

2.3 DA/169/2012 - Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance

TRIM REFERENCE: DA/169/2012 - D03017472

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Katrina O'Malley; Development Planner

SUMMARY

An application has been received for a garbage storage area including the construction of a garbage enclosure fence at the development previously known as Fisherman's Wharf, The Entrance. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Sydney Civil Development P/L & Deehab Investments
Owner	Wyong Shire Council
Application No	169/2012
Description of Land	Lot 1 DP 1012476 & Lot 101 DP 1046474 (12) The Entrance Road, The Entrance
Proposed Development	Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance
Site Area	1,177.2m ²
Zoning	6(a) Open Space and Recreation
Existing Use	Restaurants and Function Centre
Employment Generation	N/A
Estimated Value	\$4,500

RECOMMENDATION

- 1 ***That Council grant a Deferred Commencement consent having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.***
- 2 ***That Council advise those who made written submissions of its decision.***

PRECIS

- * The site currently contains the Fisherman's Wharf development, now known as Azzurro Blu Wharf, containing restaurants, a function centre and an observation deck.

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- * The site is zoned 6(a) Open Space and Recreation under Wyong Local Environmental Plan 1991 (WLEP).
- * The application is for the installation of an enclosure fence adjoining the existing garbage room located on the northern elevation of the building. The application is also for the use of the enclosure for the storage of garbage bins.
- * The proposal was placed on public notification for a period of 14 days in accordance with Development Control Plan 2005, Chapter 70 – Notification of Development Proposals. One (1) submission was received during the notification period.
- * The application is recommended for approval.

INTRODUCTION

The Site

The site is located on the northern side (lake side) of The Entrance Road, east of the Wilfred Barrett Drive Bridge. The site was previously used as a foreshore reserve and recreation area and currently contains the development originally known as 'Fisherman's Wharf' comprising of a three level waterfront tourist development with a boardwalk extending alongside the channel. The building currently contains ground floor restaurants and a first floor function centre. The roof top is currently designated as an observation deck to be open to the public.

The Proposed Development

The proposed development is for the erection of a screen fence enclosure surrounding the existing garbage room / bin pick up area on the north-western side of the building. The fence is to enclose an existing sealed area to a width of two metres from the existing building and to be constructed to a height of 1.8 metres. The enclosure is to be constructed of colorbond lattice material which is similar to other fence enclosures within The Entrance Town Centre.

The enclosure is proposed to be constructed without a roof and is able to be dismantled. This is due to it's proximity to The Entrance Bridge and the need for Roads and Maritime Service to gain access to the area to carry out any future maintenance on the bridge.

The application was originally lodged solely for the construction of the screen enclosure. The applicant has since included the use of the new enclosure area for the storage of garbage bins used in association with the operations of the development.

Summary

The primary purpose of the application is to construct a screen to the existing garbage room that would improve the visual amenity of the area and prevent the unauthorised and unsightly dumping of rubbish within this location by the general public. The development is also for the storage of bins within the enclosed area.

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The applicant submitted a Waste Management Plan (WMP) on 19 June 2012 which is considered to be insufficient as it has failed to address a key issue in relation to odour control. It is recommended that this matter be dealt with by way of a "deferred commencement" condition should consent be granted.

An inspection of the site during the assessment process identified that the proposed enclosure had been constructed without consent and was utilised for the storage of additional garbage bins.



Figures 1 & 2: Site prior to and after the installation of screen fencing

Following discussions with the applicant it was agreed to remove the screen enclosure until the current application has been determined as Council is unable to grant retrospective consent to the unauthorised works. A revised Waste Management Plan (WMP) is required to be prepared for the new waste management facility. It is recommended that the preparation and submission of the revised WMP be required by a "Deferred Commencement" condition should consent be granted. The applicant submitted a revised WMP on 19 June 2012 which is considered to be insufficient as it has failed to adequately address the issue of odour control.

VARIATIONS TO POLICIES

No variations to report.

HISTORY

- Development Consent DA/607/2006 was issued on 18 December 2006 for a waterfront tourist and commercial development known as "Fisherman's Wharf", incorporating restaurants, retail tenancies, public facilities and boardwalk.
- Development Consent DA/1090/2008 was issued 28 November 2008 for first floor fit out of a function room.

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- Development Consent DA/1091/2008 was issued 28 November 2008 for fit out of ground floor tenancies.
- Development Consent DA/1457/2010 was issued 7 March 2011 for the use of the first floor for a function centre and alterations and additions to the ground floor.
- Development Consent DA/1457/2010/A was issued 8 April 2011 for the fitout of the ground floor tenancies.

PERMISSIBILITY

Wyong Local Environmental Plan 1991

The subject site is zoned 6(a) Open Space and Recreation under the WLEP 1991. The proposed development is permissible with consent being an ancillary development to the existing "Fishermans Wharf" facility. The proposed development is considered to be compatible with the objectives of the zone pursuant to Clause 10(3) of WLEP 1991.

The objectives of the 6(a) zone are:

- (a) *to provide for the open space and recreation needs of the local community and visitors, and*
- (b) *to allow for other leisure and recreation-orientated development, or any other use that is authorised by a plan of management adopted under section 40 of the Local Government Act 1993, which:*
 - (i) *promotes worthwhile community benefits, and*
 - (ii) *would not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and*
 - (iii) *would not have an unacceptable impact on the amenity of adjacent areas, and*
 - (iv) *would not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as Tuggerah Lakes, Lake Macquarie, streams, estuaries and wetlands.*

Comment: The area proposed to accommodate the bin enclosure currently contains a concreted area adjacent to the existing garbage room. The area would not be suitable for public recreation and is considered to be part of the existing development. The proposed development would provide a worthwhile community benefit through allowing the better management of waste on the site. The provision of suitable conditions of consent regarding the management of waste would also ensure that there is no impact on the amenity of adjoining areas. Provided the enclosure is suitably managed, the development should not result on any impacts on Tuggerah Lake or associated catchments. A recommended "deferred commencement" condition is proposed which will require the applicant to prepare a detailed revised WMP to ensure the satisfactory operation of the waste storage area. In particular, the control and management of odour from the storage area should be addressed under the revised WMP.

2.3 DA/169/2012 - Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance (contd)

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy 71 (SEPP 71)
- Wyong Local Environmental Plan 1991 (WLEP)
- Development Control Plan 2005, Chapter 60 – The Entrance (Chapter 60)
- Development Control Plan 2005, Chapter 69 – Controls for Site Waste Management (Chapter 69)
- Development Control Plan 2005, Chapter 70 – Notification of Development Proposals (Chapter 70)
- The Entrance Peninsula Planning Strategy 2009
- The Entrance Masterplan

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The recommended revised Waste Management Plan should address matters regarding the re-use recycling of waste and the control of odour.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

Waste Management

Council's Development Control Plan 2005, Chapter 69 requires that where alterations and additions are proposed to premises where a Waste Management Plan (WMP) is in place, a revised plan is required. Council has prepared and adopted guidelines (WSC – Waste Control Guidelines) to assist applicants to prepare Waste Management Plans. The guidelines also provide advice to applicants on how to avoid and minimise waste and how to improve existing facilities. The guidelines have four key features:

- 1 The provision of advice regarding the preparation of a waste management plan by applicants seeking development approval (including subdivisions and demolition). The applicant is required to specify waste and recyclable materials generated by type and volume and to nominate re-use and recycling potential for each waste type.

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- 2 The provision of general advice for all applicants on matters such as source separation, subdivisions, demolition, construction, design and location of waste storage and recycling facilities.
- 3 The provision of specific advice for particular uses and activities such as multi-unit dwellings, shops, offices, restaurants clubs/hotels, hospitals and industry; and
- 4 The provision of detailed appendices providing a sample Waste Management Plan, advice on calculating waste generating rates, identifying hazardous waste, facility design, Council bin sizes and servicing requirements, and the preferred location and design of waste storage and handling facilities (and a list of recycling contracts).

The applicant submitted a revised WMP on 19 June 2012. The WMP is considered to be inadequate and fails to adequately address the matters contained within Council's adopted Waste Control Guidelines.

An issue of concern in relation to the past management of waste on site has been in relation to odour. The proposed storage waste area cannot be enclosed for reasons detailed in a response from the Roads and Maritime Services (RMS) due to the close proximity of the storage area to the adjacent bridge. (Refer to public submissions).

However, the control of odours can be dealt with by the implementation of proper written management practices. For example, food waste generated from the seafood restaurant should not be stored within the waste bins beyond overnight (before collection). The food waste should be "tagged" and "sealed" and stored in a cool room prior to disposal. The implementation of good management practices needs to be addressed in the revised WMP which is required by way of a proposed "deferred commencement" condition should the application be approved.

Any washing of bins should be undertaken within the existing bunded area located within the current bin storage area.

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

The relationship to the regional and local context and setting

The proposed development is to be undertaken adjacent to an existing building which contains a number of restaurants, a function centre and an observation deck. The site is located within an area consisting of a mixture of public open space, commercial and residential development. Given the surrounding uses within the area and the existing uses of the site the proposed development is considered to be in keeping with the local context of the area.

The access, transport and traffic management measures

Nil impact

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

The area of the proposed enclosure currently contains a concrete slab used to manoeuvre the bins to the road side for collection. Although the area of the enclosure is part of the public domain it is not considered to be usable open space that would be utilised by the public. The proposed development would therefore have minimal impact on the public domain.

The impact on utilities supply.

A water and sewer main are currently located in proximity of where the enclosure is to be located. Given the nature of the structure, being a light weight structure, there is not likely to be any impact upon the existing utilities within the locality.

The effect on heritage significance.

Nil impact

Any effect on other land resources.

Nil impact

Any impact on the conservation of water.

Nil impact

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

The site is identified as containing potentially Class 3 Acid Sulphate Soils. The works would not require the disturbance of any soils and as such would not require the submission of an Acid Sulphate Management Plan.

Any effect on quality of air and microclimate conditions.

The placement of garbage bins in the enclosure area has the potential to create a number of problems in regards to air quality and odours generated by the waste. The proper management of the enclosure area should ensure that odour issues are properly addressed. The revised WMP required under the recommended "Deferred Commencement" condition should address these matters as discussed previously in the report.

Any effect on the flora and fauna.

Nil impact

The provision of waste facilities.

The existing building has had a number of issues relating to management of waste on the site. The proposed screen enclosure should help to alleviate some of the existing issues regarding waste management on the site. The existing bin enclosure area does not provide sufficient space to store the garbage bins required for the businesses in the development.

2.3 DA/169/2012 - Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance (contd)

Whether the development will be energy efficient.

Nil impact

Whether the development will cause noise and vibration.

Nil impact

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

The site is currently identified as flood prone land. The proposed structure is unlikely to impact upon the flow of floodwaters within the locality and cause additional flooding impacts on adjoining lands.

Whether the development provides safety, security and crime prevention.

Access to the bin storage area will be restricted by way of a secure gated fence which will be locked. Access to the area will be restricted to the business operators within the premises.

Any impact of site design and internal design.

The proposed screen fence is considered to be of a suitable design and in keeping with other similar screens for enclosures within The Entrance Town Centre.

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

The lattice screen is a "light weight" structure which can be readily removed should it be required for any maintenance works allocated with the Wilfred Barrett Drive Bridge.

Any cumulative impacts.

Nil impact

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

Whether the proposal fits in the locality.

There are a number of other similar garbage enclosures within the locality. The proposed enclosure is consistent with the design of other enclosures and as such is considered to be suitable for the locality.

Whether the site attributes are conducive to development.

Nil impact

2.3 DA/169/2012 - Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance (contd)

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

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with one submission being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act 1979. A summary of the submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D02962390	The smell of garbage is an ongoing problem on the site. The site already does not meet the original requirements in regards to waste management and the proposal would only make the current situation worse.	<ul style="list-style-type: none">• A revised WMP will be required to be prepared for the site. The provision of a revised WMP on the site should address a number of the existing issues relating to waste management at the facility including odour emissions.

Any submission from public authorities.

Roads and Maritime Service

The site is located adjacent to The Entrance Bridge and as such was referred to the Roads and Maritime Service (RMS) for comment. The RMS in correspondence dated 15 May 2012 advised as follows:

“The Entrance Road at this location is a local road under the care and control of Wyong Shire Council and is a Council asset. The RMS has no objection to the proposed action subject to the following conditions:

In order to allow RMS to perform bridge maintenance on The Entrance Bridge structure and to deter unauthorised access to the bridge the following requirements are to be conditioned.

- 1. The fence enclosure should not be provided with a roof structure.*
- 2. The fence enclosure be so designed as to be able to be dismantled, removed and the area used for RMS maintenance equipment.”*

Accordingly, the bin enclosure cannot be covered which will require the adoption of good management practices particular in relation to bin washing and odour control. These matters are to be addressed under the revised WMP required by way of a recommended “deferred commencement” condition.

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

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

Nil impact

2.3 DA/169/2012 - Proposed Additional Garbage Storage Area including the Construction of a Garbage Enclosure Fence at Fisherman's Wharf, The Entrance (contd)

CONCLUSION

The proposed development is for the erection of a screen enclosure to be located adjacent to the existing garbage room located on the site. The proposed development also includes the use of the new enclosure area for the storage of garbage bins. The proposed development has been assessed against the relevant policies and requirements and has been found to be consistent with the requirements. The application is therefore recommended for approval subject to suitable conditions of consent.

A “deferred commencement” condition is recommended to be imposed should the consent be granted requiring the submission of a revised Waste Management Plan for the facility.

ATTACHMENTS

- | | | |
|----------|--------------------------------------|-----------|
| 1 | Draft Deferred Conditions of Consent | D03025880 |
| 2 | Development Plan (A3) | D03038479 |

Date: 31 May 2012
Responsible Officer: Katrina O'Malley
Location: Fishermans Wharf, 12 The Entrance Road, THE ENTRANCE
NSW 2261
Lot 1 DP 1012476, Lot 101 DP 1046474
Owner: Wyong Shire Council
Applicant: Sydney Civil Developments And Dehab Investments
Date Of Application: 8 March 2012
Application No: DA/169/2012
Proposed Development: Proposed additional garbage storage area including the
construction of a Garbage enclosure fence at Fishermans Wharf
Land Area: 1177.20

In accordance with Section 80(3) of the Act, this consent will not operate until the applicant has provided information to the satisfaction of the Consent Authority to address the matters specified in the conditions of Schedule A. Upon receipt of written information from the applicant in relation to the conditions of Schedule A, the Consent Authority will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation a three (3) month period is given from the determination date of the “deferred commencement” notice to lodge information that satisfactorily address the required Schedule A conditions, otherwise the “deferred commencement” will lapse.

Waste Management

Preparation and submission to Council of a revised Waste Management Plan (WMP) for the site. The revised WMP is to be prepared in accordance with the adopted Wyong Shire Council Waste Control Guidelines and is to include at a minimum the following:

- Details of who will the WMP service.
- Type and quantities of waste to be stored in the waste management area.
- Details of who will be servicing the waste receptacles and what the frequency and hours of collection will be.
- Emergency response procedures.
- Environmental Pollution response procedures.
- Management of Odours.
- Washing of Bins and details of the management of leachate runoff from the bin washing/bunded area.
- Placement of bins outside the enclosure for waste collection.

The revised WMP shall be prepared by a person with suitable qualifications and experience in the preparation Waste Management Plans and public safety/health.

Upon compliance with the conditions of deferred commencement and written confirmation by the Consent Authority, the consent shall become operative subject to the following conditions of Schedule B.

PROPOSED CONDITIONS

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Floor Plans	A-201	D	07.03.12	CKDS Architecture

Certificates – Application and Approval

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

Prior to Release of Construction Certificate:

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

No conditions

Prior to Commencement of Works:

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

No Conditions

During Construction Works:

The following conditions must be satisfied during construction works.

Approved Plans

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

Prior to Release of Occupation Certificate:

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

Bunding

76. The screen enclosure area is to be suitably banded to ensure no contamination runoff enters the stormwater system. The bund is to be installed prior to the issue of the Occupation Certificate. The banded area must be appropriately managed to ensure no escape of leachate into stormwater system or lake.

Ongoing Operation:

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

Site Appearance, Maintenance and Security Requirements

77. The operator(s) of the site must maintain the external finishes of the screen enclosure for the life of the development and any graffiti must be removed in a timely manner

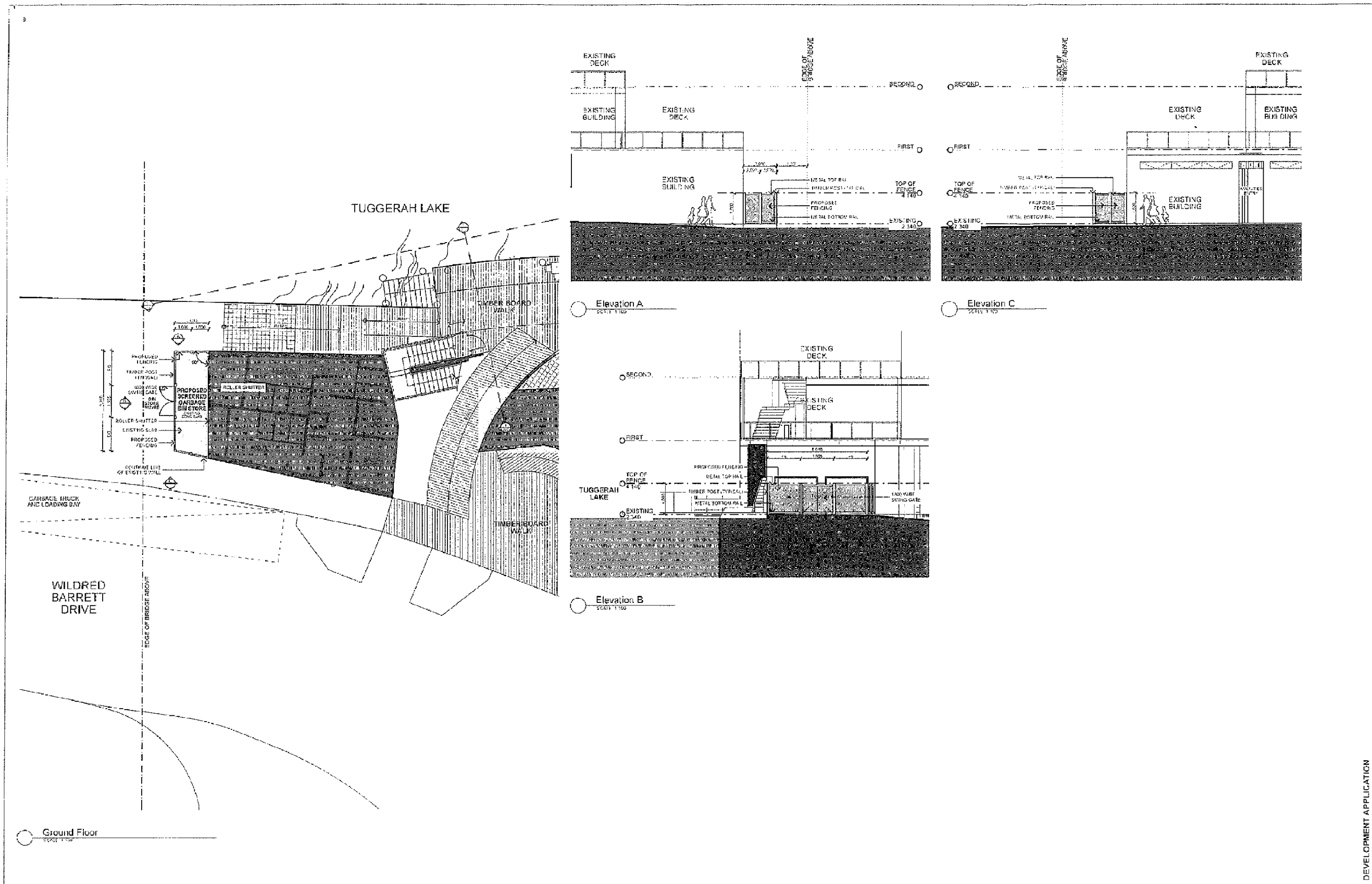
Spill Clean Up Requirements

78. Sufficient supplies of appropriate adsorbent materials and /or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only.

Waste Management – Compliance Requirements

79. Bins within the screen enclosure must not be stored or left exposed outside the enclosure at any time except for the purpose of waste collection.
80. Odour must not be emitted from any waste receptacle(s) so as to cause offence to any person(s) outside the subject land. Odour emissions from the bin storage area shall not cause 'pollution' outside the site as perceived by an authorised officer of Council.

81. The lids of all bins stored within the screen enclosure are to remain closed at all times.
82. All waste generated on the premises is to be placed and contained within the waste bins at all times and shall not be stored on the ground surface or in any other container.
83. All waste generated on the premises shall stored in a manner so that it does not pollute the environment.
84. All waste generated on the premises shall be transported to a facility which is licensed to receive that material.
85. Any washing of the bins shall be undertaken within the existing bunded/bin storage area located behind the roller shuttle doors in the precinct.
86. Compliance at all times with the provisions of the revised Waste Management Plan approved under the Deferred Commencement condition of this consent.



