
WYONG SHIRE COUNCIL

REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 11 JULY 2007,
COMMENCING AT 4.00 PM

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ORDINARY MEETING OF COUNCIL

11 JULY 2007

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WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

274 Disclosures of Interest

F2006/02282 ED:MR

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 interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

275 Disclosures of Interest for Confidential Items Only

F2007/00044 ED:MR

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 interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

276 Proposed Inspections

F2006/02282 ED:MR

SUMMARY

Inspections proposed to be held on 25 July 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
25 July 2007	Warrigal and Taylor St, The Entrance Road Reconstruction	Director Shire Services
25 July 2007	Bateau Bay Effluent Re-use Ultraviolet Disinfection System	Director Shire Services
25 July 2007	Upgrade to Lower River Transfer System at Mardi	Director Shire Services
25 July 2007	Mardi Dam New Outlet Structure and Rear High Lift Pump Station.	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 25 July 2007 be received and the information noted.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

277 Proposed Briefings

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Date	Briefing	Description	Time	Presented by
11 July 2007	Cabbage Tree Harbour (landslip)	Cabbage Tree Harbour Update	11.00am-11.30am	Manager Natural Resources
11 July 2007	Toukley Golf Club	Toukley Golf Club Agreement	11.30am-12noon	Toukley Golf Club
11 July 2007	Water Authority Board Meeting	Briefing on upcoming Water Authority Board Meeting	12.00noon-1.00pm	Director Shire Services
11 July 2007	Holiday Park	Holiday Park Briefing	1.00pm-3.00pm	Manager Contracts

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

278 Address by Invited Speakers

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

- 1** *That the report on Invited Speakers be received and the information noted.*
- 2** *That, should speakers be present at the meeting, standing orders be varied to allow each item to be dealt with following the speaker's address.*

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

279 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

SUMMARY

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

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

RECOMMENDATION

- 1 ***That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:***
 - W009 – Life Saving Facilities and Services at Magenta Beach, North Entrance***
 - W010 - Cabbage Tree Harbour Landslip***
- 2 ***That the reason for dealing with Report No W009 – Life Saving Facilities and Services at Magenta Beach, North Entrance and Report No W010 - Cabbage Tree Harbour Landslip confidentially is that they contain advice concerning potential litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***
- 3 ***That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

280 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 27 June 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 27 June 2007 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 27 JUNE 2007,
COMMENCING AT 5.05 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, B J PAVIER, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

THE GENERAL MANAGER ADVISED OF A FUTURE BRIEFING AND REPORT TO COUNCIL ON THE CABBAGE TREE BAY LAND SLIP. HE ASKED THAT ON LEGAL ADVICE COUNCILLORS NOT MAKE INDIVIDUAL STATEMENTS OR MOVE MOTIONS.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND REVEREND BRUCE HUNTER DELIVERED THE OPENING PRAYER.

APOLOGIES

APOLOGIES FOR THE INABILITY TO ATTEND THE MEETING WERE RECEIVED ON BEHALF OF COUNCILLORS ROSE AND WELHAM DUE TO ATTENDING A CONFERENCE.

RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor STEVENS:

That the apologies be accepted and leave of absence from the meeting be granted.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NO 251, WAS DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

246 Disclosures of Interest

F2006/02282 MW:SW

265 WORLD YOUTH DAY – “JOURNEY OF WORLD YOUTH DAY CROSS AND ICON”

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE ENTRANCE TOWN CENTRE MANAGEMENT IS MENTIONED IN THE REPORT AND I AM A PART TIME EMPLOYEE OF A COMPANY THAT DEALS WITH THE ENTRANCE TOWN CENTRE MANAGEMENT, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

“I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I CONSIDER THAT THIS RELATIONSHIP HAS NOT INFLUENCED ME IN MY DECISION MAKING.”

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

That the report be received and advice of disclosure noted.

247 Proposed Inspections

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor PAVIER:

That the report on inspections to be conducted on Wednesday, 27 June 2007 be received and the information noted.

248 Proposed Briefings

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

249 Address by Invited Speakers

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEVENS:

- 1 That the report on Invited Speakers be received and the information noted.**
- 2 That standing orders be varied to allow each item to be dealt with following the speaker's address.**

250 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEVENS and seconded by Councillor PAVIER:

That the minutes of the previous Ordinary Meeting of Council held on 13 June 2007 be received and confirmed with a change to remove Councillor Pavier, recorded as voting for Item 223, due to the fact that he was not present at the meeting.

251 Notice of Motion – Support of Chain Valley Bay Hall Committee

F2004/07635

MR PHIL KENNY, REPRESENTING CHAIN VALLEY BAY HALL COMMITTEE, ADDRESSED THE MEETING AT 5.14 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

It was MOVED by Councillor VEUGEN and SECONDED by Councillor BEST:

- 1 That Council recognise the already significant contribution made by the Chain Valley Bay Hall Committee in funding:**
 - a Half the cost of the initial hall construction.*
 - b Two thirds the cost of the hall extension.*
 - c All the costs of the basketball courts - \$28,000.*
 - d All the cost of playground equipment at the hall.*
 - e All the cost of playground equipment at the boat ramp.*

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

- 2 *That in order for the Hall Committee to fund the identified needs of other important projects such as:*

*Softfall for playground area - \$15,000
 New chairs for hall - \$2,600
 New tables for the hall - \$1,600
 Picnic tables for the playground area for playgroup mums*

Council fund the full cost of security fencing around the local community hall at a cost of approximately \$12,000.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS, FORSTER, GRAHAM, PAVIER AND STEVENS.

The MOTION was LOST on the casting vote of the Mayor.

252 Notice of Motion – Community Involvement in Shire Entry Designs

F2004/06729

It was MOVED by Councillor BEST and SECONDED by Councillor VEUGEN:

- 1 *That further to Council's decision to erect entry signs in three locations around the Shire, at a cost of approximately \$100,000, Council afford our residents and ratepayers the opportunity to be involved in the design process through such organisations as our TAFE and Universities. Graphic Design/Art Faculties and interested schools should also be encouraged to participate, with a view to provide community ownership of the project while lessening of the likelihood of vandalism.*
- 2 *That staff review and recommend possible structural material alternatives that may reduce the overall signage costs.*

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, STEVENS AND STEWART.

The MOTION was put to the vote and declared LOST.

THE MAYOR NOTED THE ENTRY TO THE CHAMBER OF MEMBERS OF THE YOUTH ADVISORY COUNCIL WHO HAD JUST CONCLUDED THEIR FIRST MEETING. HE WELCOMED THEM AND EXTENDED APPRECIATION FOR THEIR INTEREST.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

253 Notice of Motion – Premature Electrification of New Estates

F2004/06351

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

- 1 That Council put the following motion to the next Local Government Association Conference (LGA):**

That the LGA lobby Energy Australia and the appropriate State Minister to cease its premature electrification of new estates.

- 2 That this matter be referred to Central Coast Regional Organisation of Councils for their support.**

- 3 That Council write to the Member for Wyong, Mr David Harris, and the relevant State Ministers seeking their assistance to stop this rampant waste of electricity and generation of greenhouse gases.**

254 CPA 122173 – Hire of Plant for the Operation of Buttonderry Waste Management Facility

CPA/122173 PRW: EBL

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

- 1 That all complying tenders received for the hire of plant for the operation of Buttonderry Waste Management Facility be accepted for inclusion on a priority ranking list for 12 months.**
- 2 That the Director Shire Services be authorised to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA 122173 Hire of Plant for the Operation of Buttonderry Waste Management Facility. The estimated annual expenditure for all plant against this contract is \$1,168,455 including GST (\$1,062,232 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.**

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

255 CPA 122103 - Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility

CPA/122103 PRW:EBL

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

That Council accept Tender No 2 from Smorgon Steel Recycling for the Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility for a period of six months commencing on 1 August 2007 at an estimated income to Council of \$255,883 (GST inclusive) or \$232,621 (GST exclusive).

256 Annual and Rolling Works Program 2007/2011 – Buildings

F2004/11318 BP:BA

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

- 1 *That the Buildings Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 *That the Buildings Rolling Works Program as detailed in the report covering building items programmed in the 2008/2009, 2009/2010 and 2010/2011 years be noted.***

257 Annual and Rolling Works Program 2007/2011 – Contracts and Special Projects

F2004/11318 DBT:DBT

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

- 1 *That the Contracts and Special Project Section Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 *That the Contracts and Special Projects Section Rolling Works Program as detailed in the report covering major capital items programmed in the 2008/2009, 2009/2010 and 2010/2011 financial years be noted.***

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

258 Annual and Rolling Works Program 2007/2011 – Open Space and Recreation

F2004/11318 IR:LM

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

- 1 That the Open Space and Recreation Section Annual Works Program as detailed in this report covering works funded in the 2007/2008 Management Plan be adopted.**
- 2 That the Open Space and Recreation Section Rolling Works Program as detailed in this report covering capital items programmed in the 2008/2009, 2009/2010 and 2010/2011 Open Space and Recreation budget be noted.**

259 Annual and Rolling Works Program 2007/2011 – Roads and Drainage

F2004/11318 TC:SMF

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.25 PM AND RETURNED TO THE CHAMBER AT 6.27 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.26 PM AND RETURNED TO THE CHAMBER AT 6.28 PM.

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

- 1 That the Roads and Drainage Section Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.**
- 2 That the Roads and Drainage Section Rolling Works Program as detailed in the report concerning works programmed in the 2008/2009, 2009/2010 and 2010/2011 years be noted.**
- 3 That Council staff provide a report on ways of prioritising the reconstruction of Minnesota Road.**

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

260 Annual and Rolling Works Program 2007/2011 – Water and Sewerage

F2004/11318 MR:DP

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

- 1 That the Water and Sewerage Section Annual Works Program for 2007/2008 as detailed in the report be adopted.**
- 2 That the Water and Sewerage Section Rolling Works Program as detailed in the report for 2008/2009, 2009/2010 and 2010/2011 be noted.**

261 Establishment of Alcohol Free Zone at Budgewoi

F2006/06070 MW

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEVENS:

- 1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2009:**

Budgewoi: The Alcohol Free Zone would be bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary would be included within the Alcohol Free Zone.

- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.**
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.**
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.**

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

262 Establishment of Alcohol Free Zone at Ourimbah

F2006/06076 MW

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

- 1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2009:**

Ourimbah: The Alcohol Free Zone would include Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive.

- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.**
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.**
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.**

263 Proposed Councillors' Community Improvement Grants

F2006/00788 SG

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

- 1 That an amount of \$11,572 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.**
- 2 That the policy for the Councillors' Community Improvement Grants be varied to enable allocation of funds to the Trust to be set up for the funding of the Performing Arts Centre.**

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

264 10th International River Symposium and Environmental Flows Conference

F2004/06466 ED

RESOLVED on the motion of Councillor PAVIER and seconded by Councillor GRAHAM:

- 1 That Council authorise interested Councillors to attend the 10th International River Symposium and Environmental Flows Conference.**
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.**

FOR: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, STEVENS AND STEWART.

AGAINST: COUNCILLORS BEST AND VEUGEN.

265 World Youth Day – "Journey of World Youth Day Cross and Icon"

F2007/00887 JCB

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE ENTRANCE TOWN CENTRE MANAGEMENT IS MENTIONED IN THE REPORT AND I AM A PART TIME EMPLOYEE OF A COMPANY THAT DEALS WITH THE ENTRANCE TOWN CENTRE MANAGEMENT, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I CONSIDER THAT THIS RELATIONSHIP HAS NOT INFLUENCED ME IN MY DECISION MAKING."

