
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, 14 FEBRUARY 2007,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

14 February 2007

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WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

040 Disclosure of Interests

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

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

041 Proposed Inspections

F2006/02282 ED:MR

SUMMARY

Inspections proposed to be held on 28 February 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
28 February 2007	Berkeley Vale Sake Park	Manager Engineering Projects and Contracts
28 February 2007	Kathleen White Crescent, Killarney Vale	Manager Roads and Drainage
28 February 2007	Eastern Road	Manager Roads and Drainage
28 February 2007	Noraville Cemetery	Manager Business Unit
28 February 2007	Proposed Temporary Desalination, Vales Point	Manager Engineering Projects and Contracts

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 28 February 2007 be received and the information noted.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

042 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
7 February 2007	Workshop Session	Workshop session on various issues.	12.00 noon – 5.00pm	General Manager
14 February 2007	Rosecorp Proposal	Rosecorp proposed residential rezoning at Catherine Hill Bay and Gwandalan (details of proposed submission)	12.00 noon – 1.00pm	Land Use and Policy Manager
14 February 2007	Councils Online	Update	1.00pm – 2.00pm	General Manager
14 February 2007	Water Authority / Central Coast Water Corporation	Water Authority Briefing on next board meeting and further discussion on Central Coast Water Corporation	2.00pm -	Headworks Manager / General Manager

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

043 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

044 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 24 January 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 24 January 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, 24 JANUARY 2007,
COMMENCING AT 5.04 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, MANAGER FUTURE PLANNING, MANAGER ENGINEERING PROJECTS AND CONTRACTS, TEAM CO-ORDINATOR MAJOR APPLICATIONS AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.04 PM AND PASTOR JOHN BETTS READ THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 001, 002, 003, 004, 010, 011, 012, 008, 009, 027, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

001 Disclosure of Interests

F2006/02282 ED:SW

009 - NOTICE OF MOTION – KOREAN COAL COMPANY KORES' 120 MILLION TONNE COAL MINE

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LITERATURE CIRCULATED TO THE ELECTORATE HAS HIS NAME WITHIN IT IN REGARDS TO THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

017 – DEDICATION OF LAND AT 480-500 PACIFIC HIGHWAY, WYONG BEING LOTS 51 AND 52 IN DEPOSITED PLAN 1100416

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY ARE FORMER LAND OWNERS OF PROPERTY AFFECTED BY THE REPORT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.11 PM.

035 - RECURRENT FUNDING FOR WARNERVALE FAMILY AND COMMUNITY CENTRE

THE MANAGER FUTURE PLANNING DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS WIFE HAS MEMBERSHIP ON THE BOARD OF THE WARNERVALE FAMILY COMMUNITY CENTRE AND DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and advice of disclosures noted.

002 Proposed Inspections

F2006/02282 ED:SW

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

That the report on inspections conducted on Wednesday, 24 January 2007 be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

003 Proposed Briefings

F2006/02282 ED:SW

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

That the report be received and the information noted.

004 Address by Invited Speakers

F2006/02282 ED:SW

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

- 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.***

005 Notice of Intention to Deal with Matters in Confidential Session

F2006/02282 ED:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That pursuant to Section 10A(2)(a) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:***

W001 – Staff Issues.
- 2 That the reason for dealing with Report No W001 confidentially is that it contains personnel matters concerning particular individuals.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

006 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 13 December 2006 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

007 Notice of Motion – Developer’s Forum

F2004/12148 DE

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council reconvene the Developer’s Forum and report on implementation of this resolution.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

008 Notice of Motion – Bio Banking and Carbon Credits

F2004/09073 GPB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.41 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.42 PM DURING CONSIDERATION OF THIS ITEM.

MR RAY RAUSCHER, REPRESENTING THE UNIVERSITY OF NEWCASTLE, SCHOOL OF ENVIRONMENT AND LIFE SCIENCES AS A RESEARCHER, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.40 PM, ANSWERED QUESTIONS AND RETIRED AT 7.45 PM.

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

That Council report on use of part of its investment funds to invest in land suitable for bio banking and carbon credits.

009 Notice of Motion – Korean Coal Company Kores' 120 Million Tonne Coal Mine

F2004/07086 GPB

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LITERATURE CIRCULATED TO THE ELECTORATE HAS HIS NAME WITHIN IT IN REGARDS TO THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.15 PM AND RETURNED TO THE CHAMBER AT 8.16 PM DURING CONSIDERATION OF THIS ITEM.

MR RON SOKOLOWSKI, REPRESENTING AUSTRALIAN COAL ALLIANCE, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.50 PM, ANSWERED QUESTIONS AND RETIRED AT 8.25 PM.

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

- 1 That having regard to the recent announcement and the release of the proposed long wall coal mining plan by the Korean Coal Company Kores', Council as a matter of urgency reaffirm its resolution at the 11 October 2006, item 427.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 2 ***That due to the enormous scale and potential impacts associated with a mine of this capacity i.e. 120 million tonne over stage one, Council seek to reduce the financial burden on our residents and ratepayers through seeking financial assistance from the State Government to review the EIS (\$110,000) particularly as the State Government is the consent authority and also a major beneficiary of the mine (ie State Levy \$6.50 per tonne, total revenue \$780 million dollars stage one).***

- 3 ***That Council on behalf of our residents and ratepayers reaffirms its total opposition to any such proposal to mine under our valleys and residential areas with the prospect of damaging our fragile water catchment.***

- 4 ***That further to Kores' request of 18 December 2006, in relation to the establishment of water monitoring bore holes along Durrem and Jilliby Roads, staff provide a report to Council prior to Council forwarding any letters of support.***

010 Temporary Desalination Plant – Budgewoi Beach

DA/1667/2006

011 Temporary Desalination Plant – Lakes Beach

DA/1667/2006

012 Temporary Desalination Plant – Tuggerah Beach, Magenta

DA/1667/2006

MR IAN COHEN, REPRESENTING THE GREENS PARTY, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.56 PM.

MR PHIL HEATON, AGAINST THE PROPOSAL, ANSWERED QUESTIONS AT 5.56 PM AND RETIRED AT 6.10 PM.

DAVID WAINWRIGHT OF WBM PTY LTD, CONSULTANT FOR THE APPLICANT, ANSWERED QUESTIONS AT 6.15 PM AND RETIRED AT 6.18 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.06 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.28 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor ROSE and SECONDED by Councillor STEVENS:

- 1 a *That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- “28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”
- b That those residents and interested groups that made submissions be advised of Council’s decision.
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:
- “30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”
- b That those residents and interested groups that made submissions be advised of Council’s decision.
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 a That consent for DA/1665/2006 (Budgewoi Beach) be granted subject to the conditions attached to the report and the amended condition 29:
- “29 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”
- b That those residents and interested groups that made submissions be advised of Council’s decision.
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 4 That an additional condition be attached to each of the above consents:

“That the order of installation of the temporary desalination plants be in the order of:

- a Tuggerah Beach – Magenta*
- b Lakes Beach*
- c Budgewoi Beach”*

An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor PAVIER:

- 1 a That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:

“28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

- 2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:

“30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

- 3 That DA/1665/2006 (Budgewoi) be deferred subject to a report to Council on the successful installation and appropriate monitoring of temporary desalination plants that are the subject of DA/1668/2006 (Magenta) and DA/1667/2006 (Lakes Beach).

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

4 *That an additional condition be attached to each of the above consents:*

“That the order of installation of the temporary desalination plants be in the order of:

a Tuggerah Beach – Magenta

b Lakes Beach”

5 *That the risk management plan for all proposals be brought before full Council prior to installation of the relevant plants.*

At this point during the debate Councillor EATON gave notice of a FORESHADOWED AMENDMENT:

1 a *That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached, with the exception of conditions 5, 6, 28, 29 and 30 which should be deleted.*

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

2 a *That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report with the exception of conditions 5, 6, 30, 31, 32 which should be deleted.*

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

3 a *That consent for DA/1665/2006 (Budgewoi) be granted subject to the conditions attached, with the exception of conditions 5, 6, 29, 30, 31 which should be deleted.*

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

4 That an additional condition be attached to each of the above consents:

“That the order of installation of the temporary desalination plants be in the order of:

- a Tuggerah Beach – Magenta
- b Lakes Beach
- c Budgewoi Beach”

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS PAVIER AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, ROSE, STEVENS, STEWART AND VEUGEN.

The FORESHADOWED AMENDMENT lapsed for want of a SECONDER.

The MOTION was put to the vote and declared CARRIED.

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

1 a That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:

“28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

“30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

3 a *That consent for DA/1665/2006 (Budgewoi Beach) be granted subject to the conditions attached to the report and the amended condition 29:*

“29 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

b That those residents and interested groups that made submissions be advised of Council’s decision.

c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.

4 *That an additional condition be attached to each of the above consents:*

“That the order of installation of the temporary desalination plants be in the order of:

a Tuggerah Beach – Magenta

b Lakes Beach

c Budgewoi Beach”

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

AGAINST: COUNCILLORS BEST, PAVIER, VEUGEN AND WELHAM.

THE MEETING ADJOURNED AT 7.35 PM TO ALLOW THE GALLERY TO CLEAR AND RESUMED AT 7.40PM.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

013 Exhibition of revised draft Wyong Shire Retail Strategy and Development Control Plan 2005 - Chapter 81

CPA/95742 LH

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor ROSE:

- 1 That Council exhibit the draft Retail Strategy and Development Control Plan 2005 - Chapter 81 for a period of six weeks in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000.***
- 2 That the following issues be investigated during the public exhibition period:***
 - a The future of the local San Remo shops.***
 - b The impact of the proposed developments at Gwandalan and the Wallarah Peninsula on the draft Retail Strategy.***
 - c The allocation of Bulky Goods floor space in the northern part of the Shire.***
 - d The scope for pad site retailing in Northern Wyong.***
- 3 That a further report be submitted to Council on the results of the public exhibition.***

014 Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill

F2004/08370 PRW:RA

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

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

- 1 That Council accept the proposal from Landfill Management Services Pty Ltd (LMS) to install equipment at Buttonderry Landfill for the capture and commercial utilisation of the methane gas generated by the landfill, at no cost to Council, and on the basis of royalty payments to Council of 15% of the Total Gross Revenue generated by Landfill Management Services for a period of 20 years.**
- 2 That the General Manager be authorised to execute any contract arising out of the acceptance of the proposal by Landfill Service Pty Ltd.**

015 Wyong Performing Arts Centre – Business Plan and Concept Design Tender

F2004/09609 CB:LD

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept tender number 2 from Creative Thinking – Positive Solutions in the lump sum amount of \$153,384 including GST (\$139,440 excluding GST).**
- 2 That Council approve a contingency amount of \$7,669 including GST (\$6,972, excluding GST), representing approximately 5% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

016 Sale of Properties for Overdue Rates

F2006/02184 JT:ED

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

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

- 1 That in accordance with the provisions of Section 713 of the Local Government Act, 1993, notice be given that Council intends to sell for overdue rates and charges allotments of land as described in the attached schedule headed "Land proposed to be sold for overdue rates in 2007".**
- 2 That Council authorise the General Manager, to appoint an Auctioneer to conduct an auction for the sale of the properties.**
- 3 That once an Auctioneer is appointed then the proposed sale be held on Saturday 19 May 2007, commencing at 10.00am in Council's Administration Building, Hely Street Wyong.**
- 4 That the General Manager be authorised to sign and seal all documents associated with the sale and to authorise the withdrawal of properties from sale process.**

017 Dedication of Land at 480-500 Pacific Highway, Wyong being Lots 51 and 52 in Deposited Plan 1100416

DA/ 651/1993/DS CB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY ARE FORMER LAND OWNERS OF PROPERTY AFFECTED BY THE REPORT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.11 PM.

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

- 1 That Council propose classification of Lots 51 and 52 in DP 1100416 as Operational Land.**
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.**
- 3 That, if no adverse submissions are received, the classification be adopted.**

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

018 Dedication of Land at 37 Barrington Drive, Woongarra

DA/280/2004 SCB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council propose classification of Lot 407 DP 1101427 as Operational Land.***
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 3 That, if no adverse submissions are received, the classification be confirmed.***

019 Classification of Land at Hamlyn Terrace

DA/971/2005 PF

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council propose classification of Lot 4 DP 1091495 as Operational Land.***
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 3 That, if no adverse submissions are received, the classification be adopted.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

020 Renewal of Lease to Bi-Lo at Tenth Avenue Budgewoi

F2004/11655 PF

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council lease part of the footpath adjoining Lot 34 DP 708099, No. 34 Noela Place, Budgewoi for a term of 18 months commencing 1 March 2007 for annual rent of \$1,000.00 plus GST.

021 Acquisition of Easement for Drainage at Killarney Vale

F2006/01488 JMT

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acquire an easement for drainage 3 metres wide and variable over Lot 466 DP 44382.***
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.***
- 3 That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.***
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.***
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

022 Relinquish Trusteeship of Reserve at Ourimbah

F2004/06017 AWS

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council advise National Parks and Wildlife Service that it has no objection to the transfer of Portion 12 Parish of Eglinton at Ourimbah Creek Rd, Palm Grove and Portion 19 Parish of Eglinton, Kilkenny Rd, Ourimbah from the Crown to National Parks and Wildlife Service for inclusion in Palm Grove Nature Reserve.**
- 2 That Council as the Manager of the Reserve Trust created for Reserve 14412 for Public Recreation and Water Supply advise the Crown that it has no objection to the removal of Portion 19 Parish of Eglinton Kilkenny Rd, Ourimbah from Reserve 14412 for the purpose of allowing the Crown to transfer the land to National Parks and Wildlife Service.**

FOR: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR EATON.

023 Open Space and Recreation in Mardi

F2004/08340 BMc

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

- 1 That the report be received and the information noted.**
- 2 That, in planning for restoration of the Mardi Tip site, consideration be given in design to the provision of further open space areas including possibility of an oval.**

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

024 Climate Change - Risk Assessment and Adaptation

F2004/00080 KD:LD

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.45 PM AND RETURNED TO THE CHAMBER AT 9.47 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor ROSE and SECONDED by Councillor WELHAM:

- 1 *That the report be received and noted.*
- 2 *That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.*
- 3 *That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%.*
- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor PAVIER:

- 1 *That the report be received and noted.*
- 2 *That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 3 *That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%, or alternatively Council increase its tree planting programme or use nuclear power.*
- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLOR EATON.