DEVELOPMENT APPLICATION

<p>Project Name: Azzurro Blu Wharf Site: The Entrance, NSW Date: 10/10/2011</p>	<table border="1"> <tr> <td>NO.</td> <td>DESCRIPTION</td> <td>DATE</td> </tr> <tr> <td>1</td> <td>Issue for Information</td> <td>10/10/2011</td> </tr> <tr> <td>2</td> <td>Issue for Approval</td> <td>10/10/2011</td> </tr> </table>	NO.	DESCRIPTION	DATE	1	Issue for Information	10/10/2011	2	Issue for Approval	10/10/2011		<p>EN20</p>		<p>Azzurro Blu Wharf 1411 The Entrance, NSW The Entrance NSW</p>	<p>Floor Plans Garbage Store</p>	<p>1:100 OF 1:100 1141: A-201 F</p>
NO.	DESCRIPTION	DATE														
1	Issue for Information	10/10/2011														
2	Issue for Approval	10/10/2011														

2.4 DA/339/2012 - Proposed Detached Secondary Dwelling at 17 Carlyon Street, Killarney Vale

TRIM REFERENCE: DA/339/2012 - D03024309

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Douglas Tytherleigh; Health and Building Surveyor

SUMMARY

An application has been received for a detached secondary dwelling at Killarney Vale. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	J Anderson
Owner	Ms J B Anderson
Application No	DA/339/2012
Description of Land	Lot 11, DP 12998, 17 Carlyon Street Killarney Vale
Proposed Development	A detached secondary dwelling
Site Area	771.40m ²
Zoning	2A Residential
Existing Use	Residential dwelling
Estimated Value	\$109,832

RECOMMENDATION

That Council grant consent, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

PRECIS

- An application has been received for a detached secondary dwelling.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- The secondary dwelling complies with the schedule of development standards of Part 2- Division 2 and Schedule 1 – Development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

2.4 DA/339/2012 - Proposed Detached Secondary Dwelling at 17 Carlyon Street, Killarney Vale (contd)

INTRODUCTION

The Site

The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

The application has been referred to Council for determination solely based upon the Council resolution of 8th of February 2012, (in particular Resolution 6) which states:

Council at its meeting held on 8th February 2012 Resolved unanimously on the motion of Councillor Best and seconded by Councillor Symington:

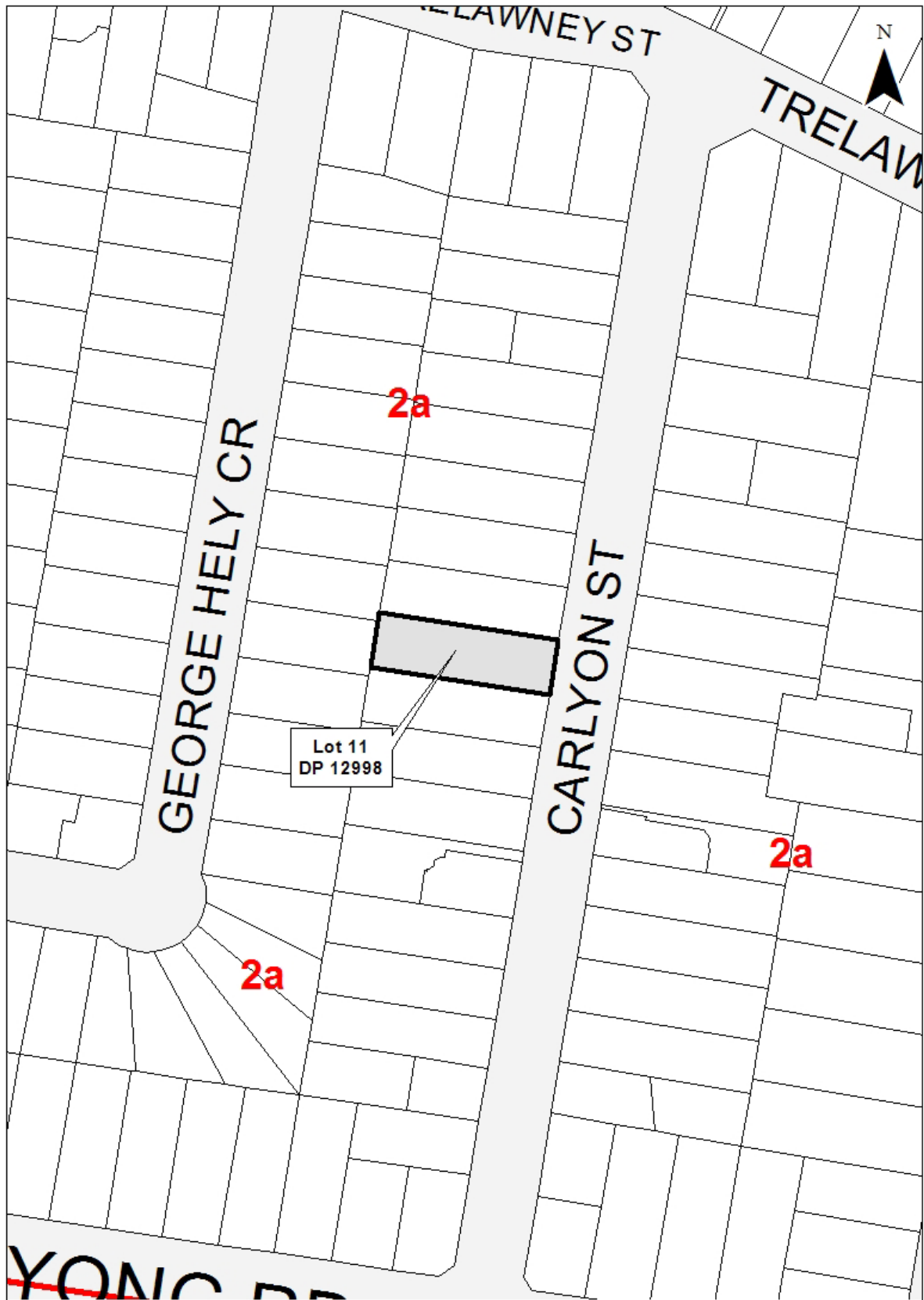
- "1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.*
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.*
- 3 That Council support this initiative thereby establishing a regional approach to affordable housing.*
- 4 That Council also waive Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.*
- 5 That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.*
- 6 That Council implement the trial by way of reporting those relevant development applications to Council for determination."*

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

AGAINST: NIL

The approval of the secondary dwelling will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

Locality Plan



VARIATIONS TO POLICIES

There are no variations to Council's DCP 2005 or the development standards for secondary dwellings contained within the SEPP (Affordable Rental Housing) 2009.

HISTORY

There is an existing two storey dwelling located at the front of the lot.

PERMISSIBILITY

The subject site is zoned 2(a) Residential zone under the WLEP 1991. The secondary dwelling is permissible under the provisions of SEPP (Affordable Rental Housing) 2009.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- SEPP (Affordable Rental Housing) 2009
- WLEP 1991

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and the SEPP (Affordable Rental Housing) 2009, statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

Wyong Local Environmental Plan 1991

The property is zoned 2(a) Residential zone.

The secondary dwelling is proposed under the provisions of SEPP (Affordable Rental Housing) 2009 which overrides any provisions contained with the WLEP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

SEPP (Affordable Rental Housing) 2009 permits secondary dwellings up to a maximum floor area of 60m². The proposed secondary dwelling has a floor area of 60m². The subject allotment also exceeds the minimum area of 450m².

The provisions of Clause 23 of the SEPP require compliance with the development standards set out in Schedule 1 of the SEPP which are provided as an attachment.

Under these circumstances the proposed secondary dwelling is considered justified.

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

The relationship to the regional and local context and setting

The secondary dwelling is consistent with the scale and character of the local area of Killarney Vale. The scale, bulk, height, massing and choice of materials and finishes for the proposed secondary dwellings are considered appropriate to the local context and will enhance the streetscape.

The access, transport and traffic management measures

The SEPP (Affordable Rental Housing) 2009 does not require additional parking or access to be provided for the secondary dwelling.

Any effect on privacy, view loss and overshadowing

An assessment of potential overlooking, privacy and view sharing has been undertaken and it is concluded that the construction of the secondary dwelling is not detrimental to the adjoining properties.

The impact on utilities supply.

Existing services have been provided to the site to cater for the proposed development.

Any impact on the conservation of water.

A BASIX certificate has been submitted with the application and the proposal involves the use of water saving fixtures and a water tank on site to contribute to the conservation of water.

2.4 DA/339/2012 - Proposed Detached Secondary Dwelling at 17 Carlyon Street, Killarney Vale (contd)

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

No effect of acid sulphate soils.

Any effect on the flora and fauna.

The development will not adversely impact on rare or endangered flora or fauna species. No wildlife corridors or habitat will be affected as a result of the proposed development.

The provision of waste facilities.

A waste management plan has been submitted with the development application and provides details of how waste will be managed during construction. The occupants of the secondary dwelling will utilise the waste collection services associated with the primary dwelling.

Whether the development will be energy efficient.

A BASIX certificate has been issued as part of the development application.

Whether the development will cause noise and vibration.

A minimal amount of noise and vibration will be created during the construction phase. A condition will be placed on the consent restricting the hours that construction work can take place.

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

There are no risks from natural hazards applicable to this proposal.

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

During the construction of the works sediment fencing will be installed and construction noise will be minimised via conditions of consent.

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

Whether the proposal fits in the locality.

The proposal meets the objectives of the zone and complies with the criteria contained within the SEPP (Affordable Rental Housing) 2009.

The development is within a residential area that contains a number of single and multiple dwelling developments. The secondary dwelling will not have any significant impact on the surrounding area and promotes an orderly and economic use of the land.

It is considered the effect on the environment will be minimal and the proposed dwelling would complement the existing streetscape and social amenity of the locality.

2.4 DA/339/2012 - Proposed Detached Secondary Dwelling at 17 Carlyon Street, Killarney Vale (contd)

Whether the site attributes are conducive to development.

The site is considered appropriate for the proposed development.

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

Any submission from the public.

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

Any submission from public authorities.

There are no submissions from public authorities.

OTHER MATTERS FOR CONSIDERATION

The property is within The Southern Lakes S94 contribution plan created under the provisions of Section 94 of The EP&A Act 1979. Section 94 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP.

Under the contribution plan the secondary dwelling will generate Section 94 contributions totalling \$6309.70

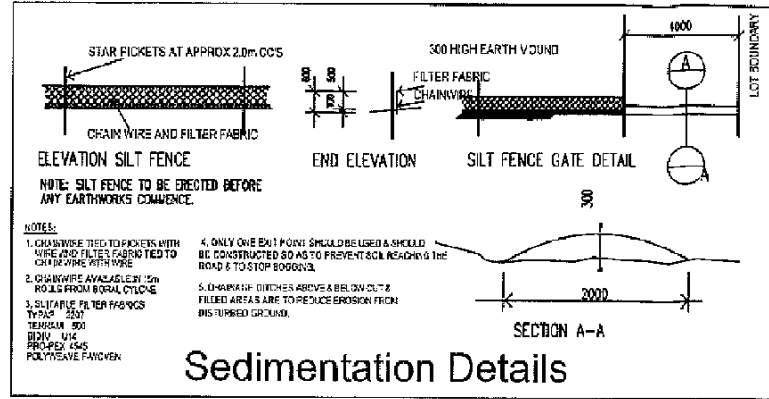
CONCLUSION

The development application for the secondary dwelling meets the standards of the relevant chapters of Council's DCP 2005 and the SEPP (Affordable Rental Housing) 2009. The application is recommended for approval subject to the attached conditions.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Development Plans (A3) | D03024328 |
| 2 | Draft Conditions of Approval | D03024904 |
| 3 | SEPP (Affordable Rental Housing) 2009 - Schedule 1 | D03024339 |

CAUTION:
 BOUNDARIES SHOWN HEREON ARE BY TITLE ONLY. FURTHER SURVEY INVESTIGATION MAY BE REQUIRED TO CONFIRM AVAILABLE DIMENSIONS.
 THE RELATIONSHIP OF IMPROVEMENTS ON THE SUBJECT LOTS TO THE BOUNDARIES IS DIAGRAMMATIC ONLY UNLESS SHOWN OTHERWISE.
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 VEHICLE SERVICE UTILITIES IN THE FOOTPATH HAVE BEEN LOCATED ONLY AT THE SURFACE. THEIR EXACT LOCATION UNDERGROUND MAY HAVE TO BE DETERMINED BY FOTHOLOG PRIOR TO COMMENCEMENT OF ANY FUTURE WORKS. A DIAL BEFORE YOU DIG (TELEPHONE) SEARCH OF SERVICES SHOULD BE DONE.
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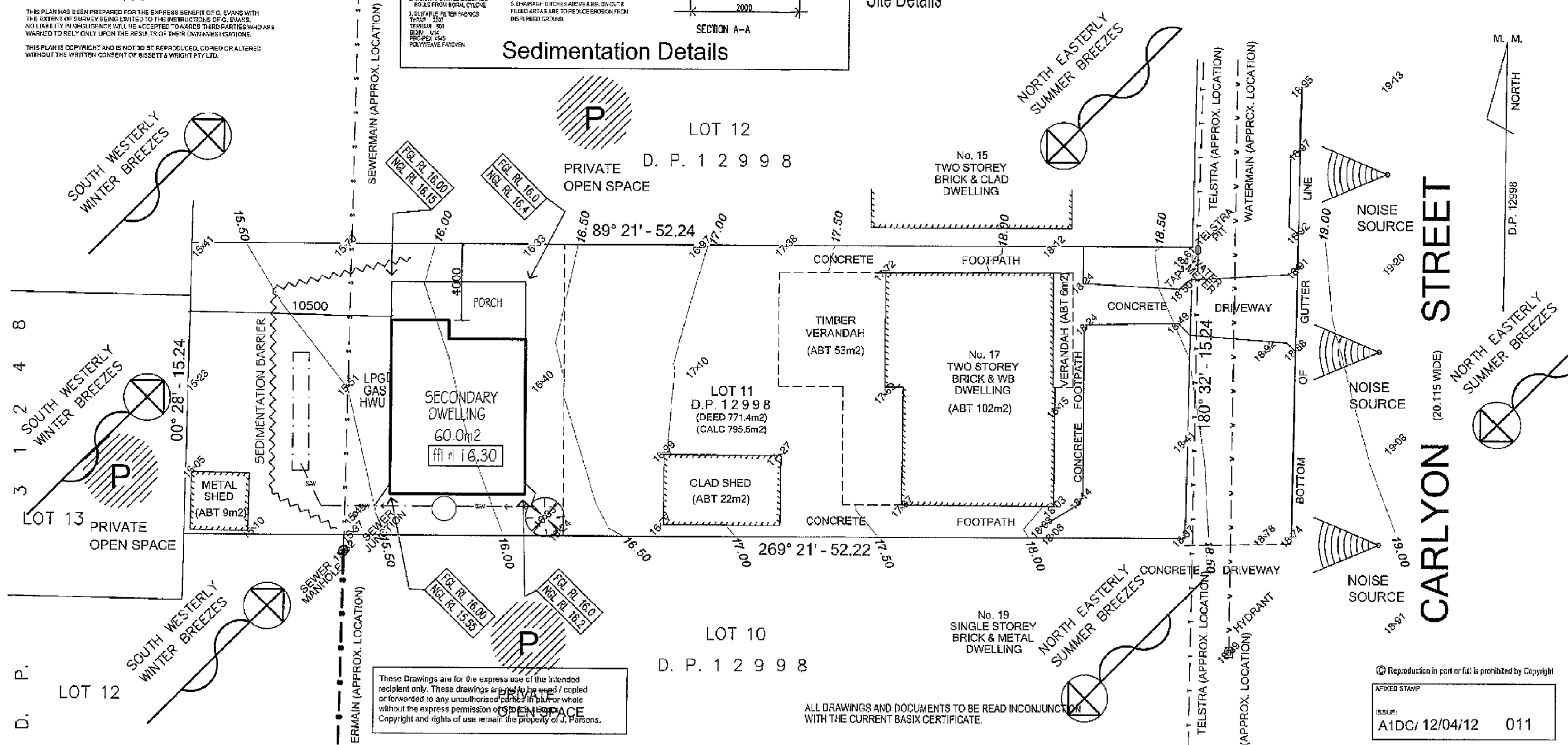


Site Details

EASEMENTS	: NIL
RIGHT OF WAYS	: NIL
STORMWATER	: TO BE PIPED TO ONSITE DISPOSAL SYSTEM
WATERWAYS	: NIL
WATER COURSES	: NIL
CUT & FILL	: NOTE TO RL
SEDIMENTATION CONTROL	: APPROVED SILT FENCE TO BE ERRECTED INSIDE DOWNSTREAM BOUNDARIES.
SAFETY FENCING	: 1.8m HIGH WIRE FENCE TO BE ERRECTED ALONG BOUNDARIES OPEN TO PUBLIC.
TERMITE PROTECTION	: COMBINATION OF PHYSICAL & CHEMICAL BARRIERS TO BE INSTALLED

SITE ANALYSIS

SITE AREA	795.5m ²
SITE COVERAGE - EXISTING HOUSE AND VERANDAH	175.0m ²
SITE COVERAGE - EXISTING CLAD SHED	22.0m ²
SITE COVERAGE - SECONDARY DWELLING	60.0m ²
SITE COVERAGE = 32.5%	



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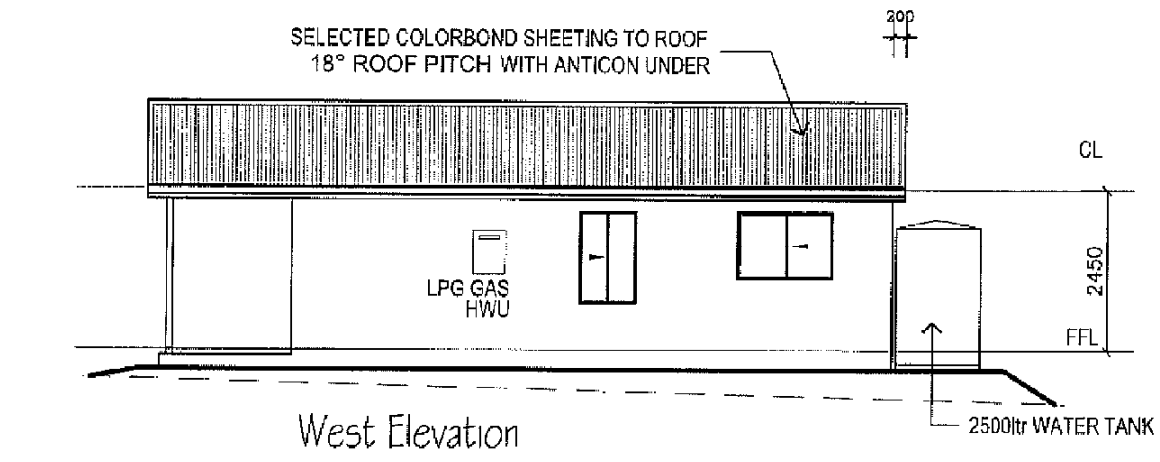
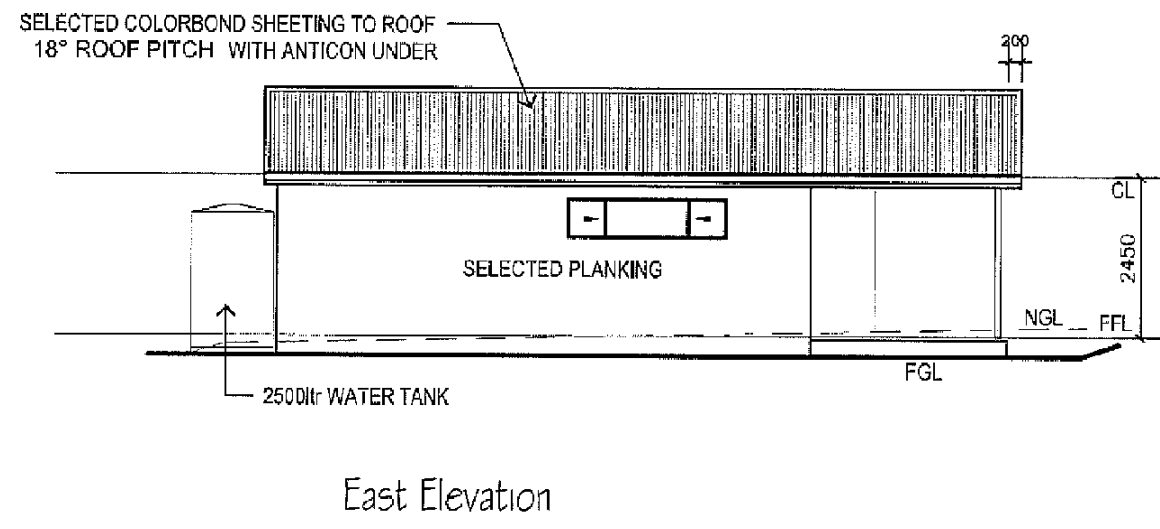
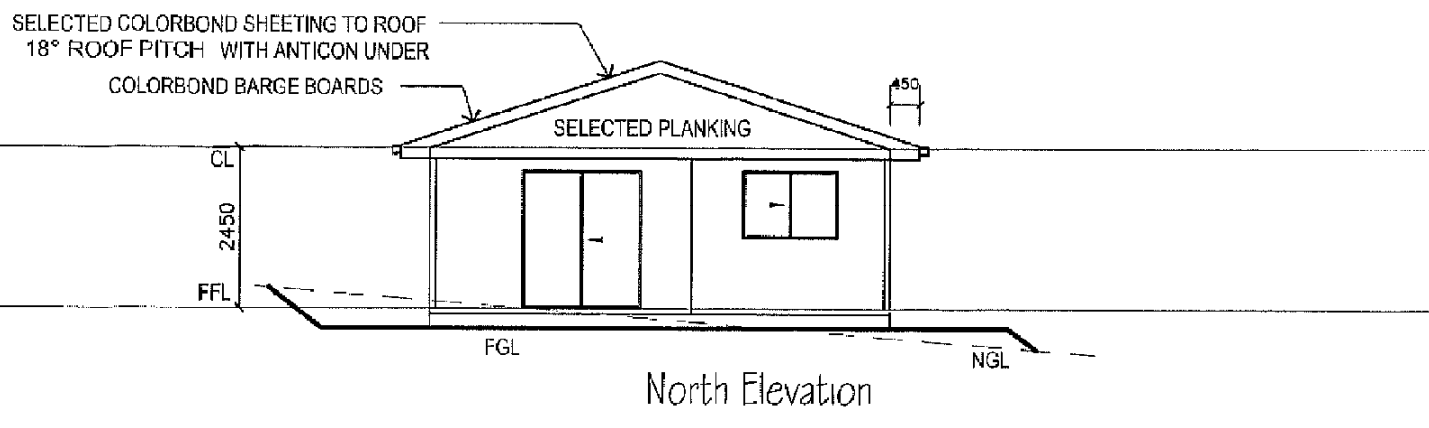
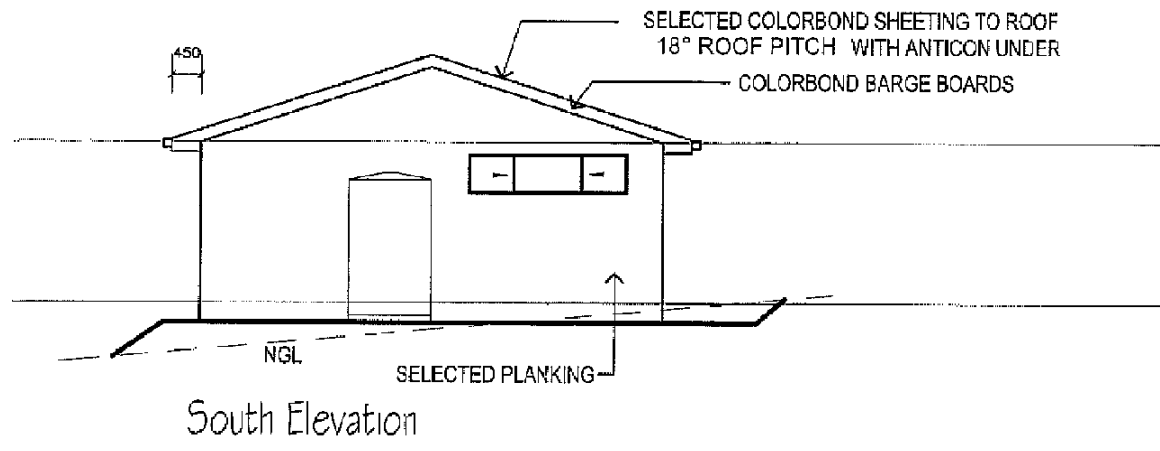
GR & BJ Evans abn 87656235993 T/as
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A1(DCA)	12.04.12	COMBINED DA-CC APPLICATION
amendment:	date issued:	revision:

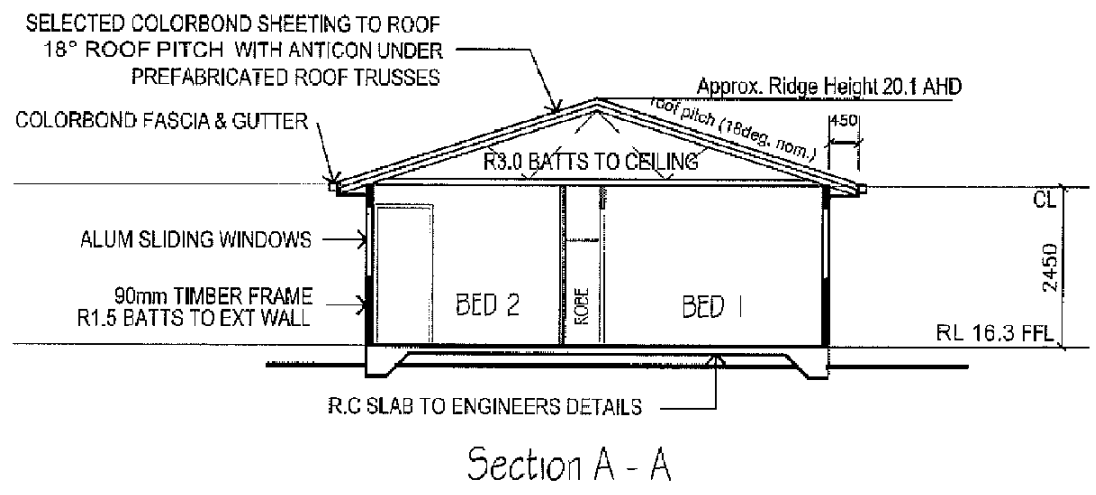
PROPOSED DEVELOPMENT:
 SECONDARY DWELLING

Drawn:	Designed:	Checked:	Scale:
JP	JP	GE	1:200
Issue:	Date Drawn:	Job No:	Sheet No:
A1DCA	12/04/12	011	1-OF-

Client: J. ANDERSON
 Address: LOT 11 IN D.P. 12998
 17 CARLYON STREET
 Suburb: KILLARNEY VALE
 Council: WYONG



- Section Notes**
1. LPG Gas hot water unit.
 2. LPG gas cock top / elect UBO
 3. Medium tones to external walls
 4. Medium Tones to roof.