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

- 1 That Council endorse the scheduled visit to Wyong Shire of the "Journey of World Youth Day Cross and Icon".**
- 2 That Council note the Wyong Shire Traffic Committee's decision to authorise the closure of:**

* ***Bush Street from the south-east corner of Bush Street Reserve to the boundary of the Norah Head Lighthouse Reserve between 5.30 am and 8.30 am on Wednesday 11 July 2007, to facilitate a public procession of the cross and icon from Bush Street Reserve to the lighthouse.***

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

- * *That section of The Entrance Road between Marine Parade and Ashton Avenue at The Entrance between 11.30 am and 12.15 pm on Wednesday 11 July 2007, to facilitate the procession of the cross and icon from Memorial Park to "Our Lady of the Rosary Catholic Church".*

- 3 *That Council authorise the use of Bush Street Reserve between the hours of 5.30 am and 9.30 am on Wednesday 11 July 2007, for the purpose of public assembly and breakfast by the participants in the procession of the cross.*

- 4 *That the fees applicable to such an event as outlined in this report be waived.*

- 5 *That the following authorities be notified of these arrangements:*
 - * *The Entrance Town Centre Management Corporation.*

 - * *The Australian Volunteer Coast Guard Association.*

 - * *Greater Toukley Vision.*

266 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.55 PM AND RETURNED TO THE CHAMBER AT 6.57 PM.

It was MOVED on the motion of Councillor EATON and seconded by Councillor BEST:

That Council maintain the existing level of water restrictions pending the next meeting of the Gosford and Wyong Councils' Water Authority.

FOR: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, STEVENS AND STEWART.

The MOTION was LOST on the casting vote of the Mayor.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor STEVENS:

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 June 2007 be received and the recommendations contained therein be adopted.

FOR: COUNCILLORS FORSTER, GRAHAM, STEVENS AND STEWART.

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

The MOTION was CARRIED on the casting vote of the Mayor.

267 Information Reports

F2006/02282 MW:SW

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

That the Information Reports of the Ordinary Meeting of Council be dealt with by the exception method.

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report numbers 269 and 270, be received and the information noted.

268 Activities of the Development Assessment Unit

F2004/07830 NL:NL

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

269 Bio Banking and Carbon Credits

F2004/09073 CT

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

That a further report be prepared on the use of investment funds for carbon credits.

270 General Works in Progress Report

F2004/07830 JEM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.05 PM AND DID NOT RETURN.

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

That the report be received and the information noted.

271 Wyong Shire Library Statistics

F2004/11651 JM/JM

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That the report be received and the information noted.

272 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

273 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED

Q061 – Shire Media Advertising Budget
Councillor Eaton
F2004/06579

“Could Council advise on the total Shire media advertising budget?”

Q062 – State Government Infrastructure Levies for Warnervale Town Centre
Councillor Eaton
F2004/12201

“Can Council confirm State Government Infrastructure Levies for Warnervale Town Centre have been discussed at levels of \$100,000 - \$200,000 per block, assuming 10 blocks per hectare?”

Q063 – Norah Head Lighthouse Trust
Councillor Veugen
F2004/08261

“I have been approached by a number of concerned Norah Head residents and ratepayers regarding the Norah Head Lighthouse Trust’s non compliance with the Heritage Act and the intervention of the local member in this issue, also a large number of board members have resigned. Could staff seek on behalf of our residents and ratepayers an update from this Board as to the real situation?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.08 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

281 Mayoral Minute – Performing Arts Centre Trust

F2004/09608

The Performing Arts Centre in Wyong township has been identified as one of the key focus areas for this Council and work is proceeding in finalisation of a business plan and design concept which should be concluded by August 2007.

At a briefing of Council in April this year, the issue of funding was discussed and one of the avenues identified at that time was the formation of a Public Trust where Council would potentially attract funding from the private sector. Such a trust should be established to provide it with Deductible Gift Recipient status, so that all donations would be tax deductible.

The Trust would require a separate board of trustees and tax deductible donations could be sought by the Trust both for capital funding for the Performing Arts Centre and for ongoing programming.

Given that planning work is proceeding, I believe it is appropriate that we proceed with the formation of the appropriate trust.

I formally MOVE:

That a report be prepared by staff outlining the details of such a trust with identification of the appropriate resolutions by Council to proceed with the trust.

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WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

**282 Notice of Motion – Cost of Installing a WIFI Hot Spot in The
Entrance Mall Area**

F2004/07982 DE:MR

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 July 2007 he will move the following Motion:

"That Council report on the cost, feasibility and advantages of installing a WIFI Hot Spot Zone in The Entrance Mall area, so tourists and locals can get their wireless internet connection."

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

283 Notice of Motion – Stem Cell Research

F2004/06351 GB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 July 2007 he will move the following Motion:

- "1 That Council write to the Premier the Hon Morris Iemma and the Member for Wyong, Mr David Harris, congratulating them for their stance and leadership on the challenging issue of Stem Cell Research that will ultimately provide new hope for many thousands of Australians.
- 2 That Council nominate this matter to the agenda of the upcoming 2007 Australia Local Government Association conference with a view to providing further community support for this vital issue Stem Cell Research."

COUNCILLOR BEST'S NOTE

Please see below for Councillors' information, a copy from Hansard of the speech delivered to Parliament by the Member for Wyong, Mr David Harris, on this important issue of Stem Cell Research:

"Mr DAVID HARRIS (Wyong) [9.40 p.m.]: I wish to put on the record the reasons why, after very careful consideration, I will support this bill. Up front, I understand why some people cannot support this bill and I do not argue with their point of view: I have been wrestling with those very issues myself. But I must state clearly that I support the bill because of the chance that a cure might be found to so many debilitating diseases. I acknowledge the informed and passionate arguments from both sides, but, like all members, in the end I must decide on my own stance on this issue. As a former school principal and teacher I have been privileged to come into contact with a number of young people afflicted with type-one diabetes or cystic fibrosis, among other diseases—young people who would never be able to lead a normal life, and in some cases have had their young lives cut short. I have supported fundraising for research that might find cures for them. I have supported their families in dealing with their day-to-day hardships.

I still remember a young boy at one of my schools—Dooralong—who lapsed into unconsciousness due to type-one diabetes, and the helplessness felt by all. I know of the daily worry and concern felt at schools for children who have a debilitating disease and their families. Last year an intelligent, beautiful, young girl with spinal muscular atrophy in my wife's kindergarten class passed away. It was so tragic; she was so young. I have met with many constituents who are dealing with loved ones who suffer from Parkinson's disease and Alzheimer's disease.

11 July 2007
To the Ordinary Meeting of Council

Notice of Motion – Stem Cell Research (contd)

The way they have watched their loved ones decline and the way their lives are torn apart has had an effect on me. I have also lost a member of my family to cancer. So I ask myself: Can we assist in preventing this from happening in the future? If this research can find a cure to help all people in these situations I must support it. I fully understand that no cure may be found, but we must try. There are no guarantees in life.

There has been a great deal of discussion on the risks of approving embryonic stem cell research, but after careful consideration of the legislation I am confident that there are sufficient safeguards in place. Many people have talked about what the future might hold if this technology were misused—the so-called slippery slope. I acknowledge their concerns but feel that my current decision rests with this piece of legislation and I will look at any further changes carefully if they present in the future. Throughout history, pioneering science has caused great controversy. There is always some risk involved, but this must be weighed against the common good. It is important that society have the essential moral and ethical arguments about such advances in research. It is through these debates that we put the spotlight on safeguards to protect the greater good of the community.

That is why I acknowledge the contributions made from all sides of the debate. I would be disturbed and disconsolate about our society if this debate did not happen. There must always be watchdogs that raise the important moral issues involved and we must always scrutinize these important issues very closely. We must always be reminded of the counter arguments; the community expects no less from us. However, at this point I must reject the assertion from some in the community that it is somehow anti-Christian to support this bill.

I reflected carefully last night about the sermon I attended at our church last Sunday morning with my wife and two daughters. The sermon was about faith and possessing the courage to act on faith. It was about having the courage to believe that God will show us the way. The reading was from Exodus and talked about the doubt the Israelites had about following Moses through the parted Red Sea. The reading explored the fear of the unknown and the trust required to follow Moses. Some wanted to turn back, to return to slavery in Egypt, even though they knew what that entailed. But in the end they put their faith in God and crossed to freedom and safety. I put my trust in the fact that my belief in God and the values that flow from that guide my conscience now.

11 July 2007
To the Ordinary Meeting of Council

Notice of Motion – Stem Cell Research (contd)

Mankind has forever been confronted with such decisions. Many people of science, in particular, were at first persecuted for their beliefs. But they persisted because they believed their work to be for the betterment of mankind. On this issue I believe that the potential good that can come from finding cures to debilitating disease outweighs any moral doubt we might have. If we did not have faith to push back boundaries civilization would never have progressed. Change is all about addressing the unknown. Like many others who have spoken during this debate, I too am troubled by the possible misuse of this technology, but after much soul-searching I put my faith in the good that might be found. I cannot, in conscience, deny the opportunity for that to happen.

Recent public surveys show that the majority of the community support this research as long as strong safeguards are in place. In September 2006 the annual Research Australia public opinion poll of 800 people aged 18 or over from across Australia was conducted by Crosby/Textor. The national survey found that 74 per cent of people supported stem cell research on excess embryos from in-vitro fertilisation treatment, whilst 8 per cent were opposed. Of those surveyed, 58 per cent supported therapeutic cloning for health and medical research, whilst 18 per cent were opposed.

The survey found that on a prompted basis, two-thirds—or 66 per cent—supported the notion that it was vital for both adult and embryonic stem cell research to be carried out, and that both fields of research held enormous promise for many key technologies and discoveries that served to enhance both adult and embryonic stem cell investigations. Seven per cent disagreed. The same survey showed that 54 per cent of those polled agreed that therapeutic cloning can be effectively regulated and controlled with a strong licensing system, and that the Australian scientific community does not support reproductive cloning and therefore ethical and religious concerns should be overlooked in favour of potential future health and medical benefits that can be derived from nuclear stem cell research. Nineteen per cent disagreed. The same sentiments exist in my community.

I thank everyone who has contributed to this important debate. I have listened carefully to each argument, but in the end I must resolve to support the bill. If any of our citizens can be freed from the prison of genetic or neurological disease we must proceed, with safeguards in place and under the watchful eye of those with concerns in the community. Finally, I quote Abraham Lincoln, The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew.

I have trust, faith and hope that these procedures will lead to breakthroughs that will ultimately benefit the community. Therefore I must support the bill.”

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

284 Draft Shire-Wide Contributions Plan

F2004/00558 PAB

SUMMARY

Reporting on submissions received as a result of the exhibition of the draft Shire-Wide Contributions Plan and recommending that the Plan be approved.

RECOMMENDATION

- 1** *That in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000, Council approve the draft Contributions Plan for Shire-Wide Infrastructure, Services and Facilities.*
- 2** *That in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000, public notice be given of Council's decision to approve the Plan.*
- 3** *That all development applications lodged after the date of the public notice in the local newspaper be subject to the approved Contributions Plan.*
- 4** *That those parties who made submissions to the public exhibition of the draft Plan be informed of Council's decision.*

BACKGROUND

One of the initiatives in Council's Management Plan is to "Develop and adopt a Section 94 Contributions Plan to fund the provision of Shire-Wide infrastructure". A draft plan has been prepared which seeks to levy contributions towards the following:

- Library Stock
- Performing Arts Centre
- Public Art Commissions
- Regional Open Space
- Shire Cycleway Network
- Administration

The draft Contributions Plan proposes a contribution rate of \$1,111.98 per Dwelling Unit (DU).

A report on the draft Contributions Plan was considered by Council on 11 April 2007. A summary of each of the schemes contained in the draft Plan as previously reported to Council is set out below.

Draft Shire-Wide Contributions Plan (contd)

LIBRARY STOCK (\$266.30 per Dwelling Unit)

The draft Plan seeks to levy a contribution towards the provision of library stock at a rate of 1.6 items of stock per additional person. The current benchmark for the provision of library stock is two items per additional person (source: State Library of NSW). However, a survey of the library stock provided in similar sized councils has been undertaken. Whilst Council's current level of provision of library stock is below the recognised State benchmark, the draft contributions plan is based on a standard of 1.6 items per additional person which is the average rate for the 10 Councils surveyed. The current standard of provision for library stock in Council's libraries is 1.21 items per person.

It has been widely acknowledged that the Shire faces challenges in meeting the needs of its growing community and in building social cohesion. The provision of community support services, such as a well resourced public library service, assists the Council in meeting its goal of a socially and economically sustainable Shire. The higher than average unemployment rate and the lower than average household income mean that many residents of the Shire are unable to provide resources from their own budgets for books for their children or to aid their own education.

