



Staff get into the spirit of Australia Day for the Citizen of the Year Awards ceremony on Friday 22 January. Town crier, and new Shire resident, Gerry Adamson and his wife Pat set the scene with authentic bush stories and poems.

# Business Paper

ORDINARY MEETING

10 February 2010



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# MEETING NOTICE

**The ORDINARY MEETING  
of Wyong Shire Council  
will be held in the Council Chamber,  
Wyong Civic Centre, Hely Street, Wyong on  
WEDNESDAY 10 FEBRUARY 2010 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 QUESTIONS WITHOUT 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.

Kerry Yates  
**GENERAL MANAGER**

## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2010/00009 - D02084824

AUTHOR: SG

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.***

10 February 2010  
To the Ordinary Meeting

Procedural Item  
Corporate Services Department

## **1.2 Proposed Inspections**

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TRIM REFERENCE: F2010/00009 - D02133352

AUTHOR: SG

### **SUMMARY**

Inspections for 3 February 2010 were cancelled to allow a Workshop to be held on the Four Year Delivery Plan.

### **RECOMMENDATION**

*That Council receive the report on cancellation of the Proposed Inspections.*

### **1.3 Address by Invited Speakers**

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TRIM REFERENCE: F2010/00009 - D02112491

AUTHOR: SG

#### **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.*

10 February 2010  
To the Ordinary Meeting

Procedural Item  
Corporate Services Department

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

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TRIM REFERENCE: F2010/00009 - D02133293

AUTHOR: MR

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 27 January 2010.

#### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 January 2010.*

#### **ATTACHMENTS**

1 Minutes - Ordinary Meeting held on 27 January 2010 D02138770



**WYONG SHIRE COUNCIL****MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 27 JANUARY 2010  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

Councillors R L Graham (Chairperson), G P Best, D J Eaton, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Project Director Mardi to Mangrove Project, Acting Manager Future Planning, Acting Manager Development Assessment, Executive Manager Shire Services, Manager Contracts, Contracts & Special Projects, Manager Estuary Management, Sustainability Manager and two administration staff.

The Mayor extended his condolences to Cr McNamara whose mother recently passed away and then reported on the following Australia Day events which were a great success:

- \* Celebrations held at Canton Beach,
- \* the Poet's Breakfast held at Wyong,
- \* the Citizenship Ceremony where 60 new Australian Citizens were sworn in and
- \* the fireworks organized by the Entrance Town Centre Management.

Cr Best thanked all those involved in the organising of these events such as Council staff, the Police, St John's Ambulance Service without whom none of these events would be possible.

The Mayor, Councillor Graham, declared the meeting open at 5.09 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

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

**APOLOGY AND REQUEST FOR LEAVE OF ABSENCE**

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews, Deputy Mayor, who is currently on annual leave.

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

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

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

AGAINST: NIL

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

**That Council approve the request from Councillor Wynn for leave of absence from Council meetings to be held on 10 and 24 February 2010.**

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

AGAINST: NIL

During the course of the Ordinary Meeting a change of meeting practice was made to allow Item no 10.1 to be brought forward for discussion. This item was dealt with after Item 4.6 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**

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#### **3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby**

The Acting Manager, Development Assessment, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he and his family are members of the pony club and has friendships with some members of the pony club and chose to remain in the meeting and did not take part in discussions on the matter.

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

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

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

AGAINST: NIL

### **1.2 Proposed Inspections**

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

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

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

AGAINST: NIL

**1.3 Address By Invited Speakers**

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

**That Council receive the amended report on Invited Speakers and note the change in speaker on Item 10.1 from Mrs Carol Hannaford to Mr John Hannaford instead.**

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

AGAINST: NIL

**1.4 Confirmation of Minutes of Previous Meeting**

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**RESOLVED unanimously on the motion of Councillor MCBRIDE and seconded by Councillor VINCENT:**

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 December 2009.**

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**2.1 DA 628/2009 - Proposed Torrens Title Subdivision at San Remo**

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

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

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

AGAINST: NIL

**2.2 DA 1257/2009 - Proposed Telecommunications Facility at Magenta**

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

**That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.**

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

AGAINST: NIL

**2.3 Review of Policy B1 - Bonding of Development Works and Deferment of Contributions**

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

- 1 That Council place revised Policy B1 – Bonding of Development Works and Deferment of Contributions on public exhibition for a period of 28 days for public comment.**
- 2 That following this exhibition period, the results of the exhibition be reported to Council.**

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

AGAINST: NIL

**3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby**

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The Acting Manager, Development Assessment, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he and his family are members of the pony club and has friendships with some members of the pony club and chose to remain in the meeting and did not take part in discussions on the matter.

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

- 1 That Council endorse, as the Reserve Trust Manager of the Jilliby Park (R570041) Reserve Trust, a development application by Wyong Pony Club and Central Coast Sporting Horse Association Inc for the sporting purposes use proposed by both Clubs, an upgrade of existing facilities and installation of new amenities for activities associated with the sporting purposes of both Clubs.**
- 2 That Council, subject to a Development Consent being issued, grant a Licence, to Wyong Pony Club for the purpose of conducting horse related activities on land belonging to Wyong Shire Council, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby.**
- 3 That Council, subject to a Development Consent being issued, grant a Licence, to Central Coast Sporting Horse Association Inc for the purpose of conducting horse related activities on land belonging to WSC, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby,**
- 4 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the above licences.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the above licences.**
- 6 That Council direct its communications department to provide a preliminary report on the most appropriate process for the joint promotion of this facility**

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

AGAINST: NIL

**3.2 Classification of Land - Lot 430 DP 1145240 at Hakone Road, Woongarrah**

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

- 1 That Council classify Council land Lot 430 DP 1145240 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

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

AGAINST: NIL

**3.3 Proposed Lease over Part Lot 36 DP 755224 Forest Road, Kulnura for trunk radio extension**

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

- 1 That Council enter into a Lease with Government Chief Information Office (GCIO) of part of Lot 36 DP 755224 for a term of five years commencing 1 December 2009.**
- 2 That Council approve fees(ex. GST) consisting of
  - a one-off application fee \$3,800.00,
  - an annual rental of \$4,780.00 site sharing fee and
  - an annual \$500.00 ground lease fee.All annual fees to be indexed by CPI.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and GCIO.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL

### 3.4 Proposed Dedication of Council Land as Road Reserve Lot 2 DP 1047484 Jack Grant Avenue, Warnervale

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

- 1 That Council **dedicate** part of Lot 2 DP 1047484 Jack Grant Avenue, Warnervale as public road.
- 2 That Council **authorise** the Common Seal of Wyong Shire Council to be affixed to the Plan of Subdivision that will dedicate the required land as public road upon registration.
- 3 That Council **authorise** the Mayor and the General Manager to execute the plan of subdivision that will dedicate the required land as public road upon registration.

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

AGAINST: NIL

### 3.5 Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong

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

- 1 That Council **decline** the application from the Samaritans Foundation, noting that it did not comply with the terms of the Expressions Of Interest.
- 2 That Council **demolish** the building and replace it with a temporary gravel carpark.
- 3 That Council **direct** staff to assist the Samaritans Foundation in locating suitable alternative accommodation.

FOR: COUNCILLORS BEST, EATON, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MCBRIDE, SYMINGTON AND VINCENT

### 4.1 Contract Variations and Finalisation - November 2009

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

- 1 That Council **note** the variations to contracts in Attachment 1 of the Contract Variations and Finalisation – November 2009 report.
- 2 That Council **note** the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – November 2009 report.

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

AGAINST: NIL

### 4.2 Contract CPA 144547 - Estuary Management Plan Stormwater Treatment

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**Works Project - Colongra Bay Road, Lake Munmorah**

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

- 1 That Council accept the tender from Environmental Land Contracting Pty Ltd for the sum of \$271,039.50 (excl GST) (adjusted extended Schedule of Rates) for Contract CPA/144547 – Estuary Management Plan Stormwater Treatment Works Project – Colongra Bay Road, Lake Munmorah.**
- 2 That for Contract CPA/144547, Council approve a contract budget of \$298,039.50 (excl GST) that provides for a contingency amount of \$27,000.00 (excl GST) representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

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**4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire**

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

- 1 That Council accept the tender from Smada Electrical Services Pty Ltd for the sum amount of \$431,505.00 (excl GST) for Contract CPA/160330 – Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire.**
- 2 That for Contract CPA/160330, Council approve a contract budget of \$496,000.00 (excl GST) that provides for a contingency amount of \$64,495.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

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**4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire**

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

- 1 That Council accept the tender from Master Electrical Contractors Pty Ltd for the lump sum amount of \$736,577.50 (excl GST) for Contract CPA/160331 – Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire.**
- 2 That for Contract CPA/160331, Council approve a contract budget of \$810,000.00 (excl GST) that provides for a contingency amount of \$73,422.50 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**



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

AGAINST: NIL

**4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani,  
Killarney Vale and Kurraba Playing Fields**

---

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

- 1 That Council accept the tender from The Green Horticultural Group Pty Ltd (Option B) for the lump sum amount of \$286,442.60 (excl GST) for Contract CPA/171026 – Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields.**
- 2 That for Contract CPA/171026, Council approve a contract budget of \$315,000.00 (excl GST) that provides for a contingency amount of \$28,557.40 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

**4.6 Contract CPA 172474 - Construction of 300mm Diameter Gravity Sewer  
main - Gavenlock Rd, Tuggerah**

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

- 1 That Council accept the tender from Eire Contractors for the sum of \$470,000.00 (excl GST) (extended Schedule of Rates) for Contract CPA/172474 – Construction of 300mm Diameter Gravity Sewer Main – Gavenlock Road, Tuggerah.**
- 2 That for Contract CPA/172474, Council approve a contract budget of \$541,000.00 (excl GST) that provides for a contingency amount of \$71,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

**CHANGE OF MEETING PRACTICE**

COUNCILLOR BEST LEFT THE CHAMBER AT 5.58 PM AND RETURNED TO THE CHAMBER AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council change meeting practice to allow consideration of Item 10.1 Notice of Rescission – Draft Climate Change Policy be brought forward in the Agenda for discussion at this point.***

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

AGAINST: COUNCILLOR VINCENT.

**5.1 Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek**

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.00 PM AND RETURNED TO THE CHAMBER AT 8.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 8.03 PM AND RETURNED TO THE CHAMBER AT 8.05 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council consider the feasibility of a program of dredging for Tumbi Umbi Creek pending the completion of the study into sediment loads within the tributary creeks entering the Tuggerah Lakes estuary.***
- 2 ***That Council continue to monitor the sediment build up in the mouth of Tumbi Umbi Creek to ensure that it poses no flooding risk to local residents.***
- 3 ***That Council promote the newly refurbished Picnic Point boat ramp as an alternate access to the Tuggerah Lakes until the sediment load study is finalised and decisions are made regarding long term dredging operations for all of the tributary creeks entering the Tuggerah Lakes estuary.***
- 4 ***That Council adopt the recommendations of the peer review prepared by Worley Parsons dated 19 January 2010.***
- 5 ***That Staff be requested to lobby David Harris MP, Parliamentary Secretary to the Minister for the Central Coast to address the navigation issues at Tumbi Umbi Creek given Tumbi Umbi Creek and the Tuggerah Lakes are State owned assets.***

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

AGAINST: COUNCILLORS MCBRIDE, VINCENT AND WYNN

## 5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial

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

- 1 That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee:
- 2 That Council support a limited trial of the geotextile bag technology in the stabilisation of the rapidly eroding Yellowa Island affecting its heritage Date Palm.
- 3 That Council refer this matter to the Tuggerah Lakes Estuary and Coastal and Floodplain Management Committee, at its next Committee Meeting on 4 February 2009, for its urgent consideration as to the processes and approvals necessary to effect such a trial.
- 4 That Council consider the above report as a matter of urgency.
- 5 That Council request a further report be prepared for Council that details the costs and beneficial effects of the current dredging program as a component of the overall Estuary Management Plan. The report should also detail the socioeconomic role the dredging program has in relation to flood mitigation and the sand renourishment of the local beaches.

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

AGAINST: COUNCILLORS MCBRIDE, VINCENT AND WYNN

### ADOPTION OF THE EXCEPTION METHOD

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

**That Council consider the remaining reports and recommendations on the Agenda by the exception method.**

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

AGAINST: NIL

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

**That Council receive the remaining reports on the Agenda and adopt the recommendations therein with the exception of:**

- 1 Item number 6.1 which has been nominated for discussion and
- 2 Item 10.2 which has been withdrawn from the Agenda by Councillors Wynn and Symington.