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ISSUE:
A1DC/ 12/04/12

GR & BJ Evans abn 87656235993 T/as GRANNY FLATS CENTRAL COAST PO BOX 4103, COPACABANA NSW 2251 email: info@grannyflatscentralcoast.com.au www.grannyflatscentralcoast.com.au ph :43812704 mb:0417 274 016	PROPOSED DEVELOPMENT: SECONDARY DWELLING		Client: J. ANDERSON
	A1(DCA) 12.04.12 COMBINED DA-CC APPLICATION amendment: date issued: revision:		Address: LOT 11 IN D.P. 12998 17 CARLYON STREET Suburb: KILLARNEY VALE Council: WYONG
		Drawn: JP Issue: A1DCA	Designed: JP Date Drawn: 12/04/12
		Checked: GE Job No: 011	Scale: 1:100 Sheet No: 3-OF-3

Date: 31 May 2012
Responsible Officer: Doug Tytherleigh
Location: 17 Carlyon Street, KILLARNEY VALE NSW 2261
 Lot 11 DP 12998
Owner: Ms J B Anderson
Applicant: J Anderson
Date Of Application: 30 April 2012
Application No: DA/339/2012
Proposed Development: Detached secondary dwelling
Land Area: 771.40

PROPOSED CONDITIONS

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

Title	Drawing No.	Revision	Date	Drawn By
Site Analysis, Floor Plan and Elevations	011 Sheets 1-3	-	12/4/12	Granny Flats Central Coast

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

Prior to Release of Construction Certificate:

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

- 3 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.
- 4 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Concrete footings/slab.

Prior to Commencement of Works:

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

Erosion and Sediment Control Requirements

- 5 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 6 Prior to works associated with the development commencing, a single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the building under construction, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
- 7 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.
- 8 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

Home Building Act Requirements

- 9 Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Roads - Preconstruction Requirements

- 10 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 11 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 12 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:
 - be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 13 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2005, Chapter 100 – Quality Housing. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.

- 14 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 15 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.
- 16 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify 'Dial Before You Dig' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

During Construction Works:

The following conditions must be satisfied during construction works.

- 17 All fill material must be contained wholly within the building envelope via drop-edge beam construction. No fill is permitted to be placed external to the building envelope.

Approved Plans

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

Earthworks and Haulage - Construction Requirements

- 19 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.

Erosion and Sediment Control - Construction Requirements

- 20 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 21 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Plumbing and Drainage - Construction Requirements

- 22 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

Site Requirements

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

Prior to Release of Occupation Certificate:

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

- 26 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.

BASIX Requirements

- 27 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Building Code of Australia – Compliance Requirements

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

Dilapidation Rectification Requirements

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

Landscaping Requirements

- 30 Prior to the issue of an Occupation Certificate, the front setback area of the allotment disturbed during construction of the development, is to be suitably turfed in accordance with the provisions of Council's Development Control Plan 2005, Chapter 100 - *Quality Housing*. Sediment Control fencing erected on the site in order to control sediment leaving the development site must remain in place until such time as the required turf is established.

Plumbing and Drainage - Compliance Requirements

- 31 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 32 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 33 Prior to the issue of an Occupation Certificate, the surcharge gully provided with respect to the development, must be located a minimum of 150mm below floor level and 75mm above the surrounding finished ground level.

Vehicle Access and Parking – Compliance Requirements

- 34 Prior to the issue of an Occupation Certificate, a suitable non-slip finish driveway access with a decorative finish, is to be constructed in the location as shown on the approved development plans.

Water and Sewer Services/Infrastructure – Compliance Requirements

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

Ongoing Operation:

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

No Conditions

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$121.65
Shire Wide Cycleway Network	\$249.55
Shire Wide Performing Arts Centre & Public Art	\$281.60
Shire Wide Administration	\$54.00
Southern Lakes District Administration	\$353.55
Southern Lakes District Open Space Works	\$2,859.70
Southern Lakes Community Facilities Works	\$2,389.20
Killarney/Berkeley/Tumbi/Chittaway Water DSP	\$1,182.50
Berkeley/Tumbi Sewer DSP	\$1,697.30

Attachment 1

SEPP (AFFORDABLE RENTAL HOUSING) 2009 - SCHEDULE 1
SCHEDULE 1 – Development standards for secondary dwellings

Part 1 - Definitions for this Schedule		
<p>"ancillary development" means any of the following that are not exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>: an access ramp, an awning, blind or canopy, a balcony, deck, patio, pergola, terrace or verandah that is attached to a principal or secondary dwelling, a carport that is attached to a principal or secondary dwelling, a driveway, pathway or paving, a fence or screen, a garage that is attached to a principal or secondary dwelling, an outbuilding, a rainwater tank that is attached to a principal or secondary dwelling, a retaining wall, a swimming pool or spa pool and child-resistant barrier.</p> <p>"outbuilding" means any of the following that are detached from a principal or secondary dwelling: a balcony, deck, patio, pergola, terrace or verandah, a cabana, cubby house, fernery, shed, gazebo or greenhouse, a carport or garage, a rainwater tank (above ground), a shade structure.</p> <p>A word or expression used in this Schedule has the same meaning as it has in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> unless it is otherwise defined in this Schedule.</p> <p>In calculating the area of a lot for the purposes of this Schedule, the area of the access laneway is excluded if it is a battle-axe lot.</p>		
Part 2 - Site requirements		
Criteria	Standard	Compliance Y / N / NA
2 - Lot requirements		
(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:	(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and	yes
	(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following: <ul style="list-style-type: none"> • 12m, if the lot has an area of at least 450m² but less than 900m², • 15m, if the lot has an area of more than 900m² but less than 1500m², • 18m, if the lot has an area of at least 1500m², and 	compliant
	(c) if it is a battle-axe lot, has an access laneway of at least 3m in width and measuring at least 12m by 12m, excluding the access laneway.	N/A
(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.		yes
3 Maximum site coverage of all development		
(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:	(a) 50% of the area of the lot, if the lot has an area of at least 450m ² but less than 900m ² ,	Complies
	(b) 40% of the area of the lot, if the lot has an area of at least 900m ² but less than 1500m ² ,	N/A
	(c) 30% of the area of the lot, if the lot has an area of at least 1500m ² .	N/A
<p>For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:</p> <p>an access ramp, that part of an awning, blind or canopy that is outside the outer wall of a building, a balcony, deck, patio, pergola, terrace or verandah attached to the principal or secondary dwelling that is not</p>		

	enclosed by a wall higher than 1.4m above the floor level, an eave, a driveway, a farm building, a fence or screen, a pathway or paving, a rainwater tank that is attached to the principal or secondary dwelling, a swimming pool or spa pool.	
4 Maximum floor area for principal and secondary dwelling		
(1) The floor area of a secondary dwelling must not be more than 60m ² .		complies
(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following:	(a) 330m ² , if the lot has an area of at least 450m ² but less than 600m ² , (b) 380m ² , if the lot has an area of at least 600m ² but less than 900m ² , (c) 430m ² , if the lot has an area of at least 900m ² . (3) For the purpose of calculating the floor area in subclause (2): "floor area" means the sum of the areas of each storey of each dwelling and each carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4 metres above each floor level, where the area is taken to be the area within the outer face of: (a) the external walls of the dwelling, and (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah, but excluding any of the following: (c) any part of an awning, blind or canopy that is outside the outer wall of a building, (d) an eave, (e) a lift shaft, (f) a stairway, (g) a void above a lower storey.	Complies N/A N/A
5 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs		
(1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3m above ground level (existing) is 12m ² .	For the purpose of calculating the floor area in subclause (1): "floor area" means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of: (a) the external walls, if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or (b) the balustrade or other safety barrier if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.	Complies
Part 3 - Building heights and setbacks		
6 Building height	Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5m.	Complies
7 Setbacks from roads, other than classified roads	(a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the principal dwelling is erected, or (b) in any case where 2 dwelling houses are not located within 40m of the lot: (i) 4.5m, if the lot has an area of at least 450m ² but less than 900 square metres, or (ii) 6.5m, if the lot has an area of at least 900m ² but less than 1500m ² , or (iii) 10m, if the lot has an area of at least 1500m ² . (2) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a secondary road that is not a classified road of less than: (a) 2m, if the lot has an area of at least 450m ² but less than 600m ² , or (b) 3m, if the lot has an area of at least 600m ² but less than 1500m ² , or (c) 5m, if the lot has an area of at least 1500m ² .	Complies N/A

<p>8 Setbacks from classified roads</p> <p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than:</p>	<p>(a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or</p> <p>(b) 9m in any other case.</p>	N/A
<p>9 Setbacks from side boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:</p>	<p>(a) 0.9m, if the lot has an area of at least 450m² but less than 900m²,</p> <p>(b) 1.5m, if the lot has an area of at least 900m² but less than 1500m²,</p> <p>(c) 2.5m, if the lot has an area of at least 1500m².</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:</p> <p>(a) the amount of the setback specified for the relevant sized lot in subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8m.</p>	Complies Complies
<p>10 Setbacks from rear boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p>	<p>(a) 3m, if the lot has an area of at least 450m² but less than 900m²,</p> <p>(b) 5m, if the lot has an area of at least 900m² but less than 1500m²,</p> <p>(c) 10m, if the lot has an area of at least 1500m².</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 m must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <p>(a) 3m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot has an area of at least 450m² but less than 900m², or</p> <p>(b) 5m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 12m, if the lot has an area of at least 900m² but less than 1500m², or</p> <p>(c) 10m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum of 15m, if the lot has an area of at least 1500m².</p> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50% of the length of that boundary.</p>	Complies
<p>11 Exceptions to side and rear setbacks</p> <p>Despite any other <u>clause</u> in this Part:</p>	<p>(a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3m from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under <u>clause</u> 3.7.1.7 of Volume Two of the <i>Building Code of Australia</i> or any eave or roof overhang that has a horizontal width of not more than 0.45m.</p>	Complies with BCA

	<p>Note: The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the <i>Building Code of Australia</i> include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.</p>	
<p>12 Calculating setbacks</p> <p>(1) For the purpose of calculating the setback of an existing dwelling, the location of any of the following is not included:</p>	<p>(a) any part of an existing garage or carport that is located between the building line of the dwelling and a boundary with the primary road,</p> <p>(b) any existing building element of a dwelling that is located within the articulation zone.</p> <p>(2) For the purpose of calculating the setbacks of the nearest 2 dwelling houses, those dwelling houses must be on the same side of the road as the lot.</p> <p>(3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot is to be used.</p> <p>(4) A setback is to be calculated at the closest point to the boundary from the building line.</p>	Notes only
<p>13 Articulation zone</p>	<p>(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.</p> <p>(2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.</p> <p>(3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3m.</p>	Non compliance with SEPP however complies with DCP 2005 Chapter 100
<p>14 Building elements within the articulation zone</p> <p>(1) The following building elements are permitted in an articulation zone:</p>	<p>(a) an entry feature or portico,</p> <p>(b) a balcony, deck, patio, pergola, terrace or verandah,</p> <p>(c) a window box treatment,</p> <p>(d) a bay window or similar feature,</p> <p>(e) an awning or other feature over a window,</p> <p>(f) a sun shading feature.</p> <p>(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p> <p>(3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone, measured through the horizontal plane of the elements.</p>	complies
<p>15 Privacy</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new window in the principal or secondary dwelling without a privacy screen if:</p>	<p>(a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1 metre above ground level (existing), and</p> <p>(b) the wall in which the window is located has a setback of less than 3m from a side or rear boundary, and</p> <p>(c) the window has a sill height of less than 1.5m.</p> <p>(2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:</p> <p>(a) has a setback of less than 3m from a side or rear boundary, and</p> <p>(b) has a floor area more than 3m², and</p> <p>(c) has a floor level more than 1m above ground level (existing).</p> <p>(3) Development for the purposes of a secondary dwelling must not result in a new or altered detached deck, patio, pergola or terrace having a floor level that is more than 0.6m above ground level (existing).</p>	N/A N/A

	<p>(4) In this <u>clause</u> "alter" includes making additions to.</p> <p>"privacy screen" means a screen that:</p> <p>(a) faces the boundary identified in subclause (2) (a), and</p> <p>(b) is 1.5m high, measured from the floor level, and</p> <p>(c) has no individual opening more than 30mm wide, and</p> <p>(d) has a total of all openings less than 30% of the surface area of the screen.</p>	
Part 4 - Landscaping		
<p>16 Landscaped area</p> <p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least the following:</p>	<p>(a) 20%, if the lot has an area of at least 450m² but less than 600m²,</p> <p>(b) 25%, if the lot has an area of at least 600m² but less than 900m²,</p> <p>(c) 35%, if the lot has an area of at least 900m² but less than 1500m²,</p> <p>(d) 45%, if the lot has an area of at least 1500m².</p> <p>(2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary.</p> <p>(3) The landscaped area must be at least 2.5m wide.</p>	Complies
<p>17 Principal private open space</p>	<p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have at least 24m² of principal private open space.</p> <p>(2) In this <u>clause</u>, "principal private open space" means:</p> <p>(a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is at least 4m wide, and</p> <p>(c) is not steeper than 1:50 gradient.</p> <p>Note: There is no requirement that additional parking spaces be provided in respect of development for the purposes of a secondary dwelling.</p>	Complies
Part 5 - Earthworks and drainage		
<p>18 Excavation of sloping sites</p> <p>(1) Excavation associated with development for the purposes of a secondary dwelling must:</p>	<p>(a) be not more than 1m below ground level (existing), and</p> <p>(b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.</p> <p>(2) A retaining wall must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.</p> <p>(3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.</p>	N/A
<p>19 Fill of sloping sites</p>	<p>(1) Fill associated with development for the purposes of a secondary dwelling must be contained wholly within the external walls of the principal or secondary dwelling.</p> <p>(2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the principal or secondary dwelling has a setback of more than 2m from a side or rear boundary, if:</p> <p>(a) the fill is not more than 0.6m above ground level (existing), and</p> <p>(b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling, and</p> <p>(c) the toe of the unprotected embankment has a setback of at least 0.4m from a side or rear boundary.</p>	N/A
<p>20 Run-off and erosion controls</p> <p>Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p>	<p>(a) diverting uncontaminated run-off around cleared or disturbed areas, and</p> <p>(b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and</p> <p>(c) preventing tracking of sediment by vehicles onto roads, and</p> <p>(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</p>	Construction requirement

<p>21 Drainage</p> <p>(1) All stormwater collecting as a result of development for the purposes of a secondary dwelling must be conveyed by a gravity fed or charged system to:</p>	<p>(a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must: (a) if an approval is required under section 68 of the <u>Local Government Act 1993</u>, be approved under that Act, or (b) if an approval is not required under section 68 of the <u>Local Government Act 1993</u>, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.</p>	<p>To drain to roadway as adequate fall to street</p>
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2.5 Tuggerah Town Centre State Significant Site

TRIM REFERENCE: F2009/01895 - D03018301

MANAGER: Paul Bowditch, Manager Place Management

AUTHOR: Lynda Hirst; Senior Strategic Planner

SUMMARY

This report details the current status of planning for the Tuggerah Town Centre State Significant Site.

RECOMMENDATION

- 1 That Council receive the report on the Tuggerah Town Centre State Significant Site.**
- 2 That Council authorise the General Manager to execute the Offset Agreement.**
- 3 That Council authorise the General Manager to execute a separate deed detailing the dedication by Westfield of its environmental lands to the south of Westfield Tuggerah Shopping Centre.**
- 4 That Council advise the Department of Planning and Infrastructure upon execution of the Offset Agreement.**

BACKGROUND

On 23 January 2009 the Minister for Planning gave official notice in the Government Gazette that he had received a proposal to amend Schedule 3 of the State Environmental Planning Policy (SEPP) (Major Projects) 2005 to include the Tuggerah Town Centre as a State Significant Site (SSS).

The Tuggerah Town Centre (TTC) area covers approximately 120 hectares, including land adjacent to the Tuggerah Rail Station and Westfield Limited land holdings, and incorporating land either side of the Westfield Tuggerah Shopping Centre known as the "Triangle" and "Gateway" sites.

On 1 May 2009 the Minister further advised Council that Westfield Limited had submitted a concept plan under Part 3A of the Environmental Planning and Assessment Act, (EP&A Act) 1979 for a proposal involving residential, retail, community and employment generating uses on the Gateway Site, within the Tuggerah Town Centre study area. Whilst this Part 3A application has been transitioned into the new planning framework and held in abeyance, it is unlikely to be pursued by Westfield but instead has informed the preparation of the State Significant Site Study (SSS) for the TTC.

The Department of Planning and Infrastructure (DoPI) have been preparing a SSS Study for the TTC to review the strategic direction for the area and establish planning parameters to

guide development within the Town Centre. It is anticipated that the SSS study may result in land use and zoning changes for land within the TTC.

In May 2011 at a meeting between the DoPI, Council staff and Westfield, DoPI tabled draft concept and zoning plans for the TTC. Council staff reviewed the draft plans and provided formal feedback to the DoPI raising concerns regarding flooding and traffic issues. To date, no response from the DoPI has been received in regard to these issues.

Since that time the DoPI have been liaising with key stakeholders, including Westfields, regarding the provision and funding of key infrastructure to support the future development of the TTC. It is anticipated that a draft Voluntary Planning Agreement (VPA) will be finalised by the DoPI shortly. This will enable the exhibition of all documents pertaining to the SSS study.

At its Ordinary Council Meeting on 14 December 2011, Council resolved the following Motion:

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

- 1 That Council note the preparedness of Westfield Group to commence its 750 million dollar Tuggerah Gateway development adjoining the F3 Freeway.*
- 2 That Council note that the development will be modelled on the highly successful Norwest Business Park concept and will deliver some 2,000 jobs during construction, over 7,000 jobs on completion and delivering a total of 35,000 jobs in the region over the next 20 years.*
- 3 That Council reaffirm its commitment to local job generation, having regard to this region’s unemployment rate of twice the state average and a youth unemployment rate of a massive 32%.*
- 4 That Council seek to further advocate to have the necessary State Government zonings and approvals expedited, while recognising that it is not the consent authority.*
- 5 That Council request the General Manager to report on the progress of the development to date and any impediments which are delaying the delivery of this key infrastructure and job generating project.*

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

AGAINST: NIL”

In regard to Resolution No 5 above, Council received correspondence from the DoPI on the 22 May 2012. Refer to Attachment 1 for a copy of the Department’s letter.

The DoPI has advised that it “has recently been working closely with Westfield and relevant state agencies, in particular, Transport for New South Wales (TNSW), to finalise resolution of these issues to enable the study to progress”.

OFFSET STRATEGY

In addition to the SSS study being undertaken by the DoPI, Council staff have been working closely with Westfield to develop an Offset Agreement for the revegetation and rehabilitation of Council land at Glenning Valley to offset development on Westfield land within the TTC.