Contributions for the purchase of library stock will enable a larger number and wider variety of materials to be purchased to meet community needs. The current provision of stock is well below the State average and the collection experiences a high turnover rate. This means that stock has to be replaced more often so net growth is affected.

Staff also considered the physical constraints of the existing library floor space when recommending a suitable standard of provision for library stock as the existing floor space would not be sufficient to cater for the standard of 2 items per person. This consideration was another factor in the recommendation of 1.6 items per person. The proposal to create additional future floorspace at Bateau Bay and Warnervale plus the growth in alternative formats such as electronic books will also assist with achieving the standard of 1.6 items per person.

The costs associated with achieving this standard of provision of library stock will be shared by all development on a population basis. Council must meet the share of costs associated with the future development on existing vacant land. It is anticipated that the library resources vote (currently approximately \$434,000) will need to be increased in the future to cater for the increased standard for existing residents and the increased replacement costs due to the growing numbers in stock.

In summary, the additional cost implications for Council as a result of endorsing the revised standard of 1.6 items of library stock per person are shown in Table 1:

Draft Shire-Wide Contributions Plan (contd)**Table 1**

Library Stock (1.6 items per person)		
Item	Per year	Over 25 years
Contribution by Council for future development on existing vacant lots	\$18,460	\$461,505
Contribution by Council to increase the standard to 1.6 items per person for the existing population	\$137,154	\$3,428,846
Increase in library resources vote	\$23,628	\$590,688
Total additional costs to Council	\$179,242	\$4,481,039
Total income expected from future development		\$10,736,578

Some concern has been raised during consultation that library stock is not a capital project and should be funded from rate revenue rather than developer contributions. The treatment of expenditure as either capital or operating expenditure is governed by Australian Accounting Standards and the Department of Local Government Asset Accounting Manual. The Manual states that for expenditure to be considered capital, the benefit it provides must extend over a period greater than one year and the amount of expenditure be over the limit outlined in the Manual. Expenditure for items such as library books must exceed \$1,000 to be considered as capital.

Currently, the total monthly expenditure for library books is added to Council's asset register as one asset and depreciated over 10 years.

Therefore, it is considered that the inclusion of library stock in the draft Contributions Plan is warranted. It can be demonstrated that future development will generate an additional demand on Council's library resources and under the principles of Section 94, it is valid that future development pay its share of costs associated with the demand it creates. Purchase of library stock is a very common item in contributions plans throughout the State. In fact, Council's existing contributions plan for the Warnervale District currently includes such a contribution and this will require amendment if the draft Shire Wide Contributions Plan is adopted.

PERFORMING ARTS CENTRE (\$313.03 per Dwelling Unit)

The draft Plan includes a contribution towards the establishment of a Performing Arts Centre in Wyong. Council has previously supported the concept of establishing the Performing Arts Centre. The total cost of the Performing Arts Centre (currently estimated to be \$23.6M) is to be shared by all development on a population basis. The proposed Shire Wide Contributions Plan will raise \$7.479M towards the cost of this important facility. On this basis, Council will need to provide a contribution of approximately \$16.121M toward the establishment of the facility to cover the costs apportioned to the existing population.

Draft Shire-Wide Contributions Plan (contd)

In discussions with Councillors, it was noted that existing district contributions plans contain a contribution towards community facilities which comprise a number of elements such as local centres, district centres, youth centres, children's centres and cultural/art facilities. Councillors suggested that it may be appropriate for the cultural/art element of these district community facilities contributions to be reduced as a consequence of establishing a contribution towards the Performing Arts Centre.

However, the cultural/art element of the community facilities contribution in the district plans will ultimately be directed toward providing a network of cultural facilities throughout the Shire and will be in addition to the Performing Arts Centre and as such, it is not proposed to reduce the community facilities contribution rates in the existing plans.

PUBLIC ART COMMISSIONS (\$23.88 per Dwelling Unit)

The draft Plan proposes to levy development for the provision of public art in places of Shire wide significance. Again, the costs are to be shared by all development on a population basis. This will result in the need for a contribution of approximately \$1,230,158 by Council to cover the costs apportioned to the existing population.

To ensure that commissions attract the interest of established artists and ensure work of high quality and stature, the cost per commission is recommended to be \$200,000. This figure is commensurate with commissions for similar scale projects in other local government areas.

REGIONAL OPEN SPACE (\$145.54 per Dwelling Unit)

A contribution towards the establishment of areas of higher grade facilities in regional open space is also included in the draft Contributions Plan. During the Councillor briefing in October, Councillors agreed with the principle of including this in the draft plan, but questioned whether there may be additional projects included. As a result, the draft plan now proposes to collect a contribution towards the remaining stages of the North Wyong Regional Sporting Complex and the San Remo Extreme Sports Park. In addition to these, the establishment of a regional park at Salt Water Creek Long Jetty has been included in the plan, along with the funding for the contributions required to prepare the Recreation Facilities Strategy. Other projects may be included in the future as concepts are developed.

Council's contribution to the scheme needs to only cover future development on existing vacant land as Council has provided regional open space for existing residents of the Shire – eg The Entrance Memorial Park. In this case, Council's contribution will be approximately \$272,829 over 25 years.

Draft Shire-Wide Contributions Plan (contd)

SHIRE CYCLEWAY NETWORK (\$298.57 per Dwelling Unit)

Council has an existing program for the continued extension of the Shire's cycleway network to meet the demands of both the existing and future population. At present, each district Contributions Plan contains an open space contribution – a small percentage of this contribution is for the construction of cycleways. It is proposed to include this cycleway contribution in the draft Shire Wide Contributions Plan and amend each district plan to remove the cycleway element of each open space contribution.

Again, a contribution from Council will be required for future development of existing vacant land. This figure will be approximately \$517,422 over 25 years.

ADMINISTRATION (\$64.66 per Dwelling Unit)

The effective administration and management of the development contribution process is crucial to achieving the objectives of the Section 94 process. To ensure that contribution funds are managed effectively and that services and facilities are provided within a reasonable time, Council has a number of staff who are directly involved in the contribution process.

The draft Shire Wide Contributions Plan includes 15% of the administration costs with the balance of the costs spread over the remaining contributions plans based on the current level of development activity within each plan area.

Only future development is required to contribute to this scheme, not Council.

At its meeting held on 11 April 2007, Council resolved to exhibit the draft Shire-Wide Contributions Plan for public comment. The draft Plan was placed on public exhibition from 18 April 2007 to 16 May 2007. As a result of the exhibition period, two public submissions were received. In addition to those submissions from the public, staff have also reviewed the Plan which has resulted in some minor changes to the draft Plan.

Draft Shire-Wide Contributions Plan (contd)

Details of Submissions

Document No.	Nature of Submission	Council Response
D00844185	Concerned at the lack of consultation with the development industry.	The draft Contributions Plan was exhibited in accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Regulations. The draft Plan was also the subject of a number of press releases and discussion in the media. The same exhibition process has been used in the past for exhibiting all Contributions Plans. The development industry and the general public were given opportunities to comment on the draft Plan and several copies of the draft Plan were handed out as part of the exhibition process.
	Proposed contribution considered to be inequitable, whereby existing residents benefit at the cost of new residents. Rates for new residents should be selectively reduced to avoid "double dipping".	All residents are contributing to the facilities – the draft Plan identifies a contribution to the various facilities by Council to cater for existing residents. Council is not "double dipping".
	Council is within its discretion to levy contributions for the provision of libraries, performing arts centre, public art commissions, cycleway networks and open space. However, the priority of these social infrastructure facilities over "economic" infrastructure services such as water, sewerage, drainage and roads is questionable.	Water and sewer contributions are governed by directions from the Independent Pricing and Regulatory Tribunal (IPaRT). The EP&A Act and Regulations also exclude Councils from levying S94 contributions for these works. "Economic" infrastructure such as roads and drainage contributions are included in the individual district Contributions Plans. It is recognised that the Shire Wide Contributions Plan focuses on "social" infrastructure however, it may be possible that future amendments to the Shire-Wide Contributions Plan would include other projects that may be considered as "economic" infrastructure projects provided they will benefit the whole Shire rather than individual districts or suburbs.
	Concerned at the impact on housing affordability through the accumulative effect of levies, charges and costs, irrespective of how moderate the increase. Has Council measured the cost impact of 6% rate increase, changes to DCP100 and proposed Shire-Wide Contributions Plan on housing affordability?	Housing affordability is an issue for the Shire. Council recognises that it, along with the Federal and State Governments (and the development industry), can play a role in improving housing affordability. Council is currently designing a Housing Choice Strategy to protect, promote and produce new opportunities for affordable housing and housing diversity.

Draft Shire-Wide Contributions Plan (contd)

Document No.	Nature of Submission	Council Response
	Cannot find a case for demand for new facilities. It is questionable if new families would access facilities such as libraries and performing arts centres in consideration of the demand to maintain dual incomes in order to meet mortgage repayments.	The Cultural Plan for the Shire identifies physical infrastructure that supports culture and the arts in Wyong Shire including libraries and a performing arts centre. The Community Plan emphasises the importance of providing social infrastructure for the Shire's growing community. These types of facilities are important in fostering community connections, social cohesion, individual well being, life long learning and creating a community that is attractive to residential and business development. The planning and development of social infrastructure is supported by extensive community consultation processes which highlights the fact that new families will access these facilities. Further, in the case of libraries, given the higher than average unemployment rate and the lower than average household income, many residents of the Shire are unable to provide resources from their own budgets for books for their children or to aid their own education.
	There is no specific time-line for the expenditure of developer contributions, especially the proposed arts centre and cycleway network.	The draft Plan sets out a time-line for the expenditure of all the funds identified within the Contributions Plan. As with all its Contribution Plans, Council is required to spend Section 94 funds raised by this plan within a reasonable time frame. In the examples quoted, the Plan states that the performing arts centre is proposed to have a construction commencement date during the 4 th quarter of 2008 and the income from the cycleways contribution will be spent annually in conjunction with Council's normal expenditure, as identified in the Management Plan and cycleway programme.
	There is nothing to prevent the pooling of contributions to fund a project of a priority to Council, rather than a priority to residents.	The Plan allows for the pooling of funds and Council is answerable to the public on the issue of priorities for projects through the exhibition of the draft Contributions Plan and also annually through the Management Plan process.
D00862700	A significant policy change of this nature should be discussed with peak industry groups such as UDIA.	The proposed Contributions Plan is not a significant change in policy. Council has levied contributions on new development since the 1970's and this Plan aims to include some additional facilities that are currently not included in existing Contributions Plans (excluding cycleways and library stock).

Draft Shire-Wide Contributions Plan (contd)

Document No.	Nature of Submission	Council Response
	No independent economic impact of the policy on housing affordability.	See above comments on housing affordability.
	Question Council's ability to service the proposed Council debt.	Council's ability to service the contributions for existing residents will be included in its Management Plan each year.
	Question the actual demand for the proposed services.	See above comments relating to demand for facilities.
	Concerned over the cumulative impact with the proposed State Government development levies.	Details of the proposed State Government levy are not known. For example, where it will apply, how much it will be and what it will cover is all unknown. The proposed Contributions Plan works within the legislation set out by the State Government and clearly identifies where it will apply, the amount and what is to be covered.
	No discussion as to whether the proposed rate is acceptable and sustainable.	See above comments on housing affordability.
	No details of the adjustments to existing Contributions Plans.	At its meeting held on 11 April 2007, Council resolved to amend the existing Contributions Plans to remove any duplication in areas such as cycleways and library stock as a result of adopting the draft Contributions Plan. This will not occur until after the adoption of this draft Plan.

As mentioned above, the proposed contribution rate included in the draft Contributions Plan is \$1,111.98 per dwelling unit. Existing contribution rates (including water and sewer) average about \$45,000 per dwelling unit in Warnervale and around \$10,000 to \$18,000 per dwelling unit for other areas. The proposed Shire-Wide contribution rate therefore represents a percentage increase of around 2.5% in developer contributions for Warnervale and around 6% to 11% increase for the other areas.