AGAINST: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

The MOTION was put to the vote and declared CARRIED.

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor WELHAM:

- 1 ***That the report be received and noted.***
- 2 ***That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.***
- 3 ***That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

025 Schedule of Ordinary Meetings 2007

F2006/02282 LC

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

- 1 *That the provisions of Clause 6(2) of the Code of Meeting Practice be varied and the Ordinary Meeting scheduled for Wednesday 25 April 2007 be cancelled.*
- 2 *That the appropriate public notice of the cancellation be given.*

026 Establishment of Alcohol Free Zone at Lake Haven

F2006/01909 MW

COUNCILLOR BEST LEFT THE CHAMBER AT 10.13 PM AND RETURNED TO THE CHAMBER AT 10.14 PM DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor STEVENS 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:*

Lake Haven: Goobarabah Avenue, Lake Haven 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 all the proposals.*
- 4 *That the matter be resubmitted for Council determination following compliance with these procedures.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

027 Report Following Exhibition of Fee Increase – Holiday Storage Vans

F2004/08335, F2004/08336, F2004/08337, F2004/083389 GJP

COUNCILLOR BEST LEFT THE CHAMBER AT 8.30 PM AND RETURNED TO THE CHAMBER AT 8.34 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.49 PM AND RETURNED TO THE CHAMBER AT 8.51 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.58 PM AND RETURNED TO THE CHAMBER AT 9.00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.09 PM AND RETURNED TO THE CHAMBER AT 9.11 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 9.19 PM AND RETURNED TO THE CHAMBER AT 9.22 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.19 PM AND RETURNED TO THE CHAMBER AT 9.24 PM DURING CONSIDERATION OF THIS ITEM.

MR KEITH MCGUCKIN, REPRESENTING TOOWOON BAY HOLIDAY PARK ACTION COMMITTEE, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 8.30 PM, ANSWERED QUESTIONS AND RETIRED AT 8.55 PM.

It was MOVED by Councillor EATON and SECONDED by Councillor STEWART:

- 1 *That Council note the objections received.*
- 2 *That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.*
- 3 *That in the interim Council staff explore ways to improve communication and consultation with affected van owners.*

An AMENDMENT was MOVED by Councillor FORSTER and SECONDED by Councillor STEVENS:

- 1 *That Council note the objections received.*
- 2 *That Council ratify the increase in fees for holiday storage vans as resolved at the Ordinary Meeting of Council on 13 September 2006.*
- 3 *That Council staff report back on ways to improve communication and consultation with affected van owners.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE AND STEVENS.

AGAINST: COUNCILLORS BEST, EATON, PAVIER, STEWART, VEUGEN AND WELHAM.

The MOTION was put to the vote and declared CARRIED.

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

- 1 That Council note the objections received.***
- 2 That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.***
- 3 That in the interim Council staff explore ways to improve communication and consultation with affected van owners.***

FOR: COUNCILLORS BEST, EATON, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS FORSTER, GRAHAM AND ROSE.

028 Draft Pesticide Use Notification Plan

F2004/06926 DW/LM

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

- 1 That the report be received and the information noted.***
- 2 That Council endorse the draft of the proposed Wyong Shire Council's Pesticides Use Notification Plan 2006, to allow it to be placed on public exhibition for a period of four weeks for comment.***
- 3 That, subject to no significant objections being received, the plan be adopted.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

029 Safety Audit on Intersection of Burns Road and Chittaway Road, Ourimbah

F2005/01215 TC:JEM

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

- 1 That Council not undertake works at this intersection at this time.**
- 2 That upon completion of the Roads and Traffic Authority works at the Pacific Highway and Burns Road intersection that a traffic study be undertaken to review the effects of these works on the Burns Road and Chittaway Road Intersection.**
- 3 That Council send strong representation to the RTA and the Minister for the Central Coast opposing the effective closure of Burns Road and the bypass.**

030 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

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

That an amount of \$4,750.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

031 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 10.31 PM AND RETURNED TO THE CHAMBER AT 10.32 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor ROSE and SECONDED by Councillor WELHAM:

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor EATON:

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted with the exclusion of 5.5 and 5.8 from 17 January 2007 minutes:

With regard to item 5.5 Council resolve:

- 1 *That with Mangrove Creek Dam now approaching 10% and Level 5 restrictions a real prospect, Council recognises the worsening water supply situation and redoubles its efforts to harness valuable coastal rainfall.*
- 2 *That to further assist in supporting the dwindling domestic supply and provide some semblance of normality in and around the homes of our residents and ratepayers, Council formulates a policy/initiative to provide appropriate tanking to all residents and ratepayers free of charge.*
- 3 *That any such initiative should be in partnership with both the State and Federal Governments and should seek to support the growing local stormwater harvesting industry.*
- 4 *That those residents and ratepayers who have currently taken up Council's tank installation incentive be afforded the same provision as outlined above.*

In relation to Item 5.8, that Council request TAG to further investigate the acquisition of water entitlements from the agricultural sector in the Hunter.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

RESOLVED on the motion of Councillor ROSE and seconded by Councillor WELHAM:

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted.

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

032 Information Reports

F2006/02282 ED:SW

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

That the Information Reports of the Ordinary Meeting of Council be received and the information noted.

033 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

034 F3 Access to Wyong

F2004/06586 RCB

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

That the report be received and the information noted.

035 Recurrent Funding for Warnervale Family and Community Centre

F2004/07793 ED

THE MANAGER FUTURE PLANNING DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS WIFE HAS MEMBERSHIP ON THE BOARD OF THE WARNERVALE FAMILY COMMUNITY CENTRE AND DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

036 Warnervale Fire Station

F2006/02055 ED

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

That the report be received and the information noted.

037 Best Practice Management – Strategic Business Plan Audit for Water and Sewerage

F2004/11324 KRG:DP

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

That the report be received and the information noted.

038 Schedule of Bank Balances and Investments – 30 November 2006

F2004/06604 MC

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

That the report be received and the information noted.

039 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 SW

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED**Q001 – Water Banking for the Pool and Spa Industry
Councillor Veugen**

F2006/1604

Could staff please report on the amount of water that has been pre paid for in water banking for the pool and spa industry? The report is to give it in a percentage of total storage so as to indicate the realistic storage left within our dams for domestic use. N.B this report is not aimed at limiting or stopping the pool and spa industry.

**Q002 – Cost and Feasibility of New Technology for Library System
Councillor Veugen**

F2004/11651

Could staff please report into the cost and feasibility of installing a new hand held talking book known as the Navigator into our library systems? This new technology has been trialled by North Sydney and Maitland Councils.

**Q003 – Possible Sale of Toukley Rotary Park
Councillor Best**

F2004/07926

Council has discussed at a weekend workshop briefing the prospect of selling of public land in the form of the Toukley Rotary Park in Main Road Toukley, possibly to an adjoining developer for a large lake-front unit complex. Could staff update Council on this issue?

**Q004 – Thanks to OH&S Committees for 2007 Safety Calendar
Councillor Best**

F2004/00319

General Manager, would you please pass on Council's thanks for an outstanding effort by staff of the Indoor and Outdoor OH&S Committees for the creation of Council's Safety Calendar?

**Q005 – Weekend Workshop
Councillor Stewart**

F2004/07008

When will Council be discussing the feasibility of a weekend workshop?

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

Q006 – Traffic Calming Devices in Vales Rd, Mannering Park**Councillor Rose**

F2004/06630

*Would staff investigate traffic calming devices in Vales Road, Mannering Park?***Q007 – Possible Desalination Plant at Vales Point****Councillor Rose**

F2004/08368

*Would Staff organise to meet with residents of Mannering Park to inform them of the possible construction of a desalination plant at Vales Point?***Q008 – Lighting of Laneway between Reef Close and Roper Road, Blue Haven****Councillor Pavier**

F2004/05506

*Could staff install lighting in the entrance and length of a laneway between Reef Close and Roper Road, Blue Haven as soon as possible?***Q009 – Financial Cost of Providing Rain Water Tanks to All Rateable Properties****Councillor Pavier**

F2004/07528

*Can Council report on the financial cost of providing rain water tanks to all rateable properties through the Shire?***Q0010 – Alcohol Free Zone – J P Howard Reserve, San Remo****Councillor Welham**

F2004/06077

*Could staff report on making the Lake Foreshore reserve shared pathway at San Remo an Alcohol Free Zone?***Q011 – Water Permits for Sale at Ferriers Nursery, North Wyong****Councillor Eaton**

F2004/00338

*Could Council investigate and report on the sign at Ferriers Nursery North Wyong, purporting to sell water permits for \$5?***Q012 – Pensioner Rebates for Bateau Bay Retirement Village residents****Councillor Eaton**

F2004/08864

Could Council report on the loss of pensioner rebates for Bateau Bay Retirement Village residents?

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

CONFIDENTIAL SESSION

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

That Council move into Confidential Session with the press and public excluded, to consider the following reports

W001 – Staff Issues.

for the reasons contained in Report No 005 - Notice of Intention to Deal with Matters in Confidential Session.

OPEN SESSION

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

That Council resume in open session.

THE MAYOR REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W001 Staff Issues

F2004/00109

RESOLVED on the motion of Councillor WELHAM and seconded by Councillor FORSTER:

That the report be received and that Kerry Yates be reappointed as General Manager in accordance with the resolution of the confidential session.

FOR: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, WELHAM AND VEUGEN

AGAINST: COUNCILLOR EATON.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.30 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

045 Notice of Motion – Wyong Shire Youth Council

F2005/00908 WJW

Councillor W Welham has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

"Given that on the 23 March 2005 the following was resolved unanimously by Council:

QUOTE

- 1 *That Council facilitate the establishment of a Youth Council in Wyong Shire.*

- 2 *That the Youth Council's membership consist of the Shires elected Secondary Schools Captains and Vice-Captains, representatives of the Ourimbah Campus of the Newcastle University and the local TAFE.*

- 3 *That the Youth Council meet at least quarterly with the aim of discussing issues that effect and concern youth in this Shire.*

- 4 *That Councillors and Council Staff be made available to assist in these discussions where appropriate.*

- 5 *That staff prepare a charter of operation for the Youth Council which is to be endorsed by the Youth Council at its first meeting.*

END QUOTE

- 1 *Could the General Manager report on why the Wyong Shire Youth Council has not met.*

- 2 *That Council reaffirms its commitment to the establishment of a Wyong Shire Youth Council.*

- 3 *What steps can be taken to ensure that the Wyong Shire Youth Council meets as soon as possible. "*

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

**046 Notice of Motion – State Significant Site and Concept Plan
Proposal - Gwandalan**

F2004/10306 WJW

Councillor W J Welham has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

“Following a public meeting held on Monday 29 January 2007, where over 300 residents gathered at Gwandalan Public School to express their concern with the above project;

Council support these residents by:

- 1 Seeking appropriate legal advice on how Lot 3 DP588206 (Gwandalan), known as Precinct 1A meets requirements as a ‘critical infrastructure project’ under part 3 of the Environmental Planning and Assessment Act and any avenues available to the residents to challenge this assumption.*
- 2 Reporting on how much land of the currently identified “environmental corridor” offsets were already sterile from development under various easements, and legislative prohibitions.*
- 3 Reporting on the status of the ownership of the lake foreshore, its historical origin, including the ownership of mineral rights.*
- 4 Providing access to senior staff to assist with questions and concerns raised by residents in this area in attempting to lodge their submissions to the Department of Planning.*
- 5 Staff preparing a submission to the Department of Planning, outlining the recent history of Precinct 1A within Council and include current community concerns.”*

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

047 Notice of Motion – Picnic Shelters at Jenny Dixon Reserve

F2004/05301 NR

Councillor N Rose has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

“That the picnic shelters located at Jenny Dixon Reserve be demolished and replaced with more modern structures capable of catering for larger user groups.”

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

048 Notice of Motion – Indirect Water Recycling

F2004/00133 NR

Councillor N Rose has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

“1 That staff identify and report back to the Council the actions required to implement indirect water recycling into the Shire’s potable water system.

The report should include;

- a the process (water treatment)*
- b examples (in Australia) of regions where the process is currently utilised*
- c required infrastructure*
- d changes to/introduction of enabling legislation*
- e indicative cost*
- f potential benefits of Indirect Water Recycling, and*
- g possible timeframe of implementation*

2 That the planned community consultation / information forums include Indirect Water Recycling as an agenda item.”

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

049 Notice of Motion – Freeway Corridor Security

F2004/07706 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

"That as the F3 freeway is our critical transport link for the Central Coast as a region, Council in partnership with Gosford City Council approach the Federal Transport Minister with a view to formulating a plan to protect the freeway from closure due to bushfires. Any such plan would review vegetation / fuel loads, setbacks and the most appropriate flora to be encouraged in the corridor."

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

050 Notice of Motion – Tuggerah Lakes System

F2004/07706 CWV

Councillor C W Veugen has given notice that at the Ordinary Meeting of Council to be held on Wednesday 14 February 2007, he will move the following Motion:

"Due to deterioration of the Tuggerah Lakes System (Refer Wyong Shire Council State of Environment Reports from 1998-2006 all indicators show a steady decline).

An independent and comprehensive analysis be provided to review permanent openings at locations such as Budgewoi, Canton Beach and The Entrance, this will provide vital ocean flushing and also act as a release for flood mitigation to protect low lying residents. Such analysis should be carried out in partnership with the University Community with a view to assisting research and minimising any costs. As Council is the final consent authority this investigation further guides the Tuggerah Lakes Estuary Management Committee on Council's Lakes policy position."

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

051 Notice of Rescission – Report Following Exhibition of Fee Increase – Holiday Storage Vans

F2004/08335 F2004/08336 F2004/08337 F2004/08339 RLG/RCS/NTR:

Council, at the Ordinary Meeting held on 24 January 2007 gave consideration to a report 027 regarding Report Following Exhibition of Fee Increase – Holiday Storage Vans.

