



Wyong
Shire
Council
CENTRAL COAST



Council have collected a record 11,000 cubic metres of wrack from the Lakes this financial year. Council staff are using some of this wrack on dune restoration work at Soldiers Beach.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

25 June 2014

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 25 JUNE 2014 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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- 6.1 Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)

7 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2013/02042 - D08250558

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/02042 - D08250559
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
25 June 2014	Ourimbah Masterplan objectives of project	Property and Economic Development
25 June 2014	Pioneer Dairy	Community and Recreation Services
25 June 2014	Library Future (External)	Community and Recreation Services
25 June 2014	Brand (External) 1HOUR	Community and Recreation Services

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 25 June 2014 D09175256

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Ourimbah Masterplan objectives of project	Property and Economic Development		25/06/2014
Pioneer Dairy	Community and Recreation Services		25/06/2014
Library Future (External)	Community and Recreation Services		25/06/2014
Brand (External) 1HOUR	Community and Recreation Services		25/06/2014
Recreation Centres Future	Community and Recreation Services		23/07/2014
Skate Strategy	Community and Recreation Services		23/07/2014
Wyong Local Environmental Plan 2013 - Major Amendment 1	Property and Economic Development		23/07/2014
Natural Resources Management Strategy and Biodiversity Management Plan	Property and Economic Development		13/08/2014
Facts of and Strategy for Tidy Towns & LandCare	Community and Recreation Services		13/08/2014
Library Future - Overview	Community and Recreation Services		13/08/2014
Education and Business Precinct - Masterplan	Property and Economic Development		13/08/2014
Sponsorship	Community and Recreation Services		13/08/2014
Bushfire works plan	Property and Economic Development		27/08/2014
Social Return on Investment	Community and Recreation Services		27/08/2014
Customer Service	Community and Recreation Services		27/08/2014
CCRDC Update - Grame Inchley & Greg South	GM Unit		26/11/2014
Ward Forums Annual Review	Community and Recreation Services		11/03/2015
Wyong Employment Zone - results of DCP and S94 contributions Plan/Biocertification update, DCP amendment update	Property and Economic Development	November	
Art House	Community and Recreation Services	September	
Community Facilities Strategy Update	Community and Recreation Services	November	
Tree Policy and Process Revisions	Community and Recreation Services	September	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2013/02042 - D08250567
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/02042 - D08250672

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 11 June 2014.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 June 2014.

ATTACHMENTS

1 Minutes - Ordinary Meeting 11 June 2014 D08896195

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 JUNE 2014
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Acting Director Community and Recreation Services, General Counsel, Manager Communications, IT and Operations Manager and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 2.1, 3.1, 3.2, 4.1, 5.2 and 5.5 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

4.1 CPA/242672 - Operation of Wyong Shire Council Animal Care Facility

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has worked closely with groups that are seeking a tender, left the chamber at 5.46 pm, took no part in discussion, did not vote and returned to the chamber at 5.54 pm.

5.2 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the 1st Budgewoi Scouts, NSW Scout Association, left the chamber at 5.54 pm, took no part in discussion, did not vote and returned to the chamber at 5.56 pm.

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the NSW Justices Association – Tuggerah Lakes Branch and stated that:

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that my wife is on the executive of the China Australia Friendship Association Inc. who are being allocated grant funding, left the chamber at 5.54 pm, took no part in discussion, did not vote and returned to the chamber at 5.56 pm.

6.2 DA 713/2013 - Alterations & additions to existing education establishment at Warnervale

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel. Councillor Best did not leave the chamber as this item was dealt with via the exception method.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Council delegate to the Joint Regional Planning Panel which will determine this matter. Councillor Eaton did not leave the chamber as this item was dealt with via the exception method.

U5/14 Motion of Urgency - Halekulani Oval Swap

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he works for Delta Electricity who own land at Colongra in relation to this matter, left the chamber at 6.02 pm, took no part in discussion, did not vote and returned to the chamber at 6.12 pm.

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor GREENWALD

619/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

620/14 That Council allow meeting practice to be varied.

621/14 That Council use the exception method to deal with the balance of the Agenda.

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

622/14 That with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 5.2 and 5.5 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

623/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

624/14 That Council receive the report on Invited Speakers.

625/14 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

626/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 May 2014.

Business Arising

There was no business arising.

2.1 Planning Proposal and Draft DCP 2013 in Respect of Lot 195 DP 1006789 (1 Figtree Boulevard) Wadalba - Outcomes of Consultation

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

627/14 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ/10/2012 issued by the Director-General (Planning and Infrastructure) and proceed with the steps for drafting and making the LEP for the rezoning of Lot 195 DP 1006789.

628/14 That Council adopt draft Wyong DCP 2013 Chapter 6.17 – Warnervale East/Wadalba North West and give appropriate public notice within 28 days that the draft DCP will come into effect on the date the LEP amendment comes into effect.

629/14 That Council forward a copy of amended Wyong Development Control Plan 2013 to the Director General of the NSW Department of Planning & Infrastructure within 28 days of the draft DCP coming into effect.

630/14 That Council advise those who made submissions of the decision.

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

3.1 Property Portfolio Review Project - Stage 1

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

631/14 That Council authorise the sale of the following properties for not less than market value:

- a Lot 220 DP 222242 - 379W Lakedge Avenue, Berkeley Vale
- b Lot 2 DP 878874217 - Scenic Drive, Budgewoi
- c Lot 1 DP 46773 - 6W Brennon Road, Gorokan
- d Lot 1 DP 218979 - 1 Cornwall Avenue, Gorokan
- e Lot 52 DP 215427 - Dalnott Road, Gorokan
- f Lot 2 DP 600238 & Lot 166 DP 83103 - 0 Phyllis Avenue & 8 Sara Jane Close, Kanwal
- g Lot 154 DP 218427 - 18W Dunvegan Street, Mannering Park
- h Lot 56 DP 830706 - 56 Coachwood Drive, Ourimbah
- i Lot 59 DP 830706 - 6W Ironbark Close, Ourimbah
- j Lot 147 DP 28798 - 6 Wyndora Avenue, San Remo
- k Lot 331 DP 214998 - 32W Murrumbong Road, Summerland Point
- l Lot 52 DP 1100416 - 1 Devon Lane, Wyong
- m Lot 5 DP 749065 - 4W Walter Close, Wyong
- n Lot 2 DP 165001656 - Yarramalong Road, Wyong Creek
- o Lot 7 DP 258490 - 41W Moola Road, Buff Point
- p Lot 33 DP 74043820A - Holloway Drive, Jilliby
- q Lot 13 DP 826966 - 89 Baileys Road, Ourimbah
- r Lot 14 DP 251953 - 21W Ravensdale Road, Ravensdale
- s Lot 23 DP 251953 - 19W Ravensdale Road, Ravensdale
- t Lot 112 DP 574144 - 18W McDonagh Road, Wyong

632/14 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of these properties.

633/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the purchaser associated with the sale of land.

3.2 Proposed Sale of Council Land at Bateau Bay

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

634/14 That Council approve the disposal of a 2,000m² portion of Council land at Lot 282 DP 875780 and Lot 26 DP 776263, 7W Sir Joseph Banks Drive, Bateau Bay for a value of \$500,000 subject to the following terms:

- a The purchase of the land is subject to the proponent securing a rezoning of the land through a Planning Proposal which is to be prepared and submitted at the cost of the proponent.

- b** *The Planning Proposal is to be accompanied by a Voluntary Planning Agreement which includes a monetary contribution of \$52,000 to cover the cost of the relocation of the playground (currently located on the subject land) and in lieu of any future Section 94A contributions for development on the land.*
- c** *The proponent is to submit a “Put and Call” option which is subject to the land being rezoned with a 5% (\$25,000) deposit bond (which is refundable if rezoning is unsuccessful).*
- d** *Following the above a Development Application is to be prepared and submitted at the cost of the proponent to adjust the boundaries between Lot 282 DP 875780 and Lot 26 DP 776263 to create a parcel of land (approximately 2,000m²) to be transferred to the proponent.*

635/14 *That Council resolve to deal directly with Mr Michael Shipp, the owner of the adjoining land, in regards to the sale of the subject land.*

636/14 *That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of this site.*

637/14 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the purchaser.*

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

4.1 CPA/242672 - Operation of Wyong Shire Council Animal Care Facility

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has worked closely with groups that are seeking a tender, left the chamber at 5.46 pm, took no part in discussion, did not vote and returned to the chamber at 5.54 pm.

Councillor Nayna left the meeting at 5:46 pm, returned to the meeting at 5:48 pm during consideration of this item.

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

638/14 *That Council accepts the tender from the organisation nominated as SoCares Inc in the attached Tender Evaluation Report, for a period of up to three (3) years with three (3) options for a further one (1) year term for Contract CPA/242672 – Operation of Wyong Shire Council Animal Care Facility. The estimated annual expenditure against this contract is \$234,815.50 (excl GST); however actual expenditure may vary significantly with fluctuations in demand.*

639/14 *That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, SoCares Inc, which may be disclosed after Council has resolved to accept that tender.*

- 640/14 That Council **approve** the contingency sum as detailed in the Tender Evaluation Report in Attachment A.
- 641/14 That Council **delegate** to the General Manager the power to approve the option(s) for further terms.
- 642/14 That Council **request** the General Manager to thank staff for their dedication over many years.
- 5.1 CPA/212700 - Collection and Purchase of Scrap Metal / Batteries from Charmhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility

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

- 643/14 That Council **approve** an increase to the revenue level of contract CPA/212700 to exceed \$150,000.
- 644/14 That Council **approve** an extension of the current contract CPA/212700 on a month by month basis up to a total value of \$400,000 in revenue.
- 645/14 That Council **note** the intention to undertake a new procurement process for a three year term contract containing a formula to mirror the global price for scrap metal.

5.2 Proposed Councillors' Community Improvement Grants

Councillor Eaton vacated the chair and Councillor Webster assumed the chair for consideration of this item.

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the 1st Budgewoi Scouts, NSW Scout Association, left the chamber at 5.54 pm, took no part in discussion, did not vote and returned to the chamber at 5.56 pm.

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the NSW Justices Association – Tuggerah Lakes Branch and stated that:

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

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that my wife is on the executive of the China Australia Friendship Association Inc. who are being allocated grant funding, left the chamber at 5.54 pm, took no part in discussion, did not vote and returned to the chamber at 5.56 pm.

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

- 646/14 That Council **allocate** an amount of \$53,826.50 from the 2013-14 Councillors' Community Improvement Grants as follows:

11 June 2014		
1st Berkeley Vale Scout Group (\$2758) (\$2200 already allocated)	Provide sunhat and polo shirt to all members.	558.00
1st Ourimbah Scout Group (\$1800) (\$100 already allocated)	Provide each member with a branded jacket	1,550.00
1st Tumby Scout Group (\$3200) (\$1300 already allocated)	Clean out dam	1,900.00
Adam Gowen (\$1128.58) (\$100 already allocated)	Australian Men's Oztag Team	200.00
Alison Homestead Men's Shed Association (\$2000) (\$1050 already allocated)	Purchase tools and equipment	950.00
All Saints Anglican Church - The Entrance (\$4000) (\$1500 already allocated)	Purchase and installation of an air conditioner	1,150.00
Australian Filipino Association of the Central Coast Inc. (\$1000)	Function costs.	1,000.00
Bateau Bay Police and Citizens Youth Club (\$4000) (\$500 already allocated)	The Girls Choice Program targeting 16 young females aged between 12 - 15 years	950.00
Benevolent Society Gorokan (\$567) (\$300 already allocated)	4 x Card Tables 1 set of 36 Bridge Boards 36 packs of cards	267.00
Benjamin Butler (\$2000) (\$100 already allocated)	Assistance towards costs of travelling on representative rugby tour to UK and France.	200.00
Berkeley Vale Neighbourhood Centre Assoc Inc. (\$600) (\$460 already allocated)	To purchase a petrol generated irrigation pump for the Berkeley Vale Community Garden to assist in the distribution of water from the tank across the site.	140.00
Camp Breakaway (\$3950) (\$700 already allocated)	5 Permanent Benches in and around the playground area	2,600.00
Central Coast CC Australian Italian Friendship Society (\$2500) (\$950 already allocated)	Fortnightly gatherings, entertainment and organisation costs.	800.00
Central Coast Bombers (\$1400) (\$740 already allocated)	Provide playing uniforms for women and girls only teams in first year of women's and girls only competition in AFL.	660.00
Central Coast Lakes District Scouts (\$1350) (\$250 already allocated)	Maintenance to Scouts Saltwater Creek Boatshed at Long Jetty	1,100.00
Central Coast Outreach Services (\$4000) (\$2250 already allocated)	"Back to Basics" training program	1,750.00
China Australia Friendship Association (\$4000) (\$3600 already allocated)	Event	400.00
Coast Alive Foodcare (\$900) (\$90 already allocated)	Provide morning tea and lunch to underprivileged families in the Wyong Shrie.	650.00
Coastal a Cappella (\$2800) (\$880 already allocated)	Purchase of Choral Riser Steps	1,300.00

<i>Darkinjung Local Aboriginal Land Council (\$2000)</i>	<i>Build and repair an indigenous Communal Learning and Meeting space for parents and children of Wyong Shire.</i>	<i>1,775.00</i>
<i>Drug Awareness and Relief Movement (\$4000) (\$200 already allocated)</i>	<i>Distribute Drug Awareness manuals into local schools</i>	<i>1,350.00</i>
<i>Gwandalan Outside of School Hours Care Inc. (\$2000) (\$400 already allocated)</i>	<i>Purchase and laying on new lino, to paint the staff office, new flyscreens for windows and storage shelves for equipment in garage.</i>	<i>300.00</i>
<i>Halekulani Library (\$500) (\$300 already allocated)</i>	<i>Purchase new books.</i>	<i>200.00</i>
<i>Homeless No More (\$3500) (\$650 already allocated)</i>	<i>Facilitate recruitment workshops.</i>	<i>2,300.00</i>
<i>Homeless No More (\$3500) (\$1150 already allocated)</i>	<i>Annual Charity Walkathon</i>	<i>800.00</i>
<i>Kamira Alcohol and Other Drug Treatment Services (\$4000) (\$1700 already allocated)</i>	<i>Governance training and skills development</i>	<i>200.00</i>
<i>Lake Macquarie FM Inc (\$4000) (\$2600 already allocated)</i>	<i>To connect electricity</i>	<i>900.00</i>
<i>Lions Club of Gwandalan Inc (\$2000) (\$500 already allocated)</i>	<i>Spring Festival</i>	<i>600.00</i>
<i>Lions Club of Toukley Inc (\$4000)</i>	<i>Build a garage to house the Mobile Food Catering Van</i>	<i>2,500.00</i>
<i>Long Jetty and District Senior Citizens Club (\$1000) (\$550 already allocated)</i>	<i>Seniors Week Program</i>	<i>450.00</i>
<i>Mannering Park Precinct Committee (\$1300)</i>	<i>Insurance and administration costs.</i>	<i>1,300.00</i>
<i>Mingara Athletics Club (\$1000) (\$100 already allocated)</i>	<i>Staging 2013 State Road Relays</i>	<i>900.00</i>
<i>NSW Active Retirees and Mentors Inc. (\$4000) (\$200 already allocated)</i>	<i>Volunteers to attend an accredited Training Course</i>	<i>850.00</i>
<i>NSW Justices Association Inc. (\$2000) (\$100 already allocated)</i>	<i>To purchase a laptop computer for training of desk volunteers</i>	<i>1,100.00</i>
<i>P&C Association Canteen Berkeley Vale School (\$500)</i>	<i>Supplying breakfast and/or lunch to disadvantaged children who come to school with no food.</i>	<i>500.00</i>
<i>Rodney Dillon (\$2000) (\$100 already allocated)</i>	<i>Represent Australia in New Zealand in Oztag in the 2013 Trans Tasman Tour</i>	<i>200.00</i>
<i>San Remo Neighbourhood Centre (\$1000) (\$900 already allocated)</i>	<i>Security costs for the annual San Remo/Blue Haven Community Christmas celebration</i>	<i>100.00</i>
<i>San Remo Community Environment Project Inc (\$3445.56) (\$1400 already allocated)</i>	<i>Install a dry creek bed at San Remo Community Garden</i>	<i>100.00</i>
<i>Shirley Shuttle Cancer Patient Transport Service (\$4000) (\$2700 already allocated)</i>	<i>To assist the running costs of Shirley Shuttle Wyong and Shirley Shuttle 3</i>	<i>1,300.00</i>
<i>Southern Cross Austereo (\$2000) (\$100 already allocated)</i>	<i>Give Me 5 for Kids - Hospital fundraiser for children on the Central Coast to buy needed equipment.</i>	<i>1,400.00</i>

St Andrews Presbyterian Church - The Entrance (\$2000) (\$350 already allocated)	Painting of Church Building	1,650.00
The Australian Air League Toukley Squadron (\$4000) (\$1800 already allocated)	Attend the Federal Review in Canberra	250.00
The Central Coast Bridge Club (\$4000) (\$700 already allocated)	Construction of a ramp for wheelchair/ambulance access	1,750.00
The Entrance Amateur Swimming Club (\$750) (\$100 already allocated)	Purchase new seating and 2 x marquees	650.00
The Entrance and District Cricket Club Inc (\$2000) (\$1800 already allocated)	Ice Maker Machine, First Aid Kits, Portable Sunshades, Refrigerator for the use of players, teams, spectators and volunteers.	200.00
The Entrance Bateau Bay Australian Football Club (\$2000) (\$300 already allocated)	Upgrade training and playing equipment.	1,400.00
The Entrance Rugby Club Inc. (\$3000)	Sporting Equipment	3,000.00
The Rotary Club of The Entrance (\$4000) (\$1200 already allocated)	The Rotary Youth Driver Awareness Program (RYDA) is a one day out of school program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.	1,200.00
Toowoomb Bay SLSC (\$4000) (\$1300 already allocated)	60th Anniversary Celebrations	1,959.00
Toukley & District Senior Citizens Club Inc. (\$3986) (\$600 already allocated)	Replace carpet in the craft room	1,450.00
Toukley Neighbourhood Centre Inc (\$2117.50) (\$1400 already allocated)	7 Monthly Hat Making Workshops	717.50
Tuggerah Lakes Memorial Pistol Club Inc. (\$3800) (\$2150 already allocated)	Roofing over 25m Pistol Frames in Range 3	1,650.00
Yarramalong School of Arts Inc. (\$750) (\$50 already allocated)	Resurfacing of timber floor, kitchen, toilet, cleaning and stationery supplies.	700.00

5.3 Conference Attendance - 2014 Local Government, Planning & Environmental Law Conference

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

647/14 That Council authorise those interested Councillor/s to attend the 2014 Local Government, Planning & Environmental Law Conference.

648/14 That Council meet reasonable expenses incurred by Councillors and accompanying persons attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.

5.4 Expenditure Review Committee

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

649/14 That Council resolve to dissolve the Expenditure Review Committee.

650/14 That Council direct the General Manager to prepare a report to Council seeking appropriate amendments to the Terms of Reference for Council's Audit and Risk Committee to effect the transfer of relevant functions of the Expenditure Review Committee to the Audit and Risk Committee.

5.5 Results of Invitation for Formal Offers for the Purchase of the Short Street Car park at The Entrance

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

651/14 That Council endorse the actions of staff to enter into final negotiations with Firm No 2 referred to in the attachment to this report with a view to securing the sale of the land at a price not less than market value.

652/14 That Council endorse the actions of staff to enter into final negotiations with Firm No 1 for the sale of the land at a price not less than market value in the event that sale terms cannot be agreed with Firm No 2.

653/14 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the sale of this site.

654/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the purchaser.

655/14 That Council note that the proceeds from the sale will be reinvested through the Council's property reserves.

5.6 Capital Work Program Amendments

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

656/14 That Council approve the changes to the Capital Works Program for 2013/14 as stated in this report.

6.1 Audit of Best Practice Management Guidelines for Water Supply and Sewerage

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

657/14 That Council receive the report on Audit of Best Practice Management Guidelines for Water Supply and Sewerage.

6.2 DA 713/2013 - Alterations & additions to existing education establishment at Warnervale

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel. Councillor Best did not leave the chamber as this item was dealt with via the exception method.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Council delegate to the Joint Regional Planning Panel which will determine this matter. Councillor Eaton did not leave the chamber as this item was dealt with via the exception method.

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

658/14 That Council receive the report on DA 713/2013 - Alterations & additions to existing education establishment at Warnervale.

6.3 Road Capital Works Program

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

659/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.4 Outstanding Questions on Notice and Notices of Motion

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

660/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

**U5/14 Motion of Urgency - Halekulani Oval Swap
Councillor Greg Best
RZ/8/2012**

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Best sought leave to introduce a Motion of Urgency concerning the Halekulani Oval Swap.

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

661/14 That Council consider a motion of Urgency regarding the Halekulani Oval Swap.

The Mayor ruled that the matter was of great urgency and could be introduced as a Motion of Urgency.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he works for Delta Electricity who own land at Colongra in relation to this matter, left the chamber at 6.02 pm, took no part in discussion, did not vote and returned to the chamber at 6.12 pm.

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

662/14 That Council direct the General Manager, in consultation with Mayor, to issue an engagement strategy on the current status of the negotiations that are taking place with Woolworths over the possible land swap involving the Halekulani Oval.

663/14 That the engagement strategy include the following:

- a The fact that no formal decision on the land swap has occurred.**
- b A number of draft concepts are being reviewed and a report will be presented to Council once a preferred concept is identified.**
- c The land swap will facilitate the creation of 4 new sporting fields and associated amenities at Colongra.**
- d The improvements to the community and recreation facilities will be funded partly from a developer contribution from Woolworths.**

QUESTIONS ON NOTICE

**Q70/14 Councils Meeting with Australian Water Holdings
Councillor Greg Best
CPA/201362**

"Mr Mayor,

I understand the office of the Mayor met with representatives of Australian Water Holdings (AWH) including the former CEO Mr Nick Di Girolamo. As you are aware Mayoral meetings at this level of corporate interface it is standard Council protocol to have senior staff in attendance where notes and minutes are taken for the public record.

Mr Mayor, due to the recent ICAC inquiries centred around AWH could you please provide Council with details of the meeting, what senior staff were in attendance, a copy of all minutes taken (subject to confidentiality), who initiated the meeting, the date and location of the meeting and what outcomes were agreed to.

Also as to why such as sensitive and significant meeting was not reported to Councillors by the Mayor and further any other relevant information that may assist in the transparent understanding of this event?"

Q71/14 Hardware Store at Big Flower Complex
Councillor Lisa Matthews
DA/397/2014

“It has been drawn to my attention that a hardware store has been established at the Big Flower Complex at Ourimbah.

Can the General Manager report on the approval that took place in regards to this development?”

Q72/14 Blackspot at Louisiana Road
Councillor Ken Greenwald
F2007/01673

“Can the General Manager give to Council an update on progress with the negotiations, or other, with the RMS for works to alleviate the noted black spot at Louisiana Road and Pacific Highway, Hamlyn Terrace?”

THE MEETING closed at 6.12 pm

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2013/02042 - D06675819

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

- 1 That Council consider the following matter in Confidential Session, pursuant to Sections 10 A (2) (c) of the Local Government Act 1993:**
 - 6.1 – Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)**
- 2 That Council note its reason for considering Report No 6.1 - Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That Council request the General Manager to report on these matters in open session of Council.**

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

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

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

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

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

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

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

(iii) reveal a trade secret,

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

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

ATTACHMENTS

Nil.

2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley

TRIM REFERENCE: F2011/00334 - D07519459

MANAGER: Steven Mann, Manager

AUTHOR: Jonathan Luke; Senior Strategic Planner

SUMMARY

Further to the Councillor Briefing on 9 April 2014 at which the Concept proposal was presented for Iconic Development Site No 16, this report outlines the 'significant public benefit' offer that the owner, Rustrum has proposed. Associated with this offer, Rustrum have requested Council to delete the Development Control Plan (DCP) 2013 requirement for provision of public access along the foreshore of the site. The matter of permissibility of the current concept under the current SP3 Tourist Zone is discussed with a recommendation that a Planning Proposal be submitted to address the issue.

RECOMMENDATION

- 1 That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the 'significant public benefit' offer contained in the letter submitted by ADW Johnson dated 28 May 2014.**
- 2 That Council advise the proponent to submit a Planning Proposal to address the current permissibility issue in respect of permanent residential dwellings, by way of a change in zone or an additional permitted use.**
- 3 That Council authorise the General Manager to assess the adequacy of the Planning Proposal submitted in accordance with Recommendation No. 2 above and submit it to the Department of Planning and Environment seeking a Gateway determination.**

BACKGROUND

Following a series of presentations by Rustrum and their consultants and architects of the concept plans for the Iconic Development Site at Main Road Toukley, Council officers highlighted in a letter dated 16 April 2014, a number of matters to be considered and addressed as part of the planning documentation and a way forward for the site. This included the need to address the issue of public foreshore access, being a requirement of both Wyong Local Environmental Plan (LEP) 2013 and Wyong DCP 2013.

Wyong DCP 2013 Chapter 6.1 Section 3.16(m) states:

"Public foreshore access shall be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CPTED) principles."

2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley (contd)

Wyong LEP 2013 Clause 7.6 – “Development on the foreshore must ensure access”, reads as follows:

“Clause 7.6 - Development on the foreshore must ensure access

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) Continuous public access to and along the foreshore through or adjacent to the proposed development,*
- (b) Public access to link with existing or proposed open space,*
- (c) Public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- (d) Public access to be located above mean high water mark,*
- (e) The reinforcing of the foreshore character and respect for existing environmental conditions.”*

Consultants ADW Johnson (acting for the owner Rustrum) have since submitted three letters dated 5, 21 and 28 May 2014 respectively, concerning public foreshore access, permissibility of the concept plan, and detail associated with the significant public benefit offer in lieu of providing public foreshore access on the site. A copy of each letter is attached.

The first letter and third letters include a request to delete the requirement in the Wyong DCP 2013 for foreshore public access and propose alternate means for achieving significant public benefit. Essentially, Rustrum are seeking certainty, prior to spending significant funds on detailed site planning, that Council will not require public foreshore access on the site on the basis of the significant public benefit offer proposed by Rustrum.

The second letter focusses on the issue of whether the concept design presented to Council staff (and Councillors at a Briefing on 9 April 2014) is permissible under the SP3 Tourist Zone given the configuration of residential units adjacent to commercial and retail uses, rather than ‘above’ as required under the definition for “shop top housing” under the Wyong LEP 2013 definition.

History

Council originally considered a request from the owner, Rustrum to delete the requirement for provision of public foreshore access to Lake Budgewoi contained in draft DCP 2012 Chapter 115 Section 3.16 at its Ordinary Meeting dated 12 October 2011. The matter was deferred until an inspection of the site by Councillors had been undertaken; a review of the submitted valuation report completed; and a report on alternative options to achieve significant public benefit had been prepared by Council staff. Subsequently a report was considered by Council at the Ordinary Meeting on 14 December 2011 containing reasons in support of the removal of the draft DCP requirement for public foreshore access on the site (a copy of the report is attached).

2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley (contd)

Council resolved *unanimously*:

- “1 That Council, subject to agreement being reached with the land owner on alternative options for the achievement of significant public benefit relevant to this development, remove the requirement contained under DCP 2012 (draft) Chapter 115 - Section 3.16 Rustrum Site, which requires the provision of public foreshore access to Lake Budgewoi.
- 2 That Council, subsequent to the agreement outlined above, insert a new requirement within Section 3.16 Rustrum Site, as follows:

“Public foreshore access should be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CEPTED) principles. Alternatively, should such public foreshore access not be feasible, then alternative options for the achievement of significant public benefit shall be negotiated to the satisfaction of Council and the proponent. Such alternatives should include improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality.”

PUBLIC FORESHORE ACCESS

The proponent has previously detailed reasons why public foreshore access is both undesirable and impractical at this location and contended that funding associated with provision of public benefit could be better directed towards improving access to and embellishing existing substantial foreshore nearby. These reasons are elaborated in the ADW Johnson letter dated 28 May 2014 and earlier reports to Council on the matter. In essence the site is too steep for practical public foreshore access, would be isolated, is not supported by the any local strategic planning strategy and could give rise to security issues for future residents and patrons given the proximity of the hotel next door. In considering these matters previously, Council officers have concurred with these findings.

CURRENT STATUS

The proponent has now been in negotiations with Council's Property Development Unit to prepare a concept for the development of the site based around the Iconic Development Sites provisions. This follows approval of the Boundary Realignment Subdivision Approval (DA/829/2013) granted in January this year involving part of the existing Toukley Gardens.

As part of this process, the concept plan has been developed to a point at which the proponent has an indication of the likely development yield.

THE PROPOSAL

Based upon the draft concept plan for the Rustrum site, the proponent has agreed in principle to provide significant public benefit to the **value of approximately \$1.23 million** which represents 1.5 times the likely Section 94 Contribution amount that would be attributed to the development.

2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley (contd)

The proponent has submitted an in-principle agreement, which outlines the significant public benefit offer. This will be formalised via a voluntary planning agreement (VPA) prepared with a Planning Proposal. It is notable that the underlying aim of improved foreshore public access, envisaged by both the DCP and LEP provisions, is more effectively achieved by the suite of works proposed under the significant public benefit offer.

The offer proposes funding toward the following works to provide a significant public benefit:

Premium upgrade to Toukley Gardens

In line with the proposed boundary realignment and land swap established under the Buy-Sell Agreement with Rustrum and pursuant to Development Approval DA/829/2013. The applicant is required to restore a reconfigured Toukley Gardens to the standard to which it is at present. However as part of the significant public benefit offer under the Iconic Sites process the opportunity exists to implement a significant upgrade of the park. This will enable Council to implement strategic improvements identified under Toukley Planning Strategy and the Toukley Town Centre Public Domain Masterplan. These include establishing the park as an 'entry arrival node' to the town centre and utilising the opportunity to improve the park outlook, connections to the foreshore and northern residential areas and appropriate public art. It is currently proposed to allocate \$545,000 toward this significant upgrade. The final amount will be subject to preparation of detailed landscape design.

Access and Improvements to Osborne Park foreshore

It is proposed to direct approximately \$685,000 toward improved access to and facilities at Osborne Park foreshore.

The reconfigured Toukley Gardens will allow for pedestrian and cycle access along Rowland Terrace and Peel Street to the foreshore at Osborne Park. This is proposed to be formalised by the provision of approximately 750m of off-road Shared pathway with the balance being on-road bike path along Rowland Terrace. This will provide a direct link from Main Road and Toukley Gardens to Osborne Park linking with the existing shared pathway which extends to Seventh Avenue. The cost estimate for these works is \$262,500 which includes on and off-road path, retaining works and protective barriers.

A Park Upgrade Concept Masterplan prepared by Council's Open Space and Recreation Unit exists for Osborne Park, which provides clear direction for upgrade and enhancement to facilities in this location. This is referenced as the basis for improvements at Osborne Park. In this regard the following works are proposed:

- New playground involving relocation and replacement with new equipment - \$200,000.
- Two new Picnic Shelters with wheelchair accessible design and electric BBQ at \$50,000 each - \$100,000
- Shared Path Link from Osborne Park to Leonard Avenue – \$12,500
- Increased carparking and overflow car plus trailer parking with car barriers. A rough estimate of 1,365m² of 'at-grade' carparking area at \$80 cost per/m² including carparking barriers – approx. \$110,000.

Based on the works proposed above it is considered that the public benefit offer will provide adequate funding to provide significant improvement to foreshore access in the locality and greatly improve the facilities on the foreshore. These improvements will be more effective in achieving public foreshore access outcomes than attempting to achieve access in an isolated and physically difficult to access location such as the Rustrum site. It is therefore recommended that Council resolve to delete the DCP requirement for public foreshore access subject to formalisation, via a VPA, of the significant public benefit offer contained in ADW Johnson's letter dated 28 May 2014.

PERMISSIBILITY

The matter of permissibility has emerged with the development of the current Concept Plan. ADW Johnson on behalf of Rustrum have requested Council planner to undertake a review of the permissibility of the Concept Plan under Wyong LEP 2013.

At the time of exhibition of the Wyong LEP in February 2013 the proponent raised the question of whether mixed use was permissible under the SP3 Tourist Zone, raising concern that 'mixed use' was not listed as a permissible use. Council planners' analysis showed that 'mixed use' is not a defined use and therefore not prohibited. A mixed use scheme would be possible via the list of permissible uses under the SP3 landuse table including 'Shop top housing'. The definition for Shop top housing' at that time was:

"Shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises."

Based on the above definition the proposed Concept would likely be permissible being proposed 'otherwise attached' underneath retail or business premises. However the definition in the final Wyong LEP 2013 has deleted the bracketed "or otherwise attached to" phrase meaning that shop top housing may only be considered as such if located above retail or business premises. The current definition reads as follows:

"Shop top housing means one or more dwellings located above ground floor retail premises or business premises."

Council's Development and Rezoning Unit has confirmed that under the current definition the draft Concept Plan would not be permissible in its present form. The proposed Concept Plan which involves a mix of permanent residential, tourist accommodation, retail and business premises is consistent with the strategic vision for the locality as outlined in the Toukley Planning Strategy 2010 which recommended a 2(G) Residential Tourist Zone under Wyong LEP 1991, a zone which facilitated residential dwellings whether located above, adjacent to or above other uses. Accordingly, a change to Wyong LEP 2013 via a Planning Proposal would be consistent with the underlying strategic planning for this locality.

Three main options to address this, which could be pursued via a Planning Proposal to amend the LEP, exist.

1. The first involves reverting back to the draft definition for shop top housing. The Department of Planning and Environment (DoPE) are unlikely to support a definition change.

2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley (contd)

2. The second would be to introduce an additional use within the SP3 Zone to permit “residential flat buildings”, however this would have the effect of allowing this across all similarly zoned land which may not be desirable.
3. The third option would be to implement a B4 Mixed Use Zone across the site. The list of uses permissible under a Mixed Use zone will allow the flexibility for the range of uses envisaged by the Concept Plan. B4 Mixed Use Zone will also facilitate retail and business premises together with a mix of permanent residential and tourist accommodation and therefore would be consistent with the underlying strategic planning for the locality.

It is recommended that Council invite the proponent to address the permissibility of residential dwellings via a Planning Proposal. In this regard, to facilitate the draft concept plan, the proponent already intends to prepare and lodge a Planning Proposal to address the zoning due to the proposed land swap (change of zone from RE1 Public Recreation) and to amend other planning provisions associated with height and floor space ratio. Therefore the ‘permissibility’ issue may be addressed via the same Planning Proposal.

CONCLUSION

Based on the significant public benefit offer and the suite of works that this will enable Council to undertake to improve local foreshore access and facilities, it is recommended that Council resolve to delete the DCP requirement for public foreshore access subject to formalisation, via a VPA, of the significant public benefit offer contained in ADW Johnson’s letter dated 28 May 2014.

Given the land use mix proposed under the draft Concept Plan is consistent with the strategic planning for the locality, it is recommended that Council invite the proponent to lodge a Planning Proposal to address the issue surrounding the permissibility of Shop top housing.

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Confidential Council Report dated 14 December 2011 - Iconic Development Site No 16 - Located at 216-222 Main Road and 21 Rowland Terrace, Toukley – distributed under separate cover | Enclosure | D02838118 |
| 2 | ADW Johnson Letter - Rustrum - Foreshore Public Access - 5 May 2014 | | D08851601 |
| 3 | ADW Johnson Letter - Rustrum to WSC - Concept Permissibility - 21 May 2014 | | D08851613 |
| 4 | ADW Johnson Letter - Rustrum to WSC - Public Benefit Offer - 28 May 2014 | | D08851620 |



Our Ref:IM:TM:36418

05 May 2014

General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

ATTENTION: MR STEVE MANN

Dear Steve

RE: RUSTRUM KEY SITE, TOUKLEY.

Thank you for your letter dated 16 April 2014, confirming support for the Rustrum key site concept and design.

We note that the site concept, as supported by Council, makes no provision for foreshore public access on the Rustrum site, however, your letter of the 16th April 2014, once again raises the issue of such access.

Council's support is welcomed. However, we believe the combination of the Council resolution of December 2011 and the DCP 2013 provisions regarding foreshore access on the site jeopardizes the project by potentially allowing public foreshore access. Rustrum would like either the resolution or the DCP, or both, amended to eliminate this problem.

Rustrum cannot, in all fairness, be expected to continue to DA stage (spending up to a further \$300,000) with the possibility of foreshore public access being imposed as a condition of approval.

The issue of public foreshore access on the site has been ongoing and has been addressed in detail via the 3A approval over the site and in a number of submissions to Council by our client. Assessment conducted as part of the 3A approval process for a seniors living development on the site, identified significant problems if public access to the foreshore was established. Creating an isolated public space on the foreshore adjoining the Beachcomber Hotel was found to be contrary to crime prevention principles.

Information has also been provided to Council that confirms the adverse effect of public foreshore access on the viability of this project. Providing foreshore public access on the Rustrum site will not produce a significant public benefit due to the small area, its isolation and relative lack of amenity.

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Despite the known problems associated with public foreshore access to the site, Council's DCP 2013 still requires that the Rustrum key site development provide public access to all of the site foreshore. Following site inspection Councillors agreed with the merit of the Rustrum position on this matter and in December 2011 adopted a qualified response via the Council resolution reproduced below.

Rustrum believes that improved public access to the lake foreshore is best achieved by embellishments and improvements to nearby Osborne Park, a substantial (but neglected) public foreshore asset.

The current DCP 2013 provision for the Rustrum site is as follows:

Public foreshore access shall be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CPTED) principles.

On 14/12/2011 Council adopted the following resolution in respect of the Rustrum key site.

- 1 That Council, subject to agreement being reached with the land owner on alternative options for the achievement of significant public benefit relevant to this development, remove the requirement contained under DCP 2012 (draft) Chapter 115 - Section 3.16 Rustrum Site, which requires the provision of public foreshore access to Lake Budgewoi.*
- 2 That Council, subsequent to the agreement outlined above, insert a new requirement within Section 3.16 Rustrum Site, as follows:*

"Public foreshore access should be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CEPTED) principles. Alternatively, should such public foreshore access not be feasible, then alternative options for the achievement of significant public benefit shall be negotiated to the satisfaction of Council and the proponent. Such alternatives should include improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality.

Part 1 of the resolution reflects the preferred outcome for local foreshore access but it is now outdated. Part 2 of the resolution is inconsistent with Part 1 as it does not fully remove the requirement for public access on the Rustrum site. So long as public access to the foreshore is "feasible" then foreshore public access is required on the Rustrum site by the combination of the DCP controls and the resolution.

As Council's policy intention is to allow alternative public foreshore access options, it is requested that Council reconsider and adopt a new resolution as follows:

That Council, subject to agreement being reached with the land owner on alternative options for the achievement of significant public benefit relevant to this development, remove the requirement contained under DCP 2013 Chapter 6 - Section 3.16 Rustrum Site, which requires the provision of public foreshore access to Lake Budgewoi.



Meanwhile, Rustrum wishes to act consistent with the intention of the resolution. In pursuit of an agreement with Council over public foreshore:

- Rustrum accepts the public benefit calculation provided by Council in the letter dated 16 April 2014 as part of the key site process; and
- Rustrum undertakes, via a Voluntary Planning Agreement, to provide as part of the calculated public benefit "improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality".

It would be appreciated if Council would, by way of response, accept Rustrum's undertaking "to provide improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality". Our client would then be able to proceed, with a degree of certainty, from the current concept stage to a full Development Application.

Yours faithfully


Ian McNicol
Senior Planner
ADW Johnson Pty Ltd
Hunter Office



Our Ref: IM:TM:36418

21 May 2014

The Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Sir,

RE: RUSTRUM KEY SITE – MAIN ROAD TOUKLEY –ZONE SP3.

We understand that Council planners are undertaking a review of the permissibility of our recently submitted concept for the Rustrum Key Site. It is essential that there be no doubt as to the permissibility of the concept.

In February 2013, in response to the issue of a draft LEP by Council, ADW Johnson on behalf of Rustrum Pty Ltd, made a detailed submission to Council in regard to the proposed SP3 zoning for the Rustrum site. In May 2013, the Town Planning department advised Council in a point by point response to the ADW Johnson concerns (copy attached). These responses provided Council, and, through publication of the Minutes of the Council meeting, the Public, a detailed, comprehensive and unambiguous explanation of the uses permitted within the proposed SP3 zone for the Rustrum site.

Having been through the process of creating a commercially viable concept for mixed use of the key site, our client, Rustrum, was astounded to be told that the permissibility of the proposal was in question. As the attached document clearly sets out, shop top housing land provides for mixed use developments but does not allow residential flat buildings.

The Rustrum concept is for a single building incorporating ground floor retail and business premises with residential dwellings and commercial and tourism above and beside. This addresses the topography of the site and the frontage to Main Road. The mixed use portions of the building share car parking, services and common areas and fit within the one structure or envelope.

The old definition of shop top housing was:

"shop top housing means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises."

In response to the Rustrum LEP submission, Council appears to have taken the view that the old shop top housing definition applies. On the basis of the Council response Rustrum has proceeded with the concept so that not all dwellings are located above retail or business premises. The intent of shop top housing is to meet needs for retail and business premises at street level while also allowing residential components that do not compromise the street level commercial function. In this respect the Rustrum concept is wholly consistent with the definition of shop top housing.

ADW JOHNSON PTY LIMITED

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We contend that Council, by its adoption of SP3 zone for the Rustrum site and by its response to the Rustrum submission, has adopted the broader interpretation of the definition. However, any development application for the concept will be determined by the Joint Regional Planning Panel (not Council) so it is extremely important that there are no questions as to permissibility.

Rustrum have suffered considerable expense, in both time and money, arranging for competitive and commercially viable concept submissions from teams of architects. These submissions were based on the SP3 zoning and the Council response to the Rustrum draft LEP submission. Rustrum does not want to repeat the concept process again. Of particular concern is the fact that the current uncertainty and resultant delays could have been avoided had Council not rejected Rustrum's draft LEP submission.

It is Rustrum's preference that the key site concept proceeds to development application on the basis of an SP3 zone and shop top housing for the residential components. However, if the zone does not provide for the approval of the Rustrum concept as is, then it is requested that Council take urgent steps to provide certainty of permissibility.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Ian McNicol', written over a light blue horizontal line.

Ian McNicol
Senior Planner
ADW Johnson Pty Ltd
Hunter Office

N:\36418\Worddocs\Working Docs\140521 Draft letter to WSC re SP3 zoning MW v3.docx



Our Ref:IM:KL:36418

28 May 2014

General Manager
Wyong Shire Council
14 Hely Street,
Wyong
By email

Attn. Jonathan Luke

RUSTRUM KEY SITE PUBLIC BENEFIT WORKS

Rustrum Pty Ltd offers significant public benefit works as set out below.

The public benefit works are linked to foreshore access requirements by a resolution of Council. As part of the Rustrum Key Site process it is Council's position that foreshore access will be required on the Rustrum site unless adequate public benefit alternatives could be provided.

Rustrum seeks a decision of Council that the proposed works will achieve significant public benefit and that no foreshore access will be required on the Rustrum site.

The relevant resolution of Council

This resolution was made in respect of the Rustrum key site following a site inspection by Councillors on 14/12/2011.

- 1 That Council, subject to agreement being reached with the land owner on alternative options for the achievement of significant public benefit relevant to this development, remove the requirement contained under DCP 2012 (draft) Chapter 115 - Section 3.16 Rustrum Site, which requires the provision of public foreshore access to Lake Budgewoi.
- 2 That Council, subsequent to the agreement outlined above, insert a new requirement within Section 3.16 Rustrum Site, as follows:

"Public foreshore access should be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CEPTED) principles. Alternatively, should such public foreshore access not be feasible, then alternative options for the achievement of significant public benefit shall be negotiated to the satisfaction of Council and the proponent. Such alternatives should include

central coast

2 bounty close, tuggerah nsw 2259
po box 3717, tuggerah nsw 2259
phone. 02 4305 4300
fax. 02 4305 4399
video conf. 02 4305 4374
email. coast@adwjohnson.com.au

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

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hunter region

7/335 hillsborough road, warners bay nsw 2282
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fax. 02 4978 5199
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email. hunter@adwjohnson.com.au



improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality.

Proposed Public Benefits

Council has advised that the public benefit for the Rustrum Key Site Concept, will be in the order of \$1.23 million.

Following discussions with Council staff, Rustrum proposes to allocate the public benefit as follows:

- Toukley Gardens Park improvements \$600,000 approximately; and
- Osborne Park and pathway improvements \$600,000 approximately.

The details of the public benefit will be subject to agreement with Council and detailed designs of the proposed improvement works.

Public Foreshore Access on the Rustrum Site

There is no significant public benefit in providing public access to the Rustrum foreshore.

The Rustrum frontage to Budgewoi Lake is some 80 metres. Immediately to the west is the Beachcomber Hotel to the high water mark and beyond, immediately to the east is private property to the high water mark. There is no public access either along the lake foreshore or over the Rustrum site to the lake as shown in Figure 1. Locally the lake bottom is covered in heavy layer of ooze which makes wading very difficult and compromises recreational use.