As part of its landholdings within the TTC, Westfield owns the "Triangle" site to the east of the Westfield Tuggerah Shopping Centre. This site is heavily vegetated and contains the threatened plant, Biconvex Melaleuca (*Melaleuca biconvexa*) which is listed as a vulnerable species on the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

Consultation between Council, Westfield and the NSW Office of Environment and Heritage (OEH) identified a Council owned site at Glenning Valley as being suitable to compensate for the loss of vegetation, specifically the *M. Biconvexa*, required to develop the Triangle Site. To secure this offset arrangement, an agreement has been drafted between Council and Westfields. The agreement proposes a financial contribution by Westfield towards the environmental management of the Glenning Valley offset site beyond its existing arrangements. This will ensure that development of the TTC will achieve no net loss of biodiversity values and contribute to the regional population of *M. Biconvexa*.

The Offset Strategy involves the following:

- 1 Rehabilitation and revegetation of Council owned land, being Lot 11 and 12 DP 729013 and Lot 105 DP 805181 Wyong Rd, Glenning Valley, to offset development on the Westfield owned "Triangle" Site, being Lot 100 and 101 DP 740706, and Lots 2 and 3 DP 521487, Gavenlock Road, Tuggerah.
- 2 Funding for management of the Glenning Valley offset site for a maintenance period of 10 years by Westfield to the value of \$300,000 under a staged payment plan.
- 3 Dedication by Westfield, at no cost to Council, of its environmental lands to the south of the Westfield Tuggerah Shopping Centre to compensate Council for the sterilisation of the Glenning Valley offset site.

It is anticipated that the Offset Strategy will be exhibited with the other documentation prepared by the DoPI as part of the TTC SSS study. The DoPI have indicated that the public exhibition of these documents will commence shortly.

A plan indicating the location of the Glenning Valley Offset site owned by Council and a further plan indicating the location of the "Triangle" Site owned by Westfield is provided as Attachment 2 and 3.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Letter from DP&I - update Tuggerah Town Centre | D03017541 |
| 2 | Glenning Valley Offset Site - Lot 105 DP 805181, Lots 11 & 12 DP 729013 | D03025554 |
| 3 | Tuggerah Town Centre - Triangle Site - Lot 100 & 101 DP 740706, Lots 2 & 3 DP 521487 & Conservation Land to be Dedicated to Council - Lot 10 DP 10625 | D03025562 |



22 May 2012

Mr Paul Bowditch
Manager Place Management
Wyong Shire Council
PO Box 20
WYONG NSW 2259

12/08963

Dear Mr Bowditch

I refer to your letter dated 21 December 2011 and our previous e-mail responses on 12 December 2011 and 21 May 2012 about the state significant site study for the Tuggerah town centre

As you are aware, the Tuggerah town centre is subject to a number of complex issues including capacity of the road infrastructure, ecological values of the land, flooding and stormwater.

The Department has recently been working closely with Westfield and relevant state agencies, in particular Transport for New South Wales (TNSW), to finalise resolution of these issues and to enable the study to progress. The resolution of the biodiversity VPA between Council and Westfield is also critical to enable public exhibition of the study.

The Department anticipates that the public exhibition will commence shortly.

Yours sincerely

A handwritten signature in black ink that reads 'Josephine Wing'.

Josephine Wing
Manager Centres and Urban Renewal





3.1 CPA/207013 - Sewer Main Rehabilitation

TRIM REFERENCE: CPA/207013 - D03023836

MANAGER: Daryl Mann, Manager Water and Sewer

AUTHOR: Dianne Pank; PA to Manager

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/207013 – Sewer Main Rehabilitation – Various Locations in Wyong Shire.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer '3' in the attached Tender Evaluation Report, in the estimated Schedule of Rates amount of \$1,102,936 (excl GST) for Contract CPA/207013 – Sewer Main Rehabilitation -Various Locations in Wyong Shire.**
- 2 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the budget sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

As part of its ongoing annual sewer main rehabilitation program, Council has identified approximately 10,089 metres of gravity sewer mains, 645 sewer junctions and 8 sewer lateral connections throughout the Shire that require, or are suspected of being in need of maintenance due to either root intrusion or pipe fractures.

The majority of sewer main failures are caused by tree root penetration through pipe joints that eventually lead to partial or complete blockage of the pipe.

Fracturing of the pipe wall is also a common cause of pipe blockages particularly in older vitrified clay pipes. Fractures can lead to leakage of sewage into the ground, infiltration of groundwater and in the worst case, complete collapse of the sewer pipe.

The preferred method of rehabilitating damaged pipelines, particularly in developed urban areas, involves the clearing any blockage followed by the insitu installation of a synthetic pipe liner that reinforces the existing pipe structure, seals any leaks and prevents future root intrusion. The advantages of such technology are that it involve minimal disruption to sewer services and generally avoids the need for any ground excavation.

INVITATION TO TENDER

Tenders were publically invited. Advertisements were placed in the Sydney Morning Herald on 27th March 2012 and the Central Coast Express Advocate on 28th March 2012. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm, Thursday 19th April 2012.

Tenders were invited on a Schedule of Rates basis in accordance with a detailed specification.

Tenders closed at Council Chambers at 2pm, Thursday 19th April 2012.

TENDER SUBMISSIONS

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

- Insituform Pty Ltd
- Interflow Pty Ltd
- Josa
- Kembla WaterTech
- Relining Solutions Pty Ltd

No late submissions were received

TENDER EVALUATION

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

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

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

- a) Price;
- b) Methodology, construction programme, flow control, and impact on residents and the community
- b) Experience;
- c) Local content

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the 2012/13 capital works program under CPA/207013 – Sewer Capital work Refurbishment C900

RELEVANT LEGISLATION

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

3.1 CPA/207013 - Sewer Main Rehabilitation (contd)

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

CRITICAL DATES / TIME FRAMES

Construction will commence in July 2012 and is expected to be completed by June 2013

OPTIONS/ALTERNATIVES

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

PUBLIC CONSULTATION

No public consultation specific to this project was necessary and none has occurred.

ATTACHMENTS

- 1 Confidential Attachment A - Evaluation Report - Sewer Relining Enclosure D03012976
CPA/207013 -

4.1 Review of the Model Code of Conduct for Local Councils - Request for Submissions on Consultation Draft

TRIM REFERENCE: F2004/06498 - D03035722

MANAGER: David Jack, Director Corporate Services

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

Reporting the Consultation Drafts of the Model Code of Conduct, the procedures for the Model Code of Conduct and proposed amendments to the Local Government Act, 1993.

RECOMMENDATION

That Council note the consultation drafts of the Model Code of Conduct, the new procedures for the administration of the Model Code and the proposed amendments to the Local Government Act, 1993.

BACKGROUND

Last year, at the request of the Minister for Local Government, the Division of Local Government commenced a review of the Model Code of Conduct for Local Councils in NSW. The review process has included extensive consultation with councils and other stakeholders, to design a system that supports the highest standards of behaviour in local government, in a simple, clear and cost-effective way.

This included:

1) A discussion paper to seek the views of stakeholders and any other interested persons on the operation of the current version of the Model Code and areas for improvement.

The Division received a total of 122 submissions in response to its discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

2) A position paper on a draft reform proposal for the Model Code and the misbehaviour provisions of the Act, reflecting feedback to date.

The Division received 93 submissions on the position paper from a similarly broad range of sources as those provided in response to the discussion paper. In addition the Division held a series of workshops around the State to discuss and refine the proposal. Workshops were held in Sydney (including at the LGMA Governance network meeting), Tamworth, Dubbo, Wagga Wagga and Ballina.

WSC made a submission to the DLG in relation to the above submission paper. Many of the issues raised in Council's submission have been addressed in the current draft Code and procedures.

CURRENT STATUS

Based on the feedback the Division has received from submissions and the workshops a refined proposal has now been developed.

Draft proposals

Drafts of the following have now been issued for comment:

- Proposed amendments to the Model Code (the amendments are highlighted in bold)
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the *Local Government Act 1993* and Local Government (General) Regulation 2005 (the amendments are highlighted in bold).

The following consultation drafts are attached:

- 1 Summary version of the proposed new Model Code
- 2 Draft revised Model Code
- 3 Proposed procedures for the administration of the Model Code
- 4 Proposed amendments to the *Local Government Act 1993*

A Summary of the proposed changes is shown below:

Proposed Amendments to the Standards of conduct prescribed under the Model Code

- In the interests of simplicity and clarity, to remove the “context” section of the Model Code. This is largely educational material and does not constitute enforceable standards of conduct. This will now be incorporated into the better practice Guidelines to the Model Code that will be developed separately.
- Prohibit binding caucus votes that prevent councillors from exercising their discretion. However councillors will still be permitted to meet to discuss council business ahead of meetings.
- Refine the provisions relating to the disclosure of reportable political donations to align them with subsequent amendments to the relevant legislation and to eliminate loopholes.
- Include provisions to address the loss of quorum arising from compliance with requirements under the code.
- Expand the prohibition on the acceptance of cash to include cash-like gifts.
- Amend the provisions relating to relationships between council officials to allow councillors to provide information to the Chair of the audit committee, to prohibit staff from participating in political activities that interfere with their duty to serve a council in a politically neutral manner and to allow councillors to discuss the general manager’s performance with him or her.

- Remove loopholes in the provisions that relate to the use of council resources for election purposes.
- Create a new class of standards relating to the maintenance of the integrity of the code of conduct. Breaches of these standards will be dealt with by the Division under the misbehaviour provisions.
- Proposals made in the Position Paper about the disclosure of gifts and benefits of nominal value, councillors meeting with developers or objectors, councillors and staff discussing industrial policy matters and guidance on the application of the code to contractors and volunteers will **not** be included in the revised Model Code. They may, however, be made as better practice suggestions in the Guidelines to the Model Code.

Proposed Procedures for the Model Code

- Councils will be able to establish their own panels of conduct reviewers or establish regional panels.
- An option will be created to allow councils to use conduct reviewers from a panel established by a prescribed organisation.
- The selection process and criteria for conduct reviewers will be prescribed.
- To limit the misuse of the procedures to deal with non code of conduct matters “Code of conduct complaint” will be a defined term.
- Complaints must be made within 3 months.
- General Managers and Mayors will no longer have any role in the management of complaints about councillors or the General Manager beyond the initial receipt of complaints. General Managers and Mayors will however retain the option to resolve complaints informally at the outset should they choose to do so, but this will be at their discretion.
- Councils will be required to nominate a member of staff other than the General Manager to be a complaints coordinator for the purposes of providing administrative support for the code. This will ensure complaints are dealt with at arms length from the General Manager and Mayor.
- The process for dealing with complaints about councillors and General Managers will be simplified. Where the current code prescribes a 3-tier process, (ie preliminary assessment by the General Manager or Mayor, investigation by a conduct reviewer and determination by the council), under our proposed changes, complaints will be dealt with from start to finish by a conduct reviewer at arms length from the council.
- Preliminary assessment of complaints will be undertaken by independent conduct reviewers.
- Limited provision will be made for the Division of Local Government to undertake a preliminary assessment role for a council in relation to complaints made by or about a

person where the number or nature of complaints made by or about the person imposes an undue cost burden on the council or impedes the effective administration of the council's code.

- A time limit will be imposed on the preliminary assessment of complaints.
- Conduct reviewers will only be permitted to investigate a matter where they are satisfied the alleged conduct is sufficiently serious to warrant investigation and cannot be resolved by alternate means.
- Provision will be made for the use of conduct review committees of three persons to investigate matters in limited circumstances.
- The investigation process including procedural fairness requirements will be more clearly prescribed.
- Councils will no longer make a determination that there has been a breach of the code. Determinations will now be made by the investigator.
- Investigation reports will no longer be dealt with in the public domain. The only investigation reports that will be reported to council will be those recommending the imposition of a more severe sanction (eg censure).
- An amendment to section 10A of the Act will be sought to permit councils to consider investigation reports in closed meetings.
- Councils' role in relation to code of conduct matters will be limited to imposing more severe sanctions (eg censure) where such sanctions have been recommended by the investigator. Councils will have limited discretion in the imposition of a sanction.
- Lesser sanctions (eg training or counselling) will be implemented by the general manager or, in the case of a complaint about the General Manager, by the Mayor.
- Where a person has a sanction imposed on them, they will have a limited right to request a review of the determination by the Division.
- The DLG do **not** propose to proceed with the proposal made in the position paper to prescribed regional groups of councils. As stated above, it will be left to individual councils to determine how to configure their local arrangements for the administration of the code in a way that best suits their needs.
- The DLG also do **not** propose to proceed with the proposal made in the position paper for councils to nominate a neighbouring General Manager to undertake the preliminary assessment of complaints. As stated above, this role will now be undertaken by independent contracted conduct reviewers.

Proposed Amendments to the Local Government Act, 1993

- As foreshadowed in the position paper, the DLG proposes to seek amendments to the Act to simplify and streamline the process for taking action under the misbehaviour provisions.
- The DLG propose to seek amendments to the Act to change the term “misbehaviour” to “misconduct”. The DLG believe this will more accurately reflect the nature of the conduct dealt with under those provisions.
- The DLG also propose to seek amendments to give the DLG more options for managing misbehaviour under the Act. Accordingly the misbehaviour provisions will no longer focus simply on “suspension” as the sole form of action available for misbehaviour but will also refer to a broader range of options known collectively as “disciplinary action”.
- The proposed amendments will also confer on the DLG the option of “calling in” code of conduct matters so that they may be dealt with under the misbehaviour provisions instead of a council’s code of conduct.
- The amendments will maintain the existing two avenues for seeking disciplinary action to be taken against councillors under the misbehaviour provisions. These are:
 - Action by the Chief Executive, Local Government as delegate of the Director General, Department of Premier and Cabinet
 - Action by the Local Government Pecuniary Interest and Disciplinary Tribunal.
- Under the proposed amendments, the sanctions available to the Chief Executive will be strengthened to include suspension for up to three months.
- The sanctions available to the Tribunal will be strengthened to align with those available for breaches of the pecuniary interest provisions of the Act. Under the proposed amendments, the Tribunal will be able to disqualify a councillor from holding civic office for up to 5 years for misbehaviour.
- Under the proposed amendments, the Chief Executive and the Tribunal may take into consideration previous incidents of misbehaviour in imposing these sanctions.

THE PROPOSAL

The Division is now seeking comment from Councils on the technical detail of the proposed changes. The feedback should be given to the DLG under the following terms:

- Do you agree with the proposals?
- If not why not?
- Is there anything unclear about our proposed drafting?
- If so, how could it be said more clearly?
- Is there anything we have missed?
- Are there any loopholes?
- Does any of our proposed drafting carry potential unforeseen consequences?

OPTIONS

Council may or may not choose to make a submission in relation to the consultation drafts for the new Model Code, Model Code Procedures and proposed amendments to the Local Government Act, 1993.

The deadline for submissions issued by the DLG is 25 June 2012, however the DLG has granted an extension of time to enable Council to consider the matter at its 27 June 2012 meeting.

STRATEGIC LINKS

The Code of Conduct provides councils with a key governance framework under which to operate. The Model Code issued by the DLG provides consistency across local government in NSW.

Budget Impact

Nil

CONSULTATION

Consultation conducted by the DLG is detailed in the background section of this report.

GOVERNANCE AND POLICY IMPLICATIONS

The current proposal seeks feedback. When the new Code and Procedures are released by the DLG the Council will be required to consider its adoption.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The DLG has issued consultation drafts for the Model Code of Conduct, Model Code of Conduct Procedures and proposed Amendments to the Local Government Act, 1993.

The DLG is seeking submissions from council's in relation to the technical aspects of the proposed documents.

Should Council be of a mind to make a submission, it would need to provide it to the DLG by 29 June 2012.

ATTACHMENTS

- | | |
|---|---------------------|
| 1 Consultation Drafts - Model Code of Conduct, Procedures, Amendment to Local Government Act - June 2012 | Enclosure D03036190 |
|---|---------------------|

4.2 Adjustment of Joint Water Capital Works Budgets

TRIM REFERENCE: F2004/06808 - D03021961

MANAGER: Greg McDonald; Director Infrastructure Management

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

SUMMARY

This report recommends a reallocation of Gosford Wyong Joint Water Supply capital works budgets to account for changes in project circumstances.

RECOMMENDATION

- 1 *That Council reduce the budget allocated to Site Improvement Works at Mardi from \$1,725,000 to \$1,395,000.*
- 2 *That Council reduce the budget allocated to Toukley Desalination Plant from \$530,000 to \$230,000.*
- 3 *That Council increase the budget allocated to Gosford Distribution Works for the Mardi High Lift Pumping Station from \$1,870,000 to \$2,500,000.*
- 4 *That Council reduce the budget allocated to Lower Mooney Dam Remedial/Removal Works from \$2,476,119 in 2012/2013 to zero.*
- 5 *That Council reduce the budget allocated to Water Trunk Mains from \$1,477,507 to \$577,507.*
- 6 *That Council increase the budget allocated to Somersby Filtration Plant Upgrade from \$3,200,000 to \$6,500,000.*

BACKGROUND

Wyong Managed Projects

A budget of \$1,725,000 was set by the Gosford/Wyong Councils' Water Authority (GWCWA) and the Councils for undertaking site improvement works at Mardi. These works were funded from budget savings achieved during the delivery of the Mardi Suite of Works. Expenditure on the delivery of the site improvement works is less than estimated and budget savings of approximately \$500,000 are forecast.

The budget set by the GWCWA and the Councils for commencement works for the Toukley Desalination Plant is \$530,000. The extent of initial site and geotechnical work required for the initial works is less than estimated and budget savings of approximately \$300,000 are forecast. No funds have been allocated to subsequent project phases at this stage.

The budget allocated to Gosford Distribution Works for the Mardi High Lift Pumping Station is currently \$1,870,000. These works comprise modifications to Water Pumping Station 17 (WPS17) at Ourimbah as well as ancillary works in the Gosford water distribution system. The distribution works have been completed and the WPS17 works are in progress. The estimated cost for completion of the WPS17 component exceeds the current budget allocation by \$630,000.

Gosford Managed Projects

A budget of \$3,200,000 was set by the GWCWA and the Councils for undertaking upgrade works at Somersby Filtration Plant. A Strategic Review of the plants performance and asset condition has shown remedial works totalling \$29 M is required over the next 20 years. The highest priority works are estimated at \$6.5 M.

There are currently two projects which have surplus funds. A budget of \$2,476,119 was set by the GWCWA for remedial works or removal of the disused Lower Mooney Dam. The NSW Dam Safety Committee has formally advised that no remedial are now required after significant technical reviews were carried out. Further there is an additional sum of \$900,000 available from the approved budget for Water Trunk Mains.

DISCUSSION

Gosford Distribution Works for the Mardi High Lift Pumping Station

WPS17 was constructed in 1986/1987 with a capacity of 100 ML/day for two-way water transfers between Gosford and Wyong, together with development of a new reservoir and trunk main. The two large capacity high voltage pumps originally installed at the station were selected on the basis of anticipated future demand predictions that have not materialised. The pump station had little usage since being put into service.

In November 2009 Opus International Consultants Pty Ltd was commissioned to review options for the future operation of WPS17 based on the current predicted Year 2050 demand for the transfers of water from the Wyong to Gosford systems of 25 ML/day. The completion of the Mardi Suite of Works and the Mardi to Mangrove Link projects will ensure that sufficient water will be available within the Wyong system to affect transfers at the design rate.

Based on the Opus report, the GWCWA agreed to reconfigure WPS17 by the removal of the existing pumping machinery, electrical switchgear and high voltage power supply and its replacement with more efficient low voltage pumps and switchgear design for the revised duty of 25 ML/day. The current budget for this work is \$770,000.

Stage one of the project involved the removal of surplus equipment. Following this work it was found that the scope of works needed to be increased due to the internal condition of valves, pipe work and additional electrical requirements. The current estimate of the work required to undertake the pumping station works is \$1,400,000. It is proposed to fund the cost of the additional work by reallocating funds from the Mardi Site Improvement Works and the Toukley Desalination Plant as these projects are forecasting budget savings.

Upgrade of Somersby Water Filtration Plant

A strategic review of the Somersby Filtration Plant identified augmentation and renewal requirements to meet current and future water supply needs through to 2031. The highest priority works based upon a risk analysis has resulted in the initial program for 2012/2013 comprising of the following works:

- Electrical upgrade including upgrade of switchroom and replacement of switchboards, PLC control systems, panels and documentation: \$2,400,000
- Sand filter upgrades including replacement of media and nozzles, reinstatement of pre-chlorination and replacement of filter inlets: \$1,600,000
- Recirculation facility for the re-treatment of out-of-specification treated water: \$ 800,000
- Stage 1 of the sludge scraper replacement in sedimentation tanks 1 and 2: \$1,700,000

There is currently \$3,200,000 available within the budget for upgrade works at the Somersby Filtration Plant, leaving a shortfall of \$3,300,000 to complete the identified highest risk projects. It is proposed to fund the full list of high risk works through reallocation of funds from Lower Mooney Dam and Water Trunk Mains.

Lower Mooney Dam (LMD) is a prescribed Dam under the NSW Dams Safety Act (1978) and currently has a flood consequence category of LOW, revised down from HIGH C. The Dam is in disrepair and is not economic to be part of the current water supply scheme.

Previous inspection audits recommended to critically review the merits of decommissioning the dam. A Stability & Structural Review was completed in 2011 to assess the structure for the latest design flood requirements to assist Council in the decision on whether to retain or part deconstruct the dam. The studies were submitted to the NSW Dam Safety Committee which concluded that removal of the dam is not required. A budget is now required to carry out minor works only. As a result there is \$2,476,119 available in the budget which is no longer required for this project.

The Water Trunk Mains program has a budget of \$1,477,507 to carry out condition assessments and undertake associated remedial works. The current risk assessment identified that this project had a lesser risk on water quality than that associated with the ability to supply the Central Coast with good quality water from Somersby Filtration Plant. As such \$900,000 can be reallocated from this program with out compromising the programs objectives.

ATTACHMENTS

Nil.

4.3 Community Facilities Strategy

TRIM REFERENCE: F2007/01569 - D03023697

MANAGER: Julie Vaughan, Manager Community and Cultural Development

AUTHOR: Kerrie Forrest; Senior Social Planner

SUMMARY

A strategic and operational review has been undertaken of Council's community facilities. This report presents the Community Facilities Strategy for Council's adoption.

RECOMMENDATION

- 1 That Council adopt the Community Facilities Strategy – Summary Report.**
- 2 That Council note that the implementation plan will be undertaken as part of day to day business as part of Service Unit Business Plans.**

BACKGROUND

Wyong Shire Council currently provides a network of 100 community facilities throughout the Shire for the benefit of the community. Community facilities make a fundamental contribution to our communities in the following key areas:

- They provide a space for groups to interact which supports the building of community connections, participation and ownership.
- They provide suitable spaces to deliver services, programs and activities to meet the social needs of the community and build community capacity. This includes a range of educational, lifelong learning, recreational, leisure, cultural, skills development and social activities and programs for residents of all ages and backgrounds.