In accordance with Clause 31(1)(b) of the EP&A Regulation 2000, Council "may approve the plan with such alterations as the Council thinks fit". As mentioned above, some minor alterations to the draft Plan are proposed prior to the Plan being approved. The alterations to the document after the exhibition are detailed below:

- Amendment to Table 3 in the Plan which details the types of developments that do not create an increase in the permanent population of the Shire are no longer identified as being required to contribute to the facilities. The cost of the facilities identified in the draft Plan has been apportioned to either future residential development or an increase in the Shire's permanent population. If types of development that do not create an increase in the permanent population of the Shire remain in the Contributions Plan, then Council would potentially collect more than the desired funds to provide the facilities.

Draft Shire-Wide Contributions Plan (contd)

Removing these types of development from the Contributions Plan also removes any basis to claims that Council is "double-dipping", eg by charging residents where they live and again where they shop. The types of developments excluded from the Plan following the exhibition are "Shops/Offices", "Shopping Centre", "Tourist Developments", "Motel Suites" and "Caravan Park-Holiday Site". As a result of discussions with Councillors, staff are investigating the possibility of implementing a Section 94A Plan which will cover these types of developments. Table 3 now appears as follows:

Development Types	Factor Per DU	Library Network	Regional Open Space	Cycleway Network	Performing Arts Centre & Public Art	Administration
Residential Flats & Dual Occupancies		√	√	√	√	√
1 bedroom unit	0.52/unit	√	√	√	√	√
2 bedroom unit	0.73/unit	√	√	√	√	√
3 bedroom unit	1/unit	√	√	√	√	√
4 bedroom unit	1.28/unit	√	√	√	√	√
Residential Subdivision	1/unit	√	√	√	√	√
Shops/Offices	0.005/m ²					
Rural Subdivision	1/lot	√	√	√	√	√
Rural Dual Occupancies		√	√	√	√	√
1 bedroom unit	0.52/unit	√	√	√	√	√
2 bedroom unit	0.73/unit	√	√	√	√	√
3 bedroom unit	1/unit	√	√	√	√	√
4 bedroom unit	1.28/unit	√	√	√	√	√
Industrial Subdivision	5/Ha NDA					
Industrial Development	5/Ha NDA					
Shopping Centre	0.001/m ²					
Restaurants	0.008/m ²					
Tourists Developments						
1 bedroom unit	0.52/unit					
2 bedroom unit	0.73/unit					
3 bedroom unit	1/unit					
4 bedroom unit	1.28/unit					
Motel Suite	0.26/Suite					
Caravan Park - holiday site	0.52/site					
Caravan Park - long term	0.73/site	√	√	√	√	√
Schools	0.04/pupil					
Licensed Club	0.04/occpt					
Hotel	0.01/m ²					
Hospital Bed	1/bed					
Nursing Home Bed	0.4/bed					
Hostel Bed	0.125/bed					
Pre Schools/Child Care Centres	0.0625/pupils & staff					

Draft Shire-Wide Contributions Plan (contd)

- Amendment to the Administration contribution rate as a result of removing Dwelling Unit numbers from the types of developments that are not contributing under the Plan (see above point). This has resulted in the Administration contribution rate increasing from the exhibited amount of \$63.55/Dwelling Unit to \$64.66/Dwelling Unit.
- Correction of some typographical errors on page 21 which have not resulted in any change to contribution rates.
- Amending Clause B17 - Savings And Transitional Arrangements to provide for the Plan to apply to applications lodged after the effective date of the Contributions Plan rather than applications determined after the effective date.

Given the nature of the alterations, it is not proposed to re-exhibit the draft Plan.

Accordingly, it is proposed that Council adopt the draft Plan and give public notice of the decision. A copy of the Shire-Wide Contributions Plan is enclosed.

Enclosure

Draft Shire-Wide Contributions Plan

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

285 Toukley Golf Club – Contributions to Capital Cost

F2004/10902 CT

SUMMARY

Toukley Golf Club has requested deferral of repayments on the loan provided by Council for the Club to install an irrigation system throughout the course. The irrigation system was constructed to take advantage of reclaimed effluent which is now available for irrigation purposes within Toukley.

RECOMMENDATION

- 1 *That the capital works contributions due by the Toukley Golf Club to Council be deferred for a period of 12 months from 1 August 2007, with the interest charges during the deferral being added to the outstanding loan balance.***
- 2 *That Council authorise the General Manager to agree to an amended repayment schedule with Toukley Golf Club consistent with the original agreement.***

BACKGROUND

The Toukley Golf Course is located on 100 acres of Crown land, zoned Open Space and Recreation, administered by Wyong Shire Council. The lease has 37 years of the 40 year lease left to run.

As an integral part of the Toukley Reclaimed Effluent Reuse Scheme, Toukley Golf Club was identified as a key user of reclaimed effluent for course irrigation. The Club responded to the proposal, but use of the effluent required a significant upgrade to the course irrigation system. Council agreed to finance up to \$677,000 for the upgrade, to ensure the reclaimed effluent project proceeded.

On 4 August 2005 the Club agreed to reimburse capital costs of \$2,650 per monthly instalment plus interest, over a period of 15 years, the first instalment due 1 September 2005.

On 27 September 2006 Council consented to the deferral of principal and interest payments on the loan for a period of 12 months ending with the repayment due in May 2006. Unpaid interest charges would be added to the existing balance.

The reasons for the deferral were that the Club had a short term cash problem and that the use of recycled effluent contributed to the Club having to spend an unforeseen \$68,000 on maintenance to the greens.

Toukley Golf Club – Contributions to Capital Cost (contd)

On 1 June 2007 the Club recommenced monthly repayments under the arrangement and have made a further monthly payment on 1 July 2007. Following the payment on 1 July 2007 the balance owing by the club was \$676,334.

The Toukley Golf Club's payment history has demonstrated a commitment to meet all payments as scheduled, subject to the one prior 12 month deferral arrangement. To date repayments total \$59,545.

Current Position

The Club has written to Council requesting a further deferral of payments due under the loan. The Club claims that, as a result of the recent natural disaster, the Club was forced to close for a period resulting in a significant adverse effect on the Club's cash flows and that the Club suffered considerable damage both structurally and from inundation of playing areas.

Proposed Financial Arrangements

It is proposed that Council provide assistance to the Club by:

- Deferring the instalments due under the agreement for a period of 12 months ending in July 2008.
- Extending the repayment period by 12 months
- Adding the unpaid interest charges to the outstanding balance.

The proposal will provide relief for the short term cash flow issues facing the Club.

The options available to the Club for repaying the amounts due under the agreement are given in the following table. Option A shows the effect of keeping the amount of the monthly principal repayment the same as the existing agreement. At the end of the loan term there would be a residual final payment of \$69,046. Alternatively, Option B shows the effect of raising the amount of the monthly repayment so that there is no outstanding "balloon" balance at the end of the loan term.

These options have been discussed with the Club and their preference is not to have an arrangement which results in a "balloon" final payment. As such their preferences are to either:

- 1 Maintain repayments at current monthly repayment and extend term accordingly or
- 2 Increase repayments as per Option B to finalise loan in a 17 year term.

Toukley Golf Club – Contributions to Capital Cost (contd)

	Original Agreement	Extension granted 27.9.06	Current Request	
			Option A	Option B
<u>Term of loan (years)</u>	<u>15</u>	<u>16</u>	<u>17</u>	<u>17</u>
Total Monthly commitment \$	5,492.00	5,729.00	5,729.00	6,137.00
<u>Remaining balance at end of loan term</u>	<u>\$0</u>	<u>\$33,483</u>	<u>\$69,046</u> **	<u>\$0</u>
<i>** A variation on this Option is to extend the term of the loan to 18 years to pay off this remaining balance</i>				

Attachment**Letter from Toukley Golf Club Limited incl photos (3 pages)**

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Toukley Golf Club – Contributions to Capital Cost (contd)



TOUKLEY GOLF CLUB LIMITED

ABN 53 024 831 040

KEY STREET, TOUKLEY • PO Box 13, TOUKLEY NSW 2263
Phone: Office (02) 4396 5811 Fax: (02) 4397 1298
Professional: (02) 4397 2309 Restaurant: (02) 4396 1500
Email: admin@toukleygolfclub.com.au

14 June 2007

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Re:
Debtor
100069-4

Dear Mr Yates

I am writing to seek a deferral of our repayments for the Recycled Water Loan.

Arising from the recent natural disaster, our Club and course has suffered considerable damage both structurally and from inundation (as the accompanying photos show), necessitating some urgent repair and restorations works to enable us to resume trading and providing a recreational facility for both members and the public. It will impact markedly on our financial situation such that it will place great financial hardship upon the club.

The club has already commenced repayments of our loan. What I am seeking is that these be suspended for a period of twelve months to enable the club to recover from this natural disaster and then resume them from July 2008. The forced closure of the course and resultant loss of trading has greatly affected our cash flows at a critical period. Council is only being asked to defer repayments for a period not write these off, thus this would have a negligible impact on Council's finances.

The club manages a much needed recreational facility in this region, Council's agreement with this request will ensure we can continue this.

Trusting this request receives urgent and favourable attention.

Yours sincerely

Robert Lennon
President



Toukley Golf Club – Contributions to Capital Cost (contd)



5th Hole at Toukley Golf Club
Taken from the back of the green
Date: 10th June 2007



5th Hole at Toukley Golf Club
Taken from the front of the green
Date: 10th June 2007

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Toukley Golf Club – Contributions to Capital Cost (contd)



WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

286 Additional Fees and Charges

F2006/02294 JK/SG

SUMMARY

Approval is sought to include additional fees and charges that were inadvertently missed or omitted during the adoption of the fees and charges for 2007/08 in accordance with Section 610F of the Local Government Act 1993. Council will also have to give public notice of its intention to include the following changes after the mandatory 28 days of advertising.

RECOMMENDATION

- 1** *That Council adopt the proposed changes to the schedule of Fees and Charges for 2007/2008 as described in this report after an exhibition period.*
- 2** *That Council advertise the charges for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993.*
- 3** *That, subject to no objections, Council apply the proposed fees following the public notification period.*

BACKGROUND**Sale of Warning Signs and Distinctive Collars**

In January the State Government introduced more stringent legislation, directed at the owners of Dangerous and Restricted Dogs through the Companion Animals Regulation 1999, as amended. Two requirements of the new legislation involves the display of '**warning signs**' on the property on which a Dangerous or Restricted Dog is ordinarily kept and the wearing of '**distinctive collars**', that meet the specifications set-out under the regulations, for Restricted and Dangerous dogs.

Council is currently in the process of undertaking inspections of about 140 properties within Wyong Shire, known to contain Dangerous or Restricted Dogs. It is in the interests of the dog owner, community and Council that compliance with the Regulations is made as easy as possible. Although these items can be purchased in the marketplace, it would be much more convenient to dog owners if Council supplied signs and collars at the point of inspection. This matter has only recently been brought to Council's attention as part of a process that is being coordinated by the Department of Local Government. Council, in response to the Department's recommendation, is in the process of developing a Plan of Management to ensure Council meets its responsibilities to companion animals. The Plan is to be based on the "*Guideline on the Exercise of Functions Under the Companion Animals Act*" issued by the Director General of the Department. A recent revision to the Guideline encourages Council to stock the distinctive collars required for a dangerous or restricted dog and to advise relevant pet supply outlets within the Council area where such collars may be sourced.

Additional Fees and Charges (contd)

Council will make available warning signs and distinctive collars, that fully comply with the legislation. The price will align with Category A of the Pricing Policy which stipulates that the price is set at a price which represents the direct costs of providing the service.

The cost of each item is proposed as follows:

- | | | | |
|---|--|----------------|--------------------|
| 1 | Warning signs - \$30.00 (plus GST) | | |
| 2 | Distinctive collars (with a minimum width) | | |
| | - 25mm for a dog weighing less than 20kg: | Medium | \$36.25 (plus GST) |
| | - 40mm for a dog weighing between 20 - 40kg: | Large | \$40.50 (plus GST) |
| | - 50mm for a dog weighing more than 40kg: | X-Large | \$47.50 (plus GST) |

Competition (Seasonal) Fee

Traditionally Council has split Ground Fees into two broad categories, one being training and the other being competition. In 2007/2008 the fee structure on Ground Fees was reviewed to itemise hire and lighting components. The revised fee structure omitted the Competition (Seasonal) fee for each of its sporting grounds / facilities. This Competition (Seasonal) fee allows use of a field or oval for 24 weeks and provides a reduced rate to the association using the facility when compared to the daily rate for use of that Council facility.