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

AGAINST: NIL

### **5.3 The Entrance Community Precinct Committee - Proposed Name and Boundary Change**

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

- 1 That Council change the name of The Entrance Community Precinct Committee to The Entrance Peninsula Community Precinct Committee.**
- 2 That Council include the suburb of Magenta within The Entrance Peninsula Community Precinct and establish the appropriate new boundary for the precinct.**

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

AGAINST: NIL

### **5.4 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$4,230 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

### **6.1 Minutes of the Strategic Finance Committee Meeting - 9 December 2009**

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

**That Council receive the minutes of the Strategic Finance Committee meeting held on 9 December 2009 and the recommendations contained therein be adopted.**

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

AGAINST: NIL

**7.1 Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference**

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

**That Council receive the Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference .**

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

AGAINST: NIL

**7.2 Delegate's Report - Local Government Information Technology Conference**

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

**That Council receive the Delegate's Report - Local Government Information Technology Conference.**

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

AGAINST: NIL

**8.1 Information Reports**

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

**That Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

**8.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms**

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

- 1 That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.**
- 2 That Council note that there was no significant pollution event following the unprecedented dust storm.**

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

AGAINST: NIL

**8.3 Activities of the Development Assessment Unit**

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

**That Council receive the report on Activities of the Development Assessment Unit.**

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

AGAINST: NIL

**8.4 Results of Water Quality Testing for Beaches and Lake Locations**

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

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

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

AGAINST: NIL

**8.5 Investments for November 2009**

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

***That Council receive the report on Investments for November 2009.***

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

AGAINST: NIL

**8.6 Disclosure of Interest Returns - 1 October to 31 December 2009**

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

***That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2009.***

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

AGAINST: NIL

**8.7 Mardi to Mangrove Link Project Status**

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

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

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

AGAINST: NIL

**8.8 General Works in Progress**

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

***That Council receive the report on General Works in Progress.***

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

AGAINST: NIL

**8.9 Water and Sewerage - Works in Progress**

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

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

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

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

AGAINST: NIL

**8.10 Outstanding Questions Without Notice and Notices of Motion**

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

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

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

AGAINST: NIL



**10.1 Notice of Rescission - Draft Climate Change Policy**

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CR BEST RETURNED TO THE CHAMBER AT 5.59PM DURING CONSIDERATION OF THIS ITEM.

CR VINCENT LEFT AT 5.59PM AND RETURNED AT 6.00PM DURING CONSIDERATION OF THIS ITEM.

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

**That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 9 December 2009:**

- 1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.**
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.**
- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.**
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.**
- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.**
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER.

AGAINST: COUNCILLORS VINCENT, MCBRIDE AND WYNN.

MR JOHN HANNAFORD, RESIDENT, ADDRESSED THE MEETING AT 6.21 PM, ANSWERED QUESTIONS AND RETIRED AT 6.39 PM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.14 PM AND RETURNED TO THE CHAMBER AT 7.16 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.23 PM AND RETURNED TO THE CHAMBER AT 7.25 PM DURING CONSIDERATION OF THIS ITEM.

**REQUEST FOR AN EXTENSION OF TIME**

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

***That Council grant an extension of time to Councillor Eaton to allow him to speak for an additional 5 minutes.***

FOR COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER  
AGAINST COUNCILLOR VINCENT, MCBRIDE AND WYNN.

**REQUEST FOR AN EXTENSION OF TIME**

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

***That Council grant an extension of time to Councillor Wynn to allow her to speak for an additional 5 minutes.***

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

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

- 1 That Council note the NSW Department of Environment, Climate Change and Water's projected upper sea level rises for the year 2100 of up to .91m as the basis for Council staff and the community to proceed with risk assessment, policy development and community empowerment decisions.**
- 2 That Council continue to monitor, review and manage the risks associated with climate change relating to local government functions.**
- 3 That Council review the above figures if and when the NSW Government specifically mandates a level under its planning policies, guidelines, or manuals, and/or in the light of new scientific evidence.**
- 4 That Council continue to undertake community consultation and community empowerment activities in partnership with adjoining councils and other key stakeholder partners.**
- 5 That Council defer consideration of a Climate Change Policy pending;**
  - a Further legal advice on all methods to minimise all possible risks and on the legal necessity to adopt new flood levels.**
  - b Data series on local sea levels and lake levels.**
  - c Reports on physical barriers to protect property from sea level/lake level rise.**
  - d Valuation reports on the risk to the community on property values in adoption of the proposed Draft Climate Change Policy.**
- 6 That Council commission MHL to produce lake level data on a continuing basis with biannual reporting to Council and the community.**

**7 That Council staff cease using the Proposed Draft Climate Change Policy in planning applications.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE, SYMINGTON, VINCENT, AND WYNN

**10.2 Notice of Motion - Peabody Lake Coal**

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*Councillor WYNN and Councillor SYMINGTON withdrew this Motion from the Agenda.*

**QUESTIONS WITHOUT NOTICE**

**Q60/10 Charitable Organisations Leases of Council Buildings**

**Councillor Doug Eaton**

F2004/07018

*“Could staff briefly report, in table form, on all Charitable tenants of Council properties whose leases have not been renewed in the last twenty years?”*

**Q61/10 Upgrade of the Pacific Highway through Wyong township**

**Councillor Doug Eaton**

F2004/13054

*“Could staff advise on the progress, or non progress, of the RTA’s upgrade of the Pacific Highway through Wyong township?”*

**Q62/10 Councillors Weekend Workshop 20 - 21 February 2010**

**Councillor Greg Best**

F2004/06517

*“Could I please have a copy of the Agenda of the upcoming weekend workshop?”*

**THE MEETING** closed at 8.26 pm

## 2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding

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TRIM REFERENCE: F2007/00039 - D02124407

AUTHOR: KG

### SUMMARY

This report seeks Council approval to a revised concept for the Porters Creek Stormwater Harvesting Scheme, to relinquish a current Federal Government Grant for an earlier scheme concept and to seek Federal Government Funding under the "Water for the Future" initiative to assist in funding the first stage of construction of the proposed revised scheme.

### RECOMMENDATION

- 1 ***That Council approve the revised concept for the Porters Creek Stormwater Harvesting scheme.***
- 2 ***That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.***
- 3 ***That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.***

### BACKGROUND

The Porters Creek Wetland (PCW) is the largest remaining freshwater wetland on the Central Coast and one of the last of its kind in NSW. PCW contains large areas of extensive Endangered Ecological Communities (EECs) and significant areas of habitat for a number of threatened species which are protected under the *Threatened Species Conservation Act, 1995 (TSC Act, 1995)* and *Commonwealth Environment Protection and Biodiversity Act, 1999 (EPBC Act, 1999)*. PCW was also recognised as a wetland of State significance when it was gazetted as a State Environmental Planning Policy No 14 - Coastal Wetland (SEPP 14 – Coastal Wetlands) in 1999. Council has a responsibility under the TSC, 1995 and SEPP 14 – Coastal Wetlands to protect this wetland and to properly manage the effects of planned developments within its catchment.

PCW is exhibiting signs of stress from altered drainage and hydrology from previously approved development within the Porters Creek catchment. Impervious surfaces such as roads, roofs and car parks increase stormwater runoff which poses a significant threat to the long-term viability of the wetland. Consultants Sainty & Associates (2003) identified that changes to the hydrological regime (i.e. quantity, pattern and quality of water flows) are the biggest single influence over the future health of the PCW.

Studies have found that wetlands require dry periods in which wetland vegetation can dry out and new seed stock regenerate. In natural catchments wetlands experience extended dry periods however in developed catchments stormwater runoff occurs even in small rainfall events that prevents the wetland from undergoing its natural wet/dry cycles.

## 2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding (contd)

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Current development within the PCW catchment (total area 5,500 Ha) equates to around 1,600Ha of impervious area. This is expected to total 2,500Ha when the catchment is fully developed in about 25 years. The increased runoff from this additional development, if left unchecked, will result in loss of significant areas of EECs and a consequential reduction in habitat values and natural water quality improvement capacity.

An Integrated Water Cycle Management (IWCM) Strategy was formulated in 2006 to mitigate impacts on PCW associated with development of the Wyong Employment Zone (WEZ) and Warnervale Town Centre (WTC). The aim of the IWCM Scheme is to capture and treat urban runoff and to divert excess stormwater around PCW.

Modelling shows that the IWCM Scheme would significantly contribute to maintaining the wetland in its pre-development condition. Construction of the treatment and storage areas together with a piped diversion around the PCW will also permit a valuable resource to be tapped whilst permitting further development in the Porters Creek catchment to occur in a sustainable manner.

### WHY THE SCHEME IS REQUIRED

The scheme is required to both reduce the impacts of previously approved development on the wetland and to allow for further development within the Porters Creek Catchment. While it is currently at Council's discretion to determine how and when impacts of past development are addressed, there is an immediate need to determine how possible impacts of future development will be managed.

A substantial amount of Wyong Shire Council's development programme occurs in the catchment of the PCW. Major new employment and residential land releases are planned in the catchment. These include the Wyong Employment Zone, Warnervale Town Centre and the Precinct 7A, Warnervale/Hamlyn Terrace Rezoning. These areas all direct stormwater runoff to the wetland. There currently exists a draft voluntary planning agreement with Terrace Towers in relation to the development of Precinct 14. This agreement commits Council to connecting Precinct 14 to a stormwater harvesting scheme within three years of the agreement being executed.

It is estimated that newly planned developments within the Porters Creek Catchment will provide significant future benefits for the Shire including:

- Generate 8,400 new jobs (this represents 30% of Wyong Shire Council's employment target under the Central Coast Regional Strategy).
- House 12,800 new residents (5,600 new dwellings).
- Inject \$4 billion in new investment.

Failure to implement the Porters Creek Wetland Stormwater Harvesting Scheme could put these benefits at risk as ultimately unmitigated stormwater flows are likely to have a "significant" impact on the EECs and threatened species which occur within PCW. This poses a significant legislative problem for Council. This might mean, for example, that Council cannot approve further development in the PCW catchment without conducting individual Species Impact Statements on a site by site basis and requiring individual concurrences from the Department of Environment and Climate Change and Water (DECC&W) or approvals from the Commonwealth Government (Department of Environment, Water, Heritage and the Arts). Without having a Stormwater Harvesting Strategy in place to properly manage the impacts of upstream development on PCW, subsequent approvals are unlikely to be able to be obtained and significant developable land may be sterilised due to the inability to mitigate the effects on the environment.

Hydraulic assessments indicate that it is possible to utilise interim arrangements to allow some development to occur without constructing the stormwater diversion scheme. This allows for up to 50% of the developable area to be developed subject to the remaining 50% being set aside for irrigation using excess stormwater. This has been used to allow approval of some new development, however, opportunities to utilise this type of arrangement are limited and the situation may be reached in the near future where Council will not be able to approve any new development within the Porters Creek catchment until the stormwater harvesting scheme, or some other means of directing excess water away from the wetland, is in place.

Studies have been undertaken to consider the various options for diverting this water away from the wetland. While rainwater tanks and other IWCM measures can reduce the impact, a major diversion scheme is required if full development within the catchment is to occur.

An identified advantage of the stormwater diversion scheme is that it provides the potential for the harvested water to be used to off set the demands of the additional development on the town water supply. In the first instance this would be through the provision of environmental flows downstream of the Wyong River weir.

## **ALTERNATIVES TO A STORMWATER HARVESTING SCHEME**

There are no viable alternatives to the Integrated Water Cycle Management Scheme apart from setting aside 50% of the developable area for irrigation as outlined above. However, such an alternative would potentially reduce the employment and dwelling targets for the area by 50% and significantly increase the developer contributions on the basis that the developable area contributing to the scheme would be reduced.

From an environmental point of view, there are no other solutions to dispose of the excess water generated by development other than through a stormwater harvesting scheme.

## **SCHEME DESCRIPTION**

The proposed stormwater harvesting scheme is designed to address the impacts of new development. The impacts of existing development will continue to be progressively addressed by the construction of water quality and water diversion infrastructure. However the provision of this backlog infrastructure will be dependent on funding becoming available from sources such as the stormwater levy, grant funding and that provided within existing contribution plans for water quality works.

The Porters Creek Stormwater Harvesting Scheme forms part of the Integrated Water Cycle Management Strategy that is integral to the development of the WEZ , WTC, Precinct 7A and the Education Precinct. The IWCM strategy consists of a combination of water quality and water diversion works.

Water quality requirements are mainly provided by artificial wetlands, but also by allotment and streetscape works. These are designed to reduce the sediment and nutrient load from runoff prior to it entering the PCW or being pumped to Wyong River.

