Applicable (Y/N)	Assessment/Comment
		employment opportunities
6.5 Council to work in conjunction with Government, education providers and local businesses to support education facilities, increase high school retention rates and levels of people holding tertiary qualifications in the workforce;	N	Not Applicable
6.6 Enter partnerships and programs with Government agencies to encourage training facilities to provide courses for upskilling to assist with the identified growth sectors;	N	Not Applicable
6.7 Support the development of programs that strengthen opportunities for young people to access training and skills development, such as National Food Industry Innovation Precinct, Aged Care Workforce Innovation Precinct and Innovation Cluster Groups related to Music, Creative Industries, Teleworking, Manufacturing and Food	N	Not Applicable
6.8 Establish a taskforce to oversee the development of the Wyong Education and Business Precinct at Warnervale.	N	Not Applicable

### Wyong Shire Settlement Strategy

Wyong Council's Settlement Strategy (WSS) was conditionally endorsed by the Department of Planning and Infrastructure (DoPI) on 17 September 2013. This conditional endorsement included endorsement of the land use strategy component, which 'is suitable, at a high level, to support the 'Old Farm' planning proposal'.

The WSS includes relevant provisions as identified within the Wyong Valley Planning Study, including a revised assessment of land capability and suitability for additional rural residential subdivision. This assessment has identified that the subject site is a medium priority area, being *moderate(ly) suitability to support future settlement due to the effect of a range of "land suitability" considerations* for rural residential development.

The WSS further states that the eastern portions of the site may be suitable to employment uses. The proposed amendment to incorporate a retail/tourist village development is therefore consistent with the WSS.

An assessment of the strategy against the priority actions is provided below:

Action No.	Action	Applicable (Y/N)	Comment/Assessment
CM01	Continue to implement the Community Plan and Youth Engagement Strategy Action Plans.	N	Not Applicable
CM02	Approach the State and Federal Government and advocate for funding of new and upgraded facilities and sustainable recurrent funding for staffing, programming and activities.	N	Not Applicable
CM03	Actively seek opportunities for joint ventures and partnerships to provide community facilities and services, such as the use of school facilities for a range of community, recreation and sporting activities.	N	Not Applicable
CM04	Encourage the use of flexible S.94 Development Contribution practices, including Works in Kind and Voluntary Planning Agreements, to ensure the timely delivery of necessary community facilities.	N	Not Applicable
CM05	Develop a Human Services Strategy for the NWSSP area, using a model similar to human services planning in Warnervale/Wadalba.	N	Not Applicable
CM06	Undertake a review of cemetery infrastructure within Wyong LGA to ensure that there is an adequate supply of cemetery land and associated infrastructure.	N	Not Applicable
CM07	Implement the Community Facilities Strategy.	N	Not Applicable
CM08	Review open space and recreation zones to determine future zonings under Wyong LEP 2013.	N	Not Applicable
CM09	Integrate open space planning principles identified in the Wyong Open Space Principles Plan (2005) into Wyong LEP 2013.	N	Not Applicable
CM10	Review Wyong DCP 2013 Chapter (Subdivision) to ensure that new subdivisions provide community open space and possible locations for community gardens.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
CM11	Integrate open space and recreation land and infrastructure provisions into Wyong DCP 2013.	N	Not Applicable
CM12	Implement the Recreation Facilities Strategy (2009). Evaluation and rationalisation of facilities to be undertaken in future reviews of the Recreation Facilities Strategy.	N	Not Applicable
CM13	Implement the Local Parks Strategy (2005).	N	Not Applicable
CM14	Review the Wyong Open Space Principles Plan (2005) to develop a benchmark for Open Space and Recreation requirements.	N	Not Applicable
CM15	Pursue recreation opportunities for young people as identified in the Youth Engagement Strategy (2011).	N	Not Applicable
CM16	Investigate and implement a program of development of bushland and forest parks.	N	Not Applicable
CM17	Complete the Aquatic Infrastructure Audit.	N	Not Applicable
CM18	Liaise with State Government to provide increased opportunities for appropriate recreation facilities.	N	Not Applicable
CM19	Educational establishments will be zoned in accordance with Department of Planning & Infrastructure Guidelines for Zoning of Infrastructure. Specific sites to retain SP2 Infrastructure zone in some instances.	N	Not Applicable
CM20	Educational establishments will be permissible under Wyong LEP 2013 within the same zones as the "prescribed" zones under the Infrastructure SEPP. The proposed exception is the Zone RU6 Transition.	N	Not Applicable
CM21	Prepare the Ourimbah Planning Strategy to ensure integration between the University and community. The Planning Strategy will investigate opportunities for student accommodation; improved linkages; and provision of supporting infrastructure and services.	N	Not Applicable
CM22	Approach the Federal & State Government and advocate for TAFE and University to provide courses which meet local industry demands and emerging skills gaps.	N	Not Applicable
CM23	Implement the Learning Communities Strategy Action Plans.	N	Not Applicable
CM24	Approach the State Government and advocate for improved services for the provision of emergency, maternity and GP access, particularly at Wyong Hospital.	N	Not Applicable
CM25	Liaise with the State Government to develop community health care relief programs.	N	Not Applicable
CM26	Approach the State Government and advocate for preparation of long-term strategic plans in accordance with the NWSSP and Settlement Strategy to ensure the coordinated approach to development, particularly in response to additional health and ambulance services	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
CM27	Facilitate the provision of additional GP services, and assist in the establishment of new GP services in high need areas.	N	Not Applicable
CM28	Approach the State Government and advocate for additional police officers to service our growing population.	N	Not Applicable
CM29	Finalise the draft Business Continuity Plan to support the continued achievement of critical business functions in the face of uncertainty or disruption.	N	Not Applicable
EE01	Implement the recommendations of the Wyong Employment Lands Study.	N	Not Applicable
EE02	Review the Industrial Lands Audit to review the adequacy of current supply and to identify future needs.	N	Not Applicable
EE03	Investigate potential sites to meet employment land demand, if the Wyong Employment Zone is unable to be developed to anticipated capacity.	N	Not Applicable
EE04	Apply appropriate Business Zones for commercial land within existing centres to reflect desired form, status and employment targets, and to absorb projected demand. Implement development bonuses in nominated centres of Wyong, Toukley and East Toukley.	N	Not Applicable
EE05	Apply greater residential densities within and surrounding centres in accordance with adopted local planning strategies.	N	Not Applicable
EE06	Implement maximum floor space area for Neighbourhood Shops through Clause 5.4.	N	Not Applicable
EE07	Identify an appropriate location for the development or expansion of a Town Centre within the NWSSP Area. Potential locations include the expansion of Summerland Point or Gwandalan Neighbourhood Centres.	N	Not Applicable
EE08	Implement the Wyong-Tuggerah Planning Strategy by rezoning land within the Wyong CBD in accordance with the Baker Park and Active River Foreshore Master plans.	N	Not Applicable
EE09	Review the Retail Centres Strategy in accordance with the CCRS Centres Hierarchy and the NWSSP to ensure that future needs of individual centres are achieved.	N	Not Applicable
EE10	Update the Commercial Lands Audit annually to review the adequacy of current supply, and to identify future needs.	N	Not Applicable
EE11	Review form and function of individual centres and develop local character and place statements which consider their desired future vision. Statements should consider projected character over time.	N	Not Applicable
EE12	Liaise with the Department of Planning & Infrastructure in planning for the Tuggerah State Significant Site.	N	Not Applicable
EE13	Prepare and implement masterplans for Major, Town and Village Centres and nominated Neighbourhood Centres.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
EE14	Consider the role of business parks and the impact on existing centres by reviewing current landuse activities and implementing appropriate controls in Wyong LEP 2013 and Wyong DCP 2013.	N	Not Applicable
EE15	Review rural zones and landuses, considering potential land use conflicts for all activities. The review will also consider priority agricultural lands identified by the Department of Planning & Infrastructure and Department of Primary Industries, to ascertain desirable landuse activities in certain locations which are economically and environmentally sustainable.	Y	The Department of Planning and Environment (DoP&E) has endorsed the Wyong Shire Settlement Strategy (WSS), in September 2013. The WSS identifies that the subject site is a medium priority area, being <i>moderate(ly) suitability to support future settlement due to the effect of a range of "land suitability" considerations</i> for rural residential development.  This proposal is a precursor to the broader Rural Lands Review project to commence in the near future.
EE16	Review the Hydroponics Chapter of Wyong DCP 2013 to mitigate potential landuse conflicts within future development areas and proposed green corridors identified by the NWSSP.	N	Not Applicable
EE17	Develop a Chapter of Wyong DCP 2013 to address rural lands.	Y	A site specific Chapter of Development Control Plan 2013 is to be prepared to support the future development of the site. A generic rural lands Chapter of DCP 2013 will be developed following the completion of the Rural Lands Review.
EE18	Approach the State Government and advocate for the updating of agricultural land mapping for Wyong LGA, including land capability and constraint studies.	N	Not Applicable
EE19	Once agricultural land mapping is updated, an agricultural capability overlay to be added to Wyong LEP 2013 to require retention of land with characteristics of Class 1, 2 or 3 Agricultural Land for agricultural purposes.	N	Not Applicable
EE20	Develop a Tourism Opportunity Plan for Wyong LGA in liaison with Central Coast Tourism, which considers cultural, recreational, educational and eco-tourism opportunities.	N	Not Applicable
EE21	Develop an Event Strategy for Wyong LGA which could link events with the zoning and permissibility of restaurant and tourism accommodation precincts.	N	Not Applicable
EE22	Investigate links between the provision of tourism and entertainment related uses within agricultural zones and zone accordingly under Wyong LEP 2013. Examples include the provision of Cellar Doors / Restaurants at existing facilities, including the Lavender Farm and Macadamia Farms.	Y	The retail/tourist component of the current proposal is not permissible within the current agricultural zone. This issue will be further addressed within the broader Rural Lands Review project to commence in the near future.
EE23	Consider heritage tourism opportunities to diversify tourism in the LGA.	N	Not Applicable
EE24	Develop a Chapter of Wyong DCP 2013 to address rural lands incorporating appropriate guidelines/controls for tourist accommodation opportunities.	Y	A site specific Chapter of Development Control Plan 2013 is to be prepared to support the future

Action No.	Action	Applicable (Y/N)	Comment/Assessment
			development of the site. A generic rural lands Chapter of DCP 2013 will be developed following the completion of the Rural Lands Review.
EE25	Ensure appropriate zoning as part of Wyong LEP 2013 so that mining remains a permissible use, with development consent, in the resource areas.	N	Not Applicable
EE26	Continue to work with the State Government to implement the Regional Economic Development and Employment Lands Strategy (REDES).	Y	The proposal is consistent with the Strategies identified within the REDES.
EE27	Prepare an Economic Development Strategy for the LGA, building upon the work already undertaken as part of the Regional Economic Development and Employment Lands Strategy.	Y	The proposal is consistent with the Actions identified within the Wyong Shire Economic Development Strategy.
EE28	Review Wyong DCP 2013 Chapter - Home Based Employment to examine its continued adequacy and applicability.	N	Not Applicable
EE29	Identify options to further develop the warehousing and logistics sectors.	N	Not Applicable
EN01	Review zoning and other provisions to ensure environmentally sensitive land and wildlife linkages are suitably protected. Include bonus incentive provisions for the long term conservation of key biodiversity lands.	N	Not Applicable
EN02	Investigate private land holder incentives for the protection, restoration and management of conservation land.	N	Not Applicable
EN03	Conduct surveys to identify potential and core koala habitat, amend zonings and prepare a DCP Chapter for land that is or adjoins core koala habitat, as per Clause 15 of SEPP 44 Koala Habitat Protection.	N	Not Applicable
EN04	Update native vegetation community mapping (including condition assessment) and finalise green corridor and threatened species habitat mapping. Vegetation community classification to align with State classifications.	N	Not Applicable
EN05	Finalise and implement the Natural Resources Management Strategy for Wyong LGA.	N	Not Applicable
EN06	Incorporate suitable zoning and specific development controls for riparian corridors.	N	Not Applicable
EN07	Prepare an offset strategy to replace DCP Chapter – Interim Conservation Areas. The offset strategy should identify suitable offset sites, and provide financial mechanisms/framework for offsetting at local scale.	N	Not Applicable
EN08	Investigate the Yarramalong Valley and land west of Hue Hue Road to determine highest and best zones.	Y	This proposal is a precursor to the broader Rural Lands Review project to commence in the near future.
EN09	Finalise and implement the Greening Wyong Strategy.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
EN10	Investigate funding mechanisms to address the high cost of conservation land maintenance.	N	Not Applicable
EN11	Undertake investigations and mapping for Endangered Ecological Communities west of the F3 Freeway, in conjunction with the State Government.	N	Not Applicable
EN12	Continue to develop and update Plans of Management for natural areas classified as community land.	N	Not Applicable
EN13	Develop a Natural Areas Assets Register to identify the biodiversity and/or aesthetic value of these areas.	N	Not Applicable
EN14	Include provisions (in consultation with DP&I and OEH) to require development proposals to consider the impact on vegetation and its importance as a green corridor and to prevent pre-emptive clearing of vegetation in the North Wyong Shire Structure Plan (NWSSP) area to ensure the protection of functional green corridors as recommended by the draft Central Coast Regional Conservation Plan (CCRCP) and NWSSP.	N	Not Applicable
EN15	Utilising the draft CCRCP as a guideline for corridor widths and suitable adjoining land uses adjacent to sensitive areas, prepare a green corridors Plan to incorporate appropriate zoning of the green corridor network.	N	Not Applicable
EN16	Incorporate protection of catchments, lakes and waterways through land use zones or map overlays depicting environmentally sensitive lands, including: § Zone waterways and environmentally sensitive areas around lakes. § Identify suitable riparian and foreshore buffer widths to be zoned E2 or E3 as part of the investigation of staged releases in the NWSSP area. § Include foreshore building line provision and mapping	N	Not Applicable
EN17	Develop appropriate controls for sensitive creeklines, tributaries, aquatic vegetation and marine shoreline habitat, to minimise impacts of development. This will include investigation of inclusion of a sensitive waterways clause and a review of DCP provisions relating to erosion and sediment control.	N	Not Applicable
EN18	Review the Waterfront Structures Policy with a view to creating a new chapter to Wyong DCP 2013.	N	Not Applicable
EN19	Continue to implement the Tuggerah Lakes Estuary Management Plan and sub-strategies.	N	Not Applicable
EN20	Review Plans of Management to strengthen management of our catchments, lakes and waterways, including community engagement and education. For example, liaise with the Catchment Management Authority to encourage residents to revegetate rural landholdings.	N	Not Applicable
EN21	Implement a pro-active environmental education and audit program on 'high risk' development sites, with a focus on erosion and sediment control.	N	Not Applicable
EN22	Allocate E2 – Environmental Conservation zone to all wetlands, in recognition of the high value aquatic vegetation, threatened species habitat, nursery or other identified environmental values.	N	Not Applicable



Action No.	Action	Applicable (Y/N)	Comment/Assessment
EN23	Finalise the Water Sensitive Urban Design chapter of Wyong DCP 2013.	N	Not Applicable
EN24	Review the Wetlands chapter of Wyong DCP 2013 for incorporation into a future biodiversity chapter of Wyong DCP 2013.	N	Not Applicable
EN25	Investigate the provisions of a settled model local clause for groundwater vulnerability to protect groundwater resources from inappropriate development.	N	Not Applicable
EN26	Liaise with State and Federal Government in order to undertake a groundwater mapping program and determine the vulnerability of Wyong LGA groundwater resources. As part of this mapping program, map groundwater dependent ecosystems such as wetlands, riparian vegetation and wet heathland.	N	Not Applicable
EN27	Develop a central register for groundwater information to better plan for groundwater management.	N	Not Applicable
EN28	Incorporate objectives and controls (where appropriate) to ensure environmental amenity is considered and addressed in land use and development decision-making.	N	Not Applicable
EN29	Implement the recommendations of the Shire-wide Heritage Review, including: § Map heritage items and Heritage Conservation Areas and list within Schedule 5 of Wyong LEP 2013. § Amend Wyong DCP 2013 Chapter – Heritage Conservation. § Progress other measures such as the administration of a Local Heritage Fund.	N	Not Applicable
EN30	Increase opportunities for interpretation of heritage values in the public and private domain, e.g. The Entrance Boardwalk and Wyong Town Centre plaques, and in combination with recreational facilities and Public Art.	N	Not Applicable
EN31	Prepare detailed Conservation Management Plans including maintenance schedule for Council owned/managed heritage items.	N	Not Applicable
EN32	Maintain and improve relationships with Local Aboriginal Land Councils., and facilitate engagement of the Aboriginal Community.	N	Not Applicable
EN33	Develop options to engage and promote awareness of Aboriginal heritage and culture amongst the community and Council staff, including providing education regarding the presence and appropriate management of Aboriginal sites.	N	Not Applicable
EN34	Review Plans of Management to consider the management of Aboriginal items.	N	Not Applicable
EN35	Consider undertaking a Shire-wide Aboriginal Cultural Heritage Study	N	Not Applicable
EN36	Wyong LEP 2013 should include an objective to protect areas of high scenic landscape values.	N	Not Applicable
EN37	Develop a DCP Chapter (Rural Lands) to address: § The types of controls necessary to preserve the landscape character of different landscape types	Y	A site specific Chapter of Development Control Plan 2013 is to be prepared to support the future

Action No.	Action	Applicable (Y/N)	Comment/Assessment
	in the Wyong Valleys, giving particular attention to those areas which are identified in the Landscape Quality Study as having high to medium levels of significance. § The types of development controls to be implemented in those areas identified as major visual corridors, visual boundaries or tree tunnels along roadsides by the Landscape Quality Study.		development of the site. A generic rural lands Chapter of DCP 2013 will be developed following the completion of the Rural Lands Review.
EN38	Prepare and implement a Scenic Resource Inventory including an appropriate set of criteria for assessing scenic quality by way of preparation and implementation of Scenic Quality Guidelines.	N	Not Applicable
IN01	Incorporate model local clause Part 6, including the suite of associated sub-clauses within Wyong LEP 2013 and support its objectives in the possible future development of DCP chapters for each of the nominated urban release areas identified by the NWSSP, where appropriate. The DCP chapter will provide a staging plan for the efficient release of urban land that makes provision for necessary infrastructure and sequencing, including water servicing, sewer and drainage infrastructure.	N	Not Applicable
IN02	Incorporate Drinking Water Catchments model local clause within Wyong LEP 2013 to control development within prescribed drinking water catchments providing potable water to the community.	N	Not Applicable
IN03	Ensure land use zoning in the relevant area of Lakes/Budgewoi Beach continues to enable the intake system and pumping station associated with the Toukley Desalination Plant (approved but yet to be constructed).	N	Not Applicable
IN04	Amend Wyong DCP 2013 to incorporate a chapter on Water Supply Catchment Area Development, in order to ensure appropriate development in areas within our drinking water supply catchments.	N	Not Applicable
IN05	Assist the Department of Planning & Infrastructure in reviewing the CCRS, to consider population and dwelling targets in line with current and projected water supply issues for the Central Coast and Wyong LGA.	N	Not Applicable
IN06	Continue to implement WaterPlan 2050 and its associated strategies aligned with its key focus areas: enhancing the existing water supply system; using water efficiently; and accessing additional sources of water.	N	Not Applicable
IN07	Develop or amend DSPs to ensure new future urban release areas identified by the NWSSP are considered, in terms of the time of water supply and servicing.	N	Not Applicable
IN08	Develop an appropriate approach to assess proposals in the vicinity of bore fields to protect the water source but not unnecessarily constrain development.	N	Not Applicable
IN09	Develop or amend DSPs to ensure new future urban release areas identified by the NWSSP are considered, in terms of the time of sewerage supply and servicing.	N	Not Applicable
IN10	Odour studies to be undertaken for Toukley, Bateau Bay, Mannering Park and Gwandalan STPs with anticipated 2050 operating capacity to identify odour impacts and buffers and limit development of the surrounding region.	N	Not Applicable
IN11	Finalise, adopt and implement DCP Chapter – Water Sensitive Urban Design. This includes review of the Urban Stormwater Quality Management Plan for the Tuggerah Lakes and Coastal Catchments and incorporation into WSUD chapter where applicable.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
IN12	Refine, adopt and implement the Porters Creek IWCM Scheme and continue to seek grant funding to achieve the outcomes of this Scheme.	N	Not Applicable
IN13	Formalise and coordinate cross-organisational processes and disciplines to ensure the sustainable implementation and management of stormwater and stormwater assets.	N	Not Applicable
IN14	Fund the timely renewal and/or refurbishment of existing stormwater assets to ensure the efficiency of the network. This includes the opportunity to ensure the existing engineering control provides the best stormwater management solution for the land-use.	N	Not Applicable
IN15	Buttonderry Waste Management Facility to be zoned SP2 Infrastructure (Waste Management Facility) under the provisions of Wyong LEP 2013.	N	Not Applicable
IN16	Include a Site Waste Management Chapter in Wyong DCP 2013.	N	Not Applicable
IN17	Identify suitably-located and appropriately zoned land for new recycling, waste avoidance, and resource recovery infrastructure, to support growth in major regional centres and major towns.	N	Not Applicable
IN18	Wyong LEP 2013 will zone the Munmorah, Colongra and Vales Point Power Stations SP2 - Infrastructure (Electricity Generating Works); and include appropriate overlays in Wyong DCP 2013 indicating environmentally sensitive land and the biodiversity attributes of each of the Power Station sites.	N	Not Applicable
IN19	Future planning of Precinct 14 identified by the NWSSP should make provision for appropriate land use buffers to mitigate adverse environmental impacts, including noise and air pollution and the exposure to potential hazards.	N	Not Applicable
IN20	Wyong DCP 2013 to include a requirement that implementation of the NBN and other telecommunications infrastructure is considered in the planning of Urban Release Area Precincts.	N	Not Applicable
IN21	Approach the State Government and advocate for the preparation of long-term strategic plans for public utility undertakings which consider the projected population growth identified by the NWSSP; Settlement Strategy; and the projected impacts of Climate Change.	N	Not Applicable
IN22	Approach the State Government and advocate for the investigation of opportunities for renewable energy.	N	Not Applicable
IN23	Prepare and Implement a Renewable Energy Strategy, in accordance with Council's Natural Resource Management Strategy.	N	Not Applicable
IN24	Seek State Government support for the transfer (at no cost) of Delta Electricity land at Vales Point Power Station to allow the continuing operation of the Extreme Sports Park, Koala Park, the triangle of land bound by Scenic Drive, Highview Street and The Outlet, San Remo, and recreation and open space lands.	N	Not Applicable
NH01	Wyong LEP 2013 to be consistent with the NSW Floodplain Development Manual (2005) and subsequent State Government planning guidelines.	N	Not Applicable
NH02	Wyong LEP 2013 to map flood planning areas incorporating climate change in accordance with Federal Government policies. This may also include mapping of intermittent and permanent water	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
	courses and overland flow paths.		
NH03	Wyang LEP 2013 to down-zone flood affected areas to zones that provide for lower density, where justified by a Council endorsed Floodplain Risk Management Plan	N	Not Applicable
NH04	Flood Prone Land Policy to be updated and adopted as a chapter of Wyong DCP 2013 to ensure consistent assessment and determination of development applications. Flood Prone Land Policy to continue to apply to activities that do not fall within the development assessment process.	N	Not Applicable
NH05	Continue to prepare and adopt Floodplain Risk Management Plans so that all watercourses in the LGA are covered by a catchment based floodplain risk management plan. This includes overland flow watercourses.	N	Not Applicable
NH06	Review S.94 Plans to enable collection of funds for flood management purposes.	N	Not Applicable
NH07	Investigate shirewide and/or catchment specific levies to fund flood management measures including planning, construction and on-going maintenance.	N	Not Applicable
NH08	Investigate additional sources of funding from State and Federal Governments for floodplain management.	N	Not Applicable
NH09	Finalise and implement the draft Coastal Zone Management Plan (CZMP). The draft CZMP and associated mapping will identify areas subject to instability along the coastal region, including restriction of development in identified high-risk areas. Wyong LEP 2013 and Wyong DCP 2013 to reflect high-hazard areas and to provide guidelines and development application requirements for hazard areas.	N	Not Applicable
NH10	Place a notation on the Section 149 certificate for all properties within immediate, 2050 and 2100 coastal hazard areas and all properties seaward of the 2100 low hazard line for geotechnical hazards.	N	Not Applicable
NH11	Introduce provisions in Wyong LEP 2013 and/or Wyong DCP 2013 with requirements for appropriate geotechnical assessments of proposed development within the area bounded by the immediate hazard line and 2100 low hazard geotechnical line.	N	Not Applicable
NH12	Introduce provisions in the Wyong LEP 2013 and/or Wyong DCP 2013 that may require timed consents or triggers for new development in the 2050 or 2100 coastal hazard area. Before the expiry date of the timed consent or nominated trigger, the landholder must apply for an extension to the consent, relocate the structure landward or remove the structure.	N	Not Applicable
NH13	Investigate Shire-wide and/or area specific levies to fund coastline management mechanisms and maintain public accessibility and facility.	N	Not Applicable
NH14	Undertake individual Emergency Management Sub-Plans for the three hot spots identified by the NSW Coastal Reforms Package (The Entrance North, Noraville, Norah Head).	N	Not Applicable
NH15	Undertake assessment of topographical constraints for new urban release areas. Any land constrained due to slope, soil or inability to achieve water quality targets, is to be identified and excluded from development areas.	Y	The outcomes of investigative studies have identified an area of the site suitable for development which