For example, if an association was charged a Daily Rate rather than the Competition fee the comparative fees would be:

Classification 1

Daily fee \$60.50 x 24 = \$1,452.00 / proposed Competition (Seasonal) fee = \$1,210.00

Classification 2

Daily fee \$49.50 x 24 = \$1,188.00 / proposed Competition (Seasonal) fee = \$ 990.00

Classification 3

Daily fee \$38.50 x 24 = \$924.00 / proposed Competition (Seasonal) fee = \$ 770.00

The price will align with Category C of the Pricing Policy which stipulates that the price for this service is set at a level acceptable to the user of the service and which makes a minimal contribution to the annual operating and maintenance costs of the facility.

Item	Classification	2006/2007	2007/2008 (proposed)
19.10	Classification 1 (highest quality of facilities available)	\$1,187.00 (Including GST)	\$1,210.00 (Including GST)
19.11	Classification 2 (medium quality of facilities available)	\$1,013.00 (Including GST)	\$ 990.00 (Including GST)
19.12	Classification 3 (lowest quality of facilities available)	\$ 848.00 (Including GST)	\$ 770.00 (Including GST)

Additional Fees and Charges (contd)

Fee for a Planning Certificate

There has been a mis-statement of the Planning Certificate fees that were advertised as part of the Draft Revenue Policy. The EP&A Act regulates the amount of the fee to be charged and is required to be corrected as follows.

The advertised fee was:

Fee for Certificate under s149 (2) of the EP&A Act	- \$ 41.00
Fee for Certificate under s149 (2) & (5) of the EP&A Act	- \$103.00

The Act regulates that the applicable fee is:

Fee for Certificate under s149 (2) of the EP&A Act	- \$ 40.00
Fee for Certificate under s149 (2) & (5) of the EP&A Act	- \$100.00

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

287 Request to Write Off Sundry Debtor Accounts

F2004/06161 JT/CT

SUMMARY

Approval is sought to write off six sundry debtor accounts totalling \$36,361.05.

RECOMMENDATION

That the total amount of \$36,361.05 be written off as an irrecoverable debt.

BACKGROUND

This report relates to the following six debtor accounts which are all Court Fines and Court costs:

<i>Debtor</i>	<i>Amount of Invoice</i>	<i>Invoice Date</i>	<i>Fines & Costs for Offences:</i>
Maureen Joyce Scott	\$ 6,902.00	27/04/2002	Use of Vehicle/Article for Selling without Approval
Joe Anthony Fenech	\$ 4,050.00	13/06/2002	Dangerous Dogs
Mark White	\$ 2,431.00	05/07/2002	Dangerous Dogs
Red Dog Australia	\$16,714.05	03/12/2002	Food Regulations
Ms D Davis	\$ 2,612.00	15/06/1999	Dangerous Dogs
Fullport Pty Ltd	\$ 3,652.00	27/09/2000	Food Regulations
TOTAL	\$36,361.05		

All accounts were the result of fines and costs handed down in the Local Court at Wyong. Accordingly the debts were pursued through the Office of State Debt Recovery and collection is now outside the jurisdiction of Wyong Shire Council. At the time of the offences the efforts to recover the amounts proved fruitless. The offenders failed to respond to Court proceedings and cannot be traced.

Given the debts are now in excess of 5 years old, settlement of any account is considered extremely doubtful and the State Debt Recovery Office advises that it has not had any success in recovering these fines on Council's behalf.

As part of the maintenance of Council's accounting records each Sundry Debtor Account should be written off as irrecoverable.

However, even though the accounts are to be written off, this does not affect Council's ability to collect the debt at a future time should the State Debt Recovery Office locate and take recovery action against the individuals.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

288 Proposed Councillors' Community Improvement Grants

F2006/00788, F2007/00729 SG

SUMMARY

Councillors proposed the following allocation of funds for expenditure from Councillors' Community Improvement Grants.

RECOMMENDATION

- 1** *That an amount of \$5,800 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 2** *That an amount of \$7,800 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 2.*

BACKGROUND

Funds are available and expenditure is permissible under Section 24 and 356(1) of the Local Government Act, 1993.

<i>Attachment 1</i>	<i>Councillors' Community Improvement Grants 2006/2007 (1 page)</i>
<i>Attachment 2</i>	<i>Councillors' Community Improvement Grants 2007/2008 (2 pages)</i>

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Councillors' Community Improvement Grants (Attachment 1)

Proposed Councillors' Community Improvement Grants 2006/2007

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2006 - 30/06/2007	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Proposed expenditure up to and including Ordinary Council Meeting of 27/06/2007	15,000	13,450	12,975	14,500	15,000	15,000	14,650	13,400	13,700	15,000	142,675
Available allocation as at 27/06/2007	0	1,550	2,025	500	0	0	350	1,600	1,300	0	7,325
11 July 2007											
Bateau Bay Anglican Church Opportunity Shop			250								250
Chittaway Bay Public School								400			400
Eventu8 Promotions & Events			500								500
Give Me 5 For Kids									1,300		1,300
Killarney Vale Public School								400			400
Performing Arts Centre Wyong		1,550									1,550
The Entrance Public School								400			400
Tuggerah United Soccer Club			500	500							1,000
Total Proposed Allocations for 11/07/2007	0	1,550	1,250	500	0	0	0	1,200	1,300	0	5,800
Total Accumulated Allocations for 2006/2007 as at 11/07/2007	15,000	15,000	14,225	15,000	15,000	15,000	14,650	14,600	15,000	15,000	148,475
Balance Uncommitted as at 11/07/2007	0	0	775	0	0	0	350	400	0	0	1,525

Proposed Councillors' Community Improvement Grants (Attachment 2)**Proposed Councillors' Community Improvement Grants 2007/2008**

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavler	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
11 July 2007												
Ambassadors	Assist volunteer work, singing to residents in aged care facilities	50										50
Bateau Bay Anglican Church Opportunity Shop	Assist with refurbishment of op shop				1,000				250			1,250
Berkeley Vale Rugby League Football Club	Assist with purchase of patio heaters for the club	100							250			350
Chain Valley Bay Community Hall	Assist with costs to provide a security fence										1,000	1,000
Christopher Newman	Assist with expenses NSW Rugby League representation for NSW Young Achievers Tour of France Sept - Oct 2007	100							250			350
Girl Guides Assoc of NSW - Toukley	Assist to erect hand support railing on disabled ramp at front of hall										400	400
Gwandalan Lions Club	Assist with expenditure involved in staging the Gwandalan Spring Festival	300										300
Halekulani Library	Assist with the purchase of books for the library										150	150
Itinerant Support Teacher Hearing - Wadalba Community School	Assist to subsidise cost to send deaf/hearing impaired students to Annual Primary Deaf Camp in August 2007	250			250				250	250		1,000
Paul Anderson	Assist to attend tournament in Europe in June/July 2007 as part of the Australian Provincial Baseball Team	100										100
Plenty of Parks For Kids (POP)	Provision of a fully fenced and resourced playground at Salt Water Creek Reserve, Long Jetty	300				50						350

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Councillors' Community Improvement Grants (Attachment 2) (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavler	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
St Barnabas Church Yarramalong 355 Committee	Assist with funding for airconditioner for comfort of hirers, visitors, tourists & wedding parties				250							250
Toukley Swimming Club Inc	Assist with the purchase of club uniforms and equipment	100										100
Wyong Soccer Club	Assist to purchase new jerseys for the club	100										100
Wyong District Netball Association	Assist with operating costs of the Saturday Winter Netball Competition 2007	100	500				500		250			1,350
Wyong Drama Group	Assist with holding Central Coast Theatre Festival in June 2007								500			500
Wyong Public School - Aboriginal Education Committee	Assist with cultural funding for the purpose of an Aboriginal Cultural Day										200	200
Total Proposed Allocations for 11/07/2007		1,500	500	0	1,500	50	500	0	1,750	250	1,750	7,800
Balance Uncommitted as at 11/07/2007		6,000	7,000	7,500	6,000	7,450	7,000	7,500	5,750	7,250	5,750	67,200

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

289 Minutes of the Conduct Committee Meeting

F2004/06498 KY:LS

SUMMARY

Minutes of the Conduct Committee Meeting held on 6 June 2007.

RECOMMENDATION

That the minutes of the Conduct Committee Meeting held on 6 June 2007 be received and the recommendations contained therein, adopted.

A meeting of the Conduct Committee Meeting was held on 6 June 2007. The minutes of that meeting are enclosed.

Enclosure Minutes of the Conduct Committee Meeting

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WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

General Manager's Report

290 Information Reports

F2006/02282 ED:MR

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the information of Council are provided for adoption either individually, by nominated exception or engloba.

RECOMMENDATION

That Council determine the method of adoption of the Information Reports for this meeting.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

291 Schedule of Bank Balances and Investments – May 2007

F2004/06604 KF

SUMMARY

The attached Schedule of Bank Balances and Investments as at 31 May 2007 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

The Schedule of Bank Balances and Investment Accounts shows that Council has total cash and investment funds of \$114,531,433 as at 31 May 2007. This compares to an opening balance of \$116,561,933 as at 1 July 2006. These funds are invested with Fund Managers in accordance with Council's decision to adopt an investment policy that involves the use of external Fund Managers.

During the month of May interest earned (net of fees) on Council's investments was \$600,501 financial year to date earnings were \$6,567,945.

The following table provides a summary by fund of the above information:

	Investment Balances		Interest	
	Opening Balance July 1 2006	Closing Balance May 31 2007	Interest Net Of Fees YTD	Annual Budget
	General	66,533,621	66,705,306	3,872,101
Water	34,456,574	25,501,393	1,633,681	1,286,000
Sewer	15,571,738	22,324,734	1,062,163	751,000
Total	116,561,933	114,531,433	6,567,945	6,302,000

Schedule Of Bank Balances And Investments – May 2007 (contd)

Council's bank balances and investments as at 31 May 2007 are listed as Attachment 1 to this report. Also submitted is a Certificate in accordance with the provisions of the Local Government (General) Regulation 2005 that the Investments held at 31 May 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

Performance

Council's investment portfolio is monitored and assessed based on the following criteria:

Management of Bank Balance

The aim is to keep the bank balance as low as possible and hence maximise the amount invested on a daily basis.

Monthly performance against the UBSWA Bank Bill Index

The weighted average return for each of Council's investments is compared to the UBSWA (Union Bank of Switzerland Warburg Australia) Bank Bill Index which is the market benchmark rate.

The weighted average return for the total portfolio of Council's managed funds (net of fees) during May was 6.69% compared to the benchmark of the UBSWA Bank Bill Index of 6.55%.

During the previous twelve months Council's return has been 6.43% compared to the Bank Bill Index of 6.38%.