At that meeting, Council resolved as follows:

- "1 *That Council note the objections received.*
- 2 *That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.*
- 3 *That in the interim Council staff explore ways to improve communication and consultation with affected van owners."*

A Rescission Motion has been received from Councillors Graham, Stevens and Rose to be moved at the Ordinary Meeting of Council to be held on 14 February 2007, as follows:

"MOVE that the following resolution carried at the Ordinary Meeting of Council held on 24 January 2007 be rescinded:

- 1 *That Council note the objections received.*
- 2 *That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.*
- 3 *That in the interim Council staff explore ways to improve communication and consultation with affected van owners."*

Should the above Rescission Motion be carried, further notice is given that Councillors Graham, Stevens and Rose will move the following motion:

"MOVE

- "1 *That Council note the objections received.*
- 2 *That Council ratify the increase in fees for holiday storage vans as resolved at the Ordinary Meeting of Council on 13 September 2006 to apply from 1 April 2007.*

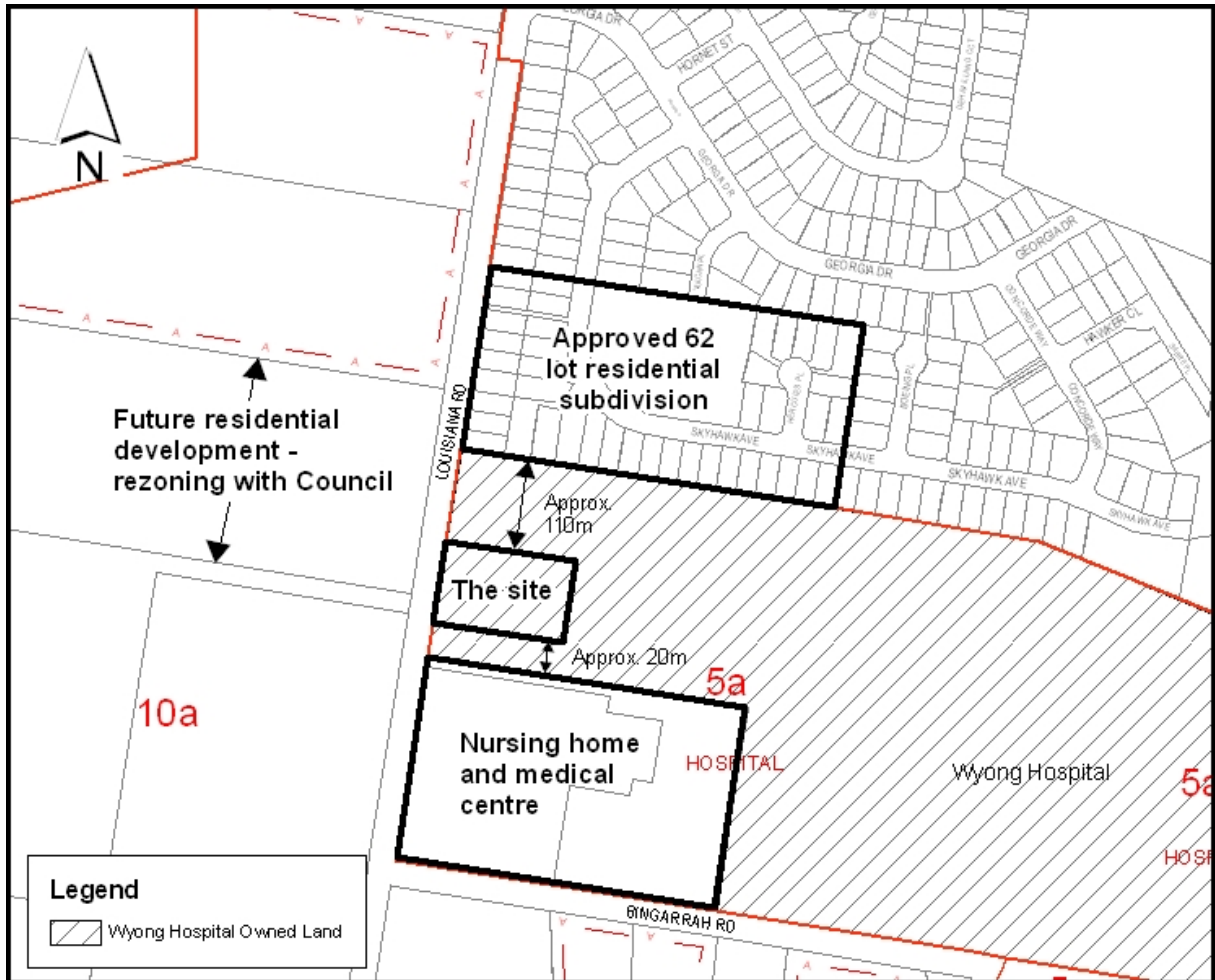
14 February 2007
To the Ordinary Meeting of Council

Notice of Rescission – Report Following Exhibition of Fee Increase – Holiday Storage Vans (contd)

- 3 *That Council form separate consultative committees for each holiday park as follows:*
- * *Number of Committee members to be determined by Council;*
 - * *The Committees would include Council staff and Park managers and the meetings would be chaired by a Council staff member and minuted by Council;*
 - * *Committee members representing holiday van owners to be elected by a ballot of all holiday van owners in each park;*
 - * *As provided in the Act there would be a Committee for each Holiday Park and not a committee purporting to represent all 4 parks;*
 - * *Frequency and venue for meetings of the Committees to be determined by Council as the Park owner;*
- 4 *That staff bring back a report with details of 3 above.”*

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052 Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (Attachment 1)



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

052 Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace

DA/2444/2005 WKW:WKW

SUMMARY

This report provides the history of a Crown development application for a drug and alcohol rehabilitation centre in Louisiana Road, Hamlyn Terrace and discusses the implications of a recent recommendation by the Department of Planning to the Minister for Planning not to impose conditions requiring road works or the payment of Section 94 and water and sewer contributions/charges.

Without the imposition of these conditions, the cost of providing essential infrastructure and services, including road upgrade works, drainage infrastructure and water and sewer services, to and surrounding the site will be borne by the ratepayers of Wyong Shire. This is due to the fact that the surrounding area is almost fully developed and therefore, the option of reviewing relevant Section 94 plans to recover the shortfall from future developers cannot be realised.

RECOMMENDATION

- 1 *That Council make urgent representations to local members of parliament, the Minister for the Central Coast and the Minister for Planning regarding the serious implications for Wyong Shire of the Department of Planning's recommendations regarding payment of contributions by Crown developments.***

- 2 *That the Mayor and General Manager seek an urgent meeting with the Minister for Planning regarding the serious implications arising from the sudden change in government policy.***

BACKGROUND**The Proposal**

Kamira Farm, a drug and/or alcohol rehabilitation centre for women and their children, currently operates from a site on the Pacific Highway, Wadalba (opposite the Dam Hotel). The existing facility is substandard and cannot be rebuilt on the current site due to a change of ownership and future redevelopment of the land for residential purposes. Several years of negotiations with nearby landowners did not result in a suitable alternative site being found and the Department of Health offered to accommodate the facility at the rear of Wyong Hospital, fronting Louisiana Road.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

The new centre will contain 11 bedrooms accommodating 24 people. There is also a large commercial kitchen, living and dining areas, laundry, bathrooms and children's play room, together with offices, counselling rooms and a four car garage.

The Application Process

The Department of Commerce (the applicant) lodged an application for the new facility in December 2005. Council was generally supportive of the location and design of the new facility; however the applicant was asked to further address stormwater drainage and access and respond to concerns raised by several nearby residents.

Draft conditions of consent were issued to the applicant for endorsement before formal determination, as required under Section 116C of the *Environmental Planning and Assessment Act 1979* (the Act).

The conditions of consent required, among other things, the construction of road pavement, kerb and guttering, a combined foot/cycle path and stormwater drainage along the Louisiana Road frontage of the hospital site and the payment of Section 94 and water and sewer contributions/charges (totalling \$178,043.99). Given the nature of the facility, Section 94 contributions were not levied for community facilities or open space.

Council received correspondence from the applicant in July 2006 advising that it did not agree to Council's draft conditions. Objections focused on, but were not limited to, the requirements outlined above.

Council responded to the applicant in August 2006 advising that it was not willing to delete or amend various conditions. The letter stated in part:

"Council believes that the conditions which remain unchanged, including those relating to payment of monetary contributions and carrying out of road, footpath and drainage works along the frontage of the site, are justified and is not willing to remove them from the draft Development Consent. If the Department of Commerce and Department of Health do not support the conditions as currently presented, Council will seek the Minister's approval to impose the conditions under Section 116C of the EP&A Act 1979."

Council was advised in September 2006 that the applicant had formally requested the Minister for Planning to determine the application under Section 116D of the Act as it had not been determined by Council within the required 60 days.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

The Mediation Process

Mediation involving Council staff, representatives from Kamira Farm and officers from the Departments of Commerce, Health and Planning was held in late October 2006, in accordance with Section 116E of the Act. Whilst not agreeing to delete conditions regarding road works and contributions, Council did agree to the following changes:

- 1 That roadworks would only be required for the immediate frontage of the site (52 metres), and not the whole hospital site.
- 2 That any credits available under Section 94 Contributions Plan No 7A - Warnervale District would be taken off the total amount of contributions levied and that contributions for water quality and drainage would not be levied as the applicant proposed to detain and retain water to pre-development flows and treat the quality of water before leaving the site. The amount of contributions payable was therefore reduced to \$70,206.85.

The applicant was still not agreeable to these changes and the Minister for Planning is now required to make a decision regarding the application.

Department of Planning Advice

The Department of Planning advised in December 2006 that it would be recommending to the Minister that the applicant pay only partial Section 94 contributions for local roadworks (\$16,362.94). The basis given for the reduced amount was:

*"The site's frontage is about 52m. R49-9 roadworks equate to about 2050m worth of upgrades and construction. The total cost of R49-9 is \$2,580,310. At about \$1258.69 / metre, the 52m frontage of the site will cost about \$65,451.77. When halved to cater for the development opposite, and halved again (consistent with application of Circular D6), the cost is **\$16,362.94**. This is the total roads levy considered reasonable."*

This means that the applicant will not have to pay any other Section 94 and water and sewer contributions/charges.

The Department also advised that it would be recommending that the applicant only provide a vehicle access crossing and driveway to the site rather than requiring road upgrade works along the frontage of the site.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

The Department of Planning's recommendations are based on its interpretation of Circular D6, a guideline document issued in 1995 which provides advice regarding the imposition of conditions of consent and levying of Section 94 contributions. This is a guideline document only, and is not the only document which should be used as a guide in determining whether or not Crown developments should be exempt from paying contributions or doing certain physical works directly associated with that development.

Its recommendation regarding exemption for water and sewer charges is based on its interpretation of guidelines which accompany the *Water Management Act 2000*. This aspect is further discussed below.

DISCUSSION OF GUIDELINE DOCUMENTS

Nowhere in any document Council has sighted to date, including Section 94 of the Act, Circular D6, Development Contributions Practice Notes (July 2005) and the Section 94 Contributions Plans Manual, Second Edition (1997), does it state that Council *must not* levy monetary contributions for essential infrastructure and/or services on Crown developments.

Both Circular D6 and the Section 94 Contributions Plans Manual state that where Councils intend to levy contributions on Crown development, they must be justified in a Section 94 contributions plan (in this case, Section 94 Contributions Plan 7A – Warnervale). This would suggest that each individual Council has the ability to levy contributions for Crown developments.

Development Contributions Practice Notes (July 2005)

The Development Contributions Practice Notes state that a Council may elect to exempt particular types of development or classes of development from the payment of monetary contributions on the basis of strategic planning, economic and social purposes. It also states that Council's policy on exemptions must be stated in the development contributions plan. Contributions Plan 7A does not discuss or allow exemptions for crown developments and all land within the plan area has been included in calculations for contribution purposes.

The *Exemptions, discounts, credits and refunds* Section of the Practice Notes lists types of development that have been granted exemptions in the past and then states "this is not to promote exemption for these types of facilities. Rather it demonstrates that some councils do exempt certain types of development where nexus may be difficult to demonstrate or for some other purpose (such as a public good)". Contributions Plan 7A has the specific purpose of ensuring essential physical infrastructure and services are provided as development occurs. It is clear that there is a nexus between development of the subject land, which is within the area of Contributions Plan 7A, and payment of monetary contributions towards the improvement and servicing of that specific area.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

Water Management Act 2000

Section 306 (2) of the Water Management Act allows a water supply authority (in this case Wyong Shire Council) to require the payment of contributions (service charges) towards the cost of water management works. Section 312 (1) states that a water supply authority *may not* levy service charges in respect of lands described in Schedule 4, including (4), Land that belongs to any public hospital, public benevolent institution or public charity, and is used or occupied by the hospital, institution or charity for its purposes.

Council, as the water supply authority, does not interpret Section 312 as a general exemption for Crown developments and it does not have an exemption policy for any types of development. Council considers that all development which impacts on, or directly benefits from, the reticulated water and sewer system should contribute to its significant cost.