The merits of foreshore access on the Rustrum site were assessed in detail via the Part 3A project approval for seniors living that applies to the site. As public access was found to be contrary to Crime Prevention through Environmental Design principles it was not required as part of the approval. The main issue was that public access was incompatible with good security and patron management for the adjoining hotel. The area was going to be very difficult to police due to its visual and physical isolation from adjoining roads and public places.

In addition to the security and policing issues it is not clear how public access would be provided as there is no public access along the foreshore. Public access would have to be over the Rustrum site. If access was to be from the adjoining park then there would have to be stairs to accommodate the steep fall in levels. There would thus be quite limited public access opportunities.



Figure 1: Lake Budgewoi Foreshore and location of Rustrum Site.

Overall, there is no net public benefit in providing public access to the Rustrum site foreshore.

For these reasons Rustrum believes that, in accordance with the Council resolution, foreshore access on the site is not feasible.

Toukley Gardens Park Improvements Public Benefit

The Park and the Rustrum site are identified as part of an entry / arrival node for Toukley see Figures 2 and 3.

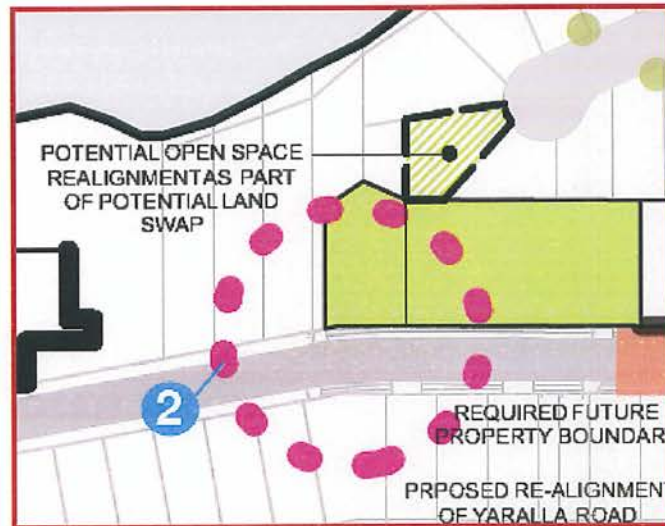


Figure 2: Extract of Extract of Toukley Town Centre Public Domain Plan.



The Toukley Planning Strategy 2010 makes the following recommendations in respect of Toukley Gardens Park.

Enhance Toukley Gardens including improvement to landscaping, furniture and explore the opportunity for appropriate public art to contribute to the Precinct. Investigate opportunities to improve the park outlook and connections to the foreshore or northern residential areas.

The potential land swap identified in Figure 2 has already been agreed between Rustrum and Council and a subdivision to provide suitable connections has been approved. The park outlook has been a primary consideration in concept design of the key site.

The Toukley Town Centre Public Domain Plan (see figure 3) shows the Park as an entry and arrival node. Creation of the node is identified as a key short term project for Council.

Enhancement of Toukley Gardens Park to a very high standard will directly address Council policy objectives.

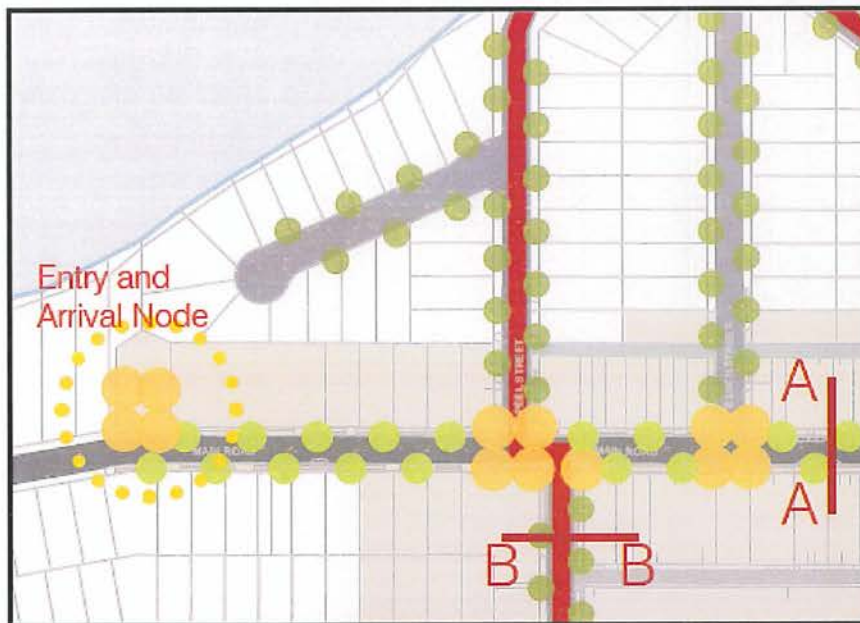


Figure 3: Extract of Toukley Town Centre Public Domain Plan showing Toukley Gardens Park node.



Osborne Park Works Public Benefit

Osborne Park is a large area of easily accessible foreshore open space. It is located in the Northern Precinct as identified in the Toukley Planning Strategy 2010.

Contained in the Toukley Planning Strategy are a number of objectives directly relevant to Osborne Park. These objectives are:

- Create/improve pedestrian and/or cycleway connections along and between foreshore and bushland interface;
- Provide improved access and signage to foreshore areas; and
- Enhance existing open space and recreation facilities.

A Concept Masterplan was prepared in 2009 for Osborne Park. Stage 1 masterplan works include picnic shelters, tables and chairs and electric BBQ facilities, and a wheelchair accessible table. It also includes a potential upgrade to the playground. The existing carpark areas require new car barriers. Additional car park reconfiguration and access delineation is desired to accommodate overspill car parking at the reserve. There is also the need to connect to provide an off-road and on road shared pathway connection extending from Toukley Gardens, along Rowland Terrace, Peel Street and to Osborne Park.

The completion of works in Osborne Park consistent with the Masterplan will provide whole of community benefits. This is preferable to the more limited access and potential problems associated with the Rustrum foreshore area.

Agreement as to Public Benefit Works

Consistent with the 14/12/2011 resolution of Council the information provided in this letter demonstrates that public foreshore access on the Rustrum site is not feasible and that there are superior public foreshore public access alternatives available under existing Council policy.

The works proposed by Rustrum are required by current Council policy. As such these works will provide significant public benefit.

The Rustrum Key Site Process is about to enter a very expensive detailed concept design phase. Rustrum requires some certainty as to outcomes before committing to significant expenditure and wishes to enter into preliminary agreement with Council as to the proposed public benefit works, noting that the public benefit works eventually will be subject to a Voluntary Planning Agreement with Council.



Decisions of Council are sought that:

- 1 the proposed public benefit works satisfy the requirement to provide significant public benefit in accordance with the Council resolution of 14/12/2011; and
- 2 that public foreshore access will not be required on the Rustrum site.

Should further information be required please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian McNicol', written over a light blue horizontal line.

Ian McNicol
Senior Planner
ADW Johnson Pty Ltd
Hunter Office

N:\36418\Key site concept\May14,Rustrum Public Benefit Offer.docx

2.2 DA 273/2014 - Proposed 2 Lot Subdivision at Killarney Vale

TRIM REFERENCE: DA/273/2014 - D08130180
MANAGER: Scott Cox, Director
AUTHOR: Nathan Burr; Senior Development Planner4

SUMMARY

A development application has been received for the Torrens Title Subdivision of an existing detached dual occupancy at 28 Carlyon Street Killarney Vale. The application has been assessed having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements.

Applicant	Barry Hunt Associates
Owner	P & A Koulouris
Application No	DA/273/2014
Description of Land	Lot 42 DP 14373
Proposed Development	Torrens Title Subdivision of an existing dual occupancy
Site Area	847.3m ²
Zoning	R2 Low Density Residential - WLEP 2013
Existing Use	Detached Dual Occupancy

RECOMMENDATION

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

PRÉCIS

- The development application seeks consent for the subdivision of an existing detached dual occupancy development involving a 26% variation to the minimum lot size development standard.
- In accordance with Planning Circular PS 08-014 issued by the Director General of the Department of Planning in November 2008, any development application involving a variation to a development standard of greater than 10% to be determined by full Council and not under delegated authority.

INTRODUCTION

On 20th April 1999, Council, under delegated authority issued development consent for the erection of a detached dual occupancy pursuant to the terms of Development Application DA/797/99 on the subject land. The dual occupancy was subsequently constructed and occupied with an Occupation Certificate issued for the development by Council on the 18th of January 2001.

The Site

The site is located on the western side of Carlyon Street in close proximity to Wyong Road. The allotment is regular in shape and approximately 847m² in area. The site slopes toward the street and the area is characterised by a mixture of older single dwellings and dual occupancy development. The subject dual occupancy has been occupied for a number of years and the landscaping is well established.

The site is zoned R2 Low Density Residential under Wyong Local Environmental Plan (WLEP) 2013. The site is identified as being class 5 acid sulphate soils however, is not identified as being flood affected or bushfire prone.

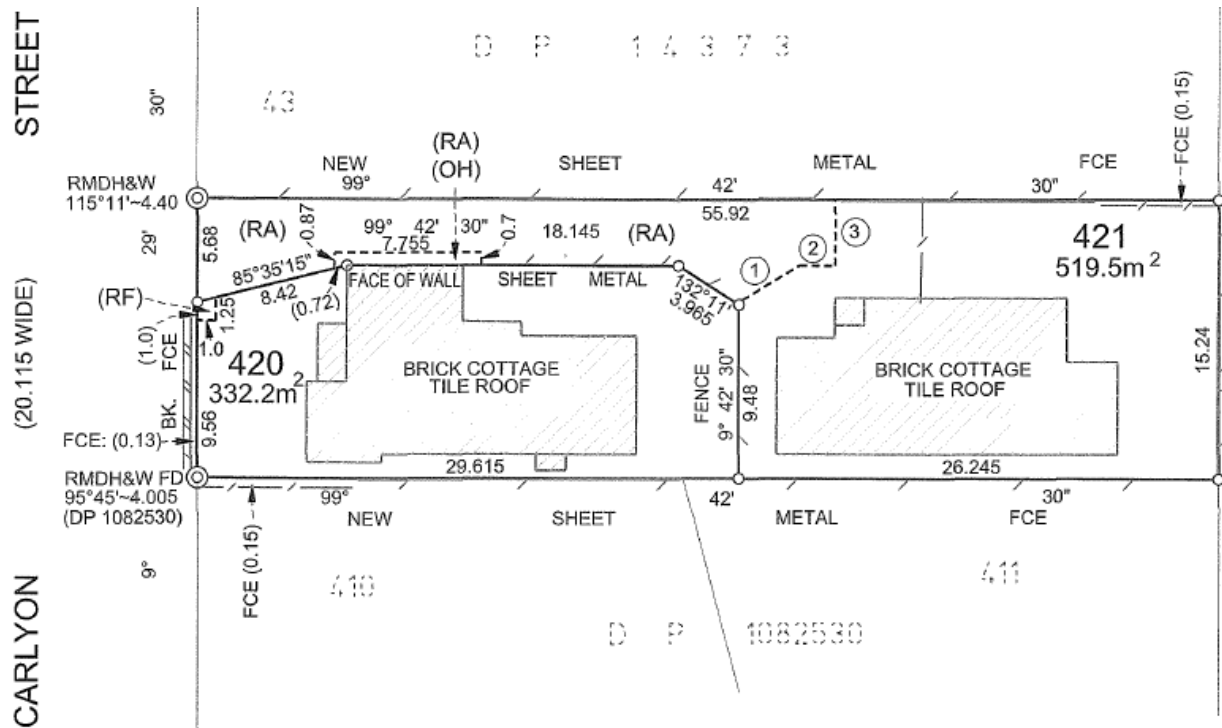


Aerial Photo of the site and surrounds

Source: Dekho

The Proposed Development

The proposed development involves the Torrens Title Subdivision of the dual occupancy as depicted on the plan below. The proposed boundaries correspond with the existing approved and constructed buildings, private open space and fencing.



VARIATIONS TO POLICIES

Proposed Lot 420 has an approximate area of 332m², however, the WLEP 2013 stipulates a minimum lot size of 450m² for the site and therefore a variation in the order of 26% to the development standard is sought by the development.

SUBMISSIONS

Any submission from the public.

Notification of the proposal is not required by Chapter 1.2 - Notification of Development Proposals, of Council's Development Control Plan 2013 and according the proposal has not been notified and no public submissions have been received.

Any submission from public authorities.

No Agency submissions have been received in relation to the proposed development.

Internal Consultation

The proposed development does not warrant consideration by any of Council's Technical Officers.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

ASSESSMENT

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

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES

a) Wyong Local Environmental Plan 2013

Permissibility

Pursuant to clause 2.6 of the WLEP 2013 (LEP 2013) land may be subdivided with the consent of Council.

Clause 2.3(2) - Zone objectives and Land Use Table

The consent authority must have regard to the objectives of the relevant zone when determining a development application. The proposed development is a subdivision of an existing dual occupancy which is considered to be incidental to the existing use of the site which is consistent with the objectives of the R2 Low Density Residential zone.

Clause 4.1 – Minimum Lot Size

A development standard is defined by the Environmental Planning and Assessment Act 1979 as provisions in environmental planning instruments that guide development to be carried out in accordance with particular requirements under certain circumstances. The WLEP 2013 includes development in relation to minimum lot sizes, building heights and floor space ratio.

Clause 4.1 requires new lots created by subdivision to comply with the minimum lot size stipulated on the Lot Size Map. In this instance the development standard specified is a minimum lot area of 450m². Proposed Lot 421 is compliant with the minimum lot size however, Proposed Lot 420 is approximately 332.2m² in area which represents a variation of approximately 26% to the development standard.

Clause 4.6 – Exceptions to development standards

Clause 4.6 of the LEP provides that consent may be granted even though the development would contravene a development standard. Council, in granting consent to development under Clause 4.6, must be satisfied in relation to the matters contained in Clause 4.6(4). Consideration of these matters is included below.

- *Cl 4.6(4)(a)(i) - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),*

The applicant has submitted a written request seeking approval of the development in spite of the contravention to the minimum lot size development standard in accordance with Clause 4.6(3) thereby satisfying Clause 4.6(4)(a)(i). The more salient matters raised by the applicant in objection to the standard are included below.

- *The proposed layout is based on Council's approved development for the dual occupancy defined in Development Application No. 797/99.*
 - *No environmental impact will result from the subdivision, as it is purely a paper entity created to define boundaries for the physical buildings and fencing, which have already been constructed and approved on the land.*
 - *7 dual occupancy subdivisions have been approved and registered in Carlyon Street. Thus the proposal is in keeping with the residential amenity of the area.*
 - *The nature of the R2 – Low Density Residential land zoning is such the dual occupancy development is permitted. Therefore as the creation of a two lot subdivision resulting from the dual occupancy development only formalises on paper what is already approved and constructed, strict compliance with the Development Standard is unreasonable.*
- *CL4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the EP&A Act 1979.

Chief Justice Preston in his reconsideration of *Winton*, set out a 5 part test for the ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy.

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

The LEP is explicit in that the objectives of clause 4.1 – Minimum subdivision lot size are stated and not implied. The objectives of the clause are addressed below. The proposal in this instance achieves the objectives of clause 4.1.

- (a) *to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,*

The Wyong Residential Development Strategy recognises dual occupancy development as a means to increase residential density alternate to unit development. The Wyong Residential Development Strategy acknowledges the ability to subdivide dual occupancies as a key driver in demand for this type of development where a minimum parent lot size of 700m² is achieved. Provisions within the previous Local Environmental Plan 1991, allowed for the subdivision of dual occupancies on the land. The subject site is approximately 847m² in area and proposed development is considered to be in keeping with the adopted settlement strategy for Wyong.

- (b) *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,*

As discussed by the applicant in their submission, the physical impacts of the development in response to the physical characteristics and constraints of the site are known. In this regard the proposal differs significantly from a Greenfield or vacant land subdivision where the ultimate development scenario is not yet known and future impacts must be anticipated for the potential development types. In this instance, the proposal through examination of its physical presence has been found to be adequately serviced, in keeping with the physical characteristics of the land and not creating amenity or hazard issues for the neighbouring developments. The proposed subdivision is therefore in keeping with this objective.

- (c) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.*

The proposal was assessed in accordance with the development controls that were applicable at the time and found to be acceptable. The proposed subdivision reflects the approved curtilages and accesses to the existing building which ensures that adequate; private open space, amenity, privacy and solar access are available to the proposed lots. The development achieves the desired outcome of this objective.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The objective of the standard is a relevant consideration however; as discussed in part number 1. above, the proposal is consistent with the objectives and intent of the standard.

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The applicant's submission is that the proposal is consistent with the aims of the standard and of negligible environmental impact and it is not a question of whether refusal of the application would thwart the objectives of the clause or not.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

There are a number of existing examples of subdivided dual occupancy development in the immediate locality including Carlyon Street No.'s 5, 6, 20, 25, 30, 32 and 33. In this regard the subdivision pattern within Carlyon Street has been shaped by the prevalence of subdivided front and rear dual occupancies resulting in smaller than minimum standard allotments that have limited street frontage similar in character to the proposed development.

The WLEP 2013 makes provision for the subdivision of dual occupancies if subdivision is applied for along with the construction of the building, and failing that, strata or community title subdivision of dual occupancy are other subdivision mechanisms provided for by the LEP in residential zones.

The subdivision of the abovementioned existing dual occupancies have generally not been approved under the current LEP and are not considered to be direct evidence that Council through its own actions have abandoned or undermined the development standard. There are however, no other matters such as heritage significance or streetscape considerations that would warrant this particular dual occupancy to remain as a single allotment in contrast to other subdivided dual occupancies in the locality which suggests that the enforcement of the standard would be unreasonable in this instance.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The current zoning is appropriate for the site and locality.

The proposed development satisfies more than one of the five tests above and is consistent with the zone objectives and is generally in keeping with the public interest.

- *Cl4.6(4)(b) the concurrence of the Director-General has been obtained.*

Planning Circular PS 08-003 issued by the Director General on 9 May 2008 notified Council that Director General's concurrence may be assumed in relation to Clause 4.6(4) matters subject to certain limitations that are not relevant to the current application.

The variation to the minimum lot size standard is supported.

Clause 5.5 - Development within the coastal zone

Clause 5.5 establishes a number of heads of consideration for development within the coastal zone. The clause is explicitly aimed at further the principles established by the NSW Coast Policy. In this instance the proposal is either not offensive, or abjectly unable to further, the objectives and heads of consideration of clause 5.5.

Clause 7.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The existing dwellings have adequate connections to existing reticulated services.

Clause 7.1 Acid sulphate soils

The site is identified as being class 5 acid sulphate soils. The proposed subdivision does not involve any works and does not trigger the requirement for an acid sulphate soils management plan.

b) Relevant SEPPs**State Environmental Planning Policy 71 – Coastal Protection**

SEPP 71 requires the preparation of a master plan for subdivision within the sensitive coastal zone. In this instance the Minister has waived the master plan requirement under Clause 18(2) of SEPP 71. The proposal has been considered in terms of clause 8 of the SEPP 71 and found to be acceptable.

c) Relevant DCPs**Wyong Development Control Plan 2013***DCP Part 4 – Subdivision*

Clause 4.1.3 of the DCP requires land subdivision proposals for detached dual occupancy to accord with the design and layout of the approved dual occupancy development. The lot size is to be determined by adequate services provided for each lot and adequate amenity and privacy for each dwelling.

The proposed lot layout conforms to the approved dual occupancy layout and makes satisfactory provision for private open space, vehicular access and service provision. The proposal is considered to be compliant with the DCP.

THE LIKELY IMPACTS OF THE DEVELOPMENT**a) Built Environment**

The proposed development is considered to be satisfactory in terms of impacts on the built environment as no physical works are proposed.

b) Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal as no physical works are proposed.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

There are no other constraints that would render the site unsuitable for development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS

The submissions have been addressed previously in the report.

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

The proposal is in keeping with the public interest.

OTHER MATTERS FOR CONSIDERATION*Contributions*

Contributions were paid in association with the original consent for the dual occupancy and no further contributions are payable.

CONCLUSION

The proposal has been assessed using the heads of consideration in S79C of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions.

The proposal is recommended for approval.

ATTACHMENTS

- | | | |
|---|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D08128981 |
| 2 | Plan of Subdivision | D06894310 |

Date: 23 May 2014
Responsible Officer: Nathan S Burr
Location: 28 Carlyon Street, KILLARNEY VALE NSW 2261
 Lot 42 DP 14373
Owner: Mr A Koulouris and Mrs P Koulouris
Applicant: Barry Hunt Associates
Date Of Application: 14 April 2014
Application No: DA/273/2014
Proposed Development: 2 lot subdivision
Land Area: 847.30
Existing Use: Dual Occupancy

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	Reference:	Revision	Date	Drawn By
Plan of Proposed Subdivision of Lot 42 in DP 14373 Carlyon Street Killarney Vale.	54619 SUBDIVISION	-	18/03/2014	Barry Hunt Associates

- An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

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.

Nil 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.

Nil Conditions

During Construction Works:

The following conditions must be satisfied during construction works.

Nil Conditions

Prior to Release of Subdivision Certificate:

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

- 3 Prior to the issue of a Subdivision Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 4 An application for a Subdivision Certificate must be submitted to and approved by the Council under the Conveyancing Act 1919 prior to endorsement of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of Section 157 of the Environmental Planning and Assessment Regulation 2000.
- 5 Prior to issue of a Subdivision Certificate the provision of written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where applicable:
 - telecommunications
 - electricity supply
 - gas supply
 - National broadband network
 - water supply
 - sewerage

The location of services must be shown on a copy of the final subdivision plan, with the distances from the boundaries to each service endorsed in red thereon.

- 6 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:
 - 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard requirements.

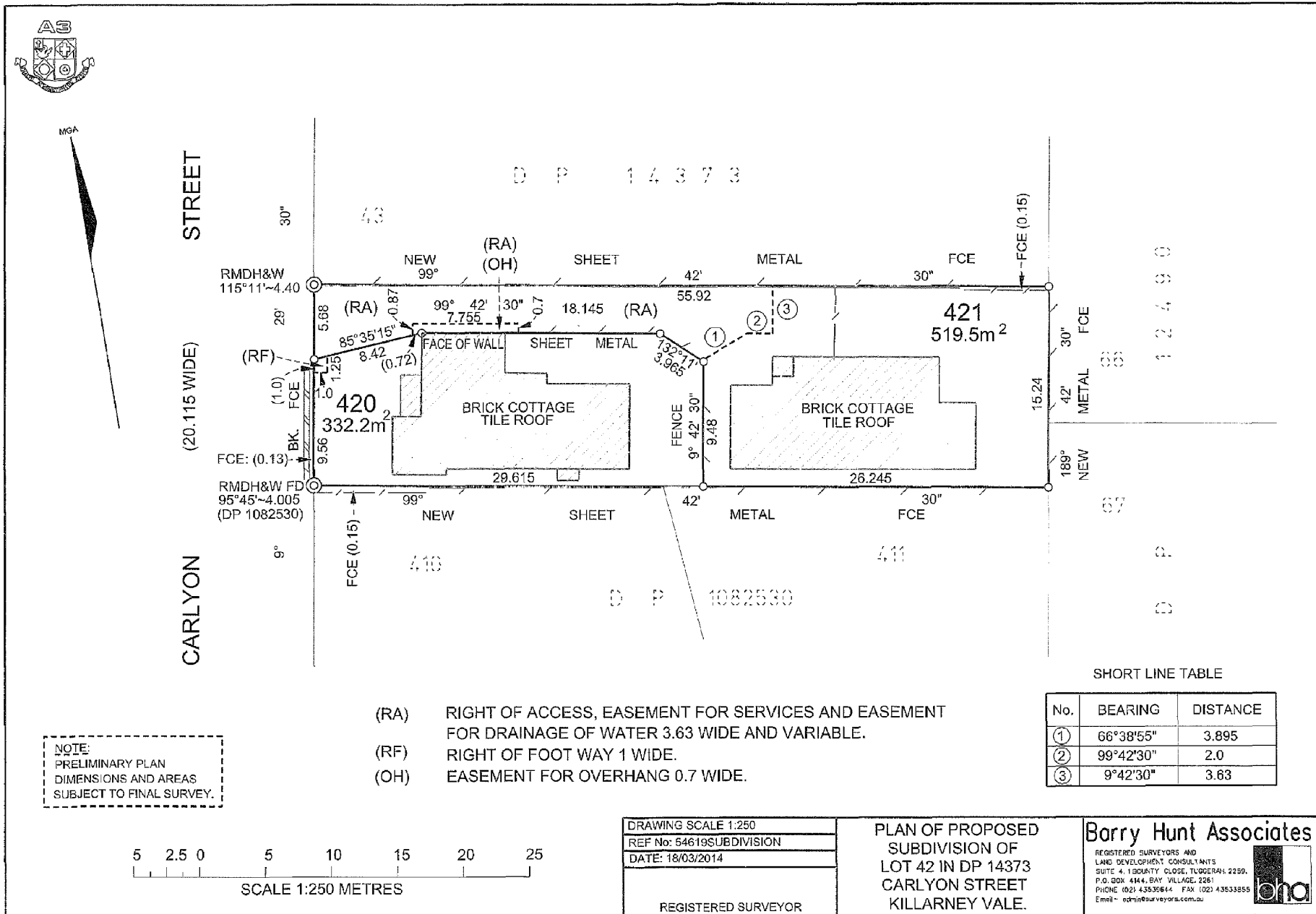
- 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the stormwater pump-out facilities. The terms of the covenant are to be prepared to Council's standard requirements.
- Right of Carriageway' as identified on the approved development plans.
- 'Easements for Overhang, Maintenance and Repair' as identified on the approved development plans.
-
- 'Easement to Drain Water' as identified on the approved development plans.
- Easement for Services' as identified on the approved development plans.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

Ongoing Operation:

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

Nil Conditions



2.3 IPART Draft Report on Local Government Compliance and Enforcement

TRIM REFERENCE: F2008/01603 - D08257500

MANAGER: Scott Cox, Director

AUTHOR: Jamie Loader; Manager

SUMMARY

IPART has released its Draft Report on Local Government Compliance and Enforcement. The report contains 39 recommendations and 10 findings on best practice, with the aim of reducing 'red tape' to businesses and individuals, reducing the regulatory burden on Council's and the NSW Government and providing net benefits to the community of NSW. This report provides an overview of the recommendations which will form the basis of Wyong Council's submission on the Draft Report. Stakeholders have until 4 July to make a submission on the recommendations.

RECOMMENDATION

- 1 ***That Council receive and note the IPART Draft Report on Local Government Compliance and Enforcement and the draft submission (attached).***
- 2 ***That Council request the General Manager to lodge a formal submission to the Independent Pricing and Regulatory Tribunal (IPART) in support of the Draft Report on Local Government Compliance and Enforcement, in accordance with the matters raised in this report.***

BACKGROUND

The NSW Government has a target of \$750 million in reduced 'red tape' costs for business and the community by June 2015. To help achieve this target, the NSW Government has engaged IPART to undertake a review of local government compliance and enforcement activity in NSW. This is the first in a series of red tape reviews IPART will be undertaking on behalf of the NSW Government.

The draft recommendations are expected to:

- Reduce red tape to businesses and individuals by at least \$177.7 million per year
- Save councils approximately \$42.4 million per year
- Save the NSW Government about \$1.3 million per year
- Provide net benefits to the community of NSW of \$220.5 million per year.

CURRENT STATUS

NSW councils play an important role as regulators of local communities across the State. Councils have 121 regulatory functions, involving 309 separate regulatory roles, emanating from 67 State Acts which are administered by approximately 31 State agencies. The NSW Government asked IPART to examine local government compliance and enforcement activity and provide recommendations to the NSW Government that would reduce 'red tape' costs for business and the community.

IPART has now released a Draft Report on Local Government Compliance and Enforcement which recommends reforms to increase the level of consistency, co-ordination, co-operation and harmonisation amongst councils in undertaking their regulatory roles. At the same time the report recognises the need to reflect local preferences in council approaches where appropriate. The report also highlights examples of regulatory best practice provided by stakeholders.

The draft recommendations are expected to:

- reduce red tape to businesses and individuals by at least \$177.7 million per year;
- save councils approximately \$42.4 million per year;
- save the NSW Government about \$1.3 million per year;
- provide net benefits to the community of NSW of \$220.5 million per year.

Council now has the opportunity to make a submission in response to the Draft Report on Local Government Compliance and Enforcement to ensure that the recommendations achieve the best possible outcomes.

THE PROPOSAL

The recommendations in the Draft Report are categorised into the following areas:

1. A new partnership between State Government and local government;
2. Improving the regulatory framework at the State level;
3. Enhancing regulatory collaboration amongst councils
4. Improving the regulatory framework at the local level;
5. Improving regulatory outcomes;
6. Planning;
7. Building and Construction;
8. Public health, safety and the environment;
9. Parking and road transport;
10. Companion animal management;
11. Other areas

In addition to the recommendations, the Draft Report also details 14 Findings on best practice.

The entire draft report and the associated fact sheet are attached to this report, however to assist Council, the recommendations are summarised below.

A new partnership between State Government and local government

There are two recommendations in this section relating to the establishment of separate Partnership Models between local government and State Government departments. The first partnership is between local government and the Department of Planning and Infrastructure (DoPI); and the second partnership is between local government and the Environmental Protection Authority (EPA). The Partnership Models would be based on the existing Partnership Model between local government and the Food Authority.

Council is currently involved in the partnership with the NSW Food Authority under the Food Regulation Partnership. The Food Regulation Partnership has been successful in terms of standardising enforcement and compliance practices in this area. Much of the success has been through the provision of regional training, enforcement tools (templates, surveys etc) and a central reporting system for recording and publicising fines issued (name and shame). The partnership has required Council to formally commit to an inspection regime, which comes at a cost to Council and the community; however this has been no more onerous than Council's usual risk-based approach to in this area.

These recommendations are supported as it will provide greater consistency across all local government areas, a 'user pays' enforcement model, and a dedicated local government unit to provide support for Council's in carrying out their regulatory functions under the relevant legislation.

Improving the regulatory framework at the State level

There are seven recommendations in this section, which relate to the development of regulations that impact on local government. The recommendations propose that consideration be given to the impact of further regulatory burden on local government, the costs and benefits associated, the capacity and capability of local government to accept further delegated responsibility and a statutory framework to ensure that all of these issues are considered when developing new or amended regulation.

It is also proposed to create a registry of local government regulatory functions, maintained by the NSW government to manage the volume of regulatory burden and to prevent the duplication or overlap of functions delegated to local government.

The recommendations also propose to streamline and standardise the enforcement and compliance functions undertaken by local government by developing a Regulators Compliance Code, increasing the level of detail in the model enforcement policy, updating the enforcement policy guidelines, and abolishing the Local Orders Policies and replacing those functions with the model enforcement policy.

It is also recommended that the NSW Government publish and distribute guidelines for councils in setting their regulatory fees and charges and to State agencies in setting councils regulatory fees and charges.

These recommendations are supported as the delegation of responsibility to local government from the State creates a significant burden on council and the community in terms of resources and costs. The delegation process is currently ad hoc and results in contradictory requirements and duplication.

2.3 IPART Draft Report on Local Government Compliance and Enforcement (contd)

Council adopted the model enforcement policy in November 2013 and further refinement to this policy and the associated guidelines will greatly assist staff with on-the-ground enforcement activities.

A review of the statutory fees and charges is also welcome as the process for setting statutory fees also appears inconsistent and there are fees legislated under the Local Government Act which haven't been reviewed since 1992, and in no way represent the costs associated with the activity.

Enhancing regulatory collaboration amongst councils

There are two recommendations in this section relating to sharing regulatory functions across local government boundaries. It is proposed to amend the Local Government Act to remove any impediments or to facilitate the easier use of shared regulatory services. Particular reference is made to s.379 which currently restricts the delegation of regulatory functions, including to shared services bodies, and s.377 which prohibits the delegation by a council of the acceptance of tenders.

It is further proposed that the State Government develop incentives to encourage collaborative arrangements in relation to regulatory functions, including establishing a small repayable fund to assist in setting up shared regulatory services.

These recommendations are supported and would allow council to further investigate resource sharing opportunities with neighbouring councils, particular in the areas of procurement, building certification and compliance.

Improving the regulatory framework at the local level

There are three recommendations relating to amendments to the *Local Government Act* in the areas of approvals and enforcement. It is proposed to:

- remove the current duplication between approvals under the *Local Government Act* and other Acts including the *Environmental Planning and Assessment Act* and the *Roads Act*;
- remove low risk activities from the list of activities requiring approval including busking, deliver a public address, or hold a religious service or public meeting;
- allow for longer duration and automatic renewal of approvals;
- provide more standard exemptions from approvals, initially in the areas of A-frame signs and domestic oil or solid fuel heaters;
- abolish Local Approvals Policies;
- enable councils to recognise approvals issued by another council e.g mobile vendors etc; and
- provide a modern, consolidated suite of compliance and enforcement powers for council enforcement officers, with provision for cost recovery.

The use of alternative review of mechanisms such as the NSW Ombudsman and NSW Small Business Commissioner should be supported by councils to provide businesses and the community with a path of redress for complaints which is less time-consuming and costly than more formal appeal options.

These recommendations are supported, particularly the removal of duplication of approvals and the reduction of activities requiring approval. These sections of the Local Government Act are inconsistently applied and are confusing for the community. There are also unnecessary costs associated with the application and approval process. Improvements to the enforcement provisions of the Act will also assist council in taking appropriate enforcement action and improve the prospects of success by providing a simpler and less onerous regulatory process.

Improving regulatory outcomes

This section has one recommendation relating to the State's Quality Regulatory Services initiative. It is proposed that the all State agencies that devolve regulatory responsibilities to local government consider council's risk based approach to compliance and enforcement, and consider councils responsibilities in defining the regulatory outcomes and associated monitoring mechanisms to measure the outcomes. They should also identify the reporting requirements from councils to enable performance against the regulatory outcomes to be assessed and published.

This recommendation is supported as it provides justification for the need to devolve any additional requirements to local government and the appropriate reporting mechanism to determine council's performance. This information is useful when it comes to explaining the need for increased regulatory burden to the community.

Planning

There are two recommendations in this section. The first relates to the development of standard development consent conditions which can be applied across council areas, as well as regional groupings of councils. It is further proposed to develop standard conditions based on development type. The second recommendation proposes an on-line system for the submission of Annual Fire Safety Statements to councils and the commissioner of Fire and Rescue NSW.

These recommendations are supported as they assist in promoting develop and provide consistency and certainty across local government boundaries. Council's submission should confirm the ability to apply non-standard conditions in cases where location specific circumstances determine the need however there should be criteria established to prevent the incorrect use of this. An on-line lodgment system for Annual Fire Safety Statements would greatly assist property owners in meeting their obligations in this area, as well as reduce a resourcing requirement for both local government and the Fire and Rescue service. Council's submission should also recommend that legislation be amended so that referral agencies, such as the RMS and Office of Water, are provided a maximum of 21 days in which to respond to DA referrals from Council otherwise concurrence may be assumed. This will assist in reducing delays in assessment times for DA's.

Building and Construction

There are five recommendations in this area. The main recommendation proposes the creation of a Building Authority which would encompass the roles of the Building Professionals Board and the building trades regulation function of NSW Fair Trading. Other recommendations in this area propose to:

- implement an independent review model for proposed conditions of consent which exceed the requirements of the Building Code of Australia (BCA);
- to establish a single public register of accredited building certifiers which includes details of any disciplinary action taken against the certifier;
- to require private certifiers to notify council of builders breaches where they are not rectified to the certifiers satisfaction, within the required timeframe. Council would then be required to respond to the certifier within writing within a set time period or otherwise the certifier can issue an Occupation Certificate;
- to trial the amendment of the current Principal Certifying Authority signage to include contact details for specific complaints to see if time is reduced in redirecting complaints to councils and certifiers.

The recommendation regarding the Building Authority is strongly supported as the industry would clearly benefit from having a single authority to regulate and licence all relevant professions and trades. The creation of a single register of building certifiers is also supported and will enable consumers to make an informed decision when choosing a certifier. Council's submission should seek clarification on the application of the remaining recommendations in this section with further detail on the specific issues that are intended to be resolved.

Public health, safety and the environment

There are six recommendations in this area. Three recommendations apply to the NSW Food Authority with one each applying to the DLG, Ageing Disability and Home Care, and DoPI. The recommendations propose that:

- Councils adopt the Food Authority's guidelines on mobile food vendors, which would recognise approvals issued by other councils;
- The Food Authority stipulate a maximum inspection frequency for compliant food businesses to reduce over-inspection and costs;
- The Food Authority work with councils to remove regulatory overlap, develop a single register of notification for all food businesses, review the notification system to provide exemption from notification for negligible risk businesses, and mandate the use of the standard inspection template to ensure consistency across the state;
- The DLG develop a 'model' risk based pool inspection program, issue guidance material on amendments to the Swimming Pools Act, provide workshops for councils on the implementation and compliance with the new requirements of the Swimming Pools Act, promote the use of shared services for swimming pool inspections, and review the Swimming Pools Act within 5 years to determine if the benefits of the legislative changes outweigh the costs;

- Ageing, Disability and Home Care develop a 'model' risk based boarding house inspection program, issue guidance material on the implementation of the Boarding Houses Act, provide workshops for councils on the implementation and compliance with the new requirements of the Boarding Houses Act;
- DoPI develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes which establish waste management standards for exempt and complying development, and remove the need for applicants to submit Waste Management Plans for these types of developments.

These recommendations are supported as they will provide much needed support and guidance on the implementation of and application of a range of regulatory functions. They will also clarify and streamline the requirements for businesses and residents and reduce the costs of compliance.

Parking and road transport

There are three recommendations in this area which relate to the processes of reviewing parking fines, the review of the DLG's free parking area agreement and the provision to councils of technical advice and assistance by the National Heavy Vehicle Regulator in regard to assessing and certifying access to local roads by heavy vehicles.

These recommendations are supported as they are not considered to have a significant effect on the current operations of council in this area.

Companion animal management

There are five recommendations in this area proposing to refine the companion animals register and the registration process for companion animals to reduce the administrative burden on councils, provide more meaningful information and simplify the process for pet owners. The recommendations also propose to enable registration fees to be indexed by CPI through amendments to the *Companion Animals Act*.

These recommendations are supported as the current register and registration process for companion animals are a burden on both council resources and pet owners. Other proposed changes to the companion animal will facilitate enforcement of the Act and enable a greater rate of animals returned to owner which would in turn reduce the amount of animals impounded in the Animal Care Facility.

Other areas

There are three recommendations in this area. These recommendations propose to amend the *Roads Act* to allow for the extension of lease terms for footway restaurants to ten years, to require councils to report on the processing times for section 68 approvals as a performance measure, and for councils to issue longer term DAs for periods of 3-5 years for recurrent local community events.

These recommendations are supported as they have no material impact on Council and represent a benefit to the community in terms of reduced costs and improved service.

OPTIONS

Council has the option of making a submission on the Draft Report or not. It is recommended that Council lodge a submission outlining the issues covered in this report.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

N/A

CONSULTATION

The Draft Report, including a Fact Sheet has been placed on exhibition by IPART from 22 May until 4 July 2014. All stakeholders, including the public have been invited to make submissions by 4 July 2014. Whilst the documents are available on the Tribunal's website it is questionable whether the general public would be aware of the process and the ability to make a submission.

GOVERNANCE AND POLICY IMPLICATIONS

The Draft Report is a high level document with potential changes identified to Local Government as well as a number of other State Government departments. Until the Final Report is released, the implications for Policy and Governance cannot be determined.

MATERIAL RISKS AND ISSUES

N/A

CONCLUSION

The draft report into Local Government Compliance and Enforcement contains a number of recommendations expected to reduce red tape of businesses and individuals by at least \$1777.7 million per year; save Council's approximately \$42.4 million per year, save the NSW Government about \$1.3million per year and provide net benefits to the community of NSW of \$220.5 million per year.

Significant gains for business and the community can be achieved through enhanced:

- Interaction and co-ordination between State Government agencies and local council's during both the implementation of new regulation;
- Council regulatory capacity and capability;
- Collaboration between Council's;
- Sharing of ideas and leading practices amongst Council's.

2.3 IPART Draft Report on Local Government Compliance and Enforcement (contd)

Council has the opportunity to make a submission on the Draft Report up until 4th July 2014. It is recommended that Council make a submission based on the issues discussed in this report.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | IPART - Local Government Compliance & Enforcement - Summary of Draft Report | D08890129 |
| 2 | Council's draft Submission | D09163871 |



Independent Pricing and Regulatory Tribunal

FACT SHEET

Local government compliance and enforcement – summary of Draft Report

May 2014

Overview

The NSW Government has a target of \$750 million in reduced 'red tape' costs for business and the community by June 2015.

To help achieve this target, the NSW Government has engaged IPART to undertake a review of local government compliance and enforcement activity in NSW. This is the first in a series of red tape reviews IPART will be undertaking on behalf of the NSW Government.

Our draft recommendations are expected to:

- ▼ reduce red tape to businesses and individuals by at least \$177.7 million per year
- ▼ save councils approximately \$42.4 million per year
- ▼ save the NSW Government about \$1.3 million per year
- ▼ provide net benefits to the community of NSW of \$220.5 million per year.

What have we found?

The draft report highlights the extensive role of NSW councils as regulators of local communities across the State. We identified that councils have 121 regulatory functions, involving 309 separate regulatory roles, emanating from 67 State Acts, which are administered by approximately 31 State agencies.

We have found a strong case for increased consistency, co-ordination, co-operation and harmonisation amongst councils in undertaking their regulatory roles. At the same time, we recognise the need to reflect local preferences in council approaches where appropriate.

Significant gains for business and the community can be achieved through enhanced:

- ▼ interaction and coordination between State Government agencies and local councils – during both the development and implementation of new regulation
- ▼ council regulatory capacity and capability (eg, through reduced delays and more consistency across and within councils)
- ▼ collaboration between councils (to maximise economies of scale, improve consistency where appropriate and share expertise)
- ▼ sharing of ideas and leading practices amongst councils (to also maximise the benefits of separate councils).

Impact and recommendations

The savings identified above relate to proposed recommendations which aim to improve the *existing stock* of regulation currently in force in NSW.

In addition, our draft recommendations to improve regulatory impact assessment processes would prevent \$48 million per year of *new* red tape, on average, over the next 10 years. This would also provide a further \$21 million per year in net benefits for NSW,¹ assuming:

- ▼ the loss of community benefits that could potentially be gained from new regulation
- ▼ no estimated change in costs to local councils, and
- ▼ an increase in costs to the NSW Government.²

The draft recommendations that account for the largest reductions in red tape are:

- ▼ \$59.2 million per year saved in improving road access for heavy vehicles. Potentially the gains are far larger, with heavy vehicle access restrictions estimated to cost \$366 million per year in NSW.
- ▼ \$36 million per year saved by preventing councils from imposing conditions of consent above what is required by the Building Code of Australia.
- ▼ \$19.4 million per year saved in implementing a partnership arrangement between the NSW Department of Planning and Infrastructure and local government, with net benefits of \$17.9 million per year. There are substantial additional benefits possible from continued improvements in planning, with the excessive costs associated with planning estimated to be in the order of about \$300 million per year.

In addition, draft recommendations regarding increased sharing of regulatory services and resources across councils could reduce council costs by \$30 million per year.

¹ The Better Regulation Office's guidelines for estimating red tape savings towards the \$750 million target indicate that these savings should be considered separately, as they relate to minimising the burden of potential future regulation, rather than minimising the impact of the existing stock of regulation.

² The CIE, *Local Government Compliance and Enforcement – Quantifying the impacts of IPART's recommendations*, June 2013, pp 23-25.

Our draft recommendations are intended to complement the work of the NSW Planning System Review, Independent Local Government Review Panel and the Local Government Acts Taskforce.

Our report highlights a number of examples of best practice regulatory approaches stakeholders have provided to us in the course of the review. These practices may have scope to further reduce red tape and benefit councils, businesses and the community, if more broadly adopted.

Our draft recommendations and best practice findings are listed at the end of this Fact Sheet in **Attachment A**.

The Draft Report, along with further information on IPART's review, is available at IPART's website <<http://www.ipart.nsw.gov.au>>.

What happens next?

We invite all stakeholders including businesses, business groups, councils, community groups, individuals and NSW Government departments or agencies to make written submissions in response to our Draft Report by **4 July 2014**.

Late submissions may not be accepted at IPART's discretion.

Submissions may comment on any or all of the draft recommendations and findings made, or on any other issues stakeholders consider relevant to the review.

We would prefer to receive them electronically via our online submission form <www.ipart.nsw.gov.au/Home/Consumer_Information/Lodge_a_submission>.

You can also send comments by mail to:

Regulation Review - Local government compliance and enforcement
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

Our normal practice is to make submissions publicly available on our website on <www.ipart.nsw.gov.au> as soon as possible after the closing date for submissions. If you wish to view copies of submissions but do not have access to the website, you can make alternative arrangements by telephoning one of the staff members listed on the previous page.