Action No.	Action	Applicable (Y/N)	Comment/Assessment
			predominantly avoids areas of potential risk or containing significant vegetation.
NH16	Liaise with the Hunter-Central Coast Regional Environmental Management Strategy to develop a regional-approach for the management of hazards associated with slope and stability, including land slip.	N	Not Applicable
NH17	In light of anticipated increases in bushfire intensity and frequency due to Climate Change, Council to adopt a risk-based approach and compliance with ESD principles.	N	Not Applicable
NH18	Undertake a study to determine appropriate bushfire protection measures for all development. This should be included as an amendment to Wyong DCP 2013.	N	Not Applicable
NH19	Incorporate model local Clause 7.1 Acid Sulfate Soils within Wyong LEP 2013.	N	Not Applicable
NH20	Develop a community education program to increase awareness of the risks associated with Acid Sulfate Soils.	N	Not Applicable
NH21	Liaise with the Hunter and Central Coast Regional Environmental Management Strategy to develop a regional approach to the management of Acid Sulfate Soils.	N	Not Applicable
NH22	Continue to refine Councils Acid Sulfate Soil mapping and update Wyong LEP 2013.	N	Not Applicable
NH23	Maintain Section 149 notations for lands affected by land contamination.	N	Not Applicable
NH24	Undertake a study to identify saline soils within the LGA and control or limit development accordingly.	N	Not Applicable
NH25	Liaise with Hunter Central Coast Regional Environment Strategy and Hunter-Central Rivers Catchment Management Authority to develop a regional approach to the management of saline soils.	N	Not Applicable
NH26	Develop a Salinity Management Strategy including consideration to infrastructure; education and awareness programs; groundwater and water quality monitoring; Plans of Management for community land, parks and reserves; stormwater and wastewater management plans, and Section 94 Development Contributions Plans.	N	Not Applicable
NH27	Incorporate salinity measures within WSUD DCP chapter upon completion of the Salinity Management Strategy (see NH26).	N	Not Applicable
NH28	Complete and adopt the Climate Change Policy.	N	Not Applicable
NH29	Complete and/or update the remaining Floodplain Risk Management Plans to give consideration to the potential impact of climate change.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
NH30	Continue to develop and implement Sustainability Scorecards for development, such as rezoning applications, which are not covered by BASIX.	N	Not Applicable
NH31	Investigate carbon offsetting opportunities for existing or future land holdings for Council activities.	N	Not Applicable
SH01	Continue to facilitate delivery of the new Warnervale Town Centre.	N	Not Applicable
SH02	Implement The Entrance Peninsula Planning Strategy, Toukley Peninsula Planning Strategy, and Wyong-Tuggerah Planning Strategy, by rezoning and height and floor space bonus provisions under Wyong LEP 2013.	N	Not Applicable
SH03	Undertake a review of the viability of mixed use zones to determine which landuses are compatible.	N	Not Applicable
SH04	Review and revise population and density projections for the entire LGA.	N	Not Applicable
SH05	Investigate requirements for preparation of masterplans / planning strategies for targeted Town, Village and Neighbourhood Centres to provide a framework for development and public domain improvements.	N	Not Applicable
SH06	Prepare Urban Design Guidelines for nominated centres having regard for local Character Statements. Generic guidelines to be prepared for centres that are not nominated.	N	Not Applicable
SH07	Develop a DCP Chapter to guide development within mixed-use zones.	N	Not Applicable
SH08	Develop a DCP Chapter for the Greater Toukley area.	N	Not Applicable
SH09	Review the Residential Land Monitor annually.	N	Not Applicable
SH10	Review population projections and establish a breakdown for localities identified by the CCRS.	N	Not Applicable
SH11	Incorporate incentives and guidance on energy efficient buildings and subdivision design, with a focus on additional development potential for outstanding design.	N	Not Applicable
SH12	Review the Wyong Valleys Planning Report and Strategy including identification of supply mechanisms to provide for sustainable rural-residential development, including community title subdivisions to protect environmentally sensitive areas, productivity requirements and associated infrastructure impacts.	N	Not Applicable
SH13	Undertake a strategic review of environmental and rural land to examine opportunities for the creation of further rural-residential and eco-living development opportunities.	N	Not Applicable
SH14	Develop a DCP chapter (Rural Lands) to provide appropriate controls for rural-residential areas.	Y	A site specific Chapter of Development Control Plan 2013 is to be prepared to support the future

Action No.	Action	Applicable (Y/N)	Comment/Assessment
			development of the site. A generic rural lands Chapter of DCP 2013 will be developed following the completion of the Rural Lands Review.
SH15	Develop a DCP chapter (Rural Lands) to ensure that any future hamlet development is located and developed in a manner which is sympathetic with the village and rural atmosphere of the Wyong Valleys.	Y	A site specific Chapter of Development Control Plan 2013 is to be prepared to support the future development of the site. A generic rural lands Chapter of DCP 2013 will be developed following the completion of the Rural Lands Review.
SH16	Undertake detailed investigations to determine capability and suitability of hamlets located at Jilliby and Dooralong to support additional development, including consideration to appropriate minimum lot sizes.	N	Not Applicable
SH17	Undeveloped land within Yarramalong Village subject to flood and slope constraints should be investigated for rezoning to a more suitable zone as part of an amendment to Wyong LEP 2013.	N	Not Applicable
SH18	Complete and implement the Affordable Housing Study, and investigate opportunities for Council to use planning powers to encourage affordable housing.	N	Not Applicable
SH19	Establish a policy that requires major development that may threaten the supply of housing choice and affordable housing to undertake a social impact assessment.	N	Not Applicable
SH20	Develop and implement a Positive Ageing Strategy, as identified by the Community Plan, 2008	N	Not Applicable
SH21	Examine appropriate guidelines for adaptable housing.	N	Not Applicable
TR01	Approach the State Government and advocate for the upgrading and maintenance of State roads, existing intersections and the provision of new intersections along State Roads, to alleviate present and future congestion.	N	Not Applicable
TR02	Approach the State Government and advocate for the provision of full F3 Freeway interchanges for Alison Road, Wyong; and Motorway Link Road, Bushells Ridge.	N	Not Applicable
TR03	Approach the State and Federal Governments and advocate for the improvement of F3 Freeway links to Sydney, including widening to three lanes and provision of alternative links to the M2 and M7 motorways.	N	Not Applicable
TR04	Approach the State Government and advocate for the provision of improved information signage and intelligent systems on the arterial road network.	N	Not Applicable
TR05	Approach the State Government and advocate for the provision of a road linking Kanangra Drive, Gwandalan to Chain Valley Bay, to improve connectivity.	N	Not Applicable
TR06	Approach the State Government and advocate for funding assistance for completion of the Link Road, from Watanobbi to Warnervale.	N	Not Applicable

Action No.	Action	Applicable (Y/N)	Comment/Assessment
TR07	Approach the State Government and advocate for the construction of commuter car parks at key interchanges, with an emphasis on the safety of these facilities.	N	Not Applicable
TR08	Approach the State Government and advocate for identification of locations for rapid transport corridors.	N	Not Applicable
TR09	Approach the State Government and advocate for the replacement of the level railway crossing at Warnervale, with a grade separated facility.	N	Not Applicable
TR10	Approach the State Government and advocate for the provision of adequate commuter parking at train stations, including North Warnervale.	N	Not Applicable
TR11	Approach the State Government and advocate for the upgrading of Tuggerah and Ourimbah Train Stations.	N	Not Applicable
TR12	Approach the State Government and advocate for increased frequency of an all-stations service between Woy Woy and Wyee train stations, together with Gosford and Lake Macquarie Councils.	N	Not Applicable
TR13	Approach the State Government and advocate for the provision of a high-speed train service between Williamtown and Sydney, with a stop in Wyong LGA.	N	Not Applicable
TR14	Approach the State Government and advocate for increased services to Ourimbah Station for improved access to the University of Newcastle/TAFE Institute.	N	Not Applicable
TR15	Approach the State Government and advocate for the construction of North Warnervale Train Station.	N	Not Applicable
TR16	Approach the State Government and advocate for improvements to bus routes and frequency, including the provision of bus lanes, and bus priorities at key intersections..	N	Not Applicable
TR17	Approach the State Government and advocate for improvement to existing and provision of new commuter parking facilities at all existing and future railway stations.	N	Not Applicable
TR18	Incorporate the principles of the Wyong Shire On-Road Bicycle and Shared Pathways Strategy into Wyong LEP 2013 and Wyong DCP 2013.	N	Not Applicable
TR19	Continue to implement the Wyong Shire On-Road Bicycle and Shared Pathway Strategy.	N	Not Applicable
TR20	Approach the State Government and advocate for additional funding to extend the pedestrian, bicycle and shared pathway network. This will include the construction, upgrading and maintenance of bicycle lanes on all classified state roads, to encourage cycling and alleviate present and future vehicle congestion.	N	Not Applicable
TR21	Review and update S.94 Contributions Plans to allow developers to contribute to the implementation of the Wyong Shire On-Road Bicycle and Shared Pathways Strategy.	N	Not Applicable
TR22	Ensure Voluntary Planning Agreements are negotiated with developers incorporating contribution to the implementation of the Wyong Shire On-Road Bicycle and Share Pathway Strategy.	N	Not Applicable



Action No.	Action	Applicable (Y/N)	Comment/Assessment
TR23	Wyong LEP 2013 is to incorporate the model local clauses 'Development in Areas Subject to Aircraft Noise' and 'Airspace Operations'.	N	Not Applicable
TR24	Approach the Federal and State Government and advocate for further consideration of the potential of the Wallarah site as a suitable location for a Regional Airport.	N	Not Applicable
TR25	Approach the State Government and advocate for improved taxi services within Wyong LGA.	N	Not Applicable
TR26	Approach the State Government and advocate for the return of Night Owl bus services, with increased associations with clubs; and shopping centres.	N	Not Applicable
TR27	Approach the State Government and advocate for additional funding for the Community Transport Program.	N	Not Applicable
TR28	Develop a requirement for major development to provide taxi and community bus facilities, suitable for inclusion into a future amendment to Wyong DCP 2013.	N	Not Applicable

**Central Coast Regional Strategy**

An assessment of the proposal against the priority actions of the CCRS has been undertaken below. Where applicable, the proposal is consistent, or in the instances of an inconsistency, this is justified by further assessment or the outcomes of investigative studies.

Action	Applicable	Assessment/Comment
<b>Centres and Housing</b>		
4.1 Not relevant to Wyong LGA.	N	Not Applicable
4.2 Councils are to provide for a mix of housing types, including housing that will accommodate an ageing population, and smaller household sizes, through the preparation of LEPs and strategies.	Y	The proposal aims to provide rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.
4.3 Councils are to facilitate competitive land releases in the Region, and to meet, as a minimum, the dwelling capacity targets and distribution by centres provided in this Regional Strategy. Work to be done in conjunction with the Department of Planning and delivered through the timely preparation of LEPs.	N	Not Applicable
4.4 Councils are to investigate the potential for land located within and around centres for future housing opportunities, consistent with the centres hierarchy and the dwelling and employment capacity targets through the preparation of LEPs, and local planning strategies (i.e. generally within a radius of 1,000 metres of a regional city and major centre, 800 metres for towns, 400-600 metres for villages and 150 metres for neighbourhoods).	N	Not Applicable
4.5 Councils are to review their current residential development strategies, including a review of the adequacy and accuracy of existing urban boundaries and zonings in fringe areas, through the preparation of LEPs.	N	Not Applicable
4.6 Land to be rezoned for housing during the life of the Strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs, and Greenfield areas nominated in the North Wyong Shire Structure Plan.	Y	Wyong Council's Settlement Strategy (WSS) was conditionally endorsed by the Department of Planning and Infrastructure (DoPI) on 17 September 2013. This conditional endorsement included endorsement of the

Action	Applicable	Assessment/Comment
		land use strategy component, which 'is suitable, at a high level, to support the 'Old Farm' planning proposal'.
<b>4.7</b> The majority of future Greenfield development is to be concentrated around the Warnervale Town Centre and Wyong Employment Zone, via the Structure Plan and associated infrastructure plans for the North Wyong Shire Structure Plan Area. This work will be undertaken by the Department of Planning in conjunction with Wyong Shire Council.	Y	Wyong Council's Settlement Strategy (WSS) was conditionally endorsed by the Department of Planning and Infrastructure (DoPI) on 17 September 2013. This conditional endorsement included endorsement of the land use strategy component, which 'is suitable, at a high level, to support the 'Old Farm' planning proposal'.
<b>4.8</b> The Department of Planning is to continue to assist Wyong Council in the planning of the Warnervale Town Centre and Wyong Employment Zone.	N	Not Applicable
<b>4.9</b> Ensure planning for the Lower Hunter Region informs the more detailed planning that will be done as part of the North Wyong Shire Structure Plan.	N	Not Applicable
<b>4.10</b> Provide around 70% of new housing in existing urban areas and the new Warnervale Town Centre by: <ul style="list-style-type: none"> <li>▪ Focusing new development in key centres to take advantage of services, shops and public transport as well as identifying and preserving the character of the Central coast's smaller neighbourhoods and suburbs.</li> <li>▪ Ensuring that existing centres will be developed consistent with the Centres Hierarchy.</li> </ul>	N	Not Applicable
<b>4.11</b> Urban land releases to contribute to additional regional infrastructure costs in line with adopted government policy regarding infrastructure contributions.	Y	The site is to be identified as a New Release Area as per advice from the Department of Planning and Environment, and therefore subject to additional state infrastructure contributions.
<b>4.12</b> Implement expansion of the NSW Government's new Land Supply Program for the Central Coast to:	N	Not Applicable

Action	Applicable	Assessment/Comment
<p>Monitor housing supply and demand in both Greenfield areas and existing areas.</p> <ul style="list-style-type: none"> <li>▪ Include the new Employment Lands Development Program.</li> <li>▪ Be the principal tool for the coordination and staging of land release for both residential and employment lands.</li> <li>▪ Report the Central Coast separately from Sydney.</li> </ul>		
<p><b>4.13</b> Consider a range of affordable housing strategies, including forms of low-cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with State policies.</p>	N	Not Applicable
<p><b>4.14</b> State Government will develop options for improving housing affordability, with a focus on affordable housing for particular groups in the community. The Department of Housing and Department of Planning to identify how these initiatives can be applied to the Central Coast.</p>	N	Not Applicable
<p><b>4.15</b> Councils are to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during the preparation of principal LEPs, including their access to services. This review is also to have regard for the protection of existing affordable housing stock.</p>	N	Not Applicable
<p><b>4.16</b> Councils to prepare locally responsive design guidelines for the urban areas and include provisions to ensure that new development is consistent with these guidelines.</p>	Y	A site specific Chapter of DCP 2013 is proposed to be developed to ensure development is sympathetic with the site features and its locality.
<p><b>4.17</b> Councils to incorporate provisions into their development control plans that require new buildings to be designed to be able to adapt to meet the needs of a change demographic, and where appropriate, to alternative future uses.</p>	N	Not Applicable
<p><b>4.18</b> In planning for development and redevelopment of urban areas, councils are to consider the need for civic open space and access to a variety of open space and recreational opportunities (e.g. coastal foreshore and riparian land), in a manner which</p>	Y	The subject site is proposed to be managed under a Community Plan of Management. This plan will identify the management arrangements for open space proposed to be provided on the site, in addition to the

Action	Applicable	Assessment/Comment
is consistent with the maintenance of ecological values.		maintenance of ecological sensitive lands.
<p><b>4.19</b> Recognise the regional and state significance of the Warnervale Town Centre in providing a new community, government and business focus over the next 25 years. To ensure this, the NSW Government will:</p> <ul style="list-style-type: none"> <li>▪ Lead the major strategic planning for this area.</li> <li>▪ Ensure that ministerial consent is required for major developments and infrastructure in that area, where appropriate</li> </ul>	N	Not Applicable
<p><b>4.20</b> The Department of Planning, as part of future reviews, is to review population and employment capacity targets contained within this Strategy and will work with councils to determine the take up of land for residential and employment purposes.</p>	N	Not Applicable
<p><b>4.21</b> Councils and the NSW Government are to undertake integrated land use and transport planning to ensure that opportunities to benefit from infrastructure investment are required.</p>	N	Not Applicable
<p><b>4.22</b> Councils are to ensure the location of new dwellings improves the Region's performance against the target for State Plan priority E5 – Jobs Closer to Home – increase the proportion of people living within 30 minutes of a city or major centre by public transport in metropolitan Sydney.'</p>	Y	The future proposed development of the site is rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.
<p><b>4.23</b> The Department of Planning is to prepare Centre Design Guidelines to encourage improvement and appropriate renewal of local centres and exchange of practices between Councils.</p>	N	Not Applicable
<p><b>4.24</b> The Department of Planning is to assess proposed land release areas against sustainability criteria and implications on infrastructure funding.</p>	N	Not Applicable
<p><b>4.25</b> Prior to the preparation of LEPs and centres planning strategies, councils need to establish whether development or redevelopment of any significant government landholdings could assist in achieving the overall objectives for that centre.</p>	N	Not Applicable

Action	Applicable	Assessment/Comment
<b>4.26</b> Councils are to implement their cultural plans and investigate opportunities to encourage clusters of entertainment and cultural facilities, including activities based around the night economy when preparing centre planning strategies.	N	Not Applicable
<b>Economy and Employment</b>		
<b>5.1</b> Promote economic and employment growth in the Region to increase the level of employment self-containment and achieve the capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.	Y	The proposed tourist/retail component of the proposal will enable additional employment opportunities within the tourism growth sector. Additional construction jobs will also be a flow on effect of the future development of the site.
<b>5.2</b> LEPS are to be consistent with the CCRS, the related employment capacity targets and provide a distribution that reflects the centres hierarchy.	Y	The proposed tourist/retail component of the proposal will enable additional employment opportunities within the tourism growth sector. Additional construction jobs will also be a flow on effect of the future development of the site.
<b>5.3</b> Councils are to investigate strategies to ensure sufficiently zoned land to enable the provision of comparatively low-cost premises for start-up business. Centre strategies should include provision of low-cost office and studio space to assist business start-ups for cultural activities.	N	Not Applicable
<b>5.4</b> The NSW Government is to prepare REDES for the Central Coast that will aim to: Examine possible employment types over the next 25 years. <ul style="list-style-type: none"> <li>▪ Identify strategies to improve employment opportunities in the Region and increase the level of regional employment self-containment.</li> <li>▪ Determine where the jobs should be located.</li> <li>▪ Establish a framework to monitor flood areas and floor space targets to help ensure an adequate supply of employment land over the next 25 years.</li> </ul>	Y	The Planning Proposal is considered to be consistent with the strategies identified by the REDES.