This Strategy focuses on Council owned facilities that are located within the asset ownership of the Community and Recreation Services Directorate. These include community halls, community centres, youth centres, senior citizen centres, arts and cultural centres, heritage buildings, community cottages, libraries, child care centres, scout and guide halls, recreation centres, recreation clubhouses and surf clubs. Council facilities that are not within the scope of this Strategy include swimming pools, tourist information centres, amenities blocks (buildings with change rooms, toilets, canteen and storage room), public toilets and buildings that are used for commercial purposes. A "community facility" refers to both the building and the activities provided within the building to meet the needs of the community.

Community facilities represent a significant proportion of Council's asset portfolio (estimated value of \$91M) and as a community resource, they represent a strong financial commitment by Council to improve residents' quality of life.

The Strategy is needed for the following reasons:

- Ageing infrastructure
- Facilities are not suited to meet the needs and expectations of the community
- We need to cater for the Shire's growing population
- Demand exceeds financial resources available to provide new or upgraded facilities
- High maintenance and recurrent costs for existing facilities are not sustainable, with the level of expenditure not sufficient to satisfy the community or overcome known defects in a timely manner
- Improve how facilities are provided, managed and operated (look at better practice)
- Increase utilisation
- Understand the nature of tenure agreements
- Establish baseline data to be able to make informed decisions in relation to asset management
- Establish a strategic direction for community facilities – vision and guiding principles, consistent approach to inform future asset strategies.

CURRENT STATUS

The costs to deliver and maintain community facilities are significant and it is important that Council reviews the use and operation of its community facilities to ensure that they are:

- effective in meeting current and future community needs and expectations;
- well maintained and well utilised; and
- being developed and managed sustainably.

THE PROPOSAL

The *Community Facilities Strategy* provides a review and assessment of the current provision and operation of Council's community facilities and a strategic framework to guide decision-making about the sustainable provision, development and management of community facilities over the longer term. Development of the strategy has involved input from Units across the organisation.

The aim is to position the community facilities asset portfolio to better serve the needs and expectations of the community in the future.

The *Community Facilities Strategy* includes a detailed Main Report and a Summary Report.

The Main Report is comprehensive (277pages) and includes:

- An overview of the role and importance of community facilities
- A detailed needs assessment including an analysis of the current demographic profile and future growth and development within the Shire; and review of engagement findings from key social, cultural and recreational strategies and plans to identify needs in relation to community facilities
- A centralised and integrated database for community facilities linking corporate, financial and asset management systems. This includes key information on each asset, photo, floor plan and location map
- An inventory of private facilities available for community use within the Shire
- Maps showing the location and spatial distribution of Council provided facilities by asset class and private facilities in Wyong Shire
- An audit and SWOT analysis of the provision of each facility by asset class including current status, issues, opportunities and directions for future use, based on extensive research and engagement. This has involved site inspections of all facilities and surveys with user groups, service providers and 355 Management Committees
- A review of the current utilisation of facilities and the creation of a system in Pathways to link the utilisation of Council managed facilities to the booking system
- An assessment and analysis of the current community facility provision to identify key issues, opportunities and gaps in provision
- The strategic direction for community facilities including a vision, guiding principles and guidelines for the planning and provision of community facilities; and a recommended program for provision and upgrade
- Documentation of current day to day processes associated with managing the operations of community facilities. These include management, bookings, fees and charges, marketing and promotion, asset management, asset maintenance, cleaning, security, finance and emergency procedures
- A comprehensive review of these operation processes identifying issues and opportunities to streamline processes and improve efficiencies
- Identification of key issues and opportunities for improvement/the future in the way Council provides and manages its community facilities in order to better meet the needs and expectations of the community
- An Implementation Plan identifying high, medium and low priorities actions, reflecting immediate action or up to a 10 year implementation. Many of the actions are being implemented as part of current and future operational business within identified Units of Council as the majority relate to day to day operations. Associated costing and resourcing will be addressed via Service Unit Business Plans.

The Summary Report (see Attachment 1) provides a succinct summary of the key elements of the Main Report.

The key findings of the *Community Facilities Strategy* are:

- Most facilities are underutilised. The condition, aesthetics and age of facilities, lack of awareness by the community and limited multi-use capacity impacts on utilisation
- There is no ability to capture utilisation rates for any facilities apart from those directly booked through Council
- There is a lack of marketing, promotion, branding and signage across all facilities
- Facilities require additional regular maintenance and upkeep and there is no long term asset management strategy
- Historically community facilities have been a lower priority and there is a funding gap in asset management
- There is no clear management framework, systems or processes resulting in inequitable and inconsistent management practices
- The 355 Management model, in some instances, is leaving Council vulnerable and needs to be reviewed to ensure compliance and governance requirements are being met
- There is a lack of documentation and formal agreements for usage of facilities and a need to address social outcomes and maintenance obligations
- Fees and charges are relatively low in comparison to neighbouring councils
- No centralised or detailed data base of community building assets to inform decision making.

Future priority areas for Council are:

- Opportunities to increase utilisation through information, marketing, promotion, branding, the provision of appropriate furniture and equipment, business plans and rationalisation
- Provide/redesign facilities to enable multi-purpose function and co-locate within key centres to create a community hub and facilitate integrated service delivery
- Enhance partnerships with the private and public sector to deliver services and facilities
- Investigate opportunities for incorporating commercial components into existing and future facilities

4.3 Community Facilities Strategy (contd)

- Opportunity to recognise Council's significant contribution to the community through subsidies and support
- Ensure a long term financial and maintenance plan for each asset class
- Develop consistent guidelines, policies, procedures and standard templates for managing facilities ensuring social benefit, equity, consistent fees and charges against asset classes
- Address non compliant 355 Management Committees and update 355 Code of Practice, resourcing and monitoring compliance
- Improve integration of corporate systems and processes
- Use of Review of Asset Portfolio (RAP) Assessment Tool to assist Council in its review of all community facilities.

OPTIONS

Council could decide to:

1. Adopt the *Community Facilities Strategy*, and improve the way it provides and manages its community facilities to better meet the needs and expectations of the community.
2. Do nothing, and continue to provide and operate community facilities under current conditions, that is, low levels of utilisation, inadequate maintenance program, inequitable and inconsistent operational and management practices leaving Council vulnerable in its obligations, in particular risk and insurance management. This option is not recommended.

STRATEGIC LINKS

Link to Community Strategic Plan 2030

Council's *Community Strategic Plan 2030* identifies a number of priority objectives and actions that are specific to the provision of community facilities, services, programs and activities. These objectives include:

- Communities having access to a diverse range of affordable and co-ordinated facilities, programs and services
- Communities being vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood
- The community being well educated, innovative and creative at all stages of life.

Key directions arising from the Community Strategic Plan include:

- Higher levels of maintenance of existing assets; and
- Development of new facilities for the growing population.

Wyong Shire Council Strategic Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community & Cultural Development	<p>1 Year Action: Undertake a community facilities review and develop a long term Strategy</p> <p>4 Year Action: Increase revenue via community facilities review which may include: reduction of existing buildings, increased fees & charges, improved maintenance planning, increased grant funding opportunities</p>	Community & Cultural Planning	Adoption of Community Facilities Strategy by June 2012

Long Term Financial Strategy

Community facilities represent a significant financial investment to Council both in terms of capital funding to build, and recurrent funding for maintenance and operations. Community facilities are provided as part of Council's commitment and community service obligation to improving the quality of life and well being of residents and building a stronger community and hence, are provided at a high level of subsidy for user groups.

There is a need to consider Council's future capacity to fund adequate levels of operation and maintenance and future renewal over new and upgraded assets. Assets need to be well managed through sound planning and integration with the Community Strategic Plan and Long Term Financial Strategy.

Future budgets, the Annual Plan and the 4 Year Delivery Plan needs to reflect the asset requirements.

Asset Management Strategy

The Asset Management Policy calls on Council to sustainably manage its current assets before committing to new and upgraded assets that it may not be able to maintain to the standards that the community expects and that Council can afford.

The approach to maintaining, renewing and otherwise managing these assets has a major bearing on Council's Strategic Plan and Long Term Financial Strategy. The Asset Management Strategy reports that "*within the area of community buildings there is a significant deficit in the present level of funding compared with the required demand to meet maintenance and upgrade requirements.*" As per Special Schedule 7, the current annual expenditure for community buildings is approximately \$700K and the current maintenance gap is \$3.5M.

The Asset Management Strategy proposes a number of options to manage the funding gap including:

- Joint ventures/partnerships with private enterprise to enhance or redevelop existing or new sites
- Reducing the number of buildings
- Investigation into alternative service delivery models
- Accepting lower levels of service.

To assist Council in its decision making process a Review of Asset Portfolio (RAP) Assessment Tool has been developed, concurrent to the *Community Facilities Strategy*, and adopted by Council in February 2012. This tool seeks to provide an objective and transparent means of determining whether an asset provides an appropriate investment, both economically and in service delivery. The tool is to be applied to all assets over the upcoming year within the community facilities portfolio which will then guide future decision making on all community buildings.

Workforce Management Strategy

Nil Impact

Budget Impact

The Strategy includes an Implementation Plan defined by high, medium and low priorities, reflecting immediate action or up to a 10 year implementation. It is expected that actions requiring resourcing will be included in Service Unit Business Plans or capital works program.

Any proposals for the provision of new facilities or upgrading/embellishment of existing facilities will be assessed, evaluated and ranked using a standard Project Evaluation Tool as part of Council's Project Management System. For new facilities, Council will need to explore a range of funding options including Section 94, Council revenue, special rate levies, State and Federal Government funding, public and private partnerships, voluntary planning agreements, sale/disposal of assets, commercial opportunities, corporate sponsorship and public trusts.

CONSULTATION

Written surveys were conducted with representatives of 355 Management Committees to seek feedback the provision, use, strengths and weaknesses of facilities, levels of service, compliance with 355 Code of Conduct and to understand current and future operational and support needs. At total of 29 surveys were completed.

Telephone surveys were conducted with key service providers and a representative sample of user groups in both 355 and Council managed facilities. The purpose of the survey was to seek feedback on the provision and use of facilities, levels of service, identify strengths, weaknesses and gaps. A total of 98 surveys were conducted.

Engagement findings from recent key social, cultural and recreational strategies and plans have been reviewed to identify needs in relation to community facilities.

Councillor Briefing sessions were held on 14 December 2011 to provide details on the scope and purpose of the Strategy, methodology and emerging themes and on 26 April 2012 to present on the strategic direction, key findings and future priority areas of the Draft Strategy.

Community comment on the Draft Community Facilities Strategy – Summary Report was sought from key stakeholders during May with correspondence sent directly to 355 Committees, key service providers/user groups and Precinct Committees. No comments were received during the comment period.

GOVERNANCE AND POLICY IMPLICATIONS

Standardised policies and procedures for the sustainable operation, management and maintenance of community facilities are required to ensure Council's practices are consistent, equitable and based on clear social outcome criteria and to improve levels of service and benefits to the community.

MATERIAL RISKS AND ISSUES

The 355 Committee Code of Practice is often not adhered to leaving Council vulnerable in its obligations in particular risk and insurance management. The Strategy has identified that where 355 Committees are deemed to be non compliant a viability review or action plan be developed on a case by case basis.

Prior to this Strategy there was no centralised or detailed database (linked to corporate systems) of community facility assets to inform asset management. This database together with the Review of Asset Portfolio (RAP) Tool will be used to assist in determining whether an asset provides an appropriate investment, both economically and in service delivery, to then guide future decision making on all community buildings.

CONCLUSION

Community facilities play a significant role in contributing to the social well being of our Shire. They provide focal points for community activities and for the delivery of services and programs to meet the needs of the community. In many cases these are provided in partnership with the community either to deliver services and programs or to participate in the management of facilities.

The costs to deliver and maintain community facilities is significant and it is important that Council reviews the use and operation of its community facilities to ensure that they are effective in meeting community needs and are being managed sustainably.

The *Community Facilities Strategy* provides a comprehensive strategic and operational review of Council owned community facilities within the Shire. It has highlighted a number of issues and opportunities for improvements in the way Council provides and manages its community facilities in order to better meet the needs and expectations of the community. Many of these are being implemented as part of current and future operational business within identified Units of Council as the majority relate to day-to-day operations.

ATTACHMENTS

- 1 Community Facilities Strategy Summary Report Enclosure D03026204

4.4 Learning Community Strategy

TRIM REFERENCE: F2010/02191 - D03024918

MANAGER: Julie Vaughan, Manager Community and Cultural Development

AUTHOR: Belinda McRobie; Social Planner

SUMMARY

The *Wyong Shire Learning Community Strategy 2012-2015* provides a Shire-wide framework for partnership and collaboration in widening learning opportunities and achieving improved learning outcomes for residents. Developed in partnership with key stakeholders, it identifies key learning goals, and actions to co-ordinate learning across the Shire.

A community that aspires to be a learning community recognises the value of learning and its influence on improving the social, economic and cultural life of the community. A learning community prioritises and focuses on learning to improve quality of life for all its residents.

RECOMMENDATION

That Council adopt the Wyong Shire Learning Community Strategy 2012 – 2015.

BACKGROUND

Learning communities use learning as a way of achieving improved social cohesion, cultural understanding, economic regeneration, local employment and development of innovation and creative enterprise which involves all parts of the community to provide local solutions to local challenges. A culture of learning provides opportunities for communities to develop economic resilience, social cohesion, cultural understanding and active citizenship.

A combination of complex factors has contributed to a range of social, educational and economic issues in the Shire such as:

- Low school retention rates for years 7 – 10 (53.12% compared to 69.74% for NSW). (DEC 2010)
- Comparatively low levels of educational attainment and formal qualifications (51.5% of the population had no post-school qualifications compared with 45.6% for NSW) and a lower proportion of the population has a bachelor degree or higher degree (6.6% compared to 16.4% for NSW) (2006 Census).
- A significantly lower income profile than NSW with a median weekly household income of \$770 in comparison to \$1036 for NSW (2006 Census).
- Higher rates of unemployment (7.95% compared with 5.2% for NSW and 5.1% for Australia. December 2011) (DEEWR).

4.4 Learning Community Strategy (contd)

- Historically higher youth unemployment rates for 15 – 24 year olds (15.3% compared to 11.5% for NSW and 10.3% for Australia).
- Lack of local job opportunities – 32.7% of employed residents (15,261 people) commute out of the region for work.

The *Learning Community Strategy 2012 - 2015* has been developed in the context of the Wyong Shire Community Strategic Plan 2030, Federal and State Government policies and frameworks, the Central Coast Regional Economic Development and Employment Strategy (REDES), and the Keep Australia Working Regional Employment Plan. There is potential for the actions and outcomes of the strategy to be influenced by a number of important local initiatives such as Building Australia's Future Workforce and the Better Futures Local Solutions Measures.

In addition the development of the Strategy has been informed and influenced by:

- Key Council Strategies and Plans (e.g. Youth Engagement Strategy, Community Plan and Cultural Plan)
- Experience and networks gained from working with the Wyong Shire Community
- Understanding of National and State policy directions
- International and national best practice research in developing 'Learning Communities'
- Input from the local community.

CURRENT STATUS

Wyong Shire is characterised by a combination of many complex social, economic, education and employment issues such as low school retention rates low educational attainment, high unemployment and low wages, poor attitudes and value for learning. These issues are closely linked and have a significant impact on the current and future quality of life of our residents.

Wyong Shire has many services and organisations involved in the planning and delivery of formal and informal learning. Many are considered to be best practice, however the development of the Strategy identified a lack of co-ordination, duplication of services, lack of communication, confused pathways and chaotic networking and linking practices of the learning 'sector'.

The action plan developed as part of this strategy will assist in addressing these gaps and providing a coordinated approach to learning across the Shire.

THE PROPOSAL

It is proposed that Council adopt the Wyong Shire Learning Community Strategy 2012-2015 developed in partnership with the sector and community.

The overarching key issues that emerged were:

- A universal focus on the importance of learning in the early years

4.4 Learning Community Strategy (contd)

- Learning basic foundation skills e.g. numeracy and literacy, social and communication skills
- Providing opportunities for the community to enhance their education, knowledge and skills base leading to better employment prospects
- Identifying and linking future employment opportunities with areas of skills shortages
- Taking advantage of emerging information technology (IT) developments and trends
- Improving co-ordination and communication, partnerships and linkages within the education, training and employment sectors
- The challenge of inspiring and motivating the community to embrace learning
- Residents feeling disconnected undervalued and isolated in their community.

The Strategy is presented over five Chapters:

- Chapter 1: Introduction – provides background information on Learning Communities and outlines the scope and approach undertaken to prepare the Strategy
- Chapter 2: Learning to Know – provides a definition and outlines the Learning Goal, Objectives, Strategies, Population measures and Action Plan
- Chapter 3: Learning to Do - provides a definition and outlines the Learning Goals, Objectives, Strategies, Population measures and Action Plan
- Chapter 4: Learning to Live Together - provides a definition and outlines the Learning Goal, Objectives, Strategies, Population measures and Action Plan
- Chapter 5: Learning to Be - provides a definition and outlines the Learning Goal, Objectives, Strategies, Population measures and Action Plan

Implementation of the *Wyong Shire Learning Community Strategy 2012-2015* will require a partnership approach which brings together the local community, government, non government services and agencies, and the private sector.

The goal is to build on the existing strengths and opportunities in the community and address learning challenges facing the community by working in partnership with key stakeholders to improve people's quality of life.

It is intended that the Learning Community Strategy will be a web-based document. Council will provide avenues via a web-based reporting tool to capture Shire performance outputs from its partners and use its well-being index, determined by the Central Coast Quality of Life Survey, as a baseline measure.

Whilst the strategy identifies cross Council actions, the Lifelong Learning Unit will be responsible for co-ordinating, managing, monitoring and evaluating the implementation of the Strategy.

OPTIONS

1. Adopt the Wyong Shire Learning Community Strategy 2012-2015. This is recommended due to the complex social, economic, education and employment issues in the Shire that this strategy aims to address; the broad community

4.4 Learning Community Strategy (contd)

involvement in developing the strategy; and the whole of community approach and commitment to its implementation.

2. Not adopt the Wyong Shire Learning Community Strategy 2012-2015. Not recommended.

STRATEGIC LINKS

Link to Community Strategic Plan (2030)

Council's Community Strategic Plan 2030 identifies a number of priority objectives and actions that are specific to learning, education and employment. These include:

- The community will be educated, innovative and creative.

Key directions arising from the Community Strategic Plan include:

- Generating community awareness and behavioural change about the value of ongoing education
- Creating programs that encourage lifelong learning for everyone
- Creating and maintaining programs to actively encourage community involvement in educational institutions
- Establishing and maintaining a committed network of education, community, business and government representatives, and
- Providing programs and services which respond to changes in the field of education in Wyong Shire.

Wyong Shire Council Strategic Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community & Cultural Development	1 Year Action: Development of Learning Community Strategy	Community & Cultural Planning	Adoption of Learning Community Strategy by June 2012

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community & Education	Community Lifelong Learning	<p>1 Year Action: Develop partnerships that increase lifelong learning in Wyong Shire.</p> <p>Co-ordinate the implementation of the Learning Community Strategy.</p> <p>4 Year Action: Raise the profile of Wyong Shire as a learning community through effective collaboration and partnership with peak bodies for learning provision, including the University of Newcastle, public and private schools, TAFE, associations and State and Federal levels of Government</p>	Community Lifelong Learning	3 partnerships with local peak bodies are established

Long Term Financial Strategy

Nil Impact

Asset Management Strategy

Nil Impact

Workforce Management Strategy

Nil Impact

Budget Impact

The Strategy is a whole of community strategy involving partnerships with a range of stakeholders. Many of the actions are the responsibility of other organisations. Council's primary role is to facilitate and co-ordinate the implementation of the strategy. Council actions requiring resourcing will be included in relevant Service Unit Business Plans.

CONSULTATION

The Community Engagement process was extensive in developing the key goals, objectives and actions of the strategy. Over 400 people were directly involved in the use of various types of community engagement methods. These included:

Individual Conversations - Conversations were held with over 50 key stakeholders covering a range of learning areas - vocational education and training, school education, tertiary education, registered training organisations, mentoring programs, volunteering services, local businesses, alternative education providers, community education providers and community members.

World Café Forums - Council's Community and Cultural Development Unit hosted four World Cafe Forums to enable further input into the development of the Learning Community Strategy. Over 220 people attended the Forums, representing local services, organisations, businesses, community groups and residents.

A World Cafe is a community engagement tool used to gather further opinion, generate new ideas and test existing ideas about the challenges and opportunities of learning in Wyong Shire. The World Cafe format allows participants to choose the themed discussions they wish to participate in, contribute their own thoughts, knowledge and experience, and build on discussions already provided by others. Participants at the Forums were asked to consider the information gained from key stakeholders and residents; add value, knowledge, and experience to this information; and suggest practical ways and ideas for moving forward.

Questionnaires with Childcare Centres and Council Libraries - Surveys were conducted with 10 (one from each social planning district) independent childcare centres, Council's Care and Education Centres and Council Libraries.

Community Surveys - Further community engagement was undertaken at Kids Day Out on 6 November 2011. Over 50 residents completed a questionnaire about the importance of learning. The information gathered was utilised in the writing of the strategy.

Development of the draft action plan - Approximately 50 key external and internal stakeholders were identified to provide detailed input and comment on the draft action plan. This included the identification of their projects, resources and potential partnerships.

Councillor Briefings/ Updates - Councillor briefings were held in September 2011 and April 2012 to keep Councillors informed of the project.

Following the Councillor Briefing held on 26 April 2012, a community comment period was invited and advertised in the local newspaper and on Council's website. Copies of the strategy were made available through Council libraries and Customer Contact. Correspondence was also sent to key stakeholders. The community comment period ran from Friday 11 May 2012 to Friday 25 May 2012.

The purpose of the community comment period was to seek feedback on the content of the strategy, including the coverage of issues and the appropriateness of strategies and actions proposed.

Comments were received from representatives of six organisations which were overwhelmingly positive and supportive of the draft Strategy. There was also some general

4.4 Learning Community Strategy (contd)

feedback on minor amendments required and omissions that were corrected. Comments are detailed below.