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Schedule Of Bank Balances And Investments – May 2007 (contd)

SCHEDULE OF INVESTMENTS AS AT May 31 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,166,318.93	6,143.21	-	6.42%	6.38%	6.33%
BT Institutional Managed Cash (AAA)	Cash	8,966,369.38	27,088.41	318.23	6.32%	6.24%	6.18%
Deutsche Fund (A)	Cash Plus	20,422,224.75	111,376.16	1,236.84	6.57%	6.59%	6.47%
ING Enhanced (A)	Cash Plus	15,791,540.83	87,742.75	956.48	6.70%	6.56%	6.48%
Perennial Cash Enhanced Fund (AA)	Cash Plus	13,362,028.88	70,305.75	809.33	6.33%	6.48%	6.40%
Perpetual Structured Income Fund (AA)	Cash Plus	5,041,460.67	24,825.48	305.31	5.91%	4.40%	4.40%
Macquarie Income Cash Plus (A)	Cash Plus	21,863,789.81	116,107.35	1,324.29	6.39%	6.57%	6.50%
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	39,336.52	-	6.36%	6.13%	6.08%
Merrill Lynch (A)	Cash Plus	12,100,285.60	81,153.05	732.63	8.17%	7.31%	7.07%
QIC Cash Enhanced (AA)	Cash Plus	8,414,414.19	46,052.89	509.58	6.60%	6.52%	6.48%
Grove Advisory Fees				3,436.95			
TOTAL		114,531,433.04	610,131.57	9,629.64	6.69%	6.52%	6.43%
UBSWA INDEX					6.55%	6.42%	6.38%

*- FYTD= Financial Year to Date

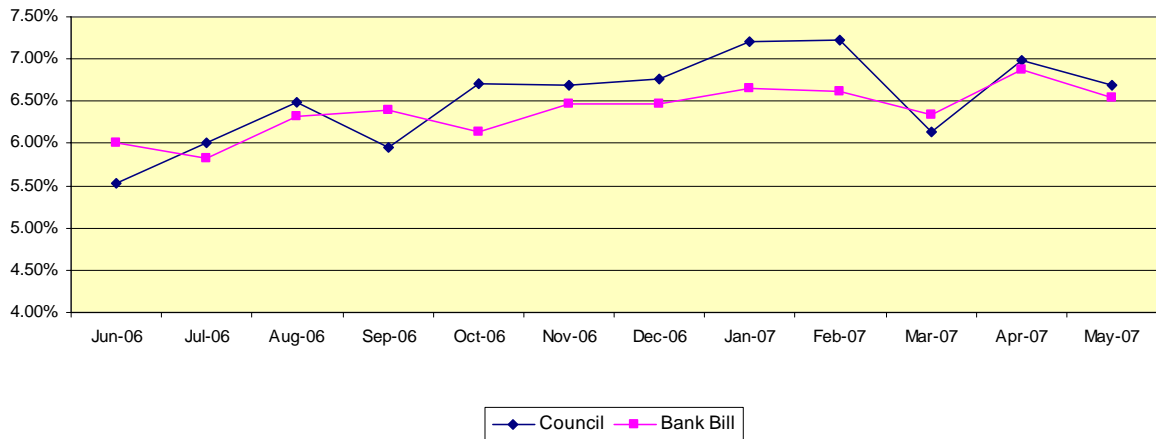
**- MAT = Moving Annual Total

Note: The above returns are net of fees charged

Schedule Of Bank Balances And Investments – May 2007 (contd)

Portfolio Performance against the UBSWA Bank Bill Index

Council's investment strategy has continued to produce above market returns, the average monthly return of the portfolio compared against the Bank Bill Index for the previous twelve months is displayed in the following graph.

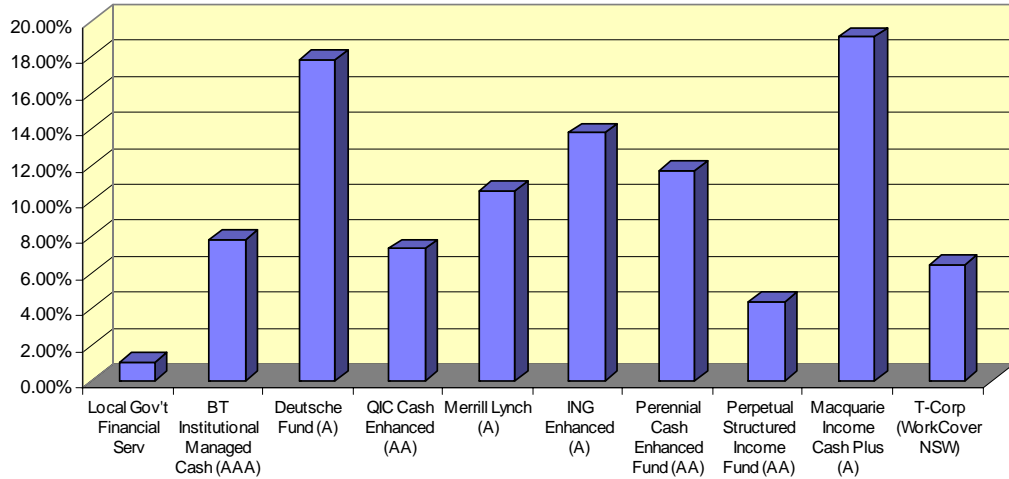


Allocation of Investment Funds

This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during May were allocated as follows:

Schedule Of Bank Balances And Investments – May 2007 (contd)



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 31 May 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Schedule Of Bank Balances And Investments – May 2007 (Attachment 1)

SUMMARY**May 31 2007****General****\$**

Unrestricted	5,145,206.16
Restricted - Internally	22,072,900.00
Restricted - Externally	39,487,200.00
Total General	66,705,306.16

Water

Unrestricted	3,269,492.68
Restricted - Internally	864,000.00
Restricted - Externally	21,367,900.00
Total Water	25,501,392.68

Sewer

Unrestricted	1,829,734.20
Restricted - Internally	1,558,000.00
Restricted - Externally	18,937,000.00
Total Sewer	22,324,734.20

TOTAL INVESTMENTS **114,531,433.04****BANK BALANCE PER
BANK STATEMENT** **1,269,718.94****TRUST ACCOUNT PER
BANK STATEMENT** **23,695.73**

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

**292 Minutes of the NSW Association of Mining Related Councils
 Inc Mid Year General Meeting – 11 May 2007**

F2004/07245 MW

SUMMARY

Minutes of the NSW Association of Mining Related Councils Inc Mid Year General Meeting held on 11 May 2007 at Narrabri Shire Council.

RECOMMENDATION

That the report be received and the information noted.

A meeting of the NSW Association of Mining Related Councils was held on 11 May 2007 at Narrabri Shire Council. The minutes of that meeting are attached.

Attachment 1

***Minutes of the NSW Association of Mining Related Councils
Inc Mid Year General Meeting held on 11 May 2007 (15 pages)***

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1)**

**Minutes of
NSW Association of Mining Related Councils Inc
Mid Year General Meeting
May 11 2007
at Narrabri Shire Council**

ATTENDANCE

Cr Tony Jones, Chairman	Gunnedah Shire Council
Cr Alan Tucker, Deputy Chairman	Broken Hill City Council
Mr Bill O'Neil	Honorary Life Member
Cr Peter Veenstra	Cabonne Shire Council
Mr Greg Cooper	Cabonne Shire Council
Mr Dominic Bruszewski	Camden Council
Mr Terry Kavanagh	Dungog Shire Council
Cr Colleen Fuller	Gunnedah Shire Council
Mr Eric Groth	Gunnedah Shire Council
Cr Dennis Brady	Lachlan Shire Council
Cr Neville Castle	Lithgow City Council
Mr Paul Anderson	Lithgow City Council
Mr Bob Stewart	Liverpool Plains Shire Council
Cr Esme Martens	Mid Western Regional Council
Cr Percy Thompson	Mid Western Regional Council
Cr Jennifer Lecky	Muswellbrook Shire Council
Cr Stephen Thatcher	Muswellbrook Shire Council
Cr Ken Bates	Narrabri Shire Council
Cr George Sevil	Narrabri Shire Council
Mr Max Kershaw	Narrabri Shire Council
Cr Keith Parsons	Newcastle City Council
Cr Mary Robinson	Singleton Shire Council
Cr Peter Hodges	Upper Hunter Shire Council
Cr Norman Jew	Wollondilly Shire Council
Mrs Margaret MacDonald-Hill	Executive Officer
Professor Chris Moran	SMI – University of Queensland
Ms Narelle Wolfe	Mt Arthur Coal

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

APOLOGIES

Cr John Davis, Deputy Chairman	Orange City Council
Cr David Bolte	Bland Shire Council
Cr Howard Mangelsdorf	Bland Shire Council
Cr Ted Wilson	Blayney Shire Council
Mr Andrew Roach	Blayney Shire Council
Cr Eva Campbell	Camden Council
Cr Fred Borg	Campbelltown City Council
Mr Ian Curtis	Campbelltown City Council
Cr Geoff Slack	Gloucester Shire Council
Mr Glenn Wilcox	Gloucester Shire Council
Cr Jim Henderson	Gloucester Shire Council
Cr Wayne McAndrew	Lithgow City Council
Cr Richard Anderson	Liverpool Plains Shire Council
Cr Marilyn Eade	Newcastle City Council
Cr Robert Wilson	Parkes Shire Council
Mr Alan McCormack	Parkes Shire Council
Cr Geoff Sharrock	Singleton Shire Council
Cr Michael Banasik	Wollondilly Shire Council
Cr Tony Kent	Wollongong City Council
Cr Zeki Esen	Wollongong City Council
Cr Bob Graham	Wyong Shire Council
Mr Mike Long	Wyong Shire Council

Minutes of the NSW Association of Mining Related Councils Inc Mid Year General Meeting – 11 May 2007 (Attachment 1) (contd)

1 WELCOME

Chairman Tony Jones declared the meeting open at 10am and welcomed the guest speaker and invited guests, Professor Chris Moran from the Sustainable Minerals Institute, University of Queensland and Narelle Wolfe from BHP Mt Arthur (as ACARP study monitor) and Terry Kavanagh as the delegate for the new member, Dungog Council. He then invited the Mayor of Narrabri, Councillor George Sevil, to welcome the delegates to the Shire of Narrabri.

Mayor Sevil wished everyone a good morning and warm welcome to Narrabri. Narrabri covers an area of 13,000 square kilometres, with a population of 15,000 people. The town of Narrabri is regarded as the administrative centre of the Shire and is surrounded by the villages of Baan Baa, Bellata, Boggabri, Cubbaroo, Cuttabri, Edgeroi, Gwabegar, Maules Creek, Merah North, Pilliga, Spring Plains, Turrawan and Wee Waa. The area has rich alluvial soils and is renowned for production of some of the highest quality cotton, wheat, beef, lambs and wool and the Pilliga Forest as a timber town. The agriculture produce is the second highest in Australia in terms of production and worth \$400 million per annum. Apart from cotton, wheat and other crops and livestock, in recent years the town now has coal mining.

The three mines will present some challenges to the shire and to local industry. There is also the development of natural gas south west of Narrabri. The Mayor stated Narrabri was pleased to be a member of the Association and saw the benefit in belonging.

Like a lot of Australian towns suffering the biggest drought, the Keepit Dam has only 2 ½% capacity left in it. Apart from its agriculture, the town is known as the Sporty Shire in Australia with 137 international and national sportspeople produced from the area.

In closing the Mayor wished everyone an enjoyable stay in Narrabri and invited all to come back again.

2 APOLOGIES

The tendered apologies were accepted.

3 DISCLOSURE OF PECUNIARY OR CONFLICT OF INTEREST

There were no disclosures of pecuniary or conflict of interest made at the meeting.

At this stage of the meeting, standing orders were suspended to allow guest speaker, Professor Chris Moran to address the meeting.

For purposes of continuity, the minutes are recorded in numerical sequence, with a copy of Professor Moran's presentation as an addendum to the Minutes.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

- 4 ***THE MINUTES OF THE NOVEMBER 10 2006 ANNUAL GENERAL MEETING AT CONDOBOLIN AND FEBRUARY 9 2007 EXECUTIVE COMMITTEE MEETING AT GLOUCESTER WERE ADOPTED.***

5 **BUSINESS ARISING**

a **Skills Shortage**

The Chairman noted that the report "Men out of Work" referred to by Ellen Fleming in her presentation to the February meeting was an attachment to the Business Paper.

Deputy Chairman Alan Tucker advised that he had met with Ellen Fleming at a RICA meeting in Broken Hill recently.

- b The Executive Officer thanked everyone for the flowers and expressions of sympathy she had received in February.

6 **FINANCIAL REPORT**

The Financial Report was tabled at the meeting. The Chairman noted that the Association was in a very sound financial position.

The Association's Financial Controller and Gunnedah's Manager of Finance, Eric Groth commented that the report speaks for itself.

Resolved:

That the financial report be adopted.

7 **MEMBERSHIP**

The Chairman confirmed that he and the Executive Officer would be addressing Cessnock City Council in May, with a view for them to rejoin the Association.