Action	Applicable	Assessment/Comment
<ul style="list-style-type: none"> <li>▪ Establish a framework for the establishment of business parks.</li> <li>▪ Devise a Strategy to increase the level of regional employment self-containment.</li> <li>▪ Identify other factors outside of land use planning that will assist employment growth.</li> </ul>		
<p><b>5.5</b> The NSW Government is to recognise and regional and state significance of the Wyong Employment Zone in providing appropriate employment lands over the next 25 years: Leading the major strategic planning for this areas.</p> <ul style="list-style-type: none"> <li>▪ Ensuring that Ministerial Consent is required for major developments and infrastructure in that areas.</li> <li>▪ Providing a framework to inform state and local infrastructure decisions.</li> </ul>	N	Not Applicable
<p><b>5.6</b> Ensure LEPs do not rezone employment lands to residential zonings or other uses across the Central Coast, unless supported by a Planning Strategy agreed to be DoP.</p>	N	Not Applicable
<p><b>5.7</b> Investigate, through the preparation of LEPs, options to expand existing employment land nodes and ensure future development occurring on employment land does not result in the inappropriate fragmentation of land.</p>	N	Not Applicable
<p><b>5.8</b> Ensure that development of residential and mixed-use buildings in business zones do not result in a weakening of a centres retail and commercial functions.</p>	N	Not Applicable
<p><b>5.9</b> Ensure that bulky goods retailing is not located on industrial land is located in centres and nominated nodes.</p>	N	Not Applicable
<p><b>5.10</b> The Department of Planning will prepare guidelines to apply to business development and enterprise corridor zones.</p>	N	Not Applicable
<p><b>5.11</b> Ensure new retail and commercial development is located in centres. Some local</p>	Y	The proposed amendment incorporating a retail/tourist

Action	Applicable	Assessment/Comment
convenience retailing may be required out of a centre, however the presence of a convenience shops can initiate a neighbourhood centres, around which other activities such as child care facilities can be located.		component will be located out of centre. A Net Community Benefit test of the proposal has been undertaken for this aspect of the proposal in accordance with the requirements of Council's Retail Strategy. The proposal is identified as producing a Net Community Benefit.
<b>5.12</b> The Department of Primary Industries, Department of Water and Energy, Department of Planning, in conjunction with Department of Environment and Climate change, is to review planning for the Central Coast plateaus and Wyong Valleys to consider agriculture, extractive resources, water supply values and tourism uses and address any conflict between these uses.	N	Not Applicable
<b>5.13</b> The NSW Government and councils are to engage with industry regarding employment land stock to ensure a sufficient supply of employment land in correct locations.	N	Not Applicable
<b>5.14</b> The NSW Government and Councils are to utilise government assets and investments to support centres in accordance with the Centres Hierarchy	N	Not Applicable
<b>5.15</b> The Department of Planning is to protect and enhance strategic employment lands through the development of an employment lands SEPP.	N	Not Applicable
<b>5.16</b> The Department of Planning is to establish an Employment Lands Development Program, in parallel with the Metropolitan Development Program, and under a Sydney land supply, to improve planning and delivery of employment lands; and monitor demand an supply of employment lands.	N	Not Applicable
<b>5.17</b> The Department of Planning is to work with Councils in identifying and implementing measures to manage interface issues between industrial and residential land uses.	N	Not Applicable



Action	Applicable	Assessment/Comment
<b>5.18</b> Enterprise corridors to be investigated, and if appropriate, implemented through principal LEPs, possibilities, including Long Jetty. Detailed guidelines on enterprise corridors will be issued by the Department of Planning.	N	Not Applicable
<b>Environment, Heritage, Recreation and Natural Resources</b>		
<b>6.1</b> DPI, in partnership with DoP is to undertake mapping of regionally significant activities, including mining, extractive industry and special uses, to identify rural activities and resource lands for preservation.	N	Not Applicable
<b>6.2</b> DoP and Wyong Council are to work with the NSW Mine Subsidence Board and DPI to ensure future development in Wyong Shire takes account of current and potential future mining issues. The findings of the strategic inquiry into the potential coal mining impacts in Wyong LGA established by the Minister for Planning in Feb 2007 should also be considered.	Y	The proposal has been reviewed by the MSB and Department of Trade and Investment. Resource extraction, although a possibility, is unlikely to materially affect the development potential of the subject site.
<b>6.3</b> LEPs are to appropriately zone land with high state or regional environmental, agricultural, resource, vegetation, habitat or waterways, wetland or coastline values.	Y	The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. Areas of the site containing significant ecological values will be zoned accordingly.
<b>6.4</b> LEPs are to appropriately zone land of high landscape value (incl. scenic and cultural landscapes).	Y	Areas of the site containing significant ecological values which corresponds to significant scenic and cultural landscapes will be zoned accordingly.
<b>6.5</b> Councils, through the preparation of LEPS, are to incorporate land use buffers around environmentally sensitive rural and resource lands.	Y	The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. Areas of the site containing significant ecological values will be zoned accordingly.

Action	Applicable	Assessment/Comment
<p><b>6.6</b> DECCW working with DoP, other relevant agencies and councils, is to prepare a Regional Conservation Plan, that:</p> <ul style="list-style-type: none"> <li>▪ Identifies the key conservation values of the Region and regionally significant corridors.</li> <li>▪ Outlines how the RCP relates to the CCRS and the relevant catchment action plans.</li> <li>▪ Establishes a biodiversity investment guide that identifies which landscapes and habitats, at a regional level, are to be targeted for investment to achieve improved conservation outcomes.</li> <li>▪ Establishes a biodiversity offset package for Greenfield development within the NWSSP and a framework for an offset strategy to be established for development outside of this area until such time as detailed strategies are prepared.</li> <li>▪ Identifies mechanisms that will be used to fund biodiversity investment.</li> <li>▪ Establish monitoring and review mechanisms.</li> </ul>	N	Not Applicable
<p><b>6.7</b> DoP, DPI and DECCW and councils are to work towards biocertification of LEPS, where appropriate.</p>	Y	<p>The proponent does not propose to biocertify the subject site.</p> <p>The proposal is however able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.</p> <p>Areas of significant vegetation are proposed to be managed by Community Title through a Community Plan of Management.</p>
<p><b>6.8</b> Ensure LEPS facilitate the conservation of Aboriginal and non-Aboriginal heritage.</p>	Y	<p>A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders.</p> <p>Management and maintenance of significant areas are to be identified, documented and submitted as part of any</p>

Action	Applicable	Assessment/Comment
		future development application for the site.
<b>6.9</b> Ensure LEPs do not rezone rural and resource lands for urban purposes or rural-residential uses unless agreement from DoP is first reached regarding the value of these resources.	Y	The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. The inconsistency of the proposal with the CCRS is justified by the Department of Planning and Environment's endorsement of the Wyong Shire Settlement Strategy, in September 2013.
<b>6.10</b> Incorporate provisions to control the offsite impacts of development – in particular the export of pollutants and high flows- in development standards and policies.	N	Not Applicable
<b>6.11</b> Ensure LEPS and other strategies implement the NSW Coastal Policy, the NSW Flood Prone Land Policy and plans prepared in accordance with these documents.	N	Not Applicable
<b>6.12</b> Protect the health of the Central Coast waterways, including the coastline, estuaries and lakes by integrating relevant objectives and targets from the Hunter-Central Rivers and Hawkesbury Nepean CAPs, Stormwater Management Plans, and Estuary Management Plans.	N	Not Applicable
<b>6.13</b> Implement the key NSW Government initiatives and guidelines, including Action for Air, NSW Industrial Noise Policy, Noise and Vibration Guidelines and Environmental Criteria for Road Traffic Noise	N	Not Applicable
<b>6.14</b> Integrate the aims and objectives of the NSW Waste Avoidance and Recovery Strategy (DECC, 2007) through local development standards and policies.	N	Not Applicable
<b>6.15</b> Councils and DoP are to ensure that Aboriginal cultural and community values are considered in the future planning and management of the LGA.	Y	A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders. Management and maintenance of significant areas are to be identified, documented and submitted as part of any future development application for the site.

Action	Applicable	Assessment/Comment
<b>6.16</b> Councils are to ensure LEPs have high regard for SEPP No 71 – Coastal Protection	N	Not Applicable
<b>6.17</b> DoP is to continue to expand the NSW Government's Metropolitan Greenspace Program and further investigate opportunities to expand regional facilities for families, such as picnic areas and walking trails within the Central Coast Region.	N	Not Applicable
<b>6.18</b> Councils are to continue to maintain or improve the provision of local open space, particularly in centres along strategic bus routes and around centres where urban growth is located.	Y	Open space id proposed to be provided as part of future development of the site and managed by Community Plan of Management.
<b>6.19</b> Councils and the NSW Government are to ensure that development in the NWSSP area and in existing urban areas is designed to encourage the use of sustainable forms of transport, including walking and cycling.	N	Not Applicable
<b>6.20</b> Councils are to review and protect the cultural heritage values of centres, if these centres are identified to be the focus of urban renewal projects.	N	Not Applicable
<b>6.21</b> Councils and the NSW Government are to ensure that development pressure of tourist activities are managed to minimise the loss of natural resources, potential land use conflict and impact on the environment.	Y	The proposed amendment incorporating a retail/tourist component. The outcomes of investigative studies have identified an area of the site suitable for development which avoids and/or mitigates against these risks (where present).
<b>6.22</b> Councils are to refer to the Design in Context – Guidelines for infill development in the historic environment (NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter Infill Guidelines Working Part, 2006) in preparing DCPS and making decisions relating to development in existing areas so it is compatible with conservation areas and heritage items.	N	Not Applicable
<b>6.23</b> Councils are to refer to the principles and guidelines for the <i>Groundwater Management Handbook – A guide for Local Government – (Sydney Coast Councils Group, 2006)</i> when undertaking groundwater resource management and broader	N	Not Applicable

Action	Applicable	Assessment/Comment
planning.		
<b>Natural Hazards</b>		
<b>7.1</b> Councils are to prepare (or update) floodplain, estuary and coastal zone management plans in order to reduce risks from natural hazards. These plans must be completed and considered in planning decisions made within the areas that they apply to.	N	Not Applicable
<b>7.2</b> LEPS will zone areas subject to high hazard to reflect the capabilities of the land.	Y	The outcomes of investigative studies have identified an area of the site suitable for development which avoids and/or mitigates against these risks (where present).
<b>7.3</b> In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea-level rise and inundation to ensure that risks to public and private assets are maintained.	N	Not Applicable
<b>7.4</b> LEPS will zone waterways to reflect their environmental, recreational or cultural values.	N	Not Applicable
<b>7.5</b> LEPS will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean-based inundation in accordance with Coastal Management Plans. Until these plans are made by the Minister for Environment and Climate Change, councils cannot zone land or approve new development or redevelopment in potential hazards areas, unless assessed within a risk assessment framework adopted by the Council.	N	Not Applicable
<b>Water</b>		
<b>8.1</b> The local water authority and councils are to implement WaterPlan2050, having regard to the dwelling and employment capacity targets in the Regional Strategy over the next 25 years, and take part in the future reviews of these capacity targets.	N	Not Applicable

Action	Applicable	Assessment/Comment
<b>8.2</b> Councils must incorporate appropriate water efficiency, integrated water cycle management and water sensitive urban design initiatives in local planning, development standards, policies and LEPs.	N	Not Applicable
<b>8.3</b> Develop water sharing plans and implement environmental flows to improve waterway health, as outlined in the existing and proposed water sharing plans, and relevant catchment action plans, whilst providing water for forecast population growth.	N	Not Applicable
<b>8.4</b> Require new residential development to comply with BASIX targets to reduce water consumption and energy consumption.	N	Not Applicable
<b>8.5</b> Ensure that LEPs seek to improve existing land use conflicts within defined water catchment areas.	N	Not Applicable
<b>8.6</b> At each review of the Regional Strategy, an assessment is to be carried out on the capacity of the water supply system to adequately meet forecast housing and employment capacity targets.	N	Not Applicable
<b>Regional Infrastructure</b>		
<b>9.1</b> The Department of Planning and relevant NSW Government Agencies are to undertake a number of strategies that will plan for the future growth to implement the Central Coast Regional Strategy, 2008.	N	Not Applicable
<b>9.2</b> The Department of Planning is to review the population and employment capacity targets contained within this Strategy, as part of five-yearly reviews.	N	Not Applicable
<b>9.3</b> Councils are to identify suitably-located and appropriately-zoned land for new water supply; wastewater treatment and recycling; and resource recovery infrastructure, to support growth in major regional centres and major towns.	N	Not Applicable
<b>Regional Transport</b>		

Action	Applicable	Assessment/Comment
<b>10.1</b> The Ministry of Transport, the Roads and Traffic Authority and local councils are to implement strategic bus corridors with improved bus priority on all corridors.	N	Not Applicable
<b>10.2</b> The NSW Government is committed to planning and delivering a new Town Centre, including the station and interchange. Bus services that reflect the centre's important role as a Town Centre will be introduced.	N	Not Applicable
<b>10.3</b> For centres that are subject to redevelopment strategies, councils are to identify, in consultation with the Ministry of Transport, passenger interchanges that are centrally located, visible from public areas and well connected to both pedestrian and bicycle paths.	N	Not Applicable
<b>10.4</b> The Roads and Traffic Authority is to continue to plan and implement upgrades to the Pacific Highway, the Central Coast Highway Highway, Terrigal Drive, Avoca Drive and Sparks Road and to incorporate bus priority and cycleway initiatives where justified and feasible.	N	Not Applicable
<b>10.5</b> Not applicable to Wyong.	N	Not Applicable
<b>10.6</b> Assess and evaluate proposals to widen parts of the F3 Freeway. Progress investigations into the F3 Freeway and M2 Motorway connection. As a result of the Federal Government's review of the F3 Freeway and M7 Motorway corridor selection and the AusLink corridor strategies – <i>Sydney urban corridor strategy, 2007</i> and <i>Sydney-Brisbane Corridor Strategy, 2007</i> – undertake preliminary planning for a new connection from the M7 to north of the Hawkesbury River. The Ministry of Transport will also participate in these reviews.	N	Not Applicable
<b>10.7</b> The NSW Government is to continue to improve the reliability and increase the capacity of rail services by continuing to implement the Rail Clearways project, in accordance with the State Plan.	N	Not Applicable
<b>10.8</b> The NSW Government is to facilitate greater use of rail for freight movement and reduce the impact of road freight movement by promoting greater efficiency of road	N	Not Applicable



Action	Applicable	Assessment/Comment
freight movements, and developing a series of strategies to reduce emissions from diesel vehicles, reduce noise impacts from freight movements, activities around the domestic intermodal terminals, as well as the movement of construction materials and bulk fuel.		
<b>10.9</b> Councils and the Department of Planning are to ensure there is sufficient zoned employment land near major transport nodes to meet targets set by the Regional Strategy, through the preparation of LEPs and the North Wyong Shire Structure Plan.	Y	The proposed retail/tourist component will be located in close proximity to the M1 Motorway.
<b>10.10</b> Concentrate employment in areas that allow for efficient public transport servicing, such as centres and specialised key nodes.	Y	The proposed retail/tourist component will be located in close proximity to the M1 Motorway.
<b>10.11</b> Council and the NSW Government to investigate opportunities for additional or improved forms of regional public transport, subject to future funding.	N	Not Applicable
<b>10.12</b> Councils and the NSW Government to work together to align walking and cycling networks with public transport routes to improve accessibility to public transport. This will include the completion of the NSW Coastal Cycleway network.	N	Not Applicable
<b>10.13</b> Councils in conjunction with State Government will develop strategies that identify future improvements to the capacity of road, rail, bus services to cater for population growth, and to identify infrastructure investment priorities in conjunction with future review of the Regional Strategy.	N	Not Applicable
<b>10.14</b> The NSW Government, in partnership, with councils and the community, to develop and implement TravelSmart and other travel demand management initiatives, including those focussed on major trip generating land uses.	N	Not Applicable

**Central Coast Regional Strategy Sustainability Criteria**

An assessment of the proposal against the CCRS Sustainability Criteria has been undertaken as follows. The proposal is consistent with the criteria and where inconsistent, can be justified by a relevant strategy or investigative study outcome.

Criteria	Requirements	Consistency (Y/N)	Comment
<b>Infrastructure Provision</b> Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	Development is consistent with the CCRS, the relevant residential strategy, North Wyong Structure Plan (NWSSP), applicable regional infrastructure plan, Metropolitan Strategy and relevant section 117 directions. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution. Preparedness to enter into development agreement	N	The inconsistency of the proposal with the CCRS is justified by the Department of Planning and Environment's (DoP&E) endorsement of the Wyong Shire Settlement Strategy, in September 2013. All on site infrastructure and connection to reticulated water and sewerage services for future development is to be provided by the Proponent at their expense. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.
<b>Access</b> Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Accessibility of the area by public transport and appropriate road access in terms of: Location/land use: to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle	Y	The subject site is in close proximity to the Tuggerah interchange of the M1 Pacific Motorway, enabling a high level of accessibility to the Central Coast region and greater Sydney or Hunter regions.

Criteria	Requirements	Consistency (Y/N)	Comment
	<p>use goals</p> <p>No net negative impact on performance of existing sub regional road, bus, rail, ferry and freight management.</p>		
<p><b>Housing Diversity</b></p> <p>Provide a range of housing choices to ensure a broad population can be housed.</p>	<p>Contributes to the geographic market spread of housing supply, including any government targets established for housing for the aged or disabled or affordable housing.</p>	Y	<p>The proposal aims to provide rural residential housing to cater for a 'high end' market. This type of housing is in current demand in Wyong Shire.</p>
<p><b>Employment Lands</b></p> <p>Provide regional/local employment opportunities to support the Central Coast's expanding role in the wider regional and NSW economies.</p>	<p>Maintains or improves the existing level of subregional employment self-containment.</p> <p>Meets subregional employment capacity targets.</p>	Y	<p>The proposal will enable a diversification of current employment opportunities, by offering a tourism-based job market.</p> <p>Additionally, the proposal will provide for short term employment opportunities through associated planning and construction work of the future subdivision and associated dwellings.</p>
<p><b>Avoidance of Risk</b></p> <p>Land use conflicts and risk to human health and life is avoided.</p>	<p>Where relevant, available safe evacuation route (flood and bushfire).</p> <p>No residential development within the 1:100 floodplain.</p> <p>Avoidance of physically constrained land.</p> <p>High Slope</p> <p>Highly erodible</p> <p>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities planned under the Regional Strategy.</p>	Y	<p>The outcomes of investigative studies have identified an area of the site suitable for development which avoids and/or mitigates against these risks (where present).</p>

Criteria	Requirements	Consistency (Y/N)	Comment
<p><b>Natural Resources</b></p> <p>Natural resource limits are not exceeded/environmental footprint minimised.</p>	<p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.</p> <p>Demonstrates most efficient/suitable use of land</p> <p>Avoids identified significant agricultural land</p> <p>Avoids impacts on productive resource lands, extractive industries, coal, gas and other mining, fishing and aquaculture.</p> <p>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy. Requires demonstration of efficient and sustainable supply solution.</p>	Y	<p>As a requirement for future development, all on site infrastructure and connection to reticulated water and sewerage services for future development is to be provided by the Proponent at their expense.</p> <p>The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant.</p> <p>Full extraction mining has been discounted from occurring beneath the site; however future mine plans may require first workings in the form of headings and access tunnels in the area.</p> <p>Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines.</p>
<p><b>Environment Protection</b></p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>Consistent with the approved Regional Conservation Plan.</p> <p>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitat.</p> <p>Maintains or improves existing environmental conditions for air quality.</p> <p>Maintains or improves existing environmental conditions for water quality and quantity.</p> <p>Consistent with community water quality objectives for</p>	Y	<p>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas or areas exposed to flooding risks.</p> <p>The proposal is able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.</p> <p>The maintenance and management of significant vegetation within the site is to be documented within a community plan of management.</p>

Criteria	Requirements	Consistency (Y/N)	Comment
	recreational water use and river health. Consistent with catchment and stormwater management planning. Protects areas of Aboriginal cultural heritage values.		A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders. Management and maintenance of significant areas are to be identified, documented and submitted as part of any future development application for the site. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.
<b>Quality and Equity in Services</b> Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	Available and accessible services.	Y	A social impact assessment has identified that existing facilities and embellishment thereof (via applicable development contributions) will be adequate for future residents of the site.

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

An assessment of the Strategies proposed by the REDES has been undertaken for the proposal below. Where applicable, the retail/tourist components of the strategy are consistent.