The water diversion works, or stormwater harvesting scheme, consist of storages, pump stations and pipelines designed to divert water around the PCW to Wyong River. It is not possible to divert flows around the PCW without the use of a pumped system. The discharge point into Wyong River is at the Wyong River Weir. This provides the option of discharging stormwater either upstream of the weir for use in directly supplementing the town water supply, onto the weir for use in environmental flow substitution thereby indirectly

supplementing the town water supply or downstream of the weir without contacting the town water supply.

The development of a stormwater harvesting scheme to supplement the town water supply is consistent with the overall water supply strategy for the Central Coast – Water Plan 2050. Stormwater harvesting captures runoff in small storm events that would not generate runoff in the wider catchment. Stormwater harvesting can therefore add resilience to the water supply system. However, the value of the harvested water to the GWCWA has not yet been fully quantified. The Water Sharing Plan provides the opportunity to use this water for environmental flow substitution and has only recently been gazetted. Studies to support the feasibility of the scheme are in the process of being finalised. Further studies will be required to determine the full extent to which the harvested water will benefit the GWCWA and the value of this water to the Authority.

Extensive modelling has been carried out to size the scheme required to provide protection for PCW based on the projected future development occurring in the catchment. The scheme is of a scale significantly larger than any previously implemented by Local Government.

### **ORIGINAL SCHEME CONCEPT**

The original scheme concept is detailed in Figure 1 (Rev A).

The concept for this scheme provided for construction of the following major components;

- A regional storage to accept flows from local storages within the WEZ.
- A major pump station and pipeline along the Link Rd connecting the regional storage to Wyong River.
- A pipeline from the Warnervale Town Centre connecting to this major pipeline at the intersection of Sparks Rd and the Link Rd.
- A major water quality treatment wetland area in Bailey's Land adjacent to the southern end of the wetland.
- Various local wetlands.

### **REVISED SCHEME CONCEPT**

#### **Why the Original Scheme Needs Review**

The original scheme concept provided for the up front construction of the major components detailed above, however since the development of this original concept in 2005 there have been a number of influences that have resulted in the need to review this arrangement. These influences are as follows;

#### **a Impact of Evolving Development Patterns**

With delays to the Warnervale Town Centre (WTC), current indications are that the first significant new development area that will be connected to the stormwater harvesting scheme is Precinct 14 to the extreme west of the scheme area and later the remainder of the WEZ. It is expected that this will be followed by the WTC and Precinct 7A to the east of the scheme area. Investigations have indicated that this development pattern could better be served by separate mains serving the western (Precinct 14) and eastern development areas (WTC and Precinct 7A) rather than one central pipeline along the Link Road.

**b Changes to the Link Road Concept**

When the original stormwater harvesting scheme concept was being developed it was proposed to construct the major pipeline connecting a regional storage to Wyong River along the Link Rd alignment. Within the narrow section of the Link Road between the Railway Line and Porters Creek SEPP14 Wetland this pipeline was to be supported from a proposed bridge. The construction of this bridge has since been deferred. Placing the main within the alignment of the future bridge would mean that the main would have to be relocated, or at least, taken out of operation when the bridge is constructed in the future. This disruption would compromise the operation of the harvesting scheme for the period during which the bridge is being constructed. This further supports the separate eastern and western main concept rather than having a central main on the Link Road alignment.

**c Elimination of the Central Storage**

The concept of a central storage was relevant to the original scheme where a major portion of flows were pumped via the Link Rd Pipeline. This central storage, costing an estimated \$2.3M, would service develop needs for in excess of the next 20 years. As such a significant item of capital infrastructure would not be fully utilised for most of its useful life.

The revised concept makes use of local storages, which are only constructed on an as required basis to meet development needs, for pumping water to Wyong River. This eliminates the need for the up front construction of the Central Storage and reduces overall scheme costs.

**d Preliminary Risk Assessments Negating the Need for the Early Construction of Bailey's Land Wetland**

The original scheme provided for a major artificial wetland to be constructed, on land known as Bailey's Farm , where stormwater was to receive secondary treatment prior to being discharged into Wyong River. The estimated cost of this wetland was \$3.05M. A preliminary risk analysis indicated that this wetland would not be required unless the water was discharged directly into the town water supply storage (i.e. into Mardi Dam or upstream of the Wyong River Weir). Assessment of the town water supply needs together with consideration of the risk issues that would need to be addressed if the stormwater was to be discharged directly into the town water supply system led to the conclusion that discharging the water onto or downstream of the weir, and deferring any decision to construct the wetland, was a better initial option. This would allow a thorough assessment of water quality thereby reducing possible health risks, prior to any decision to discharge the stormwater directly into the town water supply. As the construction of this wetland would be driven by water supply needs its timing and funding would be a matter for consideration by the Gosford and Wyong Councils Water Authority.

**e Financial Considerations**

The major infrastructure for the stormwater harvesting scheme, as detailed within the original scheme concept, will service development needs for the next 20 plus years. The early construction of these major components with the assistance of a 50/50 grant (\$8.22M) as originally sought would have provided a significant boost to the success of this scheme. However, the grant offer of \$2.86M represents only 17.3% of the total project cost. This would mean that Council would need to finance approximately \$13.36M of works in anticipation of recovering this funding from future developer contributions, for the project to be constructed in accordance with the original concept. From a financing perspective the scheme would be more financially viable if it could be constructed in stages to meet development needs as they occur. The provision of separate mains serving the western and



## 2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding (contd)

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eastern areas, in lieu of the regional storage and a large central main adjacent to the Link Rd, better aligns with achieving this outcome.

The scheme concept has also been reviewed based on the State Government directive to review the level of contributions that can be levied on new development. The assumptions underlying the scheme design relate to variables such as climatic conditions and as such have a relatively large range of accuracy estimated at +/-25%. The current scheme was sized based on the mid point of this range. By sizing the scheme at the lower bound of this range it is considered that the scheme objectives can still be achieved at a significant cost saving and minimal risk. These cost savings mean that the scheme will be able to be constructed within the contribution levels detailed within the draft contribution plans for the WEZ and WTC and the revised contribution plan to be developed with the rezoning of Precinct 7A. Proposed contribution levels within these revised plans are proposed to be consistent with the anticipated cap, to be imposed by the Department of Planning, on the level of contributions that may be levied. The scheme is sized to meet ultimate development needs that will not be fully realised for 20 to 25 years. By sizing the scheme at the lower bound of the design range the scheme objectives will be met at least until development reaches 75% of maximum capacity which will not occur for an estimated 15 to 20 years. At this point in the future an assessment can be made, based on practical outcomes resulting from monitoring of the health of the wetland over this period, as to whether further protection of the wetland is required. This decision would take into account not only the effectiveness of the stormwater diversion scheme over the previous 15 to 20 years of operation but also the impacts, over this period, of other environmental variables such as climate change.

### **f Reduction in the Extent of the Scheme**

The original stormwater harvesting scheme was developed to protect PCW from the impacts of both new development and existing development. The cost of the scheme to achieve both these objectives is over \$100M. Less than half this amount can be recovered from developer contributions leaving over \$50M unfunded.

As detailed above Council must protect the wetland from the impacts of new development or else place in jeopardy new development within the WEZ, WTC, Precinct 7A and the Education Precinct. The revised scheme costing \$47.1M been developed to achieve this objective and is fully funded by developer contributions.

While it is not proposed to commit to connecting the existing developed areas to the stormwater harvesting scheme, at the current time, it is intended to pursue grant and other forms of funding that would allow their progressive connection. These areas are Watanobbi and development adjacent to Woongarra Creek. Currently stormwater levy funding has been identified for the construction of three artificial wetlands in the existing developed area of Watanobbi. The route of the stormwater harvesting main servicing the WTC and Precinct 7A passes adjacent to these wetlands. It is proposed to pursue currently available grant funding to connect these wetlands to the stormwater harvesting scheme.

Further, Council has a Deed of Agreement with F Hannan Pty Ltd and Bitova Pty Ltd, who is a major landowner within Precinct 7A and the adjacent floodplain. This agreement allows the landowner to harvest water from the floodplain upstream of Porters Creek and to reticulate it and on sell it for a period of 35 years. Should the landowner proceed with such a scheme this will have the effect of mitigating the impacts of existing development on the wetland. This agreement is consistent with the objective of protecting the wetland and can be implemented in conjunction with other works, including the stormwater harvesting scheme, designed for its protection. Council staff will continue to pursue negotiations in relation to the agreement to facilitate an outcome that benefits the wetland.

**g Reduction to the sizing of Scheme Components**

The stormwater diversion scheme forms one component of the IWCM plan for the new development areas. When the stormwater diversion scheme was originally developed in 2005 the concept provided for an end of system scheme with all excess water generated by development draining to the downstream wetland and water diversion scheme. Since that time other IWCM components such as rainwater tanks, grass swales, rain gardens etc have been added to the extent of IWCM works proposed for construction within the new development areas. The impact of these structures is to reduce the volume of water requiring treatment and diversion particularly from the residential areas within Precinct 7A. These reduced volumes have been taken into account in developing the revised scheme concept.

**Revised Scheme Concept**

Based on the above considerations it has been assessed that a more cost effective and affordable solution for the protection of Porters Creek from increased stormwater flows resulting from development would be to revise the scheme as follows;

- replace the centralised regional storage and major pipeline adjacent to the Link Rd with smaller mains skirting the western and eastern sides of the PCW
- replace the concept of a central storage with the local storages pumping directly to Wyong River
- defer the construction of Bailey's Land wetland
- reduce the extent of the scheme proposed to service existing development.
- reduce the size of system components to reflect the impact of local IWCM treatments
- reduce the size of the scheme to the minimum necessary to meet the scheme objectives thereby providing for a more affordable scheme

The revised scheme concept is detailed in the attached Figure 1 (Issue 3).

**Financial Analysis of the Revised Concept**

**Capital Cost**

The revised concept is estimated to cost a total of \$47.1M. The cost to service individual areas is as follows;

- WEZ – \$25.5M
- WTC – \$7.1M
- Precinct 7A and the Education Precinct - \$14.5M

These costs are funded within the draft s94 plans for each of the above areas although there may be opportunities to reduce the impact of the cost on development if Council is successful in obtaining grant funds. Of the grant funding currently being pursued, \$2.3M can be apportioned to the developer contribution schemes (the remaining \$2.0M will be apportioned to the works benefiting the existing Watanobbi area) which will result in a 5% reduction to developer contributions.

It should also be noted that the existing Warnervale Business Park forms part of the WEZ and as this area is largely developed, Council will need to cover the cost of the contribution attributable to this area. The Business Park represents 16% of the WEZ which equates to a contribution by Council of approximately \$4 million.

### **Operating and Maintenance Costs**

Operating and maintenance costs are estimated at \$1.3M per annum when the scheme is fully developed in 20 to 25 years time. Costs will gradually increase to this level as development occurs. The scheme concept allows for only providing infrastructure as it is required to service new development. Operating and maintenance costs will be funded from the water fund as the diversion works form part of the drainage system directing water to Wyong River. These charges are regulated by IPART. In its 2009 determination IPART provided for a separate drainage charge within the Shire. This charge will be reviewed in 2013 as part of the next IPART determination. As the first components of the stormwater harvesting scheme are planned to be operational by 2013 the funding of the operating and maintenance of this scheme will form part of this submission to IPART. An issue that will be canvassed with IPART at that time is whether funding for the scheme should be from general drainage revenue or whether a differential drainage charge should be levied on properties benefiting from the scheme.

The water harvested from the scheme will be used to substitute for environmental flows within Wyong River. This will benefit the water supply to an extent to be determined. Consistent with WaterPlan 2050 and the Joint Water Supply Agreement the Water Supply fund will pay for this water to the extent that it benefits the town water supply. This income is proposed to offset operating and maintenance costs of the stormwater harvesting scheme.

### **Recommendation in Relation to the Scheme Concept**

It is recommended that council adopt the scheme concept as detailed Figure 1 (Issue 3) for the diversion of stormwater from the new development areas draining to Porters Creek.

### **EXISTING FEDERAL GRANT FUNDING**

Council, in June 2005 Council applied to the Federal Government (National Water Commission) for a grant from the Australian Water Fund under the Watersmart Australia Program, for funding of "The Porters Creek Stormwater Harvesting and Reuse Project".

The project involved the finalisation of various studies and the construction of the above major infrastructure to convey stormwater around Porters Creek and into Wyong River. The various project components, grouped under Project Milestones as contained in the Deed of Agreement (as amended in July 2008) with the National Water Commission, are generally as follows:

#### **Milestone 1**

Complete the following:

- The Water Sensitive Urban Design Development Control Plan for the Porters Creek Catchment
- Ecological risk assessment of Porters Creek Wetland
- Ecological risk assessment of Wyong River
- Lodge Application to the NSW Government for the stormwater harvested and returned to the Wyong River to be credited as environmental flows.