Resolved:

That the Association provide a warm welcome to Dungog Shire Council and its delegates.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

8 ASSESSMENT OF CUMULATIVE IMPACTS OF MINING

Professor Chris Moran, from the Sustainable Minerals Institute of the University of Queensland, gave an overview on the ACARP study "Monitoring the impact of mining on local communities: A Hunter Valley Case Study".

The aim of the project was to develop methods and indicators for estimating and monitoring the cumulative environmental, social and economic impacts of multiple mining operations on regional communities. Professor Moran stated that this was a very difficult project to research from a researcher's point of view because there was an expectation that the researchers were able to resolve the issues. He explained that the research project was to process and manage the expectations. His team were the researchers of the study and not there to find the answers. In the study area there are five mines in Muswellbrook. The research team queried what were the cumulative impacts, how were they assessed and are they managing the problem or understanding the problem? Broadly speaking, cumulative impacts are the successive, incremental and combined impacts, both positive and negative, of an activity on society, the economy and the environment. For mining, cumulative impacts mean the combined impact of local mines on a defined community over time.

The study became increasingly complex in dealing with social, economic and environmental issues assessed as cumulative impacts, not restricted to mining. There was a changing trend of issues now swinging to greenhouse gas emissions, not present at the commencement of the study. Appropriate management of cumulative impacts should be addressed not only by the mines but the three levels of Government. Professor Moran stated that aggregate impacts required collective action and there was a need to maximise the positive cumulative benefits and minimise the negative ones. He also acknowledged the increasing anti-mining agendas would result in the loss of benefits across a community.

Councillor Jennifer Lecky confirmed she was from Muswellbrook. When the Bengalla mine began there were 132 complaints per month. She is seen as pro mining because she has defended the mines against the protagonists in the Shire. There is a move from the equine industry against mining yet that industry uses more water than mine. She was only stating a fact but was attacked for doing so. There are advantages from mines apart from big holes around Muswellbrook.

Professor Moran responded that there is a difficulty in over consulting within a community. It takes people a long time to change their way of thinking.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

ASSESSMENT OF CUMULATIVE IMPACTS OF MINING continued

Councillor Norman Jew from Wollondilly said there are a lot of mines and a lot of communities and conflict exists amongst them. In his area and evident in a committee he is on, BHP is in an adversarial role with their community committee. It is not BHP's problem but the Government's. He queried if the Government would be prepared to sit down and become involved in the process. It did so at a special mining forum convened by Wollondilly Council and the Association and the benefits from that exercise were self evident.

Professor Moran acknowledged he was familiar with some of the concerns in the Illawarra relating to ground water management issues. There needed to be a recognition in the mine's policy that if mitigation did not work as expected, then the situation had to be improved and tuned up as we go with an adaptive policy to inform the community and avoid the issue, rather than fight it out later on.

The Chairman indicated that royalty money of some \$15 million does not come back to the local communities, it all goes to Treasury. If the community could see that some partial money comes back into the town it would make a difference rather than it all going out and not returning.

Professor Moran said they should be able to pick up the benefit to the town from the rates.

Councillor Colleen Fuller from Gunnedah said with the Caroon Project, the Community Consultative Committee cannot get past the water issues. Two thirds of each meeting are spent on that.

Professor Moran was aware of the surface and groundwater issues and the potential changes of flows. He was one of three universities, who had a proposal to look at surface and ground water on the flood plains and look at water issues for the Namoi. Surprisingly, the National Water Commission did not support the project and funding was not granted.

Councillor Fuller said the attitude is 'we don't want coal mining'.

Deputy Chairman Alan Tucker noted that in terms of the return of the money to the community, BHP had held up the State of New South Wales for 120 years. There is a big amount of money from mining so if there is a problem with our rail, as we heard yesterday on inspection, then why can't the Government put it back into the infrastructure?

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

ASSESSMENT OF CUMULATIVE IMPACTS OF MINING continued

Professor Moran responded that you would achieve a better prospect dealing with BHP. The smaller companies cannot do what the big companies can do. The interest and investment is there from the bigger companies.

He referred to the Queensland mining industry and clean coal. Premier Beattie will increase the royalties if they don't come to the party.

Councillor Ken Bates from Narrabri on the subject of royalties, said it is important to have dialogue with the community as it grows and negotiation with mining companies. We are in the box seat at Narrabri, as we have heard what has happened in the other areas.

The Mayor of Lithgow, Neville Castle said we have two coal mines at Lithgow and these communities believe the royalties should come back to that area. The consultative committees do sit around and talk about the approval. Now it is too late to go back to get a better outcome.

The Chairman in drawing the discussion to a close thanked Professor Moran and said we await the release of the final report.

Resolved:

That Professor Moran be thanked for his attendance and his presentation be noted.

9 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES STATE ENVIRONMENTAL PLANNING POLICY

The meeting agreed that the new Mining, Petroleum Production and Extractive Industries State Environmental Planning Policy would invoke better planning practice in the assessment and approval of mines, extractive industries and petroleum production. The new provisions will ensure that potential environmental and social impacts are adequately addressed during the assessment and determination of any development proposal.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

**MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES STATE
ENVIRONMENTAL PLANNING POLICY continued**

The Executive Officer stated it was good to see that the Department had listened to the views of the Association and incorporated the long held policy statements on the preference to rail over road and restriction of truck movements in residential areas and school zones.

Greg Cooper from Cabonne agreed and said he had no problems with it.

Paul Anderson, General Manager from Lithgow advised that with the collective mines, the control had been put back on the companies themselves to regulate. He had some concerns with this and would provide some information to the Executive Officer, so it could be raised at the meeting with Minister Sartor.

Resolved:

- 1 *That the information be noted.***
- 2 *That the Department of Planning be congratulated on the Mining,
Petroleum Production and Extractive Industries State Environmental
Planning Policy***

10 STATE GOVERNMENT ELECTIONS

The Chairman confirmed that the Association continues to enjoy a good rapport with the lemma Cabinet, as it also does with the Opposition.

Resolved:

That the information be noted.

11 COMMUNITY CONSULTATIVE COMMITTEES

The Department of Planning's Guidelines for establishing and operating Community Consultative Committees for mining projects has still not been released. In the face of many emerging community concerns and issues with mining across the State, it is time for the Association to raise this with the Minister.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

COMMUNITY CONSULTATIVE COMMITTEES continued

Councillor Norman Jew from Wollondilly in agreement said the Appin committee is not referred to as a consultative committee but is called a committee working group. There was a furore over the comments made by one of the members when she spoke to the Telegraph on contentious issues and mining taking place 82 metres at the top of the Upper Cataract River, the river which provides water to the Cataract Dam via Broughton's Pass. The company has now issued an edict to the committee that "nothing that is spoken about in the committee is to be put out in the press". Councillor Jew and other committee members were annoyed at the arrogance of BHP. He queried the role of being on the committee, if you were gagged and could not speak. Councillor Jew stated that the community consultative committees (CCC's) are very important and they should be open and not run as a secret guild.

Councillor Castle observed in Lithgow there were five different CCC's, all going in different directions, at different targets. In one particular committee it was suggested that as televisions were not working properly, they wanted set top boxes, to be provided by Council! In the case of the Pine Dale CCC featured in the media recently, four people put in a vote of no confidence because they could not get their way on that committee, so they immediately went and joined another one. The Pine Dale company had done everything it could and there is no mechanism to go back and change the CCC.

Councillor Mary Robinson from Singleton said with their committees, any issues are taken back to council. She did not agree with Planning taking over and did not want it taken out of council control. Singleton has a Code of Conduct which must be adhered to. She was of the view a lot of people wanted to be Chairman of CCC's because they get paid to be so. The bottom line is the money. The Singleton CCC's are all working very well.

Bob Stewart from Liverpool Plains stated it was a total lack of leadership by the Department of Planning. They don't even turn up at these meetings. The Chairman said the response from Department of Planning would be 'we are there in spirit'. However, he did concede that he did not see how they could attend all these meetings with limited resources.

Councillor Peter Hodges from Upper Hunter said the weakness with the CCC's is if they don't run properly. You had to be aware of the potential for defamatory comments. If you do that company harm, you can be taken to Court. He believed their effective running was contingent on an effective Chairperson.

Minutes of the NSW Association of Mining Related Councils Inc Mid Year General Meeting – 11 May 2007 (Attachment 1) (contd)

COMMUNITY CONSULTATIVE COMMITTEES continued

Councillor Jew responded in the Appin case it is not set up properly and is run by a public relations company.

The Chairman indicated that there were different committees, including those auspiced as Ministerial committees. Some are not properly set up, some are politically structured and others under legislation of the State Government.

Bob Stewart advised that there are two different committees – exploration and development.

The Executive Officer explained that the Minister for Primary Industries usually establishes a committee for exploration. This is a sunset committee, which terminates if development consent is granted by the Department of Planning and a mining lease is granted by the Minister for Primary Industries. In most current consents, it is common practice for a CCC to be established under the Planning regime, for the life of the mine.

Deputy Chairman Tucker noted that over the last two years, the Director General of Planning appointed these committees. He found it interesting with the new mines, as previously Broken Hill had never had a CCC. The new committee in Broken Hill is more industry based with the Chamber of Commerce involved.

In closing the debate, the Chairman reiterated that there is clearly a need for this to be resolved as soon as possible.

Resolved:

- 1 That the Association write to the Director General of Planning, requesting the early release of the guidelines, and***
- 2 Raise the matter when meeting with the Minister for Planning.***

Councillor Robinson's dissenting vote was recorded.

12 MALDON-DOMBARTON RAILWAY LINE

Councillor Jew had raised concerns on the decision by the State Government to shift a considerable amount of the container shipping freight from Sydney Harbour to Port Kembla, creating a large increase in road transport, probably along the Southern freeway to Picton Road to a rail connection in the Macarthur area. As the shire roads are already close to capacity, he was questioning the completion of the Maldon-Dombarton rail link.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
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MALDON-DOMBARTON RAILWAY LINE continued

Construction of the link ceased in 1988 because the coal tonnages did not support the cost to complete the line. Since then there have been various submissions calling for its completion. The local coal industry is supportive of such a proposal. The 2006 Coal Industry Profile indicates that for the year 2005-06 9,562 mt were exported through Port Kembla. New projects, including Moolarben, (if approved by the Minister for Planning) at 10mtpa in the Western Coalfields, could increase the tonnages in the foreseeable future.

Councillor Jew said there is a need for a freight line not a passenger line in the area as there was an enormous amount of shipping containers on the local roads. The Government has said if we come up with a business plan, they will look at it.

The Executive Officer advised that she had spoken with the new State Member for Wollondilly on the topic and he had indicated his support to go into bat for it, as long as the figures stacked up.

Mayor Percy Thompson from Mid Western Regional Council advised with Ulan it was \$85 million ten years ago for the Gulgong/Kandos upgrade

Councillor Jew will go back to his Council to seek direction and advise if the Association can be of further assistance.

Resolved:

That Councillor Jew seek the direction of his Council and report back to the Association.

13 MINE SUBSIDENCE LEVY CONTRIBUTIONS

Councillor Bates queried why are there different rates for each colliery? The Executive Officer advised that she had asked the Chief Executive Officer of the Mine Subsidence Board this question and his response was the levy is based on the colliery land value and royalty tonnages, so each colliery will pay a varying amount. The open cut mines are given a 30% reduction on their royalty tonnes because of greater output than underground mines and have few claims, whilst the non-producing mines pay a flat rate of \$1,000 per annum.

Minutes of the NSW Association of Mining Related Councils Inc Mid Year General Meeting – 11 May 2007 (Attachment 1) (contd)

MINE SUBSIDENCE LEVY CONTRIBUTIONS continued

The General Manager of Lithgow, Paul Anderson, drew the attention of the rate and therefore the indicative land value between Bayswater and Baal Bone and questioned how it could be.

Resolved:

That the information be referred to the Valuer General for investigation.

14 UPDATES

14.1 Mine Rating

The Chairman stated that the Valuer General continued to implement changes to the valuation system in response to the representations made to him by the Association.

Paul Anderson advised that he had been talking to the new Minister for Local Government, Paul Lynch and the fact that councils are constrained on notional limits for rate pegging. The rate in the dollar becomes unsustainable.

The Chairman said the system is changing with water now being divorced from farming land.