Strategy	Applicable (Y/N)	Assessment/Comment
<b>Strengthening the Regional Economy</b>		
Securing new jobs and supporting existing jobs	Y	The proposal amendment will facilitate employment.
Attracting new business to the region	Y	The proposal amendment will provide tourism for the region
Supporting business growth by developing existing small and medium sizes enterprises (SMEs)	N	Not Applicable
<b>Developing Future Skills</b>		
Designating the Central Coast as a learning region	N	Not Applicable
Boosting skills	N	Not Applicable
Strengthening business/education partnerships	N	Not Applicable
Providing targeted skills programs	N	Not Applicable
<b>Increasing Knowledge and Innovation</b>		
Developing research programs	N	Not Applicable
Establishing knowledge precincts	N	Not Applicable
Establish a Central Coast Research Centre	N	Not Applicable
Encouraging Innovation	N	Not Applicable
<b>Ensuring an Adequate Supply of Lands for Employment</b>		
Ensuring land supply	N	Not Applicable
Streamlining planning processes	N	Not Applicable
<b>Focus on Centres Development</b>	N	Not Applicable
<b>Provision of Infrastructure to Support Economic Growth</b>	N	Not Applicable
<b>Marketing the Region as a Business Location</b>	N	Not Applicable

**State Environmental Planning Policies (SEPPs)**

The proposal has been assessed against relevant SEPPs as follows.

The proposal is considered consistent with relevant policies, subject to the final outcomes of investigative studies.

SEPP	Comment
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>The outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas.</p> <p>An assessment of the proposal against SEPP 44 is currently pending.</p>
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</p>	<p>A stage 1 contaminated land assessment has been undertaken.</p> <p>Additional (Stage 2, 3 &amp; 4) investigations and reports will be required to be undertaken/ prepared prior to the lodgement of future development applications for the subject site.</p> <p>Additionally, a hazardous material survey is to be undertaken prior to demolition and redevelopment.</p> <p>The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013.</p>

SEPP	Comment
notification requirements.	
SEPP (Infrastructure) 2007	
Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.	<p>The amendment of the proposal to incorporate a tourist/retail component consisting of approximately 6,500m<sup>2</sup> will classify future development as <i>'Traffic generating development'</i> and require future development applications to be referred to the NSW Roads and Maritime Service.</p> <p>The proposal has previously been reviewed by RMS, however additional comment will be sought from this agency regarding the tourist/retail component when community consultation is undertaken.</p>



### Section 117 Ministerial Directions

An assessment of the proposal against the applicable Section 117 Ministerial Directions has been undertaken.

The proposal is primarily consistent with relevant directions, and in instances where there is an inconsistency, these can be justified by relevant strategies, investigative studies, design and development controls.

Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
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. Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Applicable. The proposal does not affect land within an existing or proposed business or industrial zone.
<b>1.2 Rural Zones</b>	
Aims to protect the agricultural production value of rural land. Applies when a planning proposal affects land within an existing or proposed rural zone.	Applicable. The proposal will result in a loss of agricultural land (Class 3 and 4). Given the limited capacity of this land, the loss is not significant. The Department of Planning and Environment (DoP&E) has endorsed the Wyong Shire Settlement Strategy (WSS), in September 2013. The WSS identifies that the subject site is a medium priority area, being <i>moderate(ly) suitability to support future settlement due to the effect of a range of "land suitability" considerations</i> for rural residential development. The inconsistency with this Direction is therefore justified.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
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. 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.	Applicable. The proposal seeks to enable rural residential development within an identified mine subsidence district. Following consultation with the Department of Trade and Investment (Mineral Resources) full extraction mining has been discounted from occurring beneath the site, however future mine plans may require first workings in the form of headings and access tunnels in the area. Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines. The proposal is not inconsistent with this Direction.
<b>1.4 Oyster Aquaculture</b>	

Direction	Comment
<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 proposal is not located within a Priority Oyster Aquaculture Area.</p>
<b>1.5 Rural Lands</b>	
<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>SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<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 outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas.</p> <p>The proposal is able to achieve an 'improve or maintain' biodiversity outcome on-site, utilising non like-for-like biometric vegetation types as per the Biobanking Assessment Calculator.</p> <p>The maintenance and management of significant vegetation within the site is to be documented within a community plan of management.</p> <p>The proposal is therefore considered consistent with this Direction.</p>
<b>2.2 Coastal Protection</b>	
<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>Not applicable.</p> <p>The site of the proposal is not within the Coastal Zone.</p>
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Applicable.</p> <p>There are a number of known and surveyed Aboriginal sites/objects located on the subject site.</p>

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	A due diligence assessment of the site has been undertaken in consultation with relevant stakeholders. Management and maintenance of significant areas are to be identified, documented and submitted as part of any future development application for the site. The above requirements are to be incorporated into a site specific chapter of Council's Development Control Plan 2013. It is considered that the proposal is consistent with this Direction.
<b>2.4 Recreational Vehicle Areas</b>	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal is considered consistent with this Direction as it does not propose to develop land for recreational vehicle usage.
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
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. 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.	Applicable. The proposal seeks to enable rural residential development. The proposal seeks to provide a form of housing which is in limited supply within the broader central coast region. The subject site can be serviced by connection to the existing water and sewer reticulated systems. It is considered that the proposal is consistent with this Direction.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose. It is therefore considered that the proposal is consistent with this Direction.
<b>3.3 Home Occupations</b>	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposal does not seek to alter the permissibility of home occupations. It is therefore considered that the proposal is consistent with this Direction.
<b>3.4 Integrating Land Use &amp; Transport</b>	
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	Applicable.

Direction	Comment
<p>walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The proposal seeks to enable rural residential development.</p> <p>A traffic study will be required to be undertaken prior to a Development Application (DA) being lodged for the subdivision of the site. This requirement will be incorporated into a site specific chapter of Council's Development Control Plan 2013.</p> <p>It is considered that undertaking the above will result in the proposal being consistent with this Direction.</p>
<b>3.5 Development Near Licensed Aerodromes</b>	
<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 is not located in the vicinity of a licensed aerodrome.</p>
<b>3.6 Shooting Ranges</b>	
<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 seek to affect, create, alter or remove a zone or provision relating to shooting ranges.</p>
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<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>An investigative study undertaken by JBS&amp;G (2014) has identified that it is unlikely that soils underlying the site contain ASS/PASS properties.</p> <p>The proposal is therefore considered consistent with this Direction.</p>
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p>	<p>Applicable.</p> <p>The subject site is located within the Wyong Mine Subsidence District.</p>

Direction	Comment
<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>Following consultation with Department of Trade and Investment (Mineral Resources) full extraction mining has been discounted from occurring beneath the site; however future mine plans may require first workings in the form of headings and access tunnels in the area.</p> <p>Appropriate building guidelines to be adopted in accordance with Mine Subsidence Board guidelines.</p> <p>It is considered the proposal is consistent with this Direction.</p>
<b>4.3 Flood Prone Land</b>	
<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 outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids areas exposed to flooding risks.</p> <p>Further documented evidence may be required to be undertaken prior to lodgement of a DA for the subdivision of the site.</p> <p>It is considered that the proposal is consistent with this Direction.</p>
<b>4.4 Planning for Bushfire Protection</b>	
<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 outcomes of investigative studies have identified an area of the site suitable for development which predominantly avoids vegetated areas or areas exposed to bushfire risks.</p> <p>Relevant controls are to be incorporated into a site specific Chapter of Council's Development Control Plan 2013.</p> <p>Subject to the above, it is considered that the proposal is consistent with this Direction.</p>
<b>Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	
<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 inconsistency of the proposal with the CCRS is justified by the Department of Planning and Environment's (DoP&amp;E) endorsement of the Wyong Shire Settlement Strategy, in September 2013.</p>
<b>5.2 Sydney Drinking Water Catchments</b>	
<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>

Direction	Comment
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<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>
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<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>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	
<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>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<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>
<b>6.2 Reserving Land for Public Purposes</b>	
<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>Not Applicable.</p> <p>Future site development may incorporate provisions for open space; however these are proposed to be managed by way of Community Title through a Community Plan of</p>

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	Management. The proposal is consistent with this Direction.
<b>6.3 Site Specific Provisions</b>	
Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	Applicable. The proposal does not seek to enable a specific use on the site which is not permissible under existing zones. It is therefore considered the proposal is consistent with this Direction.
<b>Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Strategy</b>	
Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.	Not Applicable. This Direction does not apply to Wyong LGA.



## Councillor Business Update

22 September 2014

### Planning Proposal in Respect of 414 Old Maitland Road, Mardi

During its meeting of 10 September 2014, Council considered a report recommending the amendment to a Gateway determination for an existing Planning Proposal in respect of 414 Old Maitland Road, Mardi (Old Farm). Council also considered an address by the Proponent, Mr Lawrence Denton, seeking a separate Gateway determination rather than an amendment.

The purpose of the proposed amendment was to incorporate a tourist/retail village with an area of 6,500m<sup>2</sup>.

Mr Denton advised during his address that, in preference to an amendment to the existing Gateway determination, he'd prefer Council's endorsement to prepare a second, concurrent proposal for the tourist/retail village. Mr Denton has advised that this preference is to avoid inhibiting the progression of the current proposal which may occur, should an amended Gateway determination stipulate additional conditions or study requirements, not contained within the current determination.

Council resolved to defer the matter. The report will be tabled for re-consideration at Council's meeting of 8 October 2014. The amended position of the Proponent is reflected in the following draft recommendation:

- 1** *That Council prepare a planning proposal to amend Wyong Local Environmental plan, 2013 pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979, enable to a retail/tourism village consisting of a Gross Floor Area (GFA) of no more than 6500m<sup>2</sup> on Lot 1 DP 554423.*
- 2** *That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.*
- 3** *That Council request the General Manager to apply to accept plan making delegations for the rezoning.*
- 4** *That staff prepare an amendment to Wyong Development Control Plan (DP) 2013 to incorporate site specific controls for development of this nature on this site.*
- 5** *That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination".*
- 6** *That Council consider a further report on results of the community consultation.*
- 7** *That Council notes the applicants agreement to this planning proposal not proceeding until a funding agreement is signed and adequate resources are available.*

Council staff are satisfied that the proposal can proceed as a second concurrent Planning Proposal in accordance with the above recommendations.



**DEPARTMENT:** Development & Building

**SECTION:** Rezoning

**Contact:** Scott Cox, Director

**Reference:** [F2005/01615; RZ/14/2012](#)

## **4.1 Procurement Policy Review**

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TRIM REFERENCE: F2004/07011 - D11702075

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Peter Ham; Project Manager

### **SUMMARY**

This report recommends the adoption of the updated Policy for Procurement.

### **RECOMMENDATION**

***That Council adopt the updated Policy for Procurement.***

### **BACKGROUND**

One of Council's major activities is the procurement of works, goods, services, materials and consultancy/specialist services. For the 2014/15 financial year, this will exceed \$150 m in total, and it is therefore critical that this procurement is completed in a manner that complies with all legislation, guides and instructions applying to local government procurement. It is also important that Council expends the community's money wisely and in a sustainable way, while meeting all governance requirements and treating suppliers fairly and equitably.

### **CURRENT STATUS**

Council's current Policy for Procurement is dated March 2012 and is due for review and revision.

### **THE PROPOSAL**

This report recommends the adoption of an update to the Policy for Procurement that provides for Council to responsibly and equitably procure all of its works, goods, services, materials and consultancy/specialist services.

An updated Policy for Procurement forms Attachment 1 to this report and is recommended for adoption.

The updated Policy has been prepared to recognise Council's responsibilities to both legislative requirements and the business community to ensure best practice procurement, and ultimately to attain the objective of value for money.

The Key Principles identified in the updated Policy include:

- Best value for money for the community
- A safe working environment for all officers, suppliers, contractors, volunteers and visitors.
- Ensuring that environmental and sustainability standards and responsibility are incorporated into all procurement activities

- Professionalism, probity and integrity are maintained at all times in accordance with Council's Code of Conduct
- Avoidance of any actual or perceived conflict of interest
- Maintain confidentiality of information gained during procurement activities
- Completion of an appropriate risk analysis for all procurement
- Compliance with delegated authority
- Ensuring that all Contractors and Suppliers have appropriate WHS systems, environmental systems, quality systems and insurances in place
- Ensuring that suppliers are provided access to open and fair competition to compete for Council business which will include formal contractual arrangements between Council and suppliers
- The elimination of any lobbying during the procurement process
- Strengthening of local economic capacity through the Local Preference Policy
- The alignment of Council's procurement activities with the Independent Commission Against Corruption procurement Policies and the Department of Local Government Guidelines.

## **OPTIONS**

There is an option to not review and adopt a revised Policy for Procurement. This option is NOT recommended.

## **CONSULTATION**

The updated Policy for Procurement has been reviewed and approved by the Manager Contract and Project Management, the Director Infrastructure Operations and the General Manager.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Adoption of the updated Policy for Procurement will replace the existing Policy dated March 2012.

## **CONCLUSION**

It is recommended that Council adopt the updated Policy for Procurement as in Attachment 1.

## **ATTACHMENTS**

1 Procurement Policy D11703794



**POLICY No: WSC047**

# **POLICY FOR PROCUREMENT**

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<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	Peter Ham, Commercial Manager, Contract and Project Management
<b>MANAGER</b>	Robert Fulcher, Manager, Contract and Project Management
<b>DIRECTOR</b>	Andrew Pearce, Infrastructure & Operations
<b>GENERAL MANAGER</b>	Michael Whittaker

**CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL**

<b>AUTHOR SIGNATURE</b>	
<b>COUNCIL RESOLUTION DATE</b>	

**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1	March 2012	D11320587
2	August 2014	D11703794

**A. POLICY SUMMARY**

- A1 The purpose of this Procurement Policy is to define Wyong Shire Council's procurement principles and set out the standard by which Council will conduct its procurement activities.

**B. POLICY BACKGROUND**

- B1 This Procurement Policy defines Council's procurement function. The procurement process consists of all activities required to obtain works, goods, materials, consultancies and services from external sources.
- B2 It involves the planning, acquisition, management and ultimate disposal or termination, of works, goods, materials, consultancies and services.
- B3 Successful procurement provides opportunities to use the community's money wisely and in a sustainable way, while meeting governance requirements and treating suppliers fairly.
- B4 This policy does not apply to real property acquisitions and other non-procurement expenditure such as sponsorships, donations and employment contracts.

**C. DEFINITIONS**

- C1 **Council** means Wyong Shire Council (WSC), being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C2 **Council Policy** means policy agreed and approved by the elected members of Council.
- C3 **Sustainable** – means in accordance with the "quadruple bottom line" requirements of environmental protection, social benefit, financial viability and effective governance.
- C4 **The Act** shall mean the *Local Government Act 1993 (NSW)*.

**D. POLICY STATEMENTS****Jurisdiction**

- D1 This Policy covers all elected members of Council, all personnel employed by Council, and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

**General**

- D3 This Policy shall be read in conjunction with WSC's Code of Conduct.
- D4 This Policy shall be read in conjunction with WSC's Local Preference Policy.
- D5 This Policy shall be read in conjunction with WSC's Probity Policy.
- D6 WSC will ensure its business dealings are ethical, pass internal and external scrutiny, meet high standards of probity and avoid any conflict of interest.
- D7 WSC will be guided by the Local Government NSW Sustainable Choice Program, to seek products and services which are more sustainable.

- D8 The key objective of the Wyong Shire Council Procurement Policy is to ensure that procurement activities achieve best value for money in supporting the delivery of Wyong Shire Council Services.
- D9 Council will provide a procurement function that manages risk and provides for the safety of Council officers, suppliers, contractors, volunteers and visitors.
- D10 Council will ensure that acquisition, planning and supplier evaluation is supported by efficient and effective contract management.
- D11 Council will ensure that the Council's procurement processes will provide best value for money for the community and the Council.
- D12 Council will provide clarity of accountabilities and guidance for officers engaged in purchasing, use of purchase cards, tendering, contract management, payments and asset disposal relating to the acquisition and use of goods and services.
- D13 Council will ensure ethical business dealings, meeting high standards of probity.
- D14 Council will ensure sustainable work practices and minimal environmental impact.
- D15 Council will promote open and effective competition.
- D16 Council will manage formal contractual arrangements between Council and suppliers.

### Key Principles

- D17 The key principles of this policy are:
- 1) Best value for money for the community i.e:
    - The method of purchase must be cost effective and efficient and take into account all relevant costs and benefits over the whole of life from the sourcing of raw materials to disposal of the goods or services being procured
    - Accepting the lowest price is not necessarily the only indicator of best value for money
  - 2) A safe working environment for all officers, suppliers, contractors, volunteers and visitors where materials and equipment purchased are fit for purpose and comply with legislative and workplace requirements.
  - 3) Procurement activities will:
    - Align with Council's priorities, objectives and values;
    - Incorporate sustainability standards and responsibility
    - Display professionalism, probity and integrity by staff, who will not behave in any manner that contravenes Council's Code of Conduct and values
    - Avoid any actual, or perceived, conflict of interest
    - Maintain confidentiality of information obtained that relates to procurement activities
    - Not provide any unfair advantage or bias to any supplier (notwithstanding the application of WSC's Local Preference Policy).
- D18 Council does not support the extension of contracts as a means of avoiding periodic competitive tendering, unless it is in the best interests of Council.
- D19 Suppliers must be provided access to open and fair competition to compete for Council business which will include formal contractual arrangements between Council and suppliers.

- D20 Suppliers will be eliminated from the procurement process if found to be lobbying Councillors or staff during the procurement process.
- D21 Council supports the strengthening of local economic capacity through the Local Preference Policy.
- D22 Staff engaged in procurement will be trained in Council's policies, procedures and systems, prior to being provided authority and access to procurement systems.
- D23 Council's purchasing procedures will align with the Independent Commission Against Corruption (ICAC) Procurement Policies and Department of Local Government guidelines.

**Responsibilities**

- D24 Approval for procurement must be in accordance with authorities specified in the Wyong Shire Council Instrument of Delegation from the General Manager.
- D25 The Council is responsible for establishing effective governance arrangements and processes for acquisition of works, goods, materials, consultancies and services.
- D26 Staff whose position descriptions include responsibilities for procurement are responsible for purchasing in accordance with this Policy subject to their delegated authority.

**E. POLICY IMPLEMENTATION - PROCEDURES**

- E1 Council staff will undertake and document an appropriate risk analysis for procurement involving the process of calling of tenders or as determined by Council's procurement procedures.
- E2 Council staff will comply with procedures relating to procurement.
- E3 Council staff will ensure segregation of duties in the requisitioning, approval and payment functions.
- E4 Council staff will only approve the incurring of expenditure up to the delegated monetary level and within budgets.
- E5 Council staff will ensure all contractors and suppliers have appropriate WHS systems, environmental systems, quality systems and insurances in place where required.
- E6 Council staff will use internal procurement services, Council stores, State Government Contracts, Local Government Procurement Contracts, other Local Government services, period contracts when it provides a best value outcome.
- E7 Council staff will provide suppliers with Council's standard Purchase Order and/or contract prior to supply.
- E8 Council staff will maintain a contract register and procedures for contract variations and contractor evaluation.
- E9 Standard contract conditions will not be altered or varied without approval by a Director, General Counsel or General Manager.

**Procurement Exemptions**

- E10 Competition Exceptions – the General Manager may waive requirements for competitive quotes/tenders where a business case can be made that demonstrates best value to Council.

**E11 Related Documents:**

NSW Local Government Act 1993  
NSW Local Government (General) Regulation 2005



Wyong Shire Council Code of Conduct  
Wyong Shire Council Statement of Business Ethics  
Wyong Shire Council Fraud and Corruption Prevention Policy  
Wyong Shire Council Schedule of Delegations  
Wyong Shire Council Local Preference Policy  
Wyong Shire Council Probity Policy  
NSW Department of Premier and Cabinet Division of Local Government Tendering Guidelines for NSW Local Government  
NSW Government Procurement Policy  
NSW Government Procurement Guidelines  
NSW Government Code of Practice for Procurement  
M2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts

## **4.2 Placement of Plaque at Norah Head Nature Trail**

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TRIM REFERENCE: F2004/06023 - D11707861

MANAGER: Lesley Crawley, Manager

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

This report is seeking Council authorisation to place a plaque, on the Norah Head Nature Trail, in honour of two local living residents, Mr Ray Griffith and Mr Bill Alexander.

The request has been made by the Norah Head Ratepayers, Residents and Coastcare Association, which indicates that the two men were integral in the establishment of this trail.

### **RECOMMENDATION**

- 1 That Council note that its previous request to the Geographical Names Board (GNB) to rename Norah Head Nature Trail has been rejected as it does not align with GNB naming guidelines.**
- 2 That Council approve the placement of the following plaque on the Norah Head Nature Trail, to honour living residents Mr Ray Griffith and Mr Bill Alexander:**

***“Norah Head Nature Trail***

***This trail honours two local residents, Mr Ray Griffith and Mr Bill Alexander, for their influential involvement in the establishment of the Norah Head Nature Trail and their involvement in the Norah Head Coastcare Group for more than 20 years.”***

- 3 That Council note that this proposal does not require the approval of the Geographical Names Board.**

### **BACKGROUND**

At the 11 September 2013 Ordinary meeting, Council considered a report titled ‘Proposed Renaming of Norah Head Nature Trail and Installation of Signs’ and resolved as follows:

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

- 1159/13 That Council endorse the renaming of the Norah Head Nature Trail to The Alexander/Griffith Nature Trail.*
- 1160/13 That Council advertise the proposal to renaming for a period of 28 days.*

## 4.2 Placement of Plaque at Norah Head Nature Trail (contd)

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- 1161/13 *That Council recommend to the Geographical Names Board the renaming of Norah Head Nature Trail to Alexander/Griffith Nature Trail, should not significant objections be received.*
- 1162/13 *That Council approve appropriate signage to be placed at each end of the nature trail and in/around Bush Street Reserve."*

Following the above resolution, this proposal was advertised for 28 days by Council and no objections were received.