If you would like further information on making a submission, IPART's submission policy is available on our website.

After we have considered all the information and views expressed in submissions, we will provide our Final Report to the NSW Government in September 2014.

Attachment A

Draft Recommendations

A new partnership between State Government and local government

- 1 Subject to cost benefit analysis, the NSW Department of Planning and Infrastructure (DoPI) should engage in a Partnership Model with local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include:
 - enshrining the partnership model in legislation
 - clear delineation of regulatory roles and responsibilities
 - a risk-based approach to regulation supported by a compliance and enforcement policy
 - use and publication of reported data to assess and assist council performance
 - a dedicated consultation forum for strategic consultation with councils
 - ability for councils to recover their efficient regulatory costs

- a system of periodic review and assessment of the partnership agreement
- a dedicated local government unit to provide:
 - o a council hotline to provide support and assistance
 - o a password-protected local government online portal
 - o guidelines, advice and protocols
 - o standardised compliance tools (eg, forms and templates)
 - o coordinated meetings, workshops and training with councils and other stakeholders.

- 2 Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Draft Recommendation 1).

Improving the regulatory framework at the State level

- 3 The Better Regulation Office (BRO) should revise the NSW *Guide to Better Regulation* (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:
 - consideration of whether a regulatory proposal involves responsibilities for local government
 - clear identification and delineation of State and local government responsibilities
 - consideration of the costs and benefits of regulatory options on local government
 - assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government
 - consultation with local government to inform development of the regulatory proposal

- if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements, and
 - development of an implementation and compliance plan.
- 4 The NSW Government should establish better regulation principles with a statutory basis. This would require:
- amendment of the *Subordinate Legislation Act 1989* (NSW) or new legislation, and
 - giving statutory force to the NSW *Guide to Better Regulation* (November 2009) and enshrining principles in legislation.
- 5 The NSW Government should maintain the register of local government regulatory functions (currently available on IPART's website) to:
- manage the volume of regulation delegating regulatory responsibilities to local government
 - be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers.
- 6 The BRO should:
- Develop a Regulators' Compliance Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators.
 - Include local government regulators in its Regulators' Group or network.
 - Develop simplified cost benefit analysis guidance material for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives.
- Develop simplified guidance for the development of local government policies and statutory instruments.
- 7 The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the-ground enforcement:
- The model policy should be developed in collaboration with State and local government regulators.
 - The model policy should be consistent with the proposed Regulators' Compliance Code, if adopted.
 - The NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training.
 - All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.
- 8 The *Local Government Act 1993* (NSW) should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.
- 9 The NSW Government should publish and distribute guidance material for:
- councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion), and
 - State agencies in setting councils' regulatory fees and charges.

This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges, and reviewing and updating these fees and charges over time.

Enhancing regulatory collaboration amongst councils

10 The *Local Government Act 1993* (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:

- removing or amending section 379 – which currently restricts the delegation of a council's regulatory functions under Chapter 7 of the *Local Government Act*, including to shared services bodies
- amending section 377, which prohibits any delegation by a council of the acceptance of tenders.

If Regional Organisations of Councils (ROCs) continue as the preferred form of council collaboration, consideration should also be given to whether the Act should specify how and in what form ROCs should be established (including whether management frameworks should be prescribed).

11 The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the establishment of a small repayable fund to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.

Improving the regulatory framework at the local level

12 The *Local Government Act 1993* (NSW) should be amended to:

- remove duplication between approvals under the *Local Government Act 1993* (NSW) and other Acts, including the *Environmental Planning & Assessment Act 1979* (NSW) and *Roads Act 1993* (NSW) in terms of: footpath restaurants; mobile vendors; installation of amusement devices; installation and operation of manufactured homes; stormwater drainage approvals
- remove low-risk activities from the list of activities currently requiring approval under section 68 of the *Local Government Act*, including: Busking; Set up, operation or use of a loudspeaker or sound amplifying device; and Deliver a public address or hold a religious service or public meeting
- allow for longer duration and automatic renewal of approvals
- provide more standard exemptions or minimum requirements from section 68 approvals, where possible, initially in the areas of: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters
- abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunseting clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on DLG's website; consolidate activities within 1 LAP per council; and DLG to provide a model LAP in consultation with councils
- enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), for example with mobile vendors and skip bins.

- 13 The NSW Government, as part of its reforms of the *Local Government Act 1993* (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.

The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Better Regulation Office, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.

- 14 Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, NSW Small Business Commissioner, and private providers of ADR services) to provide business and the community with a path of redress for complaints (not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.

Improving regulatory outcomes

- 15 As part of the State's Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:
- consider councils' responsibilities in developing their risk-based approach to compliance and enforcement
 - consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and
 - identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance.

These requirements should be developed in consultation with local government regulators and commence by the end of 2014.

Planning

- 16 DoPI, in consultation with key stakeholders and on consideration of existing approaches, should:

- identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas
- then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to utilise for different forms of development.

- 17 The NSW Government (eg, DoPI) should enable building owners to submit Annual Fire Safety Statements online to councils and the Commissioner of the Fire and Rescue Service.

Building and construction

- 18 The NSW Government should:

- subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board and the building trades regulation aspects of NSW Fair Trading, and
- create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2).


- 19 The Building Professionals Board or Building Authority (if adopted) should:

- initially, modify its register of accredited certifiers to link directly with its register of disciplinary action

- in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether the certifier has had any disciplinary action taken against them at the same time.
- 20 Councils seeking to impose conditions of consent above that of the Building Code of Australia (BCA) (now part of the National Construction Code (NCC)) must conduct a cost benefit analysis (CBA) justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model.
- 21 Certifiers should be required to inform council of builders' breaches if they are not addressed to the certifier's satisfaction by the builder within a fixed time period. Where councils have been notified, they should be required to respond to the certifier in writing within a set period of time. If council does not respond within the specified period, then the certifier can issue an occupation certificate.
- 22 The Building Professionals Board (BPB) or Building Authority (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (eg, off-site impacts like building refuse or run-off and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/Authority and certifiers.
- Public health, safety and the environment**
- 23 All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's 'home jurisdiction', which will be recognised by other councils.
- 24 The NSW Food Authority, in consultation with councils, should stipulate a maximum frequency of inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.
- 25 The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:
- remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises)
 - develop a single register of notification for all food businesses, or a suitable alternative, to avoid the need for businesses to notify both councils and the Food Authority
 - review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify
 - ensure the introduction of the standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State.
- 26 DLG should:
- develop a 'model' risk-based inspections program to assist councils in developing their own programs under the *Swimming Pools Act 1992* (NSW)
 - issue guidance material on the implementation of amendments to the *Swimming Pools Act 1992* (NSW)
 - provide a series of workshops for councils (by region) on how to implement and comply with their new responsibilities under the *Swimming Pools Act 1992* (NSW)
 - promote the use of shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime

- review the *Swimming Pools Act 1992* (NSW) in less than 5 years to determine whether the benefits of the legislative changes clearly outweigh the costs.
- 27 Ageing, Disability and Home Care, in consultation with the Division of Local Government, should:
- develop a 'model' risk based inspections program, including an inspections checklist, to assist councils in developing their own programs under the *Boarding Houses Act 2012* (NSW)
 - issue guidance material on the implementation of the *Boarding Houses Act 2012* (NSW)
 - co-ordinate a series of workshops for council employees (by region) on how to implement and comply with responsibilities under the *Boarding Houses Act 2012* (NSW).
- 28 DoPI, in consultation with the EPA and other relevant stakeholders, should:
- develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for exempt and complying development, and
 - remove the need for applicants to submit separate Waste Management Plans to councils for these types of developments.
- Parking and road transport**
- 29 Councils should either:
- solely use the State Debt Recover Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs, or
 - adopt the SDRO's guide for handling representations where a council is using SDRO's basic service package and retains the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.
- 30 DLG should review and, where necessary update, its free parking area agreement guidelines (including model agreements). Councils should then have a free parking area agreement in place consistent with these guidelines.
- 31 That the NSW Government:
- notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing:
 - o technical assistance to councils in certifying local roads for access by heavy vehicles, and
 - o guidelines to councils for assessing applications for heavy vehicle access to local roads in relation to potential amenity and safety impacts; and
 - in the event of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.
- Companion animal management**
- 32 DLG should allow for an optional 1-step registration process, whereby:
- the owner could microchip and register their pet at the same time
 - the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).
- 33 DLG should allow for online companion animals registration (including provision to change details of registration online).

- 34 DLG should implement targeted, responsible pet ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for desexing where these campaigns are rolled out.
- 35 DLG should amend the companion animals registration form so an owner's date of birth is mandatorily captured information, as well as other unique identifiers such as driver's licence number or official photo ID number or Medicare number.
- 36 DLG should amend the *Companion Animals Act 1998* (NSW) to enable fees to be periodically indexed by CPI.
- Other areas**
- 37 The NSW Government should amend section 125 of the *Roads Act 1993* (NSW) to extend the lease terms for footway restaurants to 10 years, subject to lease provisions ensuring adequate access by utility providers.
- 38 DLG should collect data on the time taken for Section 68 approvals to be processed by councils. This data should be collated and reported as an indicator of performance in this area to reduce delays.
- 39 Councils should issue longer-term DAs for periods of 3-5 years for recurrent local community events (subject to lodging minor variations as section 96 EP&A Act amendments).
- Findings on best practice**
- 1 The use of portable technology such as iPads by council enforcement officers (eg, in tree assessments by Sutherland Shire Council) has the potential to cut costs to councils and the public.
- 2 Greater use of existing networks such as AELERT and HCCREMS (Hunter Councils Inc) provide greater resources, consistency of approach and build expertise or capability in undertaking council environmental compliance activities.
- 3 Councils would benefit from the use of the following self-assessment tools:
- the Hunter Council Inc (HCCREMS) Compliance System Self-assessment tool to assess regulatory capacity to enhance regulatory performance
 - the Hunter Council Inc (HCCREMS) Electronic Review of Environmental Factors (REF) Template to assist councils in undertaking Part 5 assessments under the *Environmental Planning & Assessment Act 1979* (NSW) of their own activities
 - the Smart Compliance Approach, currently used by Newcastle City Council and adapted from the US EPA, to provide a framework for using performance data to achieve better regulatory outcomes
 - the NSW EPA's online "Illegal Dumping: A Resource for NSW Agencies" tool/guide available through AELERT and EPA websites.
- 4 Publication of more significant individual local government regulatory instruments on a central site, such as the 'NSW Legislation' website, will allow a stocktake, and facilitate review and assessment, of such instruments. These regulatory instruments would be formal plans or policies developed by councils under State legislation (eg, Local Environmental Plans, Development Control Plans, Local Approvals Policies and Local Orders Policies).
- 5 The use of 'SmartForms' by councils, through the Federal Government's 'GovForms' or individual council websites, reduces costs to businesses and councils by enabling online submission and payment of applications directly to councils.

- 
- 6 The provision of guidance material to assist businesses in obtaining approvals and complying with regulatory requirements, such as the guidance provided by the Federal Government's Australian Business Licence and Information Service (ABLIS) or the Queensland Local Government Toolbox (www.lgtoolbox.qld.gov.au), can reduce the regulatory burden on businesses and the community.
 - 7 Projects like the Electronic Housing Code provide considerable benefits to businesses and the community by providing a single, consistent, time-saving, online process to obtain an approval.
 - 8 The development of central registers (eg, Companion Animals register) by State agencies that devolve regulatory responsibilities to councils can substantially reduce administrative costs for regulated entities and councils, and assist with more efficient implementation of regulation (eg, assist with data collection and risk analysis).
 - 9 Memorandums of Understanding between State agencies and councils in relation to enforcement and compliance activities (eg, between local police and local council) facilitate information sharing to achieve better communication, coordination and enforcement outcomes.
 - 10 Councils engaging independent panels or consultants where development applications or DAs relate to land owned by local government improves transparency and probity.
 - 11 Where proponents seek to develop infrastructure on public land owned by the council, providing notice of the relevant leasing or licencing options and conditions likely to be attached to the use of the land (where practical) prior to the requirement for a DA to be submitted could reduce unnecessary costs for proponents.
 - 12 Councils can use Order powers under the *Environmental Planning & Assessment Act 1979* (NSW) (eg, under s121O) to allow certain modifications to developments. This circumvents the need for the applicant to obtain additional council approvals or development consents when there are concerns with existing structures (eg, safety concerns).
 - 13 Council policies that identify, prioritise and if possible, fast-track emergency repair works within existing regulatory processes (eg, urgent tree trimming work following a storm or urgent repair works following a flood) would reduce costs.
 - 14 Broadening the scope of DLG's current Promoting Better Practice program would strengthen its assessment of regulatory performance. Greater promotion of DLG's better practice findings amongst all councils would improve regulatory outcomes.



JL:VC/Jamie Loader
F2008/01603
D08849955

16 June 2014

Dr Peter Boxall AO
Chairman
Regulation Review – Local Government
Independent Pricing and Regulatory Tribunal
PO Box Q290
QBV POST OFFICE NSW 1230

Dear Dr Boxall

SUBMISSION – DRAFT REPORT ON LOCAL GOVERNMENT COMPLIANCE AND ENFORCEMENT

Thank you for the opportunity to make a submission on the Draft Report on Local Government Compliance and Enforcement. Council considers that the reduction of 'red tape' and the associated burden on Council and the community, is a positive step forward and welcomes the proposed changes.

The following is Council's response to the recommendations in the Draft Report.

A new partnership between State Government and Local Government

These recommendations are supported, as it will provide greater consistency across all Local Government areas, a 'user pays' enforcement model and a dedicated Local Government unit to provide support for Councils in carrying out their regulatory functions under the relevant legislation.

Improving the regulatory framework at the State level

These recommendations are supported as the delegation of responsibility to Local Government from the State creates a significant burden on Council and the community, in terms of resources and costs. The delegation process is currently ad-hoc and results in contradictory requirements and duplication. Council adopted the model Enforcement Policy in November 2013 and further refinement to this Policy and the associated guidelines will greatly assist staff with on-the-ground enforcement activities.

A review of the statutory fees and charges is also welcome, as the process for setting statutory fees also appears inconsistent and there are fees legislated under the Local Government Act, which haven't been reviewed since 1992 and in no way represent the costs associated with the activity.

Enhancing regulatory collaboration amongst Councils

These recommendations are supported and would allow Council to further investigate resource sharing opportunities with neighbouring Councils, particularly in the areas of procurement, building certification and compliance.



Page 2

Dr Peter Boxall AO – Chairman

Regulation Review – Local Govt IPART

Submission – Draft Report on Local Government Compliance and Enforcement

Improving the regulatory framework at the local level

These recommendations are supported, particularly the removal of duplication of approvals and the reduction of activities requiring approval. These sections of the Local Government Act are inconsistently applied and are confusing for the community. There are also unnecessary costs associated with the application and approval process. Improvements to the enforcement provisions of the Act will also assist Council in taking appropriate enforcement action and improve the prospects of success by providing a simpler and less onerous regulatory process.

Improving regulatory outcomes

This recommendation is supported as it provides justification for the need to devolve any additional requirements to Local Government and the appropriate reporting mechanism to determine Council's performance. This information is useful when it comes to explaining the need for increased regulatory burden to the community.

Planning

These recommendations are supported as they assist in facilitating development and provide consistency and certainty across Local Government boundaries. Council would like to confirm the ability to apply non-standard conditions in cases where location specific circumstances determine the need however, there should be criteria established to prevent the incorrect use of this. An on-line lodgement system for Annual Fire Safety Statements would greatly assist property owners in meeting their obligations in this area, as well as reduce a resourcing requirement for both Local Government and the Fire and Rescue service. Council also recommends that the *Environmental Planning and Assessment Act 1979* be amended so that referral agencies, such as the RMS and Office of Water, are provided a maximum of twenty one (21) days in which to respond to DA referrals from Council, otherwise concurrence may be assumed. This will assist in reducing delays in assessment times for DAs.

The Council also recommends a review of environmental conservation legislation, particularly work related to biobanking, biocertification and environmental offsetting. The current system is complicated, expensive and provides limited development certainty. A simplified system is recommended.

Building and Construction

The recommendation regarding the Building Authority is strongly supported as the industry would clearly benefit from having a single authority to regulate and licence all relevant professions and trades. The creation of a single register of building certifiers is also supported and will enable consumers to make an informed decision when choosing a certifier. Council seeks clarification on the application of the remaining recommendations in this section, with further detail on the specific issues that are intended to be resolved, as there is confusion over the responsibility areas of certifiers and Council.

Public health, safety and the environment

These recommendations are supported as they will provide much needed support and guidance on the implementation of and application of a range of regulatory functions. They will also clarify and streamline the requirements for businesses and residents and reduce the costs of compliance.

Page 3

Dr Peter Boxall AO – Chairman

Regulation Review – Local Govt IPART

Submission – Draft Report on Local Government Compliance and Enforcement

Parking and road transport

These recommendations are supported as they are not considered to have a significant effect on the current operations of Council in this area.

Companion animal management

These recommendations are supported as the current register and registration process for companion animals are a burden on both Council resources and pet owners. Other proposed changes to companion animal management will facilitate enforcement of the Act and enable a greater rate of animals returned to owner, which would in turn, reduce the amount of animals impounded in Council's Animal Care Facility.

Other areas

These recommendations are supported as they have no material impact on Council and represent a benefit to the community, in terms of reduced costs and improved service.

Council appreciates the opportunity to make a submission on the Draft Report.

Please contact Jamie Loader, Manager - Building Certification, Compliance and Health on (02) 4350 5180 if you would like to discuss this submission further.

Yours faithfully

Scott Cox
Director
DEVELOPMENT AND BUILDING

2.4 RZ/8/2009 Planning Proposal - Lot 229 DP 847847 - Pinaroo Road Gwandalan

TRIM REFERENCE: RZ/8/2009 - D08016083

MANAGER: Scott Cox, Director

AUTHOR: Chris Ferry; Strategic Planner

SUMMARY

Council at its meeting of 11 December 2013 resolved to forward a Planning Proposal to the Department of Environment and Planning (DEP) in support of rezoning land at Lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large Lot Residential). The Planning Proposal was submitted to the Gateway in February 2014 and a determination was received March 2014 (See Attachment 1 for a copy of the Determination).

The gateway determination recommended that it would be more appropriate to zone the majority of the site to R1 (General Residential) given the site's proximity to the proposed neighbourhood centre as identified in the North Wyong Shire Structure Plan (NWSSP). The proposed R5 (Large Lot Residential) zone will still apply to part of the land that is affected by the odour buffer and area of approximately 850 square metres that fronts Pinaroo Road will remain R2 (Low Density Residential). As this revision amends the Planning Proposal's "Objectives" it is necessary to re-submit the revised Planning Proposal to the Gateway for a revised determination prior to public exhibition.

This report is seeking Council's endorsement to prepare and submit an amended planning proposal to the DEP with a request for a revised Gateway Determination.

Real Description: Lot 229 DP 847847
Street Address: 47 Pinaroo Road Gwandalan
Owner/s: Saltro Developments Pty Ltd
Site Area: 3.011 hectares
Current Zoning: 7(b) (Scenic Protection) and 2(a) (Residential)

Lot 229 DP 847847 (herein referred to as '*the site*') is located on the north eastern intersection of Kanangra Drive and Parraweena Road Gwandalan.

RECOMMENDATION

- 1 ***That Council prepare a revised Planning Proposal to amend Wyong Local Environmental Plan 2013 to rezone lot 229 DP 847847 from E2 Environmental Protection to R1 (General Residential) and R5 (Large lot Residential) and retain the area of R2 (Low Density Residential) that adjoins Pinaroo Road.***
- 2 ***That Council forward the revised planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a revised "Gateway Determination" pursuant to Section 55 of the EP&A Act.***
- 3 ***That Council note that resolution 1 operates to modify resolution 1567/13 of 11 December 2013.***

BACKGROUND

Council, at its meeting held 11 December 2013:

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

- 1567/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large lot Residential).*
- 1568/13 That Council, amend Wyong Local Environmental Plan 2013, as part of the above planning proposal, to remove the application of clause 2.5, schedule 1, as it relates to the site.*
- 1569/13 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a “Gateway Determination” pursuant to Section 55 of the EP&A Act.*
- 1570/13 That Council undertake community consultation in accordance with the requirements attached to the “Gateway Determination”.*
- 1571/13 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to The planning proposal.”*

The Planning Proposal was submitted to the Gateway in February 2014 and a determination was received in March 2014. The determination provided advice that the proposed residential zoning should be of a higher density due to the proximity of the site to the proposed neighbourhood centre that has been identified in the NWSSP.

The proponents were advised of the Department’s comments and agreed that the higher density zoning would be more appropriate for the site.

CURRENT STATUS

The site is currently vacant and is surrounded by residential land to the north and east, and adjoins public roads to the west and south. The Gwandalan/Summerland Point Sewerage Treatment Plant (STP) is located on land to the south west of the site. Factory units are located on land south of Parraweena Road, this is also the location of the proposed neighbourhood centre. A high pressure sewer trunk main runs through the property in south westerly direction.

THE PROPOSAL

The proposal seeks to rezone Lot 229 DP 847847 from E2 Environmental Protection to R1 (General Residential) and R5 (Large Lot Residential) and retain the area of R2 (Low Density Residential) that adjoins Pinaroo Road, attachment 2 is a copy of the revised zoning for the site.

LOCAL PLANS, POLICIES AND STRATEGIES

Wyong Local Environmental Plan (LEP) 2013

The Proposed zoning of the site under Wyong LEP 2013 is E2 Environmental Conservation and the site is subject to Clause 2.5 and is included in Schedule 1 "Additional Permitted Uses" which states:

5 Use of certain land at 47 Pinaroo Road, Gwandalan

- (1) This clause applies to land shown as "Item 24" on the Additional Permitted Uses Map.
- (2) Development for the purpose of advertisements, agriculture and plant nurseries is permitted with consent on land to which this clause applies.

Should the planning proposal be supported by Council and the Gateway, Clause 2.5 as it applies to this land will be rescinded.

Development Control Plan (DCP) 2013: Development Controls for Wyong Shire

Any future development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of DCP 2013.

DCP 2012
- Chapter 2.1: Dwelling Houses and Ancillary Structures
- Chapter 2.3: Dual Occupancy Development
- Chapter 2.4: Multiple Dwelling Residential Development
- Part 4 - Subdivision
- Civil Works – Design Guideline and Construction Specification
- Chapter 2.11: Parking and Access
- Chapter 3.1: Site Waste Management

STATE LEGISLATION, POLICIES and PLANS**Central Coast Regional Strategy**

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

Under the CCRS land to be rezoned for housing during the life of the strategy is to be located within existing urban areas, existing MDP areas, areas identified through the preparation of LEPs and Greenfield areas nominated in the North Wyong Shire Structure Plan. The proposal is located within the existing urban footprint at Gwandalan and is deemed as infill development as per the definition provided in the CCRS.

North Wyong Shire Structure Plan

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

The site is not located within a future investigation precinct but is located adjacent to a proposed neighbourhood centre and within the existing urban area of Gwandalan.

The planning proposal is consistent with the NSSWP as it provides infill development to support the proposed neighbourhood centre and will provide residential development to meet housing targets identified.

Settlement Strategy

The site was previously identified for residential development in the Residential Development Strategy 2002 (RDS). The NWSSP development precincts have superseded the majority of RDS development precincts. However, there are a number of former RDS sites that are not included in the NWSSP. Part 8 – Planning for Settlements and Housing recommends higher density development in and centres to ensure the viability of those centres, this proposal will directly provide additional medium density housing in close proximity of the proposed neighbourhood centre. Part 9 of the Settlement Strategy - Land Use selected areas suitable for inclusion in its infill strategy, this site has been identified for retention to provide urban development on a short term priority.

Regional Economic Development and Employment Strategy

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

Whilst not directly employment related, the proposal may have a small positive impact on local employment through subdivision, construction of new dwelling houses and regenerating the corridor land.

Section 117 Directions

The proposal has been assessed against relevant Section 117 Ministerial Directions, it is considered that the planning proposal is consistent with the applicable Directions.

State Environmental Planning Policies

The proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPPs), it is considered that the planning proposal is consistent with the relevant directions.

Link to Community Strategic Plan (2030)

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

1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
 - (e) Implementing the Wyong Shire-wide Settlement Strategy.
 - (g) Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy).
 - (k) Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally.

Budget Impact

There is no immediate budget impact, as the progress of the planning proposal is being funded by the requisite accompanying Phase 1 fee. Further assessment work conducted by Council will be funded by the proponent.

CONSULTATION

Consultation has been conducted with the following agencies in accordance with the current Gateway Determination:

- NSW Trade and Investment – Minerals Resource Branch
- Mine Subsidence Board
- Rural Fire Service
- Environment Protection Authority

The above authorities were given 21 days to reply, one reply was received from Trade and Investment providing no objection to the proposal. The Rural Fire Service have requested additional information and no response has been received from the Mine Subsidence Board or Environment Protection Authority.

Government agency consultation as advised by the current Gateway Determination has been undertaken and no objections have been received. Community consultation will be over a two week period and will occur once the revised Gateway Determination is received.

GOVERNANCE & POLICY IMPLICATIONS

The proposal seeks to amend Wyong Local Environmental Plan 2013 from E2 Environmental Protection to R1 General Residential and R5 Large Lot Residential as well as retaining that section of land fronting Pinaroo Road as R2 Low Density Residential.

The proposed amendment will provide a range of housing choices in the northern area of the Shire. This proposal conforms with the direction of the NWSSP by providing higher density development in close proximity to a proposed neighbourhood centre.

The discussion relating to Local Plans, Policies and Strategies addresses any implications of the proposal in greater detail.

MATERIAL RISKS AND ISSUES

The assessment of the planning proposal has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including baseline information), demographics and best practices, it is considered that there would be minimal risks associated with the planning proposal.

CONCLUSION

This report seeks Council's endorsement to prepare and resubmit to the DPE, a revised Planning Proposal to rezone Lot 229 DP 847847 17 Pinaroo Road Gwandalan to R1 (General Residential) and R5 (Large Lot Residential) and retain that portion of land currently zoned R2 along the frontage Pinaroo Road.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Gateway Determination | D06170227 |
| 2 | Land Zoning R1 General Residential R5 Large Lot Residential and R2
Low Density Residential | D08019970 |



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

Contact: Ben Jones
Phone: (02) 4348 5003
Fax: (02) 4323 6573
Email: ben.jones@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250
Our ref: PP_2014_WYONG_002_00 (14/03430)
Your ref: RZ/8/2009

Att: Chris Ferry

Dear Mr Whittaker,

Planning Proposal – Spot rezoning 47 Pinaroo Road Gwandalan Lot 229 DP 847847

I refer to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 47 Pinaroo Road, Gwandalan.

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

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

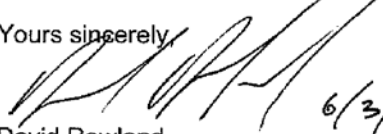
The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

Attached for your assistance are the reporting requirements to ensure that the LEP Tracking System is kept updated.

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

Should you have any questions regarding this matter, please contact Ben Jones of Planning & Infrastructure's Gosford Office on 4348 5003.

Yours sincerely



6/3/14

David Rowland
General Manager
Hunter & Central Coast Region
Growth Planning & Delivery
Planning & Infrastructure

Encl:

Gateway determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Ref: PP_2014_WYONG_002_00): to rezone land at 47 Pinaroo Road Gwandalan.

I, the General Manager Hunter & Central Coast Region, Growth Planning & Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Wyong Local Environmental Plan 2013 to rezone land at 47 Pinaroo Road Gwandalan, should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - update draft maps to be consistent with the *Standard Technical Requirements for LEP maps*;
 - clarify whether reference to R1 in explanation of provisions is correct and amend if required;
 - provide discussion about densities and reconsider appropriateness of R2 given proximity of potential new centre;
 - update planning proposal with discussion of how the rezoning relates to the Wyong Settlement Strategy.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with s117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries;
 - 2.1 Environmental Protection Zones;
 - 2.3 Heritage Conservation;
 - 4.2 Mine Subsidence and Unstable land; and
 - 4.4 Planning For Bushfire Protection.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s117 Directions:
 - NSW Trade and Investment – Minerals Resource Branch (1.3 Mining, Petroleum Production and Extractive Industries)
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (4.4 Planning for Bushfire Protection)
 - Environment Protection Authority (Odour Impacts)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be

made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 6th day of March 2014.



David Rowland
General Manager – Hunter and Central Coast Region
Growth Planning & Delivery
Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2014_WYONG_002_00	Spot rezoning 47 Pinaroo Road Gwandalan Lot 229 DP 847847

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

Dated 6/3 2014

A handwritten signature in black ink, appearing to read "D. Rowland".

David Rowland
 General Manager
 Hunter & Central Coast Region
 Growth Planning & Delivery
 Planning & Infrastructure



Delegated plan making reporting requirements (attachment 5 from “A Guide to preparing local environmental plans)

Notes:

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

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_WYONG_002_00
Date Sent to Department under s56	12 February 2014 (additional information)
Date considered at LEP Review Panel	N/A
Gateway determination date	

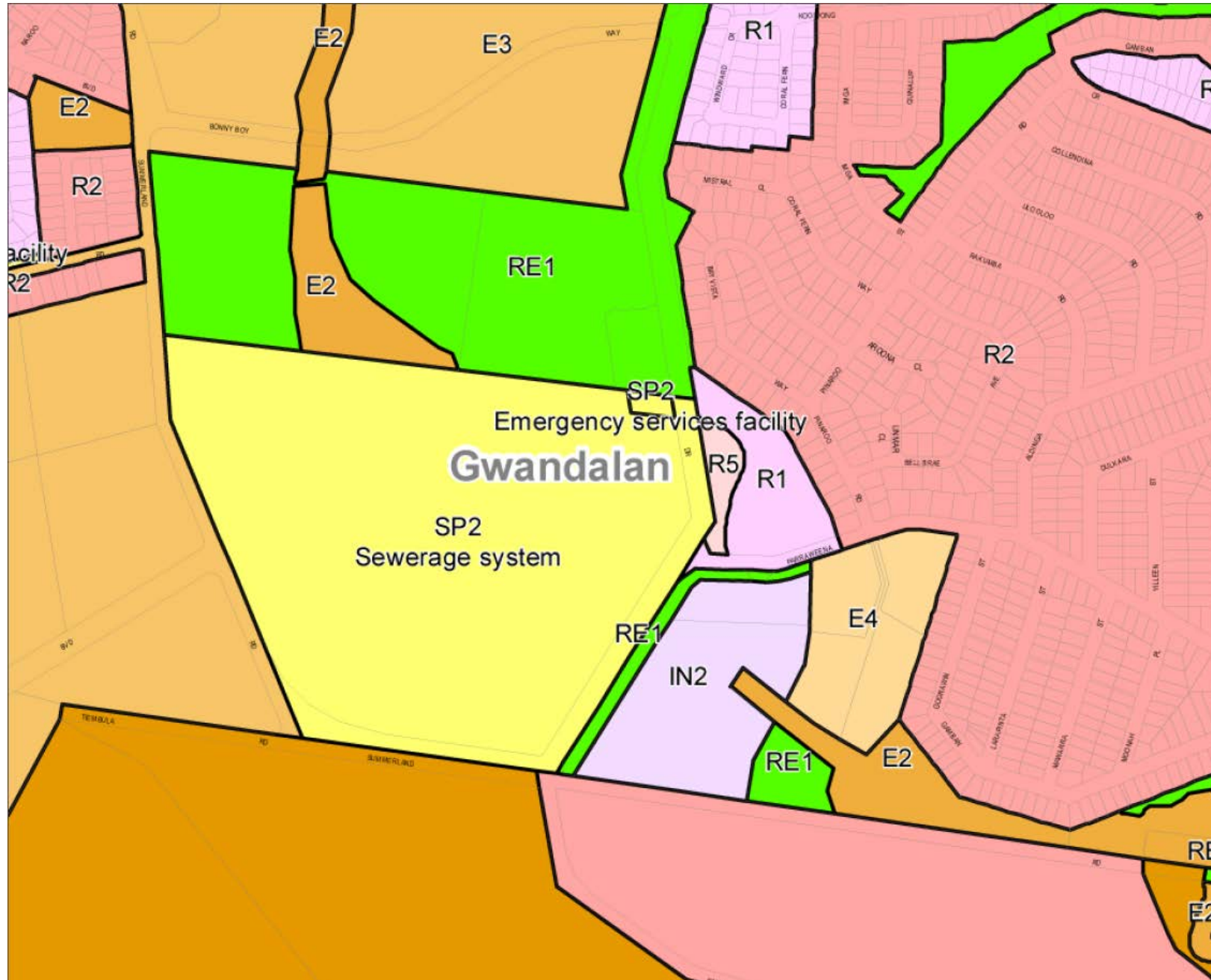
Table 2 – To be completed by the RPA

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

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:



3.1 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications

TRIM REFERENCE: F2008/02110 - D08410589
MANAGER: Julie Vaughan, Manager
AUTHOR: Kay Matthews; Administration Assistant

SUMMARY

Details of applications and recommendations for Community Subsidy Program and Sport and Cultural Sponsorship Program funding for period ending June 2014.

RECOMMENDATION

- 1** That Council allocate \$1,587.58 from the 2013-14 Community Subsidy Program as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended</i>
<i>The NSW Wildlife Information Rescue and Education Service Inc</i>	<i>Venue Hire - Berkeley Vale Community Centre</i>	<i>442.00</i>
<i>Country Women's Association of NSW - Toukley Branch</i>	<i>Rates subsidy</i>	<i>745.58</i>
<i>Global Care Australia - Foodcare Charmhaven</i>	<i>Digital Printing</i>	<i>400.00</i>

- 2** That Council allocate \$2,250.00 from the 2013-14 Sport & Cultural Sponsorship Program as follows:

<i>Applicant</i>	<i>Project Name and Summary</i>	<i>Committee Funding Recommended</i>
<i>Ashley Fouche</i>	<i>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</i>	<i>500.00</i>
<i>Sonya Mahony</i>	<i>NSW Primary Schools Sporting Association, Primary Open Rugby League Representative team, at Kingscliff NSW, representing North Sydney</i>	<i>250.00</i>
<i>Michael Leard</i>	<i>2014 Australian Expos USA Tour Championships, USA, representing Australia</i>	<i>1,000.00</i>
<i>Kerry Heffernan</i>	<i>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</i>	<i>500.00</i>

BACKGROUND

Council currently provides \$30,000.00 annually for the Community Subsidy Program. WSC Community Subsidy Program supports community efforts to maintain the quality of life of the Wyong Shire Community. Council does this through the provision of assistance to events, activities and programs which express community and cultural values, protect our natural environment, improve the urban environment and create jobs. The available balance for this program as at 30 May 2014 is \$18,831.54.

Council also currently provides \$20,000.00 annually for the Sport and Cultural Sponsorship Program which assists Wyong Shire residents to participate in sporting and cultural events of Regional, State and/or National significance, for which they may not be able to attend due to financial hardship. The available balance for this program as at 30 May 2014 is \$2,100.00. The additional \$150.00 required for the Sport and Cultural Sponsorship Program will be diverted from unused funds from the Community Subsidy program.

Funding is provided every two months for these two programs.

This report provides details on the applications and recommendations for funding.

ATTACHMENTS

Nil.

3.2 Draft Water Craft Storage Policy

TRIM REFERENCE: F2004/06004 - D05350131

MANAGER: Brett Sherar, Manager

AUTHOR: Brett Sherar; Manager

SUMMARY

This report and the accompanying Draft Water Craft Storage Policy is provided in response to a resolution at Council's Ordinary Meeting held on 27 April 2011.

RECOMMENDATION

- 1 That Council adopt the draft Wyong Shire Council Water Craft Storage Policy.**
- 2 That Council exhibit the draft Water Craft Storage Policy for 28 days.**

BACKGROUND

At its meeting on 27 April 2011, Council:

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

- 1 That Council consult with the community and potential stakeholders to develop a policy for the storage of dinghies on foreshores in Wyong Shire.*
- 2 That, following community consultation, Council develops a policy on this matter and submit it to Council for consideration.*
- 3 That Council consider a report which includes the cost/return/savings of implementing the policy.*
- 4 That, if the policy is adopted, Council communicate it thoroughly to the broader community prior to any implementation."*

Wyong Shire encompasses a large expanse of coastline and various waterways that are heavily utilised by both recreational and commercial water craft users. A substantial number of these users store their craft on public land for ease of accessibility and convenience. The Lake Macquarie foreshore is highly impacted by the dense storage of water craft, particularly around Chain Valley Bay and Gwandalan. At present, Council does not possess a policy for the management of water craft on public land.

3.2 Draft Water Craft Storage Policy (contd)

Unregulated storage of water craft on public land, primarily foreshores, poses a number of concerns including:

- impeding or prohibiting public access and routine Council maintenance
- potential health and safety risks
- environmental degradation
- impact to visual amenity
- potential risk of litigation to Council if an injury occurs

In the past ten years one injury, caused by a dinghy stored on public land, has led to legal action being brought against Council. In this case Council was deemed not at fault, but was required to pay court costs.

Council receives on average, one complaint per year regarding water craft stored on public land. Following Council's Resolution on 27 April 2011, this policy was developed. The draft policy incorporates all water craft rather than just dinghies.

To draft this policy (Attachment 1), the practices of other NSW councils were reviewed and extensive community consultation via three public meetings was undertaken. The delay in the development of this policy was caused by the requirement to link the outcome with the draft Aquatic Infrastructure Strategy that was presented to Council at a briefing on 26 March 2014. While a number of issues created by water craft storage were identified by the community, they did not believe that it was a major inconvenience. The majority of the community consulted did not believe the issues of environmental degradation, risk to public health, impeded or restricted access, and reduced amenity to be major issues. The majority of the community felt the storage of water craft on public land provided for: easy access to waterways for the elderly and those who utilise the waterways numerous times a day, those without trailers, those who live a distance from a waterway, and convenience for those who visited the Shire and utilised craft during holiday periods only. In relation to the impact of craft storage on foreshore amenity, a small percentage of the community believed craft improved amenity, providing for recreational and commercial photographic opportunities.

CURRENT STATUS

The primary purpose of a Water Craft Storage Policy is to enable the ordered management and control of water craft on public land.

The draft Water Craft Storage Policy encompasses the views and desires of the public as well as addressing concerns created by the unauthorised craft storage including:

- dense storage
- environmental degradation
- impeding or prohibiting routine Council maintenance
- interfering with, or damaging Council assets
- foreshore amenity

THE PROPOSAL

The draft policy addresses the primary concerns identified by the public being the impact on public land created by abandoned and derelict craft and dense storage. It also addresses Council's concerns regarding unauthorised storage of craft. Pursuant to the policy, unauthorised craft are defined as craft that create damage to, or interference with Council assets that are not fit for purpose, and/or damage to riparian vegetation

In order to enforce the policy, Council rangers may make regular patrols of public spaces without significant impact on their current levels of service, including public roads, parklands, beaches and bushland reserves, placing a Notice of Intended Removal sticker on craft which appear derelict or abandoned. The Notice will request the craft owner to contact Council Rangers and advise if the craft is seaworthy and has been operated within three months from the date of the notice. If after three months, the owners of the craft have not contacted Council Rangers, the craft may be removed by authorised officers and disposed of as per the *Impounding Act 1993*. Three months allows adequate notice to craft owners who may be local residents or seasonal visitors to the Shire.

If adopted, Council will advertise the intended implementation of the policy in both local and regional media and will explain the responsibilities of water craft owners choosing to store craft on public land and Council's management and enforcement procedures.

Locations that experience high density storage will have adequate signage erected to advise the public of storage requirements pursuant to the Policy.

OPTIONS

- 1 Adoption of the draft Policy will address the primary concerns of the community created by derelict, abandoned and unauthorised water craft identified by the public and Council. This is an essential activity carried out by local government and individuals in response to State legislation and the community's desire to maintain the amenity in the Shire.
- 2 Not adopt the draft policy.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The draft Water Craft Storage Policy allows for improved management of water craft on public land giving increased access to, and promotion of recreation areas and leisure activities.

<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>
Social	Open Space and Recreation	Communities will have access to a diverse range of affordable and co-ordinated facilities, programs and services	Revenue	Design, approvals and construction of dinghy storage structures in priority areas

Contribution of Proposal to the Principal Activity

Nil impact.

Long Term Financial Strategy

Nil impact.

Asset Management Strategy

The Asset Management Strategy states that the general principle of asset management must take into account a number of key considerations including the need for public safety. Management of water craft on public land satisfies one of the desired outcomes of the strategy, ensuring risk reduction and increase of public safety. Once established, the maintenance costs of the storage facilities will be minimal.

Workforce Management Strategy

Nil impact.

Budget Impact

The enforcement of the Water Craft Storage Policy will form part of the work program for Council rangers, without significantly impacting the current level of service.

CONSULTATION

To assess the needs, and to understand the views of the community, staff held three on-site public meetings at areas most impacted by unauthorised storage of water craft on public land.

Three public meetings were extensively advertised and included an on-line survey. They were held at the following locations in 2012:

- Lioness Park Koowong Rd, Gwandalan
- Lloyd St Reserve, Chain Valley Bay
- Mannering Park Sailing Club

Community consultation, together with legal consideration, has prevented reporting the final draft Policy to Council until this time.

During the Councillor Briefing on Aquatic Infrastructure on 26 March 2014, the Water Craft Storage Policy was discussed.

GOVERNANCE AND POLICY IMPLICATIONS

Jurisdiction

The Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of Council.

The policy does not confer any delegated authority upon any person.

Current Legislation

Council is the responsible authority to manage activities which occur on public land under State enacted legislation and local regulations.

Crown Lands Act 1989

Council is empowered under provisions contained in the Crown Lands Act 1989 to control, restrict, or prohibit any activity that occurs, or is likely to occur, on Crown land reserved for public recreation.

Local Government Act 1993

Under Section 632 of the Local Government Act 1993, Council is empowered to control, restrict, or prohibit any activity that occurs, or is likely to occur, on public open space.

Impounding Act 1993

Under Section 15 of the Impounding Act 1993, an impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. **Note:** The Local Government Act 1993 gives a council power to order the removal of an object or matter that is causing or likely to cause an obstruction.

MATERIAL RISKS AND ISSUES

There is a low risk of legal action against Council for removing a craft. As this Policy stands within the principles of the Local Government Act, any legal action would likely be unsuccessful.

CONCLUSION

The draft Water Craft Policy addresses Council's obligation to manage public land in response to State legislation, the community's desire to maintain the amenity, and provide a sense of place in the Shire. The policy targets the identification and removal of derelict watercraft on public foreshore.

The policy incorporates the views and needs of the community, as well as addressing issues identified by Council staff.

This report provides an understanding of the principals and processes which formed the basis for the draft policy.

ATTACHMENTS

- 1 Draft Policy for Water Craft Storage on Public Land D03296189



POLICY No: WSC104

POLICY FOR: WATER CRAFT STORAGE ON PUBLIC LAND

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AUTHORITY	NAME & TITLE	SIGNATURE	DATE
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GENERAL MANAGER	Michael Whittaker		
MAYOR (IF APPLICABLE)			

History of Revisions:

Version	Date	TRIM Doc. #
1	4 January 2013	D03296189

A. POLICY SUMMARY

- A1 This Policy details the proposed management and control of water craft on public land within Wyong Shire and outlines Wyong Shire Council's management of abandoned, derelict and unauthorised water craft on public land.

B. POLICY BACKGROUND

- B1 Management of public land is an essential activity carried out by local government and individuals in response to State legislation, common law and the community's desire to maintain the amenity, sense of place and freedom of choice in the Shire. Mismanagement of public land can detrimentally affect aspects of health, safety, and enjoyment of urban life.
- B2 In recognition of the social, recreational, operational and practical benefits of water craft storage adjoining the lakes and its estuaries; this Policy outlines Wyong Shire Council's philosophy of the management of water craft on public land, and provides guidelines by which management can be achieved.
- B3 For many decades, Wyong Shire Council (WSC) has permitted water craft to be stored on public land which includes, but is not limited to, public roads, parklands and reserves. This activity will continue to be permitted within the guidelines detailed by this Policy.
- B4 WSC will manage the storage of water craft on public land for the benefit of water craft owners and for the convenience and enjoyment of the broader community accessing public land. Management will also allow for greater maintenance of public land by WSC staff.
- B5 Informal and ad-hoc storage of water craft can be unsightly, potentially dangerous, degrading to the environment, impede or restrict public access to public space and leave WSC open to legal risk. WSC's Water Craft Policy will address the management of these issues created by abandoned, derelict and unauthorised craft, or where dense storage occurs creating any of the aforementioned issues.
- B6 In areas of dense craft storage, WSC may choose to provide purpose built public water craft storage facilities.