Councillor Bates said the mining companies will buck at this one. It might start to work in our favour for royalties to come back.

The Chairman responded that Local Government has to be able to sustain their income.

Mayor Sevil asked if the royalties were based on output. The Chairman replied that the ability to levy rates on output had been removed as it was outlawed by the Government as not Constitutional.

Deputy Chairman Tucker said in the case of Broken Hill, even though the ore remained, the council never received back rates. The Broken Hill mine went from a value of \$15 million to \$21 million. They simply did not want to pay extra rates, proving yet again the need for a transparent process.

Greg Cooper said it was the same with Cadia, they wanted to pay less.

Bob Stewart said that is why the three councils of Cabonne, Orange and Blayney engaged the University of Western Sydney. He felt the information put together at that time would be beneficial in developing a discussion paper on rating.

Paul Anderson said the land value remains the same, in spite of the resource. The Executive Officer said she would send to all Councils, a copy of the December letter to the Valuer General, which gave a clear précis of the research and information collated to date. Anyone who had comments or suggestions should contact her.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

UPDATES continued

14.2 Power Stations

The NSW Government has approved a 300-megawatt gas power station at Bamarang to provide energy during peak demand.

The proposal for a gas-fired power station in Campbelltown has been withdrawn. A new 10 megawatt electricity power plant will run on waste gas captured from Glennies Creek coal mine and will produce enough energy to power 10,000 homes and save more than 340,000 tonnes of greenhouse gas entering the atmosphere each year.

14.3 Community Engagement

The Executive Officer was a presenter at the NSW Minerals Council Community Engagement Training Workshop in April. She presented a paper on the community perspective.

15 REMAINING MEETING SCHEDULE FOR 2007

The Chairman noted the change of date for the August Executive Committee Meeting.

Executive Committee Meeting - Friday, 31st August at Mudgee

Annual General Meeting - Friday, 9th November at Liverpool Plains -Quirindi

16 GENERAL BUSINESS

- a Councillor Thompson enquired about the CCC's for Mudgee. The Executive Officer advised that the Moolarben committee, set up by the Minister for Primary Industries had terminated last year, in anticipation of development approval prior to Christmas. Even though there had not been any announcements made, she felt that a decision was imminent with this project and two others. In the case of Wilpinjong, the committee had last met in April. There was a councillor representative on that committee but he had missed the last few meetings. She was not aware of the constitution of the Ulan committee but in view of the age of the mine, suspected it had been going for quite some time.

The Mayor was concerned about issues raised at a Council Forum recently and requested assistance from the Executive Officer.

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

GENERAL BUSINESS continued

- b Councillor Robinson raised the difficulties with the rail and coal loader. She referred to the inspection of the Boggabri mine the previous day and the impact of a speed restriction of 10kms that restricted the mine's operations. She asked what is exactly the state of the infrastructure if the problem is not the coal loader at the Port of Newcastle and the queue of ships off the East Coast? She expressed her concern at the loss of jobs and the putting off of 128 people by RIO and Austar also having to stand people down. The Chairman replied there is fault with both. The Port is at capacity. China is importing rather than exporting and there is \$4 per tonne in demurrage. The Deputy Chairman said yesterday we were told it is the state of the rail – not the port. Councillor Bates said the standing time is too long. Councillor Robinson said that at times coal trains are restricted to 10km per hour. The question of the ability of the network to handle coal and wheat was raised.
- c Councillor Esme Martens from Mid Western Regional Council advised that Council had received a visit from the Grants Commission. There will be three large mines in the area and there is a skills shortage and lack of infrastructure. She asked would the Association be able to assist her Council with a disability submission.
- The Chairman asked Councillor Martens to provide some specific questions on what she required and the Executive Officer would try to assist her.
- d Councillor Jew referred to an article in the Sutherland newspaper. Sutherland Council had resolved to write to the lemma Government on concerns of longwall mining in the water catchment. He felt that the Association should write to Sutherland regarding membership to the Association. With the enquiry into the Southern Coalfields announced last year, the Association should consider putting in a submission.
- e The Executive Officer read out a suggestion tabled at a CCC meeting in relation to the Subsidence Management Plan process that the State Government provide a system where a local council is the commissioning authority for Subsidence Management Plans, to achieve transparency and independence. There was no support for this proposal as councils do not have the reserves and the new process developed in recent years by the Department of Primary Industries was considered adequate.

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

**Minutes of the NSW Association of Mining Related Councils Inc Mid Year
General Meeting – 11 May 2007 (Attachment 1) (contd)**

Honorary Life Member, Bill O'Neil moved a vote of thanks to Narrabri for hosting the meeting.

The Chairman announced a break for lunch at 12.40pm and advised that the Executive Officer had received permission from the author to show a Rivers SOS video on purported mining damage across the State, including an introduction of dramatic mine subsidence footage shot in Pennsylvania.

The meeting was closed at the conclusion of the video at 1.48pm.

WYONG SHIRE COUNCIL

11 July 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

293 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q038 – International Cities, Town Centres and Communities Organisation and Conference (A response will be reported once a reply is received from Councillor Welham)	Councillor Pavier	28 March 2007	Corporate Services
Q053 – Sale of No 20 Manning Road, The Entrance (A response will be reported at a future Ordinary Meeting)	Councillor Stewart	23 May 2007	Corporate Services
Q055 – Development of Shire's Employment Lands (A response will be reported to the Ordinary Meeting on 25 July 2007)	Councillor Eaton	13 June 2007	Shire Planning
Q057 – Anvil Hill Coal Mine (A response will be reported once a reply is received from the Association of Mining Related Councils)	Councillor Veugen	13 June 2007	Corporate Services
Q058 – Use of High Pressure Hoses at Charmhaven Pound (A response will be reported to the Ordinary Meeting on 25 July 2007)	Councillor Veugen	13 June 2007	Shire Planning
Q059 – Stormwater Levy (A response will be reported to the Ordinary Meeting on 25 July 2007)	Councillor Best	13 June 2007	General Manager's Unit

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q060 – Reluctance of Joint Water Authority to apply to IPaRT for the Introduction of Inclined Block Tariffs (A response will be reported to the Ordinary Meeting on 25 July 2007)	Councillor Best	13 June 2007	Shire Services
Q061 - Shire Media Advertising Budget (A response will be reported to the Ordinary Meeting on 8 August 2007)	Councillor Eaton	27 June 2007	General Manager's Unit
Q062 - State Government Infrastructure Levies for Warnervale Town Centre (A response will be reported to the Ordinary Meeting on 8 August 2007)	Councillor Eaton	27 June 2007	Shire Planning
Q063 - Norah Head Lighthouse Trust (A response will be reported to the Ordinary Meeting when a reply has been received from the Trust)	Councillor Veugen	27 June 2007	Corporate Services

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities <i>Investigations into the possibility of constructing an integrated regional sporting/educational facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.

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Answers to Questions Without Notice

Q043 – Extensive Tree Clearing Along Pacific Highway at Lake Munmorah

Asked by Councillor Eaton at the Ordinary Meeting held on 9 May 2007
F2004/00607

Could staff report on extensive tree clearing along the Pacific Highway at Lake Munmorah in the last few days?

The tree clearing work was undertaken by contractors on behalf of Energy Australia. Energy Australia and contractors acting on behalf of Energy Australia are deemed to be self-determining authorities. An environmental assessment under Part 5 of the Environmental Planning & Assessment Act 1979 must be undertaken. Energy Australia undertakes its own environmental impact assessment and therefore no consent from Council is required.

Wyong Council and Energy Australia have an informal agreement in relation to tree works. The informal agreement consists of the Tree Officer, Planning Services being contacted when tree works are undertaken in the Shire and the information supplied to that Officer is recorded on file. A review of the file indicates that no works have been cited for the recent tree clearing along the Pacific Highway at Lake Munmorah.

Energy Australia's recent practices are to prune trees from floor to sky with no overhang at all over wires. These current practices do not meet the relevant Australian Standard for tree pruning in all instances. Where pruning more than 25% of the tree would have previously occurred, Energy Australia is now removing the whole tree. Previously trees would be pruned to allow a 1.5 metre clearance from the wires and then given room to grow naturally. This previous policy appears to have changed, however, Council has not been given formal notification of such.

Answers to Questions Without Notice (contd)

Q47 - Informal Briefing

Asked by Councillor Best at the Ordinary Meeting held on 9 May 2007
F2004/06395

"Mr General Manager, further to Councillor Veugen's Q034 dated 28 March 2007. In recent discussions with our new State Local Members Mr David Harris, Wyong and Mr Greg Piper, Lake Macquarie, it was agreed that they would be delighted to attend an informal briefing to be held on a Council off Wednesday, covering key and strategically significant issues while affording the Members, Councillors and staff the opportunity to informally meet in a productive and networking environment. Such a briefing should also include Mr Robert Coombs, the new State Member for Swansea.

Could the General Manager advise on likely timeframes and possible agenda items for Council's consideration?"

Some of the local members indicated that they were not prepared to meet with the full Council but would attend a meeting with the Mayor and General Manager.

Two meetings were held, as not all members could attend at the one time.

Topics discussed included:

- WaterPlan 2050
- Water Authority
- Warnervale Employment Zone
- Warnervale Town Centre
- Coal Mining
- Holiday Parks.

11 July 2007
To the Ordinary Meeting of Council

General Manager's Unit

Answers to Questions Without Notice (contd)

Q051 – Local Government Association Conference Motion to “meet or beat” Kyoto Targets

Asked by Councillor Veugen at the Ordinary Meeting held on 23 May 2007
F2004/00103

“As per last year’s Local Government Association Conference unanimously passed Motion, when will the Mayor be signing the agreement to commit to “meeting or beating” Kyoto targets?”

The Local Government and Shires Association has indicated that the Climate Change Action Pack which will contain the information and templates to support the agreement, will not be released until August 2007. At that stage the matter will be considered further as to whether Council should sign the agreement or not.

11 July 2007
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice (contd)

Q052 – Repair of Carpark at Rear of Ebbtide Mall, The Entrance

Asked by Councillor Stewart at the Ordinary Meeting held on 23 May 2007
F2004/12498

“The carpark at The Entrance behind the Ebbtide Mall, which is in the hands of three individual owners is urgently in need of repair. I am asking if Council could please take some positive action to have these owners repair the carpark before a serious accident takes place?”

Council originally wrote to the property owners of the Ebbtide Mall on 24 August 2006 requesting that urgent repairs be undertaken to the carpark at the rear of the Mall. A subsequent letter was sent to the owners on 5 June 2007 again requesting that this work be undertaken.

On 8 June 2007, verbal advice was received from the property owners that contracts for repairs to the surface of the carpark were being finalised and that it was expected the work would be completed within two weeks.

The original Development Consent for the Mall contained a condition that required the maintenance of the carpark to Council's satisfaction. Accordingly, this matter will be followed up by Council Officers and should the works not be satisfactorily completed, Council will commence the process to issue an Order to comply with the Development Consent for the property.

11 July 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q054 – Empty Coal Ships

Asked by Councillor Eaton at the Ordinary Meeting held on 13 June 2007
F2004/06935

“Can Council advise if a risk analysis and/or safety plan exists for empty coal ships going onto our beaches in storm events?”

Council has no involvement in the management of watercraft operating on New South Wales coastal waters. This falls within the jurisdiction of NSW Maritime.

The Newcastle office of NSW Maritime manages the coastal waters within Wyong Shire and deals with matters including shipping safety and port coordination, marine environment policy, pollution response, maritime incident management and investigation, inter-governmental relations and legislative programs.

Major coastal incident management, including shipwrecks, is administered under the terms of the NSW State Government's Emergency Plan which is published at web page www.emergency.nsw.gov.au

11 July 2007
To the Ordinary Meeting of Council

General Manager's Unit

Answers to Questions Without Notice (contd)

Q056 – Attendance at Briefings and Inspections

Asked by Councillor Stewart at the Ordinary Meeting held on 13 June 2007
F2006/02282

“Could the General Manager please send out a memo to all Councillors appealing to them to attend briefings and inspections? At our formal meetings we are wasting time going over and over the briefings and inspection subjects.”

The note to Councillors has been issued.