This renaming was then recommended to the Geographical Names Board (GNB) for determination. The GNB rejected the proposal as it does not permit the naming of places after people who are still living.

The GNB did advise however that it would not have an objection to the placement of a plaque commemorating the role that Mr Griffith and Mr Alexander had in the construction of the trail.

It is now proposed to place a plaque on this nature trail to honour Mr Ray Griffith and Mr Bill Alexander (the son-in-law of Mr Griffith), as both of these residents were influential in gaining support of the Norah Head Residents and Ratepayers and Coastcare Association, this led to Council approval of the construction of the Norah Head Nature Trail. This proposal does not require the approval of the GNB.

The proposed wording for this plaque is as follows:

***"Norah Head Nature Trail***

*This trail honours two local residents, Mr Ray Griffith and Mr Bill Alexander for their influential involvement in the establishment of the Norah Head Nature Trail and their involvement in the Norah Head Coastcare Group for more than 20 years."*

The report submitted to Council at its 11 September 2013 Ordinary meeting is attached for your reference.

### **CURRENT STATUS**

This proposal is currently awaiting approval from Council.

### **THE PROPOSAL**

It is proposed that Council support the placement of a plaque on the Norah Head Nature Trail.

### **OPTIONS**

- 1 Support the submission to place a plaque on the Norah Head Nature Trail.
- 2 Not support the placement of a plaque on the Norah Head Nature Trail.

**STRATEGIC LINKS**

Nil Impact

**Wyong Shire Council Strategic/ Annual Plan**

Nil Impact

**Contribution of Proposal to the Principal Activity**

Nil Impact

**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**

Norah Head Ratepayers, Residents and Coastcare Association have previously been successful in securing a \$250 grant from Council under the Councillor's Community Improvement Grants, the funding application identified that the funds are to be allocated to new signage within and around Bush Street Reserve and the Norah Head Nature Trail.

This grant will not cover full signage and the Norah Head Ratepayers, Residents & Coastcare Association will be required to seek further funding to cover full installation of signage.

**CONSULTATION**

Consultation with the community took place previously on the proposal to rename the nature trail as well as the placement of plaques. No submissions were received during this period. Further community consultation on this matter is therefore not required.

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil Impact

**MATERIAL RISKS AND ISSUES**

Nil Impact

**CONCLUSION**

As the original proposal for renaming of this trail was rejected by the Geographic Names Board, it is now proposed to place a plaque on Norah Head Nature Trail, to honor the two local living residents, Mr Ray Griffith and Mr Bill Alexander, who were both integral in the establishment of this trail.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Previous Report to Council - Proposed Renaming of Norah Head Nature Trail and Installation of Signs | D03251946 |
| 2 | Attachment 1 of Previous Report - Wyong Council - Naming of Nature Trail December 2012              | D03254006 |
| 3 | Attachment 2 of Previous Report - Map of Bush St Reserve and Norah Head Nature Trail                | D03277493 |

11 September 2013  
To the Ordinary Council Meeting

General Manager's Report  
General Manager's Unit

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

TRIM REFERENCE: F2004/06023 - D03251946

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### SUMMARY

Norah Head Residents and Ratepayers and Coastcare Association propose that the Norah Head Nature Trail is to be renamed to The Alexander/Griffith Nature Trail.

### RECOMMENDATION

- 1 That Council endorse the renaming of the Norah Head Nature Trail to The Alexander/Griffith Nature Trail.
- 2 That Council advertise the proposal to renaming for a period of 28 days.
- 3 That Council recommend to the Geographical Names Board the renaming of Norah Head Nature Trail to Alexander/Griffith Nature Trail, should not significant objections be received.
- 3 That Council approve appropriate signage to be placed at each end of the nature trail and in/around Bush Street Reserve.

### ORDINARY MEETING HELD 11 SEPTEMBER 2013

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

- 1159/13 That Council endorse the renaming of the Norah Head Nature Trail to The Alexander/Griffith Nature Trail.
- 1160/13 That Council advertise the proposal to renaming for a period of 28 days.
- 1161/13 That Council recommend to the Geographical Names Board the renaming of Norah Head Nature Trail to Alexander/Griffith Nature Trail, should not significant objections be received.
- 1162/13 That Council approve appropriate signage to be placed at each end of the nature trail and in/around Bush Street Reserve.

## **BACKGROUND**

The Norah Head Nature Trail covers a distance of 800m. The trail starts at Bush Street Reserve and finishes at the lighthouse car park. Bush Street Reserve is a picnic area situated near Bush Street, Norah Head; and Bush Street Reserve is a short walk to the beach and rockpool.

The renaming is proposed to honour two local residents, Mr Ray Griffith and Mr Bill Alexander (the son-in-law of Mr Griffith), both of these residents were influential in gaining support of the Norah Head Residents and Ratepayers and Coastcare Association, this led to Council approval of the construction of the Norah Head Nature Trail . Mr Griffith and Mr Alexander have maintained interest of the activities of the Norah Head Coastcare Group for approximately 20 years.

Norah Head Ratepayers, Residents & Coastcare Association, were recently successful in securing a \$250 grant from Council under the Councillor's Community Improvement Grants, the funding application identified that the funds are to be allocated to new signage.

As per letter attached, Mr Ralph Peters the Association's President proposes that the sign's conform to Council logo, be constructed of timber, held by two timber posts and subject to funding the signs may also include additional information including directions to the lighthouse and/or the rockpool.

Gary Dean, Secretary of Association has advised the green area on the attached map is Crown Land, the eastern section under the control of the Norah Head Lighthouse Reserve Trust and the western section is under Council control. Bush Street Reserve is located at the western end of the Council controlled land.

## **CURRENT STATUS**

This proposal is currently awaiting approval from Council.

## **THE PROPOSAL**

It is proposed that Council support the renaming of the Norah Head Nature Trail to The Alexander/Griffith Nature Trail, appoint appropriate signage at each end of the nature trail and in and around the Bush Street Reserve, Norah Head.

*Photo 1: Bush Street Reserve Entry*



Photo 2: Norah Head Carpark Entry





**OPTIONS**

- 1 Support the submission to rename the Norah Head Nature Trail to The Alexander/Griffith Nature Trail and appoint appropriate signage at each end of the nature trail and in and around the Bush Street Reserve. Subject to funding the signage may also display additional information including directions to landmarks such as the Lighthouse and/or Rockpool.
- 2 Not supporting the renaming and sign allocation.

**STRATEGIC LINKS**

Nil Impact

**Wyong Shire Council Strategic/ Annual Plan**

Nil Impact

**Contribution of Proposal to the Principal Activity**

Nil Impact

**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**

Norah Head Ratepayers, Residents and Coastcare Association, were recently successful in securing a \$250 grant from Council under the Councillor's Community Improvement Grants, the funding application identified that the funds are to be allocated to new signage within and around Bush Street Reserve and the Norah Head Nature Trail. This grant will not cover full signage and the Norah Head Ratepayers, Residents & Coastcare Association will be required to seek further funding to cover full installation of signage.

Subject to funding, the signage may also display additional information including directions to landmarks such as the Lighthouse and/or Rockpool.

## CONSULTATION

Should Council resolve to accept the proposal for the purposes of public comment, the proposal will be advertised for a period of 28 days.

If significant public comment is received, staff will provide a further report to Council. Otherwise if no objection is received, the proposal will be forwarded to the Geographical Names Board.

## GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the WSC Policy for Naming of Public Facilities adopted at the 10 July 2013 Ordinary Meeting:

*"D5 WSC will not approve the naming of facilities to commemorate a living person, unless special circumstances prevail, eg:*

- Giving recognition to past Councillors with at least 10 years' service*
- Giving recognition to past General Managers with more than 10 years' service*
- Giving recognition to local citizens who have made outstanding contributions to the community (see E5)*

*E5 In considering the merits of each proposal, WSC must satisfy itself that the person nominated for such an honour has:*

- Made a contribution to the Wyong Shire community over and above what might reasonably be expected through paid employment*
- Demonstrated achievement at an outstanding level*
- Made a voluntary contribution to the community which stands out from others who may also have made a valuable contribution*
- A strong connection with the facility being named"*

The renaming is proposed to honour, Mr Ray Griffith and Mr Bill Alexander as both of these residents were influential in the establishment of the Norah Head Nature and both gentlemen have maintained interest of the activities of the Norah Head Coastcare Group for approximately 20 years.

It is considered that the proposal meets the criteria specified in the policy.

## MATERIAL RISKS AND ISSUES

Nil Impact.

## CONCLUSION

A request has been received from the Norah Head Ratepayers, Residents & Coastcare Association to propose that Council rename the Norah Head Nature Trail to The Alexander/Griffith Nature Trail and appoint appropriate signage at each end of the nature trail and in and around the Bush Street Reserve.

Subject to funding, the signage may also display additional information including directions to landmarks such as the Lighthouse and/or Rockpool.

**ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Submission from Norah Head Ratepayers, Residents & Coastcare Association to rename Bush Street Reserve Nature Trail | D03254006 |
| <b>2</b> | Map of Bush St Reserve and Norah Head Nature Trail  | D03277493 |

The General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

12<sup>th</sup> December 2012

**ATTENTION: Jacquie Elvidge**

Dear Jacquie,

**Re- Naming of Norah Head Nature Trail and installation of Signs.**

Norah Head Residents and Ratepayers and Coastcare Association were successful recently in securing a \$250 grant from Council under the Councillor's Community Improvement Grants.

These funds are intended to be directed to new signage in and around Bush Street Reserve and the Nature Trail at Norah Head. What we want to do is to 'name' the Nature Trail in honour of two (2) local residents who were instrumental in gaining the support of the Association and subsequently approval of Council for the construction of the Nature Trail. Both these residents also took an active part in the construction of that Trail. That was approximately 20 years ago and both these residents have maintained an interest of the activities of the Norah Head Coastcare Group.

The two (2) residents I refer to are Mr. Ray Griffith and Mr. Bill Alexander (son-in-law of Mr. Griffith).

I wish to propose that the Nature Trail be known '**The Alexander/Griffith Nature Trail**'.

It is intended that an appropriate sign be placed at each end of the Nature Trail. The sign would conform to the Council's 'sign template', be constructed of timber, held by two (2) timber posts and be placed in such locations to minimize the visual impact. Those signs might also include (subject to funding) additional information such as directions to the Lighthouse and/or the Rockpool.

I write now to seek approval for the naming of the Norah Head Nature Trail as outlined and the installation of appropriate signs in the locations indicated above.

Council Officers may wish to meet me on site to discuss this project.

I can be contacted on 0417 688 107.

Yours faithfully

Mr. Ralph Peters  
**President**



#### **4.3 Renaming of George Fulcher Playground, Killarney Vale - Proposed Variation**

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TRIM REFERENCE: F2013/00217 - D11707872

MANAGER: Lesley Crawley, Manager

AUTHOR: Jacque Elvidge; Councillor Services Officer

#### **SUMMARY**

This report outlines the proposed variation to the name of the reserve currently known as George Fulcher Playground to Fulcher Reserve.

The reserve is located at the end of Cornish Avenue, Killarney Vale within Council owned Lot 26 DP 17343.

#### **RECOMMENDATION**

- 1 That Council endorse the name variation from George Fulcher Playground to Fulcher Reserve.**
- 2 That Council advise the Geographical Names Board (GNB) that it supports the proposed name.**

#### **BACKGROUND**

At its 9 April 2014 Ordinary meeting, Council resolved as follows in regards to the renaming of George Fulcher Playground, Killarney Vale:

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

- 337/14 That Council endorse the name variation from George Fulcher Playground to George Fulcher Reserve.*
- 338/14 The Council publicly notify the proposal for 28 days.*
- 339/14 That Council apply to the Geographical Names Board (GNB) for the reserve to be named George Fulcher Reserve subject to no significant objections being received.”*

The proposal was then put on exhibition for 28 days and received no submissions or objection.

The proposal was then submitted to the Geographical Names Board (GNB) for final approval.

The GNB have now responded to Council advising that “the use of given or first names in conjunction with a surname is not normally acceptable” and suggested that the name

### **4.3 Renaming of George Fulcher Playground, Killarney Vale - Proposed Variation (contd)**

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“Fulcher Reserve” be approved and then the Board will advertise the proposal (see attachment 4 of this report).

#### **CURRENT STATUS**

The variation in name, Fulcher Playground, has not been formally adopted by Council or registered with the GNB.

#### **THE PROPOSAL**

It is proposed that Council support the variation in name change from George Fulcher Playground to Fulcher Reserve and advise the GNB to proceed with the proposal.

#### **OPTIONS**

- 1 Support the submission to modify the name from George Fulcher Playground to Fulcher Reserve.
- 2 Not support the renaming submission.

#### **STRATEGIC LINKS**

##### **Wyong Shire Council Strategic/ Annual Plan**

Nil Impact

##### **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**

If the name change of George Fulcher Playground proceeds, alteration of the existing Type 5.1 standard reserve sign would be required to be undertaken at the cost of \$440.00+GST.

There is no cost associated with registration of names with the GNB.

**CONSULTATION**

Consultation has been undertaken with the descendants of Cr H.G Fulcher regarding the proposed variation of 'Fulcher Reserve' and the family have indicated that they have no objection to this variation in name.

Community consultation was also undertaken with surrounding residents regarding the removal of the playground, as well as the proposal to modify the name; no objection was received.

In accordance with Council's Policy of Naming Public Facilities, prior to submitting the previous request to the GNB, Council placed the proposal to rename to "George Fulcher Reserve" on public exhibition for 28 days and no submissions were received.

Given that the GNB also advertises the proposal prior to making its determination and that previous exhibition resulted in no objection being received it is not proposed that Council readvertises the proposal.

**GOVERNANCE AND POLICY IMPLICATIONS**

Naming public facilities within Wyong Shire Local Government Area must be done in accordance with the guidelines set out in Council's Policy for Naming of Public Facilities (Policy No. WSC112).

Council's Policy also requires:

*"B6 To ensure the naming of public facilities is consistent with relevant legislation and GNB Guidelines where applicable."*

The GNB is empowered by the Geographical Names Act 1966 which provides it with the authority to assign names to places.

The recommendation is in keeping with Council's Policy for Naming of Public Facilities, as well as the GNB's Guidelines for determining place names and Commemorative naming.



#### **4.3 Renaming of George Fulcher Playground, Killarney Vale - Proposed Variation (contd)**

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##### **MATERIAL RISKS AND ISSUES**

Nil Impact

##### **CONCLUSION**

The variation in name from George Fulcher Playground to Fulcher Reserve is recommended due to advice received from the GNB.

As part of its processes the GNB will advertise the proposal and advise Council of its determination after it has considered any submissions received.

##### **ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Previous Report to Council - Renaming of George Fulcher Playground, Killarney Vale                               | D04582187 |
| <b>2</b> | Attachment 1 to Previous Report - George Fulcher playground location map   | D05560535 |
| <b>3</b> | Attachment 2 to Previous Report - Response from Robert Fulcher - regarding renaming of George Fulcher playground | D04010360 |
| <b>4</b> | Response - Renaming George Fulcher Playground Killarney Vale - Geographical Names Board                          | D11697249 |

9 April 2014  
To the Ordinary Council Meeting

General Manager's Report  
General Manager's Unit

### 4.3 Renaming of George Fulcher Playground, Killarney Vale

---

TRIM REFERENCE: F2013/00217 - D04585187

MANAGER: Lesley Crawley, Manager

AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### SUMMARY

This report outlines the proposed variation to the name of the reserve currently known as George Fulcher Playground to George Fulcher Reserve. The reserve is located at the end of Cornish Avenue, Killarney Vale within Council owned Lot 26 DP 17343.

#### RECOMMENDATION

- 1 That Council endorse the name variation from George Fulcher Playground to George Fulcher Reserve.
- 2 The Council publicly notify the proposal for 28 days.
- 3 That Council apply to the Geographical Names Board (GNB) for the reserve to be named George Fulcher Reserve subject to no significant objections being received.

#### ORDINARY MEETING HELD 9 APRIL 2014

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

- 337/14 That Council endorse the name variation from George Fulcher Playground to George Fulcher Reserve.**
- 338/14 The Council publicly notify the proposal for 28 days.**
- 339/14 That Council apply to the Geographical Names Board (GNB) for the reserve to be named George Fulcher Reserve subject to no significant objections being received.**

## **BACKGROUND**

The reserve proposed to be named is located at the northern end of Cornish Avenue, Killarney Vale within the Tuggerah Lake Foreshore Reserve, within Lot 26 DP 173463 (See Attachment 1 – location map). The site is locally known as George Fulcher Playground, and is sign posted as such, but the name is not registered with the NSW Geographical Names Board (GNB).

The playground is named in recognition of Cr H.G Fulcher (Horace George), who served Wyong Shire Council as a Councillor for four terms, from 1950-1962. He was elected as Shire President for eight of those years, from 1954-1962, and served on the Finance, Works, Subdivisions and Plant Committees.

The playground has deteriorated over time and the remaining equipment has been removed as it was beyond repair. This playground will not be replaced as it has been identified as being underused and there is an oversupply of playgrounds in the Killarney Vale area.

Consequently, the name George Fulcher Playground is no longer relevant, and the family of Cr H.G Fulcher have endorsed modification of the name as he has now passed away.

## **CURRENT STATUS**

The name George Fulcher Playground has not been formally adopted by Council or registered with the GNB.

Formal approval to change the name has been received from the family of Cr H.G Fulcher (please see attachment 2 of this report).

## **THE PROPOSAL**

It is proposed that Council support the change of the name from George Fulcher Playground to George Fulcher Reserve, and that this proposal be advertised for 28 days to allow for any submission to be raised by the public.

Following public notification and providing there are no significant objections received, it is also proposed that Council apply to the GNB for the reserve to be officially named George Fulcher Reserve.

## **OPTIONS**

- 1 Support the submission to modify the name from George Fulcher Playground to George Fulcher Reserve.
- 2 Not support the renaming submission.

## **STRATEGIC LINKS**

### **Wyong Shire Council Strategic/ Annual Plan**

Nil Impact.

### **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**

If the name change of George Fulcher Playground proceeds, alteration of the existing Type 5.1 standard reserve sign would be required to be undertaken at the cost of \$440.00+GST.

There is no cost associated with registration of names with the GNB.

## **CONSULTATION**

Consultation has been undertaken with the descendants of Cr H.G Fulcher. Written approval has been received from both the son, George Fulcher, and grandson, Robert Fulcher (attachment 2 of this report).

Further community consultation is currently being undertaken with surrounding residents regarding the removal of the playground, as well as the proposal to modify the name.

In accordance with Council's Policy of Naming Public Facilities, prior to submitting a request for a name to be registered with the GNB, Council will ensure that the community was consulted with the name in anticipation that it is widely supported by the community.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Naming public facilities within Wyong Shire Local Government Area must be done in accordance with the guidelines set out in Council's Policy for Naming of Public Facilities (Policy No. WSC112).

Council's Policy also requires:

*"B6 To ensure the naming of public facilities is consistent with relevant legislation and GNB Guidelines where applicable."*

The GNB is empowered by the Geographical Names Act 1966 which provides it with the authority to assign names to places.

The recommendation is in keeping with Council's Policy for Naming of Public Facilities, as well as the GNB's Guidelines for determining place names and Commemorative naming.

## **MATERIAL RISKS AND ISSUES**

Nil Impact.

## **CONCLUSION**

The variation in name from George Fulcher Playground to George Fulcher Reserve is recommended due to the removal of the playground equipment within the reserve.

Subject to no significant objections being received following public notification, it is recommended that Council submit a naming proposal to the Geographical Names Board to modify the name George Fulcher Playground to George Fulcher Reserve.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | George Fulcher playground location map   | D05560535 |
| 2 | Response from Robert Fulcher - regarding renaming of George Fulcher playground | D04010360 |



Unit 262  
Glengara Village  
220 Hansens Road  
Tumbi Umbi  
NSW 2261

Ms Rachael McWilliam  
Landscape Designer  
Sport, Leisure and Recreation  
Wyong Shire Council

**Naming of George Fulcher Playground, Killarney Vale**

(Your reference F2013/00217)

Dear Rachael,

I refer to your letter on this matter dated 2 October 2013.

My father, George, is the son of the late George Fulcher, after whom this playground was named. I have the Power of Attorney for my father and this fact is held in council's records.

I am pleased to advise that my father approves the proposal outlined in your letter concerning the ongoing recognition of his father. In fact he is delighted with the proposal.

I also advise that my wife and I are also very supportive of the proposal to recognise our grandfather and grandfather in law and look forward to taking my father to see the improved site in the near future.

Yours faithfully

  
Robert Fulcher



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

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Your Reference: F2013/00217 – D04585187  
Our Reference: GNB 5735  
Contact Officer: Susan Fietz  
Telephone No: 02 6332 8052  
Email: [Susan.Fietz@lpi.nsw.gov.au](mailto:Susan.Fietz@lpi.nsw.gov.au)

The General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Attention: Jacquie Elvidge

Dear Jacquie

**RE: Naming Proposal – George Fulcher Reserve**

I would like to inform you that your proposal for the naming of *George Fulcher Reserve* went to the Board meeting on 8 July, 2014.

The Board has considered your application and in accordance with their guidelines, the use of given or first names in conjunction with a surname is not normally acceptable. If Council are agreeable, the name *Fulcher Reserve* is approved to be advertised.

We look forward to hearing from you in this regard.