C. DEFINITIONS

- C1 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.
- C2 **The Act** means the *Local Government Act NSW 1993*.
- C3 **Wyong Shire Council (WSC)** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C4 **Water Craft** shall be defined as any single or multi-hulled marine vessel, a medium/large trailable vessel, catamaran, sailboard, jet-ski, surfboard, work punt, pontoon, sailboat, rowing skull, inflatable boat, canoe, kayak, and the like.
- C5 **Abandoned and Derelict Craft** shall be defined as water craft stored on public land which appears to be unseaworthy by evidence of damage which may affect vessel flotation and user safety, or appears to be abandoned remains unclaimed after an official Council notice is placed on the craft by WSC authorised officers. An official Council notice will be placed on derelict craft by WSC authorised officers requiring the owner of the craft to claim the craft and prove

its seaworthiness. A derelict vessel may be retained onsite at WSC's discretion or removed by WSC authorised officers as per the *Impounding Act 1993*.

- C6 **Unauthorised Craft** shall be defined as water craft stored on public land that is:
- anchored to vegetation and/or a WSC asset that is not provided for that purpose e.g. fencing, signage posts etc
 - stored within or on an operating WSC asset including a stormwater treatment zone, stormwater outlet, drainage channel etc. Unauthorised craft also includes craft which are not stored where suitable storage facilities have been made available, or are stored inappropriately at storage facilities
 - directly affecting riparian vegetation. For the purpose of this policy, riparian vegetation is defined as vegetation on land that adjoins, directly influences or is influenced by a body of water
- C7 **Unauthorised Furniture** shall be defined as items placed on public land by the public without the permission of WSC. Such items include, but are not limited to, tables and chairs, hammocks, play equipment etc.
- C8 **Operable Craft** is defined as water craft stored on public land, which appears sea worthy or has been verified as operated in the last three months by the craft owner.
- C9 **Storage Facilities** shall be defined as purpose built public storage structures for water craft. Storage facilities shall be constructed in a fashion, and located in a position, so as not to adversely affect the visual amenity of public land or inconvenience neighbouring houses. Storage facilities may be of varying material and/or design e.g. in the form of vertical or horizontal metal racks, stand-alone vertical tie-posts, or horizontal fixing rails. Public use of WSC storage facilities will be on a 'first in best dressed' basis. Water craft storage facilities will be available free of charge to the public.
- C10 **Public Land** Public land is land that is set aside for the purpose of public recreation, or any other public purpose where WSC either owns the land; the land is dedicated as public reserve and administered by WSC; or is Crown land set aside for the purpose of public recreation and administered on behalf of the State Government by WSC. Public land includes land that is part of a public road reservation.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

Current Legislation

- D3 WSC is the responsible authority to manage activities which occur on public land under State enacted legislation and local regulations.

Crown Lands Act 1989

- D4 WSC is empowered under provisions contained in the Crown Lands Act 1989 to control, restrict, or prohibit any activity that occurs, or is likely to occur, on Crown land reserved for Public Recreation.

Local Government Act 1993

- D5 Under Section 632 of the Local Government Act 1993, WSC is empowered to control, restrict, or prohibit any activity that occurs, or is likely to occur, on public open space.

Impounding Act 1993

- D6 Under Section 15 of the Impounding Act 1993, an impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. **Note:** The Local Government Act 1993 gives a Council power to order the removal of an object or matter that is causing or likely to cause an obstruction.

Roads Act 1993

- D7 Under Division 3 of the Roads Act 1993, WSC is empowered to authorise use of, and deal with obstructions on road reservations.

Courtesy

- D8 It is essential that persons who wish to store water craft on public land are aware of the right of the public to gain free and unrestricted access to public land and the lake shoreline. Appointed officers and authorised staff will monitor positioning of water craft to ensure this outcome, as well as consideration and courtesy.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E2 WSC authorised officers (Rangers) will enforce the provisions of the Local Government Act 1993, the Crown Lands Act 1989, the Impounding Act 1993 and the Roads Act 1993.
- E3 Police officers may also enforce the provisions of the relevant Acts and Regulations.
- E4 WSC Rangers make regular patrols of public spaces, including public roads, parklands, beaches and bushland reserves.
- E5 Fines may be issued to the appropriate person for non-compliance with the relevant Act or Regulation, any signs placed by WSC, or WSC policies that may be applicable.
- E6 Signage to control storage of water craft on public land will be installed and maintained as required, at the appropriate locations within parks, reserves and roads.
- E7 Derelict, abandoned or unauthorised water craft may be removed and impounded or disposed of by Council Rangers as per the *Impounding Act 1993*.
- E8 Removal and impoundment or disposal of derelict, abandoned and unauthorised craft will be undertaken if after three months of the placement of a Notice of Intended Removal, the craft has not been claimed and identified as operable.
- E9 Unauthorised craft may be relocated to a suitable location by the craft owner to private land.

3.3 Joint Water Capital Works Budget for 2014/15

TRIM REFERENCE: F2004/08889 - D08602876

MANAGER: Daryl Mann, Manager

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

SUMMARY

A joint water capital works budget of \$6.6M for 2014/15 is proposed for adoption. The budget is consistent with costs allowed for in the pricing determination received from the Independent Pricing and Regulatory Tribunal (IPART).

RECOMMENDATION

- 1 That Council adopt a Joint Water capital works budget of \$6,642,257 for 2014/15, comprised of \$1,277,000 for Wyong projects and \$5,365,257 for Gosford projects.**
- 2 That Council contribute \$3,110,896 for Gosford projects in 2013/14, being 50% of the approved budget.**
- 3 That Council allocate \$12.5M for Joint Water capital works over the 2014 to 2017 financial years, being 50% of expenditure allowed for in the price path.**

BACKGROUND

Under the Joint Scheme Funding Agreement, Gosford and Wyong Councils equally share the cost of approved Joint Water capital works. Council has formally adopted a Joint Water capital works budget of \$8,841,792 for the 2013/14 financial year. Of this budget \$2,620,000 has been approved for Wyong managed projects and \$6,221,792 has been approved for Gosford managed projects. No variations to this budget have been approved by the Technical Advisory Group (TAG) or the Councils.

Formal approval of the Joint Water capital works budget for 2014/15 has not yet been obtained from the TAG or the Councils.

DISCUSSION

The Joint Water capital expenditure allowed for in the current water and sewerage pricing determination is set out in Table 1 below. This expenditure is in nominal dollars inclusive of 2.5% CPI indexation in financial years 2014, 2016 and 2017 and 2.9% CPI in 2015 (2014 and 2015 CPI is as advised by IPART, 2016 and 2017 CPI is an assumption). These amounts, save for minor immaterial inconsistencies, have previously been agreed by the TAG.

Forecast expenditure for 2013/14, and proposed budgets for the remaining years of the price path are set out in Table 2.

Table 1 – IPART pricing determination capex allowances

	2013-14	2014-15	2015-16	2016-17	TOTAL
Wyong	\$1,243,571	\$3,376,175	\$1,739,697	\$2,001,207	\$8,360,650
Gosford	\$4,002,933	\$7,584,116	\$2,163,735	\$2,857,214	\$16,607,998
TOTAL	\$5,246,504	\$10,960,291	\$3,903,433	\$4,858,421	\$24,968,648

Table 2 – 2013/14 forecast and 2014-17 proposed capex

	2013-14	2014-15	2015-16	2016-17	TOTAL
Wyong	\$2,396,676	\$1,277,000	\$2,110,000	\$2,945,000	\$8,728,676
Gosford	\$7,695,642	\$9,074,895	\$2,628,824	\$443,023	\$19,842,384
TOTAL	\$10,092,318	\$10,351,895	\$4,738,824	\$3,388,023	\$28,571,060

The key observations from Table 2 are as follows:

1. The forecast expenditure in 2013/14 of \$10.1M exceeds the approved budget of \$8.8M. Wyong is forecasting a slight under expenditure of \$0.2M, with Gosford forecasting an over expenditure of \$1.5M.
2. The total proposed price path expenditure of \$28.6M exceeds the pricing determination allowance of \$25.0M by \$3.6M. Wyong is proposing a slight over expenditure of \$0.4M (noting that this is likely to be pulled back over the price path), while Gosford is proposing an over expenditure of \$3.2M.

Workshops were held on 15 April and 16 May to review the proposed Gosford budget at a high level and attempt to reduce it to the pricing determination allowances. The workshops were attended by staff from both Councils. Both workshops concluded that the proposed projects were addressing high risks, particularly risks relating to water quality and safety. The detailed scope of individual projects was not reviewed.

A particular difficulty in reducing the budget was additional costs associated with the Mangrove Creek and Mooney pumping station high voltage upgrades. The tendered costs received for this work exceeded the budget by \$4.5M.

The proposed budget also included \$2.0M in 2014/15 for a sludge pumping station at Somersby water treatment plant. The existing sludge lagoons at the plant are undersized and the pumping station will address water quality risks associated with the recirculation of iron and manganese, and potentially cryptosporidium and giardia, through the recirculation of subnatant from the sludge lagoons to the head of the plant. The project also has an economic driver with the payback period being less than three years.

Without the additional high voltage costs and the sludge pumping station project the proposed Gosford capex would be reduced to \$13.3M over the price path, which is below the pricing determination allowance of \$16.6M.

Notwithstanding the above, Wyong will only receive sufficient funds over the price path to contribute \$8.3M to Gosford projects (i.e. 50% of the \$16.6M pricing determination allowance). Therefore it is proposed that Wyong only allocate \$8.3M to Gosford works. It is suggested that Gosford undertake further value management to refine the scope of individual projects to contain the budget to the price path allowances, or else fund the additional expenditure itself.

With regards to the 2013/14 expenditure, it is proposed that Wyong contribute a maximum of \$3.1M to Gosford projects, being 50% of the approved budget.

In terms of setting a 2014/15 budget, it is suggested that Wyong allocate \$2.7M to Gosford projects. This amount represents 50% of the price path allowance of \$7.6M as shown in Table 1, less the difference between the approved 2013/14 budget of \$6.2 M and the price path allowance of \$4.0M for Gosford projects. The budget allowance for 2014/15 could be amended in future should Gosford provide a price path cash flow that falls within the overall price path cap.

Wyong's proposed 2014/15 budget remains as set out in Table 2 above. The proposed Joint Water capital works budget for 2014/15 is therefore \$6.6M.

ATTACHMENTS

Nil.

3.4 Terrace Towers

TRIM REFERENCE: F2004/12799 - D08522040

MANAGER: Steven Mann, Manager

AUTHOR: Paul Bowditch; Manager

SUMMARY

Reporting on the proposed acquisition of land at Jilliby and Doyalson by Council.

RECOMMENDATION

- 1** *That Council endorse the actions taken by the General Manager in regard to the negotiations for the purchase of the land described in the report.*
- 2** *That Council approve the purchase of the land described in the report subject to a thorough due diligence and valuation exercise.*
- 3** *That Council not exceed the purchase price for each holding - \$10,000,000 for the land owned by Warner Business Park Pty Ltd and \$7,000,000 for the land owned by Woodbury Park Pty Ltd.*
- 4** *That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the purchase of these lands.*
- 5** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the vendor.*

BACKGROUND

The Terrace Tower Group has approached Council offering its land holdings at Jilliby and Doyalson for sale to Council. The holdings are owned by two separate companies which are members of the Terrace Towers Group being Warner Business Park Pty Ltd for the Jilliby land and Woodbury Park Pty Ltd for the Doyalson land.

Plans showing the location of each holding are attached and the table below provides details of the parcels of land involved.

WARNER BUSINESS PARK PTY LTD - JILLIBY		
ADDRESS	PARCELS	AREA (m²)
225 Sparks Road, Jilliby	Lot 15 DP 259530	44,410
671 Hue Hue Road, Jilliby	Lot 16 DP 259530	106,300
689 Hue Hue Road, Jilliby	Lot 17 DP 259530	81,600
701 Hue Hue Road, Jilliby	Lot 18 DP 259530	99,670
725 Hue Hue Road, Jilliby	Lot 4 DP 239704, Lot 25 DP 259530, Lot 26 DP 259530	132,308
749 Hue Hue Road, Jilliby	Lot 19 DP 259530	100,900
781 Hue Hue Road, Jilliby	Lot 6 DP 239704	103,700
791 Hue Hue Road, Jilliby	Lot 7 DP 239704	103,200
811 Hue Hue Road, Jilliby	Lot 8 DP 239704	107,500
	Total	879,588
WOODBURY PARK PTY LTD - DOYALSON		
ADDRESS	PARCELS	AREA (m²)
1550 Thompson Vale Road, Doyalson	Lot 31 DP 586913	182,100
200 Thompson Vale Road, Doyalson	Lot 762 DP 746526	349,600
740 Thompson Vale Road, Doyalson	Lot 32 DP 586913, Lot 78 DP 755245	908,400
	Total	1,440,100

The General Manager has negotiated with the Terrace Towers Group over the potential purchase of these lands by Council. Terrace Towers Group has confirmed that it would offer the identified parcels of land to Council on the following terms:

1. **Warner Business Park Pty Ltd** comprising the lots listed below, for a purchase price of **\$10M**, paid in three instalments - \$1M on exchange, \$4M on 1 July 2015, and \$5M on settlement:
 - a. Lot 15 DP 259530 (225 Sparks Road, Jilliby NSW);
 - b. Lot 16 DP 259530 (671 Hue Hue Road, Jilliby NSW);
 - c. Lot 17 DP 259530 (689 Hue Hue Road, Jilliby NSW);
 - d. Lot 18 DP 259530 (701 Hue Hue Road, Jilliby NSW);
 - e. Lot 19 DP 259530 (749 Hue Hue Road, Jilliby NSW);
 - f. Lot 6 DP 239704 (781 Hue Hue Road, Jilliby NSW);
 - g. Lot 7 DP 239704 (791 Hue Hue Road, Jilliby NSW);
 - h. Lot 8 DP 239704 (811 Hue Hue Road, Jilliby NSW); and
 - i. Lot 4 DP 239704 and Lot 25 DP 259530 (725 Hue Hue Road, Jilliby NSW).

2. **Woodbury Park Pty Ltd** comprising the lots listed below for a purchase price of **\$7M**, paid in three instalments - \$2M on exchange, \$3M on 1 July 2015 and \$2M on settlement:
 - a. Lot 31 DP 586913 (1550 Thompson Vale Road, Doyalson, NSW);
 - b. Lot 762 SP 746526 (200 Thompson Vale Road, Doyalson, NSW); and
 - c. Lot 32 DP 586913 and Lot 78 DP 755245 (740 Thompson Vale Road, Doyalson, NSW).

3.4 Terrace Towers (contd)

Council has also requested that each contract:

- A. Provide for exchange on or after 1 July 2014 and require that the subject sale be completed on or after 1 July 2016; and
- B. Include a requirement that the Vendor provide Council with copies of all documents relating to any development consent for, or works constructed on, the subject lands, with such documents to include but not be limited to surveys, geological reports, ecological reports, contamination reports and acoustic studies; and
- C. Include or be accompanied by a licence that permits Council to undertake further studies and any identified works on the subject land from the date of exchange of contracts to the completion of the sale; and
- D. Include the Vendor's irrevocable consent, as owner of the land, to Council submitting any application under the *Environmental Planning and Assessment Act 1979* to a consent authority in respect of the land; and
- E. If the Vendor intends to continue its primary producer status so as to sell the lands as a going concern, an obligation on the Vendor to continue to use the land in a manner that causes it to be entitled to maintain its status as a primary producer; and
- F. Include a requirement that Council pay all Council rates in respect to the subject land.

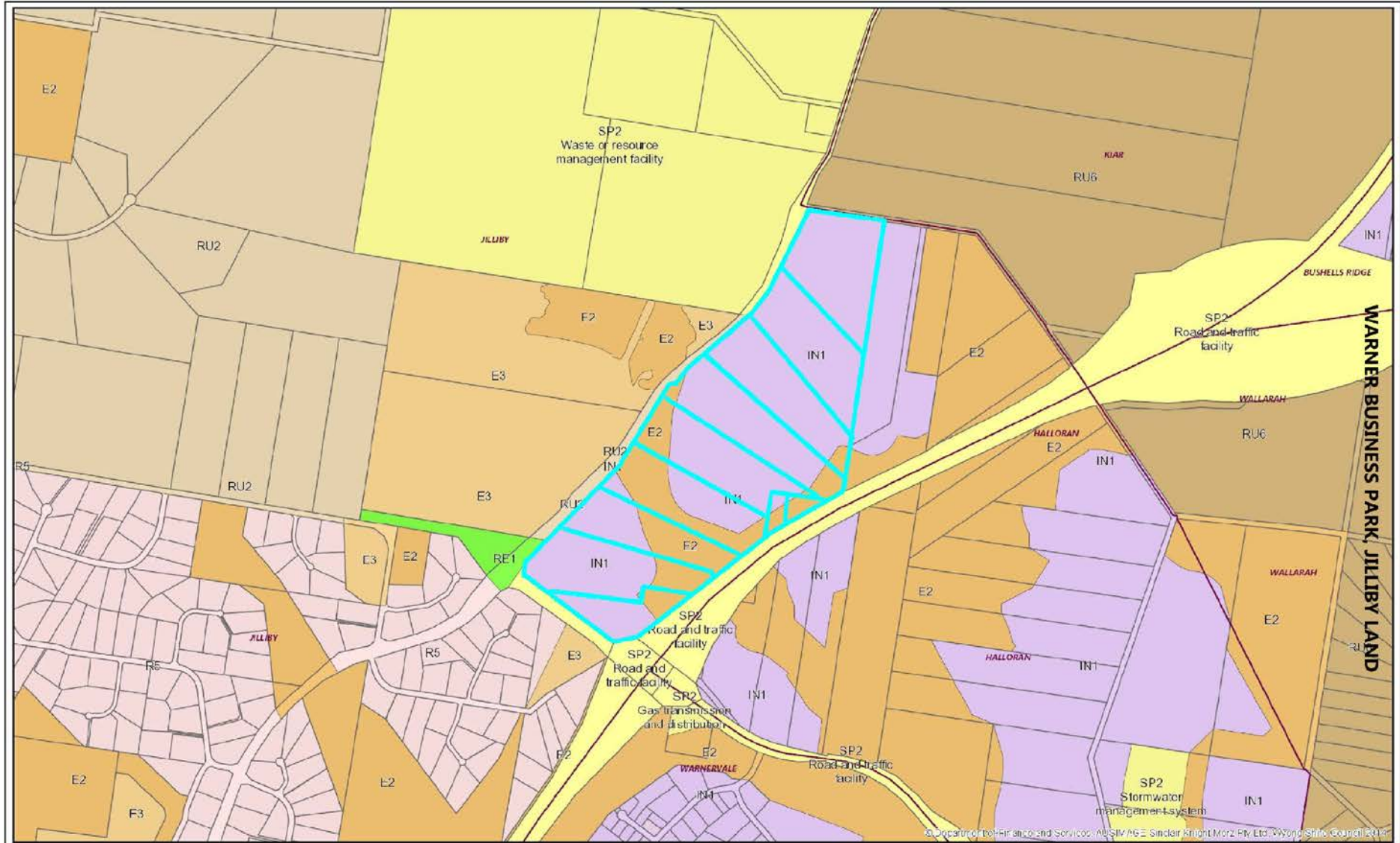
Both holdings are located in areas of strategic importance to Council. The Warner Business Park Land at Jilliby is located within the Strategic Investigation Area for the proposed Central Coast Regional Airport and also contains an existing development approval for an industrial subdivision. The Woodbury Park Land is located adjacent to the Freeway Link Road at the north boundary of the Shire and will likely provide opportunities for future employment and environmental offset lands.

It is recommended that Council continue to negotiate with the Terrace Towers Group over this purchase with a view to acquiring the land subject to a valuation and due diligence exercise.

The Terrace Towers Group have been advised that the General Manager has no power to make or accept any offer for the purchase of the land due to the constraints imposed by Section 377 of the Local Government Act. As such, the Terrace Towers Group are aware that any decision to proceed with the acquisition would be subject to a Council resolution.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Warner Business Park - Jilliby - Zones | D08525234 |
| 2 | Woodbury Park Estates - Doyalson - Zones | D08525240 |



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MAP EXTRACT
 Scale 1:12,090

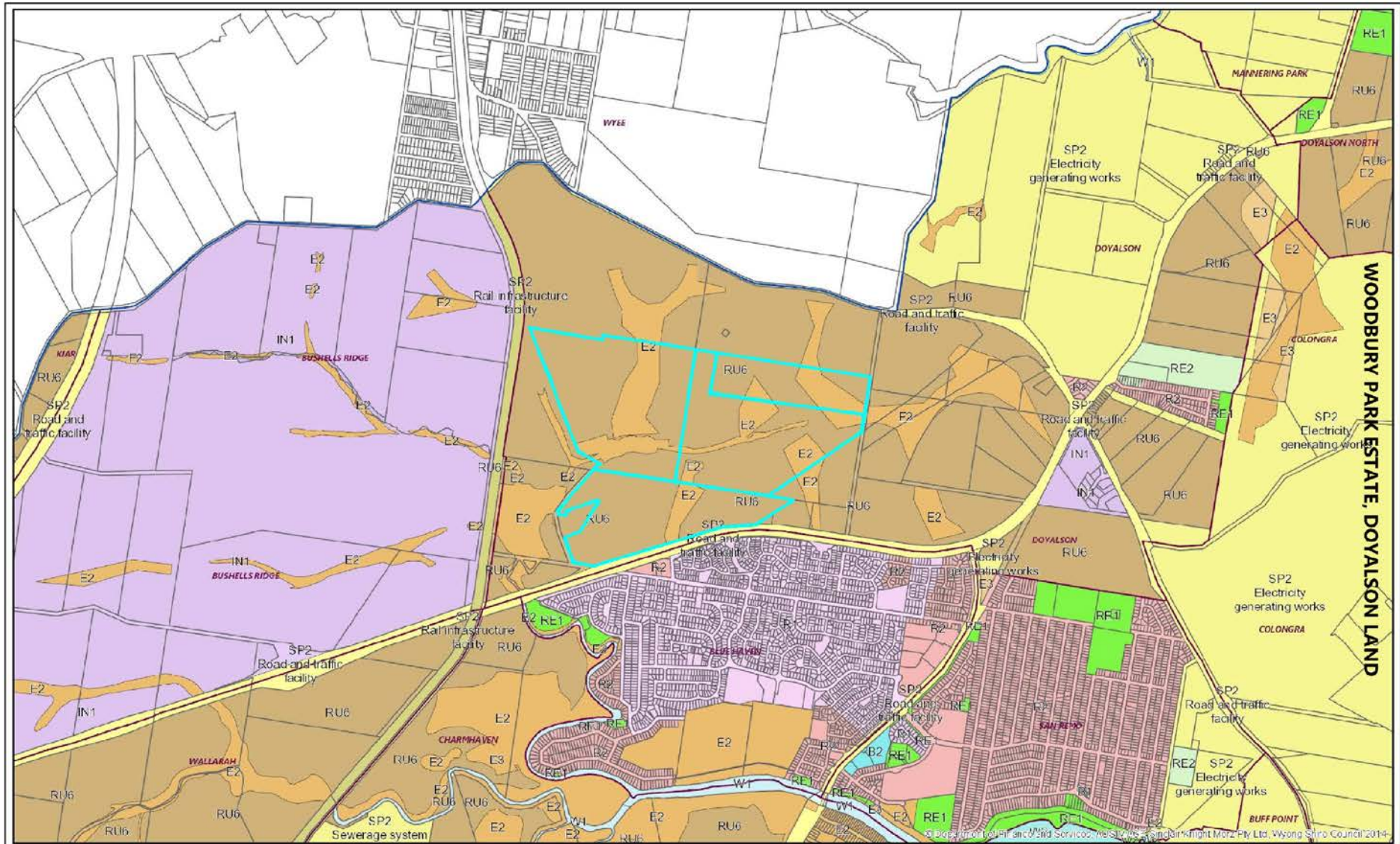
Note: Data is not survey accurate.
 Scale is representation only.

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Reference: Planning Information System
 Prepared: 2018
 Geographic Data Source: GIS, 2018
 GIS Operator: GIS Unit
 GIS Operator: GIS Unit
 GIS Operator: GIS Unit

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MAP EXTRACT
 Scale 1:18,398

Note: Data is not survey accurate.
 Scale is representation only.

Reference: Planning Material
 Prepared: Council on 26/06/2014
 Prepared by: Planning Services
 Date of Issue: 26/06/2014



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3.5 Update on the State Government's Position - Funding of Water Rebates to Residents Affected by the October 2013 Bushfires.

TRIM REFERENCE: F2013/01835 - D08687600

MANAGER: Greg McDonald, Director

AUTHOR: Andrew Pearce; Manager

SUMMARY

Council has received correspondence from the NSW Government advising that it is unable to accede to the request for financial assistance in the form of water rebates to residents on town water in the northern portion of the Shire impacted by the October 2013 bushfires.

RECOMMENDATION

- 1 That Council receive the report on Water Usage Rebates for Residents affected by the October 2013 bushfires.**
- 2 That Council resolve to express its disappointment with the position taken by the State Government in not offering to fund water rebates to fire affected residents connected to town water, as it did for the Lake Macquarie and Blue Mountains local government areas similarly impacted by the declared October 2013 fires.**
- 3 That Council direct the General Manager to arrange a delegation of the Mayor and General Manager to approach the State Treasurer or Premier on this matter.**

BACKGROUND

At the Ordinary Meeting of Council on 28 May 2014, Council considered a report recommending the adoption of water usage rebates for residents affected by the October bushfires. It was;

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

- 592/14 That Council approve that all residential properties, partially or wholly within one kilometre of the burn area of the Ruttleys Road fire of 17 and 18 October 2013 as identified by the Rural Fire Service, be eligible for rebates on water usage charges.*
- 593/14 That Council approve the granting of rebates for residential properties partially or wholly within one kilometre of the Ruttleys Road fire burn area is calculated to offset any additional water used during the period of the October 2013 bushfires.*
- 594/14 That Council approve the methodology for the calculation of the rebates for each residential property in the affected area as a reduction equivalent to the increased the daily average usage in the meter reading period within*

which the October 2013 bushfire occurred, in comparison to the equivalent meter reading period the previous year subject to a maximum rebate amount of thirty five dollars per property.

595/14 *That Council direct the General Manager to arrange a delegation of the Mayor and General Manager to approach the State Treasurer or Premier on this matter."*

It was detailed within reports to both the 26 February and 28 May 2014 Ordinary Meetings that Council were yet to receive a formal response to the various representations made to the State Government seeking financial assistance for water rebates for properties affected by the October 2013 bushfires.

The following is a chronological order of key events in relation to communications with the NSW State Government in relation to the water rebates:

17 – 18 October 2013	Northern part of Wyong Shire and southern Lake Macquarie City experienced a major bushfire emergency (known as the 'Wyong' or 'Ruttleys Rd' fire). Declared under S 44 of the <i>Rural Fires Act 1997</i> and declared by the NSW Minister Police and Emergency Services as a Natural Disaster.
19 October 2013	Former Premier Barry O'Farrell visited Wyong Shire Council's Rural Fire Service headquarters at Charmhaven and promised funding to help people and Council directly affected by fires with recovery operations.
21 October 2013	Mayor and senior staff met with a State Government appointed Recovery Officer, Mr Dick Adams and senior staff from the Ministry For Police and Emergency Services to discuss Disaster Recovery, including state financial assistance via waiving / rebates of water and waste.
23 October 2013	NSW Finance and Services announces dispensation to residents of the Blue Mountains and Hunter regions impacted by fires. Media announcements extend into the Central Coast area via Sydney and Hunter media. State Government appointed Recovery Officer advice is to implement the same rebate methodology as already announced for the Blue Mountains and Hunter areas and will pursue Treasury to include Wyong Shire in formal announcement.
23 October 2013	State Government appointed Recovery Officer speaks at Council meeting on recovery efforts and commitment of NSW State Government to assist Council and the community. A resolution of Council was subsequently passed offering waste and water rebates to fire affected residents. WSC Media release issued offering waiving of waste fees and water rebates for fire affected residents.

3.5 Update on the State Government's Position - Funding of Water Rebates to Residents Affected by the October 2013 Bushfires. (contd)

24 – 28 October 2013	Senior staff have numerous communications with Ministry For Police and Emergency Services and State Government appointed Recovery Officer, whom are engaged with NSW Treasury, and provide detail on the number of properties and estimated liability based on methodology as requested.
1 November 2013	State Government appointed Recovery Officer advises Councils General Manager that all recovery issues appear to be resolved with the exception of water rebates, advising that this matter is only likely to be resolved at political level.
5 November 2013	Letter from Mayor to Member for Swansea, Garry Edwards MP.
21 January 2014	Letter from Mayor to then Minister for the Central Coast and Minister for Police and Emergency Services, the Hon M Gallacher.
21 March 2014	Mayor and GM meet with the Minister for the Central Coast and Minister for Police and Emergency Services, the Hon M Gallacher to discuss the issue and provide a briefing paper. Minister advised of opportunity to attend a civic ceremony to be held in Wyong in May 2014 for the October 2013 bushfires.
16 April 2014	Ministers office formally accepts invitation to attend civic ceremony. (later declined due to portfolio changes).
28 April 2014	Letter to Department of Premier and Cabinet advising yet to receive a response to the Mayors letter of 21 January 2014.
29 May 2014	Council considers a report on previous commitments to water rebates and resolves to fund from revenue to meet commitments and continue reimbursement through the NSW Treasurer or Premier.
30 May 2014	Letter from the Minister for Police and Emergency Services, The Hon Stuart Ayres MP, advising the NSW Government is unable to accede to Councils request.

CURRENT STATUS

The most recent letter from the Minister for Police and Emergency Services, The Hon Stuart Ayres MP, (attached) is the first formal communication from the NSW Government that it is unable to accede to Council's request for water rebates to town water users despite numerous attempts to clarify the matter dating back to October 2013.

The letter also refers to a NSW Government announcement made on 2 December 2013 that they would offer rebates to residences in the Sydney Water, Hunter Water and Wyong Shire not connected to town water supply. Claimants were required to make individual applications direct to NSW Finance and Services subject to being in the fire zone, having evidence for the delivery of water between October and November 2013 and claims were limited to one

3.5 Update on the State Government's Position - Funding of Water Rebates to Residents Affected by the October 2013 Bushfires. (contd)

delivery up to \$150 in value. There are limited residences not connected to the town water supply in the declared fire zone within Wyong Shire and over 3,655 properties connected.

The State Government's decision is considered to be disappointing given previous commitments and the fact that the State Government has funded rebates to residents in Lake Macquarie City Council area (through Hunter Water) whom were impacted by the same fire which crossed our northern boundary and those residents impacted by the Blue Mountains fires (through Sydney Water).

At the 28 May Ordinary Meeting of Council, Council resolved to provide a rebate capped at \$35. This decision will result in the liability to Council following the current advice from the State Government being approximately \$51,505 as reported to the May 28th Ordinary meeting of Council.

CONCLUSION

Council has received a formal response from the NSW State Government declining any offers of assistance for reimbursement of water usage charges for residents impacted by the October 2013 bushfires.

The response received by the State Government is considered to be disappointing in light of previous commitments and the morale belief that the residents of Wyong Shire should be entitled to same benefits from the State Government as residents from the Hunter and Blue Mountains impacted by declared bushfires during the same period in October 2013.

ATTACHMENTS

- 1 Mayor - Advise unable accede request re Central Coast Bushfire Water Rebate - Minister For Sport Recreation D08525015



The Hon Stuart Ayres MP

**Minister for Police and Emergency Services
Minister for Sport and Recreation
Minister Assisting the Premier on Western Sydney**

IM14/2218
MIN14/000221-02

30 MAY 2014

Councillor Doug Eaton
Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mayor Doug,

Thank you for your correspondence regarding waiver of water-usage charges for Wyong Shire residents affected by the October 2013 bush fires.

I understand following the October 2013 bush fires, Wyong Shire Council requested funding from the NSW Government, to support the provision of a waiver of excess water-usage charges for Wyong Shire affected residents.

Unfortunately, the Government is unable to accede to this request.

I note that on 2 December 2013, the NSW Government announced a separate initiative to provide a bushfire water bill rebate for homes not connected to mains water in the areas covered by the Sydney Water, Hunter Water and Wyong Shire Council. The rebate was for people who used stored water to defend their homes in the October 2013 bushfire emergency.

Thank you for your representations on this matter.

Yours sincerely

A handwritten signature in black ink that reads 'Stuart Ayres'.

Stuart Ayres MP
**Minister for Police and Emergency Services
Minister for Sport and Recreation
Minister Assisting the Premier on Western Sydney**

3.6 2014 Wyong Regional Chamber of Commerce Annual Business Awards

TRIM REFERENCE: F2004/06517 - D08940124
MANAGER: Lesley Crawley, Manager
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

The 2014 Wyong Regional Chamber of Commerce Annual Business Awards were held on Saturday 21 June 2014 at Mercure Kooindah Waters, Wyong.

RECOMMENDATION

- 1 That Council note the approval granted by the General Manager for Councillors to attend the 2014 Wyong Regional Chamber of Commerce Annual Business Awards in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 2 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

BACKGROUND

The Wyong Regional Chamber of Commerce Annual Business Awards is an event to reward and showcase businesses in the Wyong region.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend non-Council events and functions that will support their position as a Councillor.

Reasonable expenses incurred in Councillors attending non-Council events and functions are met in accordance with that policy.

"D14 Council will meet sustenance and attendance expenses for Councillors' attendance at non-Council functions related to Council business which provide briefings to Councillors from key members of the community, politicians and business. Approval for reimbursement will be by Council resolution. The maximum reimbursement of total attendance costs is \$200 per Councillor per event. Councillors may attend a maximum of 6 of these events in a year. The total maximum expenditure is \$1200. Note the Mayor's attendance and expenditure is covered by Clause D57."

Spouses, Partners, Carer and Accompanying Persons

“D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Other Council approved conferences and events	No	No	Yes. If staying in same room as Councillor	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes

In accordance with Clause E3 of the Facilities and Expenses Policy for Councillors attendance was approved by the General Manager as, in this instance given the time of the event and the next Council meeting.

THE PROPOSAL

The 2014 Wyong Regional Chamber of Commerce Annual Business Awards was held at Mercure Kooindah Waters, Kooindah Boulevard, Wyong on Saturday 21 June 2014.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil impact.

Budget Impact

The table below indicates the cost for attendance at the event and associated travel expenses per Councillor:

2014 Wyong Regional Chamber of Commerce Annual Business Awards	Councillor Fees
Registration	\$ 85
Travel	\$ 20
Total (estimate)	\$ 105

CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

The function listed would be of benefit to the Councillors and give them the opportunity to gain an understanding of the needs and aspirations of the business community and attendance is encouraged.

ATTACHMENTS

Nil.

3.7 Debt Management - Interfund Loan

TRIM REFERENCE: F2004/06616 - D09118541
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

WSC Water fund requires \$10m in additional cash to meet ongoing operational and capital expenditure. This report outlines that Sewer fund should loan these monies to Water fund.

RECOMMENDATION

*That Council **approve** the interfund loan from Sewer fund to Water fund based on terms contained in the attached documents.*

BACKGROUND

Water fund requires an additional \$10m to meet capital and operational expenditure.

CURRENT STATUS

Water Fund has cash of \$20.4m, with external restrictions of \$22.8m leaving negative unrestricted cash of \$2.4m based on May 2014 Financial Statements. As previously reported, cash and profit shortfalls in the Water fund are driven primarily by the IPART pricing determination which does not adequately compensate the Water fund for operational, capital and servicing existing debt.

To ensure that unrestricted cash is positive, there is a need for the Water fund to borrow funds either internally or externally.

Water fund will have approximately \$152.5m in external borrowings outstanding at June 2014.

An interfund loan was approved through Council resolution on 26 June 2013 for the amount of \$20.0m from General Fund to the Water Fund for capital and operational purposes.

THE PROPOSAL

Allow for Sewer fund which has \$24.5m in unrestricted cash (\$39.9m in total cash) to loan Water fund \$10m based on the attached terms. These borrowings are in addition to the borrowing of \$20m from the General fund approved by Council in June 2013.

Sewer fund has borrowings of \$24.0m, of which approximately \$1m is due to be paid within the next twelve months.

OPTIONS

The alternative options include obtaining another interfund loan from General Fund. General fund has \$94.6m cash of which \$11.6m is unrestricted cash with borrowings of 6.9m. Loaning the funds from General fund would leave limited funds for already committed General Fund capital and operational purposes in the coming year.

Borrow money externally from an approved bank regulated by APRA. Although current interest rates are low compared to loans initiated in recent times, it is more expensive compared to internal borrowings given these funds are earning low returns in term deposits.

STRATEGIC LINKS

Long term Financial Strategy

Proposal is aligned to Long term Financial Strategy by ensuring WSC manages its financial resources efficiently and reducing its cost of borrowing.

Budget Impact

This initiative will from a consolidated basis have no impact on WSC's budget. Water fund will however have increased borrowings and borrowing cost which is offset against Sewer fund which will receive additional interest income from the interfund loan.

CONCLUSION

Arranging an interfund loan between Sewer fund and Water fund is the most prudent financing option available to WSC currently. Whilst WSC does have the ability to obtain additional external borrowings within Water fund to cover the current negative unrestricted cash balance, the cheapest source of funding can be accessed internally.

ATTACHMENTS

- 1 Interfund Water loan 2014 D09121595
- 2 WSC Interfund Loan note 2014 D09121591

Annexure A

WSC Interfund Loan - Repayment Schedule

	Loan amount	10,000,000.00	Lender	Sewer Fund		
	Final amount	0.00	Borrower	Water Fund		
	All up rate	8.50%				
	Principal & Interest Payment	261,045.73				
	Number of periods	80				
	Date	Starting loan balance	Quarterly payment	Interest portion	Principal portion	Remaining loan balance
0	Jun-14	10,000,000.00	0.00	0.00	0.00	10,000,000.00
1	Sep-14	10,000,000.00	261,045.73	212,500.00	48,545.73	9,951,454.27
2	Dec-14	9,951,454.27	261,045.73	211,468.40	49,577.33	9,901,876.94
3	Mar-15	9,901,876.94	261,045.73	210,414.89	50,630.84	9,851,246.10
4	Jun-15	9,851,246.10	261,045.73	209,338.98	51,706.75	9,799,539.35
5	Sep-15	9,799,539.35	261,045.73	208,240.21	52,805.52	9,746,733.83
6	Dec-15	9,746,733.83	261,045.73	207,118.09	53,927.64	9,692,806.20
7	Mar-16	9,692,806.20	261,045.73	205,972.13	55,073.60	9,637,732.60
8	Jun-16	9,637,732.60	261,045.73	204,801.82	56,243.91	9,581,488.69
9	Sep-16	9,581,488.69	261,045.73	203,606.63	57,439.09	9,524,049.59
10	Dec-16	9,524,049.59	261,045.73	202,386.05	58,659.68	9,465,389.92
11	Mar-17	9,465,389.92	261,045.73	201,139.54	59,906.19	9,405,483.73
12	Jun-17	9,405,483.73	261,045.73	199,866.53	61,179.20	9,344,304.53
13	Sep-17	9,344,304.53	261,045.73	198,566.47	62,479.26	9,281,825.27
14	Dec-17	9,281,825.27	261,045.73	197,238.79	63,806.94	9,218,018.32
15	Mar-18	9,218,018.32	261,045.73	195,882.89	65,162.84	9,152,855.49
16	Jun-18	9,152,855.49	261,045.73	194,498.18	66,547.55	9,086,307.93
17	Sep-18	9,086,307.93	261,045.73	193,084.04	67,961.69	9,018,346.25
18	Dec-18	9,018,346.25	261,045.73	191,639.86	69,405.87	8,948,940.38
19	Mar-19	8,948,940.38	261,045.73	190,164.98	70,880.75	8,878,059.63
20	Jun-19	8,878,059.63	261,045.73	188,658.77	72,386.96	8,805,672.67
21	Sep-19	8,805,672.67	261,045.73	187,120.54	73,925.18	8,731,747.48
22	Dec-19	8,731,747.48	261,045.73	185,549.63	75,496.10	8,656,251.39
23	Mar-20	8,656,251.39	261,045.73	183,945.34	77,100.39	8,579,151.00
24	Jun-20	8,579,151.00	261,045.73	182,306.96	78,738.77	8,500,412.23
25	Sep-20	8,500,412.23	261,045.73	180,633.76	80,411.97	8,420,000.26
26	Dec-20	8,420,000.26	261,045.73	178,925.01	82,120.72	8,337,879.54
27	Mar-21	8,337,879.54	261,045.73	177,179.94	83,865.79	8,254,013.75
28	Jun-21	8,254,013.75	261,045.73	175,397.79	85,647.94	8,168,365.81
29	Sep-21	8,168,365.81	261,045.73	173,577.77	87,467.96	8,080,897.86
30	Dec-21	8,080,897.86	261,045.73	171,719.08	89,326.65	7,991,571.21
31	Mar-22	7,991,571.21	261,045.73	169,820.89	91,224.84	7,900,346.37
32	Jun-22	7,900,346.37	261,045.73	167,882.36	93,163.37	7,807,183.00
33	Sep-22	7,807,183.00	261,045.73	165,902.64	95,143.09	7,712,039.91
34	Dec-22	7,712,039.91	261,045.73	163,880.85	97,164.88	7,614,875.03
35	Mar-23	7,614,875.03	261,045.73	161,816.09	99,229.63	7,515,645.39
36	Jun-23	7,515,645.39	261,045.73	159,707.46	101,338.26	7,414,307.13
37	Sep-23	7,414,307.13	261,045.73	157,554.03	103,491.70	7,310,815.42
38	Dec-23	7,310,815.42	261,045.73	155,354.83	105,690.90	7,205,124.52
39	Mar-24	7,205,124.52	261,045.73	153,108.90	107,936.83	7,097,187.69
40	Jun-24	7,097,187.69	261,045.73	150,815.24	110,230.49	6,986,957.20
41	Sep-24	6,986,957.20	261,045.73	148,472.84	112,572.89	6,874,384.31
42	Dec-24	6,874,384.31	261,045.73	146,080.67	114,965.06	6,759,419.25
43	Mar-25	6,759,419.25	261,045.73	143,637.66	117,408.07	6,642,011.18
44	Jun-25	6,642,011.18	261,045.73	141,142.74	119,902.99	6,522,108.18
45	Sep-25	6,522,108.18	261,045.73	138,594.80	122,450.93	6,399,657.25
46	Dec-25	6,399,657.25	261,045.73	135,992.72	125,053.01	6,274,604.24
47	Mar-26	6,274,604.24	261,045.73	133,335.34	127,710.39	6,146,893.85
48	Jun-26	6,146,893.85	261,045.73	130,621.49	130,424.23	6,016,469.62
49	Sep-26	6,016,469.62	261,045.73	127,849.98	133,195.75	5,883,273.87
50	Dec-26	5,883,273.87	261,045.73	125,019.57	136,026.16	5,747,247.71
51	Mar-27	5,747,247.71	261,045.73	122,129.01	138,916.72	5,608,330.99
52	Jun-27	5,608,330.99	261,045.73	119,177.03	141,868.70	5,466,462.30
53	Sep-27	5,466,462.30	261,045.73	116,162.32	144,883.41	5,321,578.89
54	Dec-27	5,321,578.89	261,045.73	113,083.55	147,962.18	5,173,616.71
55	Mar-28	5,173,616.71	261,045.73	109,939.36	151,106.37	5,022,510.34
56	Jun-28	5,022,510.34	261,045.73	106,728.34	154,317.38	4,868,192.96
57	Sep-28	4,868,192.96	261,045.73	103,449.10	157,596.63	4,710,596.33
58	Dec-28	4,710,596.33	261,045.73	100,100.17	160,945.56	4,549,650.77
59	Mar-29	4,549,650.77	261,045.73	96,680.08	164,365.65	4,385,285.12
60	Jun-29	4,385,285.12	261,045.73	93,187.31	167,858.42	4,217,426.70
61	Sep-29	4,217,426.70	261,045.73	89,620.32	171,425.41	4,046,001.29
62	Dec-29	4,046,001.29	261,045.73	85,977.53	175,068.20	3,870,933.08
63	Mar-30	3,870,933.08	261,045.73	82,257.33	178,788.40	3,692,144.68
64	Jun-30	3,692,144.68	261,045.73	78,458.07	182,587.65	3,509,557.03
65	Sep-30	3,509,557.03	261,045.73	74,578.09	186,467.64	3,323,089.39
66	Dec-30	3,323,089.39	261,045.73	70,615.65	190,430.08	3,132,659.31
67	Mar-31	3,132,659.31	261,045.73	66,569.01	194,476.72	2,938,182.59
68	Jun-31	2,938,182.59	261,045.73	62,436.38	198,609.35	2,739,573.24
69	Sep-31	2,739,573.24	261,045.73	58,215.93	202,829.80	2,536,743.44
70	Dec-31	2,536,743.44	261,045.73	53,905.80	207,139.93	2,329,603.51
71	Mar-32	2,329,603.51	261,045.73	49,504.07	211,541.65	2,118,061.85
72	Jun-32	2,118,061.85	261,045.73	45,008.81	216,036.91	1,902,024.94
73	Sep-32	1,902,024.94	261,045.73	40,418.03	220,627.70	1,681,397.24
74	Dec-32	1,681,397.24	261,045.73	35,729.69	225,316.04	1,456,081.20
75	Mar-33	1,456,081.20	261,045.73	30,941.73	230,104.00	1,225,977.20
76	Jun-33	1,225,977.20	261,045.73	26,052.02	234,993.71	990,983.49
77	Sep-33	990,983.49	261,045.73	21,058.40	239,987.33	750,996.16
78	Dec-33	750,996.16	261,045.73	15,958.67	245,087.06	505,909.09
79	Mar-34	505,909.09	261,045.73	10,750.57	250,295.16	255,613.93
80	Jun-34	255,613.93	261,045.73	5,431.80	255,613.93	0.00

10,883,658.34

Agreement For Inter-fund Loan between Sewer and Water Fund

This deed made the _____ day of _____ two thousand and thirteen by Wyong Shire Council (hereinafter called "WSC") is for the inter-fund loan of \$10,000,000 from the Sewer fund ("lender") to the Water Fund ("borrower").