### **Milestone 2**

Complete the following:

- Environmental assessments
- All required approvals
- Detailed design of infrastructure
- Satisfactory progress on application to the NSW Government.

### **Milestone 3**

Complete the following:

- Approval of application to the NSW Government
- Tender documentation and commence construction of pipelines, pump stations, regional storage, Bailey's land wetland and local catchment wetlands.

### **Milestone 4**

Complete the following:

- Construction of all scheme components.

The estimated project cost, in achieving all the above milestones, was \$16.22M. The application sought grant funding of \$8.22M.

The national Water Commission responded in May 2006 offering a grant of up to \$2.86M.

Council accepted this grant in September 2006.

### **Grant Conditions**

Council's acceptance of this grant was subject to various conditions (obligations) detailed within a funding Deed of Agreement. The particular conditions of this funding Agreement relevant to this report are as follows.

#### **a Financial Obligation**

The Federal Government Grant was for \$2.86M, including GST. This however bound Council to a \$13.36M financial commitment which included \$1M works in kind (staff time etc).

The grant was also specifically tied to particular works as follows:

- Grant for Investigations - \$286K (Total Cost \$1600K – Council to fund \$1314K)
- Warnervale Town Centre Pipeline - \$90K (Total cost \$1208K – Council to fund \$1118K)
- Grant for Regional Storage - \$407K (Total Cost \$2313K – Council to fund \$1906K)
- Grant for Link Rd Pipeline to Wyong River - \$1254K (Total cost \$6402K – Council to fund \$5148K)
- Grant for Bailey's Wetland - \$537K (Total cost \$3050K – Council to fund \$2513K)
- Grant for Local Wetlands - \$286K (Total cost \$1647K – Council to fund \$1361K).

**b Timeframe Obligation**

The original deed contained a project schedule that provided for completion of the first project milestone by December 2006 and completion of all the project milestones by 31 May 2008.

In July 2008 Council obtained agreement from The Department of Environment Water Heritage and the Arts (DEWHA), which is responsible for administering this grant, to extend completion to 31 May 2010.

In July 2008 DEWHA advised that the programme under which this grant was obtained was ceasing in June 2010 and that it may not be possible to grant any further extensions of time.

If Council fails to fulfil any of its obligations the deed allows the Commonwealth to immediately terminate the Agreement by providing written notice.

**Milestone Progress to Date**

To date partial completion of the tasks under Milestone 1 has been achieved.

The Water Sensitive Urban Design Development Control Plan for the Porters Creek Catchment is in draft format and will be considered by Council for adoption in mid 2010.

The risk assessments for Porters Creek and Wyong River are in draft format and should be completed by the consultant engaged to undertake this work by early 2010. The consultant (Ecological Engineering) undertaking the risk assessments was engaged by Council in September 2007 and delivered preliminary draft reports in July 2008. However, the take over of Ecological Engineering by EDAW and changes in key staff has meant that final draft reports were not delivered until August 2009. The finalisation of these reports is a necessary prerequisite to progressing to work under the next milestone and as such the primary reason for works not proceeding in accordance with the schedule within the grant agreement.

Negotiations with the Department of Water and Energy have resulted in the Water Sharing Plan for the Central Coast Unregulated Rivers (including Wyong River), which was gazetted in July 2009, to specifically make allowance for amending the plan to allow for harvested stormwater to substitute for environmental flows. Section 77 of the plan specifically allows for this provision.

**Discussions with DEWHA**

In November 2008 Council applied to extend completion of the scheme to 31 May 2011. DEWHA advised that the grant period had expired and that Council would be unable to extend the period of the existing grant or change the scope of works under the existing grant agreement. DEWHA recommended that Council consider voluntarily relinquishing the existing grant and applying for a new grant under the "Water for the Future" initiative.

While Milestone 1 has not yet fully been achieved, DEWHA has agreed to a partial payment of \$144,000 of the initial \$286,000 based on the extent of work completed to date subject to Council agreeing to relinquish the remainder of the grant. To date approximately \$350,000 has been expended on preparation of the risk assessments and Water Sensitive Urban Design DCP. This expenditure to date, has been funded from anticipated developer contribution income for the stormwater harvesting scheme.

DEWHA has indicated that it would be in Council's interest to agree to relinquish the existing grant before applying for any new grants.

**Conclusion and Recommendation in Relation to the Current Grant Funding**

Since the time Council accepted the Federal Grant of \$2.86M in September 2006 for the Porters Creek Stormwater Harvesting Project there have been a number of changes in circumstances that make achievement of the grant conditions either not possible or not desirable from Council's perspective.

The scheme under which the Grant was funded ceases in June 2010 and Council is not in a position to substantially commence work on the scheme by this time. Accordingly, DEWHA has suggested that Council voluntarily relinquish the grant. DEWHA has implied that if this does not occur then it will terminate the grant under the conditions within the deed of agreement. Council's failure to meet milestone timelines gives DEWHA this right.

The financial terms of the grant, providing approximately 17.5% of project costs, are not as advantageous to Council as other grants which are typically on a 50/50 basis. Council's funding of the remaining 82.5% presents difficulties particularly in light of the restrictions on developer contributions. Council is eligible to pursue other grants which are on a 50/50 basis.

The scheme components as envisaged under the original grant need to be reviewed in light of changing circumstances. As the program under which the grant was obtained ceases in June 2010 there is no opportunity to renegotiate the current agreement to revise the scheme components.

DEWHA has offered a partial payment of \$144,000 for Milestone 1 even though Council has not yet fully achieved this milestone. DEWHA will also be the agency assessing applications for future similar grants.

It is considered to be in Council's interest to relinquish this grant as requested by DEWHA. The amount being relinquished is \$2.716M being the initial grant sum of \$2.86M less the partial payment of \$144,000.

**NEW FEDERAL GRANT FUNDING****Grant Details**

In March 2009 the Federal Government released its "Water for the Future" initiative, which includes grant funding for stormwater harvesting and reuse projects.

Funding of up to 50% of eligible costs (construction costs not including land purchases) is available and is subject to various criteria including:

- Must use stormwater harvesting and reuse to reduce demand on water beyond existing requirements
- Be technically sound
- Have eligible capital costs of at least \$4M
- Be financially viable
- Be compatible with the long term water supply strategy
- Be completed by 30 June 2013
- Source 100% of energy needs from renewal sources or fully off set the carbon impact of the project's operations.

Significant elements of the Porters Creek Stormwater Harvesting Scheme meet the above criteria and accordingly this project, or elements of the project, are suitable for a grant application.

### **Timing of Construction**

The scheme concept, as currently proposed, provides for various artificial wetland and storages pumping into a Western Main and an Eastern Main which discharge stormwater into Wyong River. The Western Main services the connection of the Wyong Employment Zone including Precinct 14, Precincts 11 and 13, the Warnervale Business Park and the Aerodrome Lands. The Eastern Main services Precinct 7A, the Education Precinct and the Warnervale Town Centre. The existing development within Watanobbi and adjacent to Woongarra Creek could also connect into this Eastern main.

Current projections indicate the following timing for the new development areas within the Porters Creek catchment:

#### **Western Main Areas**

- Precinct 14 ( Warner Industrial Park) - 2010 to 2013
- WEZ Rezoning (north of Sparks Rd ) – 2011 to 2025
- WEZ Rezoning (south of Sparks Rd ) – 2011 to 2025

#### **Eastern main Areas**

- Warnervale Town Centre - 2011 to 2021
- Precinct 7A and Education Precinct - 2014 to 2025

Utilising the interim arrangements that allow for upto 50% of the developable area to be developed subject to the remaining 50% being set aside for irrigation of excess stormwater it is probable that development could occur within the following areas without the need for connection to the stormwater diversion scheme before about 2015;

- WEZ Rezoning (north of Sparks Rd )
- WEZ Rezoning (south of Sparks Rd )
- Warnervale Town Centre
- Precinct 7A and Education Precinct

The remaining area (Precinct 14) requires connection to the stormwater harvesting scheme by 2013. The construction of the artificial wetlands, pump storages and pump stations for Precinct 14 will form part of a voluntary planning agreement (VPA) between Council and the developer of this precinct. This VPA is currently in draft format.

The infrastructure necessary to connect Precinct 14 will also service connection of the remaining areas of the WEZ. Council land West of the Warnervale aerodrome is currently being developed for employment generating industry. The wetland servicing this development will be required by about 2013.

While there is no immediate need for construction of the Eastern main Council has already identified the construction of a number of artificial wetlands at Watanobbi (W35, W36 and W37), as part of the Tuggerah Lakes Estuary Management Plan, to reduce the impacts from this area on the wetland. It would be advantageous to include the construction and connection of these wetlands to the stormwater harvesting scheme in a current grant funding application for the following reasons;

- Easement acquisition for the pump main and designs for the wetlands have already been prepared. This would be viewed favourably in the grant application
- An initial extension of the Eastern main that will eventually service Precinct 7A and the WTC will facilitate connection of these areas in the future.

## 2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding (contd)

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- Funding for the wetlands will go towards Council's contribution to match the grant funding

Based on the above, it is recommended that the initial stage of the scheme, for which grant funding be sought, consist of;

- construction of the major pump main to allow connection of the Precinct 14
- construction of the artificial wetland (K), storage, pump and pump main servicing Council owned land adjacent to Warnervale Aerodrome.
- construction of the Watanobbi artificial wetlands (W35, W36, and W37 ) and the storages, pumps and pipelines to connect these storages to the stormwater harvesting scheme.

### Cost of Initial Stage of Scheme

The cost of the above stage of works is \$8.95M broken down as follows:

- Cost to connect Precinct 14 and associated works - \$4.15M
- Cost to connect Watanobbi and associated works - \$4.45M
- Land costs - \$0.35M

It is proposed that this \$8.95M be funded as follows:

- Grant Funding \$4.3
- Council Funding \$4.65 (The grant conditions exclude land costs.)

Council's funding will be sourced from:

- \$1.8M from the stormwater levy
- \$2.85M from developer contributions

### Timing for Submission of Grant Application

Round 1 applications for the above grant closed in June 2009 with Round 2 closing on 10 February 2010. This application will be lodged with DEWHA prior to the 10 February closing date. Should Council determine not to proceed with the application then it will be withdrawn.

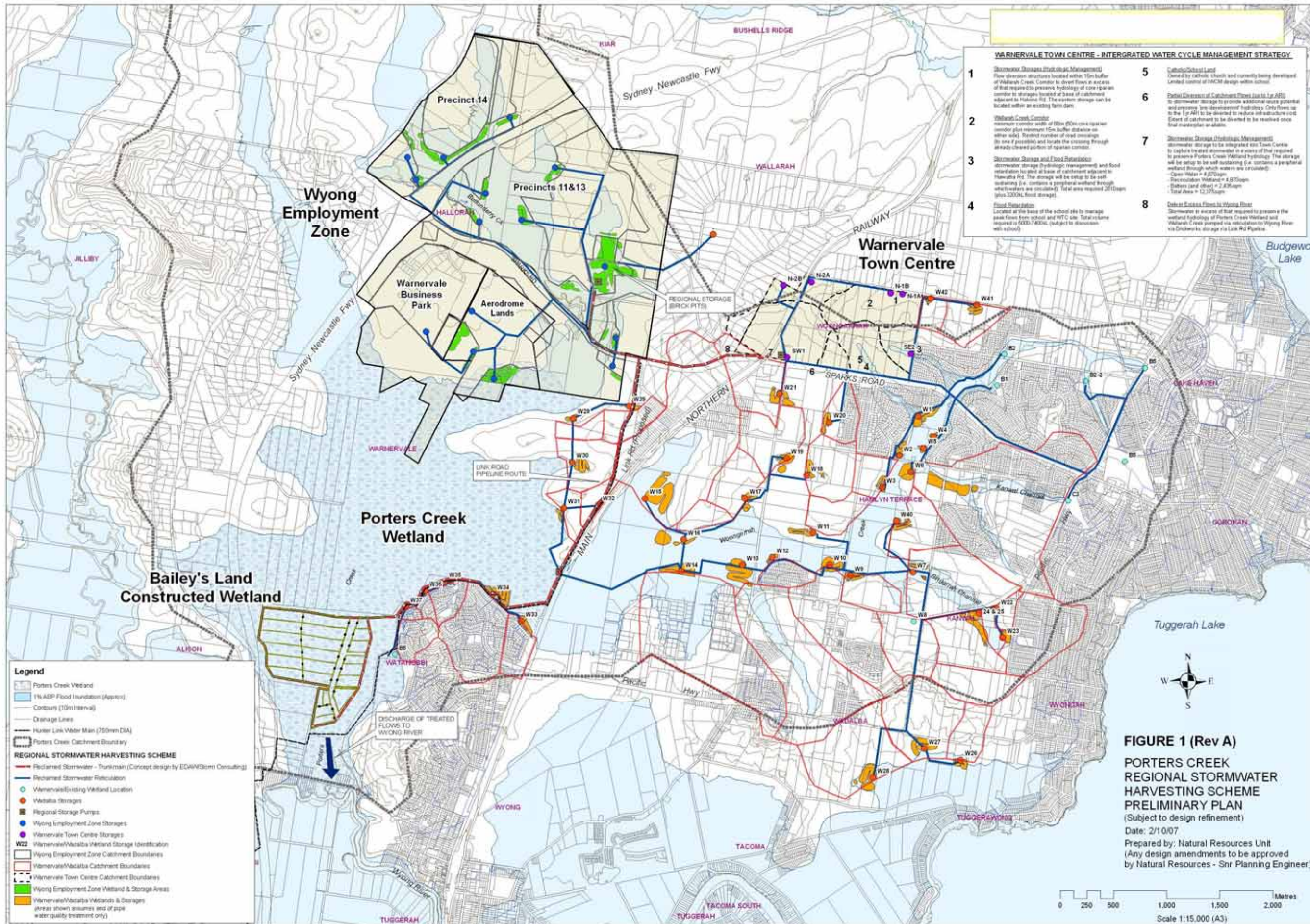
### Recommendation in Relation to the Grant Application

It is recommended that a grant application be made for \$4.3M representing 50% of the construction cost.

### ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | Porters creek Stormwater Harvesting - Figure 1 (RevA)             | D02147266 |
| 2 | Porters Creek Stormwater Harvesting - Figure 3 (Preliminary Draft | D02147270 |

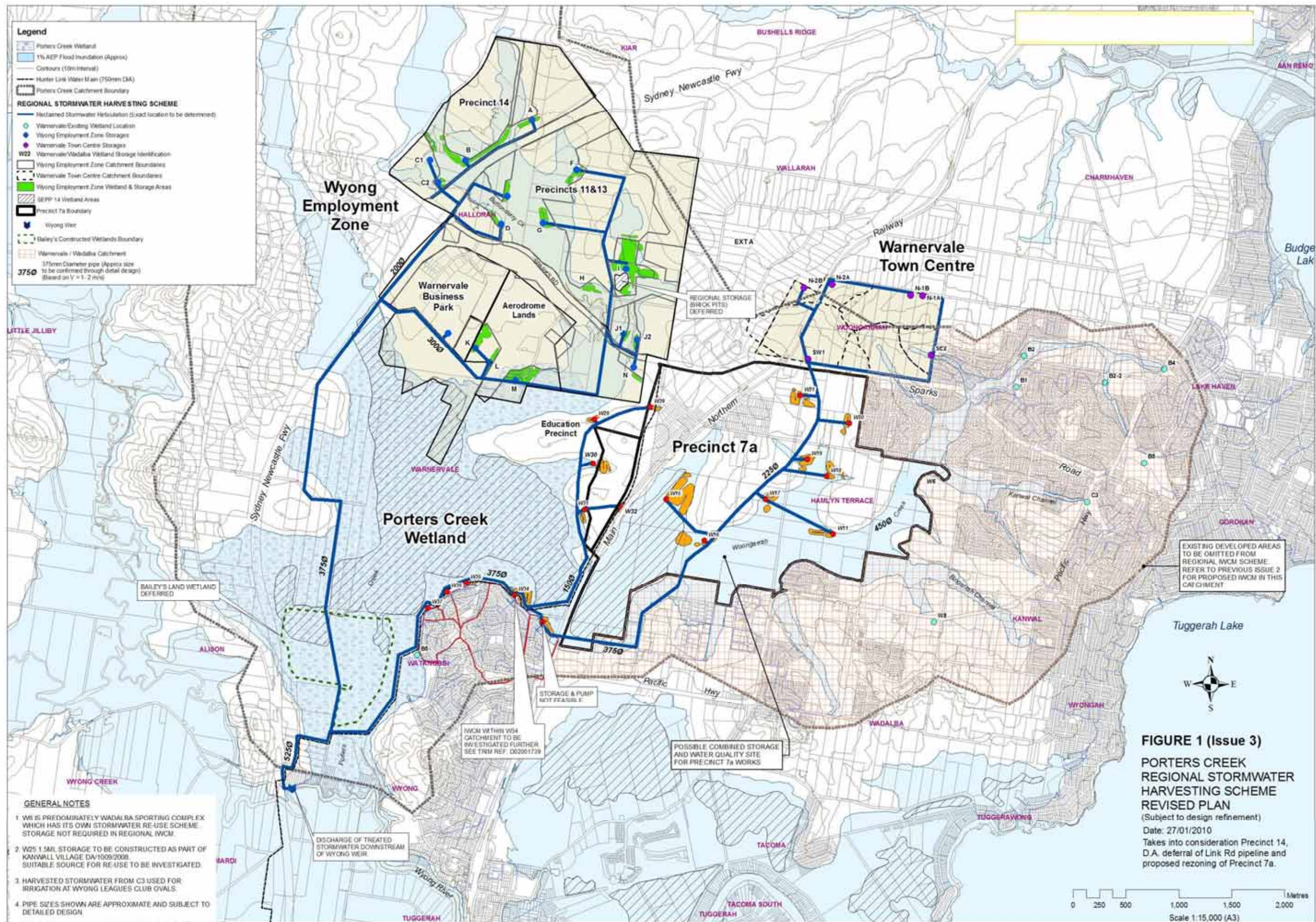




**WARNERVALE TOWN CENTRE - INTEGRATED WATER CYCLE MANAGEMENT STRATEGY**

1	<b>Stormwater Storage (Hydraulic Management)</b> Flow diversion structures located within 15m buffer of Woorangah Creek. Consider to divert flows in excess of that required to preserve hydrology of core riparian corridor to storages located at base of catchment adjacent to Halls Rd. The system storage can be located within an existing farm dam.	5	<b>Catholic Church Land</b> Owned by Catholic Church and currently being developed. Limited extent of MCHM design within school.
2	<b>Woorangah Creek Corridor</b> Remain corridor width of 10m (20m core riparian corridor plus minimum 15m buffer distance on either side). Retain number of road crossings (to one if possible) and locate the crossings through already cleared portion of riparian corridor.	6	<b>Partial Diversion of Catchment Flows (via Lp. ABU)</b> To stormwater storage to provide additional spare potential and preserve low development hydrology. Only flows up to 1 p ARI to be diverted to reduce infrastructure cost. Extent of catchment to be diverted to be reviewed once final masterplan available.
3	<b>Stormwater Storage and Flood Retention</b> Stormwater storage (hydraulic management) and flood retention to act at base of catchment adjacent to Halls Rd. The storage will be setup to be self-sustaining (i.e. contains a peripheral wetland through which waters are circulated). - Open Water = 4.875ha - Retention Wetland = 4.875ha - (Batters and other) = 2.4375ha - Total Area = 12.175ha	7	<b>Stormwater Storage (Hydraulic Management)</b> Stormwater storage to be integrated into Town Centre to capture treated stormwater in excess of that required to preserve Porters Creek Wetland hydrology. The storage will be setup to be self-sustaining (i.e. contains a peripheral wetland through which waters are circulated). - Open Water = 4.875ha - Retention Wetland = 4.875ha - (Batters and other) = 2.4375ha - Total Area = 12.175ha
4	<b>Flood Retention</b> Located at the base of the school site to manage peak flows from school and WTC site. Total volume required is 5000.00ML (subject to discussion).	8	<b>Deliver Excess Flows to Woorangah River</b> Stormwater in excess of that required to preserve the wetland hydrology of Porters Creek Wetland and Woorangah Creek pumped via reticulation to Woorangah River via Dunderberg storage via Link Rd Pipeline.

**FIGURE 1 (Rev A)**  
**PORTERS CREEK REGIONAL STORMWATER HARVESTING SCHEME PRELIMINARY PLAN**  
 (Subject to design refinement)  
 Date: 2/10/07  
 Prepared by: Natural Resources Unit  
 (Any design amendments to be approved by Natural Resources - Snr Planning Engineer)



## **2.2 Extension of Alcohol Free Zone - Wyong**

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TRIM REFERENCE: F2004/06083 - D02123123

AUTHOR: MW

### **SUMMARY**

Proposal to extend an Alcohol Free Zone (AFZ) at Wyong, set to expire on 30 June 2013.

### **RECOMMENDATION**

- 1 That Council propose the extension of an Alcohol Free Zone in Wyong until 30 June 2013 at the following location:**

***Wyong: Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Courts, Peters Lane, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison Road to Anzac Avenue.***

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.**
- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.**

### **BACKGROUND**

Alcohol Free Zones were introduced to Wyong Shire many years ago as a means of controlling anti-social behaviour resulting from the consumption of alcohol. Established by Regulation the zones may be set for a maximum period of four years.

### **THE PROPOSAL**

The proposal was received from a local real estate agent which manages many of the commercial properties and finds bottles/cans left outside premises and witnesses the consumption of alcohol on the streets.

### **OPTIONS**

- 1 Approve the extension of the AFZ. The evidence of social behaviour improvement since the introduction of AFZs is clear and has received favourable support from Police. Continuation of the AFZs is desirable if continued improvement in behaviour is to be achieved.**
- 2 Refuse the extension of the AFZ. This action would certainly result in an increase in complaints regarding anti-social behaviour in the area concerned and may be an unpopular decision with the Police.**

## STRATEGIC LINKS Management Plan

Principal Activity	Key Issue(s) and Objective (s)	Financial Line Item No and Description
A better community	To contribute to a safe community	1.6

Work in partnership with government, nongovernment agencies and community groups to address crime and safety issues.

Ongoing efforts to reduce the incidence of vandalism across the Shire.

### Principles of Sustainability

AFZs act as a deterrent for anti-social behaviour to improve and maintain safety, wellbeing and sense of community.

### CONSULTATION

The Tuggerah Lakes Local Area Command of the NSW Police has advised it supports the extension of the AFZ at Wyong.

The local police Command considers these zones will continue to aid Police in controlling anti-social behaviour, minimise the disturbances that can be caused by drinking of alcohol in public places and create a better environment for the residents of the areas.

### GOVERNANCE

The proposal is in accordance with section 632 of the Local Government Act. The procedures outlined in the Ministerial Guidelines are addressed.