Document number	Submission detail	Council response
D03014300	<p>The author is congratulated on a well-presented and compelling argument in support of the importance, both to the individual and to the region, of community members' participation in lifelong learning. The recommended strategies flow logically from analysis of the issues.</p> <p>While Wyong Shire Council cannot commit its Gosford counterpart in any way, the document could propose a more pro-active approach to gaining coordinated action on a regional basis.</p> <p>Underpinning many of the arguments for promoting lifelong learning, is the broader issue of cultural change. It would seem locally that ours is not a culture in which learning is forefront and centre in the minds of community members in general. It is, however, one in which there is some community pride in the Central Coast--for its topography, its lifestyle and its sports, , this pride could perhaps be built on to engender pride in the Central Coast as a learning community as well.</p> <p>The link between regional consciousness and lifelong learning might be further expanded to highlight sector-related learning or disciplines for which the Central Coast has particular affinity or for which it might be better recognised beyond its boundaries. For instance, the visual and performing arts and ecology might feature</p> <p>A much more fundamental view of innovation should be espoused and built upon.</p> <p>A learning community shares its knowledge, skills and enthusiasms. While there are organisations within the region committed to promoting an area of learning, a deliberate approach to fostering giving in this regard, as well as receiving (well-addressed in the document), seems desirable.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
D03031801	<p>I believe the document addresses respective commonwealth/state learning frameworks quite well and identifies some excellent strategies and local partnerships to enable happier, healthier, more active and educated communities. It certainly seems to embrace cradle to grave / lifelong learning principles.</p> <p>There seems to be a lack of explicit reference to environment or environmental sustainability in the document</p>	<p>Noted</p> <p>Revised to make reference to environmental sustainability.</p>

4.4 Learning Community Strategy (contd)

Document number	Submission detail	Council response
D03031804	Education providers can play an important role in collaborative programs with Council toward driving and implementing learning goals.	Noted
D03031810	The Strategy is great! Well done to all your team.	Noted
D03031863	It's a fantastic plan for the future!	Noted
D03031868	<p>The document has been well presented with an incredibly compelling argument in support of community members' participation in lifelong learning, both locally and in the region. Each strategy obviously stems from the issues raised and is logically assessed by the author.</p> <p>The document moves between a Shire perspective and a regional one. Good to see Wyong Shire Council thinking again across the entire region and looking to continue to build on and forge new partnerships with Gosford City Council.</p> <p>The main issue surrounding the promotion of lifelong learning is the focus required concerning cultural change. Practice of lifelong learning at a conscious level depends on high value being placed on learning. There needs to be, I believe, a stronger base in local High Schools and Primary Schools to engage learning, as well as strengthening parental engagement in schools.</p> <p>Within a learning community its knowledge, skills and its enthusiasm is shared. The importance receiving of learning is clearly addressed within the document; however the promotion of specific learning is scarce. Possibly the proposed Learning Board will look to work with these ideas.</p> <p>While public and private compulsory and post compulsory organisations committed to the promotion of learning exist already within the region, I believe a greater and more deliberate approach is required.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
D03031879	I downloaded the document and reviewed... it was so perfect I didn't change a thing!!	Noted
D03031881	Thank you for such a professional community consultation opportunity.	Noted

GOVERNANCE AND POLICY IMPLICATIONS

Nil Impact

MATERIAL RISKS AND ISSUES

Nil Impact

CONCLUSION

Developing a Learning Community Strategy requires big picture and longer term thinking. Achieving the goals and objectives of the strategy and building a culture of learning in Wyong Shire will take time. The *Wyong Shire Learning Community Strategy 2012 – 15* in conjunction with other local initiatives, is the first step in a long term process to facilitate improved learning outcomes for Wyong Shire residents.

The *Wyong Shire Learning Community Strategy* is the culmination of the extensive research, profiling, mapping and community engagement phases undertaken throughout 2011. The Strategy reflects the vast range of experiences and knowledge of learning in Wyong Shire.

Through the Strategy's Learning Goals, Objectives and Action Plans, opportunities have been identified to:

- promote a culture of learning
- advocate for investment in learning and education
- facilitate accessible learning opportunities
- establish partnerships and better linkages between sectors
- bring people together to connect and learn through informal programs and activities
- provide places within the Shire to support learning.

The Strategy clearly identifies that Council is one of many partners in establishing Wyong Shire as a Learning Community. Learning is a broad community issue and Council is one of many partners in addressing this. It is through the development of robust and dynamic partnerships that this strategy will be successfully implemented and the learning goals achieved.

ATTACHMENTS

- 1 Wyong Shire Learning Community Strategy Enclosure D03035652

4.5 Contract Variations and Finalisation - April & May 2012

TRIM REFERENCE :F2007/01410 D03036057
AUTHOR: John McCarthy; Purchasing Coordinator
MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150K in value.

The report covers contract variations processed from the 1 April 2012 to the 31 May 2012.

RECOMMENDATION

- 1 That Council receive the Contract Variations and Finalisation for April & May 2012.
- 2 That Council notes additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
<i>In Situ Stabilisation Works on Councils Roads</i>	<i>CPA/163632</i>	<i>\$10,310,430.00</i>	<i>\$3,000,000.00</i>
<i>Fire Protection Inspection, Testing and Maintenance Services</i>	<i>CPA/147221</i>	<i>\$356,720.86</i>	<i>\$246,178.15</i>
<i>Construction Manager Mardi to Mangrove Link Project</i>	<i>CPA/166760</i>	<i>\$4,350,000.00</i>	<i>\$150,000.00</i>

- 3 That Council note the additional expenditures requested are within approved program budgets.

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract and the risks, or may be expressed as a specific dollar value.

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

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 why variations occur, where an increase in the approved contract value has been impacted.

THE PROPOSAL

The report for May 2012 advises on the following 3 contracts that have exceeded their contract ceilings.

- CPA/163632 - In Situ Stabilisation Works on Councils Roads
- CPA/147221 - Fire Protection Inspection, Testing and Maintenance Services
- CPA/166760 - Construction Manager Mardi to Mangrove Link Project

Details of the variations are contained in Attachment 1.

Summary of variations processed in April and May 2012 period

Total number of variations processed for the reporting period	25
Total number of Contracts impacted	15
Contracts requiring increase to the contract estimate	3
Contract where current funds are sufficient to complete	12
Contracts finalised in the reporting period	0

OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations that exceed their approved contract estimates.
Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly 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.

This report is provided for Council's information only.

ATTACHMENTS

- 1 Contract Variations - April and May 2012 (distributed under separate cover) -

Enclosure D03036361

5.1 Information Reports

TRIM REFERENCE: F2012/00026 - D03035285

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

RECOMMENDATION

That Council receive the report on Information Reports.

ATTACHMENTS

Nil.

5.2 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D03014212

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

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

SUMMARY

Water supply and sewerage works in progress and completed for May 2012.

RECOMMENDATION

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

WATER SUPPLY

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

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Charmhaven Killarney Vale Ourimbah The Entrance Toukley Tuggerah Watanobbi Wyong	500,000	Jul 2011	80	92	Jun 2012	Involves the ongoing water main, stop valve and hydrant replacement programme to improve system supply, operations and maintenance of water quality in those areas. This work is being funded by the Water and Sewerage Operations and Maintenance Program.

5.2

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Kanangra Dve Gwandalan	25,000	May 2012	44	40	June 2012	<p>Work has commenced to install a flow meter on a 450mm asbestos cement water main.</p> <p>The flow meter is being installed to monitor the flow and leakage rates to Gwandalan and Summerland Point residential areas.</p> <p>This work is being funded by Water and Sewerage Capital Works Program.</p>
Malvina Pde Lake Haven	32,000	May 2012	50%	50%	June 2012	<p>Involves the relocation of approximately 60m of 100mm water main and associated valves, fittings and services as part of roads and stormwater upgrade works.</p> <p>This work is partially funded by Roads and Stormwater and Water and Sewerage Capital Works Program.</p>
Tonkiss St Tuggerah	40,000	Feb 2012	100	90	June 2012	<p>Installation of the 150mm water pipe and pressure reducing valve has been completed. A contract has been let to construct the associated underground concrete pit.</p> <p>This work will provide a secondary supply of water to Burbank Drive subdivision to improve operations and water quality.</p> <p>This work is being funded by Water and Sewerage Capital Works Program.</p>

5.2

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Hope St and Anzac Ave Wyong	50,000	June 2012	5	5	July 2012	<p>Work has commenced on the relocation of a 150mm water main as part of the Roads and Stormwater upgrade works to install a roundabout at this intersection.</p> <p>This work is partially funded by Roads and Stormwater and Water and Sewerage Capital Works Program.</p>

SEWERAGE

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

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2011	75	92	Jun 2012	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system reliability and to reduce blockages and possible overflows.</p> <p>Council's maintenance program of CCTV inspections identifies those sections of sewer mains, manholes and junctions that cause operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 31 May 2012 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant, for the period 1 to 31 May 2012 has met Environmental Protection Authority Licence requirements.

Sewage Overflows

There were two reported sewage overflows that occurred for the period 1 to 31 May 2012.

An escape of sewage occurred on May 10, 2012 at the boat ramp in Frying Pan Bay, Ginganup Rd Summerland Point as the result of a pipe blockage on SPS GW05 sewage gravity main. Liquid sewage leaked through the manhole which resulted in a minor overflow of sewage into Lake Macquarie. There was minimal environmental impact on the surrounding area. The affected area was cleaned; appropriately sign posted and local pedestrians advised.

This incident was reported to Council's Environment Hotline and the Office of Environment and Heritage, NSW Department of Public Health, Work Cover and Fire and Rescue were advised.

The second sewage overflow occurred on May 14, 2012 opposite 11 Brogden St, The Entrance North as a result of a broken pipe caused by a tree root on sewage rising main B10. Although liquid sewage leaked through the broken pipe the incident had minimal environmental impact.

This incident was reported to Council's Environment Hotline, however due to the minor nature of the incident, it was not reported to external authorities.

WATER STORAGE

Monday, 4 June 2012				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	85,929	45.2	Up 807
Mardi Dam	7,400	4,168	56.3	Down 555
Mooney Dam	4,600	4,595	99.9	Up 28
Total	202,000	94,691	46.9	Up 280
Total Dam Storage this time last month was			46.4 Percent	
Total Dam Storage this time last year was			32.4 Percent	
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	4.3	0.0	0.0	
This year to date	56.8	0.0	0.0	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	25	34	18	
Previous Week	10	9	17	
Current week last year	195	124	112	
This year to date	803	742	525	
Same period last year	813	724	448	
Water Usage (ML)				
Period	Usage			
Week to Date	450			
Previous Week	478			
Percent change from previous week	6 % less			
Current week last year	450			
Percent change from same week last year	0.1 % less			
This year to date	10,693			
Same period last year	11,704			
Percent change from same period last year	8.6 % less			

Mardi to Mangrove Dam Transfer (ML)	
Period	Transfer
Last week	753
This year to date	6,997
Total to date	8,081

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/07830 - D03028270

MANAGER: Gina Vereker; Director

AUTHOR: Jane Doyle; Senior Administration Support Officer

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of May 2012.

RECOMMENDATION

That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units

Development Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	15	1,491,971	4	586,500
Industrial	3	52,000	2	5,000
Residential (Multiple Dwellings/Dual Occupancy)	6	29,818,320	1	11,675,000
Other Applications	1	-	3	474,000
Section 96 Applications	2	-	6	-
Total	27	31,362,291	16	12,740,500

Note: Included in the number of development applications lodged in the "Multiple Dwellings" Category was a Proposed Residential flat building consisting of 109 units, public library, cafe & art gallery valued at \$28M. Included in the number of development applications determined in the "Residential" category was for a 41 serviced self-care dwellings under SEPP (Housing for Seniors or People with a Disability) 2004 with associated infrastructure and services valued at \$10.8M.

5.3 Activities of the Development Assessment and Building Certification and Health Units (coned)

Development Applications Received and Determined – Building Certification and Health Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	45,000	-	-
Industrial	-	-	-	-
Residential (Dwellings)	30	6,849,200	32	8,169,530
Residential (Alterations and Additions)	46	1,766,692	69	2,688,762
Other Applications	-		1	27,500
Section 96 Applications	13	-	12	-
Total	91	8,660,892	114	10,885,792

Subdivision Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	2	2
Residential	3	3	-	-
Rural	-	-	1	1
Total	3	3	3	3

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **17** days. There were no priority development applications determined during the month.

Other Approvals and Certificates

Type:	Number Determined:
Trees	54
Section 149 D Certificates (<i>Building Certificates</i>)	22
Construction Certificates	80
Complying Development Certificates	22

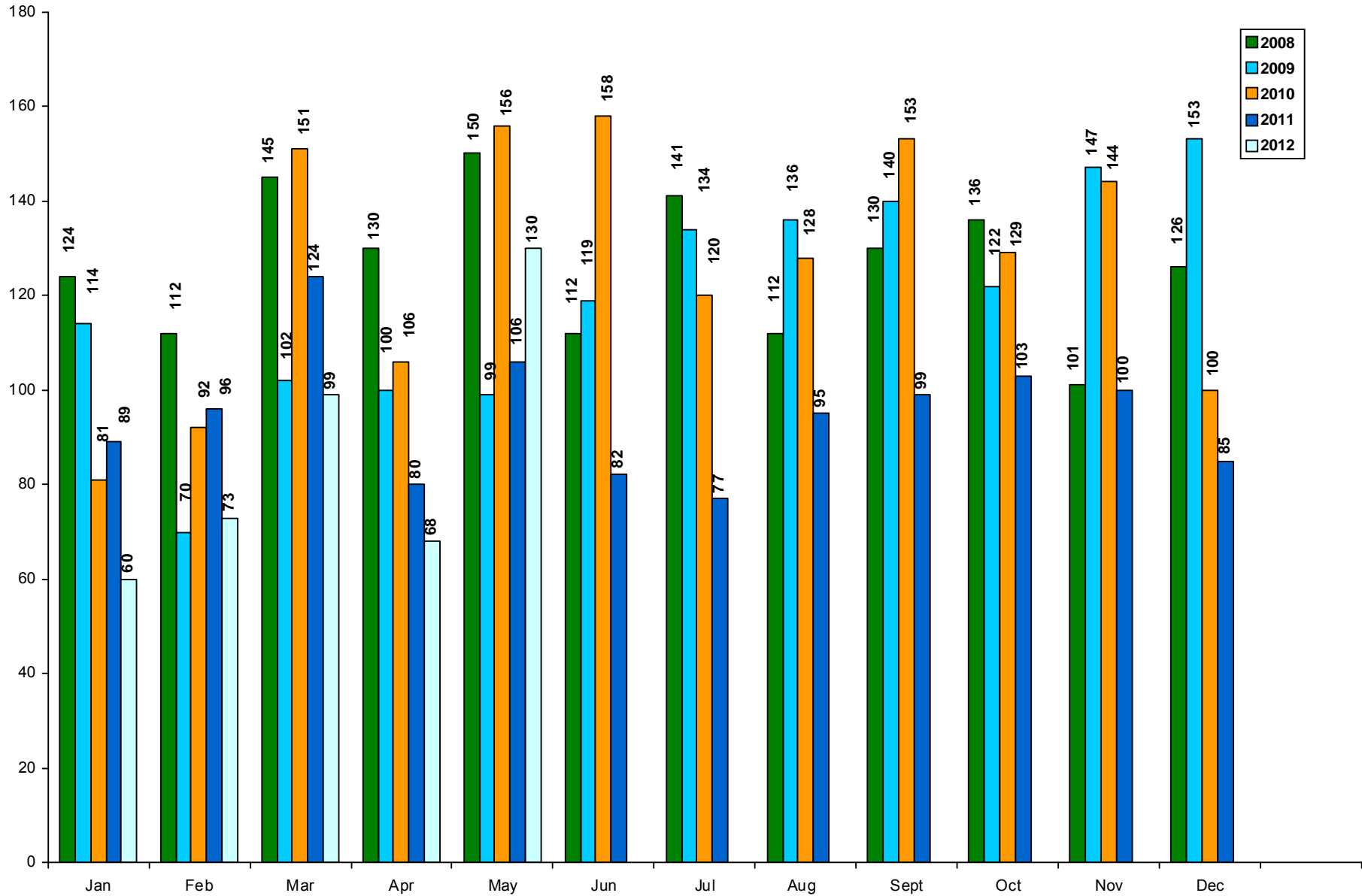
State Environmental Planning Policy No 1

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

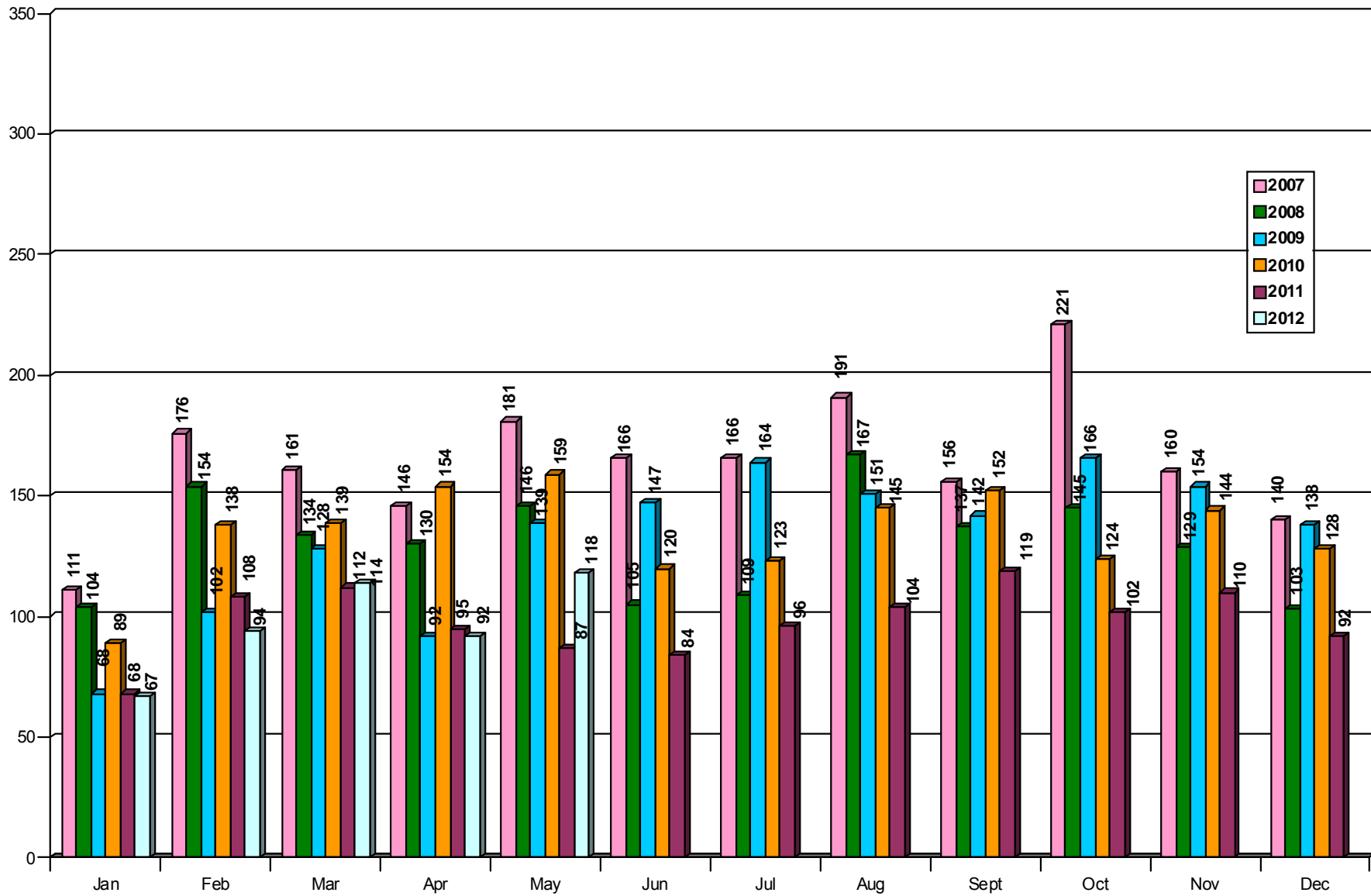
ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Development Applications Lodged, Determined and Construction Certificates Determined (A4 Colour) | D03036809 |
|----------|--|-----------|

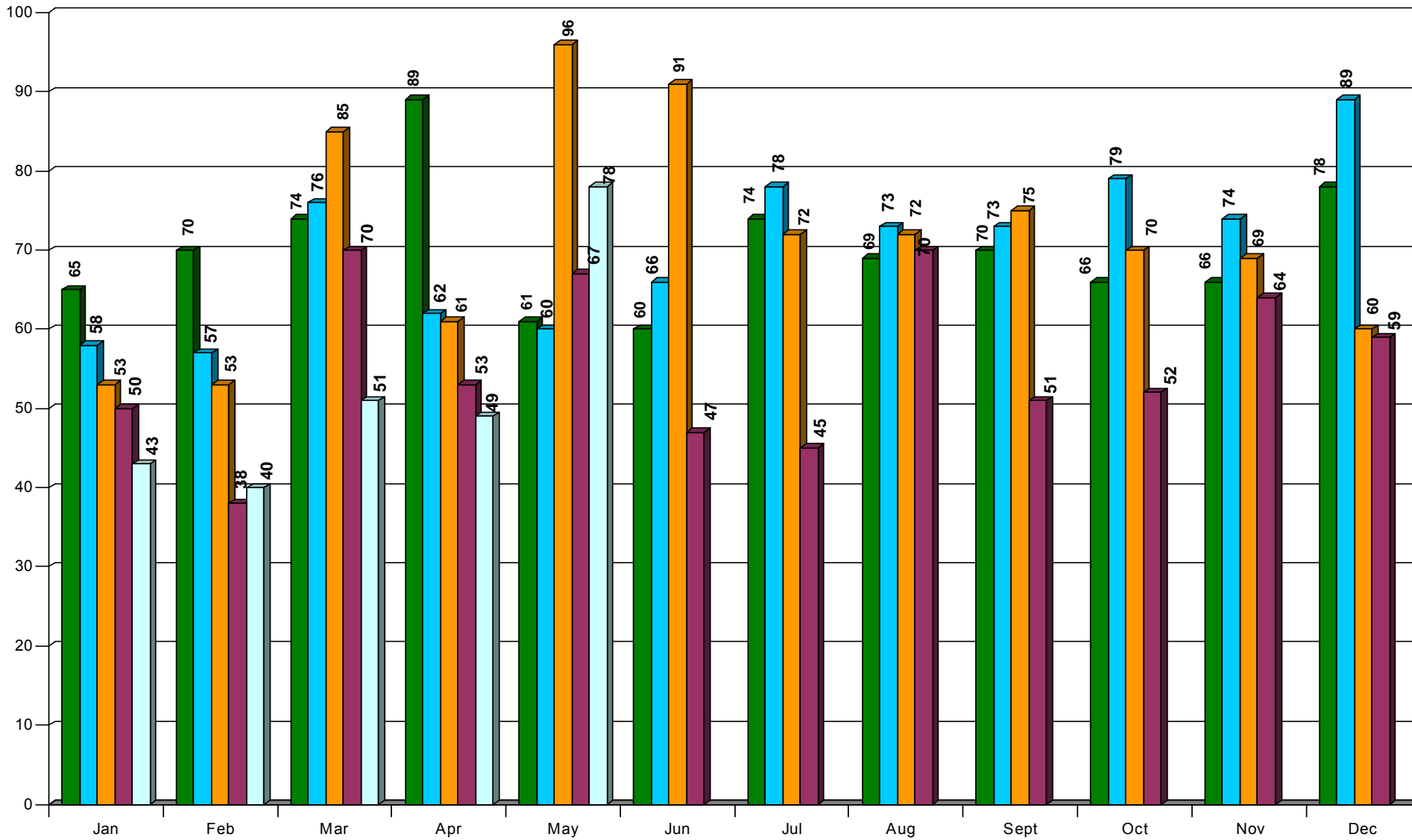
DAs DETERMINED



DAs LODGED



CCs DETERMINED



5.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D03032892

MANAGER: Greg McDonald; Director Infrastructure Management

AUTHOR: Doug Marchant; Project Director

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date	May 2012	\$107.4m
Value of works Complete	May 2012	\$114.2m
Approved Budget		\$120.6m
Overall Construction Status (excluding Commissioning)	Completion Date: <u>June 2012</u>	% Work Complete: <u>99%</u>

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		June 2012	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%
Work Package 2 – Wyong River Pump Station	19 February 2010		99%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%

5.4 Mardi to Mangrove Link Project Status (contd)

Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		100%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		100%

Milestone 2:		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
Milestone 3:		18 April 2012 *	100%
Commissioning	1 August 2011		

* **Formal agreement pending**

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011	25 September 2011	<input checked="" type="checkbox"/>
Transfer Pump Station Construction	31 January 2011	4 April 2011	<input checked="" type="checkbox"/>
Commissioning	6 May 2011	18 April 2012 *	<input checked="" type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>
* Formal agreement pending			

Land Matters

- All properties have been restored (excluding minor outstanding works).
- 50/56 landholders have signed releases.
- Easement Plans have been prepared for all properties and have been sent to the Office of Water.