Whereas:

(A) The borrower will borrow the sum of \$10,000,000 to fund ongoing capital and operational expenditure.

(B) WSC resolves to adopt the maximum interest rate as specified by The Minister for Local Government, which is currently 8.5%. This interest rate will be reset annually as prescribed by The Minister for Local Government.

1. It is agreed that the borrower will repay the loan over 20 years based on the attached amortisation schedule. Refer Annexure A.
2. Repayment of the loan can be satisfied by way of journaling the payment from Water Fund's inter-fund cash balance. Consequentially the loan repayments from the borrower to the lender do not need to be settled in cash.
3. The borrower can repay the loan at any time after giving notice of 30 days to the lender and no early break cost will be charged by the lender.

Signed For And On Behalf Of Wyong Shire Council:

Mr Doug Eaton
Mayor

DATE:_____

Witness Signature

DATE:_____

3.8 Naming Proposal - Anzac Centenary Cove

TRIM REFERENCE: F2004/06023 - D09123656
MANAGER: Brian Glendenning, General Counsel
AUTHOR: Lesley Crawley, Manager

SUMMARY

Reporting further information concerning a proposal to name a beach at Norah Head, Anzac Centenary Cove.

RECOMMENDATION

- 1 That Council note the advice from the Minister for Veterans' Affairs which declines the naming proposal.**
- 2 That Council consider other options to commemorate the Centenary of ANZAC.**

BACKGROUND

At its meeting held on 26 February 2014 Council resolved to support a proposal by Toukley RSL Sub Branch to name suitable small beach/cove in the Norah Head area 'ANZAC Centenary Cove' and to seek the input of the community and stakeholder groups prior to submitting the proposal to the Geographical Names Board (GNB). Council was mindful of achieving the naming by April 2015 in order to celebrate the ANZAC Centenary.

A small unnamed cove at Norah Head located at the base of the Cliff Street reserve was identified as a suitable area for the naming proposal. (Map attached)

The proposal was placed on public exhibition from 19 March 2014 – 8 April 2014 and Council subsequently resolved to forward the proposal to Geographic Names Board (GNB), the determining authority, for consideration.

In addition, the Protection of the word Anzac Regulations require that use of the word ANZAC for certain purposes is to be approved by the Minister of Veteran Affairs. The Regulations do not specifically identify a 'beach' as a criteria that needs to be approved by the Minister, however it was considered prudent to forward advice of the proposal to the Minister for consideration given its association with the Centenary of Anzac.

The Regulations state in part:

"PROTECTION OF WORD 'ANZAC' REGULATIONS - REG 2

Prohibition of use in trade etc of word 'Anzac'

(1)

No person shall, without the authority of the Minister, proof whereof shall lie upon the person accused, assume or use the word 'Anzac' or any word resembling the word 'Anzac' in connexion(sic) with any trade, business, calling or profession or in connexion (sic) with any entertainment or any lottery or art union or as the name or part of the name of any private residence, boat, vehicle or charitable or other institution, or any building in connexion therewith."

CURRENT STATUS

Senator, the Hon Michael Ronaldson Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State has declined the naming proposal. The Minister states in part:

"As you know the Protection of Word 'Anzac' Regulations (the Regulations) prevent the use of the word 'Anzac' in connection with any entertainment, trade, business, calling or profession without my authority. The objective of the Regulations is to preserve the significance of the word 'Anzac' as it relates to the bravery and self-sacrifice of the first Anzacs and to the special place Anzac has in Australia's heritage.

I have given the matter careful consideration and have decided not to approve of the use of the word 'Anzac' on this occasion because of the similarities between the name 'Anzac Centenary Cove' and 'Anzac Cove'.

**I note that you intend to place a memorial on this site in the future. Under the regulations, any street, road or park in the vicinity of a memorial to the First or Second World war may use 'Anzac' in its name. You may wish to consider this as one alternative in developing a space for commemoration at Norah Head."*

*Note Council's advice to the Minister's office did not include a proposal for a memorial, it is understood that the RSL had approached the Minister separately.

THE PROPOSAL

The Minister has not given authorisation for the name Anzac Centenary Cove. If Council wishes to pursue a proposal to commemorate the Centenary of Anzac it has the following options:

1. Request the Minister to reconsider his decision given that the Regulations do not specifically extend to the naming of beaches.
2. Propose an alternate name for the beach. - eg: *Anzac Centenary Beach*.
3. Choose an alternate feature for the naming proposal – eg: park, road, bridge, building.
4. Place a memorial at a site: eg as the Minister suggests, in accordance with the Regulations any street, road or park in the vicinity of a memorial to the First or Second World war may use 'Anzac' in its name.
5. Not proceed with the naming proposal.

Should Council choose an option which requires the naming of an alternate location or the placing of a memorial it is recommended that public consultation take place.

Budget Impact

Processes undertaken for the name change proposal can be managed within existing budgets.

CONSULTATION

It is recommended that Council consider further public consultation if it chooses to pursue an alternative option to name an alternate location or erect a memorial.

GOVERNANCE AND POLICY IMPLICATIONS

Regulations in relation to the use of the word Anzac have been detailed previously in this report.

MATERIAL RISKS AND ISSUES

Nil.

CONCLUSION

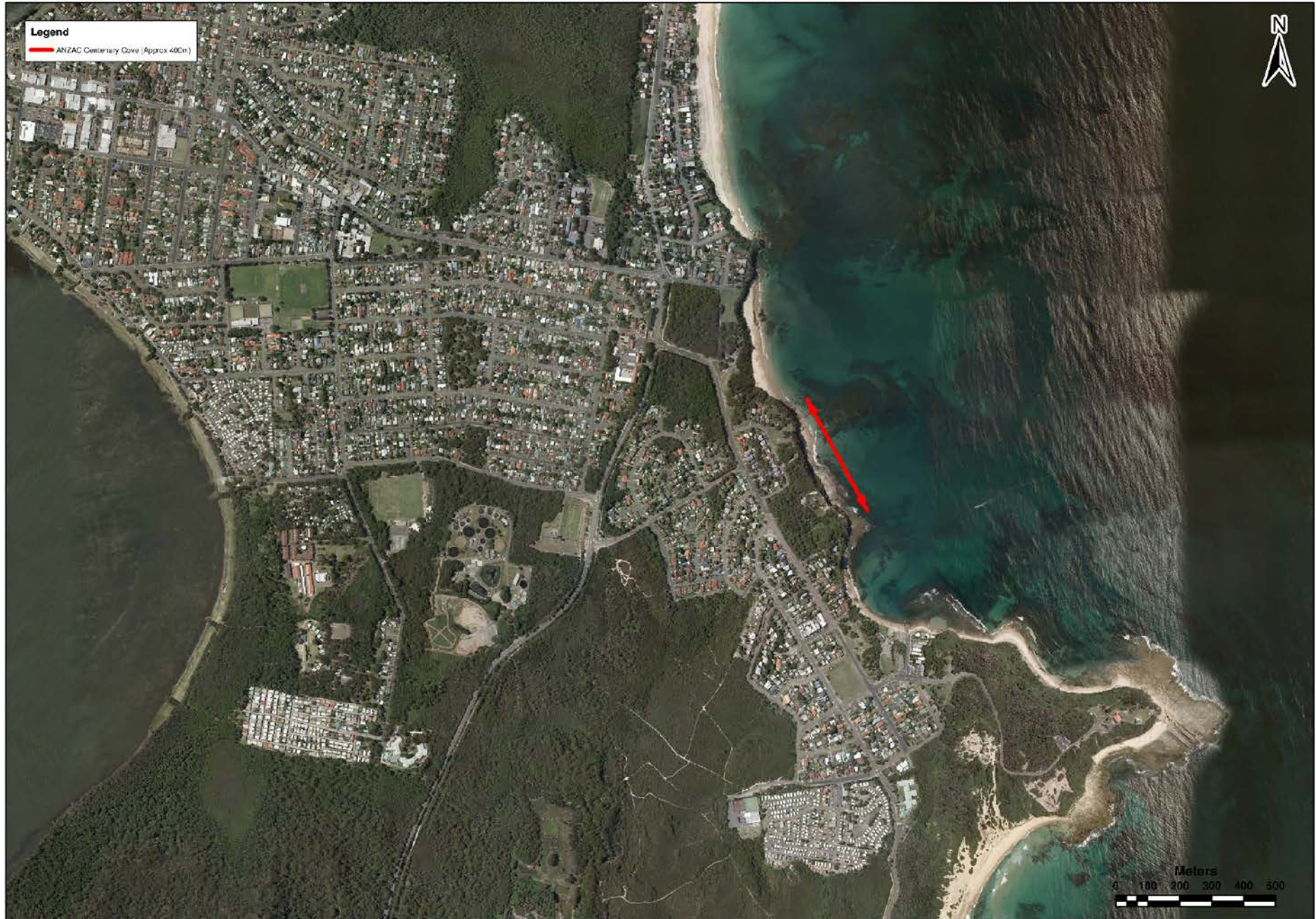
Council has supported a proposal to name a previously unnamed beach, Anzac Centenary Cove.

Naming proposals are determined by the NSW Geographical Names Board, and in addition due to the use of the word, Anzac, the matter was referred to the Minister for Veterans' Affairs for consideration in accordance with federal regulations. The proposal has been declined by the Minister.

It is recommended that Council review the proposal and consider alternate options to commemorate the Centenary of Anzac.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Proposed location Anzac Centenary Cove (wide view) | D06218192 |
| 2 | Proposed location Anzac Centenary Cove (detailed view) | D06218193 |





4.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D08295305

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 2014.

RECOMMENDATION

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

WATER SUPPLY

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

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Water Meter Replacement Programme	1.0M	July 2013	80%	90%	June 2014	All identified 80-100mm water meters and 40-50mm water meters currently replaced. 11,000 20-25mm water meters have been replaced, with 1,000 remaining to be done by end of June 2014. This is being funded by the Water and Sewerage Capital Works Program. Program accelerated with 2014/15 funds brought forward.

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi WTP Process Improvement Works	275,000	July 2013	90%	90%	June 2014	Upgrading of dosing and process equipment including new mass flow meters, turbidity meters and automatic pH control to improve treated water quality and process reliability completed. Electrical switchboard and other works for the pre-lime dosing to be completed by July 2014. This is being funded by the Water and Sewerage Capital Works Program.
New water flowmeter, telemetry and switchboard upgrades.	110,000	Feb 2014	90%	95%	June 2014	New flow meter installed in trunk main at Tuggerah. New switchboard and telemetry installed at coastal Gosford boundary flow meter. Minor telemetry system upgrades at various locations This is being funded by the Water and Sewerage Capital Works Program.

SEWERAGE

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

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Buff Point Chittaway Point Gorokan Watanobbi Wyong	1.25M	Oct 2013	80%	80%	Jun 2014	Contract sewer main inspection & maintenance programme to improve system reliability and to reduce blockages and possible overflows. Contractor on site. Work commenced on 10 November 2013. This is being funded by the Sewerage Operational Works Program.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Electrical Switchboard replacements at sewer pumping stations	110,000	Feb 2014	90%	90%	Jun 2014	Five new upgraded switchboards at SPS's to be replaced for asset improvement works, three installed, 1 purchased and to be installed by 30 June.

PROCESS

Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 May to 31 May 2014 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant and Bateau Bay Sewage Treatment Plant for the period 1 May 2014 and 31 May 2014 has met Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 2 sewage overflow incidents in the sewer network reported to Council's "HOTLINE" in May 2014 with follow up reporting completed for each incident.

A leak on the CH12 SPS rising main was reported on 12 May which presented a considerable challenge for access and repair within a constructed wetland at Warnervale Road, Hamlyn Terrace.

A rising main failure at TO06 SPS occurred following excavation by Council's contractor for the new valve pit that hit the existing rising main. The original work as executed drawings did not accurately represent the location of the old rising main.

Follow up reporting has been submitted for each incident.

WATER STORAGE

Sunday, 1 June 2014				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	113,395	59.7	Down 242
Mardi Dam	7,400	3,574	48.3	Down 91
Mooney Dam	4,600	2,044	44.4	Down 38
Total	202,000	119,013	58.9	Down 371
Total Dam Storage this time last month was				59.6 Percent
Total Dam Storage this time last year was				60.5 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.1	0.0	6.9	
This year to date	6.4	142.1	112.9	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	3	8	1	
Previous Week	0	1	0	
Current week last year	10	8	8	
This year to date	470	384	370	
Same period last year	1,023	855	692	
Water Usage (ML)				
Period	Usage			
Week to Date	504			
Previous Week	527			
Percent change from previous week	4.4 % less			
Current week last year	510			
Percent change from same week last year	1.2 % less			
This year to date	12,754			
Same period last year	11,689			
Percent change from same period last year	9.1 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		111	0
This year to date	3,236		3,473	1,382
Total to date *	33,046		7,312	8,096

* Post M2M Commissioning

ATTACHMENTS

Nil.

4.2 Activities of the Development Assessment and Building Certification Compliance and Health Units

TRIM REFERENCE: F2004/07830 - D08529984

MANAGER: Scott Cox, Manager

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 2014.

RECOMMENDATION

That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of May 2014.

Development Applications Received and Determined – Development Assessment Unit May 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	10	1,998,584	7	11,926,000
Industrial	3	7,170,000	1	600,000
Residential (Multiple Dwellings/Dual Occupancy)	5	1,920,081	6	3,084,759
Other Applications	1	-	-	-
Subdivisions	2	50,000	1	5,000
Section 96 Applications	3	-	8	-
Total	24	11,138,665	23	15,615,759

Note: Included in the Lodged "Industrial" category was an application for Demolition of Munmorah Power Station located at Colongra valued at \$3.4M. Included in the determined "Commercial" category was the Performing Arts Centre located at Wyong valued at 11.1M.

4.2 Activities of the Development Assessment and Building Certification Compliance and Health Units (contd)

Development Applications Received and Determined – Building Certification and Health Unit - May 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	12,250	3	22,000
Industrial	-	-	-	-
Residential (Dwellings)	24	5,355,235	26	5,532,637
Residential (Alterations and Additions)	32	1,426,370	51	2,176,443
Other Applications	1	12,000	-	-
Section 96 Applications	12	-	14	-
Total	71	6,805,855	94	7,731,000

Subdivision Applications Received and Determined May 2014

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	5	10	1	1
Rural	-	-	-	-
Total	5	10	1	1

Net Median Turn-around Time – May 2014

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during May 2014 was 17 days.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for May 2014 was 21 days.

Employment Generating Development Applications

There was one (1) Employment Generating Application determined by the Hunter Central Coast Joint Regional Planning Panel during the month of May which included an Entertainment Facility - Performing Arts Centre at Wyong which will employ 11 staff. The net median turn-around time in working days for this application was 80 days.

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

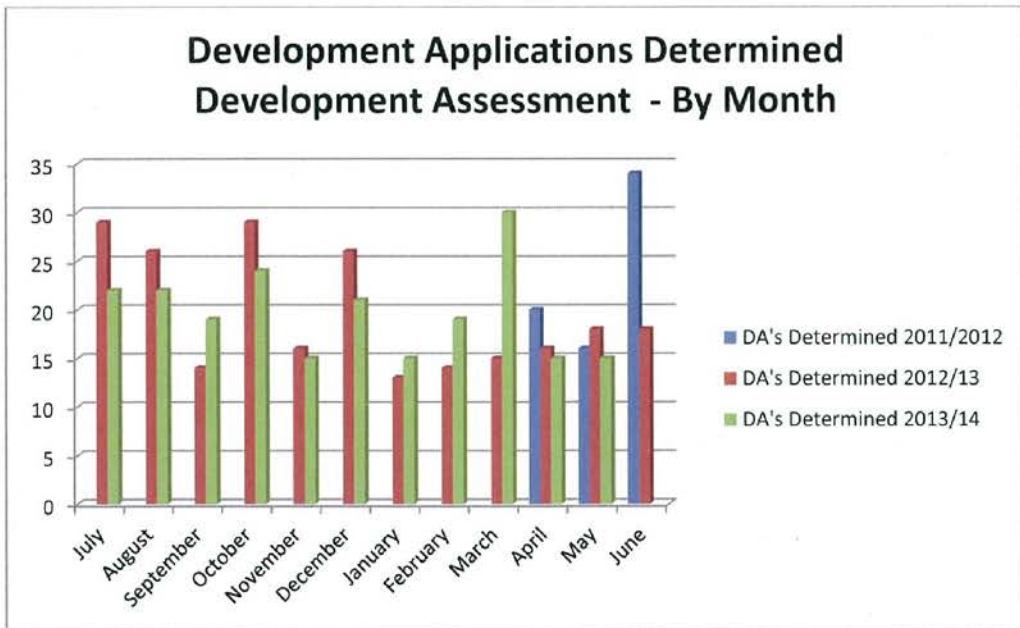
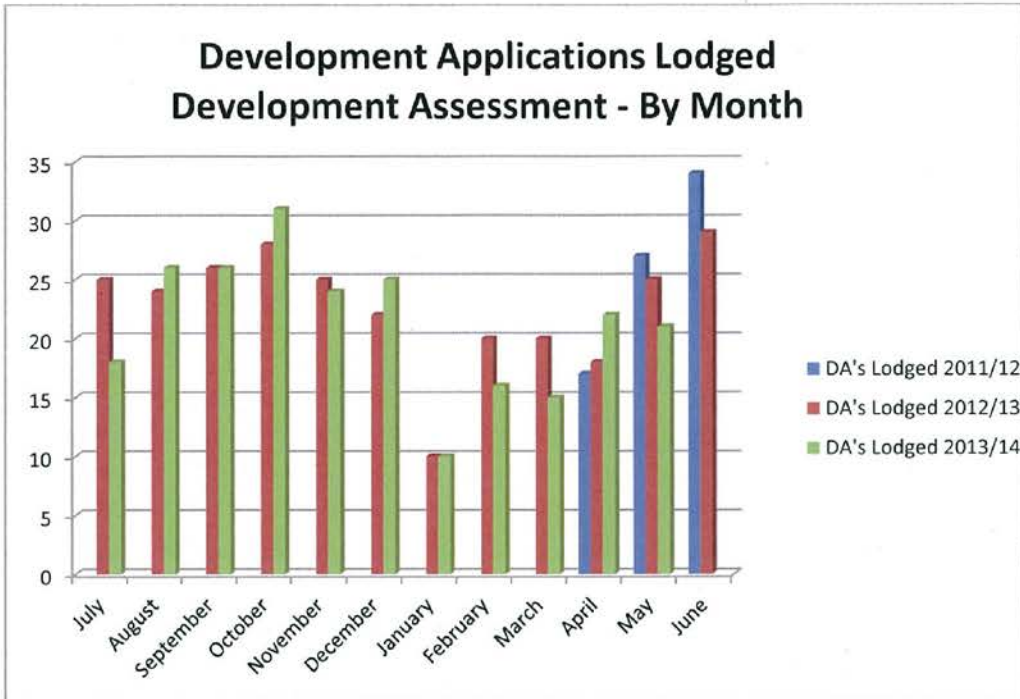
Other Approvals and Certificates

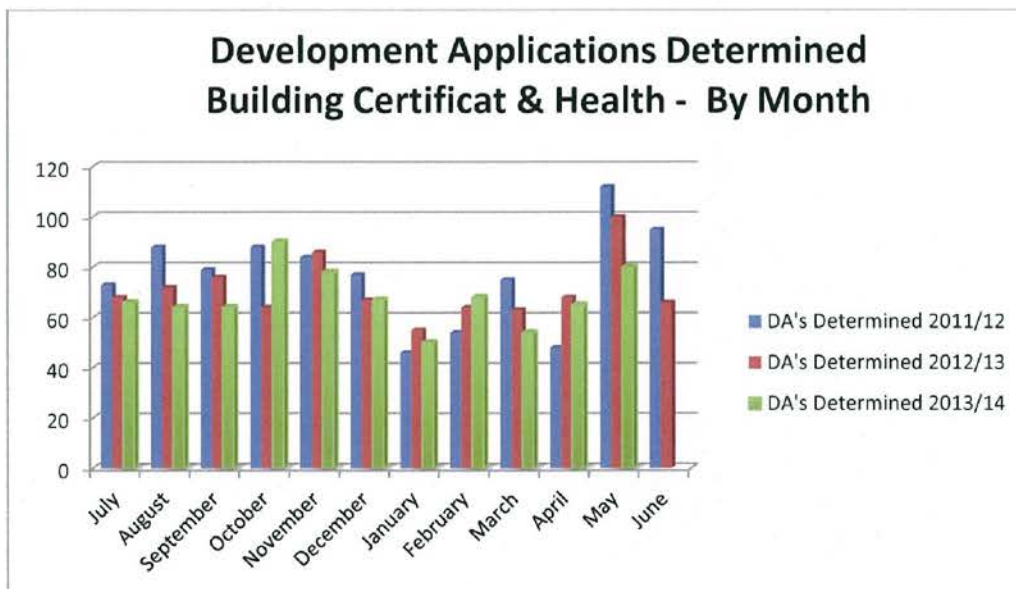
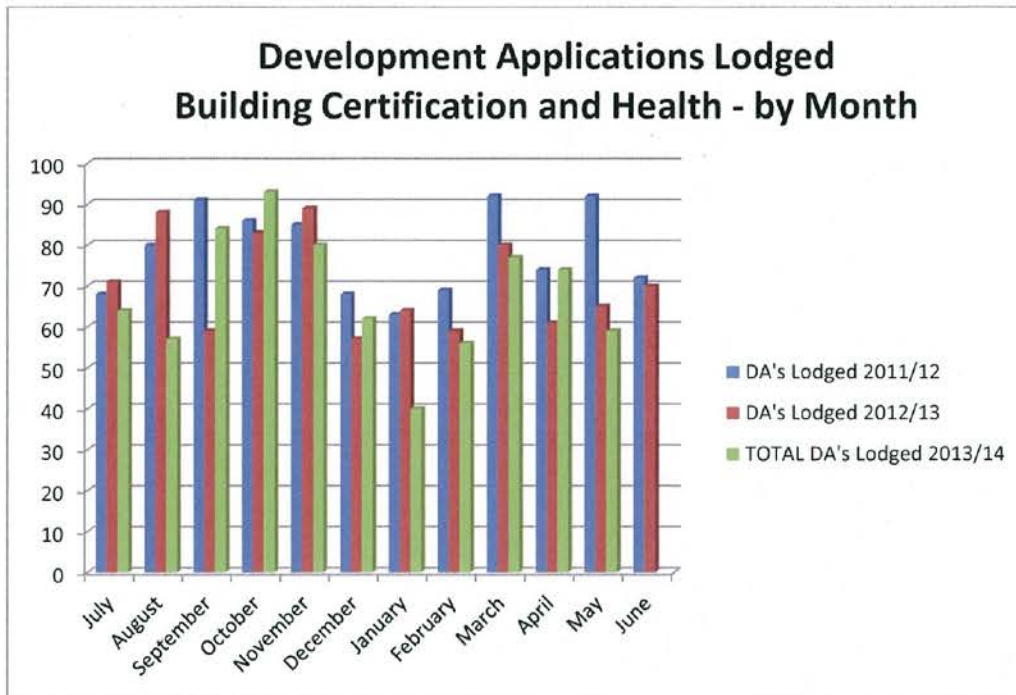
Type:	Number Determined May 2014
Trees	52
Section 149 D Certificates (<i>Building Certificates</i>)	8
Construction Certificates	66
Complying Development Certificates	15

ATTACHMENTS

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

D08645499







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

TRIM REFERENCE: F2004/06822 - D08560897

MANAGER: Jamie Loader, Manager

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

SUMMARY

Reporting 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 2014.

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 - April through to September. Although the OEH Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality.

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

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

Council also monitors by way of water quality testing, lake locations that are not designated swimming locations to detect changes in water quality.

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

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

pose to human health. Any potential pollution sources identified in the re-evaluation lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising “This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period is NOT Recommended”. The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

Summary of results for May 2014 (Winter Program)

Of the 22 sites sampled, 20 were classified as “good”, and one was classified as “fair” (Canton Beach). Under the NHMRC (2008) star rating system, all sites sampled were considered suitable for swimming (see Table 2 below).

This month’s sampling results are typical of site annual averages – suggesting that water quality concerns identified at Lake Munmorah Baths and Canton Beach last month were an anomaly and that water quality has improved since. Temporary water quality deterioration was most likely associated with a storm event on 25/04/2014. In addition to considerable stormwater inflows, the storm caused a power outage in Toukley and Charmhaven which affected the functionality of sewer pump stations in the area for approximately 2.5 hours. A media release was prepared to warn the community of the likely impact on the lakes water quality (<http://www.wyong.nsw.gov.au/about-council/videos/media-releases-2014/sewer-pump-stations-power-outage/>).

Water quality at both sites will be monitored closely over the coming months. A revised sampling schedule will be considered if on-going water quality concerns are identified.

Table 1: Beachwatch average star rating

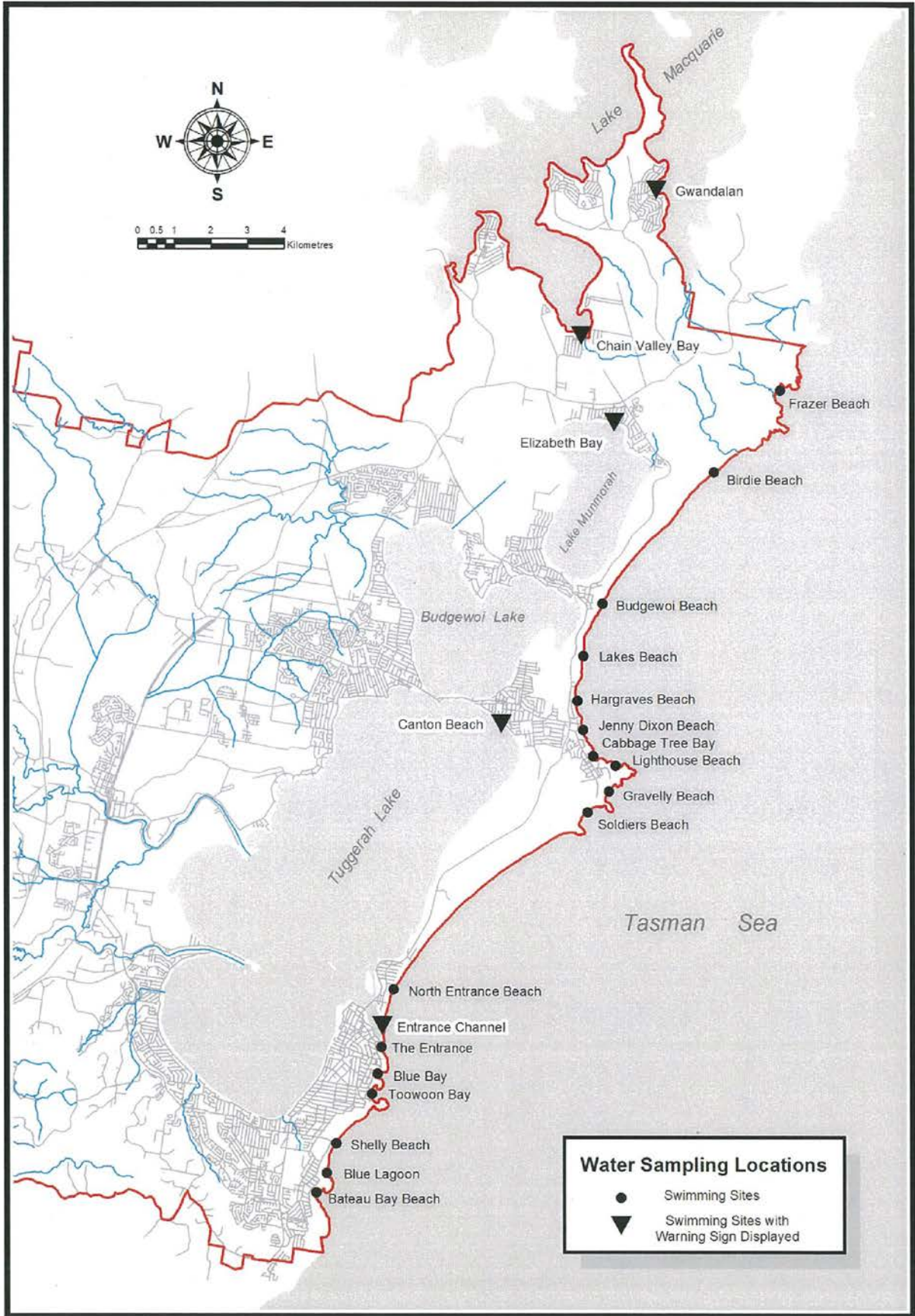
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau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

Table 2: NHMRC Star Rating Interpretation

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

ATTACHMENTS

1 Water Sampling Sites D03238043



4.4 Contract Variations and Finalisation for the period covering January 2014 to April 2014

TRIM REFERENCE: F2007/01410 - D08612520

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: John McCarthy; Procurement Supervisor

SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150,000 in value.

The report covers contract variations processed from January 2014 to April 2014.

RECOMMENDATION

- 1 That Council receive the Contract Variations and Finalisation report for the period covering January to April 2014.**
- 2 That Council note the additional expenditure above resolved estimates for the following contracts:**

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Detailed Design for New Cell 4.3 at Buttonderry Waste Facility	CPA/201014	\$201,344.37	\$11,944.37
The Entrance Tile Replacement Project Stage 2	CPA/236170	\$591,681.00	\$31,950.00

- 3 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.**

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. 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.

4.4 Contract Variations and Finalisation for the period covering January 2014 to April 2014 (contd)

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

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

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

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure. The purpose of this report is to make Council aware and to explain the reasons for the variations, where an increase in the approved contract value has been impacted.

THE PROPOSAL

The report for the period covering January 2014 to April 2014 advises on the following contracts that have exceeded their contract ceilings.

- CPA/201014 – Detailed Design for New Cell 4.3 at Buttonderry Waste Facility
- CPA/236170 – The Entrance Tile Replacement Project Stage 2

Summary of variations processed between January and April 2014

Total number of variations processed for the reporting period	22
Total number of Contracts impacted	13
Contracts requiring increase to the contract estimate	2
Contracts where current funds are sufficient to complete	11
Contracts finalised in the reporting period	0

OPTIONS

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

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	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	- 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 and Finalisation for the period covering January 2014 to April 2014 - Confidential D09119303

4.5 Investment Report for May 2014

TRIM REFERENCE: F2004/06604 - D08603986
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 May 2014.

RECOMMENDATION

That Council receive the Investment Report for May 2014.

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.

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows in May were managed through term deposit maturities, with a net inflow of \$2.93m predominantly from a rates instalment received at the end of the month.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
ING	9	3.94%	May 2014	(\$5,000)
CUA	12	4.20%	May 2014	(\$5,000)
Bendigo Adelaide Bank	11	3.77%	Apr 2015	\$5,000
Bendigo Adelaide Bank	12	3.81%	May 2015	\$5,000
Total Term Deposit Movement				-
Movement in cash at call				
AMP		3.35%		\$2,900
Westpac		2.60%		-
CBA		2.50%		-
Interest earned on all call accounts				\$29
Total Cash at Call Movement				\$2,929
Total Cash & Term Deposit Movement				\$2,929

Total Portfolio

Total net return for May 2014 was \$0.50m in interest earnings.

Table 2 - Net Return

	Full Year 2012-13 \$m	Qtr 1 to Sep 2013 \$m	Qtr 2 to Dec 2013 \$m	Qtr 3 to Mar 2014 \$m	Apr 2014 \$m	May 2014 \$m	YTD 2013-14 \$m
Capital Gain/(Loss) Realised	-	(0.33)	0.01	-	-	-	(0.32)
Capital Gain/(Loss) Unrealised	0.68	0.12		-	-	-	0.12
Net Capital Gain/(Loss)	0.68	(0.21)	0.01	-	-	-	(0.20)
Income Distribution on Managed Funds*	-	0.32	-	-	-	-	0.32
Net Income from Managed Funds	-	0.32	-	-	-	-	0.32
Interest Earnings on Call Deposits Received	0.53	0.15	0.09	0.08	0.02	0.03	0.37
Interest Earnings on Term Deposits received at Maturity	7.04	1.51	1.61	1.48	0.48	0.47	5.55
Total Interest Earnings	7.57	1.66	1.70	1.56	0.50	0.50	5.92
Total return for the period	8.25	1.77	1.71	1.56	0.50	0.50	6.04

* Until October 2013, Council's portfolio included investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The investment in Blackrock Care and Maintenance Fund was liquidated in October 2013.

Full year returns to May of 4.23% is favourable compared to benchmark bank bill swap (BBSW) full year Bank Bill Index of 2.75% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital losses on managed funds of \$0.20m is 4.37%.

Table 3 - Investment Portfolio by Risk Category

Investment Class	May 2014 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	15,839	360	2.89
Term Deposits	137,913	5,554	4.30
Managed Funds	-	124	13.55
Total Investments	153,752	6,038	4.23

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 investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Value \$ '000
At Call	15,839
Term Deposits	
0 - 3 months	26,870
4 - 6 months	35,000
7 - 12 months	51,043
1 - 2 years	10,000
2 - 3 years	6,000
3 - 4 years	4,000
4 - 5 years	5,000
Total Term Deposits	137,913
Total Portfolio	153,752

The target maximum allocation limit in each category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Apr 2014
A1	10.0%	47.32%
A2	75.0%	49.43%
A3	10.0%	2.60%
Unrated	15.0%	0.65%
TOTAL		100.00%

The Investment Guidelines allow the General Manager to approve a variation to the investment Strategy if the investment is to the Council's advantage. The General Manager has approved the variations listed in Table 6 as they presented the best investment return relative to risk at the time of investment.

Table 6 – Variations to the Investment Guidelines approved by General Manager

Date of Approval	Institution	Value	Return	Maturity	Counter party risk %		
					At Approval	Guide lines	At Current Month End
27/9/13	NAB	\$5m	3.81%	13/10/14	21.28%	20%	22.76%
4/3/14	ING	\$5m	3.80%	3/12/14	19.01%	15%	16.26%
4/3/14	ING	\$5m	3.80%	12/1/15	19.01%	15%	16.26%
11/3/14	NAB	\$5m	3.76%	27/4/15	21.84%	20%	22.76%

The Counter party risk percentages fluctuate subject to changes to the Value of the portfolio and maturities.

Investment transactions and earnings during May 2014 are shown in Table 7 - Portfolio Movements.

Table 7 - Portfolio Movements

	Full Year 2012-13 \$m	Qtr 1 to Sept 2013 \$m	Qtr 2 to Dec 2013 \$m	Qtr 3 to Mar 2014 \$m	April 2014 \$m	May 2014 \$m	YTD 2013-14 \$m
Movement in Assets							
Opening Balance	153.81	154.99	162.49	156.92	155.20	150.82	154.99
Capital Gain/(Loss) on Managed funds	0.68	(0.21)	0.01				(0.20)
Capital Distribution on sale of Managed Fund	(1.93)	(4.81)					(4.81)
Managed fund income Distribution		0.32					0.32
Net Cash/Investments (Withdrawals)	2.40	12.20	(5.58)	(1.72)	(4.38)	2.93	3.45
Closing Balance	154.99	162.49	156.92	157.98	150.82	153.75	153.75

Portfolio Interest and Investment Returns

Year to date returns as at 31 May 2014 on Council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.59m or 8.85% *unfavourable* variance when compared to the year to date revised budget at May 2014.

Table 8 - Annual Investment Portfolio Performance as at 31 May 2014

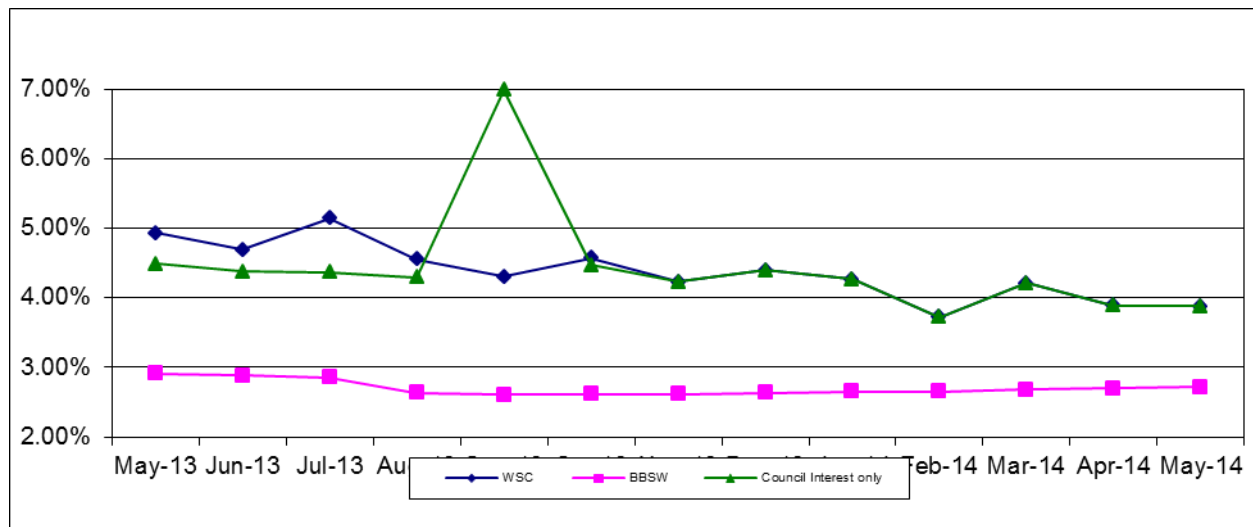
Investment Source	YTD Investment revaluation	YTD Interest	YTD Actual Income	YTD Adopted Budget	YTD Variance to Budget	FY Q3 Revised Budget
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
	A	B	C=A+B	D	E=C-D	
General	(117)	3,586	3,469	3,653	(184)	3,958
Water	(36)	1,077	1,041	992	49	1,086
Sewerage	(44)	1,572	1,528	1,980	(452)	2,163
Total	(197)	6,235	6,038	6,625	(587)	7,207

Interest rates in the month, ranged from 3.40% to 5.20% with the exception of WorkCover deposit with ANZ at 3.30% and Heritage Bank at 7.25%, all of which exceeded the May Bank Bill Swap Rate (BBSW) benchmark of 2.66%.

Benchmark - Monthly Returns (Annualised)

Council's overall investment return compared to the benchmark BBSW Index on a 12 monthly basis is as follows:

Graph 1 - Annualised Monthly Return – Comparison to Benchmark



Note: The spike in yield for September 2013 is from an interest distribution received from the liquidated managed fund prior to its disposal.

Comparison to Neighbouring Councils

Portfolio Valuation

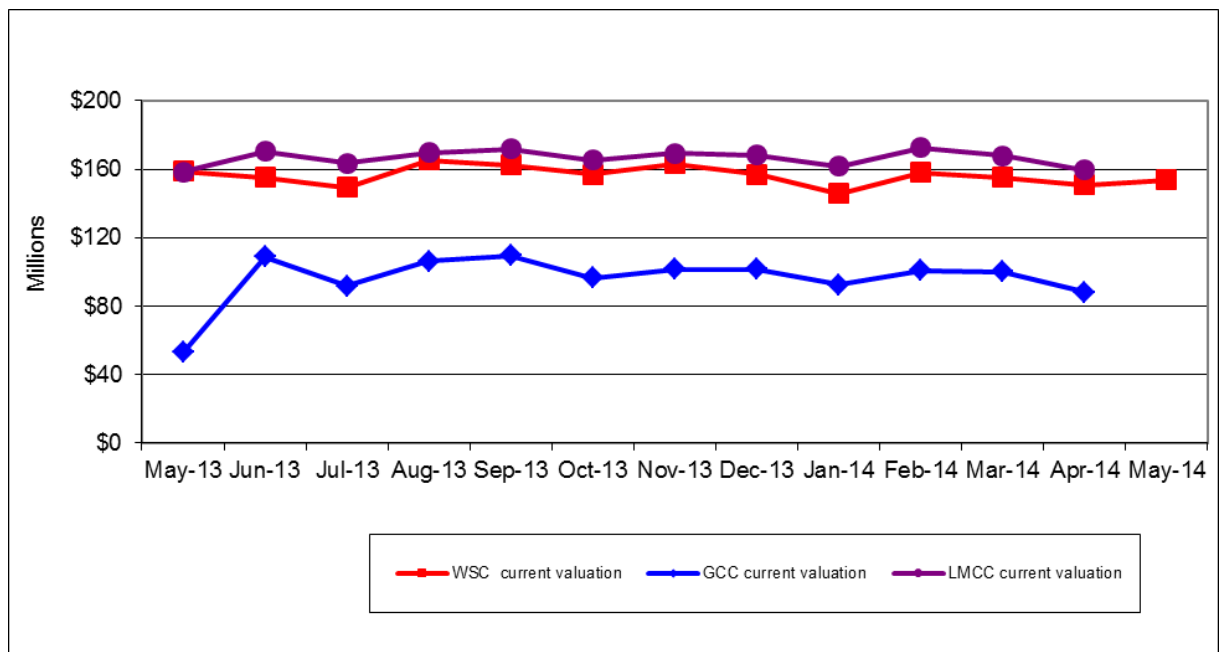
WSC's investment portfolio reflects our strong cash position which is comparable with Lake Macquarie City Council and above Gosford City Council's portfolio as summarised in table 9 below. Graph 2 shows the monthly portfolio balances over a 12 month period for all three Councils.

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

Table 9 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$m	Gosford City Council \$m	Lake Macquarie Council \$m
Jan 2014	\$145.66	\$92.43	\$161.79
Feb 2014	\$157.99	\$100.90	\$172.44
Mar 2014	\$155.20	\$100.21	\$167.88
Apr 2014	\$150.82	\$88.00	\$159.35
May 2014	\$153.75	Not available	Not available

Graph 2 – Portfolio Valuations – Comparison to Neighbouring Councils



Gosford City Council's investment portfolio increase in June 2013 includes \$51.9m of loans raised.