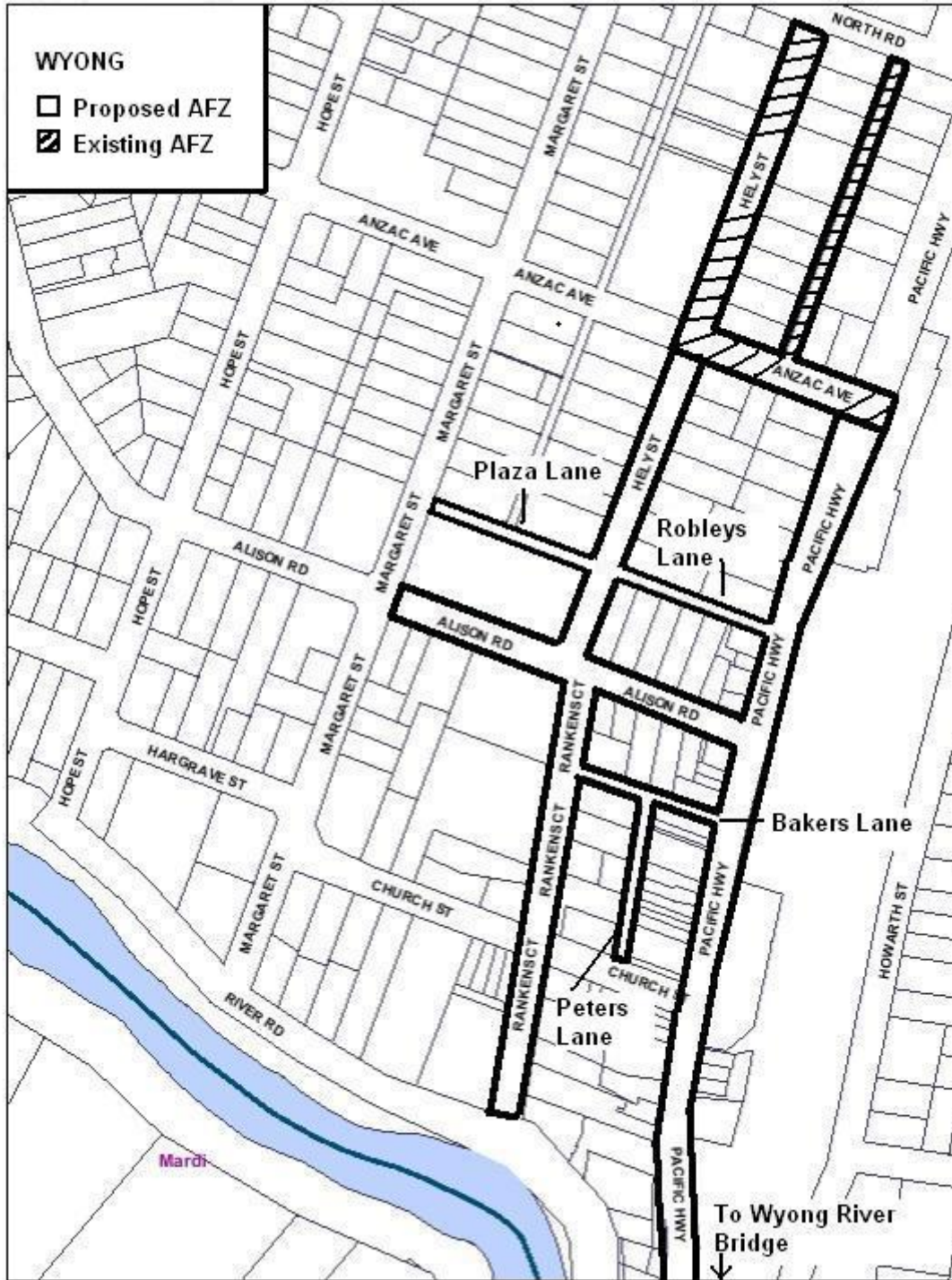
It should also be noted that Council owned land such reserves and cycleways are not classified as a public road or car-park and therefore cannot be included within an Alcohol Free Zone. However, under section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

### CONCLUSION

There is obvious benefit to the community in supporting Alcohol Free Zones. There is a consultation process to be conducted and final approval of the extension cannot be achieved by Council resolution until that process is completed.

### ATTACHMENTS

- 1 Locality Plan - Wyong Alcohol Free Zone Extension D02124532



## **2.3 Minutes of the Senior Citizens' Council Meeting - 26 November 2009**

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TRIM REFERENCE: F2008/00407 - D02130716

AUTHOR: AE

### **SUMMARY**

Report on the Minutes of Senior Citizens' Council meeting held 26 November 2009.

### **RECOMMENDATION**

- 1** *That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 26 November 2009 and adopt the recommendations contained therein.*
  
- 2** *That Council accept the Senior Citizens' Council nomination of Juliet Axford as the proposed delegate and Bruce Kirkness as the alternate delegate for inclusion on the Performing Arts Centre Committee.*

### **BACKGROUND**

A meeting of the Wyong Shire Senior Citizens Council was held on 26 November 2009. The minutes are included as Attachment 1.

Juliet Axford has been a member of the Senior Citizen's Council since its inception and she has a strong connection with the Wyong Drama Group and Wyong Drama Festival which gives her invaluable experience for this role.

Bruce Kirkness has also been a member of the Senior Citizen's Council since its inception. He plays a major role in organizing cultural activities at Toukley Senior Citizen's Club and he has a long history with Central Coast Music Society which provides a good basis for this role.

The Senior Citizen's Council identified culture and performing arts as high priorities for positive ageing.

### **ATTACHMENTS**

- 1** Minutes Senior Citizens Council Meeting - 26 November 2009      D02124917



	Item Description	Responsibility
2.4	<p><b>Positive Aging &amp; Seniors Week Plans</b></p> <p>Safety Forum – need to clarify whether the various agencies have the capacity to be involved in forums at two different locations concurrently and which venues are available. The agencies involved include Police, Fire Brigade, Red Cross and the Health Department Falls Prevention Program.</p> <p>Trivia Day – to be hosted by Wyong RSL on Friday 26 March 2010.</p> <p>As in previous years, Council will produce a calendar of activities for Seniors Week.</p> <p>Positive Ageing Grants – Toukley Seniors has applied for funds to offer a Concert Series from April to September 2010.</p> <p>Wyong Council has applied for funds to document and showcase the stories of local senior craft artists of the Shire.</p>	ALL
3	<b>AGENDA</b>	
3.1	<p><b>Changes to Aged Pension &amp; Housing Costs</b></p> <p>Discussion about the recent \$30 increase in Commonwealth Government pensions being followed by increases in goods/ services and housing. Concern expressed about how informed people were when considering different housing options when they retired and what is required to make an informed decision.</p>	ALL
3.2	<p><b>Performing Arts Centre Committee</b></p> <p>The Senior Citizens Council marks cultural activities as a high priority for positive ageing. The Senior Citizens Council requests representation on the Performing Arts Centre Committee.</p> <p><b>Moved:</b> Cr D Eaton                      <b>Seconded:</b> Dawn Thompson.</p> <p>The Senior Citizens Council nominates Juliet Axford as the proposed delegate and Bruce Kirkness as the alternate delegate.</p> <p><b>Moved:</b> June Goss                      <b>Seconded:</b> Dawn Thompson</p>	Cr Eaton
3.3	<p><b>Multicultural Community Consultation</b></p> <p>The Senior Citizens Council recognises the importance of creating opportunities to facilitate dialogue with Council on local issues. The Senior Citizens Council would therefore support the concept of an Ethnic Affairs Committee to facilitate dialogue with the local multicultural communities.</p> <p><b>Moved:</b> Luigi Bruni                      <b>Seconded:</b> Bruce Pyke</p>	LB
5	<b>CORRESPONDENCE</b>	
	<p>A letter of thanks to Allan Booth to include the Seniors Council decision not to maintain attendance at the Transport Working Group.</p> <p><b>Moved:</b> Dawn Thompson                      <b>Seconded:</b> Bruce Pyke</p>	
	<b>NEXT MEETING: 21 January 2010 Luncheon at Wyong Golf Club at 12.00 Midday</b>	



## **2.4 Conference attendance**

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TRIM REFERENCE: F2004/06517 - D02134502

AUTHOR: ED

### **SUMMARY**

Council has received information in respect of the Local Climate Local Change Conference 2010.

### **RECOMMENDATION**

- 1 That Council authorise interested Councillors to attend the Local Climate Local Change Conference 2010.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, a Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association Annual Conference. Reasonable expenses incurred in Councillors attending the conferences will be met in accordance with that policy.

Details of conferences, seminars and external training sessions are provided for determination of Councillor Attendance.

### **THE PROPOSAL**

#### **Local Climate Local Change Conference 2010**

The Local Climate Local Change Conference 2010 will be held in Leura, NSW, between 18 and 21 April 2010. The Conference will cover such issues as:

- \* Climate change mitigation and adaptation – implications for communities with a focus on tourism
- \* Adapting and Mitigating for Climate change
- \* Communications and Advocacy for Climate Change
- \* Emergency Management
- \* Managing Natural Resources
- \* Managing the Built Environment
- \* Managing Community Action

Councillor Eaton has expressed an interest in attending the Conference.

## 2.4 Conference attendance (contd)

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### Financial Implications

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

Local Climate Local Change Conference 2010 Attendance Costs	(\$)
Registration (mid rate)	\$1,155
Travel (Council vehicle / petrol)	\$100
Accommodation (based on approx \$189 per night for 4 nights)	\$756
Other disbursements (meals, taxis etc) say	\$400
<b>Total - estimate</b>	<b>\$2,411</b>

### Principles of Sustainability

To assist with reducing the Carbon Foot Print of the Conference, organisers are encouraging delegates to travel to the Blue Mountains via public transport or car pooling with other delegates. Cost of return train travel is \$44.

### CONSULTATION

The Facilities and Expenses Policy for Councillors has been advertised with no submissions received.

### GOVERNANCE

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending the conferences are met in accordance with that policy.

### CONCLUSION

The Conference listed would be of benefit to the professional development of Councillors and attendance is encouraged.

### ATTACHMENTS

*Nil.*

## 2.5 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02135699

AUTHOR: SG

### SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

### RECOMMENDATION

***That Council allocate an amount of \$3,418.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.***

### BACKGROUND

Provision has been made in Council's Management Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that operate in the Shire or provide a benefit specifically to the residents of the Shire.

Donations may also be made to individuals or groups in pursuit of excellence, including sporting and cultural excellence, subject to CCIG Policy. Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

### THE PROPOSAL

Under Council's Policy, all proposed allocations are subject to the approval of the Council as a whole.

### OPTIONS

- 1 Approval of applications as submitted will provide a community benefit residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

### STRATEGIC LINKS

#### Management Plan

<b><i>Principal Activity</i></b>	<b><i>Key Issue(s) and Objective (s)</i></b>	<b><i>Financial Line Item No and Description</i></b>
A better community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

#### Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

## 2.5 Proposed Councillors' Community Improvement Grants (contd)

### Link to Key Focus Areas

Funding is available specifically to projects outside of Council's Management Plan.

### Financial Implications

Expenditure is approved until the end of the 2009-10 financial year. Unspent approvals lapse 30 June 2010.

### CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

### GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

### CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

### Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 27/01/2010	4,218	4,700	6,798	5,949	5,191	2,650	1,436	7,375	7,520	9,148	50,755
Available allocation as at 27/01/2010	10,782	10,300	8,202	9,051	9,809	12,350	13,564	7,625	7,480	5,852	99,246
<b>Proposed Allocations for 10 February 2010</b>											
Central Coast Community First Aid Inc (\$1,574)	150	500									650
Glengara Seniors Computer Club (\$1,800)		250							500		750
Lions Club of Toukley Inc (\$1,018)							518			500	1,018
The Lakes Surf Life Saving Club (\$4,170)									1,000		1,000
<b>Total Proposed Allocations for 10/02/2010</b>	<b>150</b>	<b>750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>518</b>	<b>0</b>	<b>1,500</b>	<b>500</b>	<b>3,418</b>
<b>Total Accumulated Allocations as at 10/02/2010</b>	<b>4,368</b>	<b>5,450</b>	<b>6,798</b>	<b>5,949</b>	<b>5,191</b>	<b>2,650</b>	<b>1,954</b>	<b>7,375</b>	<b>9,020</b>	<b>9,648</b>	<b>54,173</b>
<b>Total of Pending Allocations</b>		<b>800</b>								<b>777</b>	<b>1,577</b>
<b>Balance Uncommitted as at 10/02/2010</b>	<b>10,632</b>	<b>9,550</b>	<b>8,202</b>	<b>9,051</b>	<b>9,809</b>	<b>12,350</b>	<b>13,046</b>	<b>7,625</b>	<b>5,980</b>	<b>5,352</b>	<b>95,828</b>

### ATTACHMENTS

Nil

### 3.1 Integrated Planning and Reporting Framework - Council Group Nomination

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TRIM REFERENCE: F2009/01865 - D02113722

AUTHOR: BR; DS

#### SUMMARY

The Department of Local Government requires a Council resolution to nominate when it will adopt its Community Strategic Plan and Delivery Program.

#### RECOMMENDATION

***That Council nominate for "Group 2" for phasing in of the new planning and reporting legislation.***

#### BACKGROUND

The *Local Government Amendment (Planning and Reporting) Act 2009* was assented to by the Governor on 9 October 2009 and gave effect to the Integrated Planning and Reporting Framework.

The Act provides transitional provisions for the phasing of the new legislative requirements over a three-year period. All councils are required to nominate for a group with staged implementation timeframes:

- \* Group 1 – Community Strategic Plan, Delivery Program and Resourcing Strategy adopted by 30 June 2010.
- \* Group 2 – Community Strategic Plan, Delivery Program and Resourcing Strategy adopted by 30 June 2011.
- \* Group 3 – Community Strategic Plan, Delivery Program and Resourcing Strategy adopted by 30 June 2012.

When determining which one of the three groups it will participate in, councils should consider:

- \* Its capacity to meet the new legislative requirements within the timeframe.
- \* If there is sufficient time to effectively engage its community in the development of the Community Strategic Plan.
- \* The status of its Resourcing Strategy development. It is essential that the elected council had adequate information to inform its decision when endorsing the Community Strategic Plan and adopting its first Delivery Program and Annual Plan.

#### THE PROPOSAL

It is proposed that Wyong Shire Council nominate for Group 2.