Stakeholder Liaison

Media

- Nil.

Resident communication

- Direct liaison with affected landholders is ongoing via the Project Team.
-

Incidents

- No Environmental incidents.
 - No Safety incidents.
-

Major Achievements / Issues

- Work Package 1: All construction work has been completed including commissioning. An issue with the pressure rating of the inlet mains is still to be resolved
- Work Packages 2, 3, 4, 6, 7, 18: All work has been completed (except for minor defects) including commissioning
- Integrated commissioning is complete
- Operator training complete
- Council has taken over operation of the system under the 'Early Use' provisions of the Contract. The formal contractual handover is awaiting resolution of a number of defects to be completed by the Contractor. These defects are not interfering with the harvesting of water and transfers to Mangrove Creek Dam.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/06822 - D03033141

MANAGER: Rob Van Hese, Manager Regulation and Compliance

AUTHOR: Jon Scorgie, Senior Environmental Health Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of May 2012.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

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

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

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

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

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

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

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

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

Summary of results for May 2012 (Winter Program)

For the month of May all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all samples taken.

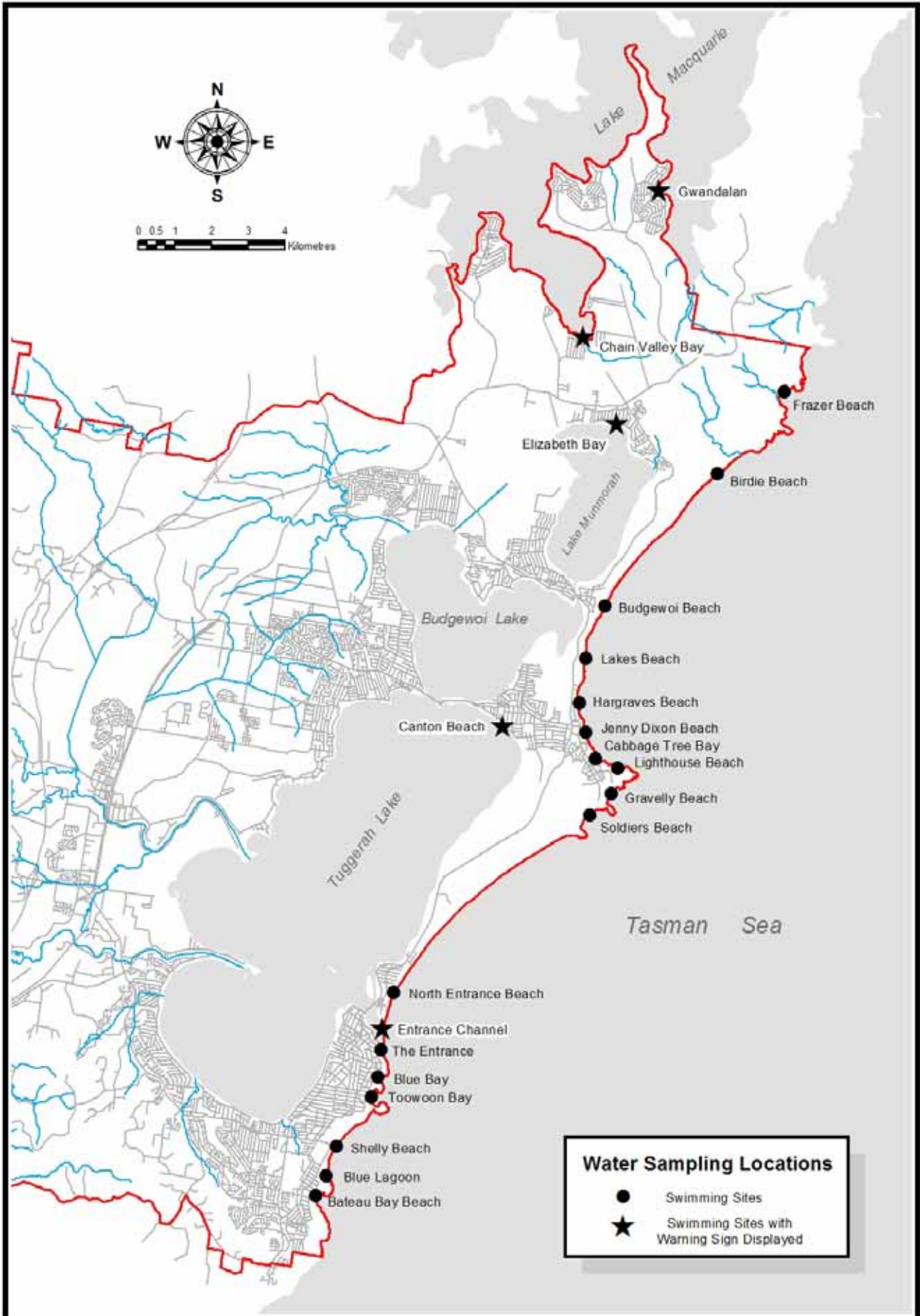
A definition of the star rating system can be seen in Table 1 below.

Table 1: NHMRC Star Rating Interpretation

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

ATTACHMENTS

- 1 Water Sampling Locations D02345961



5.6 Investment Report for May 2012

TRIM REFERENCE: F2004/06604 - D03035045
MANAGER: Carlton Oldfield, Financial Controller
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 May 2012.

RECOMMENDATION

That Council receive the Investment Report for May 2012.

BACKGROUND

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

Council's portfolio includes investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The remaining WSC Managed Fund Investment, Blackrock Care and Maintenance Fund, continues to be wound up progressively and is expected to be liquidated by 2016.

CURRENT STATUS

Managed Funds

Blackrock Care and Maintenance Fund \$5.96m "grandfathered" investment allowable under the Ministers Investment Order. The residual balance of the fund is held with distributions of capital received as assets in the fund mature or are sold.

The loss for April of (\$0.02m) was a 0.32% downward revaluation (unrealised) and has been recorded in May, due to it not being available at the time of publishing the April Financial results.

The BlackRock fund provided a mark-to-market return of -0.49% (net actual) for the month of May, underperforming the BBSW bank bill index return of +0.32%. The underperformance was attributed to a widening of spreads on international corporate / financial securities on the back of further concerns surrounding Europe and the outlook for global growth. Equities also experienced another severe sell-off reaching their lowest levels in over 6 months. This negative environment resulted in the weak performance of the fund during the past month.

The fund continues to comfortably outperform bank bills over longer-time periods. Over the past 3 years, it has returned around +11.3% p.a. versus the bank bill return of +4.5% p.a.

Cash and Term Deposit Funds

Cash flows in May were managed through investment maturities with a net in-flow of \$7.30m.

Table 2 Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in cash on call		4.30%		\$12,308,000
CBA	2	5.25%	May 2012	(\$10,140,000)
Suncorp	3	5.82%	May 2012	(\$5,000,000)
Suncorp	5	5.35%	May 2012	(\$5,000,000)
Suncorp	5	5.85%	May 2012	(\$5,000,000)
Bankwest	5	5.57%	May 2012	(\$5,000,000)
NAB	4	5.88%	May 2012	(\$5,000,000)
Bankwest	3	5.85%	May 2012	(\$5,000,000)
Bankwest	3	5.50%	Aug 2012	\$5,000,000
Bendigo Bank	6	5.65%	Nov 2012	\$5,000,000
Suncrop	6	5.67%	Nov 2012	\$5,000,000
Suncorp	6	5.30%	Nov 2012	\$10,000,000
CBA	1	4.75%	June 2012	\$10,140,000
TOTAL				\$7,308,000

Return on cash and term deposits for May 2012 was \$0.72m.

Total Funds

Total net return for May 2012 was \$0.70m consisting of \$0.72m interest earnings. Blackrock Care and Maintenance Fund returns of a further (\$0.02m) unrealised capital loss from April were recorded in May.

Table 2 Investment Portfolio by Risk Category

Investment Class	May 2012 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	21,690	552	4.96
Term Deposits	128,160	6,745	5.91
Managed Funds	5,957	73	1.07
Total Investments	155,807	7,370	5.56

Year to date returns in May of 5.56% is favourable when comparing with the benchmark BBSW YTD Bank Bill Index of 4.59% and Council guidelines of BBSW + 10 basis points. The year to date return excluding the capital losses on managed funds of \$0.09m is 5.61%.

5.6 Investment Report for May 2012 (contd)

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

The increased holding of Cash-at-call is to fund seasonally high supplier payments (conservative estimate of \$10m) in June 2012 and a long term investment in Heritage Bank (\$4m). It is estimated that cash at call will fall below \$10m by mid June prior to term deposit maturities at the end of June. The advanced payment of the Financial Assistance Grant was received on 12 June 2012, also providing additional cash.

The target maximum limit in each category and the current spread of investments is as listed in Table 3. Portfolio is currently over-weight in A1 but is a positive position due to these investments offering the best rates selected for the investment time frame.

Table 3 – Portfolio Credit Framework

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation May 2012	Comments
A1	10.0%	76.92%	
A2	75.0%	18.61%	
A3	10.0%		
Unrated	15.0%	4.47%	Includes Managed Funds
TOTAL	110%	100.0%	

Investment transactions and earnings during May 2012 are shown in Table 4 - Portfolio Performance.

Table 4 – Portfolio Performance

	Full Year 2010-11	Q1 Sept 2011	Q2 Dec 2011	Q3 Mar 2012	Apr. 2012	May 2012	Year to Date 2011-12
	\$m	\$m	\$m	\$m	\$m	\$m	\$m
Movement in Assets							
Opening Balance	126.39	136.86	150.81	139.33	162.20	148.53	136.86
Capital Gain/(Loss) – (see below)	1.90	(0.47)	0.10	0.23	0.07	(0.02)	(0.09)
Net Cash/Investments (Withdrawals)	8.57	14.42	(11.58)	22.64	(13.74)	7.30	19.04
Closing Balance	136.86	150.81	139.33	162.20	148.53	155.81	155.81
Trading Position							
Capital Gain/(Loss) Realised	-	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.90	(0.47)	0.10	0.23	0.07	(0.02)	(0.09)
Interest Earnings	5.33	2.13	1.96	1.92	0.72	0.72	7.45

5.6 Investment Report for May 2012 (contd)

Total Return for Period	7.23	1.66	2.06	2.15	0.79	0.70	7.36
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Movements in investments comprised the changes in, valuation, new investments and redemptions during May shown in Table 5 – Changes in valuation and redemptions.

Table 5 Changes in valuation, new investments and redemptions.

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.05	
		Net movement	12.26	12.31
Term deposits	Ref. Table 1	Redemptions	(40.14)	
		Investments	35.14	(5.00)
	Westpac deposit Fund	Amortisation	(0.01)	(0.01)
Managed Funds	Black Rock	Capital Distribution	-	
		Capital Gain /(Loss)	(0.02)	(0.02)
TOTAL				(7.28)

Interest and Investment Returns

Returns as at 31 May 2012 on the council investment portfolio of deposit accounts, term deposits and managed funds show a \$0.13m unfavourable variance when compared to the year to date budget.

Table 6 Annual Investment Portfolio Performance as at 31 May 2012

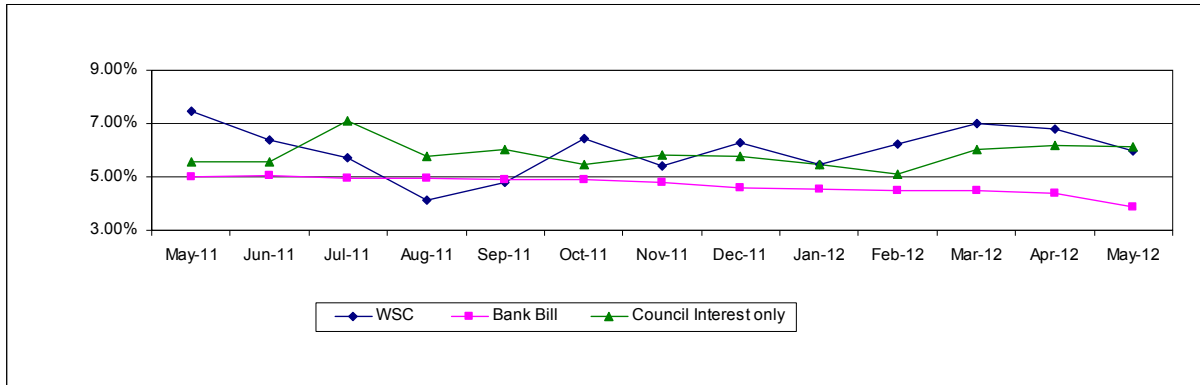
Investment Source	FYR Revised Budget \$ '000	YTD Revised Budget \$ '000	YTD Interest Actual \$ '000	YTD Change in valuation Actual \$ '000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	5,026	4,637	4,332	(2)	4,330	(307)
Water	1,423	1,308	1,444	(101)	1,343	35
Sewerage	1,693	1,555	1,680	17	1,697	142
Total	8,142	7,500	7,456	(86)	7,370	(130)

Interest rates in the month, on term deposits ranged from 4.75% to 6.4% and these rates exceeded the benchmark Bank Bill Swap Rate (BBSW) bank bill index for May of 3.88%.

Benchmark - Monthly Returns (Annualised)

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

Table 7 Annualised Monthly Return - Comparison to Benchmark



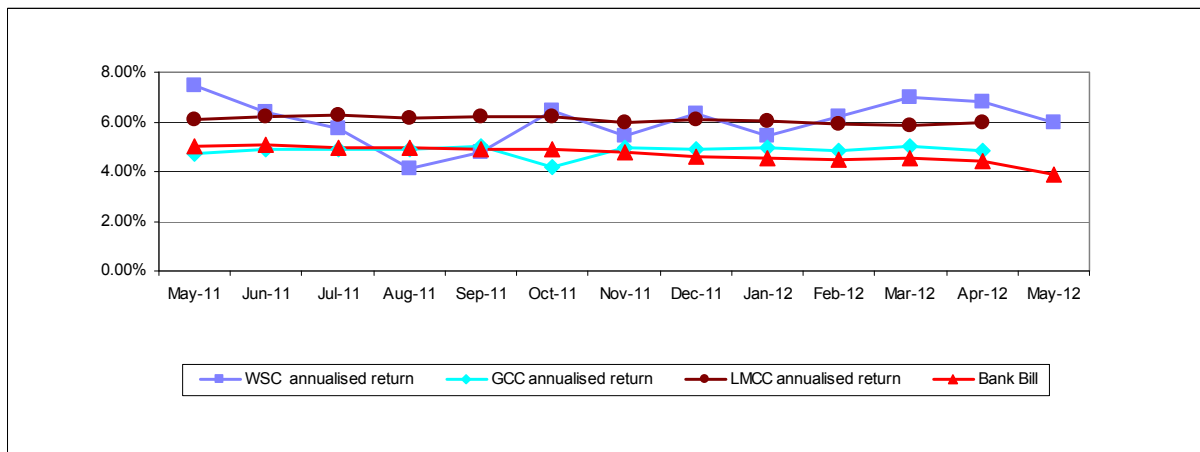
Council: *Council Total Return (Interest and Investments)*
 Bank Bill: *BBSW Bank Bill Index*
 Council Interest Only: *Council Interest Earnings*

Comparison to Similar Councils

Council’s yield of 6.78% for April and 5.98% for May compare to similar councils in the area, Lake Macquarie City Council (5.97% - April) and Gosford City Council (4.83% - April). Returns for May reflect capital loss on Black Rock managed Fund for April only.

There is a one month lag in the information available for similar Councils and reports for May were not available at the time of writing this report.

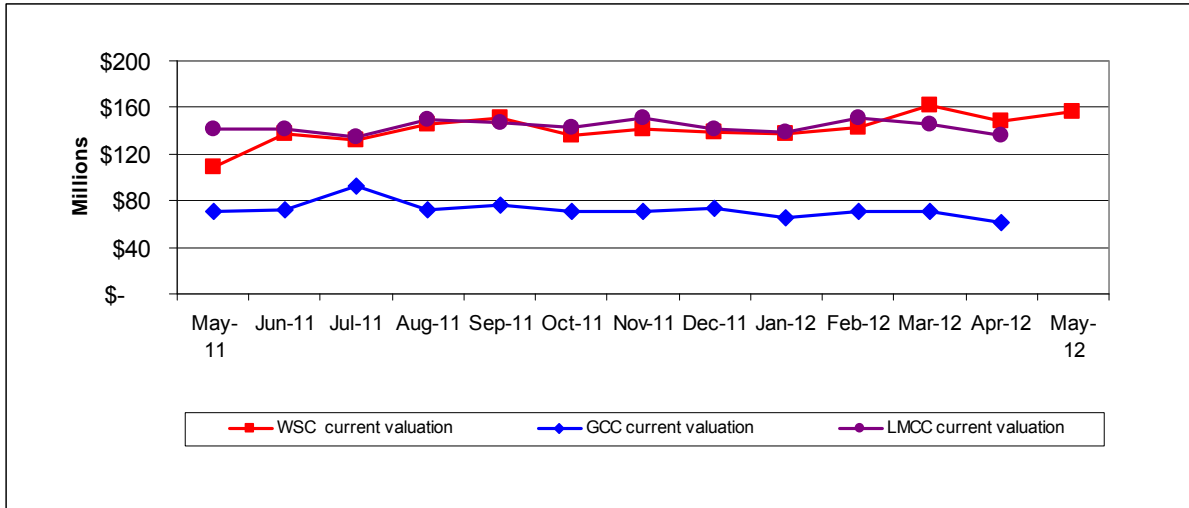
Table 8 Portfolio Return - Comparison to Neighbouring Councils



WSC’s investment portfolio at the end of May was \$155.81m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City councils (refer Table 9).

However Council's cash position must be viewed relative to its high debt levels (predominantly in the Water and Sewer Business) at the end of June 2011 amounting to \$192.62m. In comparison Gosford City Council and Lake Macquarie City Council held debts of \$132.752m and \$53.709m respectively at 30 June 2011.

Table 9 Total Investment – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 May 2012 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits in accordance with the provisions of the ministerial investment order.