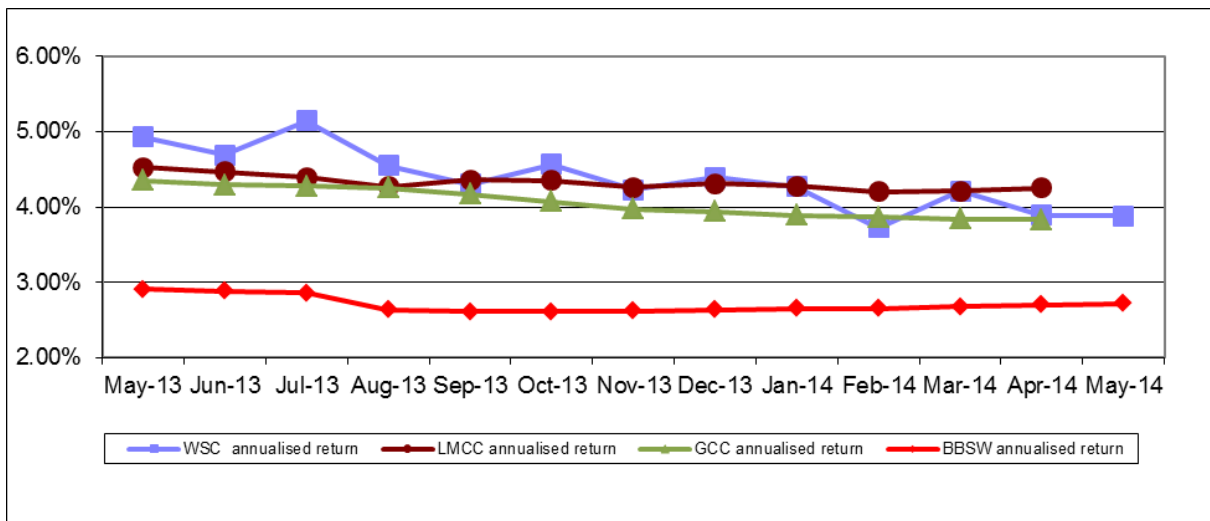
Portfolio Returns

WSC's investment yield compares favourably to neighbouring Councils as outlined in table 10 below. Graph 3 shows the monthly annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

Table 10 – Summary of Annualised Investment Portfolio Returns

Month / Council	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Jan 2014	2.65%	4.27%	3.89%	4.28%
Feb 2014	2.66%	3.73%	3.86%	4.20%
Mar 2014	2.68%	4.21%	3.84%	4.21%
Apr 2014	2.70%	3.89%	3.83%	4.25%
May 2014	2.72%	3.88%	Not available	Not available

Graph 3 – Portfolio Return – 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 2014 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

ATTACHMENTS

- 1 Summary of Investment by Type - May 2014 D08608953

Wyong Shire Council Summary of Investments - By Type As at 31 May 2014									
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 30.04.14 \$	PORTFOLIO BALANCE 31.05.14 \$	AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF MAY \$	INTEREST RATES %
		Short Term	Long Term						
CASH AT CALL:									
Westpac	Corporate Investment Account	A1	AA	Daily	10,921,208	10,937,756		16,548	2.60
AMP	Business Saver Account	A1	A	Daily	1,988,885	4,901,731		12,845	3.35
Total Cash At Call					12,910,094	15,839,487	10.30%	29,393	
TERM DEPOSITS & BONDS									
<u>Short term deposits & bills (less than 90 days)</u>									
ING	Term Deposit	A1	A	19/05/2014	5,000,000			9,715	3.94
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000			15,532	4.20
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000	5,000,000		16,689	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000	5,000,000		16,689	3.93
Rural Bank	Term Deposit	A2	A	15/07/2014	5,000,000	5,000,000		16,561	3.90
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000		5,797	3.65
ING	Term Deposit	A1	A	19/08/2014		5,000,000		16,816	3.96
NAB	Term Deposit	A1	AA	28/08/2014		5,000,000		16,731	3.94
					26,870,000	26,870,000	17.48%		
<u>Medium Term Deposits (up to 365 days)</u>									
ING	Term Deposit	A1	A	19/08/2014	5,000,000				3.96
NAB	Term Deposit	A1	AA	28/08/2014	5,000,000				3.94
NAB	Term Deposit	A1	AA	9/09/2014	5,000,000	5,000,000		16,647	3.92
NAB	Term Deposit	A1	AA	22/09/2014	5,000,000	5,000,000		16,732	3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014	5,000,000	5,000,000		16,349	3.85
NAB	Term Deposit	A1	AA	13/10/2014	5,000,000	5,000,000		16,264	3.83
CUA	Term Deposit	A2	BBB	30/10/2014	5,000,000	5,000,000		16,773	3.95
ING	Term Deposit	A1	A	12/11/2014	5,000,000	5,000,000		16,349	3.85
Suncorp	Term Deposit	A1	A	18/11/2014	5,000,000	5,000,000		15,118	3.56
ING	Term Deposit	A1	A	3/12/2014	5,000,000	5,000,000		16,137	3.80
CBA	Term Deposit	A1	AA	18/12/2014	5,000,000	5,000,000		15,287	3.60
ING	Term Deposit	A1	A	12/01/2015	5,000,000	5,000,000		16,137	3.80
Wyong Shire Credit Union	Term Deposit	UNRATED	UNRATED	31/01/2015	1,000,000	1,000,000		2,888	3.40
ME Bank	Term Deposit	A2	BBB	4/02/2015	5,000,000	5,000,000		16,137	3.80
Bendigo/Adelaide	Term Deposit	A2	A	24/02/2015	5,000,000	5,000,000		15,288	3.60
ANZ	Term Deposit	A1	AA	10/03/2015	43,000	43,000		121	3.30
CUA	Term Deposit	A2	BBB	23/03/2015	5,000,000	5,000,000		15,712	3.70
Bank of Queensland	Term Deposit	A2	BBB	13/04/2015	5,000,000	5,000,000		15,925	3.75
NAB	Term Deposit	A1	AA	27/04/2015	5,000,000	5,000,000		15,967	3.76
Bendigo/Adelaide	Term Deposit	A2	A	28/04/2015		5,000,000		1,033	3.77
Bendigo/Adelaide	Term Deposit	A2	A	27/05/2015		5,000,000		1,044	3.81
					86,043,000	86,043,000	55.96%		
<u>Non - Current</u>									
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000		17,199	4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000		16,986	4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		26,499	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		24,630	7.25
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		20,681	4.87
					25,000,000	25,000,000	16.26%		
Total Term Deposit & Bonds:					137,913,000	137,913,000	89.70%	466,433	
TOTAL PORTFOLIO					150,823,094	153,752,487	100.00%	495,826	
Current					125,823,094	128,752,487			
Non-Current					25,000,000	25,000,000			
TOTAL PORTFOLIO					150,823,094	153,752,487			

4.6 Annual Water Supply and Sewerage Performance Reporting

TRIM REFERENCE: F2004/06842 - D08645387

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Ian Johnson; Regulatory Services Engineer

SUMMARY

The NSW Office of Water (NOW) has released its annual report on the performance of Councils Water Supply and Sewerage operations for 2012-13. An overview of that report is provided.

RECOMMENDATION

That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

BACKGROUND

The NSW Office of Water (NOW) compiles and publishes annual reports on the performance of the water supply and sewerage operations of 105 regional and local water utilities in NSW.

Councils provide a range of information to NOW generally in October of each year, covering operations and financial data for the previous financial year. NOW uses that data to prepare an Annual Report.

The NOW Annual Report is distributed to each utility and comprises two components:

- 1 A comprehensive report "NSW Water Supply and Sewerage Performance Monitoring Report" covering all Councils / Utilities. This report is issued to all utilities and gives a broad overview of state-wide performance. This particular report is available on file.
- 2 NOW issues to each Council an individual Summary Triple Bottom Line (TBL) Report detailing the performance of that particular Council in relation to a number of key performance indicators.

The TBL report provides specific performance and ranking information which enables each Council to compare its performance against the state-wide median.

The TBL report also rates the performance of each Council using a system of five performance bands, with Band 1 being the highest performing band and Band 5 being the lowest performing band.

The NOW TBL Summary Report for Wyong Shire Council for 2012/2013, and the NOW "Guide for Councillors" to assist in interpreting the TBL Summary Reports are attached.

The following comments are made in relation to this report.

- 1 The State Government views performance monitoring as a means to achieve improvement in the quality and efficiency of services provided by water utilities. Performance monitoring is required under National Competition Policy and the National Water Initiative as it is considered important for public accountability to the community.
- 2 NOW in the preamble to the Triple Bottom Line reports for water supply and sewerage (Attachments 1, 2 and 3) have provided an overview and description of Council's facilities and some brief commentary on some of the key elements of Council's performance.
- 3 Council's continuing high level of performance in the implementation and compliance with State Government "Best Practice Management" Guidelines is particularly highlighted. These Guidelines are designed to promote business and environmental sustainability in areas such as;
 - pricing (achieving full cost recovery and removal of cross subsidies)
 - water conservation and drought management practices
 - holistic management of the water cycle
 - cost reflective developer charges
 - management of liquid trade waste discharge to sewerage system.

The results of the 2012/13 "Best Practice" compliance are summarised below:

	COMPLIANCE WITH BEST PRACTICE MANAGEMENT GUIDELINES (WATER SUPPLY)	2012/13
(1)	Complete Current Strategic Business Plan & Financial Plan	YES
(2)	(2a) Pricing – Full Cost Recovery, without significant cross subsidies	YES
	(2b) & (2c) Pricing – Complying Residential Charges	YES
	(2c) Pricing – Complying Non-residential Charges	YES
	(2d) Pricing – DSP with Commercial Developer Charges	YES
(3)	Sound water conservation implemented	YES
(4)	Sound drought management implemented	YES
(5)	Complete performance reporting (by 15 September)	YES
(6)	Integrated water cycle management strategy	YES
	COMPLIANCE WITH ALL REQUIREMENTS	100%

	COMPLIANCE WITH BEST PRACTICE MANAGEMENT GUIDELINES (SEWERAGE)	2012/13
(1)	Complete Current Strategic Business Plan & Financial Plan	YES
(2)	(2a) Pricing – Full Cost Recovery, without significant cross subsidies	YES
	(2b) Pricing – Complying Residential Charges	YES
	(2c) Pricing – Complying Non-residential Charges	YES
	(2d) Pricing – Complying Trade Waste Fees and Charges	YES
	(2e) Pricing – DSP with Commercial Developer Charges	YES
	(2f) Pricing – Liquid Trade Waste Approvals and Policy	YES
(3)	Complete performance reporting (by 15 September)	YES
(4)	Integrated water cycle management strategy	YES
	COMPLIANCE WITH ALL REQUIREMENTS	100%

The State Government places a high priority on water utilities implementing "Best Practice".

4 Comments on other areas of Council's performance are provided below:

a) Typical Residential Bill (Water Supply Item 14)

This is based on the 2012/13 Average Annual Residential Water Consumption (Water Supply Item 33) applied to the appropriate residential service and usage charges.

Other than promoting water efficiency which can impact consumption Council has little influence over this bill as Council does not determine its charges. IPART sets Council's charges.

b) Physical, Chemical and Microbiological Water Quality Compliance (Water Supply Items 19-20)

Council treats and reticulates filtered water in accordance with the current Australian Drinking Guidelines as promulgated by the National Health and Medical Research Council.

c) Average Annual Residential Water Consumption (Water Supply Item 33)

Given that average consumption in the early 2000's (pre drought) was over 200 KL per annum the current average consumption reflects Council's continuing emphasis on water conservation and demand management programs and a general customer awareness of water issues.

d) Real losses (Water Supply Item 34)

Reflects Council's strategy of pro-active leak detection programs in the early identification and rectification of leaks.

e) Percentage of sewerage treated that complied (Sewerage Item 18)

Performance ranking reflects the high level of Council's treatment processes and treated effluent quality.

f) Total Recycled Water Supplied (Sewerage Item 26a)

Reflects Council's initiatives in establishing recycled water programs in order to reduce use of filtered water for non-potable uses by substituting highly treated effluent.

g) Biosolids Reuse (Sewerage Item 28)

Reflects Council's program to reuse sludge (waste material from the sewage treatment process) for beneficial purposes such as composting.

h) Compliance with Effluent Discharge Licence (Sewerage Items 34 and 35)

Performance ranking reflects the high level of sewage treatment processing undertaken before discharge to the ocean at Norah Head and Wonga Point.

- i) Operating cost and Treatment cost per property (Water Supply Item 49 and Sewerage Item 50)

Council undertakes pro-active maintenance programs in minimising major breakdowns and process failures, undertakes energy reduction and efficiency programs, and accesses competitive electricity tariffs via government contracts. Nevertheless it is also considered that the performance ranking against these criteria is reflective of insufficient cost recovery due to insufficient prices. In this regard Council has recently approached IPART to re-open the price determination process.

- j) Financial Indicator (Water Supply Item 47b)

The impacts of the recent drought remain where Council had to substantially increase borrowings to finance drought contingency infrastructure.

This borrowing program resulted in high debt repayments which continue to negatively impact Council's financial position and reflected in "Net Profit After Tax".

- k) Financial indicators (Sewerage Item 48b)

Similar comments to Water Supply Financial Indicators above particularly in relation to borrowings for sewerage capital infrastructure.

- l) Typical Developer Charges (Water Supply Item 15 and Sewerage Item 13)

The relatively low "Typical Developer Charge" regime applied by Wyong has been classified by NOW into a lower or apparent "poorer" performance band even though lower charges would be seen by the wider community as advantageous.

In this regard developer charges in Wyong are calculated in accordance with the methodology prescribed by the Independent Pricing and Regulatory Tribunal (IPART). As IPART is Council's pricing regulator Council is mandated to use the specified methodology.

Current developer charges are currently being reviewed in accordance with IPART guidelines. The reviewed charges will be implemented on 1 July 2014.

- l) Energy Consumption (Water Supply Item 35)

The impact of the recent Mardi to Mangrove project is reflected in the higher than median "Energy Consumption per megalitre".

ATTACHMENTS

1	Water Supply TBL Performance Report 2012/13	D07476313
2	Sewerage TBL Performance Report 2012/13	D07476398
3	TBL Attachment 2012/13	D08649590
4	Water Supply Action Plan 2012/13	D08649591
5	Sewerage Action Plan 2012/13	D08649600

Wyong Shire Council TBL Water Supply Performance 2012-13

WATER SUPPLY SYSTEM - Wyong Shire Council serves a population of 149,900 (60,620 connected properties). Supply is provided by the Gosford-Wyong Joint Water Supply. Water is drawn from the Wyong River, Curimbah Creek, Mangrove Creek, Mooney Mooney Creek and from Hunter Water. Mangrove Creek Dam (190,000 ML) is the key storage followed by Mardi Dam (7,400ML) and Mooney Mooney Dam (4,600 ML). The water supply network comprises 1 direct filtration water treatment works (160 ML/d), 22 service reservoirs (166 ML), 24 pumping stations, 110 ML/d delivery capacity into the distribution system, 263 km of transfer and trunk mains and 1046 km of reticulation. The water supply is fully treated.

PERFORMANCE - Wyong Shire Council achieved 100% compliance with Best Practice requirements. The 2012-13 typical residential bill was \$506 which was close to the statewide median of \$540 (Indicator 14). The economic real rate of return was 1.7% which was greater than the statewide median (Indicator 43). The operating cost (OMA) per property was \$319 which was less than the statewide median of \$410 (Indicator 49). Water quality complaints were well above the statewide median of 3 (Indicator 25). Compliance was achieved for microbiological water quality (100% of the population, 1 of 1 zones compliant), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Wyong Shire Council reported no water supply public health incidents. Current replacement cost of system assets was \$923M (\$14,800 per assessment). Cash and investments were \$31M, debt was \$181.5M and revenue was \$45.7M (excluding capital works grants).

IMPLEMENTATION OF REQUIREMENTS OF BEST-PRACTICE MANAGEMENT FRAMEWORK

(1) Complete Current Strategic Business Plan & Financial Plan	YES	(3) Sound water conservation implemented	YES
(2) (2a) Pricing - Full Cost Recovery, without significant cross subsidies	Yes	(4) Sound drought management implemented	YES
(2b,2c) Pricing - Appropriate Residential Charges	Yes	(5) Complete performance reporting (by 15 September)	YES
(2d) Pricing - Appropriate Non-residential Charges	Yes	(6) Integrated water cycle management strategy	YESC
(2e) Pricing - DSP with Commercial Developer Charges	Yes	IMPLEMENTATION OF ALL REQUIREMENTS	100%

TRIPLE BOTTOM LINE (TBL) PERFORMANCE INDICATORS

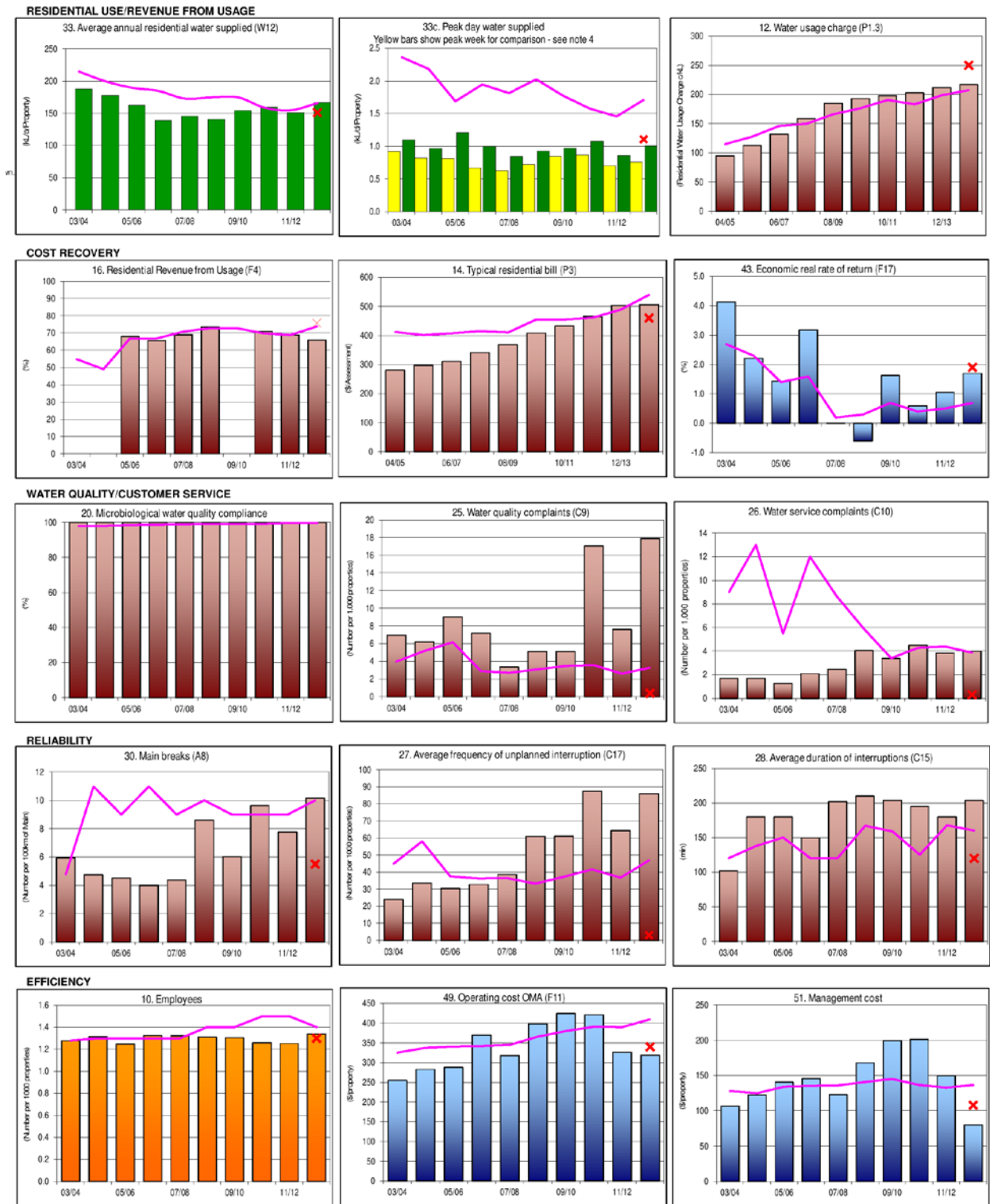
NWI No.	DESCRIPTION	UNIT	LWU RESULT	RANKING			MEDIANS	
				>10,000 properties	All LWUs	Statewide	National	
			Col 1	Note 1	Note 2	Note 3	Note 4	Note 5
UTILITY	CHARACTERISTICS							
C1	1 Population served:	149900						
C4	2 Number of connected properties:	60620						
		Number of assessments: 62550						
3	3 Residential connected properties (% of total)		96				91	
4	4 New residences connected to water supply (%)		1.2	1	1		0.8	
A3	5 Properties served per kilometre of water main	Prop/km	46				32	37
6	6 Rainfall (% of median annual rainfall)		108	3	1		108	
W11	7 Total urban water supplied at master meters (ML)	ML	14,200				6,500	9,792
8	8 Peak week to average consumption (%)		124	1	1		160	
9	9 Renewals expenditure (% of current replacement cost of system assets)		0.5	2	3		0.5	
10	10 Employees per 1000 properties	per 1,000 prop	1.3	3	2		1.4	
SOCIAL	CHARGES & BILLS							
P1	Residential tariff structure for 2013-14:	two part; independent of land value; access charge \$169.5						
P1.3	12a Residential water usage charge for 2012-13all usage (c/kL)	c/kL (2012-13)	212	2	1		199	175
		c/kL (2013-14)	217	3	2		208	
P3	14a Typical residential bill for 2012-13 (\$/assessment)	\$ (2012-13)	512	3	2		510	521
		\$ (2013-14)	506	2	1		540	
		\$ (2013-14) (\$/equivalent tenement)	2,800	5	4		5,500	
F4	16 Residential revenue from usage charges (% of residential bills)	%	66	4	3		74	66
F5	17 Revenue per property - water (\$/property)	\$/prop	750	3	3		750	770
	18 Water Supply Coverage (% of Urban Population with reticulated WS)	% of population	99.9	2	2		99.2	
H6	18a Risk based drinking water quality plan?		No					
	19 Physical compliance achieved? Note 10		Yes	1	1			
	19a Chemical compliance achieved? Note10		Yes	1	1			
H4	19b Number of zones with chemical compliance		1 of 1					
	20 Microbiological (E. coli) compliance achieved? Note 10		Yes	1	1			
H3	20a %population with microbiological compliance	% of population	100	1	1		100	100
SOCIAL	HEALTH							
SERVICE LEVELS								
C9	25 Water quality complaints per 1000 properties	per 1,000 prop	17	5	5		3	2
C10	26 Water service complaints per 1000 properties	per 1,000 prop	4	3	3		4	1
C17	27 Average incidence of unplanned interruptions per 1000 properties	per 1,000 prop	86	5	5		47	93
C15	28 Average duration of interruption (min)	min	204	4	5		160	122
A8	30 Number of water main breaks per 100 km of water main	per 100km	10	4	3		10	13
31	31 Drought water restrictions (% of time)	% of time	100	5	5		0	
32	32 Total days lost (%)	%	0.6	2	3		2.0	
ENVIRONMENTAL	WATER RESOURCES MANAGEMENT							
W12	33 Average annual residential water supplied - STATEWIDE (kL/property)	kL/prop	166	3	2		166	177
33a	33a Average annual residential water supplied - COASTAL LWUs (kL/property)	kL/prop	166	4	3		160	
33b	33b Average annual residential water supplied - INLAND LWUs (kL/property)	kL/prop					257	
A10	34 Real losses (leakage) (L/service connection/day)	L/connection/day	30	1	1		60	79
35	35 Energy consumption per Megalitre (kiloWatt hours)	kWh	1021	5	5		650	
36	36 Renewable energy consumption (% of total energy consumption)	%					0	
E12	36a Net greenhouse gas emissions - WS & Sge (net tonnes CO2 - equivalents per 1000 properties)	t CO2	490	5	5		400	398
ECONOMIC	FINANCE							
F17	42 Current replacement cost per assessment (\$)	\$	14,800	4	3		14,900	
43	43 Economic real rate of return - Water (%)	%	1.7	1	2		0.7	1.4
44	44 Return on assets - Water (%)	%	-0.2	4	4		0.3	
F22	45 Net Debt to equity - WS&Sge (%)	%	10	1	1		1	10
F23	46 Interest cover - WS&Sge		1	3	3		1	2
47	47 Loan payment per property - Water (\$)	\$	355	1	1		66	
F24	47b Net profit after tax - WS & Sge (\$'000)	\$'000	-8,080	5	5		-500	5090
ECONOMIC	EFFICIENCY							
F11	48 Operating cost (OMA) per 100km of main (\$'000)	\$'000	1,480	3	4		1,375	
49	49 Operating cost (OMA) per property (\$/prop) Note 8	\$/prop	319	1	1		410	429
50	50 Operating cost (OMA) per kilolitre (cents)	c/kL	131	2	3		133	
51	51 Management cost (\$/prop)	\$/prop	80	1	1		137	
52	52 Treatment cost (\$/prop)	\$/prop	57	4	2		56	
53	53 Pumping cost (\$/prop)	\$/prop	38	3	2		36	
54	54 Energy cost (\$/prop)	\$/prop	19	2	2		27	
55	55 Water main cost (\$/prop)	\$/prop	109	5	4		71	
F28	56 Capital Expenditure (\$/prop)	\$/prop	224	2	2		180	177

NOTES:

- Col 2 rankings are on a % of LWUs basis - best reveals performance compared to similar sized LWUs (ie. Col 1 is compared with LWUs with >10,000 properties).
- Col 3 rankings are on a % of LWUs basis - best reveals performance compared to all LWUs (ie. Col 1 is compared with all LWUs).
- Col 4 (Statewide Median) is on a % of connected properties basis - best reveals statewide performance (gives due weight to larger LWUs & reduces effect of smaller LWUs).
- Col 5 (National Median) is the median value for the 72 utilities reporting water supply performance in the National Performance Report 2012-13 (www.nwc.gov.au).
- LWUs are required to annually review key projections & actions in their Strategic Business Plan and annually update their financial plan. The SBP should be updated after 4 years.
- 2012-13 Non-residential Tariff: Access Charge based on Service Connection Size (40mm: \$583.37), Two Part Tariff; Usage Charge 217c/kL.
- Non-residential water supplied was 25% of potable water supplied excluding non-revenue water. Revenue from non-residential customers was not reported.
- The operating cost (OMA) per property was \$319. Components were: management (\$80), operation (\$112), maintenance (\$98), energy (\$19) & chemical (\$10).
- Rehabilitations included 0.1% of water mains, 0.96% of service connections and 7.1% of water meters. Renewals expenditure was \$348,000/100km of main.
- Compliance with ADWG 2011 for drinking water quality is shown as "Yes" if compliance has been achieved (indicators 19, 19a & 20), otherwise the % of samples complying is shown.
- Wyong Shire Council has 3 fully qualified water treatment operators.

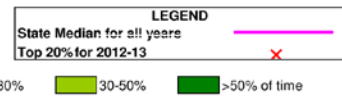
Wyong Shire Council TBL Water Supply Performance (page 2) 2012-13

(Results shown for 10 years together with 2012-13 Statewide Median and Top 20%)



NOTES:

1. Costs are in Jan 2013\$ except for graphs 12 and 14, which are in Jan 2014\$.
2. Microbiological water quality compliance 1999-00 to 2003-04 was on the basis of 1996 NHMRC/ARMCANZ Australian Drinking Water Guidelines for E. coli; from 2004-05 to 2010-11 compliance was on the basis of the 2004 NHMRC/NRM/MC Australian Drinking Water Guidelines (ADWG) and for 2011-12 and 2012-13 compliance was on the basis of the 2011 ADWG.
3. Indicators 33 and 33c - Green shading of bars shows % of time Drought Water Restrictions applied in each year:
4. Indicator 33c - Yellow bars show Peak Week Water Supplied for comparison with Peak Day Water Supplied shown in green.



Wyong Shire Council	TBL Sewerage Performance	2012-13
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SEWERAGE SYSTEM - Wyong Council has 6 sewage treatment works providing secondary treatment. The system comprises 211,500 EP treatment capacity (Intermittent Extended Aeration (Activated Sludge), Tricking Filter and Anaerobic Pond), 143 pumping stations (530 ML/d), 100 km of rising mains and 1102 km of gravity trunk mains and reticulation. 6% of effluent was recycled and treated effluent is discharged to ocean.

PERFORMANCE - Residential growth for 2012-13 was 0.5% which is lower than the statewide median. Wyong Shire Council achieved 100% implementation of Best-Practice requirements. The 2013-14 typical residential bill was \$458 which was 23% below the statewide median of \$625 (Indicator 12). However, the economic real rate of return was negative (Indicator 46). The operating cost per property (OMA) was \$345 which was less than the statewide median of \$430 (Indicator 50). Sewage odour complaints were above the statewide median of 0.7 (Indicator 21). Wyong Council reported 12 Category 2 (limited impact) environmental incidents and 12 Category 2 (limited impact) public health incidents. Council complied with the requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets was \$1027M (\$16,800 per assessment), cash and investments were \$36M, debt was \$25M and revenue was \$31.4M (excluding capital works grants). Net debt to equity (WS & Sge) was 10%.

IMPLEMENTATION OF REQUIREMENTS OF BEST-PRACTICE MANAGEMENT FRAMEWORK (BPMF)

(1) Complete current strategic business plan & financial plan	YES	(2e) Pricing - DSP with commercial developer charges	Yes
(2) (2a) Pricing - Full Cost Recovery without significant cross subsidies	Yes	(2f) Pricing - Liquid trade waste approvals & policy	Yes
(2b) Pricing - Appropriate Residential Charges	Yes	(3) Complete performance reporting (by 15 September)	YES
(2c) Pricing - Appropriate Non-Residential Charges	Yes	(4) Integrated water cycle management strategy	YESC
(2d) Pricing - Appropriate Trade Waste Fees and Charges	Yes	IMPLEMENTATION OF ALL REQUIREMENTS	100%

TRIPLE BOTTOM LINE (TBL) PERFORMANCE INDICATORS

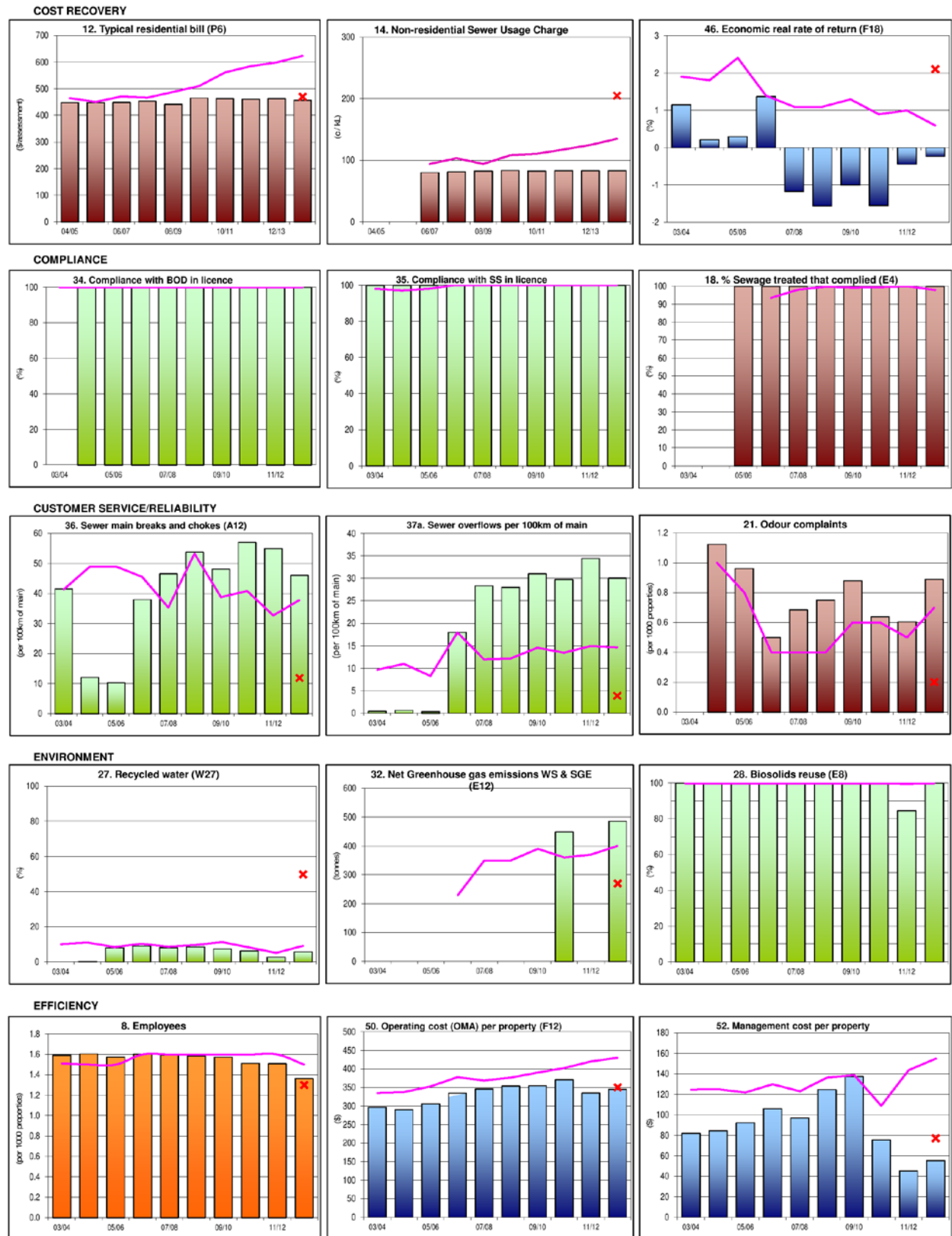
	NWI No.	Description	Unit	LWU RESULT	RANKING			MEDIANS			
					>10,000 properties Note 1	All LWUs Note 2	Statewide Note 3	National Note 4			
				Col 1	Col 2	Col 3	Col 4	Col 5			
UTILITY	CHARACTERISTICS	C5	1 Population served: 147,900								
		C8	2 Number of connected properties: 59,570	Number of assessments: 61,090							
		C6	3 Number of residential connected properties: 56,890								
			4 New residences connected to sewerage (%)								
		A6	5 Properties served per kilometre of main								
		W18	6 Volume of sewage collected (ML)	Prop/km	50	5	3	39	42		
			7 Renewals expenditure (% of current replacement cost of system assets)		16,287			4,700	6,705		
			8 Employees per 1000 properties	per 1,000 prop	0.7	1	2	0.4			
SOCIAL	CHARGES & BILLS	P4	Description of residential tariff structure: access charge/prop; independent of land value								
		P4.1	11a Residential access charge for 2012-13 (\$/assessment)	\$	2012-13	463	1	2	600	555	
			11 Residential access charge for 2013-14 (\$/assessment)	\$	2013-14	458	1	2	625		
		P6	12a Typical residential bill for 2012-13 (\$/assessment)	\$	2012-13	463	1	2	600	650	
			12 Typical residential bill for 2013-14 (\$/assessment)	\$	2013-14	458	1	2	625		
			13 Typical developer charge for 2013-14 (\$/equivalent tenement)	\$	2013-14	2,610	5	4	4,700		
			14 Non-residential sewer usage charge (c/kL)	c/kL		83	5	5	135		
		F6	15 Revenue per property - Sge (\$)	\$		530	5	4	815	868	
			16 Sewerage Coverage (% of Urban Population with Reticulated Sge Service)	%		99.9	1	1	96.2		
		HEALTH	E3	17 Percent of sewage treated to a tertiary level (%)	%		5	4	99	93	
			E4	18 Percent of sewage volume treated that was compliant (%)	%		100	1	98	99	
			E5	19 Number of sewage treatment works compliant at all times			6 of 6				
				21 Odour complaints per 1000 properties	per 1,000 prop		0.9	3	4	0.7	
		SERVICE LEVELS	C11	22 Service complaints - sewerage per 1000 properties	per 1,000 prop		10	4	3	6	1
			C16	23a Average sewerage interruption (minutes)	min		143	5	5	100	99
	25 Total days lost (%)		%		0.3	2	3	1.3			
W19	26 Volume of sewage collected per property (kL)		kL		273	4	4	230	220		
W26	26a Total recycled water supplied (ML)		ML		880	2	1	600	1,666		
ENVIRONMENTAL	NATURAL RESOURCE MANAGEMENT	W27	27 Recycled water (% of effluent recycled)	%		6	3	3	9	17	
		E8	28 Biosolids reuse (%)	%		100	1	1	100	100	
			30 Energy consumption - sewerage (kWh/ML)	kWh		704	2	3	790		
			31 Renewable energy consumption (% of total energy consumption)	%		0	2	1	0		
		E12	32 Net greenhouse gas emissions - WS & Sge (net tonnes CO2 equivalents per 1000 properties)			490	5	5	400	398	
	ENVIRONMENTAL PERFORMANCE		33 90 th Percentile licence limits for effluent discharge: SS 50 mg/L								
			34 Compliance with BOD in licence (%)	%		100	1	1	100		
			35 Compliance with SS in licence (%)	%		100	1	1	100		
		A14	36 Sewer main breaks and chokes (per 100 km of main)	per 100km main		46	4	4	38	19	
		E13	37a Sewer overflows (per 100 km of main)	per 100km main		30	4	5	15		
	37b Sewer overflows reported to environmental regulator (per 100km of main)	per 100km main		1.0	3	4	0.8	0.4			
	39 Non res & trade waste % of total sge volume	%		25	2	2	19				
ECONOMIC	FINANCE		43 Revenue from non-residential plus trade waste charges (% of total revenue)	%		13	4	4	16		
			44 Revenue from trade waste charges (% of total revenue)	%		2.7	2	2	2.5		
		F18	46 Economic real rate of return - Sge (%)	%		-0.2	5	4	0.6	1.9	
			46a Return on assets - Sge (%)	%		-0.2	4	4	0.7		
			48a Loan payment per property - Sge (\$)	\$		67	4	2	90		
		F24	48b Net profit after tax - WS & Sge (\$'000)	\$'000		-8,076	5	5	-500	5,091	
	EFFICIENCY		49 Operating cost (OMA) per 100 km of main (\$'000)	\$'000		1,720	3	4	1,710		
		F12	50 Operating cost (OMA) per property (\$) (Note 9)	\$		345	1	2	430	404	
			51 Operating cost (OMA) per kL (cents)	c/kL		126	1	2	189		
			52 Management cost per property (\$)	\$		55	1	1	155		
			53 Treatment cost per property (\$)	\$		127	2	2	138		
			54 Pumping cost per property (\$)	\$		106	4	5	80		
	55 Energy cost per property (\$)	\$		39	2	3	39				
	56 Sewer main cost per property (\$)	\$		52	3	4	50				
	F29	57 Capital Expenditure per property - Sewerage (\$)	\$		200	3	2	224	240		

NOTES:

- Col 2 rankings are on a % of LWUs basis - best reveals performance compared to similar sized LWUs (ie. Col 1 is compared with LWUs with >10,000 properties).
- Col 3 rankings are on a % of LWUs basis - best reveals performance compared to all LWUs (ie. Col 1 is compared with all LWUs). - see attachment.
- Col 4 (Statewide Median) is on a % of connected properties basis- best reveals statewide performance (gives due weight to larger LWUs & reduces effect of smaller LWUs).
- Col 5 (National Median) is the median value for the 66 utilities reporting sewerage performance in the National Performance Report 2012-13 (www.nwc.gov.au).
- LWUs are required to annually review key projections & actions in their Strategic Business Plan and annually update their financial plan. The SBP should be updated after 4 years.
- Non-residential access charge - \$458, proportional to square of meter size. Sewer usage charge - 83 c/kL.
- Non-residential and trade waste volume was 25% of total sewage collected.
- Non-residential revenue was 13% of revenue from access, usage & trade waste charges, indicating fair pricing of services between the residential and non-residential sectors.
- Compliance with Total N in Licence was 100%. Compliance with Total P in Licence was 100%.
- Operating cost (OMA)/property was \$345. Components were: management (\$55), operation (\$148), maintenance (\$102), energy (\$39) and chemical (\$2).
- Wyong Shire Council rehabilitations included 0.6% of its sewerage mains. Renewals expenditure was \$627,000/100km of main.

Wyong Shire Council TBL Sewerage Performance (page 2) 2012-13

(Results shown for 10 years together with 2012/13 Statewide Median and Top 20%)



NOTES:

- Costs are in Jan 2013\$ except for graph 12, which is in Jan 2014\$.

LEGEND	
State Median for all years	—
Top 20% for 2012-13	X

ATTACHMENT¹

TBL Performance Reports and Action Plans – Understanding and Using Your Report

1. Introduction

This appendix has been prepared to assist Councillors with their Council's *2012-13 Triple Bottom Line (TBL) Performance Reports* for water supply and sewerage. It will also help the Water and Sewerage Manager prepare a sound Action Plan to Council. Action plans should include a strategy for addressing any areas of under-performance. A sample Action Plan is shown on page 73 of the *2012-13 NSW Water Supply and Sewerage Performance Monitoring Report*². The NSW Office of Water prepares the annual TBL report for each Local Water Utility's water supply business and for its sewerage business together with an Action Plan template for completion by the Water and Sewerage Manager. A copy of the TBL report is also provided to IPART.

The TBL reports show your LWU's key performance indicators (column 1), your ranking compared to other LWUs in your size range (column 2) and your ranking relative to all NSW LWUs (column 3). **Column 4** shows the **Statewide medians** which are calculated from the 50 percentile result for all connected properties (statewide). This best reveals Statewide performance by giving due weight to larger LWUs and reducing the effect of smaller LWUs. Column 5 shows the National Medians for the 74 utilities which reported in the *2012-13 National Performance Report for Urban Water Utilities* (www.nwc.gov.au).

There are four size ranges: > 10,000, 3,000 to 10,000, 1,500 to 3,000 and 200 to 1,500 connected properties. Rankings shown in Columns 2 and 3 of the TBL Report are based on the top 20% of LWUs for each indicator being ranked 1 and the bottom 20% being ranked 5 (LWUs in the range 40% to 60% are ranked 3).

2. Factors Impacting on Performance

When comparing reported performance with other utilities, LWUs should take account of the wide range of factors which can impact on effectiveness and efficiency of a business. An indicator with a low ranking may not necessarily imply **poor** performance, for example, business efficiencies and effectiveness are functions of:

- **Number of connected properties** - there are significant economies of scale for large LWUs,
- **Type of services provided** - eg. whether the LWU provides a full water supply system or whether is a reticulator or bulk supplier,
- **Provision of bulk storage and/or long transfer systems** - these costs are not incurred by LWUs relying on groundwater or those receiving a regulated supply from a State Water dam.
- **Regional topography and soil types** affects pumping costs, frequency of main breaks and useful life,
- **Regional rainfall and evaporation,**

¹ This attachment is an update of Appendix G of the *NSW Water and Sewerage Strategic Business Planning Guidelines*, July 2011 (available at http://www.water.nsw.gov.au/ArticleDocuments/36/utilities_nsw_water_sewerage_strategic_planning_guidelines.pdf.aspx).

² The *2012-13 NSW Water Supply and Sewerage Performance Monitoring Report* is available at <http://www.water.nsw.gov.au/Urban-water/Country-towns-program/Best-practice-management/Performance-monitoring/default.aspx>.

- **Water quality at the source** – for example, a good quality groundwater will require minimal water treatment,
- **Standard of nutrient removal facilities** at the sewage treatment works,

An understanding of such factors is essential for valid interpretation of performance data. Utilities are encouraged to compare and contrast their performance with other LWUs having similar characteristics. Further factors to assist your LWU in its assessment of performance are listed below.

2.1 UTILITY CHARACTERISTICS

- **Properties served per km** – lower density of urban development significantly increases the infrastructure cost, particularly for those LWUs with very low densities (ie. < 20 properties per km).
- **Renewals** – each LWU should ensure that its Typical Residential Bill (see below) is adequate and consistent with the projection in its 30 year strategic business plan to ensure it is raising sufficient revenue for developing, maintaining and renewing the required infrastructure. It should also examine its total asset management policy and ensure that the necessary funds are directed to maintenance and renewals.
- **Employees per 1000 properties** – this is a good indicator of operating and management costs. As noted on page 21 of the *2011-12 NSW Water Supply and Sewerage Benchmarking Report* (www.water.nsw.gov.au), the number of employees per 1,000 properties is a good indicator of operating and management costs. However, it is important to note that a higher number of employees per 1,000 properties is needed for small non-contiguous water supply systems and for small water or sewage treatment works.

2.2 SOCIAL FACTORS – Bills and Charges

- **Typical Residential Bill (TRB)** – is the **principal indicator of the overall cost** of a water supply or sewerage system (it is the annual bill paid by a residential customer using the utility's average annual residential water supplied). The main element of the TRB is the operating cost (OMA – operation, maintenance and administration). The TRB should be consistent with the projection in your LWU's 30 year strategic business plan.

Review and comparison of the 2013-14 Typical Residential Bill (Indicator 14) with the projection in your Strategic Business Plan is **mandatory**. In addition, if both the economic real rate of return and the return on assets (indicators 43 and 44 for water supply and indicators 46 and 46a for sewerage) are negative, you must report your proposed 2014-15 typical residential bill to achieve full cost recovery.

- **Residential Water Usage Charge (c/kL)** – Highest charges are automatically ranked "1" and lowest charges as "5". These rankings however, should be compared with your TRB and whether your LWU is achieving full cost recovery, and the required residential revenue from water usage charges, in which case a low water usage charge may be a good result.

Please note that Circular LWU 11 of March 2011 has removed the need for LWUs to use inclining block tariffs. In addition, the **NSW Government encourages LWUs to use a two-part tariff with a uniform water usage charge** per kL for all water use (see page 6 of the *2012-13 NSW Performance Monitoring Report*).

- **Residential revenue from usage charges (%)** – The *Best Practice Management Guidelines 2007* require LWUs with 4,000 or more properties to raise at least 75% of residential revenue from water usage charges, while LWUs with under 4,000 properties, including LWUs with a dual supply must raise at least 50% of residential revenue from usage charges. The strategic

benefits of providing such **strong pricing signals** are highlighted on page 5 of the 2012-13 *NSW Performance Monitoring Report*.

2.3 SOCIAL FACTORS - Health

- **Risk based drinking water management system** – each LWU should develop and implement such a drinking water management system on a priority basis (tools and assistance are available from the NSW Office of Water - see pages 7 and 8 of the 2012-13 *NSW Performance Monitoring Report*).
- **Microbiological water quality compliance** is a **high priority** for each NSW LWU – This is the most important water supply **health indicator** and all LWUs should aim for a value of 100%. LWUs with less than 98% do not comply with the *Australian Drinking Water Guidelines, 2011* and must develop and implement a corrective strategy (see page 7 of the 2012-13 *NSW Performance Monitoring Report*). If your LWU failed to achieve microbiological compliance in either of the last 2 financial years, the corrective action implemented and whether it was successful must be reported in your LWU's annual Action Plan to Council.
- **'Boil water alerts'** – if your LWU has issued any 'boil water alerts' in the last 18 months, the corrective action implemented and whether it was successful must be reported in your LWU's annual Action Plan to Council.

Assistance is available to your LWU from your NSW Office of Water Regional Water and Sewerage Treatment Officer (page 35 of the 2012-13 *NSW Benchmarking Report*).