While Council now has an adopted Shire Strategic Vision; ongoing work includes continuation of the current comprehensive review of all of Council's services to act as a base for the Delivery Program and Operational Plan. This needs to be integrated with the ongoing development of Council's Long-Term Financial Strategy, Asset Management Strategy and Workforce Management Plan. This requires further engagement and feedback from the community in accordance with the Integrated Planning & Reporting Guidelines. The Group 2 deadline (30 June 2011) would ensure not only that the deadline would be met, but also that any proposed variation to Council's rates that might be required could be fully integrated with planning for the 2011-12 financial year.

## **OPTIONS**

In summary, the basic issues concerning each of the two main options are as follows:

- Group 1 - Council's current timetable would not allow it to adopt the Resourcing Strategy, Delivery Program and Annual Plan in time for the 30 June 2010 deadline required of all councils in Group 1. If Council was to nominate for Group 1 and there was to be a delay in delivery of these three documents then rates may not be able to be issued in early July 2010 which would have significant impacts on Council's cash flow. There appears to be no real advantage to Council in nominating for Group 1.
- Group 2 - The mandatory 30 June 2011 deadline required of all Group 2 councils would ensure that deadlines are met and there is no delay in issuing rates. In addition, it would allow more flexibility and time for more thorough liaison with the Strategic Finance Committee in development of all components of the Long-Term Financial Strategy and engagement of the community in the process. There would also be integration in the same financial year with any special rate variation that might be sought.

## **STRATEGIC LINKS**

### **Management Plan**

The Delivery Program and 2010-11 Annual Plan will replace the current Management Plan.

### **Financial Implications**

This recommendation does not require additional funds or resources.

### **Principles of Sustainability**

The principles of sustainability form one of the four basic principles of the Shire Strategic Vision and therefore must be incorporated in the development of the Delivery Program.

## **CONCLUSION**

It is recommended that Council nominate for Group 2 of Councils regarding when it will be required to adopt of a Community Strategic Plan and Delivery Program.

## **ATTACHMENTS**

*Nil.*

#### **4.1 Information Reports**

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TRIM REFERENCE: F2010/00009 - D02133422

AUTHOR: SG

#### **SUMMARY**

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

#### **RECOMMENDATION**

*That Council deal with the following Information Reports by the exception method.*

#### **ATTACHMENTS**

*Nil.*

## 4.2 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02140866

AUTHOR: CC

### SUMMARY

Report on status of Mardi to Mangrove Link Project.

### RECOMMENDATION

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

### PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline

### CURRENT STATUS

Expenditure to date \$24.4m

Project Estimate \$120.6m - \$170m

### Construction Status

	Scheduled Start	Scheduled Completion	% Complete
Pre-construction – Management Plans & Approvals	4 January 2010	2 June 2010	10%
Site Possession	18 January 2010		
Work Package 1 – Wyong River Off-take	7 April 2010	14 January 2011	
Work Package 2 – Wyong River Pump Station	19 February 2010	16 January 2011	
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010	3 August 2010	
Work Package 4 – Wyong Mardi Inlet	6 May 2010	2 December 2010	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010	14 January 2011	
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010	12 January 2011	
Work Package 18 – Wyong Weir, Fishway & Gauging	4 August 2010	25 November 2010	
Commissioning	17 January 2011	19 April 2011	



## 4.2 Mardi to Mangrove Link Project Status (contd)

### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	12 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	14 January 2011		<input type="checkbox"/>
Commissioning	19 April 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

### Land Matters

- 55 privately owned properties require easements.
- 5 out of 6 agreements signed for additional land required for construction.
- Application notices for compulsory acquisition of easements issued to 22 landholders.
- Compulsory application notices lodged and approved by the Minister on 22 January, approved by the Governor on 27 January and gazetted on 29 January.
- 3 private and 1 Crown landholder easements have been compulsory acquired. For the remaining privately owned property requiring an easement, Council is continuing to negotiate an appropriate resolution.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	51	93%	82%

### Stakeholder Liaison

#### Community

- Displays at Erina Fair Shopping Centre (long-term display) and The Entrance Tourist Centre (January). Undertaking discussion with Westfield Tuggerah and Lakehaven Shopping Centres regarding free space for displays during 2010.
- Story submitted to monthly Grapevine publication in relation to the Construction Environmental Management Plan process.

#### Landholder

- The Stakeholder Communications and Engagement Strategy is being finalised and operational communication protocols are being developed. The Branding Pack has

## **4.2 Mardi to Mangrove Link Project Status (contd)**

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been finalised and forwarded to John Holland Group for implementation.

- Thirteen correspondence items have been received in January.

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### **Government**

- Liaising with Advisers to NSW Minister for Water and Office of Water regarding the easement acquisition process.
- Liaising with New South Wales Department of Environment, Climate Change and Water (DECCW) on finalising water licences upgrade applications.

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### **Incidents**

- There have been no OH&S or environmental incidents during the last reporting period.

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### **Major Achievements / Issues**

- John Holland Group submitted a Contract Program on 20 January 2010.
- John Holland Group lodged the Construction Environmental Management Plan to Council on 18 January 2010.
- The Compulsory Acquisition process has been completed, with gazettal of the approved acquisitions on 29 January.

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### **ATTACHMENTS**

*Nil.*

### **4.3 Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors**

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TRIM REFERENCE: F2004/06505 - D02125719

AUTHOR: LC

#### **SUMMARY**

Reporting correspondence from the Local Government Remuneration Tribunal advising that the Tribunal has commenced its review for the 2010 determination of Councillor and Mayoral fees. The Council may make a submission to the tribunal by 19 February 2010.

#### **RECOMMENDATION**

***That Council receive the report on Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors.***

Correspondence has been received from Mr Emanuel Sklavounos, Associate Director of the Local Government Remuneration Tribunal advising that the Tribunal has commenced its review for the 2010 determination of Councillor and Mayoral fees.

The tribunal is required to make a determination on the fees by 30 April 2010.

Councils may make submissions either individually or jointly regarding the quantum and/or structure of fees. The Tribunal will not review categories until 2012.

Submissions are required by 19 February 2010.

The Tribunal takes into account economic data including the cost of living in making its determination.

A copy of the correspondence is attached to the report.

#### **ATTACHMENTS**

- 1 Correspondence - Local Government Remuneration Tribunal D02099694



## Local Government Remuneration Tribunal

26 November 2009

Clr Bob Graham  
Mayor  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Clr Graham

Pursuant to s. 243 of the *Local Government Act 1993*, the Tribunal is required to make an annual determination, by no later than 30 April 2010, on the fees payable to Councillors and Mayors to take effect from 1 July 2010. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2010 determination.

### **Fees**

The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. The Tribunal would welcome submissions from individual councils or joint submissions in regard to the quantum and/or structure of fees.

### **Categorisation**

Categories of councils and mayoral offices were last determined by the Tribunal in 2009. In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal does not intend to undertake a further review of categories during the 2010 review but will review the categories again as part of the 2012 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.

Submissions should be received by no later than 19 February 2010 and should be emailed to [sarah.bradshaw@dpc.nsw.gov.au](mailto:sarah.bradshaw@dpc.nsw.gov.au). A hard copy is not required for submissions that are emailed. Councils wishing to provide a hard copy may forward to:

Local Government Remuneration Tribunal  
Level 12, Bligh House  
4-6 Bligh Street  
SYDNEY NSW 2000.

Enquiries should be directed to Sarah Bradshaw on 02 9228 4657 or email at [sarah.bradshaw@dpc.nsw.gov.au](mailto:sarah.bradshaw@dpc.nsw.gov.au).

Yours sincerely

Emanuel Sklavounos  
Executive Director, Corporate Governance

#### 4.4 Investments for December 2009

TRIM REFERENCE: f2004/06604 - D02132242

AUTHOR: HS

#### SUMMARY

The following report details Council's investments as at 31 December 2009.

#### RECOMMENDATION

*That Council receive the report on Investments for December 2009.*

#### BACKGROUND

Conservative management of Wyong Shire Council's (WSC) investment portfolio throughout the last financial year provided a defence against the world financial crisis. WSC's investments in managed funds were impacted by the loss of market confidence and liquidity and a hold-to-maturity strategy was adopted based on the underlying quality of investment assets.

The strategy has proven to be appropriate and recovery of capital value has occurred and is continuing.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

#### CURRENT STATUS

In December 2009, the total net return was \$0.63m consisting of interest earnings \$0.58m and capital gains \$0.05m. Council's total investments as at December 2009 are summarised in Table 1 and detailed in Attachment 1.

**Table 1 Investment Portfolio by Risk Category**

	<b>December 2009</b>	<b>Year-to- Date Total Returns</b>	<b>Year-to- Date Returns Interest Only</b>	<b>Year-to- Date Returns Interest Only</b>
	<b>\$ '000</b>	<b>%</b>	<b>%</b>	<b>\$ '000</b>
Cash at Call	22,973	3.74	3.74	440
Term Deposits	52,661	4.53	4.53	1,154
Cash Plus Funds	6,828	12.66	1.05	47
Cash Management Funds	21,763	13.22	6.33	760
Enhanced Income Funds	13,809	14.12	5.42	359
<b>Total Investments</b>	<b>118,034</b>	<b>7.71</b>	<b>4.57</b>	<b>2,760</b>

#### 4.4 Investments for December 2009 (contd)

Favourable year-to-date returns of 7.71% (total) reflect WSC's capital recovery and compares at par with the year-to-date UBSA Bank Bill Index of 3.39%.

Investment transactions and earnings during December 2009 are shown in Table 2 Portfolio Performance.

WSC's investments have regained \$1.86m in value from the 2008-09 year end position – the recovery being equivalent to 47% of the paper losses in the previous financial year. WSC's continued hold-to-maturity strategy continues to be the preferred option in the recovering market environment.

Although the rate of recovery on capital losses has levelled off in the last two months, this is part of normal market fluctuations and it is expected there will be a further significant recovery in the months to come.

**Table 2 Portfolio Performance**

	<b>July - Sept 2009 \$m</b>	<b>Oct - Nov 2009 \$m</b>	<b>December 2009 \$m</b>	<b>Year to Date 2009/10 \$m</b>
<i>Movement in Assets</i>				
<b>Opening Balance</b>	<b>99.22</b>	<b>130.02</b>	<b>125.47</b>	<b>99.22</b>
Capital Gain/Loss – (see below)	1.39	0.42	0.05	1.86
Net Cash/Investments( Withdrawals)	29.41	-4.97	-7.49	16.95
<b>Closing Balance</b>	<b>130.02</b>	<b>125.47</b>	<b>118.03</b>	<b>118.03</b>
<i>Trading Position</i>				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	1.39	0.42	0.05	1.86
Interest Earnings	1.47	0.71	0.58	2.76
<b>Total Return for Period</b>	<b>2.86</b>	<b>1.13</b>	<b>0.63</b>	<b>4.62</b>

#### **Interest Returns**

Interest returns year-to-date continue above budget by \$0.45m. However, the benefit of the favourability against will accrue mainly to restricted funds for sewerage and section 94 expenditure.

WSC's holdings in managed funds and the manner in which interest on these funds is distributed makes it extremely difficult to predict future favourability of interest earnings in terms of timing and month. However, term deposits (other than the Workcover deposit) continue to yield above the Union of Switzerland Australia (UBSA) Bank Bill Index for December with investments ranging between 4.25% to 6.30% against the benchmark for the month of 3.87%.

4.4 Investments for December 2009 (contd)

**Table 3 Interest Only Performance at 31 December 2009**

Investment Source	YTD Budget \$ '000	YTD Actual \$ '000	Var. \$ '000
General Fund	1,226	1,354	128
Water (all)	226	626	400
Sewerage (all)	849	774	-75
<b>Total</b>	<b>2,301</b>	<b>2,754</b>	<b>453</b>

**Black Rock Care and Maintenance Fund**

The return for the month of December was an overall gain of \$0.12m. Total capital gains continue to be positive for the year to date being \$0.80m.