Investments continue to be conservatively managed to ensure that value is added to the fixed interest portfolio and Council will continue to redefine its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investments by Type - May 2012 D03035563

Wyong Shire Council
Summary of Investments - By Type
As at 31 May 2012

FUND MANAGER	TYPE OF INVESTMENT	MATURITY	PORTFOLIO BALANCE 30.04.12 \$	PORTFOLIO BALANCE 31.05.12 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:						
Westpac	Corporate Investment Account (AA)	Daily	9,367,842	21,675,992	48,151	3.80
UBS	Cash Account (AA)	Daily	14,119	13,768	0	
Total Cash At Call			9,381,961	21,689,760	48,151	
TERM DEPOSITS & BONDS						
Bendigo/Adelaide	Term Deposit	26/06/2012	4,000,000	4,000,000	21,742	6.40
IMB	Term Deposit	04/07/2012	5,000,000	5,000,000	26,753	6.30
Bankwest	Term Deposit	01/05/2012	5,000,000			5.57
SunCorp	Term Deposit	02/05/2012	5,000,000		12,260	5.35
SunCorp	Term Deposit	28/05/2012	5,000,000		15,945	5.60
NAB	Term Deposit	19/07/2012	5,000,000	5,000,000	24,842	5.85
Bendigo/Adelaide	Term Deposit	17/07/2012	5,000,000	5,000,000	24,842	5.85
NAB	Term Deposit	28/05/2012	5,000,000		21,748	5.88
Bankwest	Term Deposit	01/05/2012	5,000,000		-	5.85
SunCorp	Term Deposit	21/05/2012	5,000,000		26,685	5.82
Bendigo/Adelaide	Term Deposit	27/08/2012	10,000,000	10,000,000	49,940	5.88
NAB	Term Deposit	27/07/2012	10,000,000	10,000,000	50,534	5.95
ANZ	Term Deposit	06/12/2012	7,000,000	7,000,000	34,661	5.83
ANZ	Term Deposit	30/06/2012	5,000,000	5,000,000	24,630	5.80
NAB	Term Deposit	30/08/2012	5,000,000	5,000,000	24,842	5.85
SunCorp	Term Deposit	30/09/2012	10,000,000	10,000,000	50,279	5.92
NAB	Term Deposit	30/07/2012	5,000,000	5,000,000	25,055	5.90
Wyong Credit Union	Term Deposit	30/09/2012	1,000,000	1,000,000	4,756	5.60
Westpac	Term Deposit	05/03/2014	10,000,000	10,000,000	49,005	5.77
SunCorp	Term Deposit	24/10/2012	7,000,000	7,000,000	35,374	5.95
Bankwest	Term Deposit	07/08/2012		5,000,000	23,356	5.50
Bendigo/Adelaide	Term Deposit	07/11/2012		5,000,000	23,993	5.65
SunCorp	Term Deposit	02/11/2012		5,000,000	23,301	5.67
SunCorp	Term Deposit	22/11/2012		10,000,000	14,521	5.30
Commonwealth	Term Deposit	10/05/2012	10,140,000		13,126	5.20
Commonwealth	Term Deposit	12/06/2012		10,140,000	29,031	5.25
Westpac	Deposit Bond	24/09/2012	4,026,202	4,019,842	24,563	4.40
Total Term Deposit & Bonds:			133,166,202	128,159,842	675,788	
CASH MANAGEMENT FUNDS:						
BlackRock Care & Maintenance Fund		2016 (Estimate)	5,976,831	5,957,887	(18,944)	
Total Cash Management Funds			5,976,831	5,957,887	(18,944)	
TOTAL			148,524,994	155,807,488	704,994	

5.7 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2012/00026 - D03035292

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Report on outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | | |
|---|---|-----------|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion 27 June 2012 | Enclosure | D03039094 |
|---|---|-----------|-----------|

6.1 Answers to Question on Notice

TRIM REFERENCE: C2012/05400 - D02996465
AUTHOR/MANAGER: Brett Sherar, Manager Open Space

6.1 Q14/12 - Graffiti in Woodward Avenue, Wyong

The following question was asked by Councillor Eaton at the Ordinary Meeting on :

“I recently received a complaint as to graffiti on fences in Woodward Avenue Wyong. On inspection there is significant graffiti on fences surrounding the park. Can Council investigate hedge or other appropriate plantings to screen the fences around the park to prevent/deter graffiti?”

Council has an adopted Graffiti Management Strategy that focuses on rapid removal. These fences are private property and it is the responsibility of the fence owner to remove the graffiti. Council provides graffiti removal kits free of charge to all community members. The concept of planting is in line with Crime Prevention Through Environmental Design (CPTED) principles however this does present establishment and ongoing costs that are not considered viable for this site.

A one- off service request has been lodged to remove the graffiti and information on free graffiti removal kits provided to residents.

ATTACHMENTS

Nil.

6.2 Answers to Question on Notice

TRIM REFERENCE: F2004/06579 - D03033326 AUTHOR: SB

6.2 Q17/12 - Carbon Tax Local Tipping Fee Increases

The following question was asked by Councillor Greg Best at the Ordinary Meeting on 09 May 2012: *"The carbon tax will result in a huge tipping fee increase. I understand it is in the order of some \$30 per household. Could staff please confirm the exact figure per household and per tonne and as to what proactive and preventative measures will be taken in anticipation of an escalation of illegal tipping in local bushland?"*

OVERVIEW OF CARBON PRICING AND THE IMPACT ON COUNCIL

The Obligation to Reduce Greenhouse Gases

Australia has signed up to the Kyoto protocol which seeks to reduce the emission of greenhouse gases to an agreed timetable. The following table describes the gas, its concentration in the atmosphere and its global warming potential:

GAS	CONCENTRATION (ppm)	GLOBAL WARMING POTENTIAL
Carbon Dioxide	388	1
Methane	1.87	21
Nitrous Oxide	0.323	310
Hydro fluorocarbons	0.0000620	310
Sulphur Hexafluoride	0.0000070	23,900
Per fluorocarbons	0.0000012	10,000

In terms of Council's emissions the only gases of significance are carbon dioxide, methane and nitrous oxide. All emissions are reported in terms of carbon dioxide equivalent (CO_{2-e}).

Australia has adopted the target of reducing emissions by 5-25% by 2020 and by 80% by 2050. To do this it has adopted a carbon pricing mechanism that will apply from 1 July 2012. The supporting legislation is the Clean Energy Act 2011 and the National Greenhouse and Energy Reporting (NGER) Act 2007 (as amended).

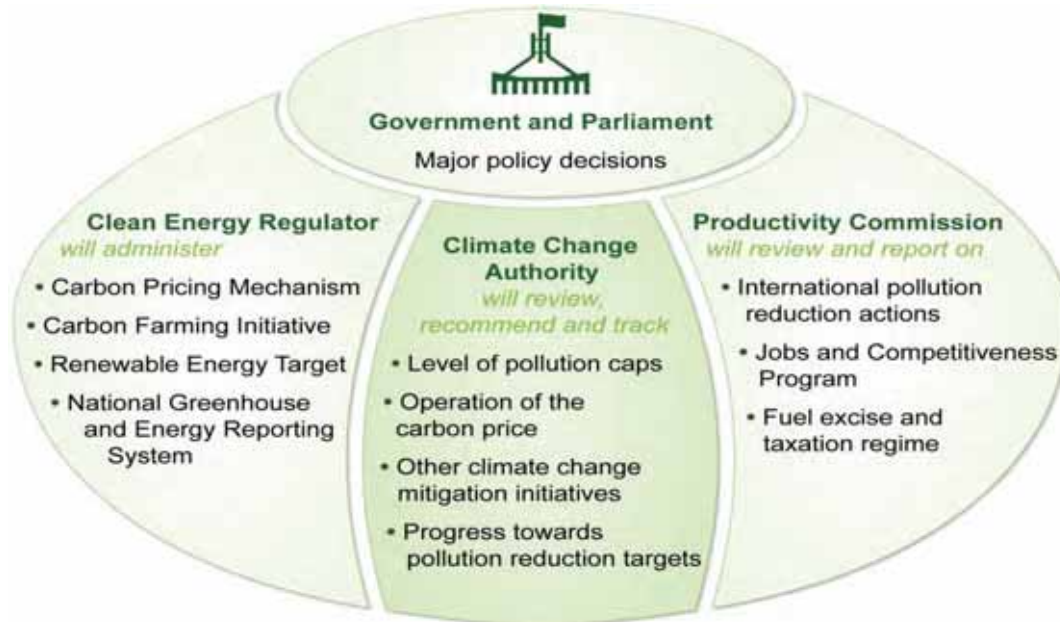
An Overview of the Carbon Pricing Mechanism

- A person or company that has "operational control" over a facility that is estimated to emit 25,000 tonnes or more of CO_{2-e} per annum is deemed to be a "liable entity".
- The liable entity is required to submit a report on the emissions, using the templates provided as part of the NGER system.
- The liable entity will be required to purchase "carbon units" to discharge its obligation under the carbon pricing system for emissions discharged after 1 July 2012. The cost of these units is as follows:
 - 2012/13 - \$23.00 per tonne CO_{2-e}

6.2 Q17/12 - Carbon Tax Local Tipping Fee Increases (contd)

- 2013/14 - \$24.15 per tonne CO_{2-e}
- 2014/15 – \$25.40 per tonne CO_{2-e}
- 2015/16 and beyond – a price set by the market but not less than \$15.00.

The following diagram outlines the system to be in place from 1 July 2012:



Council will be primarily involved with the Clean Energy Regulator (CER). This authority will not undertake the emission calculations for Council but it will provide clarification of the procedures to be followed. Council's assessment of emissions is submitted to the CER and it reserves the right to either accept them as being correct or arrange for an independent assessment.

The Financial Impact on Council

The impact will be direct and indirect.

- In direct terms Council will be required to submit a report that is likely to show that the facilities that emit significant quantities of greenhouse gas are Buttonderry Waste Management Facility and the sewage treatment plants. Based on the use of standard NGER calculators it has been determined that Buttonderry will be above the 25kt threshold but the sewage treatment plants will be below it. Consequently Council will only be required to purchase carbon credits for emissions from Buttonderry WMF.
- In indirect terms Council will be paying higher prices for goods and services that are impacted by the carbon pricing mechanism. The most significant of these are the supply of electricity. It is estimated in 2012/13 that Council's electricity consumption will be about 40,500 MWh. Using the standard conversion factor for NSW each MWh of electricity generated will produce 0.89 tonnes of CO_{2-e}. Consequently Council's consumption based on the use of electricity from a coal-fired power station will generate emissions of about 36,045 tonnes CO_{2-e}. Council purchases green energy that reduces this figure by about 3,000 tonnes so the final quantity is about 33,045 tonnes CO_{2-e}. Based on a carbon price of \$23 this will lead to an increase in electricity prices of about \$760,000 per annum.

6.2 Q17/12 - Carbon Tax Local Tipping Fee Increases (contd)

The direct cost, due to emissions from Buttondery WMF, is more difficult to quantify. There are a number of variables in this calculation: the actual amount of emissions, the phases in which waste produces methane (each tonne of waste produces and emits methane for longer than 40 years, creating a cumulative effect of methane emissions), the effect of the methane-powered generator and the price of carbon units over the longer term.

1. Emission Calculations: The NGER templates provide a means of estimating the quantity of greenhouse gas that will be emitted, depending on the type of waste deposited and the time that it is in the ground. The following table shows the default calculations for 1 tonne of mixed solid waste:

Emission Factors Effective 1 July 2012				
	Composition	DOC	DOC_F	tCO_{2-e}
Food	35.00%	0.15	0.84	0.56
Paper and paper board	13.00%	0.4	0.49	0.32
Garden and park	16.50%	0.2	0.47	0.2
Wood and wood waste	1.00%	0.43	0.23	0.01
Textiles	1.50%	0.24	0.5	0.02
Sludge	0.00%	0.05	0.5	0.00
Nappies	4.00%	0.24	0.5	0.06
Rubber and Leather	1.00%	0.39	0.5	0.02
Concrete, metal, plastic and glass or other	28.00%	0	0	0.00
Emission factor (tCO_{2-e}/t waste) for MSW				1.19

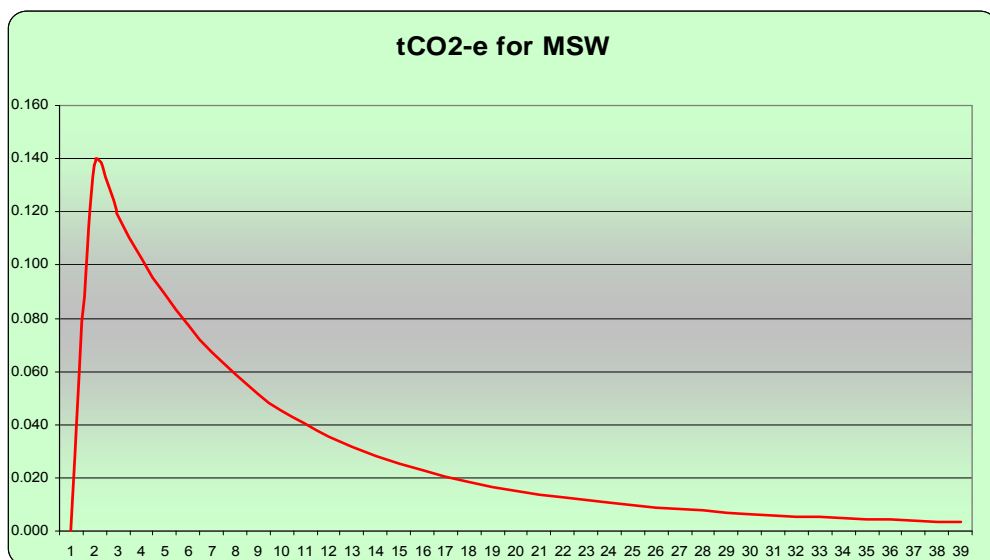
DOC = Degradable Organic Carbon expressed as a proportion of the particular waste type.

DOC_F = Fraction of degradable organic carbon dissimilated for the waste type produced with a default value of 0.5.

tCO_{2-e} = Carbon equivalents measured or expressed in tonnes.

MSW = Municipal Solid Waste.

This shows that each tonne of waste will produce about 1.19 tonnes of CO_{2-e}. However, the emissions will continue for about 40 years, as shown in the following graph:



6.2 Q17/12 - Carbon Tax Local Tipping Fee Increases (contd)

This is a significant factor. Waste deposited today creates a liability that will last for 40 years. The carbon pricing mechanism also includes the following:

- Waste deposited prior to 1 July 2012 is defined to be “legacy waste”. Emissions arising from this waste are not included in the carbon pricing mechanism. However, if they exceed 25,000 tonnes CO_{2-e} per annum then this makes the entity with operational control of the facility a “liable entity”. This is the case at Buttonderry WMF. Consequently Council will become a liable entity from 1 July 2012.
 - The waste deposited from 1 July 2012 will create emissions but the Government has deemed them to be zero for 2012/13. Consequently, costs arising from this waste will be based on emissions arising from 1 July 2013 onwards. Clarification is being sought from the Regulator of whether this deeming process applies just to 2012/13 or to waste deposited at any time.
2. Buttonderry WMF has a methane-powered generator in place that reduces the amount of methane that escapes to the atmosphere by up to 60%. However, this generator is obtaining methane from cells that are filled with “legacy waste”. The emissions from this waste are not included in the carbon pricing mechanism. The new cells (which will have waste deposited from 1 July 2012) currently are not connected to the methane-powered electricity generator so no reduction in methane is applicable at this time. It is possible that over the life of the emissions a new extraction systems and generator will be installed and the emissions will be reduced. The benefit to Council of this will be a reduction in the need to purchase carbon units. The renewable energy certificates (REC) or credits obtained by burning the methane and generating electricity will be retained by the company that has exclusive access to the site (LMS Pty Ltd).
 3. The price of carbon units over the longer term is very difficult to assess. There is certainty for the fixed price term of 2012/13 to 2014/15 but beyond that the market sets the price with a floor price of \$15.00 set by the Federal Government.

The Tipping Fee Increase per Household

Taking the above into account the direct cost per tonne of waste is \$27.60 (\$23.00 x 1.2 conversion rate) based on a carbon price of \$23.00 per tonne of CO_{2-e} for the first year. Bearing in mind the fact that Councils liability for the CO_{2-e} emissions from the waste deposited during 2012/13 stretches at least over the next 40 years combined with the uncertainty factor of the future carbon price.

The average waste generated per household per annum is approximately 800kg. The cost per household will be on average \$22.08 for the first year.

The Action Taken to Minimise the Impact of Carbon Pricing

Council has adopted the following strategy to minimise the emission of greenhouse gases.



Examples of action taken and proposed within the above categories are as follows:

Avoidance:

- Opportunity to change the type of waste that is deposited to minimise emissions.
- The use of air conditioning is minimised via a Building Management System.
- Teleconferencing or Webinars could be used to save time and fuel.
- The use of excessive lighting has been avoided (usually one tube per fitting).
- At water pumping stations parallel pumping is minimised since 2 pumps running in parallel do not create twice the output of one pump, there are losses due to hydraulics.

Reduction:

- Voltage reduction at Coral St Carpark
- Upgrade of "Pope" air conditioning units at Civic Centre.
- Installation of lighting sensors at Civic Centre.
- High efficiency high-bay lighting at Charmhaven Depot.
- Sub-metering at Chambers.
- Green Energy funds used to install high efficiency motors and upgrade an inefficient and unreliable air conditioning system at the laboratory, replace the office lighting at Civic Centre with high efficiency T5 lamps and replace conventional down lights with compact fluorescent types. T5 lamps are also being installed in 6 libraries.
- Proposed green projects in 2011/12 include T5 lighting and down light changes in Child Care Centres and other offices, the replacement of obsolete air conditioning units, the tinting of windows to reduce a/c load, the use of sensors to minimise lighting, and additional voltage reduction equipment.
- Ausgrid are installing more efficient controllers and trialing the use of LED lighting for streetlamps.
- Reduce the volumes of domestic and commercial waste going to landfill
- Reduce landfill emissions liability by ensuring that maximum methane gas extraction is possible.

Replacement:

- Solar Panels have been installed at three sites (Bateau Bay Library, The Entrance Library and Charmhaven Animal Care Facility). The economic advantage of this was

6.2 Q17/12 - Carbon Tax Local Tipping Fee Increases (contd)

limited by the fact that Council was not allowed to participate in the solar bonus scheme. However, as energy costs increase the economic justification also increases.

- Council has adopted a policy of using 4 cylinder cars for transport which reduces fuel consumption.

Offset

- Council offsets approximately 3000 tonnes of CO2-e per annum through the purchase of green energy at small sites. The funds that would have been used for large sites are available for green projects. It should be noted that if these funds are not spent due to a lack of projects the purchase of green energy can be backdated so that Council's commitment to emission reduction is still maintained for the financial year concerned.

Measures to Address Illegal Tipping

- Wyong Council Rangers are currently addressing illegal dumping in the Shire.
- The NSW Government intends to expand the Regional Illegal Dumping (RID)-Squad with two additional rangers to cover the Central Coast area.

ATTACHMENTS

Nil.

6.3 Answers to Question on Notice

TRIM REFERENCE: DA/1137/2011 - D03041954

AUTHOR/MANAGER: Brett Phillips, Manager Economic & Property Development

6.3 Q19/12 - Buy Local Festival

The following question was asked by Councillor McBride at the Ordinary Meeting on 23 May 2012:

“Could staff please provide a report on Council's support and presence at the recently held Buy Local Festival?”.

The 2012 Buy Local Festival was organised by Business 2 Business, at the Central Coast Business Park, North Wyong. Council supported this event through the provision of \$5,000 in cash and approximately \$5,000 in-kind, a total of \$10,000. The in-kind assistance included portaloos, barriers, bunting, star pickets, waste bins and collection, variable message trailers and 2 traffic controllers for 2 days.

In return for the sponsorship, Council received acknowledgement on Festival brochures, a street within the festival called Wyong Shire and a double booth for Council's use.

Feedback on the event provided by participants and visitors was overwhelmingly positive, visitors to the event were primarily seeking information on Tourism and Lifestyle facilities, goods and produce, restaurant and function centres and business information services. The majority of visitors to the event came from Wyong Shire with just under a quarter from the Gosford LGA and about ten percent from outside the Central Coast.

Council's sponsorship and commitment to the festival assisted the organisers in making the festival a success.

Further information regarding this event was provided to Councillors via a Confidential Councillor Business Update which was issued on 8 June 2012.

ATTACHMENTS

Nil.

27 June 2012

To the Ordinary Council Meeting

Councillor

7.1 Notice of Motion - Housing Jump Start

TRIM REFERENCE: F2004/07706 - D03038283

AUTHORS: Doug Eaton; Councillor
Bob Graham; Councillor

Councillors D J Eaton and R L Graham have given notice that at the Ordinary Council Meeting to be held on 27 June 2012 they will move the following Motion:

“That Council direct the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.”

RESOURCES

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. It is not envisaged that any additional resources would be required.

27 June 2012

To the Ordinary Council Meeting

Councillor

7.2 Notice of Motion - Council Calls to Stop Community Building Partnership Cuts

TRIM REFERENCE: F2004/07706 - D03039220

AUTHOR: Doug Vincent; Councillor

Councillor D P Vincent has given notice that at the Ordinary Council Meeting to be held on 27 June 2012 he will move the following Motion:

- “1 That Council note that Wyong Shire has received in excess of \$2,000,000 for community and infrastructure projects from the State Government's Community Building Partnership program in 2009, 2010 and 2011.
- 2 That Council note that this funding has assisted the Council and the community to undertake many worthwhile projects such as:

 - a Wyong Shire Council – Baker Park Northern Carpark and Recreational Space - \$22,400.
 - b Wyong Shire Council – Upgrade of Community Reserve - \$30,000.
 - c Soldiers Beach Surf Lifesaving Club – Club fitout - \$59,909.
 - d Toukley and District Senior Citizens Club Inc – replacement of bowls room roof - \$30,000.
 - e San Remo Community Garden - Establishment of a Permaculture Education centre - \$25,000.
 - f Northern Lakes Rugby League Sport and Recreation Club – Construction of Clubhouse and Amenities block - \$50,000.
- 3 That Council note with concern media reports that the NSW Treasurer will cut the funding provided through the Community Building Partnership by one third (from \$400,000 to \$300,000) in the 2012-13 State Budget.
- 4 That Council note with concern any reduction in funding available to Community groups and the Council from the State Government places financial pressure on the Shire's ability to invest in infrastructure and deliver quality local services.
- 5 That Council call on the O'Farrell Government not to cut the funding available through Community Building Partnership in the 2012-13 State Budget, and instead make a full allocation of \$35 million available for community groups and Councils to invest in local infrastructure.”

7.2 Notice of Motion - Council Calls to Stop Community Building Partnership Cuts (contd)

RESOURCES

The implementation of this Notice of Motion will be undertaken by existing staff within the Community and Recreation Services Department.

It is not envisaged that any additional resources would be required.

COUNCILLORS NOTE

The Community Building Partnership (CBP) was introduced by the former State Labor Government in the 2009-10 State Budget. The purpose of the program is to provide funds to councils and community organisations to invest in local infrastructure, such as upgrades to halls and sporting facilities.

While community organisations (such as Surf Life Saving Clubs, Senior Citizens Clubs, Community gardens and many other not for profit groups) may have their projects fully funded through the scheme, Councils are required to provide matching funds (ie: dollar-for-dollar).

The CBP helps to address problems with infrastructure backlogs, unlock funds for investment, and create opportunities for local businesses and tradespeople. The program has previously allocated \$300,000 to each state electorate, with an additional \$100,000 provided to electorates, such as the electorates in the Wyong Shire, which were identified as having higher levels of unemployment.

See http://www.communitybuildingpartnership.nsw.gov.au/2011_grants for the full list

Before the last State Election, Barry O'Farrell promised to continue the Community Building Partnership (Source: Sydney Morning Herald, 1 March 2011).

On Sunday 20 May 2012, the Sun Herald reported that Treasurer Mike Baird was considering abolishing the Community Building Partnership Program altogether (Source: Sun Herald, 20 May 2012). On Sunday 27 May 2012, the Sun Herald reported that Treasurer Mike Baird would continue the Community Building Partnership Program, but cut its funding by around a third. This would mean that State electorates in the Wyong Shire that had previously received \$400,000 in funding will now receive \$300,000. (Source: Sydney Morning Herald, 28 May 2012).

ATTACHMENTS

Nil