Yours faithfully



Susan Fietz  
Spatial Information Officer  
Geographical Names Board

25 August 2014



#### 4.4 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications

TRIM REFERENCE: F2008/02110 - D11693963  
MANAGER: Julie Vaughan, Manager  
AUTHOR: Kay Matthews; Administration Assistant

##### SUMMARY

Consideration of applications and recommendations for Community Subsidy Program and Sport & Cultural Sponsorship Program funding for period ending 29 August 2014.

The Community Subsidy Program provides in-kind assistance to support community efforts to maintain the quality of life of the Wyong Shire Community.

The Sport & Cultural Sponsorship Program assists Wyong Shire residents to participate in sporting and cultural events which they may not be able to attend due to financial hardship.

##### RECOMMENDATION

- 1 That Council allocate \$894.50 from the 2014-15 Community Subsidy Program as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended</i>
<i>Greek (Hellenic) Community of Central Coast NSW Inc</i>	<i>Venue Hire - Chittaway Community Hall</i>	<i>\$894.50</i>

- 2 That Council allocate \$4,725.00 from the 2014-15 Sport & Cultural Sponsorship Program as follows:

<i>Applicant</i>	<i>Event</i>	<i>Committee Funding Recommended</i>
<i>Natalee McJannet</i>	<i>Australian Country Women's Water Polo Tournament, Hawaii USA, representing Australia</i>	<i>\$1000.00</i>
<i>Shanie Singleton</i>	<i>Touch Football Australia's State of Origin Touch Championships, Caloundra QLD, representing NSW</i>	<i>\$500.00</i>
<i>Jessica Grimwood</i>	<i>2014 ISA World Surfing Games, Peru South America, representing Australia</i>	<i>\$1,000.00</i>
<i>Coastal a Cappella Chorus</i>	<i>National Sweet Adeline Championships, Hobart Tasmania, representing the Central Coast</i>	<i>\$1,250.00</i>

4.4 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications (contd)

<b>Applicant</b>	<b>Event</b>	<b>Committee Funding Recommended</b>
<b>Doyalson Girls Air League Squadron</b>	<b>80th Anniversary Australian Air League National Marching Titles, Canberra ACT, representing the Central Coast</b>	<b>\$975.00</b>
<b>TOTAL</b>		<b>\$4,725.00</b>

3 That Council **decline** applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

<b>Applicant</b>	<b>Event</b>	<b>Committee Assessment</b>
<b>Kelly Martin for Val Lincoln</b>	<b>FINA World Masters Swimming Championships, Montreal Canada, representing the Central Coast</b>	<b>Application not received 30 days in advance</b>
<b>Sonya Mahony</b>	<b>School Sport Australian Rugby League Championships, Wollongong NSW, representing NSW</b>	<b>Application not received 30 days in advance</b>
<b>Ethan Byrnes</b>	<b>Football Federation Australia (FFA) 13 year old National Titles, Coffs Harbour NSW, representing NSW</b>	<b>Applicant not affiliated with a Central Coast organisation</b>
<b>Mundinarra Daley</b>	<b>Grow a Star Program - National Scouting Report (NSR), USA</b>	<b>Application is for a program, not a competition</b>
<b>Aiden Thomas</b>	<b>Loule Cup - International Trampoline Competition, Loule Portugal</b>	<b>Application not received 30 days in advance, applicant not affiliated with a Central Coast organisation</b>

**BACKGROUND**

Council currently provides \$30,000.00 annually for the Community Subsidy Program, which supports community efforts to maintain the quality of life of the Wyong Shire Community. Council does this through the provision of assistance to events, activities and programs which express community and cultural values, protect our natural environment, improve the urban environment and create jobs. The available balance for this program as at 29 August 2014 is \$30,000.00.

Council currently provides \$20,000.00 annually for the Sport & Cultural Sponsorship Program, which assists Wyong Shire residents to participate in sporting and cultural events of regional, State and/or National significance, for which they may not be able to attend due to financial hardship. The available balance for this program as at 29 August 2014 is \$18,500.00.

#### **4.4 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications (contd)**

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Funding is provided every two months for these two programs.

This report provides details on the applications and recommendations for funding.

#### **ATTACHMENTS**

Nil

#### 4.5 Contract Variations and Finalisation for the period covering May 2014 to August 2014

TRIM REFERENCE: F2007/01410 - D11712023

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John McCarthy; Procurement Supervisor

##### SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150,000 in value.

The report covers contract variations processed from May 2014 to August 2014.

##### RECOMMENDATION

- 1 ***That Council receive the Contract Variations and Finalisation report for the period covering May to August 2014.***
- 2 ***That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:***

<b><i>Contract Title</i></b>	<b><i>Contract No</i></b>	<b><i>Adjusted Contract Value (Excl GST)</i></b>	<b><i>Additional Budget Approval (Excl GST)</i></b>
<b><i>Relocation of Poles, The Ridgeway, Tumbi</i></b>	<b><i>CPA/235485</i></b>	<b><i>\$151,647.00</i></b>	<b><i>\$2,021.00</i></b>
<b><i>Demolition of Old Mardi Intake Tower</i></b>	<b><i>CPA/216733</i></b>	<b><i>\$318,298.51</i></b>	<b><i>\$8,298.51</i></b>
<b><i>Provision of Design Services for Wyong Shire Performing Art Centre</i></b>	<b><i>CPA/159128</i></b>	<b><i>\$1,494,546.00</i></b>	<b><i>\$305,725.46</i></b>
<b><i>Norah Head Boat Ramp Detail Design</i></b>	<b><i>CPA/204444</i></b>	<b><i>\$196,655.00</i></b>	<b><i>\$112,955.00</i></b>
<b><i>T06 Sewer Rising Main Partial Replacement Noraville</i></b>	<b><i>CPA/235534</i></b>	<b><i>\$1,186,192.22</i></b>	<b><i>\$104,642.22</i></b>
<b><i>Gross Pollution Trap Upgrades – Killarney Vale</i></b>	<b><i>CPA/244324</i></b>	<b><i>\$151,835.00</i></b>	<b><i>\$10,535.00</i></b>

<b><i>Provision of Security Services at Various Council Facilities – Part 1</i></b>	<b><i>CPA/196431</i></b>	<b><i>\$649,631.43</i></b>	<b><i>-\$47,537.57</i></b>
<b><i>Provision of Security Services at The Entrance Town Centre – Part 2</i></b>	<b><i>CPA/239591</i></b>	<b><i>\$165,614.50</i></b>	<b><i>\$48,000.00</i></b>
<b><i>Provision of Cleaning Services at Council various facilities</i></b>	<b><i>CPA/201208</i></b>	<b><i>\$991,816.21</i></b>	<b><i>\$265,416.21</i></b>

- 3** *That Council approve the additional expenditures requested and increase the resolved contract values accordingly.*

## **BACKGROUND**

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. Section 55 of the Local Government Act 1993 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract and the risks, or may be expressed as a specific dollar value.

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure. The purpose of this report is to make Council aware and to explain the reasons for the variations, where an increase in the approved contract value has been impacted.

## 4.5 Contract Variations and Finalisation for the period covering May 2014 to August 2014 (contd)

### THE PROPOSAL

The report for the period covering May 2014 to August 2014 advises on the following contracts that have exceeded their contract ceilings.

- CPA/235485 - Relocation of Poles, The Ridgeway, Tumbi
- CPA/216733 - Demolition of Old Mardi Intake Tower
- CPA/159128 - Provision of Design Services for Wyong Shire Performing Art Centre
- CPA/204444 - Norah Head Boat Ramp Detail Design
- CPA/235534 - T06 Sewer Rising Main Partial Replacement Noraville
- CPA/244324 - Gross Pollution Trap Upgrades – Killarney Vale
- CPA/196431 - Provision of Security Services at Various Council Facilities – Part 1
- CPA/239591 - Provision of Security Services at The Entrance Town Centre – Part 2
- CPA/201208 - Provision of Cleaning Services at Council various facilities

### Summary of variations processed between May and August 2014

Total number of variations processed for the reporting period	74
Total number of Contracts impacted	43
Contracts requiring increase to the contract estimate	9
Contracts where current funds are sufficient to complete	34
Contracts finalised in the reporting period	1

Attachment 1 provides detailed information on the reasons for the variations.

The value of variations for the design of the replacement of the Norah Head Boat Ramp is significant. Most of these costs were involved in allowing for the number of options and scope changes that were investigated in order to result in the best value affordable solution.

The value of the variations for the replacement of the T06 Sewer Rising Main at Noraville is also significant. The variations were mainly involved in redesign work to correct deficiencies in the original design work by the consultants and errors and omissions in the Work as Executed Drawings completed for the original works.

The variations for the Provision of Security Services (Parts 1 and 2) and Cleaning Services are also significant. They actually do not involve additional costs for Council and are proposed to rationalise the current contracts and procedures for improved management, mitigate some operation risks and bundle various services into one contract.

### OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contract could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions. In each case, the expenditure involved was authorised by staff with relevant delegated authority.

### **STRATEGIC LINKS**

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

### **FINANCIAL IMPLICATIONS**

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

### **PRINCIPLES OF SUSTAINABILITY**

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

### **CONSULTATION**

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

### **GOVERNANCE**

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

### **CORPORATE RISKS**

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

<b>Identified Risk</b>	<b>Rating</b>	<b>Actions to Mitigate</b>
<b>Budget Control</b> Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Reporting of variations that exceed their approved contract estimates.
<b>Legislative Requirements</b> Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Reporting of variations that exceed their approved contract estimates. - Local Government Act requirements in relation to Tenders.

**CONCLUSION**

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure.

**ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Confidential - Contract Variations for the period covering May to August 2014 - | D11715923 |
| <b>2</b> | Confidential - Contracts Finalised for the period covering May to August 2014 - | D11715928 |



#### **4.6 Renaming of Tuggerah Beach to Pelican, Magenta and North Entrance Beach - Proposed Amendment**

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TRIM REFERENCE: F2004/06023 - D11713972

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Fiona Kurtz; Councillor Services Officer

#### **SUMMARY**

The Geographical Naming Board has proposed an amendment for the renaming of Tuggerah Beach to North Entrance, Magenta and Pelican Beach. The amendment proposes that the proposed beach boundaries coincide with the existing suburb boundaries.

#### **RECOMMENDATION**

***That Council endorse the Geographical Naming Boards (GNB) proposed amendment for the extent of the beach boundaries of proposed North Entrance, Magenta and Pelican Beaches to coincide with suburb boundaries.***

#### **BACKGROUND**

Council has received a request from Magenta Shores proposing that Wyong Shire Council and the NSW Geographical Names Board (GNB) consider renaming Tuggerah Beach to either Magenta Shores or Magenta Beach. This request was also submitted on behalf of the Community Association at Magenta Shores including residents, major stakeholders of Rich Sea International, The Accor Group and Magenta Shores Golf and Country Club.

At the Ordinary Meeting held 23 October 2014

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

*1302/13 That Council note the advertising period closed on 18 September 2013 with one submission received.*

*1303/13 That Council endorse the proposal for renaming of Tuggerah Beach to North Entrance, Magenta and Pelican Beach.*

*1304/13 That Council refer the proposal for renaming of Tuggerah Beach to North Entrance, Magenta and Pelican Beach to the Geographical Names Board for determination."*

At its Ordinary Meeting held 13 March 2013;

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

*271/13 That Council consider the renaming of Tuggerah Beach to North Entrance Beach, Magenta Beach and Pelican Beach.*

#### 4.6 Renaming of Tuggerah Beach to Pelican, Magenta and North Entrance Beach - Proposed Amendment (contd)

---

- 272/13 That Council advertise the proposal to rename the Tuggerah Beach to Magenta Beach for a period of 28 days.
- 273/13 That Council consult with the National Parks and Wildlife Service, relevant emergency service organisations and The Entrance Peninsula Community Precinct Committee as part of the exhibition process.
- 274/13 That Council request the General Manager to apply to the Geographical Names Board (GNB) for the beach to be named North Entrance Beach, Magenta Beach and Pelican Beach subject to no significant objections being received as a result of the exhibition.
- 275/13 That Council negotiate with the proponent to assist with the cost of signage the proposal be adopted by the Geographical Names Board.”

The proposal was then put on exhibition for 28 days and received 1 submission. The proposal was then submitted to the Geographical Names Board (GNB) for final approval.

The Geographical Naming Board (GNB) met on the 25 March 2014 and resolved to defer the proposal so that comment could be sought from Surf Life Saving NSW (SLSNSW).

Surf Life Saving Australia (SLSNSW) responded to the GNB on the 15 August 2014 that they do not have an issue with the proposal.

The Geographical Naming Board (GNB) met again on the 16 September 2014 and agreed with the proposal, subject to Council agreeing that the extent of the beaches is coincident with suburb boundaries. (see Attachment 3)

#### **CURRENT STATUS**

The variation for the extent of the beach boundaries to coincide with suburb boundaries has not been formally adopted by Council.

Attachment 1- Page 3 refers to the changes in boundaries from the GNB and attachment 2 is the original map from the report considered at Ordinary Meeting held on 13 March 2013.

#### **OPTIONS**

- 1 Support the amendment that the extent of the beaches is coincident with suburb boundaries.
- 2 Not support the amendment.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

Nil Impact

**Long term Financial Strategy**

Nil Impact

**Asset Management Strategy**

Nil Impact

**Workforce Management Strategy**

Nil Impact

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

Nil Impact

**CONSULTATION**

In accordance with Council's Policy of Naming Public Facilities, prior to submitting the original request to the GNB, Council placed the proposal to rename to "Tuggerah Beach" on public exhibition for 28 days and considered the submission received.

In addition to general public notice, a letter advising of the proposal to rename Tuggerah Beach to North Entrance, Magenta and Pelican Beach was issued to the following as per resolution 273/13;

- Norah Head Community Precinct Committee
- The Entrance Community Precinct Committee
- The Entrance Town Centre Management
- State Emergency Services
- Police Association of NSW
- NSW Ambulance Service
- NSW Fire and Rescue
- National Parks and Wildlife Services

No submissions were received from any organisation objecting to the proposal.

Should Council adopt the amended proposal further advertising is not required.

## GOVERNANCE AND POLICY IMPLICATIONS

Naming public facilities within Wyong Shire Local Government Area must be done in accordance with the guidelines set out in Council's Policy for Naming of Public Facilities (Policy No. WSC112).

Council's Policy also requires:

*"B6 To ensure the naming of public facilities is consistent with relevant legislation and GNB Guidelines where applicable."*

The GNB is empowered by the Geographical Names Act 1966 which provides it with the authority to assign names to places.

The recommendation is in keeping with Council's Policy for Naming of Public Facilities, as well as the GNB's Guidelines for determining place names and Commemorative naming.

## CONCLUSION

The variation in boundaries is recommended due to the advice received from GNB.

Subject to no significant objections, the GNB will advertise for a period of 1 month.

## ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | Geographical Naming Board Letter 22 September 2014                                      | D11717317 |
| 2 | Original Attachment from report considered at 13 March 2013 - Rename Tuggerah Beach Map | D03283396 |
| 3 | Map indicating new beach boundaries consistent with suburb boundaries                   | D11721265 |



PO Box 143  
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E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Our Reference: GNB 5704  
Contact Officer: Susan Fietz  
Telephone No: 02 6332 8052  
Email: [Susan.Fietz@lpi.nsw.gov.au](mailto:Susan.Fietz@lpi.nsw.gov.au)

The General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Attention: Fiona Kurtz

Dear Fiona

**RE: Proposed Re-naming of Tuggerah Beach**

Reference is made to Council's proposal to re-name Tuggerah Beach.

As you are aware, this went before the Board on 25 March 2014 and was deferred with the Board requesting further information from Surf Life Saving. The Board also requested the suburb boundaries be checked.

We have received confirmation from Surf Life Saving New South Wales and they do not have a problem with the proposal. A copy of their response is attached.

We have checked the suburb boundaries and observed that the suburb boundaries and beach extents are not coincident.

The matter was included as a late agenda item at the Board meeting on 16 September 2014 with the Board recommending that the proposal be approved for advertising, subject to Council agreeing that the extent of the beaches are coincident with the suburb boundaries. A plan is attached showing our recommendation.

Would you please advise if Council agree to this recommendation and thenceforth we can proceed with the advertising process.

Yours faithfully



Susan Fietz  
Spatial Information Officer  
Geographical Names Board

22 September 2014



15 August 2014

Your reference: GNB 5704

Spatial Information Officer  
Geographical Names Board  
Land & Property Information  
Department of Finance & Services  
346 Panorama Avenue  
BATHURST NSW 2795

Attention: Rhet Humphrys

Dear Rhet

**Re: Renaming of Tuggerah Beach - Wyong LGA**

We are in receipt of your letter dated 7 August 2014. We note that The Board is seeking comment on the proposal by Wyong Council to enlarge the extent of Pelican Beach and to replace Tuggerah Beach with the proposed names of North Entrance Beach and Magenta Beach.

We do not have a problem with what is being proposed. It will not affect the Surf Life Saving Club in that area. We currently have an overarching beach name of Tuggerah Beach, which will be maintained in our systems. We have a sub section of Tuggerah named North Entrance, which will not change. If proposed changes proceed we will add in two additional sub-sections to our database. We may also need to separate out some data, currently attached to Tuggerah, into the new beaches but we don't foresee that as an issue.

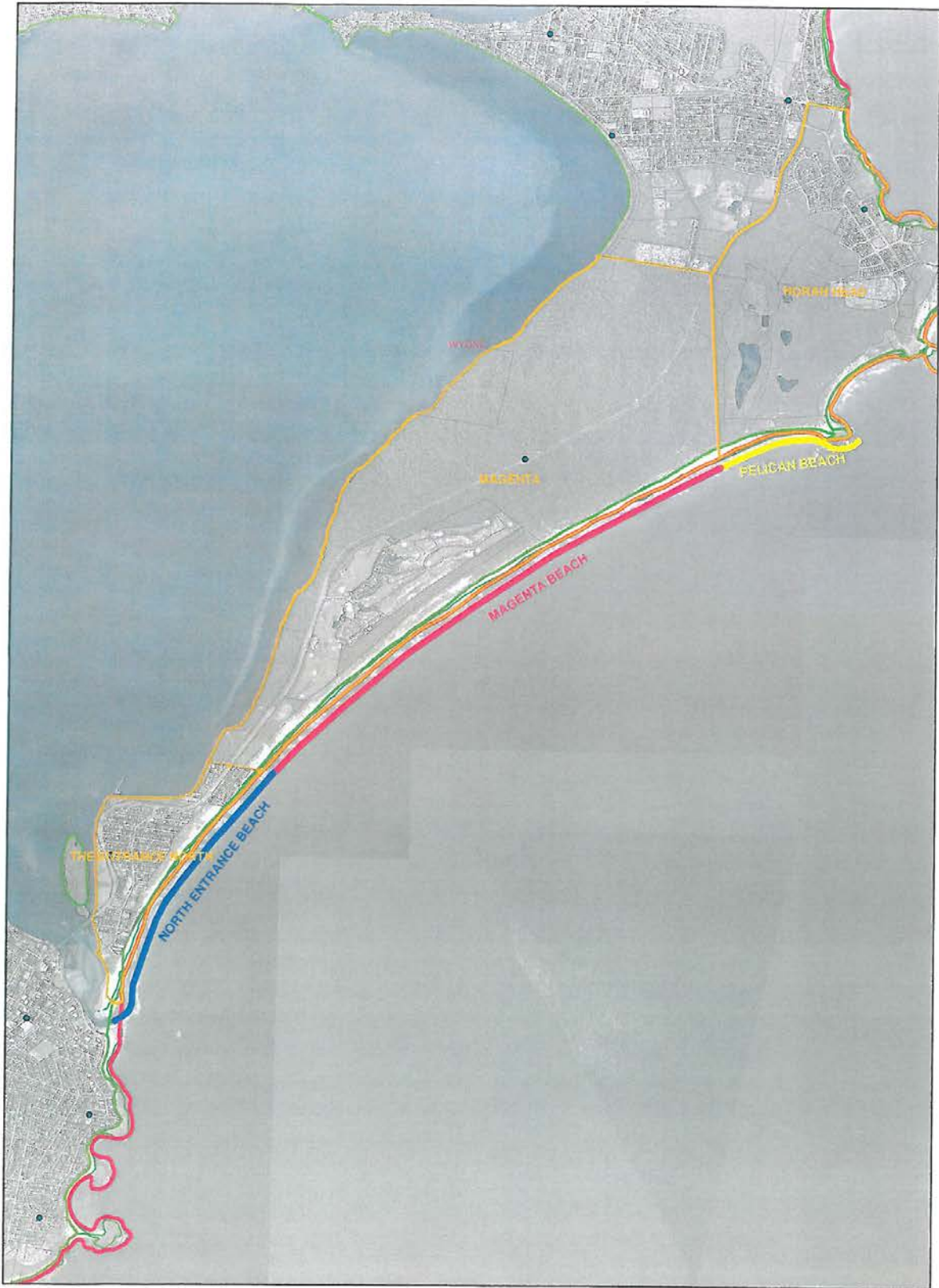
Please let me know if you require anything further.