2.4 SOCIAL FACTORS - Customer Service

- **Water quality complaints** – water quality may depend for example, on whether the supply is unfiltered, good quality groundwater or whether a fully treated supply is provided.
- **Odour complaints** – This is an important indicator of the effectiveness of sewage treatment and transfer. LWUs with a high number of complaints (ranking of 5) should investigate the reasons for the complaints, including past performance, as indicated in page two of their TBL Report.
- **Number of water main breaks** – water mains with a high incidence of breaks (say over 30 per 100km of main) may indicate that renewals are warranted. Assistance is available for such utilities from the NSW Office of Water (Roshan Iyadurai 02 8281 7317).

2.5 ENVIRONMENTAL FACTORS

- **Average annual residential water supplied** – is influenced by the number of connected properties, geographic location, climate, strength of the utility's pricing signals (NWI Indicator F4 – percent of residential revenue from usage charges – see 2.6 below) and the presence of drought water restrictions. Inland LWUs have significantly higher residential water supplied due to their hotter and drier climate and the use of evaporative air coolers. The weighted median value for inland LWUs was 257kL/connected property (percentage of connected properties basis). The weighted median for coastal LWUs was 160kL/property.
- **Sewer main chokes and collapses** – sections of sewer main with a high incidence of chokes and collapses (say treble the statewide median) require close attention.
- **Sewer overflows to the environment** – are untreated sewage spills and may increase during wet weather due to infiltration of sewage mains and flooding. They do not include discharges or overflows contained within emergency storages.

2.6 ECONOMIC FACTORS - Financial

- **Economic real rate of return (ERRR)** – reflects the rate of return from operating activities (ie. excluding interest income, grants for acquisition of assets and gain/loss on disposal of assets). Water and sewerage charges should be sufficiently high to achieve full cost recovery. All LWUs should aim to achieve a positive ERRR. LWUs which have met all the Best-Practice Management requirements are strongly encouraged to pay an 'efficiency dividend' from the surplus of their water and sewerage businesses to the Council's general revenue (see page 12 of the *2012-13 NSW Performance Monitoring Report*). Refer also to Circular LWU 11 of March 2011.
- **Net Debt to equity** – LWUs facing significant capital investment are encouraged to make greater use of borrowings to reduce their TRB. This avoids unfairly burdening existing customers and facilitates inter-generational equity (see page 12 of the *2012-13 NSW Performance Monitoring Report*).
- **Loan payment (\$/property)** – A high loan payment per property indicates a relatively high capital cost per property, recent construction of significant capital works or use of short-term loans. 20-year loans are generally optimal (see page 13 of the *2012-13 NSW Performance Monitoring Report*).
- **Interest cover** – this ratio provides an indicator of the LWU's ability to meet interest commitments. The interest cover is nil for a business incurring a loss. As a general guide, an interest cover >2 is a good interest cover position. This should be considered in conjunction with the comment on making greater use of borrowings for capital investment.
- **Net profit after tax (NPAT) ratio** – this is NPAT divided by the revenue. LWUs should have a positive NPAT ratio. LWUs facing major capital expenditure for expanding system capacity may need a relatively high value for this indicator in order to help fund this investment.

2.7 ECONOMIC FACTORS - Efficiency

Operating cost (OMA – operation, maintenance and administration) per property is a prime indicator of the performance of an LWU. The **components of operating cost** are:

- **Management cost** – includes administration, engineering and supervision and is typically almost 40% of the total operating cost. The number of employees per 1,000 properties can be a useful indicator of the operating and management costs and hence the efficiency of an LWU. LWUs with a number of separate water supply schemes and those with smaller water or sewage treatment works will need a higher level of employees per 1000 properties in order to effectively manage their systems.
- **Treatment cost (water)** – is dependent on the type and quality of the water source and the types of treatment used. In addition, there are great economies of scale for the operation of larger water treatment works (ie. facilities involving at least filtration and disinfection).
- **Treatment cost (sewage)** – is dependent on type of treatment and discharge requirements. Where the discharge licence conditions are stringent involving for example, a low level of phosphorus, treatment costs will be high. There are significant economies of scale for operation of larger treatment works.
- **Pumping cost (water)** – is influenced by topography and distance to the water source. For example, Essential Energy and Goldenfields Water have a high pumping cost due to the distance required to pump from the water source, while Fish River Water Supply is almost a fully gravitational supply, with negligible pumping costs. For water supply, there are significant economies of scale in pumping cost per connected property.

Wyong Shire Council Water Supply – Action Plan Page 1

Summary

In 2012-13, Wyong Shire Council implemented all the water supply requirements of the *NSW Best-Practice Management Framework* and its performance has been [to be completed by Council].

Key actions from Council's Strategic Business Plan:

- Insert achievements for Key Action 1 here for Wyong Shire Council
- Insert achievements for Key Action 2 here for Wyong Shire Council

INDICATOR		RESULT ²		COMMENT/DRIVERS	ACTION
	Best-Practice Management Framework	Implemented all the Best-Practice Requirements ¹	Very good	Implementation demonstrates effectiveness and sustainability of water supply business. 100% implementation is required for eligibility to pay an 'efficiency dividend'.	
CHARACTERISTICS					
5	Connected property density	46 per km of main Highest ranking (1, 1)		A connected property density below 30 can significantly increase the cost per property of providing services, as will also a high number of small discrete water supply schemes.	
9	Renewals expenditure	0.5% High ranking (2, 3)	Good	Adequate funds must be programmed for works outlined in the Asset Management Plan – page 3 of the 2012-13 NSW Performance Monitoring Report.	FOR INDICATORS 9 to 56 Where ranking is low, investigate reasons including past performance and trends, develop remedial action plan and summarise in this column.
10	Employees	1.3 per 1,000 props Median ranking (3, 2)	Satisfactory		
SOCIAL - CHARGES					
12	Residential water usage charge	235 c/kL High ranking (2, 1)	Review	Benefits of strong pricing signals are shown on page 5 of the 2012-13 NSW Performance Monitoring Report.	
13	Residential access charges	\$175 per assessment Low ranking (4, 2)	Review		See 12 and 16.
14	Typical residential bill ³ (TRB)	\$539 per assessment Median ranking (3, 2)	Good	TRB should be consistent with projection in the financial plan. Drivers – OMA Management Cost and Capital Expenditure.	See Footnote 3 and Indicators 12 and 43.
15	Typical developer charges	\$2840 per ET Lowest ranking (5, 4)			
16	Residential revenue from usage charges	68% of residential bills Low ranking (4, 3)	Review	≥ 75% of residential revenue should be generated through usage charges.	
SOCIAL – HEALTH					
19	Physical quality compliance	Yes Highest ranking (1, 1)	Very good		
19 a	Chemical quality compliance	Yes Highest ranking (1, 1)	Very good		
20	Microbiological compliance ⁴	Yes Highest ranking (1, 1)	Very good	Critical indicator. LWUs should develop a risk based water quality management system.	

1. Review of Council's TBL Performance Report and Preparation of an **Action Plan** to Council required annually. **Strategic Business Plan** review and update required after 4 years. **Financial Plan** update and report to Council required annually. New **IWCM Strategy** required after 8 years. **Development Servicing Plan** review and updating is required after 5 years. **Liquid Trade Waste Regulation Policy** in accordance with the 'NSW Liquid Trade Waste Regulation Guidelines, 2009' required by June 2011.
2. The ranking relative to similar size LWUs is shown first (Col. 2 of TBL Report) followed by the ranking relative to all LWUs (Col. 3 of TBL Report).
3. Review and comparison of the 2013-14 **Typical Residential Bill (Indicator 14)** with the projection in your Strategic Business Plan is **mandatory**. In addition, if both indicators 43 and 44 are negative, you must report your proposed 2014-15 typical residential bill to achieve full cost recovery.
4. **Microbiological compliance (Indicator 20)** is a **high priority** for each NSW LWU. Corrective action for non-compliance (≤97%), or any 'boil water alerts' must be reported in your Action Plan. Refer to pages 7, 8 and 26 of the 2012-13 NSW Water Supply and Sewerage Performance Monitoring Report (www.water.nsw.gov.au).

Wyong Shire Council Water Supply – Action Plan Page 2

INDICATOR		RESULT		COMMENT/DRIVERS	ACTION
SOCIAL – LEVELS OF SERVICE					
25	Water quality complaints	17.9 per 1,000 props Lowest ranking (5, 5)	May require review	Critical indicator of customer service.	
26	Service complaints	4.8 per 1,000 props Median ranking (3, 3)	Satisfactory	Key indicator of customer service.	
27	Average frequency of unplanned interruptions	86 per 1,000 props Lowest ranking (5, 5)	May require review	Key indicator of customer service, condition of network and effectiveness of operation.	
30	Number of main breaks	10 per 100km of main Low ranking (4, 3)	May require review	Drivers – condition and age of water mains, ground conditions.	Monitor breaks, including past performance and trends.
32	Total Days Lost	0.6% High ranking (2, 3)	Good		
ENVIRONMENTAL					
33	Average annual residential water supplied	166 kL per prop Median ranking (3, 2)		Drivers – available water supply, climate, location (Inland or coastal), pricing signals (Indicator 3), restrictions.	
34	Real losses (leakage)	30 L/c/d Highest ranking (1, 1)	Very good	Loss reduction is important where an LWU is facing drought water restrictions or the need to augment its water supply system.	
ECONOMIC					
43	Economic Real Rate of Return (ERRR)	1.7% Highest ranking (1, 2)	Good	Reflects the rate of return generated from operating activities (excluding interest income and grants). An ERRR or ROA of ≥ 0% is required for full cost recovery.	
44	Return on assets (ROA)	-0.2% Low ranking (4, 4)		See 43.	
45	Net debt to equity	10% Highest ranking (1, 1)	Very good	LWUs facing significant capital investment are encouraged to make greater use of borrowings – page 13 of the 2012-13 NSW Performance Monitoring Report.	
46	Interest cover	1 Median ranking (3, 3)	Satisfactory	Drivers – in general, an interest cover > 2 is satisfactory.	
47	Loan payment	\$355 per prop Highest ranking (1, 1)	Very good	The component of TRB required to meet debt payments. Drivers – expenditure on capital works, short term loans.	
49	Operating cost (OMA)	\$319 per prop Highest ranking (1, 1)	Very good	Prime indicator of the financial performance of an LWU. Drivers – development density, level of treatment, management cost, topography, number of discrete schemes and economies of scale.	Review components carefully to ensure efficient operating cost.
51	Management cost	\$80 per prop Highest ranking (1, 1)	Very good	Typically about 40% of the OMA. Drivers – No. of employees. No. of small discrete water schemes.	
52	Treatment cost	\$57 per prop Low ranking (4, 2)	May require review	Drivers – type and quality of water source. Size of treatment works	
53	Pumping cost	\$38 per prop Median ranking (3, 2)	Satisfactory	Drivers – topography, development density and location of water source.	
55	Water main cost	\$109 per prop Lowest ranking (5, 4)	May require review	Drivers – age and condition of mains. Ground conditions. Development density.	
56	Capital expenditure	\$224 per prop High ranking (2, 2)	Good	An indicator of the level of investment in the business. Drivers – age and condition of assets, asset life cycle and water source.	

Wyong Shire Council Sewerage – Action Plan Page 1

Summary

In 2012-13, Wyong Shire Council implemented all the sewerage requirements of the *NSW Best-Practice Management Framework* and its performance has been [to be completed by Council].

Key actions from Council's Strategic Business Plan:

- Insert achievements for Key Action 1 here for Wyong Shire Council
- Insert achievements for Key Action 2 here for Wyong Shire Council

INDICATOR		RESULT ²		COMMENT/DRIVERS	ACTION
	Best-Practice Management Framework	Implemented all the Best Practice Requirements ¹	Very good	Implementation demonstrates effectiveness and sustainability of water supply and sewerage business. 100% implementation is required for eligibility to pay an 'efficiency dividend'.	
CHARACTERISTICS					
5	Connected property density	50 per km of main	Higher than the statewide median of 40	A connected property density below about 30 can significantly increase the cost per property of providing services.	
7	Renewals expenditure	0.7% Highest ranking (1, 2)	Very good	Adequate funds must be programmed for works outlined in the Asset Management Plan – page 3 of the 2012-13 NSW Performance Monitoring Report.	FOR INDICATORS 7 to 57 Where ranking is low, investigate reasons including past performance and trends, develop remedial action plan and summarise in this column.
8	Employees	1.4 per 1,000 props High ranking (2, 2)	Good		
SOCIAL – CHARGES					
12	Typical residential bill ³ (TRB)	\$516 per assessment Highest ranking (1, 3)	Review	TRB should be consistent with projection in the financial plan, and should achieve full cost recovery. Drivers – OMA Management Cost and Capital Expenditure.	See 46.
13	Typical Developer Charges	\$2610 per ET Lowest ranking (5, 4)			
14	Non-residential sewer usage charge	86c/kL Lowest ranking (5, 5)	Review		
SOCIAL - HEALTH					
16	Sewerage coverage	99.9% Highest ranking (1, 1)	Very good		
17	Percent sewage treated to tertiary level	5% Lowest ranking (5, 4)	May require review		
18	Percent of sewage volume that complied	100% Highest ranking (1, 1)	Very good	Key indicator of compliance with regulator.	
19	Sewage treatment works compliant at all times	6 of 6		Key indicator of compliance with regulator.	
SOCIAL – LEVELS OF SERVICE					
21	Odour Complaints	0.9 per 1,000 props Median ranking (3, 4)	Satisfactory	Critical indicator of customer service and operation of treatment works.	
22	Service complaints	10 per 1,000 props Low ranking (4, 3)	May require review	Key indicator of customer service.	
23	Average Duration of Interruption	143 minutes Lowest ranking (5, 5)	May require review	Key indicator of customer service, condition of network and effectiveness of operation.	
25	Total Days Lost	0.3% High ranking (2, 3)	Good		

1. Review of Council's TBL Performance Report and Preparation of an **Action Plan** to Council required annually.

Strategic Business Plan review and update required after 4 years. **Financial Plan** update required annually.

IWCM Strategy review and update required after 8 years. **Liquid Trade Waste Regulation Policy** in accordance with the 'NSW Liquid Trade Waste Regulation Guidelines, 2009' required. **Development Servicing Plan** review and updating is required after 5 years.

2. The ranking relative to similar size LWUs is shown first (Col. 2 of TBL Report) followed by the ranking relative to all LWUs (Col. 3 of TBL Report).

3. Review and comparison of the 2013-14 Typical Residential Bill (Indicator 12) with the projection in your Strategic Business Plan is mandatory.

Wyong Shire Council Sewerage – Action Plan Page 2

INDICATOR		RESULT		COMMENT/DRIVERS	ACTION
ENVIRONMENTAL					
26	Volume of sewage collected per property	273 kL Low ranking (4, 4)		Compare sewage collected to water supplied.	
27	Percentage effluent recycled	6% Median ranking (3, 3)	Satisfactory	Key environmental indicator. Drivers – availability of potable water, demand, proximity to customers, environment.	
28	Biosolids reuse	100% Highest ranking (1, 1)	Very good	Key environmental indicator.	
32	Net Greenhouse gas emissions (WS & Sge)	490 t CO2/1000 props Low ranking (4, 5)	May require review	Drivers – gravity vs pumped networks, topography, extent of treatment.	
34	Compliance with BOD in licence	100% Highest ranking (1, 1)	Very good	Key indicator of compliance with regulator requirements.	
35	Compliance with SS in licence	100% Highest ranking (1, 1)	Very good	Drivers – algae in maturation ponds, impact of drought.	
36	Sewer main breaks and chokes	46 per 100km of main Low ranking (4, 4)	May require review	Drivers – condition and age of assets, ground conditions.	
37 a	Sewer overflows to the environment	30 per 100km of main Low ranking (4, 5)	May require review	Drivers – condition of assets, wet weather and flooding.	
39	Non-residential percentage of sewage collected	25% High ranking (2, 2)		For non-residential, compare % of sewage collected to indicator 43 (% of revenue).	
ECONOMIC					
43	Non-residential revenue	13% Low ranking (4, 4)	May require review	See 39 above.	
46	Economic Real Rate of Return (ERRR)	-0.2% Lowest ranking (5, 4)	Review	Reflects the rate of return generated from operating activities (excluding interest income and grants). An ERRR or ROA of ≥ 0% is required for full cost recovery.	
46 a	Return on assets	-0.2% Low ranking (4, 4)		See 46.	
47	Net debt to equity	10% High ranking (2, 1)	Good	LWUs facing significant capital investment are encouraged to make greater use of borrowings – page 13 of the 2012-13 NSW Performance Monitoring Report.	
48	Interest cover	0 Lowest ranking (5, 5)		Drivers – in general, an interest cover of > 2 is satisfactory.	
48 a	Loan payment	\$67 per prop Low ranking (4, 2)		The component of TRB required to meet debt payments. Drivers – expenditure on capital works, short term loans.	
50	Operating cost (OMA)	\$345 per prop Highest ranking (1, 2)	Very good	Prime indicator of the financial performance of an LWU. Drivers – development density, level of treatment, management cost, topography, number of discrete schemes and economies of scale.	Review carefully to ensure efficient operating cost.
52	Management cost	\$55 per prop Highest ranking (1, 1)	Very good	Drivers – number of discrete schemes, number of employees. Typically about 40% of OMA.	
53	Treatment cost	\$127 per prop High ranking (2, 2)	Good	Drivers – type and level of treatment, economies of scale.	
54	Pumping cost	\$106 per prop Lowest ranking (5, 5)	May require review	Drivers – topography, development density, effluent recycling.	
56	Sewer main cost	\$52 per prop Median ranking (3, 4)	Satisfactory	Drivers – topography, development density, effluent recycling.	
57	Capital expenditure	\$200 per prop Median ranking (3, 2)	Satisfactory	An indicator of the level of investment in the business. Drivers – age and condition of assets, asset life cycle.	

4.7 Wyong Shire Council Quarterly Risk Management Report - May 2014

TRIM REFERENCE: F2011/01389 - D08699386
MANAGER: Brian Glendenning, General Counsel
AUTHOR: Stephen Bignill; Senior Project Executive

SUMMARY

The following is the Wyong Shire Council Risk Management Report to Council as at May 2014.

The (WSC) Risk Report is the result of analysing each risk presented by each Service Unit Manager through the risk management system.

The risks that are reported are the top twenty risks to WSC after controls have been exercised.

RECOMMENDATION

That the Council receive the report and note the current status of high level risks in Wyong Shire Council as at May 2014.

ATTACHMENTS

- 1 Quarterly Risk Management Report D08609067

WSC Risk Register May, 2014

SUMMARY

The number of uncontrolled risks recorded in May 2014 in the Extreme & High categories was 113 compared to 106 in April.



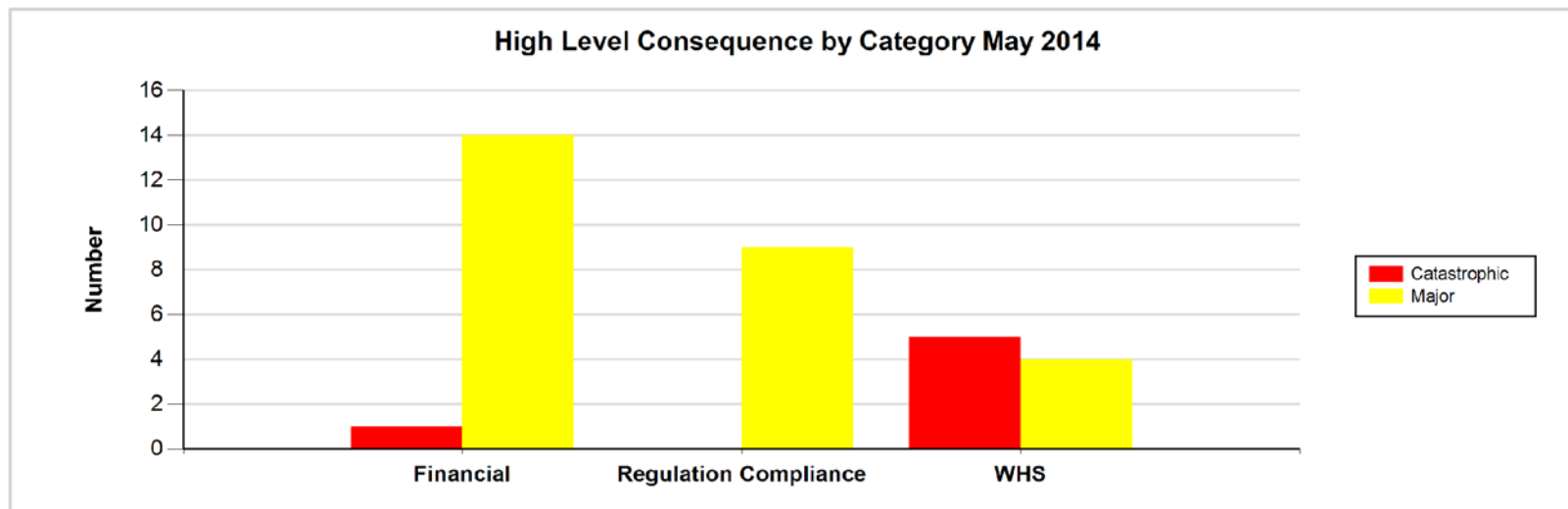
WSC Risk Management Summary

Total Estimated Exposure \$37,253,000

equal to or greater than

\$209,130,000

Total number of open risks with controls	159
Total number of high/extreme risks	1
Number of risks added in May, 2014	7
Number of risks removed in May, 2014	0



Controlled Risk Conditions Chart

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	3	1
Likely	0	0	0	7	2
Possible	0	1	23	26	4
Unlikely	0	14	27	22	4
Rare	5	6	5	7	2

Controlled Risk Conditions Chart By Department

Community and Recreation Services

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	1
Likely	0	0	0	2	0
Possible	0	0	4	5	1
Unlikely	0	1	4	2	1
Rare	3	0	0	0	1

Development and Building

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	0	0	1
Possible	0	0	0	0	0
Unlikely	0	0	1	0	0
Rare	0	0	0	0	0

Infrastructure and Operations

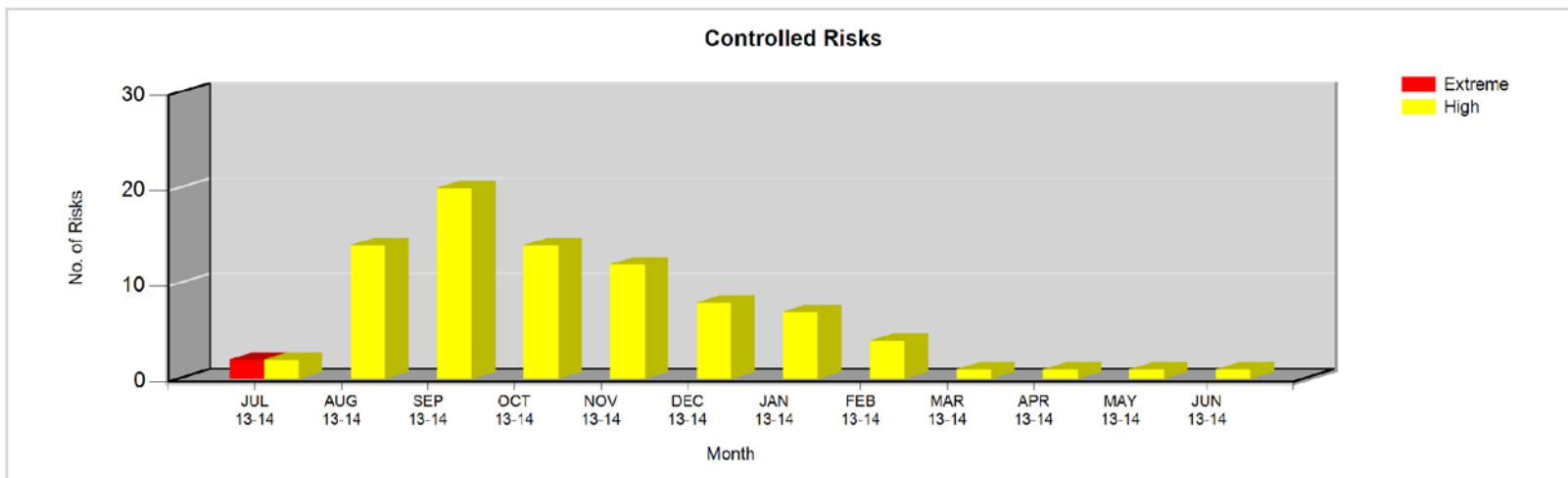
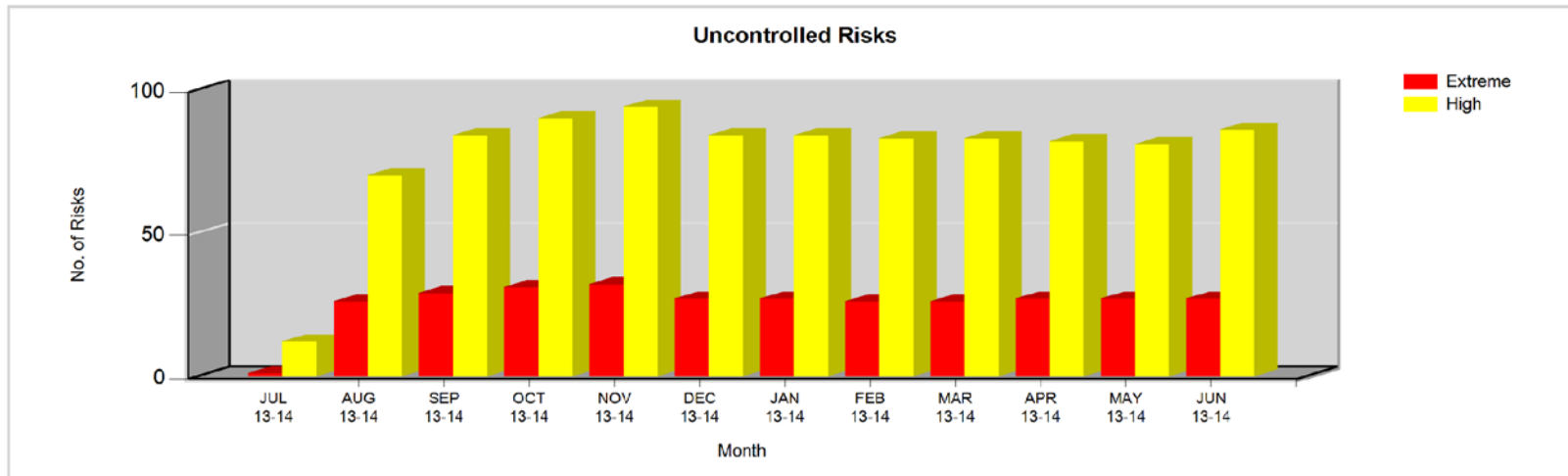
LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	1	0
Likely	0	0	0	2	0
Possible	0	1	10	8	2
Unlikely	0	7	9	5	0
Rare	0	4	4	2	0

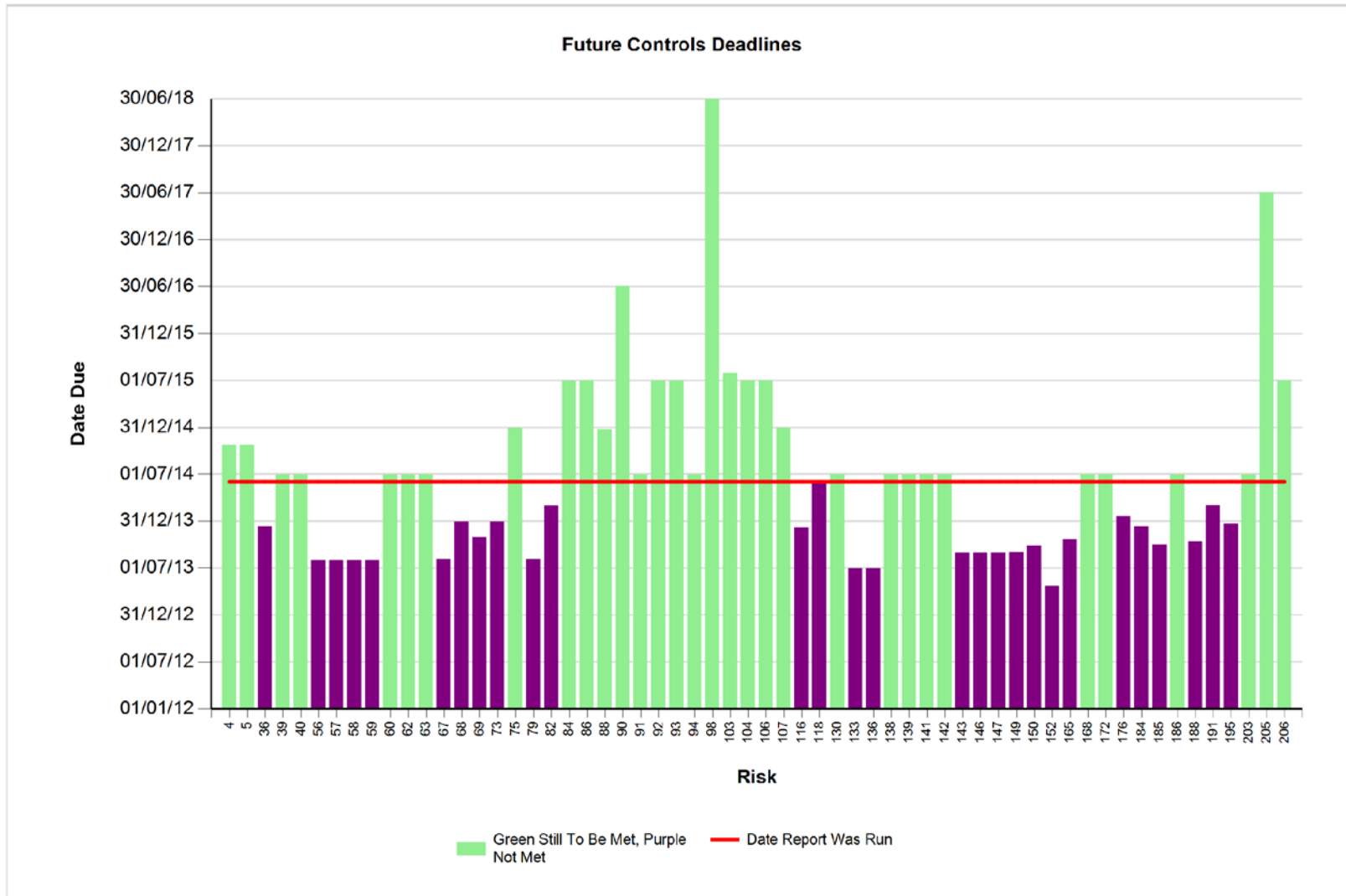
Property and Economic Development

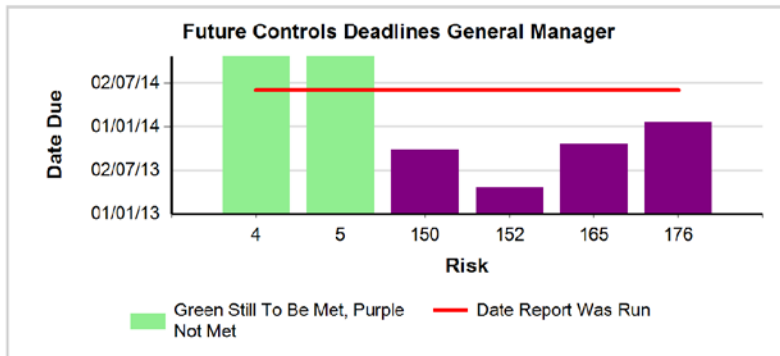
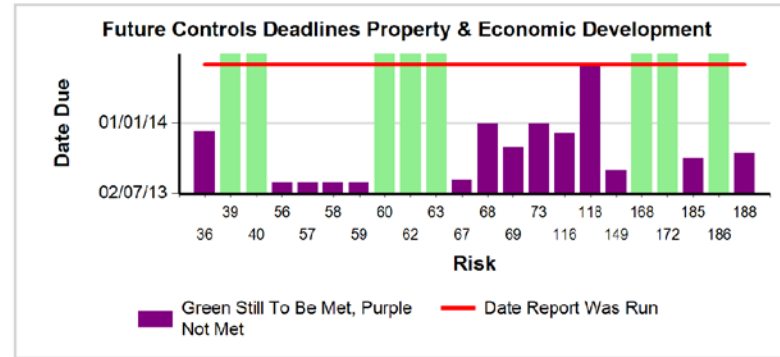
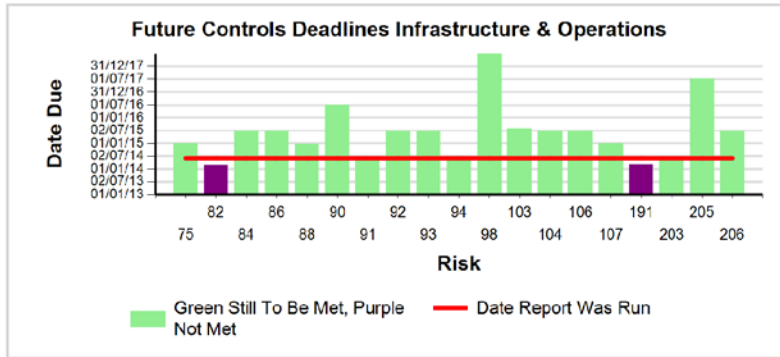
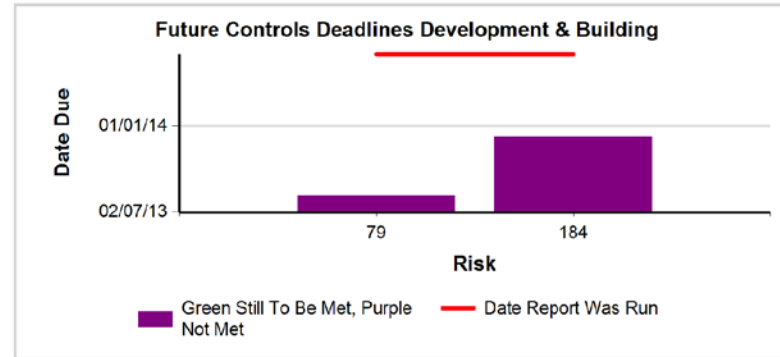
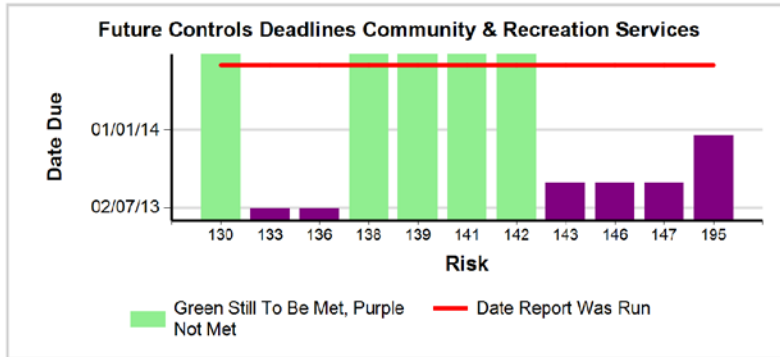
LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	2	0
Likely	0	0	0	1	1
Possible	0	0	6	6	0
Unlikely	0	4	8	10	1
Rare	0	2	0	3	0

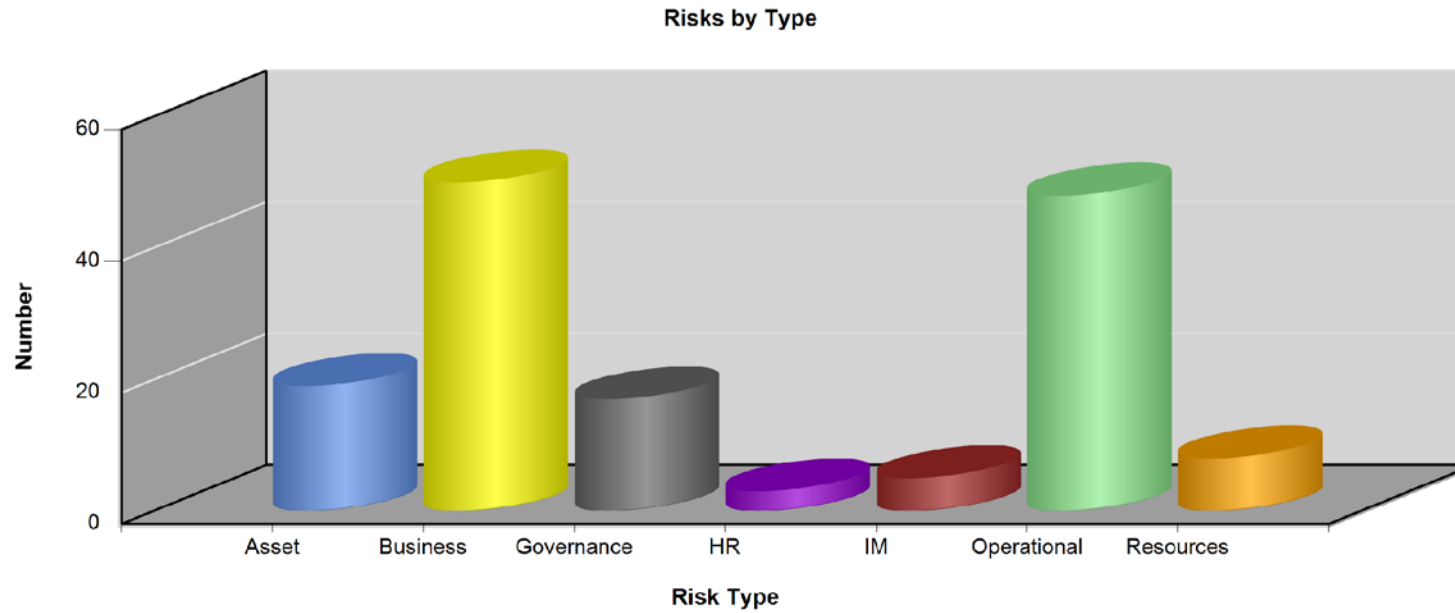
General Manager

LIKELIHOOD	CONSEQUENCE				
	Catastrophic	Major	Moderate	Minor	Insignificant
Almost Certain	0	0	0	0	0
Likely	0	0	0	2	0
Possible	0	0	3	7	1
Unlikely	0	2	5	5	2
Rare	2	0	1	2	1









Key:

Asset - The risk has an impact directly on the asset base.

IM - The risk is the result of or has a significant impact on Information Management.

Business - The risk has the most significant impact on obtaining WSC's Business objectives (Includes Project Management).

Operational - The risk is the result of or has the most significant impact on Operational activities (includes WHS and Environmental).

HR - The risk is directly related to corporate staff issues.

Resources - The risk may eventuate due to changes in resource allocations.

Governance - The direct result of failure to follow the correct legislation.

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
92	E	H	Opex costs exceed the approved budget based on the lower than expected IPART determination.	Budget deficit and increased loan costs.	Operating budget has been critically reviewed to realise savings in labour, energy and materials Improve operations to optimise operational costs.	Manager.Water and Sewer	Existing	8
30	E	M	Leak from underground diesel storage tank in depot.	An environmental incident.	A leaking storage tank has been identified at Charmhaven Depot. It has been taken out of service and options for decommissioning are being reviewed in conjunction with the Environmental Management Coordinator and the environmental incident has been reported internally. This matter has now led to an environmental incident and responses and future planning is being managed by Legal & Risk Unit. The facilities at Long Jetty Depot are also being reviewed for compliance.	Manager.Commercial Enterprises	Existing	10

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
49	E	M	Increased costs associated with the disposal and reuse of waste material due to changed legislation (ie higher waste levies generally affecting the disposal of surplus soils, sediments and road building materials).	Less work delivered to community.	1 Minimise waste generation through design (eg concrete drainage inverts for open drains and table drains) and process change (eg recycling) 2 Maximise the use of waste exemptions 3 Staff awareness 4 Use of lower cost disposal sites (eg Delta) 5 Use of drying beds	Manager.Roads and Drainage	Existing	10
32	M	M	A variation to the Waste Collection contract as a result of: 1 The need for change/increase in the services 2 Differences in services numbers provided during the tender compared to actual service numbers	An increase in fees and charges for collection services and Contractor requesting potentially costly contract variation.	1 Information on volumes and numbers audited on a monthly basis (Pathway and RAMS) 2 Monthly invoice reflects actual bin numbers	Manager.Commercial Enterprises	Existing	10

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
120	E	M	Lack of public tree management	Injury to public or damage to property and litigation against council	Removal of Dead, dying and dangerous trees & limbs within available budget. Risk based prioritisation of works within available budget, relying on complaints to manage risk. With 397,000 trees in the public domain it is impractical to inspect each tree on any frequency, so requests from members of the public are used to know if a hazard exists.	Manager.Open Space and Recreation	Existing	11
123	E	M	Pesticide/Herbicide spraying in public areas	Health problems for both staff and public.	SWMS, Pesticide notification plan and appropriate PPE Register of person with diagnosed chemical sensitivity.	Manager.Open Space and Recreation	Existing	11
126	E	M	Projectile from mowers hitting member of public causing severe injury or death	Severe injury or death	Pre use plant inspection for correct operation. Safety guards in place on machine. Ensure shute is directed away from people. Do not mow in close proximity to people	Manager.Open Space and Recreation	Existing	11

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
167	H	M	Failure of staff to respond to WHS requirements	Leading to loss of WorkCover Self Insurer's status	Safety Management Team established. Safety Management System and Safe systems of work have been implemented. Audit, monitoring and reporting mechanisms to senior management exist.	Manager.Human Resources	Existing	11
174	H	M	Residual Current Devices not inspected and tested periodically as outlined in AS 3760	Leading to possible electrocution	Managers informed of the requirements under current legislation. Electrical Section have conducted systematic inspections at all Council sites to determine if RCDs are present. Faulty RCDs have now been replaced and existing RCDs have been included in a ongoing schedule for regular testing.	Manager.Human Resources	Existing	11

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
48	E	M	The rezoning of land adjacent to the boundaries of the Buttonderry Waste Management Facility resulting in higher density residential development with potential amenity issues (eg odour, noise, gas, dust and litter).	Potential claims against Council including possible closure of the landfill site.	1 Operational control in terms of odour and best practice methods and technology 2 Extract landfill gas to the maximum efficiency levels 3 Monitor all potential sources of odour, gas and potential pollutants (eg leachate, surface water) 4 Landfill Environmental and Management Plan (LEMP) to be reviewed and updated every three years (currently being undertaken)	Manager.Commercial Enterprises	Existing	12
27	E	M	Inappropriate or poorly specified contract terms, conditions and specifications.	An inability to enforce contract, financial loss or inadequate contract outcomes and allowing a contractor to seek variations.	Procedures, templates, training, reviews and approvals. Centralisation of the development and management of major contracts within Contract & Project Management Unit. Commercial Manager has undertaken a review of all contracts and commercial conditions. Contract initiation process has been developed to assist with the early scoping of contract documents. Commercial Manager reviews contract documents prior to tenders being called.	Manager.Contract and Project Management	Existing	12

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
28	E	M	A breach of environmental controls occurs during construction.	An environmental incident.	Regular site inspections by Contract Works Inspectors and Project Managers. Pre-award referee checks and environmental management system checks for contractors. Involve the Environmental Management Coordinator in all construction projects to provide advice in meeting regulatory requirements.	Manager.Contract and Project Management	Existing	12
169	E	M	WHS incident, complaint or investigation following Council action or omission of action.	Can lead to civil action (uncapped \$)	Safety Management Team established. Safety Management System and Safe systems of work have been implemented. Audit, monitoring and reporting mechanisms to senior management exist.	Manager.Human Resources	Existing	12
193	E	M	The Wyong CBD drainage project is not completed in accordance with the expectations of the various client units.	A failure to achieve the desired cost, expected scope of project, quality and/or time objectives.	Project Director appointed to coordinate the various units involved in the project and the various funding sources. Project Director has established a PCG of the stakeholders.	Manager.Contract and Project Management	Existing	12
14	H	M	Asset Registers are incomplete and minimal asset inspections.	Unplanned financial costs and asset failure.	Regular inspections of majority of assets and revaluation process as required by legislation.	Manager.Waterways and Asset Management	Existing	12

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
29	H	M	Failure of Council staff to follow procurement procedures.	Appeals from suppliers, possible corrupt practices, best value procurement not being achieved and internal and external investigation.	Procedures are available on the Intranet. Regular training for staff involved in procurement activities. A gateway review and approval process is in place at key phases of the procurement process. Previous controls replaced by new Roadmap Project to ensure improved liaison between Project Managers and Clients.	Manager.Contract and Project Management	Existing	12
59	H	M	Iconic Development Sites do not progress	A lack of funding to implement the town centre masterplans.	Continued implementation of the Iconic Development Site Owners' engagement programme.	Manager.Property Management	Existing	12
73	H	M	Chemical/Dangerous good leak	Potential contamination of ground water which could pollute waterways and damage inground infrastructure	Pressure testing of tanks every 2 years Tracking fuel losses or gains daily Ground water well monitoring points tested 6 monthly	Manager.Commercial Enterprises	Existing	12
154	H	M	Norah Head Boat Ramp Project not completed in accordance with Client's expectations.	Increased costs, delayed completion date or environmental incidents.	1 High quality design completed 2 Tight specification 3 Careful selection of preferred tenderer 4 Close review of CEMP 5 Close project monitoring	Manager.Contract and Project Management	Existing	12

Top 20 Current Risks								
Risk #			Current Risk			Risk Owner	Status	Risk Level
	Uncontrolled	Controlled	Risk	What the risk is leading to	Current Control Measures			
98	H	M	Recurrence of drought (before total storages have recovered following completion of additional supply strategy).	Inability to address demand supply imbalance and reintroduction of water restrictions.	Continue to maintain a range of demand management and drought contingency measures, ie: Hunter transfers, Restrictions, Communication Program, Demand Management	Manager.Water and Sewer	Existing	12

4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2

TRIM REFERENCE: F2009/01371 - D08933850

MANAGER: Scott Cox, Director

AUTHOR: Jenny Webb; Senior Development Planner

SUMMARY

The Department of Planning and Environment (the Department) is currently assessing two applications to modify approvals previously granted for the Chain Valley Colliery and Mannering Colliery, both within the Woyang Local Government Area. The Department placed the applications on exhibition between 22 May 2014 and 10 June 2014. Council has taken the opportunity to review the proposal.