IMPLICATIONS FOR OTHER CROWN DEVELOPMENT APPLICATIONS

The table below summarises the status of contributions for other recent applications by the Crown:

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

Development	Applicant	Owner	DA No.	S94 Pd	W&S Paid	Comment
Wadalba High School Stage 1	NSW Dept Of Commerce	NSW Dept Of Commerce	1464/1998	Yes	Yes	Contributions accepted and offset against works in kind.
Wadalba High School Stage 2	NSW Dept Of Commerce	Education & Training Dept	2373/1999	Yes	Yes	Contributions accepted and offset against works in kind.
Woongarra Public School	Minister For Education & Training	Minister For Education & Training	2531/2003	Yes	Yes	
Woongarra Child Care Centre	Minister For Education & Training	Minister For Education & Training	3083/2003	Yes	Yes	
Hamlyn Terrace School	Hansen Yuncken Pty Ltd	Education & Training Minister	1095/2006			Under Assessment
Fire Station (Minnesota Rd)	NSW Fire Brigade	Emergency Services Minister	2952/2003	Yes	Yes	
Aged Care facility at Lake Haven	Central Coast Community Care Assn	Health Administration Corp	3072/2003	N/A	Yes	
Cancer Care Unit - Wyong Hospital	Health Administration Corp	Health Commission Of NSW	2978/2000	No	Yes	Minister determined that Council could not impose contributions
Detoxification Unit - Wyong Hospital	Health Administration Corp	Health Commission Of NSW	2616/2000	No	No	Minister determined that Council could not impose contributions
Wyong Hospital Extension	App Corp Pty Ltd	Health Commission Of NSW	574/2002	Yes	Yes	Minister determined the amount of S94 contribution, which was generally in line with Council's calculation

As can be seen from the above table, up until recently, the practice has been that Crown developments have paid both Section 94 contributions and water and sewer charges despite the fact that the Circular now being relied upon by the Department of Planning was issued in 1995. If the Minister for Planning adopts the Department's current recommendations, the decision will have significant implications for not only for this development, but other current and future Crown development applications, including Hamlyn Terrace and Warnervale Primary Schools, expansion of Wyong Hospital and numerous others.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

It should be noted that Council is currently negotiating with the Department of Education regarding the payment of approximately \$800,000 in contributions/charges for the Hamlyn Terrace Primary School and will be taking the same position as it has with the Kamira Farm proposal as it took for the Woongarra School in 2003. It is therefore likely that the Department of Education will request the Minister for Planning to determine this application also, in which case contributions/charges, together with a significant amount of physical works, may be waived.

These decisions would mean that both the local community and all other ratepayers in the Shire will subsidise the cost of the community facilities and infrastructure required to service these developments. In these instances, Council does not have the option of reviewing relevant Section 94 plans to recover the shortfall from future developers as the locality is already almost fully developed and there will be minimal future development to carry the additional cost.

In considering this issue, Council needs to take into account the following points:

- * If the proponent for the Kamira Farm development or the Hamlyn Terrace School proposal was a private developer, there would be no question that full payment of Section 94 contributions and water and sewer charges would be applied. The Department of Planning has given no reason it should be treated differently.
- * Council would be aware that the State Government has created a requirement for a new regional levy which is going to be applied to major developments such as WEZ and Warnervale Town Centre for the purpose of funding public infrastructure such as schools, health facilities and regional roads. It is ironic that the Department of Planning requires such a regional levy, but has determined in relation to public facilities that are the responsibility of the Crown, that no local levy should be applied.
- * In terms of future development applications by the Crown, the potential role of Public Private Partnerships (PPPs) needs to be considered. It is currently common place with Crown developments that the facility is passed by way of a contract to a private developer to construct and operate for a set period of time. The Woongarra School was funded and developed by a private consortium as part of a PPP and it is understood that the Hamlyn Terrace School is being provided in a similar fashion. This could mean that the benefit of not having to pay Section 94 contributions and water and sewer charges will actually be enjoyed by the private developer rather than the public authority.

Relocation of Kamira Farm Rehabilitation Centre to Louisiana Road, Hamlyn Terrace (contd)

- * It is possible that Council could be faced with the situation whereby a Crown development may only be required to construct that part of a road situated directly in front of the development whereas it is Council policy to require construction of the entire road width. Should this circumstance occur, Council will be placed under extreme pressure by local residents and road users to expend general funds to complete the road construction.

CONCLUSION

A decision by the Minister for Planning not to levy contributions/charges and not to require physical works directly associated with Crown developments will have significant budget implications for Council and the Shire's ratepayers and Council is asked to make urgent representations to the relevant Ministers in an effort to avoid this additional financial impact upon its community.

Attachment 1

Locality Plan (1 page)

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

053 Preparation of a Draft Contributions Plan for the Wyong Employment Zone

F2006/01781 PAB

SUMMARY

Reporting on the preparation of a draft Section 94 development contributions plan for the Wyong Employment Zone (WEZ).

RECOMMENDATION

- 1 *That the report be received and the information noted.***
- 2 *That Council make urgent representations to the Minister for Planning:***
 - a *Seeking exemption from the proposed regional infrastructure levy for development within the Wyong Employment Zone; and***
 - b *Seeking allocation of the \$10million identified in the Central Coast Transport Action Plan for Sparks Road upgrading to assist in funding the upgrading of intersections on Sparks Road contained within this draft contributions plan and also the contributions plans to the east (Warnervale Town Centre and Warnervale District).***
 - c *Seeking a further \$11.2million from the Roads and Traffic Authority to cover the cost of upgrading the existing Sparks Road pavement within the scope of works for each intersection in the draft contributions plan referred to in b above.***

BACKGROUND

In response to a report to Council on 28 June 2006 concerning the WEZ rezoning proposal, Council resolved in part:

"... That staff report as soon as possible on the Draft Contributions Plan (DCP), Regional Stormwater Infrastructure Plan and Asset Protection Zones"

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Last year, the Minister for Planning exercised power under Part 3A of the *Environmental Planning and Assessment Act (EPA)* in regard to the rezoning of land within the WEZ to expedite the rezoning process to secure land for employment generating purposes. As part of the public exhibition process for the rezoning, the Department of Planning requested that Council staff prepare a draft Section 94 Contributions Plan for the WEZ. The draft plan proposes to levy contributions on future development within the WEZ towards the following schemes:

- * Roads
- * Drainage and Water Quality
- * Integrated Water Cycle Management
- * Conservation Land
- * Studies
- * Administration

State Government Proposed Regional Infrastructure Levy

In addition to the Section 94 contributions discussed in this report, the State Government has stated that it intends to introduce a Regional Infrastructure Levy on development within the WEZ and also on future development within the greater Warnervale area. Whilst the details of the levy are still to be determined, it is expected that it will cover such things as funding for the railway interchange, road and intersection improvements and other State Government infrastructure.

The amount of the levy is also unknown at this stage but verbal advice from the Department of Planning is that it is likely to exceed \$100,000 per hectare. This will significantly impact the financial viability of development within the WEZ. It should be emphasised that the WEZ will contain employment generating development. The demand for most facilities to be funded by the proposed Regional Infrastructure Levy is generated by residential development – not employment generating development. In fact, local employment is one of the key infrastructure elements needed to support any population growth and therefore should not be subject to a State Government infrastructure charge. It is therefore recommended that representations be made to the Minister seeking the exemption of development within the WEZ from the regional infrastructure Levy.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

GENERAL

The area covered by the draft plan has been split into three separate development precincts. These are shown on Enclosure 1. Contributions within each of these areas are based on the nett developable area (NDA) of each precinct. ie the area of industrial zoned land excluding land for trunk drainage, roads and buffers identified within the DCP.

Table A contains the gross areas and nett developable areas of each of the development precincts. The NDA for each precinct has been calculated by multiplying the area of land to be rezoned to either 4(c) Business Park Zone or 4(e) Regional Industrial and Employment Development Zone by a factor of 80% (to allow for trunk drainage, roads and buffers).

Table A: Gross and Nett Developable Areas of Development Precincts

Precinct	Gross Area	Nett Developable Area
Precinct 14	73.21	58.57
Precincts 11 and 13 North	127.71	102.17
Precinct 11 and 13 South	64.81	51.88
Total	265.73	212.59

DEVELOPMENT CONTRIBUTION TOTALS

On average, the Section 94 contribution to be applied to the catchments is approximately \$247,000 per hectare NDA. Table B contains the details of the draft contribution rates for each catchment. By comparison, under current contribution plans for other existing areas, North Wyong has the highest contribution rate which is \$274,000 per hectare.

**Preparation of a Draft Contributions Plan for the Wyong Employment Zone
(contd)****Table B: Draft Section 94 Contribution Rates for WEZ by Type and Precinct (per Nett Developable Hectare)**

Precinct	Corridor Land Acquisition	Corridor Works	Drainage and Water Quality	Roads	Integrated Water Cycle Management	Studies	Admin	Total
Precinct 14	\$28,135	\$12,121	\$200,123	\$94,805	\$14,674	\$376	\$6,954	\$357,188
Precincts 11 and 13 North (western side)	\$28,135	\$12,121	\$107,692	\$43,604	\$14,674	\$376	\$6,954	\$213,556
Precincts 11 and 13 North (eastern side)	\$28,135	\$12,121	\$107,692	\$60,501	\$14,674	\$376	\$6,954	\$230,453
Precinct 11 and 13 South	\$28,135	\$12,121	\$122,145	\$43,604	\$14,674	\$376	\$6,954	\$228,009

The contribution rates for Precinct 14 are comparatively higher than the two eastern precincts due to the costs of intersections, drainage and water quality structures required to service the precinct. In addition to these significant infrastructure costs associated with the development of the precinct, the NDA, which is contributing to the costs, is relatively low due to the major environmental constraints within the precinct.

A description of each of the schemes contained within the draft contributions plan is set out below.

Roads

The roads and intersection scheme for the WEZ provides for a contribution towards intersections within the WEZ and also roads and intersections external to the WEZ. Given the importance of the WEZ and the Town Centre as areas of future employment generation and service provision, it is considered appropriate that the State Government assist in the funding of the relevant infrastructure associated with these areas.

In July 2002, the State Government released the Central Coast Transport Action Plan which identified \$10million for Sparks Road upgrading, to be carried out in stages in conjunction with the proposed residential and industrial development in North Warnervale after 2007.

The \$10million is seen as a RTA contribution to the upgrading/enhancement of the intersection along Sparks Road. An additional amount, in the order of \$11.2million, is also required from the RTA for the replacement of the existing pavement when the intersections are upgraded.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Table C shows all intersections within the WEZ plus other Sparks Road intersections that have been identified as requiring a contribution from the RTA utilising the funds identified within the Central Coast Transport Action Plan plus a further \$11.2million of RTA funds. The RTA's contribution is based on comparative traffic volumes from development and existing Sparks Road traffic.

Table C: Sparks Road Intersections Requiring a Contribution from the RTA

Item	Description	Estimated Cost	RTA Contribution	% of Costs Attributable to WEZ	Total Cost to be recovered under this plan	Section 94 Plan
1	Construction of Railway Road (RTA contribution only to Sparks Rd intersection)	\$23,000,000	\$4,900,000	9.6%	\$1,737,373	Wamervale District Town Centre & WEZ
2	Upgrading of Hakone Road including extension to Sparks Rd/Link Rd intersection Wamervale	\$9,862,150	\$0	13.22%	\$1,303,673	WEZ
3	Construction of a 4-way signalised intersection at the corner of Sparks Road and Burnet Road	\$5,000,000	\$3,500,000	100%	\$1,500,000	WEZ
4	Construction of a 4-way signalised intersection at the corner of Sparks Road and Mountain Road	\$5,000,000	\$3,500,000	100%	\$1,500,000	WEZ
5	Construction of a 3-way signalised intersection at the corner of Sparks Road and Jack Grant Ave	\$4,000,000	\$2,800,000	100%	\$1,200,000	WEZ
6	Construction of a "seagull" intersection on Hue Hue Road and the western entrance to Precinct 14	\$900,000	\$0	100%	\$900,000	WEZ
7	Construction of a "seagull" intersection on Sparks Road and the southern entrance to Precinct 14	\$900,000	\$0	100%	\$900,000	WEZ
8	Construction of "seagull" intersection on Sparks Road Hue Hue Road	\$1,000,000	\$0	100%	\$1,000,000	WEZ
9	Construction of a single lane 4-way round about on Hue Hue at Klar Ridge Road/Buttenderry Waste Depot	\$1,500,000	\$0	100%	\$1,500,000	WEZ
	Sub Total	\$51,162,150	\$14,700,000		\$11,541,046	
	Construction of Sparks Road/Pacific Highway intersection at Kanwal	\$2,500,000	\$1,588,703	0%	\$911,297	Wamervale District
	Construction of Sparks Road and Wamervale Town Centre Entry	\$7,000,000	\$4,900,000	0%	\$2,100,000	Wamervale District & Town Centre
	Grand Total	\$60,662,150	\$21,188,703		N/A	

In addition to these, the RTA will be upgrading the F3 Interchange ramps

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

The costs of roundabouts on Sparks Road as part of the F3 approaches were excluded from the contributions plan because these are to form part of the cost of works to be included in the State Government's proposed Regional Infrastructure Levy and are to be constructed by the RTA.

A plan showing the location of the proposed road works is shown as Enclosure 2.

Drainage and Water Quality

The drainage and water quality scheme of the draft contributions plan provides for the following works:

- * Constructed wetlands
- * Stormwater Storages
- * Buttoderry Creek Stabilisation
- * Local Drainage Channels
- * Stormwater Reticulation

The drainage schemes within the WEZ will form part of the area to contribute stormwater to the Porters Creek stormwater harvesting scheme.

Each development precinct consists of smaller drainage sub-catchments and in general, each of these sub-catchments contains their own water quality and drainage structures.

The costs of drainage and water quality works associated with each precinct are shown in Table D.

Table D: Costs of Drainage and Water Quality Works

Precinct	Water Quality Works	Land Acquisition	Buttoderry Creek Stabilisation	Local Drainage channel	Stormwater Reticulation	Total
Precinct 14	\$6,022,170	\$956,500	\$460,545	\$3,845,171	\$435,864	\$11,720,250
Precincts 11 and 13 North	\$6,896,326	\$50,000	\$803,455	\$1,262,294	\$760,397	\$9,772,472
Precincts 11 and 13 South	\$5,947,120	\$0	\$0	\$0	\$385,872	\$6,332,992
Total	\$20,096,063	\$1,006,500	\$1,264,000	\$5,107,465	\$1,582,133	\$29,056,161

A plan showing the location of the proposed water quality and drainage works is shown as Enclosure 3.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Conservation Land

The proposed system of conservation zones outlined in the draft WEZ LEP will form a substantial part of the local conservation strategy, as these provide effective conservation measures to protect areas with a high level of threatened species constraint, high biodiversity values and protect key wildlife corridors. Substantial work has been done upfront as part of the rezoning process to demonstrate the adequacy of corridor planning, threatened species protection and management of threatening processes.