Yours faithfully

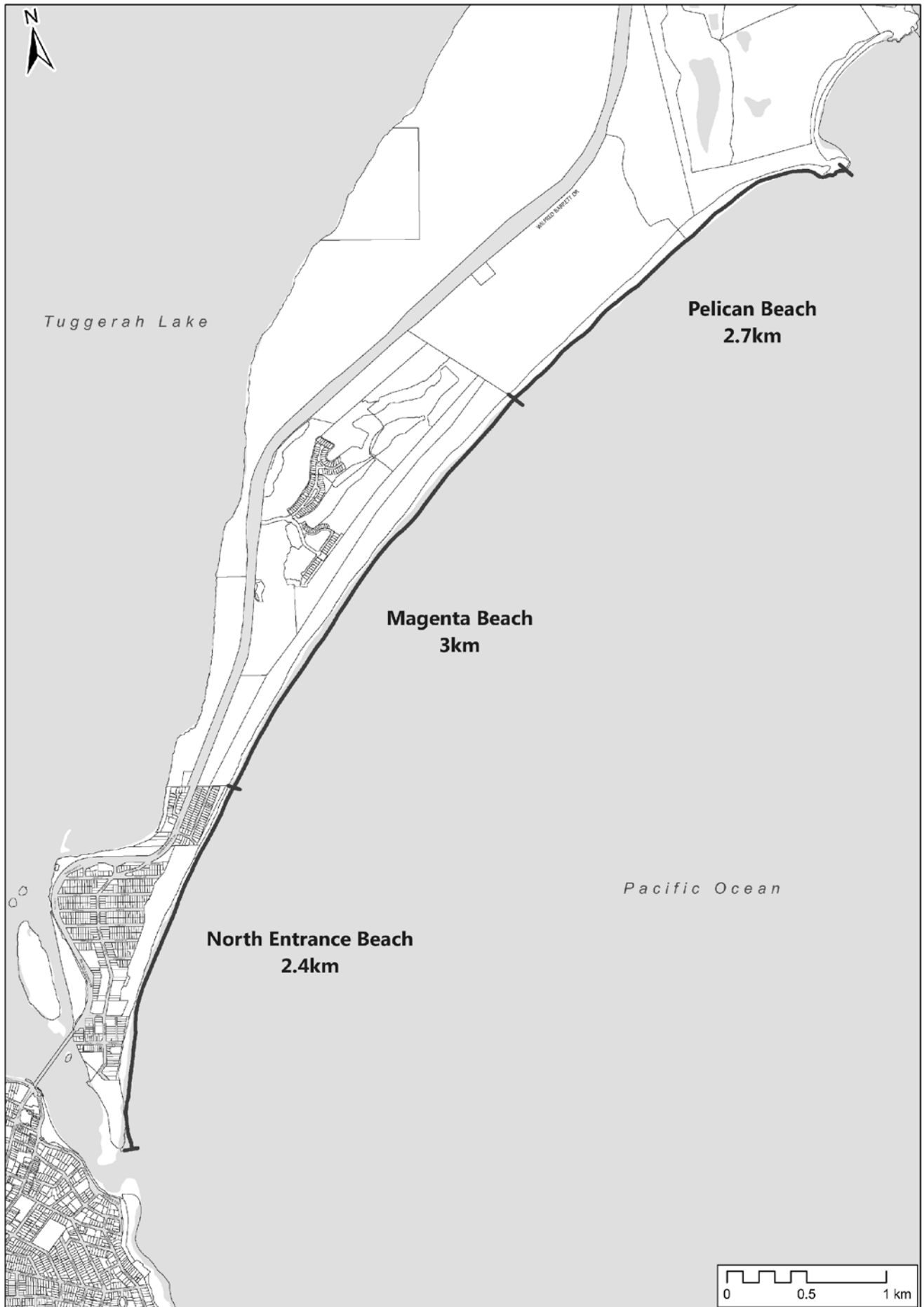
A handwritten signature in black ink, appearing to read "Matt Hanks".

Matt Hanks  
General Manager

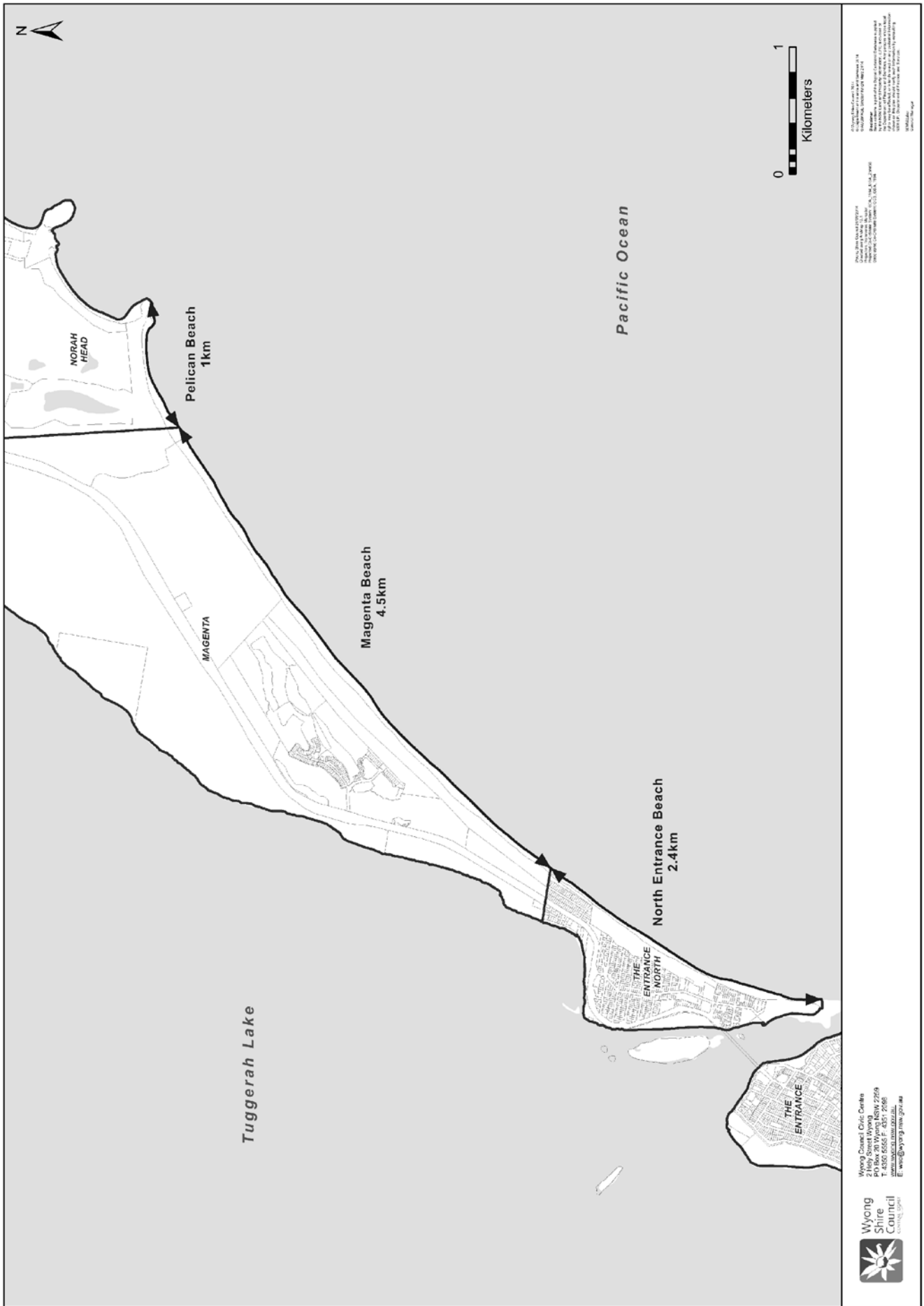
Surf Life Saving New South Wales  
PO Box 307 t: +61 2 9471 8100  
Belford NSW 2085 f: +61 2 9471 8101  
1 Neat and Way w: [surflifesaving.com.au](http://surflifesaving.com.au)  
Belford NSW 2085 4519 1827 798 212



PROPOSED ALIGNMENT OF  
TUGGERAH BEACHES







## **4.7 2013/14 Annual Financial Statements**

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TRIM REFERENCE: F2014/00083 - D11715336

MANAGER: Vivienne Louie, Acting Chief Finance Officer

AUTHOR: Kim Futcher; Financial Controller

### **SUMMARY**

Council is required to prepare, submit to audit, adopt and present to the community (and Government) a set of financial reports in accordance with relevant legislation.

The process by which this occurs is dictated by the legislation and the next steps are detailed below. Council is required to formally resolve the necessary actions.

### **RECOMMENDATION**

- 1 That Council adopt the draft Wyong Shire Council financial statements for 2013/14 as presented.**
- 2 That Council refer the draft Wyong Shire Council financial statements for 2013/14 (as presented) to external audit.**
- 3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2013/14 financial statements as required by legislation.**
- 4 That Council fix 22 October 2014 as the date for the presentation of the audited 2013/14 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.**

### **BACKGROUND**

In accordance with Section 413(1) of the Local Government Act 1993 (LGA) Council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.

### **THE PROPOSAL**

It is proposed that Council consider and accept the recommendations of the Audit and Risk Committee to formally adopt the draft accounts for final audit opinion.

At the time of writing this report the Audit and Risk Committee is yet to meet and review the 2013/14 Financial Statements. The Committee will meet on 1 October 2014.

**Completion of Audit**

The 2013/14 Financial Statements are presented to Council in draft form at this stage and are required to be audited in accordance with Sections 416 and 417 of the Local Government Act 1993.

Once the Financial Statements have been referred to audit and the formal audit reports received, the Audited Statements will subsequently be presented to the Council at its meeting on 22 October 2014, in accordance with Section 419 of the LGA 1993.

**General Purpose Financial Reports**

Section 413(2) (c) of the Local Government Act (LGA) requires Council to prepare a statement in the approved form as to its opinion on those financial statements.

Council's Responsible Accounting Officer and the General Manager certify that the 2013/14 General Purpose Financial Reports have been prepared in accordance with the LGA 1993, the Local Government (General) Regulation 2005, Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

**Special Purpose Financial Reports**

The Local Government Code of Accounting Practice and Financial Reporting requires Council to make a statement as to its opinion on Council's Special Purpose Financial Reports.

Council's Responsible Accounting Officer, and the General Manager certify that the 2013/14 Special Purpose Financial Reports have been prepared in accordance with the NSW Government Policy Statement "*Application of National Competition Policy to Local Government*", the Division of Local Government Guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*", the Local Government Code of Accounting Practice and Financial Reporting and the NSW Office of Water, Department of Environment, Climate Change and Water Guidelines.

**Wyong Shire Council Water Supply Authority Reports**

In addition to the General Purpose and the Special Purpose Reports a separate set of financial reports as required by the Public Finance and Audit Act 1983 has been prepared for the Wyong Shire Council Water Supply Authority. The Public Finance and Audit Act requires Council to make a statement as to their opinion on the Financial Report.

Council's Responsible Accounting Officer and the General Manager certify that the financial reports have been prepared in accordance with the provisions of the Public Finance and Audit Act 1983, applicable Australian Accounting Standards, the requirements of the Water Management Act 2000 and other mandatory professional reporting requirements.

Statements in the approved form are included as Attachment 1 for execution.

**CONCLUSION**

The accounts represent Council's formal financial performance and position for 2013/14.

Presentation of final full year financial statements is a statutory requirement.

Council must adopt the draft accounts before the External Auditor will provide their formal opinion for inclusion in Council's Annual Report.

**ATTACHMENTS**

- |          |   |           |           |
|----------|---|-----------|-----------|
| <b>1</b> | General Purpose Financial Statements, Special Purpose Financial Statements and Water Supply Authority Statements: Statements by Councillors and Management 2013/14 (unsigned) | Enclosure | D11721050 |
| <b>2</b> | Wyong Shire Council Financial Statements 2013/14.   | Enclosure | D11726321 |
| <b>3</b> | Wyong Shire Council Water Supply Authority Financial Statements 2013/14 .   | Enclosure | D11726324 |

## 4.8 Proposed Councillors' Community Improvement Grants

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TRIM REFERENCE: C2014/01723 - D11717659  
MANAGER: Lesley Crawley; Manager Corporate Governance  
AUTHOR: Lisa Martin; Administration Assistant

### SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

### RECOMMENDATION

***That Council allocate an amount of \$11,620.00 from the 2014-15 Councillors' Community Improvement Grants as follows:***

<b><i>4 Hope Ministries (\$4000)</i></b>	<b><i>Provide a free dinner to the disadvantaged every Wednesday.</i></b>	<b><i>1100</i></b>
<b><i>Community Education and Training Centre Inc. (\$4000) (\$2400 already allocated)</i></b>	<b><i>Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.</i></b>	<b><i>1600</i></b>
<b><i>Greek (Hellenic) Community of Central Coast NSW Inc. (\$2880)</i></b>	<b><i>Printing and Posting of the monthly Bulletin.</i></b>	<b><i>1050</i></b>
<b><i>Soldiers Beach SLSC (\$4000)</i></b>	<b><i>Operation costs in hosting a charity fundraiser event.</i></b>	<b><i>3420</i></b>
<b><i>The Entrance District Cricket Club (\$4000)</i></b>	<b><i>Purchase pitch covers.</i></b>	<b><i>1100</i></b>
<b><i>Tuggerah Lakes View Club (\$750)</i></b>	<b><i>Printing and Stationary Supplies.</i></b>	<b><i>750</i></b>
<b><i>Tuggerah United Football Club (\$4000)</i></b>	<b><i>Improve Shade and Shelter at the Fields.</i></b>	<b><i>2600</i></b>

### BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

## 4.8 Proposed Councillors' Community Improvement Grants (contd)

### THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

Each Councillor is allocated a one tenth share of a total amount identified annually in Council's Annual Plan.

The amount allocated in the 2014-15 Annual Plan is \$130,000 with a reallocation by Council of additional \$20,000 at its meeting held on 24 July 2013. The total amount allocated for 2014/2015 is \$150,000.

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/07/2014 - 30/06/2015		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 13 August 2014		2,850	2,400	2,000	1,000	0	3,800	3,550	5,530	0	4,700	25,830
Available allocation as at 13 August 2014		12,150	12,600	13,000	14,000	15,000	11,200	11,450	9,470	15,000	10,300	124,170
Next Meeting date 8 October 2014												
4 Hope Ministries (\$4000)	Provide a free dinner to the disadvantaged every Wednesday.	200				500			400			1100
Community Education and Training Centre Inc. (\$4000) (\$2400 already allocated)	Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.		800						800			1600
Greek (Hellenic) Community of Central Coast NSW Inc. (\$2880)	Printing and Posting of the monthly Bulletin.	100	250			500			200			1050
Soldiers Beach SLSC (\$4000)	Operation costs in hosting a charity fundraiser event.	800	640	500					680		800	3420
The Entrance District Cricket Club (\$4000)	Purchase pitch covers.	100		1000								1100
Tuggerah Lakes View Club (\$750)	Printing and Stationary Supplies.	100				500					150	750
Tuggerah United Football Club (\$4000)	Improve Shade and Shelter at the Fields.	100	500	1000		500			500			2600
Total Proposed Allocations for NEXT MEETING DATE		1,400	2,190	2,500	0	2,000	0	0	2,580	0	950	11,620
Total Accumulated Allocations as at NEXT MEETING DATE		4,250	4,590	4,500	1,000	2,000	3,800	3,550	8,110	0	5,650	37,450
Balance Uncommitted as at NEXT MEETING DATE		10,750	10,410	10,500	14,000	13,000	11,200	11,450	6,890	15,000	9,350	112,550

### OPTIONS

- 1 Approval of applications as submitted will provide a community benefit to residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

### STRATEGIC LINKS

#### Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

### Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

### Link to Shire Strategic Vision

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

### Financial Implications

Expenditure is approved until the end of the 2013-14 financial year. Unspent approvals lapse 31 May 2014.

### Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

### CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

### GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

**CORPORATE RISKS**

Nil Impact.

**CONCLUSION**

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

**ATTACHMENTS**

Nil



## **5.1 Annual Disclosure of Interest Returns 2013-14**

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TRIM REFERENCE: F2013/02041 - D08051220  
AUTHOR: Sonia Witt; TL Governance and Councillor Services  
MANAGER: Lesley Crawley, Manager Corporate Governance

### **SUMMARY**

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

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

### **RECOMMENDATION**

***That Council receive the report on Annual Disclosure of Interest Returns 2013-14.***

### **BACKGROUND**

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September each year. Newly appointed staff and Councillors are also required to lodge a return within three months of being appointed to a designated position.

All required disclosures have been submitted with the exception of 6 staff, of whom are on maternity leave or resigned. These returns are being pursued. Section 450A also specifies that the General Manager must table the returns lodged under these Sections and, in accordance with this Section of the Act, the returns for the period 1 July 2013 to 30 June 2014 are tabled, together with those new staff who commenced in designated positions between 1 July and 30 September 2014.

### **NB**

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

### **ATTACHMENTS**

**1** Disclosures of Interest Received - 1 July to 30 September 2014      D11725546

**Disclosure of Interest Register  
1 July – 30 September 2014**

**Councillors**

-

**Staff**

Ayres, A  
Brieger M (resignation)  
Langford, K

## 5.2 Road Capital Works Program

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TRIM REFERENCE: F2011/00879 - D11705545

MANAGER: Andrew Pearce, Director

AUTHOR: Stuart Baverstock; Manager

### SUMMARY

Council's 2014/15 Strategic Plan commits Council to a road pavement renewal, upgrade and resealing rolling works program with the objective of improving the overall pavement network condition and corresponding levels of service. The following report summarises the timing of projects planned for the following 12 month period.

### RECOMMENDATION

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

### BACKGROUND

Council's 2014/15 Strategic Plan has committed \$26.24M to road related asset capital works. The majority of these funds (\$17.0M) are committed to road pavement upgrade, or road drainage works (\$5.4M). The remaining \$3.84M is allocated to shared pathways, footpath, kerb & gutter, bridges and road safety improvement projects.

#### **The target volume output for 2014/15 is:**

- Pavement resealing = 45 km (Resealing scheduled to commence in October when road temperatures increase to a suitable level.)
- Road upgrade / renewal = 13.5 km (0.6km achieved to date.)
- Footpath = 3.2 km (0 km achieved to date)

Council continues to operate an advanced Pavement Management System which is used to measure and model network condition and to develop optimised works programs. The allocation of funding is consistent with the strategically developed optimised works program that continues to see an overall improvement in network condition towards the 2014/15 target Pavement Condition Index (PCI) of 7.1.

The following table provides a listing and timing of proposed works for the remainder of this financial year, sorted by suburb.

During August the following major achievements in the Road Capital Works program were;

- Berkeley Rd, Berkeley Vale – Council work crews successfully completed major construction works on the remaining two Stages of Berkeley Rd during September, with only the final asphalt layer and guard railing now to be installed.

## **5.2 Road Capital Works Program (contd)**

---

- The Ridgeway, Tumbi Umbi – Following the successful completion of The Ridgeway road upgrade, the construction crew have now completed the repair of a landslip just west of the roadworks, including a new sandstone block retaining wall.