RECOMMENDATION

That Council receive and note the report and submissions on Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2.

BACKGROUND

The Department of Planning and Environment (the Department) is currently assessing two applications to modify approvals previously granted for the Chain Valley Colliery and Mannering Colliery, both within the Woyang Local Government Area.

The Department placed the applications on exhibition between 22 May 2014 and 10 June 2014. Council has taken the opportunity to review the proposal and in response has lodged a submission with the Department.

Chain Valley Colliery

The Chain Valley Colliery is an underground coal mine located within both the Lake Macquarie and Woyang LGAs. The Chain Valley Colliery is operated by LakeCoal Pty Ltd (LakeCoal), which is wholly owned by LDO Coal Pty Limited. Underground mining has occurred at the Chain Valley Colliery since 1962 using a combination of bord and pillar and miniwall mining methods. The Chain Valley Colliery has extracted coal from three seams – the Wallarah Seam, the Great Northern Seam and the Fassifern Seam, with current mining activities limited to the Fassifern Seam.

The Chain Valley Colliery operates under Development Consent SSD-5465, granted on 23 December 2013 by the Minister for Planning and Infrastructure. The approval relates to underground miniwall mining in the Fassifern Seam at a maximum rate of production of 1.5 million tonnes per annum (mtpa) of run-of-mine (ROM) coal. All secondary extraction is confined to areas under Lake Macquarie.

4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2 (contd)

Mannering Colliery

Mannering Colliery is an underground coal mine also located within both the Lake Macquarie and Wyong LGAs. Underground mining commenced at the Mannering Colliery in 1960 extracting coal using both the bord and pillar and longwall mining methods in the Great Northern and Fassifern coal seams.

The Mannering Colliery was granted project approval (MP06_0311) on 12 March 2008 for the continued production of up to 1.1 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal until 31 March 2018, with additional first working mining areas in the Fassifern Seam approved on 25 October 2012 (MP06_0311 MOD 1).

The Mannering Colliery, which has historically provided coal to Vales Point Power Station for domestic energy generation via a dedicated covered overland conveyor, was placed on care and maintenance in November 2012. In late 2013, the owners of each colliery entered into an agreement which enables LakeCoal to operate the Mannering Colliery until 2022.

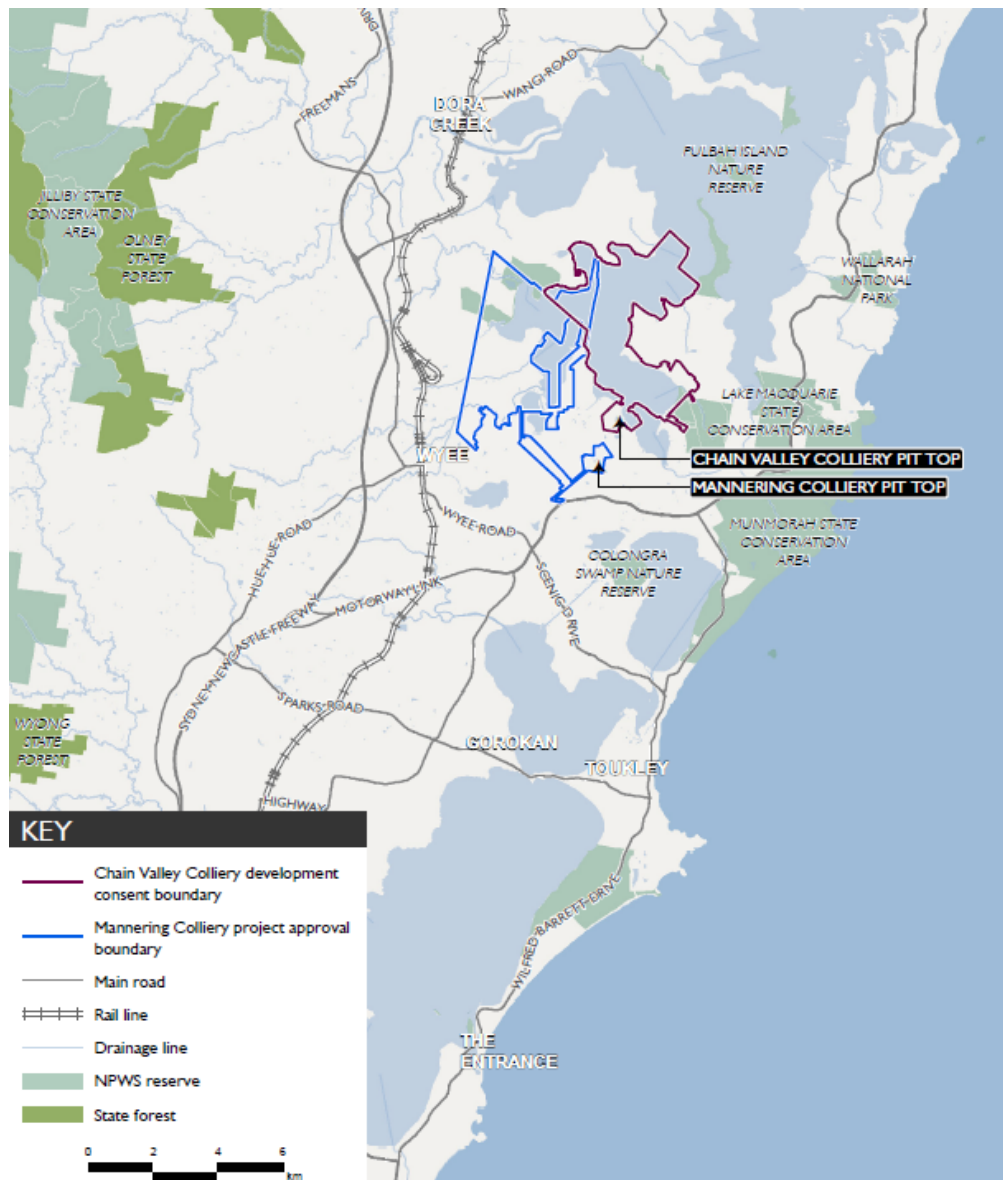


Figure 1: Locality Plan

Proposed Modification

LakeCoal seeks approval to modify the Chain Valley Colliery approval (SSD-5465) and the Mannering Colliery Approval (MP06_0311 MOD 1) to allow:

- the development and use of up to four first working headings within the Fassifern Seam to connect Mannering Colliery and Chain Valley Colliery;
- the installation and use of an underground conveyor belt system and ancillary services, enabling ROM coal to be transferred between Chain Valley Colliery and the Mannering Colliery's conveyors; and
- the use of existing Mannering Colliery infrastructure to transport coal from the Chain Valley underground workings to the Vales Point Power Station at a rate not greater than 1.1 mtpa (as currently approved under MP06_0311).

The construction of the underground linkage will necessitate a minor adjustment to the development consent and project approval boundaries for each colliery as shown in Figure 2.

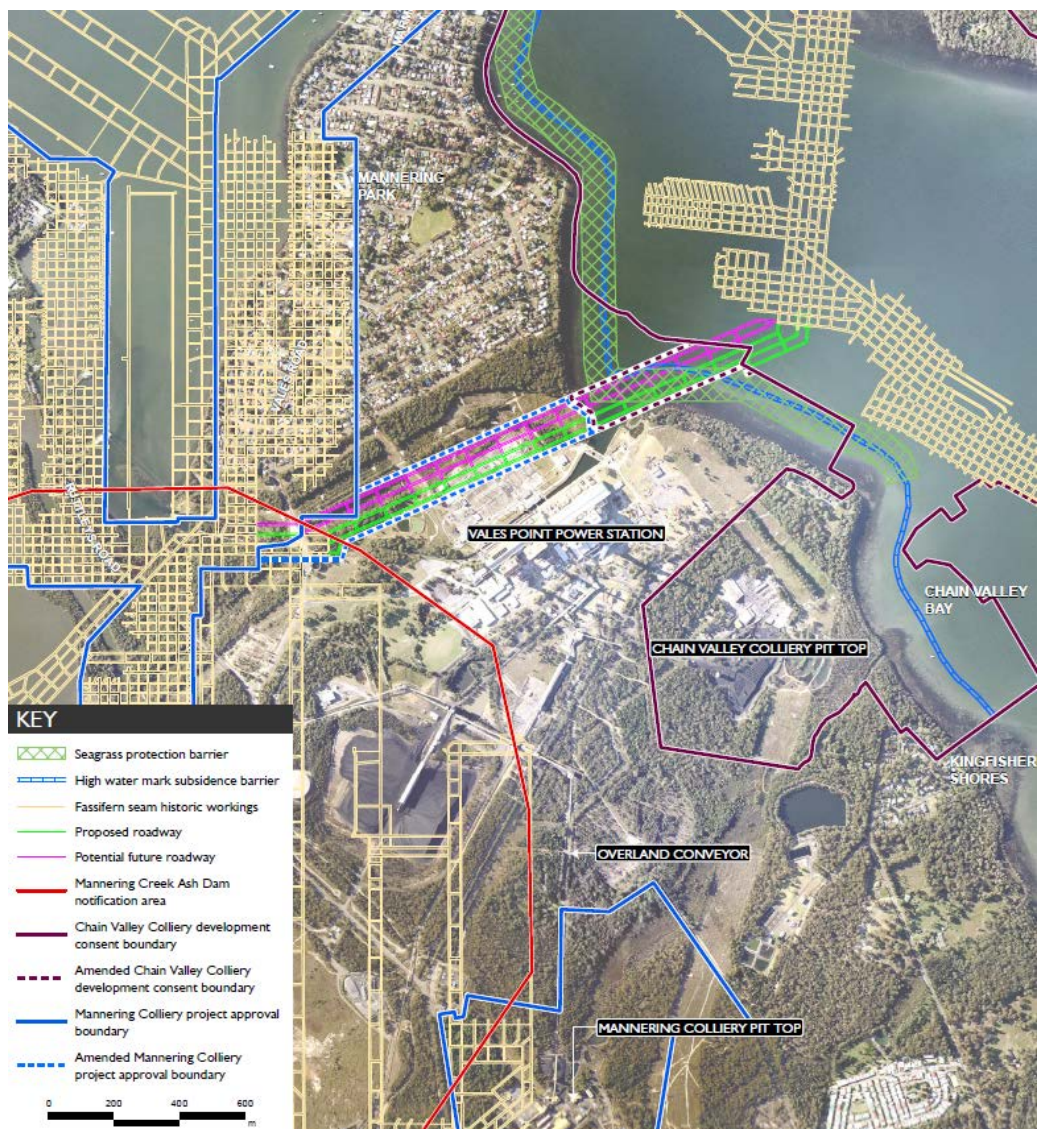


Figure 2: Proposed Mine Extension (Linkage)

4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2 (contd)

The existing infrastructure at Mannering Colliery allows coal to be transported by overland conveyor directly to the Vales Point Power Station. The connection between Chain Valley Colliery and Mannering Colliery and subsequent installation of an underground conveyor belt system and ancillary services will enable ROM coal from the Chain Valley Colliery to be transferred to the Vales Point Power Station via the Mannering Colliery conveyors. This approach would enable the replacement of routine road transportation of coal from the Chain Valley Colliery to Vales Point Power Station.

By using the existing Mannering Colliery infrastructure, LakeCoal will reduce the operating costs at the Chain Valley Colliery associated with the truck transport of coal to Vales Point Power Station, which is expected to enhance the viability of the Chain Valley Colliery and increase the security of employment for the workforce.

Staff Consultation

Within Council, the proposed modification was referred to:

- Team Coordinator Engineering Assessments (Development and Rezoning) – Advice has been provided stating that shoulder works at the intersection of Ruttleys/Access Road have not been satisfactorily completed in accordance with the road safety audit and existing approval conditions for Mannering Colliery. The specific requirements are detailed further in the report.
- Assets and Planning Manager (Roads and Drainage) – Feedback was provided in relation to the Ruttleys/Access Road intersection as above.
- Team Leader Water and Sewer Planning (Water and Sewer) – Advice has been provided that Council's sewer rising main MP01 passes over the proposed project area. Based on the subsidence predictions, it is not expected that the rising main would be impacted, although the Department has been requested to consider the inclusion of a condition specifically requiring a monitoring and management plan for the sewer rising main.

Environmental Impacts

The existing approvals (Chain Valley Colliery approval (SSD-5465) and the Mannering Colliery approval (MP06_0311 MOD 1)) contain a number of conditions which have been imposed to reduce the environmental impact of the mining operations. Those most relevant to Wyong LGA under the current applications include:

- *Air Quality* - Conditions of the existing approvals set dust and particulate criteria, which is not to be exceeded at any residence on privately owned land. The proposed modifications are not expected to increase the emissions and no changes are proposed to the existing conditions of consent.
- *Biodiversity* – The approval for the Chain Valley Colliery includes conditions of approval, which requires a biodiversity strategy to enhance and restore 3 ha of the Swamp Sclerophyll Floodplain Forest and Swamp Oak Floodplain Forest within the surface facilities sites. The conditions also require the ongoing monitoring and reporting on the effectiveness of the enhancement program. The proposed works would not directly impact on the restoration area and no changes to these conditions are proposed.

- *Community Enhancement Program* – It is a requirement of both approvals that funds be made available for community enhancement programs. For Chain Valley Colliery, this equates to \$0.035 per tonne and \$0.02 per tonne for Mannering Colliery. No changes are proposed to the community enhancement programs.
- *Noise* – Conditions of the existing approvals set noise impact assessment criteria which is not to be exceeded at any residence on privately owned land. The proposed modifications are not expected to increase the noise levels at any private residences and no changes are proposed to the existing conditions of consent.
- *Soil and Water* – Both approvals include conditions relating to ground and surface water monitoring. The Environmental Assessment submitted with the applications concludes that any additional groundwater inflow as a result of the proposal would be negligible. There not expected to be additional impacts on surface water or water supply.
- *Subsidence* – The approval for Mannering Colliery includes a condition which limits coal extraction methods on the site to first workings only, with no second workings to be undertaken. For Chain Valley Colliery, the approval includes conditions limiting subsidence within the High Water Mark Subsidence Barrier and within seagrass beds to 20 mm. The conditions also include Subsidence Impact Performance Measures for both natural and built features. From the information provided, it appears as if the 20 mm subsidence limit within the High Water Mark Subsidence Barrier and within seagrass beds may be exceeded and that second workings may be proposed where the conditions of the Mannering Colliery approval are limited to first working only. It has therefore been requested that these issues are further assessed by the Department of Planning and Environment prior to modifying the existing conditions of approval.

In terms of the built environment, Council has a sewer rising main located within the project area for the proposed underground connection of Chain Valley Colliery and Mannering Colliery. The analysis contained in the subsidence assessment concludes that there will be no adverse impact on existing infrastructure due to the minor nature of subsidence. Council's Water and Sewer Planning Unit has advised that the MP01 rising main is constructed from rubber ring joint fittings which will allow for some flexibility and differential movement and therefore there are no major concerns for Council's sewer infrastructure. However, to ensure that Council's infrastructure is protected, it is has been requested that a monitoring and management plan be included for the MP01 sewer rising main as part of the approval conditions for the Mannering Colliery. The conditions for Chain Valley Colliery already include parameters for built features, including sewer mains.

- *Transport* – Conditions of both approvals relate to the use of Ruttleys Road for either transporting coal or for use by employees arriving and leaving the mines. No additional road transport of coal is proposed under the applications and no increase in the previously approved number of employees is proposed. However, in relation to the Mannering Colliery approval, Schedule 3, Condition No 21 requires all works recommended in the road safety audit for Ruttleys Road/Access Road intersection to be completed in consultation with WSC and to the satisfaction of the Director-General. The work was to be completed prior to 30 June 2013 or as otherwise agreed by the Director-General, and was deferred once the colliery was placed into care and maintenance in November 2012. Council's Development Engineering and Roads and Drainage Units have reviewed the proposal. It is noted that the 'Review of Ruttleys Road Intersection

4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2 (contd)

Upgrade Commitments' contained in the Environmental Assessment states that the recommendations of the road safety audit have been satisfactorily completed, although Council disagrees with this statement.

It is considered that additional work is required to the shoulders on the approaches and departures to the intersection of Ruttleys Road/Access Road to allow vehicles to pass the intersection within the carriageway. It has therefore been requested that the Department reconsider the condition of the Ruttleys Road/Access Road intersection prior to the recommencement of operations.

CONCLUSION

Attached is a copy of the submissions to the Department of Planning and Environment outlining matters to be considered in the assessment of the applications to modify the Chain Valley Colliery Development Consent and the Mannering Colliery Project Approval.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Letter to Department of Planning and Environment | D08934092 |
| 2 | Council Submission - Sewer Infrastructure | D08976241 |



JLW/J Webb
F2006/00250
F2009/01371

10 June 2014

Development Assessment Systems & Approvals
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

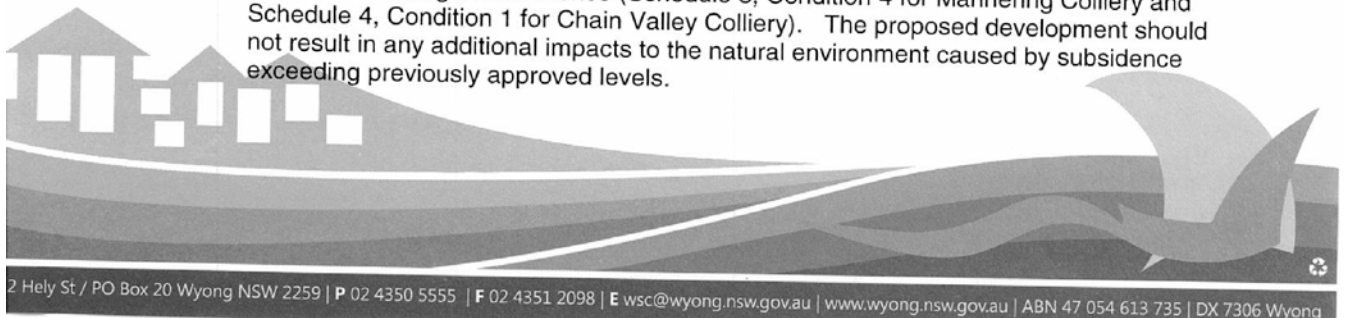
Attention: Director, Mining Projects

Dear Ms Butcher

**Manning Colliery – Section 75W Modification to MP06_0311 (MOD 2)
Chain Valley Colliery - Section 96 Modification to SSD-5465 (MOD 1)**

Thank you for the opportunity to provide comment on the proposed modifications to the Manning Colliery and Chain Valley Colliery as referenced above. Council has reviewed the submitted information and considers that the existing conditions of MP06_0311 and SSD-5465 are adequate to mitigate the impacts of the proposal as they affect the Wyong Local Government Area. However, the following comments are provided for consideration in the assessment of the applications:

- In relation to the Ruttleys Road/Access Road intersection (refer to Schedule 3, Condition No 21 of MP06_0311 (MOD 1) and Appendix D of the Environmental Assessment), it is considered necessary that all works recommended in Table 4-1 of the road safety audit be implemented and reviewed for adequacy prior to any recommencement of operations at the Colliery. This request is consistent with advice previously provided to Centennial Coal by the Department (letter dated 4 June 2013).
- It is noted that the 'Review of Ruttleys Road Intersection Upgrade Commitments' contained in Appendix D of the Environmental Assessment states that the recommendations of the road safety audit have been satisfactorily completed, although Council disagrees with this statement, particularly in relation to Item 7. Item 7 requires the reconstruction/repair of the shoulders on the approaches and departures to the intersection of Ruttleys Road/Access Road to allow vehicles to pass the intersection within the carriageway. The resurfacing that has occurred in this location comprises only a thin pavement for errant cars to regain control, not to pan right turning traffic. The existing pavement conditions do not provide diversion around right turning traffic and it this should be rectified prior to the recommencement of operations at Manning Colliery.
- It is unclear as to whether or not the proposed works would comply with existing conditions relating to subsidence (Schedule 3, Condition 4 for Manning Colliery and Schedule 4, Condition 1 for Chain Valley Colliery). The proposed development should not result in any additional impacts to the natural environment caused by subsidence exceeding previously approved levels.



Should you require any further information, please contact Jenny Webb, Senior Development Planner on (02) 4350 5441 or Adam Mularczyk, Team Coordinator, Engineering Assessments on (02) 4350 5496.

Yours faithfully



Scott Cox
Director
DEVELOPMENT AND BUILDING



JLW/J Webb
F2006/00250
F2009/01371

12 June 2014

Development Assessment Systems & Approvals
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Director, Mining Projects

Dear Ms Butcher

**Manning Colliery – Section 75W Modification to MP06_0311 (MOD 2)
Chain Valley Colliery - Section 96 Modification to SSD-5465 (MOD 1)**

Thank you for the opportunity to provide comment on the proposed modifications to the Manning Colliery and Chain Valley Colliery as referenced above. Further to Council's submission dated 10 June 2014, the following comments are provided specifically in relation to Council's sewer infrastructure:

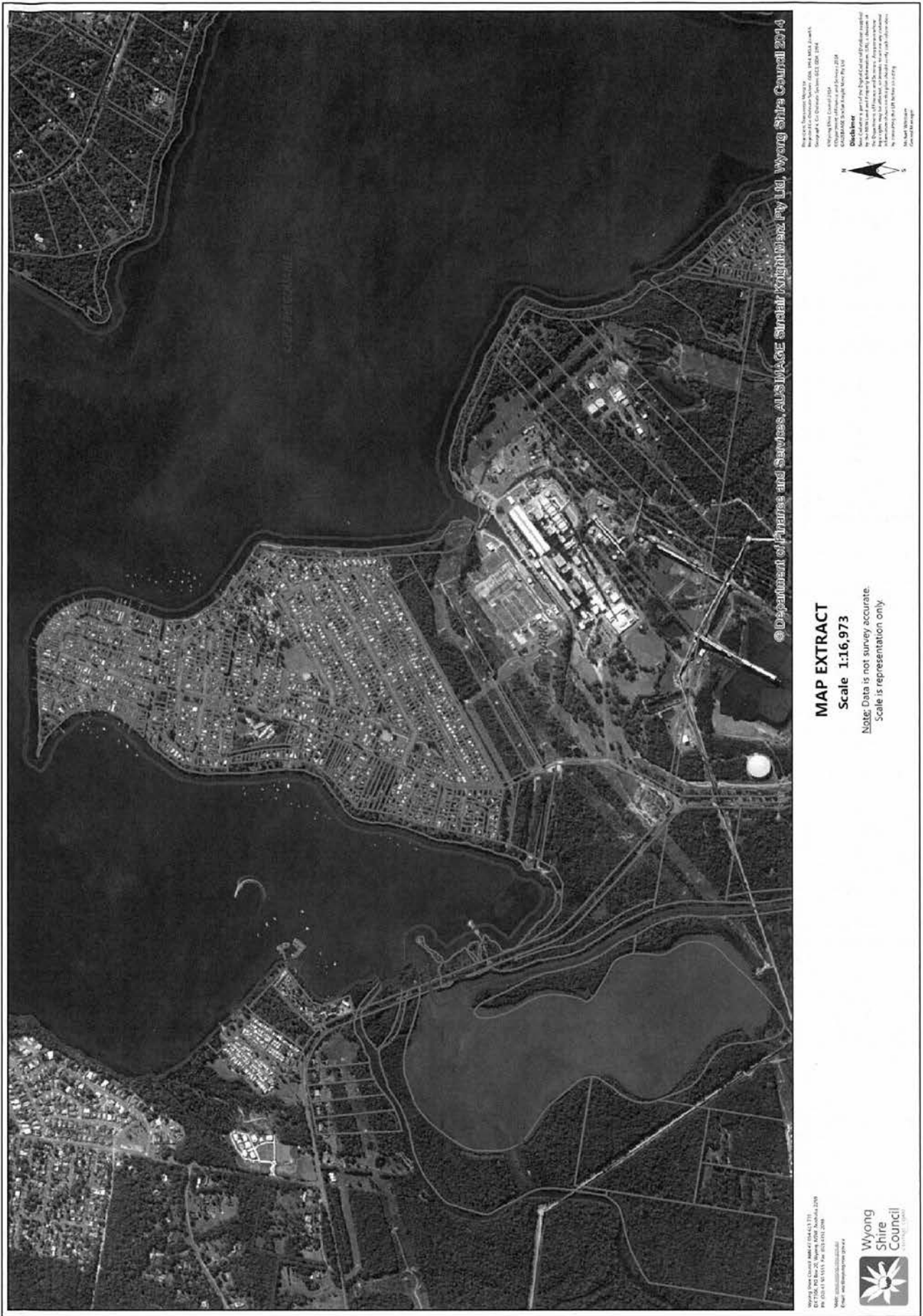
- There is a Council sewer rising main located within the project area for the proposed underground connection of Chain Valley Colliery and Manning Colliery as shown as a dashed line on the attached aerial photograph. The analysis contained in the subsidence assessment concludes that there will be no adverse impact on existing infrastructure due to the minor nature of subsidence, although this particular rising main has not been specifically addressed in the report. To ensure that Council's infrastructure is protected from any subsidence associated with the proposal, it is requested that a monitoring and management plan be included for the MP01 sewer rising main as part of the approval conditions for the Manning Colliery.

Should you require any further information, please contact Jenny Webb, Senior Development Planner on (02) 4350 5441.

Yours faithfully

Scott Cox
Director
DEVELOPMENT AND BUILDING





Department of Finance and Services, AUSIMAGE Spatial Information Pty Ltd, Wyong Shire Council 2014

Map data is based on the
New South Wales State Plane
Coordinate System 1984
GDA 94
Wyong Shire Council 2014
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MAP EXTRACT
Scale 1:16,973

Note: Data is not survey accurate.
Scale is representation only.

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4.9 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 5 June 2014

TRIM REFERENCE: F2004/07986 - D08691242

MANAGER: Greg McDonald, Director

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 June 2014.

RECOMMENDATION

That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 June 2014.

BACKGROUND

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 5 June 2014.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 5 June 2014 | D08568832 |
|---|---|-----------|

WYONG SHIRE COUNCIL

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

**HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 05 JUNE 2014
COMMENCING AT 5.00PM**

PRESENT

Mayor D Eaton (Wyong Shire Council)
Councillor A Troy (Wyong Shire Council) – Co-Chairperson
Councillor L Taylor (Wyong Shire Council) – Co-Chairperson
Mr Bob Davies (Community Member)
Ms Marlene Pennings (Community Member)
Mr Ken Derry (Community Member)

IN ATTENDANCE

Councillor G Best (Wyong Shire Council) – Departed 5.58pm
Mr Greg McDonald (Wyong Shire Council)
Mr Andrew Pearce (Wyong Shire Council)
Mr Luke Sulkowski (Wyong Shire Council)
Mr Peter Sheath (Wyong Shire Council)
Mr Neil Kelleher (Office of Environment and Heritage)
Ms Jade Maskiewicz (Wyong Shire Council)

APOLOGIES

Councillor L Webster (Wyong Shire Council)

The meeting was declared open by Councillor Taylor/Troy at 5.14pm.

1.1 Disclosure of Interest

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

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

1.2 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr B DAVIES:

That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 1 May 2014.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

1.3 Address by invited Speakers

Mr David Tetley, representing Catchment Simulation Solutions, addressed the meeting at 5.17pm, answered questions and retired at 5.38pm.

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

- 1** ***That the Committee receive the report on Invited Speakers.***
- 2** ***That the Committee agree meeting practice be varied to allow reports to be dealt with following an Invited Speaker's address.***

2.1 Lake Management Operations

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr K DERRY:

- 1** ***That the Committee receive the report on Lake Management Operations.***
- 2** ***That the Committee request Council write to Cardno to request that a fee for service proposal be put forward to undertake additional modelling at The Entrance channel where the depth of the channel is increased by the removal of the rock sill.***

2.2 Coastal Management

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr B Davies:

That the Committee receive the report on Coastal Management.

2.3 Floodplain Risk Management

RESOLVED unanimously on the motion of Councillor TROY and seconded by Ms M Pennings:

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

2.4 Gross Pollutant Traps

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr K Derry:

That the Committee receive the report on Gross Pollutant Traps.

2.5 Status Report on Outstanding Actions

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr B DAVIES:

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

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

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
2.1	3 April 2014	Phasing Out Commercial Fishing in Tuggerah Lakes Update	Request staff to invite a representative from NSW Fisheries to address the Committee at a future meeting.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce advised NSW Fishers will be in attendance at 3 July 2014 Committee meeting.
2.1	1 May 2014	Report on Lake Management Operations	Request budgeting information be tabled at a future Committee meeting.	Andrew Pearce, Manager Waterways and Asset Management	Andrew Pearce advised budgeting information will be included on the agenda for 3 July 2014 Committee meeting.
GB53/14	1 May 2014	Animated Estuary Video	Statistical feedback from the cinemas to be provided at a future meeting.	Andrew Pearce, Manager Waterways and Asset Management	Luke Sulkowski advised the animated video was viewed by 22,615 persons during the screening period and that it will hopefully be run again during the Christmas period this year.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
COMPLETED SINCE 1 MAY 2014**

Item #	Meeting Date	Report Title	Status/ Notes
2.3	6 March 2014	Coastal Zone Management	Letter has been sent to the Minister for the Environment..

3.0 GENERAL BUSINESS

There were no General Business items.

THE MEETING terminated at 6.52pm.

4.10 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/02042 - D08250677

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- 1 Outstanding Questions on Notice and Notices of Motion - 25 June 2014 D09121063

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12.	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Cr Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the third quarter of 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>
36	Property and Economic Development.	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 That Council <u>indicate</u> its intention to rescind all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</p>	24 July 2013 Cr Taylor	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>a be not higher than 1.8 metres above ground level (existing); and</i></p> <p><i>b be located within, not over, the front boundary; and</i></p> <p><i>c be designed to preserve traffic sight line requirements at intersections; and</i></p> <p><i>d be not constructed of barbed or razor wire.</i></p>		
56	General Managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</i></p> <p>1256/13 <i>That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <i>That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</i></p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options around the Wyong Water Authority.</i>		
57	Development and Building Department	Jane Doyle	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 <i>That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</i></p> <p>2 <i>That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</i></p> <p>3 <i>That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</i></p> <ul style="list-style-type: none"> a <i>to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.</i> b <i>to minimise Council's exposure to claims and litigation arising from damage caused by trees and</i> c <i>to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</i> <p>4 <i>That Council <u>request</u> the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance</i></p>	13 November 2013 Cr Best	Response to be provided August 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>with points 1 and 2 above) be Exempt Development.</i></p> <p>5 <i>That Council <u>note</u> that these additions will be in addition to the 6 and 12 metre current policy for the removal of trees.</i></p>		
66	Development and Building Department	Jane Doyle	<p>Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012</p> <p><i>"Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?"</i></p>	11 December 2013 Cr Best	Response to be provided July 2014.
74	Property and Economic Development.	Jari Ihaleinan	<p>7.1 Notice of Motion – Shire Wide Spring Clean and Free Tip Access</p> <p>230/14 That Council <u>recognise</u> the urgent need to provide more flexible tipping options in an effort to curb escalating illegal dumping.</p> <p>231/14 That Council <u>direct</u> the General Manager to investigate and report around the following improvement initiatives to assist ratepayers and minimise the risk of illegal dumping in our Shire:</p> <p>213/1 Convert a number of the current free kerb side pick-ups to free tip access, thereby providing ratepayers with tangible tipping options.</p> <p>213/2 The feasibility / logistics of 'whole area pick ups' similar to many Sydney LGAs to provide a suburb wide spring clean</p>	Cr Best 12 March 2014	Item to be tabled at next Audit & Risk committee meeting to be held 17 September 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			option in the lead up to the 2014 Christmas break. 213/3 Review, in partnership with Remondis, the kerb side pick-up booking process with a view to improved service delivery and systems efficiencies.		
83	Development and Building Department	Scott Cox	Q63/14 Anti-Social Behaviour in the Wyong CBD <i>"Mr Mayor, Can the General Manager inform whether there has been any marked increase in juvenile related anti-social incidents in the Wyong CBD area; and in the CBD in general if there are any trends relating to this?"</i>	Cr Greenwald	Awaiting response from Wyong Police. Response to be provided to Council July 2014.
84	Community and Recreation Services	Brett Sherar	5.1 Notice of Motion - Council Policy Results in Vandalism 1 <i>That Council <u>note</u> further reports of large scale public tree poisoning at Mazlin Reserve Norah Head.</i> 2 <i>That Council <u>investigate</u> the complaints and report on this and other similar recent vandalism events.</i> 3 <i>That Council <u>recognise</u> that policing this type of vandalism is often unproductive and that the catalyst for such acts may well be a consequence of past Council Policy.</i> 4 <i>That Council <u>note</u> its previous resolution to undertake a common sense review of its Tree Policy for private land.</i> 5 <i>That Council <u>undertake</u> a review of its Tree Policy for Public Lands with a view to developing a more balanced approach to future planting and species choice, particularly around the issue of 'View Sharing' and how that is legislated for in the area of construction and building ."</i>	Clrs Best, Taylor, Troy 14 May 2014	Response to be provided September 2014.
85	General Manager's Unit	Stephen Naven	Q64/14 Central Coast Regional Development Corporation Funding <i>"As jobs are so important to our region and we have seen the</i>	Clr Greenwald 14 May 2014	Response to be provided 23 July 2014 Ordinary Meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>recent announcements of closures of Blue Tongue Brewery and Kellogg's in the Shire.</p> <p>Can the General Manager inform Council the funding supplied to the Central Coast Regional Development Corporation or predecessors from the two Councils, Wyong Shire and Gosford City, and the NSW State Government, from 2010 to the present and please advise?"</p>		
88	Property and Economic Development.	Jari Ihaleinan	<p>Q67/14 Tuggerawong Hall Update</p> <p>"Could Council be given an update on the status of Tuggerawong Hall?"</p>	<p>Clr Troy 14 May 2014</p>	Response to be provided at 23 July 2014 Ordinary Meeting.
89	Development and Building Department	Jane Doyle	<p>8.1 Notice of Motion - Littering in Wyong Shire</p> <p>609/14 That Council erect warning signs at sites subject to repeated littering as identified by the General Manager or his delegate.</p> <p>610/14 That Council include the maximum penalties for littering on the signage erected under point 1.</p> <p>611/14 That Council note that Council's Rangers will continue to have a targeted approach to littering including the regular monitoring of identified sites and the issue of Penalty Infringement Notices for all detected offences.</p>	<p>28 May 2014 Cr Webster</p>	Response to be provided at 23 July 2014 Ordinary Meeting.
90	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Asbestos Amnesty</p> <p>612/14 That Council note the prevalence of illegally dumped asbestos within the Wyong local government area, which presents significant potential health risks to the public and which Council cleans up at significant cost.</p> <p>613/14 That Council recognise the urgent need to reduce the incidence of illegal dumping of asbestos within the Wyong local government area.</p> <p>614/14 That Council direct the General Manager to prepare an Asbestos Amnesty program, such program to:</p> <p>a. Enable people who reside in the Wyong local</p>	<p>28 May 2014 Cr Best</p>	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>government area to safely dispose of asbestos waste from their permanent home at no cost for a specified period;</p> <p>b. Be subject to the NSW Environment Protection Authority granting relevant exemptions such that no waste levy or contributions are required to be paid by Council in respect to asbestos waste it receives pursuant to the Asbestos Amnesty program;</p> <p>c. Include a requirement for educating the public about the risks associated with the illegal dumping of asbestos and of the operation of the Asbestos Amnesty program.</p> <p>615/14 That Council acknowledge that such an education and disposal program will have significant cost around its safe delivery.</p> <p>616/14 That Council request that the NSW Government partner with Council in the formulation and future implementation of the Asbestos Amnesty program, with that partnership to include the following:</p> <p>a. the prompt consideration and determination of any request to the NSW Environment Protection Authority by Council seeking exemptions from any waste levy in respect to asbestos received by Council pursuant to the Asbestos Amnesty program;</p> <p>b. provision of financial assistance to Council to assist in the funding of the significant costs associated with the promotion and delivery of the Asbestos Amnesty program;</p> <p>c. providing assistance to Council in the formulation of the Asbestos Amnesty program, including technical assistance from the NSW Environment Protection Authority.</p> <p>617/14 That Council direct that the proposed Asbestos Amnesty policy be reported to Council for consideration and adoption.</p> <p>618/14 That Council note that it is of the opinion that the Waste Levy was originally established to provide the region with improved waste management options and as only a fraction of</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>this \$11M annual levy has been spent locally, the proposed 'Asbestos Amnesty' program is an excellent opportunity for the NSW Government to partner with Council and honour the original intent of the NSW Government's Waste Levy.</p>		
91	Development and Building Department	Jane Doyle	<p>Q68/14 Unleashed Dogs - East Budgewoi</p> <p><i>"East Budgewoi residents have raised ongoing concerns with unleashed dogs being walked in areas other than the designated Council runs.</i></p> <p><i>The unleashed dogs are currently impacting negatively on beach users and wildlife in the rehabilitated dunes.</i></p> <p><i>Could staff please advise if:</i></p> <p>1 <i>There are any monitoring patrols to check these areas?</i></p> <p>2 <i>Who local residents should contact within Council to express concerns?"</i></p>	28 May 2014 Cr Vincent	Response to be provided at 23 July 2014 Ordinary Meeting.
92	General Manager's Unit	Brian Glendenning	<p>Q69/14 Vandalism and Penalties</p> <p><i>"Mr Mayor,</i></p> <p><i>I note in a recent press article that wilful and wanton destruction of earthmoving equipment was carried out at Council's Lake Haven cinema construction site, allegedly by a gang of youths that were captured on CCTV footage, causing thousands of dollars in damages.</i></p> <p><i>Council appreciates the good work of Staff and the Police in apprehending these individuals and recognises the hundreds and thousands of dollars Council has poured into CCTV surveillance across the shire.</i></p> <p><i>Mr Mayor, could staff please, at the appropriate time, advise Council of the outcome / any court determinations around these acts of vandalism? I do hope the court is in step with Community expectations?"</i></p>	28 May 2014 Cr Best	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
93	Property and Economic Development.	Steve Mann	<p>U5/14 Motion of Urgency - Halekulani Oval Swap</p> <p>RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:</p> <p>1 That Council direct the General Manager, in consultation with Mayor, to issue an engagement strategy on the current status of the negotiations that are taking place with Woolworths over the possible land swap involving the Halekulani Oval.</p> <p>2 That the engagement strategy include the following:</p> <p>a The fact that no formal decision on the land swap has occurred.</p> <p>b A number of draft concepts are being reviewed and a report will be presented to Council once a preferred concept is identified.</p> <p>c The land swap will facilitate the creation of 4 new sporting fields and associated amenities at Colongra.</p> <p>d The improvements to the community and recreation facilities will be funded partly from a developer contribution from Woolworths.</p>	Cr Best	Response to be provided at a future meeting.
94	General Manager's Unit	Jean Pooley	<p>Q70/14 Councils Meeting with Australian Water Holdings</p> <p>"Mr Mayor,</p> <p>I understand the office of the Mayor met with representatives of Australian Water Holdings (AWH) including the former CEO Mr Nick Di Girolamo. As you are aware Mayoral meetings at this level of corporate interface it is standard Council protocol to have senior staff in attendance where notes and minutes are taken for the public record.</p> <p>Mr Mayor, due to the recent ICAC inquiries centred around AWH could you please provide Council with details of the</p>	Cr Best	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>meeting, what senior staff were in attendance, a copy of all minutes taken (subject to confidentiality), who initiated the meeting, the date and location of the meeting and what outcomes were agreed to.</p> <p>Also as to why such as sensitive and significant meeting was not reported to Councillors by the Mayor and further any other relevant information that may assist in the transparent understanding of this event?"</p>		
95	Development and Building Department	Jane Doyle	<p>Q71/14 Hardware Store at Big Flower Complex</p> <p>"It has been drawn to my attention that a hardware store has been established at the Big Flower Complex at Ourimbah.</p> <p>Can the General Manager report on the approval that took place in regards to this development?"</p>	Cr Matthews	Response to be provided at a future meeting.
96	Infrastructure and Operations	Peter Murray	<p>Q72/14 Blackspot at Louisiana Road</p> <p>"Can the General Manager give to Council an update on progress with the negotiations, or other, with the RMS for works to alleviate the noted black spot at Louisiana Road and Pacific Highway, Hamlyn Terrace?"</p>	Cr Greenwald	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
11 JUNE 2014**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status

25 June 2014

To the Ordinary Council Meeting

Councillor

5.1 Notice of Motion - State Government Budgets \$6 Billion for Regional NSW

TRIM REFERENCE: F2010/00500 - D09114925

AUTHOR: Greg Best; Councillor

Councillors Greg Best and Adam Troy have given notice that at the Ordinary Council Meeting to be held on 25 June 2014 they will move the following Motion:

- "1 That Council note the recent welcomed release of the \$20 Billion State Government Budget which identifies some \$6 billion dollars for projects in regional NSW around hospitals, roads, schools and water supply.***
- 2 That Council request the General Manager to provide a detailed report indicating exactly what funding has been earmarked for the Central Coast as a Region."***

RESOURCES

The report can be accommodated within Council's existing resource allocation.

COUNCILLORS NOTE

A copy of the NSW Government Media release in relation to the funding is provided below:

"Rebuilding NSW: massive investment for Regional NSW

Tuesday 10 June 2014

NSW Premier Mike Baird and Deputy Premier Andrew Stoner today announced a once-in-a-generation \$6 billion investment in regional NSW to secure the future of communities across NSW.

Mr Baird and Mr Stoner said the package includes a \$1 billion Regional Roads Fund, a \$1 billion Regional Water Fund and a statewide \$2 billion Schools and Hospitals Building Fund, and will be made possible by the NSW Government's proposed long-term lease of 49 per cent of the State's electricity distribution and transmission businesses. There are also strong protections in place for regional jobs.

"This is a once-in-a-generation opportunity to secure the long-term future of communities right across our great State," Mr Baird said.

"The centrepiece of the package is a series of future funds to build and upgrade hospitals, schools, roads and water infrastructure throughout regional NSW.

“This injection will ensure regional communities get access to world-class infrastructure, as well as creating jobs in regional areas and securing a pipeline of investment.

“This is a plan to ensure Regional NSW can thrive for future generations,” Mr Baird said.

Mr Stoner said the reform is expected to release up to \$20 billion for new infrastructure investment in NSW of which 30 per cent, or approximately \$6 billion, will be spent in regional NSW.

“This reform protects jobs in regional NSW, puts downward pressure on electricity prices and secures a record investment into regional infrastructure from the lease of metropolitan assets,” Mr Stoner said.

“Building this infrastructure will create jobs as well as ensuring future generations in regional NSW have safer roads, better schools, world-class hospitals, and high quality water infrastructure to protect communities from drought.

“A new Regional Roads Fund will deliver safer roads and better access for high productivity vehicles to deliver produce to market.

“The new Regional Roads Fund will also be used to reserve regional transport corridors, upgrade regional bridges and provide better roads for the tourism economy.

“A Regional Water Fund will ensure regional communities have reliable access to good quality water supplies by replacing aged assets and bringing systems up to modern standards.

“With communities across the State facing drought conditions, these reforms will allow us to meet the challenge of securing the water supply of the regions for the long term.

“Funds will be explicitly reserved to ensure NSW has adequate protection from major flood events and will investigate the need for more regional dams.

“A new Schools and Hospitals Building Fund will ensure doctors and nurses have state-of-the-art facilities to deliver world-class care to patients who live in rural and regional NSW, and ensure that regional students can learn in modern high quality classrooms.

“Communities right across NSW deserve access to world-class hospitals and schools with state of the art facilities no matter where you live.

“This is an extraordinary opportunity for investment in our roads, dams, hospitals, schools, and other community facilities.”

Mr Stoner said Infrastructure NSW has been asked to update the 20-year State Infrastructure Strategy to reflect the potential new funds available, including the identification of specific infrastructure projects.”