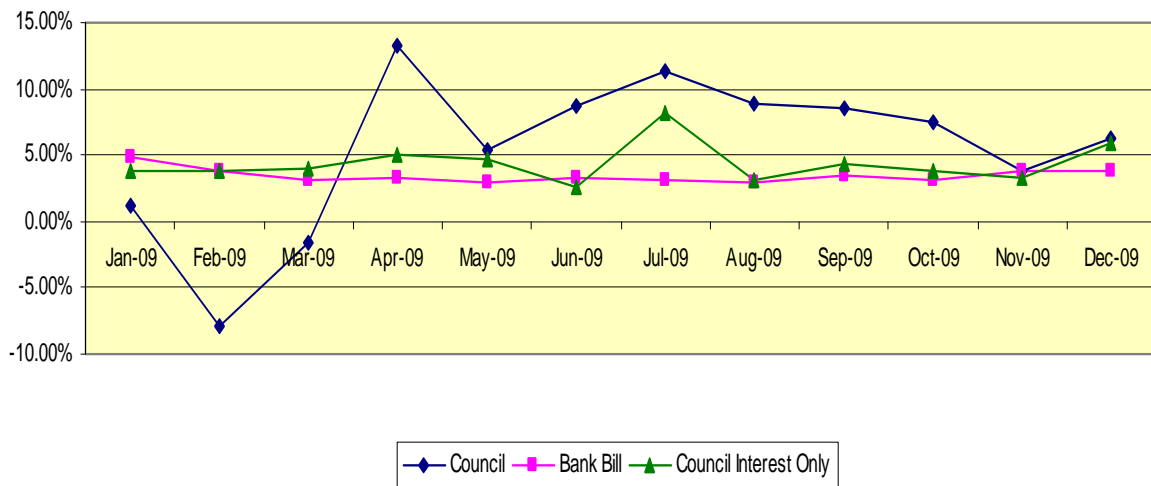
Regular close monitoring of the status of this investment continues and, over time, the “hold to maturity” strategy is seeing positive gains as markets have improved.

**Benchmark - Monthly Returns (Annualised)**

Council’s overall investment return is compared to the UBSA Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level.

A graph detailing the monthly return on a 12 monthly basis is as follows:

**Table 4 Monthly Annualised Returns (Interest and Capital Movements) Portfolio Performance Comparison to UBSA Bank Bill Index**



**Council:** Council Total Return (Interest and Capital)  
**Bank Bill:** UBSA Bank Bill Index  
**Council Interest Only:** Council Interest Earnings

**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 December 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

**CONCLUSION**

The year end accounts for 2008-09 recognised all unrealised losses in full however as these assets improve in value they will re-appear in the accounts and be recognised as income in forthcoming periods. This does not translate to surplus income in real terms.

**ATTACHMENTS**

- 1 Summary of Investments by Type as at 31 December 2009 D02132453



**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 December 2009**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE \$	INCOME FOR MONTH \$	YIELD % p.a.
<b>CASH AT CALL:</b>				
ANZ High Yield Cash Account (AA)	Daily	22,973,140	61,034	3.62
BT Institutional Managed Cash (AAA)	Daily	7	7	3.14
<b>Total Cash At Call</b>		<b>22,973,147</b>	<b>61,041</b>	
<b>TERM DEPOSITS &amp; BONDS</b>				
T-Corp (WorkCover NSW)	02/03/2010	9,460,000	30,116	3.90
CitiBank Term Deposit	29/12/2009	-	10,356	4.50
Allied Irish Term Deposit	29/12/2009	-	10,655	4.63
BankWest Term Deposit	04/01/2010	4,000,000	14,608	4.30
NAB Term Deposit	12/01/2010	10,000,000	36,521	4.30
ANZ Term Deposit	12/01/2010	5,000,000	18,048	4.25
SunCorp Term Deposit	18/01/2010	5,000,000	18,473	4.35
SunCorp Term Deposit	28/01/2010	5,000,000	21,021	4.95
CitiBank Term Deposit	25/02/2010	4,000,000	18,345	5.40
Allied Irish Term Deposit	25/02/2010	4,000,000	18,107	5.33
SunCorp Term Deposit	26/11/2010	2,000,000	10,701	6.30
Westpac Deposit Bond	24/09/2012	4,200,816	24,834	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>52,660,816</b>	<b>231,785</b>	
<b>CASH PLUS:</b>				
Aberdeen Cash Plus Fund (A)	To be liquidated - Schedule in place	6,793,077	49,090	8.76
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	19,994	194	10.31
LGFS 12-Month Cash Facility	Open Ended	15,507	1,341	4.61
<b>Total Cash Plus</b>		<b>6,828,578</b>	<b>50,625</b>	
<b>CASH MANAGEMENT FUNDS:</b>				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	9,811,569	122,057	15.88
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	11,951,566	46,573	4.36
<b>Total Cash Management Funds</b>		<b>21,763,135</b>	<b>168,630</b>	
<b>ENHANCED INCOME:</b>				
Macquarie Income Cash Plus (A)	Open Ended	13,808,702	114,961	10.36
<b>Total Enhanced Income</b>		<b>13,808,702</b>	<b>114,961</b>	
<b>TOTAL</b>		<b>118,034,378</b>	<b>627,042</b>	

#### 4.5 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02135261

AUTHOR: SG

##### SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

##### RECOMMENDATION

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

Question Asked / Councillor	Department	Meeting Asked	Status
Q60/10 –List of Council Tenants who are Charitable Organisations and have not had their leases renewed  <i>“Could staff briefly report, in table form, on all Charitable tenants of Council properties whose leases have not been renewed in the last twenty years?”</i>	Corporate Services	27 January 2010 Cr Eaton	A response will be submitted to Council's meeting of 24 February 2010.
Q61/10 - Progress or non progress of the RTA's upgrade of the Pacific Highway through Wyong township  <i>“Could staff advise on the progress, or non progress, of the RTA's upgrade of the Pacific Highway through Wyong township?”</i>	Shire Planning	27 January 2010 Cr Eaton	A response will be submitted to Council's meeting of 10 March 2010.

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.</p>
<p>298 – The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Staff are prepared to brief Council during the third quarter of this budget year. However, the briefing will be subject to availability of briefing times.

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr Best / Cr Matthews</p>	<p>The RSPCA Strategic Review is complete. Future options will be the subject of a Councillor Briefing in early 2010 with a report to follow.</p>

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Notice of Motion – Community Gardens</p> <p><i>That Council develop a Strategic Policy for Community Gardens which involves the following:</i></p> <ol style="list-style-type: none"> <li>1 <i>That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:</i> <ol style="list-style-type: none"> <li>a <i>Establish community gardens in new and existing residential areas in partnership with local residents.</i></li> <li>b <i>Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.</i></li> <li>c <i>The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.</i></li> <li>d <i>That clearly identifies Council's roles and responsibilities.</i></li> </ol> </li> <li>2 <i>That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.</i></li> <li>3 <i>That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.</i></li> <li>4 <i>That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.</i></li> <li>5 <i>That the policy be developed in partnership with the Community Development Unit.</i></li> </ol>	<p>Shire Planning</p>	<p>22 July 2009 Cr Wynn / Cr Graham</p>	<p>A report will be prepared for Council's consideration once community consultation has been completed.</p> <p>The draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.</p>

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion –Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its “Greenfield” urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council’s strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures for all areas of Wyong Shire has been completed, as advised to Councillors via a business update dated 3 December 2009. A report on the outcomes of the audit will be presented to Council in March 2010.

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p><i>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</i></p> <ul style="list-style-type: none"> <li>• <i>the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council);</i></li> <li>• <i>vehicle and small plant fleet; and</i></li> <li>• <i>Buttonderry landfill site.</i></li> </ul> <p><i>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</i></p> <p><i>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</i></p>	Shire Planning	<p>9 September 2009</p> <p>Cr Wynn / Cr Best</p>	<p>A Councillor briefing followed by a report will be scheduled for the first quarter of 2010.</p>
<p>8.2 - Possibility for the Establishment of an Environmental Committee</p> <p><i>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p>	Shire Planning	<p>9 September 2009</p> <p>Cr Wynn / Cr Best</p>	<p>Review of form, membership and charter of similar committees in other Councils completed. A report will be submitted to Council's in March 2010.</p>

#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>U17/09 – Motion of Urgency - Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven</p> <p><i>That Council <u>defer</u> the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;</i></p> <p><i>a the submission of a report by local residents regarding the use of these two blocks;</i></p> <p><i>b an opportunity being given to the local residents to address Councillors at a future resident's forum;</i></p> <p><i>c a report from staff in regard to the submission by local residents. This report is also to include a list (developed in consultation with the broader community of Charmhaven and Lake Haven) of potential projects that could be funded from the proceeds of the sale if it proceeds.</i></p> <p><i>d a report about alternative uses of the land such as the path combined with a park or community garden retaining as much of the old growth as possible.</i></p>	Corporate Services	14 October 2009 Cr Vincent / Cr Symington	Wider consultation to be conducted and reported to Council Feb/Mar 2010.
<p>8.1 – Notice of Motion – Shire Civic Garden</p> <p><i>1 That Council <u>consider</u> the creation of a civic garden within the Shire that consists predominantly of native plantings</i></p> <p><i>2 That Council staff <u>provide</u> a report by March 2010 on the implementation cost, maintenance, including planting and/or maintenance, by local garden clubs and/or land care groups/schools/communities.</i></p>	Shire Planning	11 November 2009 Cr Vincent / Cr Matthews	The project has been incorporated into the Future Planning Works Program, with a report to be submitted to Council in March 2010.



#### 4.5 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 – Notice of Motion – Proposed Additional Development Policy</p> <p>1 <i>That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i></p> <p>2 <i>That the draft policy be written to apply to major residential, commercial and industrial development.</i></p> <p>3 <i>That the provisions of the policy include:</i></p> <p style="padding-left: 20px;">a <i>objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</i></p> <p style="padding-left: 20px;">b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i></p> <p style="padding-left: 20px;">c <i>a focus on buildings located within town centres and on major roads within the Shire.</i></p> <p>4 <i>That the draft policy be reported back to Council for consideration.</i></p>	Shire Planning	11 November 2009 Cr Best / Cr Webster	Item has been included on the policy works program and will be commenced late 2010.
<p>10.2 Notice of Motion - Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients</p> <p><i>That Council <u>prepare</u> a report, working within the existing Federal Government framework, for the implementation of a pilot program for the construction of local footpaths using "Work for the Dole" recipients.</i></p>	Shire Services	9 December 2009  Cr Symington/ Cr Wynn	A report will be submitted to Council on 24 March 2010.

#### Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>Q62/10 - Agenda for the Councillors Weekend Workshop proposed to be held on 20 - 21 February 2010 at Shoal Bay?</p> <p><i>"Could I please have a copy of the Agenda of the upcoming weekend workshop?"</i></p>	27 January 2010 Cr Eaton	Agenda completed. Distributed to all Councillors on 3 February 2010.

#### ATTACHMENTS

Nil.

## **5.1 Notice of Motion - Planning Disputes Mediation Committee Trial**

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TRIM REFERENCE: F2004/00040 - D02141838

AUTHOR: DE; BG

Councillors Eaton and Graham have given notice that at the Ordinary Meeting to be held on 10 February 2010 they will move the following Motion:

*“That Council trial a Planning Disputes Committee consisting of the Mayor, Deputy Mayor, Councillor Eaton and the Director of Shire Planning (or nominee) to mediate planning disputes that are referred to it by either staff or the applicant.”*

## **5.2 Notice of Motion - Elected Council Independent Legal Advisor**

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TRIM REFERENCE: F2004/08102 - D02141849

AUTHOR: DE; BG

Councillors Eaton and Graham have given notice that at the Ordinary Meeting to be held on 10 February 2010 they will move the following Motion:

*“That Council invite tenders from a separate independent firm of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical.”*

### **5.3 Notice of Motion - Warnervale Airport and Associated Lands**

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TRIM REFERENCE: F2004/07714-03 - D02142888

AUTHOR: GB

Councillor G P Best has given notice that at the Ordinary Meeting to be held on 10 February 2010 he will move the following Motion:

*“That further to the previous Council’s resolution of 26 February 2003 (below) regarding Land Holdings in the vicinity of Warnervale Business Park, staff update the current Council through a report / synopsis outlining key steps in the Airport and its Associated Lands History. Also the effect the State Government’s Warnervale Airport Restrictions Act 1996 now has over this precinct.”*

#### **COUNCILLOR NOTE**

Council at its meeting held on 26 February 2003 resolved *on the motion of Councillor BEST and seconded by Councillor STEWART:*

- “1 That Council proceed, as a matter of priority, with the necessary investigations to rezone and develop the surplus airport land on the western side of the existing runway for industrial uses.*
- 2 That Council not proceed with plans to develop Warnervale Airport as a Central Coast Regional Airport.*
- 3 That no capital funding be allocated to the airport.”*

FOR: COUNCILLORS BEST, CAWTHORNE, EATON, GRAHAM, PAVIER AND STEWART.

AGAINST: COUNCILLORS BRENNAN, FORSTER, ROSE AND THOMPSON.

At the Ordinary Meeting of Council on 12 February 2003, Council resolved that a report be prepared to review its plans for the future of its landholdings in the vicinity of the Warnervale Business Park and including Warnervale Airport.