### **ATTACHMENTS**

- 1 Capital Works Attachment - October 2014 D11707688

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																	
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects															
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed		
Bateau Bay	<b>Local Roads Rehab Works/Road Pavement Renewals</b>	GERMAINE AVENUE. Road Pavement Renewal					■										
		NEPEAN STREET. Road Pavement Renewal					■										
		VISTA PARADE. Road Pavement Renewal			■												
		PAPALA AVENUE. Road Pavement Renewal					■										
	<b>Reseals Local Roads-General</b>	BURRAWONG ST : From Bateau Bay Rd to Reserve Dr				■											
		CURZON AVE : From Cresthaven Ave to Promenade Ave				■											
		CURZON AVE : From Promenade Ave to Margherita Ave				■											
		MARLOWE RD : From Change Of Seal to Shakespear Ave															
		MOSSMAN AVE : From Mr 336 The Entrance Rd to Valley View Rd									■						
		RICKARD ST : From Bateau Bay Rd to Change Of Width						■									
		RICKARD ST : From Change Of Width to Pasadena Ave						■									
		RICKARD ST : From Pasadena Ave to Change Of Seal						■									
		ROTHERHAM ST : From Sherry St to Debra Anne Dr								■							
		STEPHENSON RD : From Kipling Dr to Dead End					■										
		VALLEY VIEW RD : From Lumby Rd to Berne St										■					
		WOODSIDE CT : From Cresthaven Ave to Dead End											■				
		YARUGA ST : From Hilltop St to Reserve Dr												■			
<b>Roads To Recovery Program</b>	CRESTHAVEN AVENUE. Road Pavement Renewal (Roads to Recovery)			■													
Berkeley Vale	<b>Reseals Local Roads-General</b>	TAROONA AVE : From Chetwynd Ave to Dead End				■											
Blue Haven	<b>Reseals Local Roads-General</b>	BIRDWOOD DR : From Penguin Rd to Local Boundary No 101\103							■								
		BIRDWOOD DR : From Local Boundary No 101\103 to Penguin Rd							■								

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Budgewoi	Reseals Local Roads-General	DELIA AVE : From Lukela Ave to Ulana Ave														
		DELIA AVE : From Natuna Ave to Lukela Ave														
		DELIA AVE : From Ulana Ave to Lilo Ave														
		DELIA AVE : From Woolana Ave to Natuna Ave														
		KAILUA AVE : From Change Of Width to Diamond Head Dr														
		KAILUA AVE : From Diamond Head Dr (West) to Change Of Width														
		KAILUA AVE : From Change Of Width to Change Of Width (Left)														
		KAILUA AVE : From Change Of Width to Change Of Width (Right)														
Buff Point	Reseals Local Roads-General	MOOLA RD : From Bruce Rd to Matumba Rd														
		MOOLA RD : From Buff Point Ave to Dead End														
		MOOLA RD : From Matumba Rd to Buff Point Ave														
Charmhaven	Local Roads Rehab Works/Road Pavement Renewals	LOWANA AVENUE. Road Pavement Renewal														
		RESTLEA AVE : From Alan Ave to Panorama Pde														
	Reseals Local Roads-General	WYREEMA AVE : From Sh 10 Pacific Hwy to Panorama Ave														
Chittaway Bay	Reseals Local Roads-General	SOVEREIGN CR : From James Watt Dr to Sophia Jane St														
		THOMAS WALKER DR : From Kinsey Cr to Platypus Rd														
		THOMAS WALKER DR : From Lakedge Ave to Kinsey Cr														
		SOVEREIGN CR : From Sovereign to Dead End														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC No.)	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Suburb Location	Capital RC Name	Published Project Description														
Chittaway Point	Local Roads Rehab Works/Road Pavement Renewals	GEOFFREY ROAD. Road Pavement Renewal														
	Reseals Local Roads-General	GEOFFREY RD : From Change Of Seal to Change Of Seal														
		GEOFFREY RD : From Ansell Cl to Local Boundary 98/100														
		GEOFFREY RD : From Change Of Seal to Local Boundary 79/81														
		GEOFFREY RD : From Local Boundary 116/118 to Change Of Seal														
		GEOFFREY RD : From Local Boundary 117/119 to Ansell Cl														
		GEOFFREY RD : From Local Boundary 79/81 to Local Boundary 117/119														
		GEOFFREY RD : From Local Boundary 98/100 to Local Boundary 116/118														
Dooralong	Roads Rehab Minor Rolling Works	YAMBO ROAD. Road upgrade (seal)														
		PHIL TUNKS LANE. Road upgrade (seal)														
Doyalson	Roads Rehab Minor Rolling Works	WYEE ROAD. Road upgrade (seal)														
Doyalson Total																
Durren Durren	Roads Rehab Minor Rolling Works	DICKSONS ROAD. Road upgrade (seal)														
		SMITHS ROAD @ DURREN DURREN ROAD. Road upgrade (seal)														
Fountaindale	Reseals Local Roads-General	HEATHCLIFF CL : From Manns Rd to Dead End														
		JENNY LNE : From Change Of Seal to Dead End														
		OLD CHITTAWAY RD : From Enterprise Dr to Station St East														
		OLD CHITTAWAY RD : From Power Pole Bv329 to Enterprise Dr														
		OLD CHITTAWAY RD : From Station St East to Power Pole Bv325														
		OLD CHITTAWAY (LANE)RD : From Old Chittaway Rd to Dead End														
			VALERIE CL : From Heathcliff to Dead End													

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Glenning Valley	Reseals Local Roads-General	BOWER BIRD CL : From Glenning Rd to Dead End														
		CORONA LNE : From Berkeley Rd to Power Pole Bv1489														
		CORONA LNE : From Change Of Seal to Dead End														
		CORONA LNE : From Power Pole Bv1489 to Change Of Seal														
		ROXBURGH CL : From Rutherford Dr to Dead End														
		RUTHERFORD DR : From Corona Ln to Dead End														
Gorokan	Reseals Local Roads-General	BRENNON RD : From Change Of Seal to Power Pole T0681														
		BRENNON RD : From Power Pole T0681 to Leichardt Rd														
		ESSEX ST : From Change Of Width to Middlesex St														
		ESSEX ST : From Cornwall Ave to Change Of Width														
		GRANDVIEW PDE : From Mr 509 Wallarah Rd to Ruby St														
		GRANDVIEW PDE : From Ruby St to Glendale St														
		MARY ST : From Western End to Lakeview St														
		MAXWELL AVE : From Clucas Ave to Ocean View St														
		SPRING VALLEY AVE : From Dudley St to Malvina Pde														
Gwandalan	Reseals Local Roads-General	COLLENDINA RD : From Aldinga Rd to Pinaroo Rd														
		NOAMUNGA CR : From Koowong Rd to Orana Rd														
		NOAMUNGA CR : From Murraba Pde to Dead End														
		NOAMUNGA CR : From Orana Rd to Murraba Pde														
		YILLEEN ST : From Parraweena Rd to Dulkara Rd														
Halekulani	Reseals Local Roads-General	LULO AVE : From Woolana Ave to Sunrise Ave														



ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Jilliby	Reseals Local Roads-General	HUE HUE RD : From Bushells Ridge Rd to Woods Rd														
		HUE HUE RD : From Culvert to Bushells Ridge Rd														
		HUE HUE RD : From Kiar Ridge Rd to Culvert														
Kangy Angy	Reseals Local Roads-General	OLD MAITLAND (NORTH)RD : From End Of Gravel to Cobbs Rd														
		OLD PACIFIC HWY: Carpark														
Kanwal	Reseals Local Roads-General	PEARCE RD : From Craigie Ave to Hopetown Rd														
		PEARCE RD : From Hopetown Rd to Wahroonga Rd														
		ROLFE AVE : From Craigie Ave to Stephen St														
Killarney Vale	Local Roads Rehab Works/Road Pavement Renewals	ARMSTRONG AVENUE. Road Pavement Renewal														
		CROSBY CRESCENT. Road Pavement Renewal														
		STAR STREET. Road Pavement Renewal														
		CORNISH AVENUE. Road Pavement Renewal														
		GEORGE HELY CRESCENT. Road Pavement Renewal														
		HINEMOA AVENUE . Road Pavement Renewal														
Reseals Local Roads-General		TURANA AVE : From Yimbala St (Southern Entry) to Yimbala St														
		WARRATTA RD : From Cornish Ave to Power Pole Bv2766														
		WARRATTA RD : From Power Pole Bv2766 to Adelaide St														
Kingfisher Shores	Reseals Local Roads-General	KAROOOLA AVE : From Tall Timbers Rd to Lakeshore Ave														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR															
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed
Suburb Location	Capital RC Name	Published Project Description													
Lake Haven	Local Roads Rehab Works/Road Pavement Renewals	GOOBARABAH AVENUE. Road Pavement Renewal													
Lemon Tree	Roads Rehab Minor Rolling Works	DOORALONG ROAD. Road upgrade (gravel)													
Long Jetty	Local Roads Rehab Works/Road Pavement Renewals	TUGGERAH PARADE. Road Pavement Renewal													
	Reseals Local Roads-General	ALFRED ST : From Nirvana St to Dead End													
		ALFRED ST : From Watkins St to Nirvana St													
		BONNIEVIEW ST : From Bellevue St to Grandview St													
		BONNIEVIEW ST : From Lindsay St to Lord St													
		BONNIEVIEW ST : From Lord St to Bellevue St													
		BONNIEVIEW ST : From Mayfair St to Lindsay St													
		BONNIEVIEW ST : From Western End to Mayfair St													
		CAPTAIN COOK CR : From Bonnieview St to Endeavour Dr													
		ELOORA RD : From Toowoan Bay Rd to Anzac Rd													
		ELOORA RD : From Anzac Rd to Boomerang St													
		MINTO AVE : From Mr 336 The Entrance Rd to Tuggerah Pde													
		REDMYRE ST : From Shelly Beach Rd													
		SHELLY BEACH RD : From Local Boundary 60 to Local Boundary 65													
	SHELLY BEACH RD : From Local Boundary 65 to Golf Club Entry														
	WATKINS ST : From Toowoan Bay Rd to Local Boundary No 18 - 20														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Manning park	Reseals Local															
	Roads-General	GYMEA CR : From Barclay Ave to Barclay Ave														
		GYMEA CR : From Vales Rd to Barclay Ave														
Mardi	Reseals Local															
	Roads-General	COBBS RD : From Mr 335 Wyong Rd to Dead End														
		COLLIES LNE : From Bridge Abutment to Power Pole WY308C													✓	
		COLLIES LNE : From Power Pole Wy3080 to Dead End														
		LAMONTCL : From Mardi to Dead End														
		COLLIES LNE : From Old Maitland Rd to Bridge Abutment													✓	
Norah Head	Local Roads Rehab Works/Road Pavement Renewals	DENISON STREET. Road Pavement Renewal														
Noraville	Local Roads Rehab Works/Road Pavement Renewals	HAMMOND ROAD. Road Pavement Renewal														
	Reseals Local															
	Roads-General	PANDORA PDE : From Change Of Width to Birrigast													✓	
		PANDORA PDE : From Mr 509 Main Rd to Change Of Width														
Ourimbah	Reseals Local															
	Roads-General	OURIMBAH CREEK RD : From Driveway 604 to Driveway 668														
		OURIMBAH CREEK RD : From Driveway 668 to Power Pole Ou715														
		RESERVOIR RD : From Change Of Width to Dead End														
		RESERVOIR RD : From Glen Rd to Change Of Width														
		TURPENTINE RD : From Enterprise Dr to Ourimbah Rd														
	Roads Rehab Minor Rolling Works	OLD FOOTES ROAD. Road upgrade (seal)														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Ravensdale	Reseals Local Roads-General	RAVENSDALE RD : From Power Pole 11101 to End Of Seal														
		RAVENSDALE RD : From Power Pole Ka190 to Power Pole 11101														
San Remo	Reseals Local Roads-General	CLARIDGE CR : From Dead End (South) to Dead End														
		LIAMENA AVE : From Iluka Ave to Richardson Rd														
		LIAMENA AVE : From Kallaroo Rd to Iluka Ave														
		LIAMENA AVE : From Richardson Rd to Highview St														
		RICHARDSON RD : From Eyre Cr to Wills Rd														
		RICHARDSON RD : From Goorama Ave to Eyre Cr														
Shelly Beach	Reseals Local Roads-General	BELLEVUE ST : From Bonnieview St to Liddell St														
		BELLEVUE ST : From Liddell St to Swadling St														
		BELLEVUE ST : From Shelly Beach Rd to Bonnieview St														
Tacoma South	Reseals Local Roads-General	KINGSLAND CL : From South Tacoma Rd to Dead End														
		RAYMOND ST : From South Tacoma Rd to Dead End														
The Entrance	Local Roads Rehab Works/Road Pavement Renewals	VICTORIA STREET. Road Pavement Renewal													✓	
	Roads To Recovery Program	GOSFORD AVENUE. Road Pavement Renewal (Roads to Recovery)														
The Entrance North	Reseals Local Roads-General	SIMPSON ST : From Hutton Rd to Dead End														

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Toukley	Local Roads Rehab Works/Road Pavement Renewals	FRAVENT STREET. Road Pavement Renewal													✓	
	Reseals Local Roads-General	CROSS ST : From Main Rd to Dead End									■					
		CROSS ST : From Southern End to Main Rd									■					
		EVANS RD : From Oleander St to Belbowrie St														
		ROWLAND TCE : From Peel St to Dead End														
		SEVENTH AVE : From Fravent St to Change Of Seal							■							
		SEVENTH AVE : From Leonard Ave to Fravent St							■							
		SEVENTH AVE : From Western End to Leonard Ave							■							
TAMAR AVE : From Mr 509 Main Rd to Dunleigh St																
Tuggerah	Reseals Local Roads-General	FOWLER RD : From Change Of Seal to Bridge Abutment				■										
	Roads To Recovery Program	JOHNSON ROAD. Road Pavement Renewal (Roads to Recovery)								■						
Tuggerawong	Reseals Local Roads-General	THURSDAY ST : From Cadonia Rd to Tuggerawong Rd						■								
		THURSDAY ST : From Tuggerawong Rd to Dead End						■								
Tumbi Umbi	Local Roads Rehab Works/Road Pavement Renewals	FLORENCE AVENUE. Road Pavement Renewal													✓	
	Reseals Local Roads-General	BERTRAM RD : From Eastern Rd to Northumbland St									■					
		CAROL ANNE CL : From Bertram Rd to Dead End									■					
		KARENA ST : From The Avenue to Highview St									■					
Watanobbi	Reseals Local Roads-General	CASEY DR : From Hasluck Dr to Somers Dr						■								
		COWAN ST : From De L'Isle Dr to Stonehaven Ave						■								

ROAD UPGRADE / RENEWAL / RESEAL PROJECTS - 2014 / 2015 FINANCIAL YEAR																
Capital Responsibility Centre (RC) No.	(Multiple Items)	SRV Projects														
Suburb Location	Capital RC Name	Published Project Description	July-14	Aug-14	Sept-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	June-15	Project Completed	
Woongarah	Local Roads Rehab Works/Road Pavement Renewals	HIAWATHA ROAD. Road Pavement Renewal													✓	
Wyong	Local Roads Rehab Works/Road Pavement Renewals	PETERS LANE. Road Pavement Renewal													✓	
		POLLOCK AVENUE. Road Pavement Renewal														
	Reseals Local Roads-General	BOYCE AVE : From Mcdonagh Rd to Riverview Dr														
		BOYCE AVE : From Panonia Rd to Mcdonagh Rd														
		BOYCE AVE : From Riverview Dr to Dead End														
		NORTHCOTT AVE : From Cutler Dr to Partridge Ave														
		NORTHCOTT AVE : From Partridge Ave to Casey Dr														
		RIVERVIEW DR : From Boyce Ave to Change Of Width														
RIVERVIEW DR : From Change Of Width to Boyce Ave																
Wyong Creek	Roads Rehab Minor Rolling Works	LAUFFS LANE. Road upgrade (seal)													✓	

### **5.3 Draft Minutes of the Employment and Economic Development Committee Meeting - 3 September 2014**

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TRIM REFERENCE: F2012/01905 - D11711199  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### **SUMMARY**

The draft minutes of the Employment and Economic Development Committee meeting of 3 September 2014 are submitted to Council for consideration.

#### **RECOMMENDATION**

***That Council receive the Draft Minutes of the Employment and Economic Development Committee Meeting - 3 September 2014.***

#### **BACKGROUND**

A meeting of the Employment and Economic Committee was held on 3 September 2014. The minutes of this meeting are attached to this report.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

#### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | MINUTES - Employment and Economic Development Committee Meeting - 3 September 2014 | D11699144 |
|---|--|-----------|

**WYONG SHIRE COUNCIL**

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

**HELD IN THE COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 03 SEPTEMBER 2014  
COMMENCING AT 4.00 PM**

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**PRESENT**

Councillors D J Eaton (Chairperson), K G Greenwald, A Troy and L D Webster.

**IN ATTENDANCE**

Councillor L Taylor (left the meeting at 5.00pm and did not return), Director Development and Building, Director Property and Economic Development, Manager Property Development, Strategic Planner, Arna Sarkis – Community Member and Councillor Services Officer.

The Chairperson, Councillor Eaton, declared the meeting open at 4.08 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

**APOLOGIES**

Councillor L R Y Nayna

**1.1 Disclosures of Interest**

---

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

***That the Committee receive the report on Disclosure of Interest and note the fact that no disclosures were made.***

**2.1 Address by Invited Speakers**

---

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

***That the Committee receive the report on Invited Speakers.***



**3.1 Confirmation of the adopted Minutes of the Employment and Economic Development Committee Meeting - 2 July 2014**

---

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

***That the Committee note that Council received the minutes of the previous meeting of the Employment and Economic Development Committee held on the 2 July 2014.***

**Business Arising**

The Manager of Property Development advised the Committee that there are reports from the 2 July 2014 minutes that have been submitted to Council, such as the report of the Toukley Caravan Park, with the report on the major LEP amendments to be submitted at the next council meeting, being held on 10 September 2014.

**4.1 Property Portfolio Review - Stage 2**

---

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

- 1 That the Committee receive the report on the Property Portfolio Review – Stage 2.**
- 2 That the Committee recommend to Council that it endorse the list of properties identified in Attachment 1 which have been identified as surplus to Council's needs.**
- 3 That the Committee recommend to Council that those properties identified in Attachment 1 to this report be sold.**
- 4 That the Committee recommend to Council that all properties identified in this report be available for purchase by any interested party.**

*Councillor Greenwald requested that his dissenting vote be recorded.*

FOR: COUNCILLORS EATON, TROY AND WEBSTER

AGAINST: COUNCILLOR GREENWALD

**5.1 Value of Development Assessments**

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

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

**5.2 Iconic Sites Status Report**

---

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

**That the Committee receive the report on Iconic Sites Status Report.**

**5.3 Major Project Status Report**

---

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

**That the Committee receive the report on the Major Project Status Report.**

**5.4 Wyong LEP 2013 - Major Amendment 1**

---

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

**That the Committee receive the report on Wyong LEP 2013 - Major Amendment 1.**

**THE MEETING** closed at 5.24 pm.

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

---

TRIM REFERENCE: F2013/02042-02 - D11690992  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; 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 | Outstanding Questions on Notice and Notices of Motion - 08 October 2014 | D11717387 |
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No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12	Property and Economic Development	Stefan Botha	8.2 Notice of Motion - Waste Initiatives  299/13 <i>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'.</i>	13 March 2013 Cr Nayna	Resolution 3 – Currently waiting on EPA to provide more information – expected in the third quarter of 2014.  Resolutions 297/13, 298/13 and 300/13 were to be noted. Resolution 301/13 – Completed.
56	General Managers Unit	Brian Glendenning	Mayoral Minute – Central Coast Water Board General Meeting  1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i>	23 October 2013 Cr Eaton	1255/13 - Completed 1256/13 - Completed. 1257/13 - Completed. 1258/13 - Completed. 1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.
84	Community and Recreation Services	Brett Sherar	5.1 Notice of Motion - Council Policy Results in Vandalism  497/14 <i>That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</i> 498/14 <i>That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</i> 499/14 <i>That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</i> 500/14 <i>That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</i> 501/14 <i>That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building."</i>	Clrs Best, Taylor, Troy 14 May 2014	Response to be provided end of October 2014.
92	General Manager's Unit	Brian Glendenning	Q69/14 Vandalism and Penalties  "Mr Mayor,  I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at	28 May 2014 Cr Best	Investigations into this matter are continuing and a response will be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</i></p> <p><i>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>		
95	Infrastructure and Operations	Peter Murray Andrew Pearce	<p>8.1 – Notice of Motion – Lake Haven Cinema and Shopping Centre Footpath access audit</p> <p>926/14 <i>That Council note the further expansion of Lake Haven Precinct.</i></p> <p>927/14 <i>That Council request the General Manager to review the adequacy of footpaths and disabled access services throughout the precinct and its pedestrian catchment.</i></p> <p>928/14 <i>That Council recognise the current significant budgetary allocation of \$489,000 in 2014/15 to the footpaths and disabled access facilities throughout the Shire.</i></p> <p>929/14 <i>That Council request the General Manager to report the findings of the precinct audit to Council.</i></p> <p>930/14 <i>That Council approach local job service providers to nominate work for the dole participants to assist with projects arising from the audit.</i></p>	13 August 2014 Cr Best and Cr Troy	Response to be provided at Ordinary Meeting 12 November 2014
96	Community and Recreation Services	Sue Ledingham	<p>7.1 Notice of Motion - Innovative Disabled Beach Access Facility at Lakes Beach</p> <p>1089/14 <i>That Council recognise the tremendous efforts of the volunteers of the Lakes Beach United Dune Care and Coast Care in volunteering to build the beach access facility at Lakes Beach.</i></p> <p>1090/14 <i>That Council note that this group has indicated it would like the access ramp to be handed over to Council to maintain as a Council asset.</i></p> <p>1091/14 <i>That Council request the General Manager to</i></p>	Cr Best 24 September 2014	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>provide a report to Council on this matter.</i>		
97	General Manager's Unit	Lesley Crawley	7.2 Notice of Motion - Review of Code of Meeting Practice  1092/14 <i>That Council review its Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting, thereby avoiding residents having to wait, often for 3 or 4 hours, to address their Council.</i>	Cr Best 24 September 2014	Response to be provided at a future meeting.
98	Infrastructure and Operations	Andrew Pearce	Q76/14 Erosion at The Entrance Beach  <i>"My question is to the Acting General Manager,  I note recent erosion at The Entrance Beach and the subsequent decision by Surf Life Saving Central Coast to keep the beach closed due to safety reasons.  With the busy summer period approaching can Council please investigate and report back on cost options available to restore sand to The Entrance Beach including re profiling and trucking in sand?"</i>	Cr Nayna 24 September 2014	Response to be provided at a future meeting.
99	Property and Economic Development	Maxine Kenyon	Q77/14 Council Building Security  <i>"Could the General Manager investigate the current adequacies of security in the Council building for meeting and everyday business and report back to Council on his findings?"</i>	Cr Troy 24 September 2014	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
24 SEPTEMBER 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
36	Property and Economic Development	9.1 – Notice of Motion - Councils Reduction in Red Tape	24 July 2013 Cr Taylor	Response included on agenda for Ordinary Meeting 10 September 2014.
89	Development and Building Department	8.1 – Notice of Motion - Littering in Wyong Shire	28 May 2014 Cr Best	Completed
93	General Manager's Unit	Q73/14 Annual Gardening Competition	23 July 2014 Cr Best	Response included on agenda for Ordinary Meeting 8 October 2014.

## **6.1 Answers to Question on Notice**

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TRIM REFERENCE: F2013/02042-02 - D11711128      AUTHOR: DE

### **6.1 Q73/14 Annual Gardening Competition**

The following question was asked by Councillor Best at the Ordinary Meeting on 23 July 2014:

*“Mr Mayor,*

*I understand the 41<sup>st</sup> Annual Gardening Competition for 2014 will be announced on 17 September 2014.*

*This outstanding community event that recognises some 21 categories of horticultural endeavours is an iconic event.*

*I understand this event is partially funded by Council through an annual budgetary process.*

*Mr Mayor I would appreciate if you could advise how this organisation can seek a permanent and ongoing budgetary allocation?”*

A meeting was held with the Committee of the Garden Competition, Council Staff, Councillor Best and myself.

The 2014 Garden Competition was funded by Council in last year's budget.

Discussion centred around funding options for 2015 and staff and members of the committee agreed to a number of avenues to provide this funding including by way of council sponsorship.

A further report will issue once the pathway has been determined.

## **ATTACHMENTS**

*Nil.*