It is anticipated that approximately 120 hectares of native vegetation will be removed when development proceeds within proposed industrial areas. Whilst this amount of habitat loss is substantial, it is balanced by the following outcomes:

- * Securing over 287 hectares of land under conservation zonings in secure tenure.
- * Protecting significant regional wildlife corridors and a wide range of vegetation communities and threatened species, most of which do not occur under conservation zonings at present.
- * Restoration of corridor gaps and rehabilitation of degraded areas (approximately 171 hectares).
- * Introduction of Integrated Water Cycle Management (IWCM)/Water Sensitive Urban Design (WSUD) measures to maintain water quality and protect hydrologically sensitive plant communities.

There will be long term management requirements for the residual conservation lands to ensure they continue to provide for the significant conservation values of the area.

Council previously resolved that conservation lands should be held in public ownership. The DCP therefore proposes that future development within the WEZ contribute towards the acquisition of the conservation corridors.

The total area of conservation land to be acquired is approximately 170 hectares at a combined value of \$5,981,000. Note - this does not include conservation land south of Sparks Road already in Council ownership. In addition to the land acquisition, a further \$2,576,705 is required to restore and rehabilitate these corridor areas.

A plan showing the location of the conservation areas is included as Enclosure 4.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Integrated Water Cycle Management

Stormwater harvesting is a key aspect of IWCM. IWCM is essential since development cannot proceed ie; will not gain approval, without it. A major reason for the development of this scheme relates to the sensitivity of the downstream swamp forests and wetlands to hydrological changes arising from increased urban development in upstream areas. Urban development is a major cause of hydrologic and water quality impacts to downstream ecosystems. Increased runoff volume and frequency of runoff events would have impacts on wetland and swamp forest communities which are reliant to particular wetting and drying cycles being maintained. Local point source discharges into fringing swamp forest communities are already having a severe local impact, with tree death and weed invasion associated with the alterations to the hydrology of Porters Creek Wetland.

If the WEZ IWCM is not implemented significant degradation of Porters Creek Wetland will occur. Porters Creek Wetland and other significant swamp forest communities downstream of the WEZ rezoning require the continuation of the natural wetting and drying cycles to maintain existing swamp forest communities and high species diversity. The wetland contains many threatened species and endangered communities some of which are nationally significant. Porters Creek Wetland is listed under the NSW State Environmental Planning Policy (SEPP) No. 14 as a coastal wetland of significance. It is also the largest remaining freshwater wetland on the NSW Central Coast. IWCM is a high level planning approach that aims to optimise and integrate the use of stormwater, water supply and wastewater management within the urban water cycle. It recognises that a holistic, not a segregated, approach to management of all components of the urban water system can lead to better urban development with more sustainable outcomes.

It is unlikely that the rezoning of the WEZ would be acceptable by the State Government without IWCM.

The Stormwater Harvesting and Reuse Project comprises of regional stormwater storage and treatment wetland system located at a disused brick pit site (off Mountain Road). A transfer pipe system will convey treated stormwater from the Warnervale Town Centre area to the regional storage and then on to additional treatment wetlands below Porters Creek Wetland. The transfer pipeline will eventually discharge treated water in the vicinity of the Wyong River weir pool.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Enclosure 5 shows the entire stormwater harvesting scheme. A detailed grant application was prepared for the scheme which contains some works that are external to the WEZ and also some works that are included within the drainage and water quality contribution above. The elements of the stormwater harvesting scheme that have been included in the IWCM section of the contributions plan are:

- 1 A pipeline linking the stormwater storage at the Brick Pits to Baileys Land Wetland
- 2 Baileys Land Wetland

The total estimated cost of these works is \$18,540,771. These costs are to be funded as follows:

Pipeline	\$6,836,899
Wetland	<u>\$11,613,872</u>
Sub Total	\$18,450,771
Less Grant funds	- <u>\$1,809,090</u>
Sub Total	\$16,641,681
Water Authority (50%)	\$8,320,840
Section 94 (50%)	\$8,320,840

Studies

A number of studies were required to establish the type and extent of works and land acquisitions necessary to address the demands generated by development of the WEZ. These studies relate to ecological investigations, water quality, drainage, integrated water cycle management and roads.

The cost of these studies was approximately \$85,000 and these costs have been apportioned to the future development within the WEZ.

Administration

The effective administration and management of the development contribution process is crucial to achieving the objectives of Section 94. 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 directly involved in the contribution process. The administration and management costs to be recovered under this plan only partly cover the full costs of the process; however the Department of Planning recognises that these costs are a legitimate cost able to be recovered under Section 94.

Preparation of a Draft Contributions Plan for the Wyong Employment Zone (contd)

Implications for Future Development of the WEZ

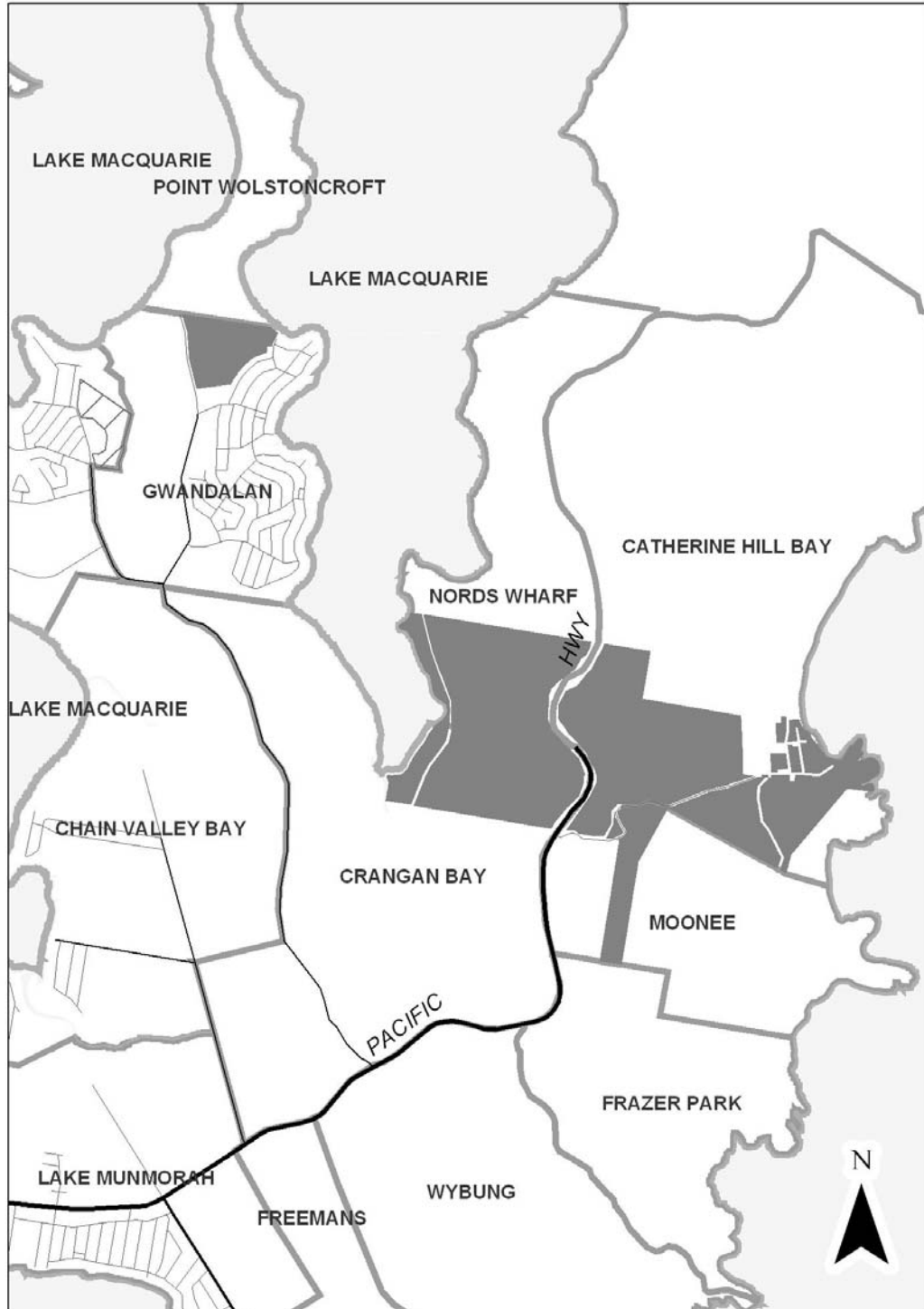
As can be seen above, the total contributions to be levied towards the development of the WEZ are substantial. Section 94 contributions and water and sewer charges for industrial land in Wyong are as high as \$274,000 per hectare (North Wyong), but generally are \$175,000 per hectare or less. When combined with the Regional Infrastructure Levy it is unlikely that development within the WEZ will occur in the short or medium term unless alternative funding sources for key infrastructure can be identified.

Negotiations are continuing with the Department of Planning and other State Government agencies with a view to seeking funding assistance for this infrastructure. However, at the time of preparing this report, the chances of additional funding from these external sources appear unlikely. It is therefore recommended that Council make representations to the State Government seeking exclusion of the WEZ from the proposed infrastructure levy and financial assistance for developing essential infrastructure on the grounds that the WEZ will be rezoned and developed as a regional employment area.

- | | |
|--------------------|--|
| Enclosure 1 | <i>Plan showing the location of the development precincts
(1 page)</i> |
| Enclosure 2 | <i>Plan showing the location of the proposed road works
(1 page)</i> |
| Enclosure 3 | <i>Plan showing the location of the drainage catchments and
the proposed works (1 page)</i> |
| Enclosure 4 | <i>Plan showing the location of the conservation areas (1 page)</i> |
| Enclosure 5 | <i>Plan showing the location of the works associated with the
IWCM scheme (1 page)</i> |

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054 Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 1)



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

054 Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay)

F2004/10306 SI:SI

SUMMARY

The Department of Planning is currently exhibiting the State Significant Site and Major Project (concept plan) application for the development of Catherine Hill Bay and Gwandalan. The proposals are being publicly exhibited from 3 January 2007 to 16 February 2007.

RECOMMENDATION

That Council lodge a submission generally in accordance with the relevant issues outlined in this report.

BACKGROUND

The Proponent (Rosecorp Pty Ltd) is seeking to rezone and list the subject site as a *State Significant Site in Schedule 3 of State Environmental Planning Policy (Major Projects 2005)* to facilitate the development of the Catherine Hill Bay and Gwandalan sites. The proponent is concurrently seeking approval for a concept plan under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979* for a residential subdivision of the Gwandalan portion of the site.

Council provided an initial submission to the Department of Planning on 7 December 2006 presenting key development issues in reference to the Catherine Hill Bay and Gwandalan development areas. This was for input into the Director General's directions to Rosecorp.

The proposal is being publicly exhibited at the following locations:

- * Department of Planning (Head Office)
- * Department of Planning (Central Coast Office)
- * Department of Planning (Hunter Office)
- * Lake Macquarie City Council
- * Wyong Shire Council

The documentation is available on the Department's website (www.planning.nsw.gov.au) by following the "On Exhibition" then "Major projects Part 3A – on exhibition" links.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (contd)

RELEVANT ISSUES

A detailed staff assessment of the application is being undertaken at present, having regard to the relevant matters under the *Environmental Planning and Assessment Act, 1979* and other requirements.

Council's previous submission on the Director General's requirements is included in Attachment 2 for your reference and background information.

The issues being considered include:

- * Utilities
- * Water
- * Sewer
- * Mine Subsidence / Mineral Resources
- * Heritage and Aboriginal Archaeology Survey
- * Flooding
- * Bushfire Hazard
- * Stormwater Drainage and Water Conservation
- * Flora and Fauna
- * Site Design and Internal Design
- * Contaminated Lands
- * Section 94 Contributions

DETAILED SUBMISSION

Due to the tight time schedule of the public exhibition the detailed submission is still being compiled. The scale and complexity of the two sites has meant there has been considerable time required to review the extensive amount of material submitted by the applicant.

Notwithstanding this, by early next week, prior to the 14 February 2007 meeting, staff will circulate, via email, a detailed submission for review by Councillors. This report will only contain technical comments and analysis as staff have not had the opportunity to hear from Councillors and include any additional comments or recommendations from the elected representatives' perspective.

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (contd)

To this end a one hour briefing will be held early on Wednesday 14 February 2007 to gain that input. The report will be amended during that day for consideration by Council that night. Councillors will then be able to resolve the submission, with any additions, and staff can forward the submission by Friday 16 February 2007. Any additional comments received after that time will be forwarded as supplements to Council's submission.

Attachment 1
Attachment 2

Locality Plan (1 page)
Attachment to Council's Previous Submission to the Director-General dated 7 December 2006 (8 pages)

Enclosures

Catherine Hill Bay concept plan
Gwandalan concept plan

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2)

Attachment to Council's Submission to Director-General

Issue	Why	What is Needed
<p>1. Stormwater impacts and Integrated Water Cycle Management (IWCM)</p>	<ul style="list-style-type: none"> * Potential for urban areas to reduce water quality (potential impacts on beaches, Lake Macquarie and sensitive coastal ecosystems) * Potential to increase coastal erosion. * Need to treat water as a scarce resource. * Sensitive coastal ecosystems occur at Catherine Hill Bay which could readily be impacted by increased nutrient impacts or hydrological impacts associated with urban land uses. 	<ul style="list-style-type: none"> * Development of a best practice IWCM strategy to manage water quality, water quantity, maximise water re-use opportunities (eg rainwater tanks, porous surfaces to recharge gardens etc). * IWCM strategy should seek to ensure that pre-development conditions are maintained. Baseline data needs to be collected straight away to establish existing conditions. * IWCM design objectives needed to manage low nutrient heathland/wetlands downstream of Catherine Hill Bay site which will mean a very high level of water quality treatment. * Appropriate monitoring strategies need to be put in place to monitor the effects and performance of the IWCM strategy. An appropriate funding arrangement also needs to be secured.
<p>2. Infrastructure</p>	<ul style="list-style-type: none"> * There will be significant impacts by both developments which will increase demands on roads, water, sewer, telecommunication and community support services etc. * Unclear on what mechanisms which will be used to fund new infrastructure to service expanded populations in these areas. 	<ul style="list-style-type: none"> * Preparation of a detailed servicing strategy which documents who will be providing infrastructure and how it will be funded (Section 94 or planning agreements etc). * Is a regional levy going to be applied to these developments? Identify what sort of items are going to be funded. * Social support services need to be expanded to service the needs of isolated populations (eg increased demands on local schools, public transport and community facilities. See item 10 - Community Services for further information.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>3. Flora and Fauna</p>	<ul style="list-style-type: none"> * Likely impacts on threatened species, biodiversity, downstream wetlands and corridors need to be examined. * Management of threatening processes associated with urban areas (eg weed invasion, downstream impacts on sensitive habitats, water quality and hydrological impacts, increased risk of arson in bushland areas adjoining urban areas). * Particularly concerned that revised proposals have larger development footprints than earlier proposals presented to Council at both the Gwandalan and Catherine Hill Bay Sites (eg Gwandalan site removes significant areas of <i>Tetratheca juncea</i> habitat and compromises an existing wildlife corridor which links Point Wolstoncroft Nature Reserve to extensive natural areas to the south. The riparian area which was included in the original rezoning proposal has been removed. Development of the Gwandalan site will mean that this corridor will be applied to properties to the west of Kanagra Drive, these other private properties should be considered as part of this process. 	<ul style="list-style-type: none"> * Comprehensive flora and fauna studies need to be completed (including threatened species and corridor assessments). * Development of detailed on-site and off-site strategies for managing threatening processes associated with urban uses/water quality changes/disruption to corridors. * Vegetation management programs should be complemented with monitoring actions and funding. * Provide description of conservation offsets package. * Provide details on how threatened species legislative issues are to be dealt with at the DA stage. Is the draft LEP going to biocertified or are additional biobanking credits going to be purchased? Does other environmental legislation need to be addressed at the DA stage eg Species Impact Statements? * Catherine Hill Bay site occurs upstream of habitats which are adapted to low nutrient conditions, water quality management strategies need to be specifically designed to protect sensitive downstream habitats. * Both Catherine Hill Bay and Gwandalan proposals should have development footprints which minimise impacts on native vegetation and corridors and acknowledge natural constraints.
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Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>4. Bushfire protection</p>	<p>* Both sites contain large amounts of vegetation classified as bushfire prone land and development should be properly designed to meet the requirements of the Rural Fire Service.</p>	<p>* Asset protection zones and development will need to address rural Fire Service requirements.</p> <p>* All APZs shall be incorporated in the development footprint.</p> <p>* Need to identify emergency evacuation routes and assess level of bushfire risk in isolated urban areas proposed at Catherine Hill Bay to the north of Montefiore Street.</p> <p>* Need to identify emergency evacuation routes and assess level of bushfire risk within isolated urban areas.</p> <p>* Catherine Hill Bay site should be serviced by its own Fire Station.</p>
<p>5. Mine Subsidence / Mining</p>	<p>* Ensure that new development adopts appropriate mine subsidence parameters.</p> <p>* All mine tunnels sealed and made safe</p> <p>* Mine closures have historically left major problems such as:</p> <ul style="list-style-type: none"> - Aesthetic Impacts - contamination 	<p>* Long term funding for restoration of despoiled land outside of development footprint of development at Catherine Hill Bay shall be examined.</p> <p>* Consult with Mine Subsidence Board on mine subsidence parameters for new developments.</p>

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>6. Urban form and urban planning</p>	<ul style="list-style-type: none"> * The current Catherine Hill Bay settlement has a distinct coastal character and atmosphere. The current application, from an urban design perspective, needs to contribute positively to the functioning of the village of Catherine Hill Bay. The current proposal was a small retail development that is totally contained within their site. There is no demonstration as to how the development relates to the existing Catherine Hill Bay settlement and how the distinct character of the area will be retained. This is important when it is considered that the current settlement is comprised of small cottages with a variety of smaller scale buildings of lightweight construction follow the topography of the area. * The Gwandalan Site has been identified as a medium term priority under Council's Residential Development Strategy. Current development layout has many undesirable features, allotments with direct frontage to main road, illegible street layout, poorly designed from solar access perspective and does not consider environmental constraints eg corridor areas and retaining natural drainage lines. The proposed subdivision layout seems to be based more on maximising development yields rather than achieving a good planning outcome to achieve the 12 dwellings/Ha target without first considering site constraints. 	<ul style="list-style-type: none"> * Proposed subdivision layouts need to reflect environmental constraints and address design problems which have been outlined. * Prepare detailed urban design guidelines to support development concepts for both proposals. These shall be sympathetic to their particular locations. Details shall also be required on dwelling type mix and lot size. * More detail is required in regards to how the current concept plans integrate within existing coastal village location and at Catherine Hill Bay and low key residential area at Gwandalan. * Details required on planning controls and development controls to be applied to the site. * Council's role in the development application process needs to be clarified for different stages of the proposal and individual dwellings.
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Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>7. Open Space</p>	<ul style="list-style-type: none"> * Foreshore links needs to be continued along Lake Macquarie Foreshore for the Gwandalan site. * Increased population will required a range of recreational opportunities. * Local parks, foreshores and beach access should be provided for the public, not just new residents. 	<ul style="list-style-type: none"> * Identify demands for local and regional open space generated by new development. * Ensure parks and recreational resources are available for the whole community. * Ensure that the Gwandalan “missing foreshore link” is zoned public open space and dedicated to Council.
<p>8. Roads & Transport (Catherine Hill Bay)</p>	<ul style="list-style-type: none"> * Impact of proposed and potential developments on road safety and intersections * Public Road issues * Sight distance Requirements * Intersection design * Pedestrian pathway and cycleway * Standard and upkeep of roads * Emergency and appropriate access for all service vehicles. 	<p>Issues specific to Catherine Hill Bay</p> <ul style="list-style-type: none"> * Detailed Traffic report accounting for road safety and intersection design, including sight distance requirements are required. <p>In addition, requirements are:</p> <ul style="list-style-type: none"> * A public road to Moonee Beach * A public carpark at end of public road to Moonee Beach * A pedestrian pathway from Moonee Beach public carpark to the beach * The cycleway to be extended to the Moonee Beach public carpark * The public transport route through the development to be a public road * Montefiore Street to be upgraded to Wyong and Lake Macquarie requirements and is to be a public road. * A public transport report is required and needs to be approved by the Ministry of transport and Wyong and Lake Macquarie Councils. It needs to identify how the residents will be encouraged to use public transport.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>9. Roads & Transport (Gwandalan)</p>	<ul style="list-style-type: none"> * Impact of proposed and potential developments on road safety and intersections * Public Road issues * Sight distance Requirements * Intersection design * Pedestrian pathway and cycleway * Standard and upkeep of roads * Emergency and appropriate access for all service vehicles. 	<p>Issues specific to Gwandalan area</p> <p>Traffic report identifying:</p> <ul style="list-style-type: none"> * Impact from the additional traffic on the local roads, including intersections, and the improvements required. This is to include all the intersections along Kanangra Drive. * Treatments required at the two intersections of the proposed development with Kanangra Drive. * No direct access to properties off Kanangra Drive. * Pedestrian/cycleway along Kanangra Drive and the foreshore of Lake Macquarie for the full extent of the development.
<p>10. Contamination issues</p>	<ul style="list-style-type: none"> * Land contamination issues should be investigated on both sites. * Major potential land contamination issues would seem to exist at Catherine Hill as residential areas are proposed to be developed over extensive coal ash/coal chitter beds. * Coal chitter/coal ash with a high carbon content is combustible under some conditions. Risks to public health and safety. 	<ul style="list-style-type: none"> * Complete land contamination and geo-technical investigations. Ensure that land is decontaminated and does not pose any risk to public health and safety.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>11. Social Impact</p>	<ul style="list-style-type: none"> * Potential significant social impacts given scale of development, expected increase in population, increased demands on community facilities and services and high level of community interest. * Cumulative impacts of the Rosecorp and Gwandalan proposals with the Coal and Allied development proposals, which also propose small isolated urban areas as part of a broader package of conservation offsets. * Large scale new developments need to be sympathetic to small and closely knit communities in which they are located. The Department of Planning needs to clarify future planning direction and locality context for these areas which adjoin these major new developments. 	<p>Complete detailed social impact assessment which will examine:</p> <ul style="list-style-type: none"> * Community concerns and values. * Profile the incoming population. * Examine possible impacts on demographic / population change, existing community services and facilities, residential amenity, quality of life, community health and safety, integration with existing residential development, local economic development. * Commitment to social infrastructure provision and staging.
<p>12. Retail provision</p>	<ul style="list-style-type: none"> * Examine adequacy of existing and proposed retail uses for increased population. * Timing of retail uses in Catherine Hill Bay needs to be approached with care so that no effect occurs on existing retail and business uses. 	<ul style="list-style-type: none"> * Retail assessment required, examine impact on local retail hierarchy and roll out of new retail developments minimises impacts on local businesses.
<p>13. Visual Impacts</p>	<ul style="list-style-type: none"> * Both proposals have the potential for significant visual impacts. * The Catherine Hill Bay site contains a number of developments which would be located on top of a coastal headland. 	<ul style="list-style-type: none"> * Detailed visual analysis is required. * Landscape guidelines to be incorporated into future development applications. * Council is to be consulted about the development of planning controls and urban design guidelines on the site. * Coastal Design Guidelines for NSW shall be applied to development at Catherine Hill Bay.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

<p>14. Aboriginal and European heritage issues</p>	<ul style="list-style-type: none"> * There are areas of archaeological interest potentially impacted by the proposal. * Old mine buildings and infrastructure would appear to have heritage significance at Catherine Hill Bay and contain cultural heritage values because of the long standing role that mining has played on the site since the 1870s. * Long term use and future of the jetty needs to be clarified. 	<ul style="list-style-type: none"> * Complete Aboriginal and European heritage studies. * Protect heritage buildings and incorporate items of cultural heritage value into future development plans at Catherine Hill Bay. * A commitment to genuinely address Aboriginal archaeological concerns
<p>15. Impacts on Munmorah State Recreation Area from increased visitor usage.</p>	<ul style="list-style-type: none"> * Public usage of the northern portion of the Munmorah SRA will be significantly increased. This will cause a significant need to upgrade walking tracks and restrict access to sensitive areas of bushland 	<ul style="list-style-type: none"> * Appropriate arrangements need to be made with DEC and other government agencies to upgrade walking trails and manage impacts associated with increased visitor usage.
<p>16. Coastal</p>	<p>Specific to Catherine Hill Bay Site</p> <ul style="list-style-type: none"> * Personal safety in beach areas in regards to recreation activities and beach access. * Sand dune and rehabilitation issues. * Coastal erosion due to the effects of urban runoff. * Coastal hazards from new development. 	<ul style="list-style-type: none"> * Beach patrols required due to potential injury and unsafe beach conditions from increased usage of Mooney Beach from incoming population. * Public roads and car parking required to enable broad public access of Mooney Beach. <p>Renewal and continued upkeep of beach tracks to an appropriate standard catering for the general public including the elderly and the disabled.</p> <p>Appropriate fencing to protect natural features including sand dunes and vegetation plus safety for the general public.</p>

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

055 Lease of The Entrance Visitors Centre

F2004/12356 JB

SUMMARY

Report to Council on discussions held between Central Coast Tourism Inc (CCTI) and previous sub-lessee regarding the lease of The Entrance Visitors Centre at Memorial Park, The Entrance.

RECOMMENDATION

- 1 That Council, as Reserve Trust Manager, subject to the consent of the Minister for Lands, grant a Lease of the building located at The Entrance Memorial Park to Central Coast Tourism Inc. from 1 March 2007 until 18 June 2009 at a commencing rental of \$16,000 per annum (including GST).**
- 2 That Council include in the lease an option to the lessee to renew the agreement for a further three years with all remaining terms being similar to the current Agreement.**
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Central Coast Tourism Inc.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Central Coast Tourism Inc.**

BACKGROUND

On 13 September 2006 Council resolved:

- "1 That council defer a decision on this matter and hold further discussions with CCTI and the previous sublessee and advise them that council wishes to:
 - * achieve \$16,000 (incl GST) per annum from the Visitors' Centre, being \$6,000 rental return from souvenir/café type facility and \$10,000 rental return from tourism promotions.**
- 2 That cost sharing of utilities occur between the parties including the electricity costs incurred by The Entrance Town Centre Management be clarified.*
- 3 That moneys raised from this lease(s) be allocated to improvements of the visitors centre such as a suitable structure over the stage adjacent to the visitors centre.*

Lease of The Entrance Visitors Centre (contd)

- 4 *That the lease(s) for the CCTI and the previous sublessee timeframes be aligned to the current The Entrance Town Centre Management lease."*

Both CCTI (the current tenant) and Con Yallouris (former sub-lessee) were advised of Council's resolution and requested to respond to the issues raised. Meetings were held with both parties and a copy of their final responses are attached to this report.

RENTAL AND TENNANCY

Following the discussions and evidenced in their final formal responses, both parties accepted the amount of rental being sought by Council.

The primary point of difference between the two responses centred on joint versus sole tenancy. CCTI expressed a preference to be the sole tenant to avoid issues such as compatibility with another tenant, security and sharing of amenities.

Based on the discussions held, both parties acknowledged issues with the previous arrangement indicating that CCTI's concerns would have to be addressed if any joint tenancy arrangement were pursued.

A copy of the 23 August 2006 Council Report is attached for reference to additional background information.

BUDGET IMPACT

There is a zero net impact on Council's budget given that the \$16,000 increase to Council's recurrent revenue is to be applied to improvements to the Visitors Centre or adjacent stage structure.

CONCLUSION

It is recommended that Council enter into a lease with CCTI from 1 March 2007 until 18 June 2009 with an option to renew the lease for a further three years on the basis that it would be in keeping with the duration of the lease recently granted to The Entrance Town Centre Management of 211B The Entrance Road, The Entrance. The amount of the rental to be set at \$16,000 per annum (including GST). The option is subject to the lessee giving at least three months notice of an intention to exercise the option.

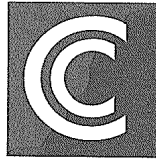
Attachment 1
Attachment 2
Attachment 3

Letter from Central Coast Tourism Inc (1 page)
Letter from Mr C Yallouris (1 page)
Council report dated 23 August 2006 (5 pages)

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 1)



**CENTRAL COAST
TOURISM INC**

ABN: 22 344 164 938

Phone: (02) 4385 4074 Fax: (02) 4385 4203

Address: Rotary Park, Terrigal Drive, Terrigal NSW 2261

Postal Address: PO Box 576, Terrigal NSW 2260 Austrc

Email: thecoast@cctourism.com.au

21st December 2006

Mr K Yates
General Manager
Wyang Shire Council
PO Box 20
WYONG NSW 2259

Dear Kerry,

The Entrance Visitor Information Centre

This is to confirm earlier correspondence that Central Coast Tourism is prepared to pay the full \$16,000 per annum lease amount to enable CCT to conduct its business as the sole occupant of the building. In accordance with Council's wishes, CCT would not sub let the premises to any third party.

The earlier proposal of sharing the premises with another party appointed by Council raises difficult issues relating to security, sharing of amenities and compatibility. Our offer to be the sole tenant overcomes all these problems while still allowing Council to receive its full rent entitlement.

It is our preference to enter into a five year Lease agreement with Council to enable CCT to invest in some upgrading of internal presentation. However, if the suggestion of five years is difficult to agree and/or may lead to further delay in finalizing this matter, we will agree to a three year term.

We look forward to your early reply.

Yours sincerely

HORST ENDRULAT
Chief Executive Officer

CENTRAL COAST

A S T E P A W A Y
www.cctourism.com.au

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 2)

**Con Yallouris
240 Geoffrey Road
CHITTAWAY POINT NSW 2261**

**Attention
James Brown**

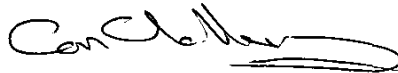
Dear Mr Brown

RENEWAL OF LEASE OF THE ENTRANCE VISITORS CENTRE

I am satisfied with councils resolution. In particular, I agree that councils decision to use rental monies for improvement on the visitors centre/stage area would be of benefit to the area in general.

I look forward to meeting with you and other parties very soon as I am keen to set up and need time to organise things such as stock, fixtures, insurances etc.

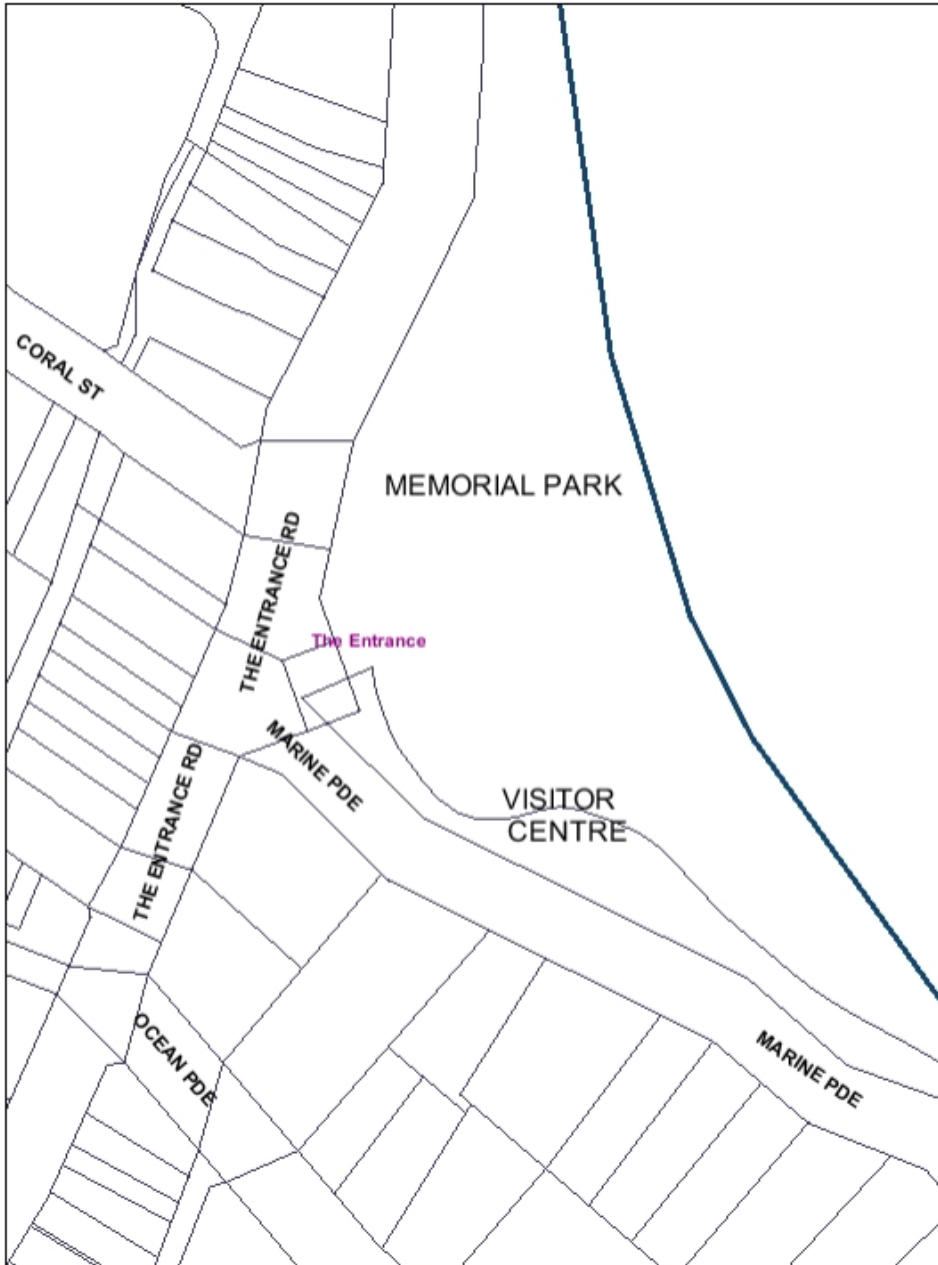
Your faithfully



Con Yallouris

Lease of The Entrance Visitors Centre (Attachment 3)

342 Renewal of Lease of The Entrance Visitors Centre (Attachment 1)



14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 3) (contd)

WYONG SHIRE COUNCIL

August 23 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

342 Renewal of Lease of The Entrance Visitors Centre

F2004/12356 JMT

SUMMARY

Application has been received from Central Coast Tourism Inc. for extension of the lease of The Entrance Visitors Centre at Memorial Park, The Entrance.

RECOMMENDATION

- 1** *That Council, as Reserve Trust Manager, subject to the consent of the Minister for Lands, grant a Lease of part of the building located at The Entrance Memorial Park to Central Coast Tourism Inc. for a term of three years with an option to renew the lease for a further three years, commencing September 1 2006, at a rental of \$3,000 per annum in similar terms to the current Agreement.*
- 2** *That Council agree to Central Coast Tourism Inc. granting a Sub-Lease for the operation of a souvenir shop.*
- 3** *That the lease and sublease arrangements be conditional upon the lessee and sublessee waiving any right to compensation in the event that Department of Lands' approval to the lease and sublease is withdrawn for any reason.*
- 4** *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease and Sub-Lease between the Wyong Shire Council and Central Coast Tourism Inc.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease and Sub-Lease between the Wyong Shire Council and Central Coast Tourism Inc.*

Terms

An Occupation Agreement between Council and Central Coast Tourism Inc. (CCTI) for the occupation of The Entrance Visitors Centre at Memorial Park, The Entrance expired on August 31 2005. The term was for three years at a rent of \$1 per annum. CCTI has continued to occupy the premises as a monthly tenant pursuant to the terms of the Agreement.

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 3) (contd)

August 23 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Renewal of Lease of The Entrance Visitors Centre (contd)

The Agreement provides that the premises are to be used as a "Tourist Information Centre with responsibility to market the Central Coast as a domestic and international visitor destination thereby increasing the economic benefits to the region of the Central Coast and to provide an information and booking service for visitors and activities associated therewith." The Agreement also provides CCTI with the opportunity to sublease the area shown in the attached plan for the sale of souvenirs. (Attachment 2)

Proposal

On October 1 2004 CCTI sought to renew and extend the arrangement with Council for a term of five years instead of three years. CCTI requested the longer term as it proposed to invest a substantial amount of money to upgrade the telephone and computer systems used at The Centre.

A report was submitted to the Ordinary Meeting of Council on April 27 2005 recommending extension of the lease for five years at a rental of \$1 per annum. At that meeting Council resolved as follows:

"That this item be deferred pending the outcome of a meeting between Mr Horst Endrulant, Mr Brenton Pavier, Deputy Mayor Bob Graham and Mr Mark Bradshaw regarding the future usage of The Entrance Visitors Centre."

Discussions have taken place between the parties and approval is now sought to renew the lease. CCTI has confirmed that it is seeking an extension of the term to five years as it is yet to upgrade its equipment as previously envisaged.

CCTI presently sub-let part of the premises for the sale of souvenirs and it is proposed that this arrangement continue.

As a background to the matter, Council engaged Robertson & Robertson Pty Ltd, Consulting Valuers, to assess the market rental value of the premises. The market rent for the whole leased area was assessed at \$25,000 per annum (exclusive of GST). The area of approximately 70 square metres used for the sale of souvenirs (the sub-lease area) was assessed at \$13,300 and the area of 135 square metres used by CCTI was assessed at \$12,150. The valuation broadly validated the amount of rent being charged for the souvenir sub-lease area.

The valuation acknowledged the limitations of the site pertaining to its ownership by the Crown, Plan of Management issues and constraints, its current zoning 6(a) Open Space and Recreation and the seasonal nature of trading, all of which highly restricts the type of use of the premises and, therefore, the type of occupant. The premises are currently achieving optimum use as a tourist oriented retail business in association with a community service provider.

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 3) (contd)

August 23 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Renewal of Lease of The Entrance Visitors Centre (contd)

Robertson & Robertson investigated market evidence of buildings let for essentially community benefit type undertakings where normal commercial operations and returns do not relate. Evidence indicated a nominal rent of \$3,000 per annum to be appropriate based on the depreciation of the replacement cost of the building. This rent also represents a reasonable return on capital outlay.

Use of the Land

The building concerned is part of the structure including the band rotunda, public toilets and storage space at The Entrance Memorial Park.

Council was appointed Reserve Trust Manager for The Entrance Memorial Park Reserve Trust (R71875) on March 8 1991.

The Department of Lands has consented to the lease and sub-lease proposal as currently proposed. Council and the Crown control what uses are permitted as acceptable by virtue of the terms of lease and sub-lease.

All leases from the Crown are subject to the provisions of the Crown Lands Act, 1989 including Section 109 of the Act allowing a lease to be terminated at will at the discretion of the Crown without payment of compensation.

Council's Shire Services and Shire Planning Departments have no objections in relation to the renewal of the Agreement.

Recommendation

It is considered reasonable for the term of the lease to be increased as this will allow CCTI security of tenure having regard to its plans to upgrade the equipment used at The Centre. A three year term with an option to renew the lease for a further three years is recommended on the basis that it would be in keeping with the duration of the lease recently granted to The Entrance Town Centre Management of 211B The Entrance Road, The Entrance.

A rent of \$3,000 per annum is recommended as representing minimum return on capital outlay based on depreciation relative to the replacement cost of the building. The Plan of Management for this Crown Reserve anticipates a rent when the site generates revenue.

Attachment 1
Attachment 2

Location plan (1 page)
Floor plan (1 page)

14 February 2007
To the Ordinary Meeting of Council

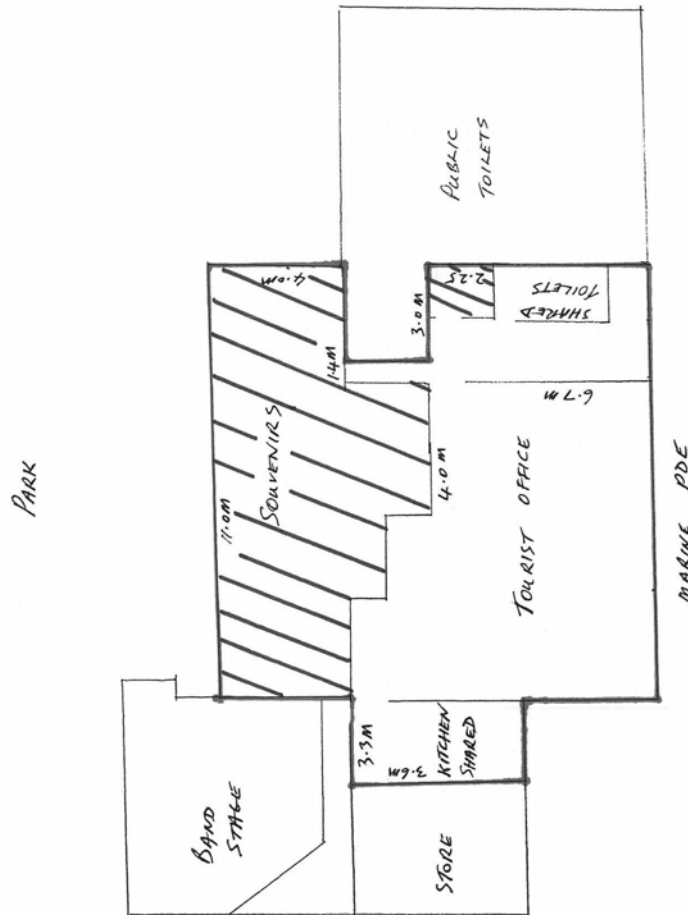
Director's Report
Corporate Services Department

Lease of The Entrance Visitors Centre (Attachment 3) (contd)

August 23 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Renewal of Lease of The Entrance Visitors Centre (Attachment 2)



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

056 The Entrance Historic Carnival Lease

F2004/12672 JMT

SUMMARY

Reporting on the terms of The Entrance Historic Carnival lease requiring provision of pavilions.

RECOMMENDATION

That Council waive the requirements of the lease for provision of pavilions for protection of the carnival equipment.

BACKGROUND

At its meeting held on 13 December 2006, Council resolved to allow an increase in charges for rides permitted under the lease.

Council chose, at that time, not to carry a recommendation to waive the requirements of the lease for provision of pavilions for protection of the carnival equipment. A request was made at the meeting to investigate further and report back.

Provision of Pavilions – Legal Position

The original lease (10 October 2000 to 9 October 2003) Clause 17 provided for the construction of pavilions at the complete discretion of the lessee. Council's construction certificate issued by Council on 22 November 2000 and subsequent occupation certificate make no reference to any requirement regarding the pavilions nor was it included in the Haas application. The original tender also did not require pavilions to be constructed and the tender submitted by Haas proposed the pavilions as a means of protecting the equipment.

When the lessee exercised their option on the lease (10 October 2003 to 9 October 2006) it appears that Clause 17 was changed to reflect a requirement for the lessee to construct pavilions. However, this change is inconsistent with Clause 20 referring to the lessee's exercise of their option which requires that the lease is to contain the same covenants, terms and provisions.

In July 2005 Council resolved to transfer the lease to Johanna Haas following the death of Ottilie Haas and to acknowledge a change to the equipment on the site.

Advice obtained from Council's solicitors at that time in relation to clause 17 constituting a breach of the lease provisions was that "*Council should assess the importance of these pavilions and gravity of the lessee's breach of this provision before any claim for damages or compensation is made*".

The Entrance Historic Carnival Lease (contd)

On the basis of the circumstances and that Council did not object to the pavilions not being installed under the original lease, it would be difficult to substantiate a breach by the lessee.

According to the lessee only minor nuisance has been experienced to the equipment and no significant damage has occurred to date. A back-to-base alarm protects parts of the leased area.

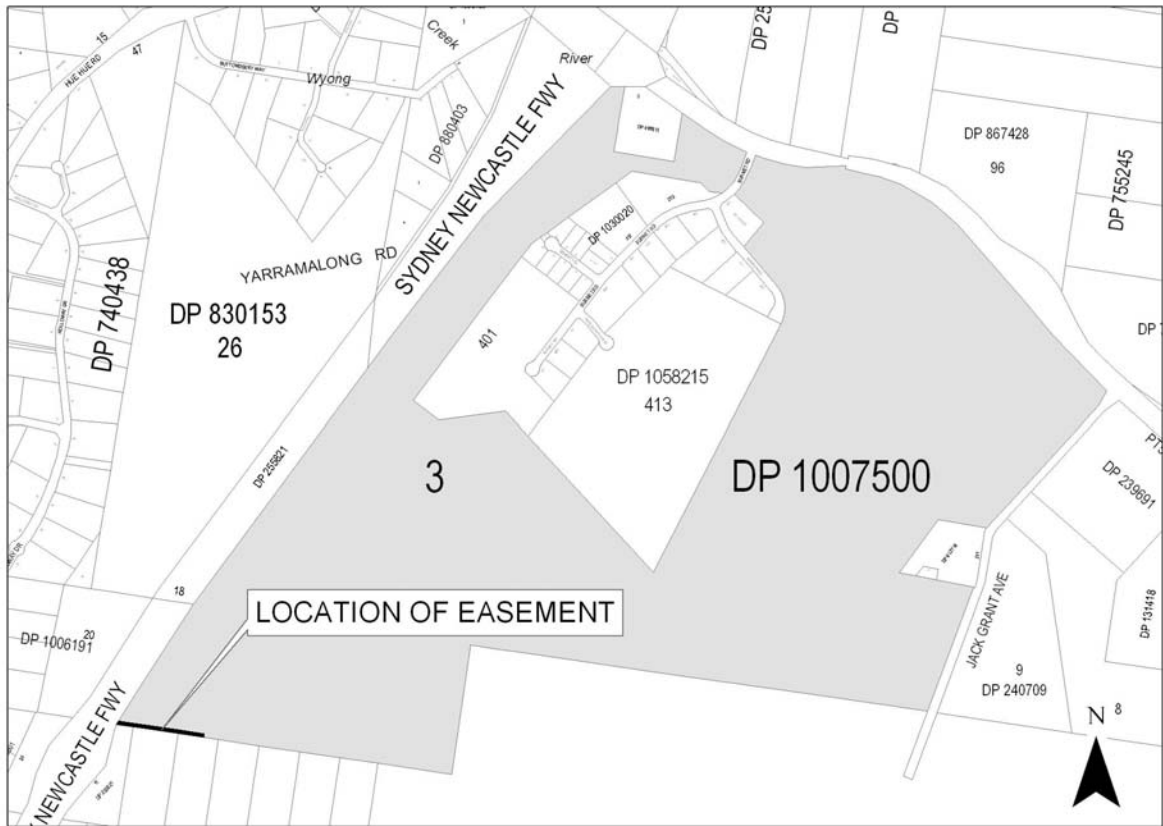
Cost

The lessee advises that the very substantial cost of pavilions, estimated at \$60,000, cannot be afforded and would make the operation unviable. Council's professional staff have indicated that the estimated cost of pavilions is a reasonable estimate given the special nature of the carnival equipment. Any structure would need to sustain heavy wind loadings and be robust but manageable and most likely be a permanent attachment of the carousel.

The lessee has suggested that the cost of pavilions would need to be amortised over a long term lease and this is something which the lessee would wish to address beyond the current lease.

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057 Proposed Easement Over Council Land (Attachment 1)



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

057 Proposed Easement Over Council Land

DA/339/1995 DA/2040/2000 DA/3443/2000 I20/WA000 D/024621 D/024621 RH:TJB

SUMMARY

Agility (AGL) has lodged a Subdivision Certificate, SC/161/2006 for the creation of an "easement for gas main and associated apparatus 5 metres wide" and 169.375 metres long affecting Council land being Lot 3 DP 1007500 Burnet Road, Warnervale.

RECOMMENDATION

- 1** *That Council endorse the creation of the easement for gas main on Lot 3 DP 1007500 Burnet Road, Warnervale.*
- 2** *That Council authorise the common seal of Wyong Shire Council to be affixed to the Subdivision Certificate and 88B Instrument creating the said easement.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the creation of the easement.*

BACKGROUND

The easement is to be created over the gas pipeline and apparatus as shown on Attachment 1 to replace the easement for pipeline incumbering the industrial land within the Warnervale Business Park. This easement has been extinguished by Agility. The relocation of the easement was requested by Council in order to facilitate the development of Warnervale Business Park.

The extinguished pipeline easement was created under the *Pipelines Act* in February 1983, being 12 years prior to the Industrial Subdivision Park approval in 1995.

The easement was then extinguished by Agility in 2006 on the understanding that Council would approve of the new site.

Attachment 1
Attachment 2

Locality Plan (1 page)
Letter dated 17 February 2006 from the Minister for Utilities (1 page)

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Easement Over Council Land (Attachment 2)



**Minister for Police
Minister for Utilities
Leader of the House**

DEUS Ref: 05/2380
File: 2005-0384

Mr Kerry Yates
General Manager
Wyong Shire Council
P.O. Box 20
WYONG NSW 2259

17 FEB 2007

2006

Dear Mr Yates

AGL Gas Networks Limited (AGL) has applied to vary the licence area of the easement for Pipeline Licence number 7 which crosses your lands Lot 3 DP.1007500, Burnett Street, Woolworths Way and Doherty Close.

I am advised by AGL that you have agreed to the divesting of the easement on your lands and that suitable arrangements for compensation have been made. I also note that you have reached agreement with AGL regarding the proposed easement under section 88 B of the *Conveyancing Act 1995*.

Should you wish to discuss this matter further, please contact Mr Brad Walker, Project Officer Energy Networks Compliance, Department of Energy, Utilities and Sustainability, on (02) 8281 7436, within four weeks of the date of this letter.

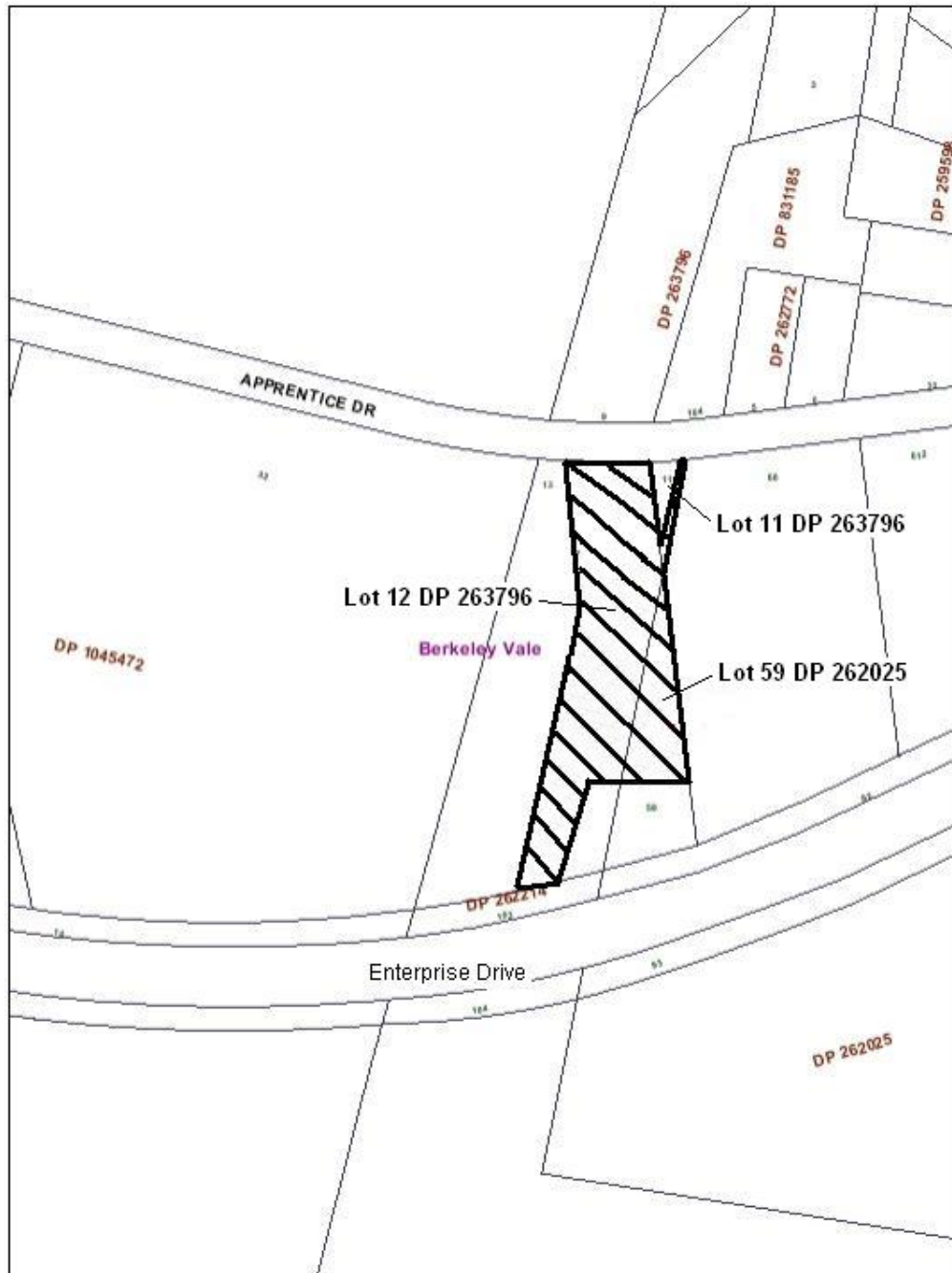
Yours sincerely

**CARL SCULLY MP
Minister for Utilities**

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058 Proposed Easements for Electricity Transmission Lines at Berkeley Vale (Attachment 1)

Plan showing the easement proposed to be acquired hatched.



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

058 Proposed Easements for Electricity Transmission Lines at Berkeley Vale

F2006/02102 PF

SUMMARY

Approval is sought to grant easements to Energy Australia for electricity transmission lines over Council land at Berkeley Vale.

RECOMMENDATION

- 1 That Council authorise the granting of an easement for electricity and other purposes over Lots 11 and 12 DP 263796 and Lot 59 DP 262025 at Enterprise Drive Berkeley Vale to Energy Australia for an amount of compensation as assessed by a qualified valuer.**
- 2 That Council give its permission to Energy Australia to enter Lots 11 and 12 DP 263796 and Lot 59 DP 262025 for the construction of two 132kv electricity transmission lines.**
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer Granting easement and plan between the Wyong Shire Council and Energy Australia.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between the Wyong Shire Council and Energy Australia.**

BACKGROUND

Energy Australia proposes to construct two new 132kv overhead electricity transmission lines to provide supply to its upgraded Berkeley Vale substation.

Council owned land, Lots 11 and 12 DP 263796 and Lot 59 DP 262025 at Enterprise Drive, Berkeley Vale is affected by the route of the transmission lines. Lots 11 and 12 DP 263796 are currently affected by electricity easements in favour of Energy Australia. The proposed works extend beyond the existing easements.

Lot 12 DP 263796 and Lot 59 DP 262025 are zoned 6(a). Lot 11 DP 263796 only is zoned industrial and is small remnant parcel of industrial land. 60% of Lot 12 is already affected by transmission line easements and the remainder which is to be affected by the new easement is too small and narrow to develop as industrial land on its own. Lot 12 adjoins an open space corridor and its use is compatible with the adjoining open space land.

Proposed Easements for Electricity Transmission Lines at Berkeley Vale (Attachment 1)

Energy Australia has requested that Council grant it appropriate easement rights to protect its interest in respect of the operation and maintenance of the transmission lines.

Energy Australia has also requested that pending the completion of the grant of the easement rights, Council grant to it a permit to enter the affected land to undertake the transmission line construction.

Lot 12 DP 263796 and Lot 59 DP 262025 are classified community land. Plan of Management No 5 applies and authorises the grant of easements in the circumstances. Lot 11 DP 263796 is classified operational land and there is no impediment to the grant of this easement.

Council has recently granted consent to the upgrading of and additions to the Energy Australia sub-station at Berkeley Vale. The proposed easement is consistent with these works and there are no planning objections to the granting of the easements.

Council's Planning and Open Space and Recreation Sections have no objection to the proposal. Energy Australia has authority to undertake the works in accordance with its review of environmental factors (REF).

Energy Australia has advised that it will pay reasonable compensation for the easement and reimburse Council's survey and legal costs associated with the grant of the easement.

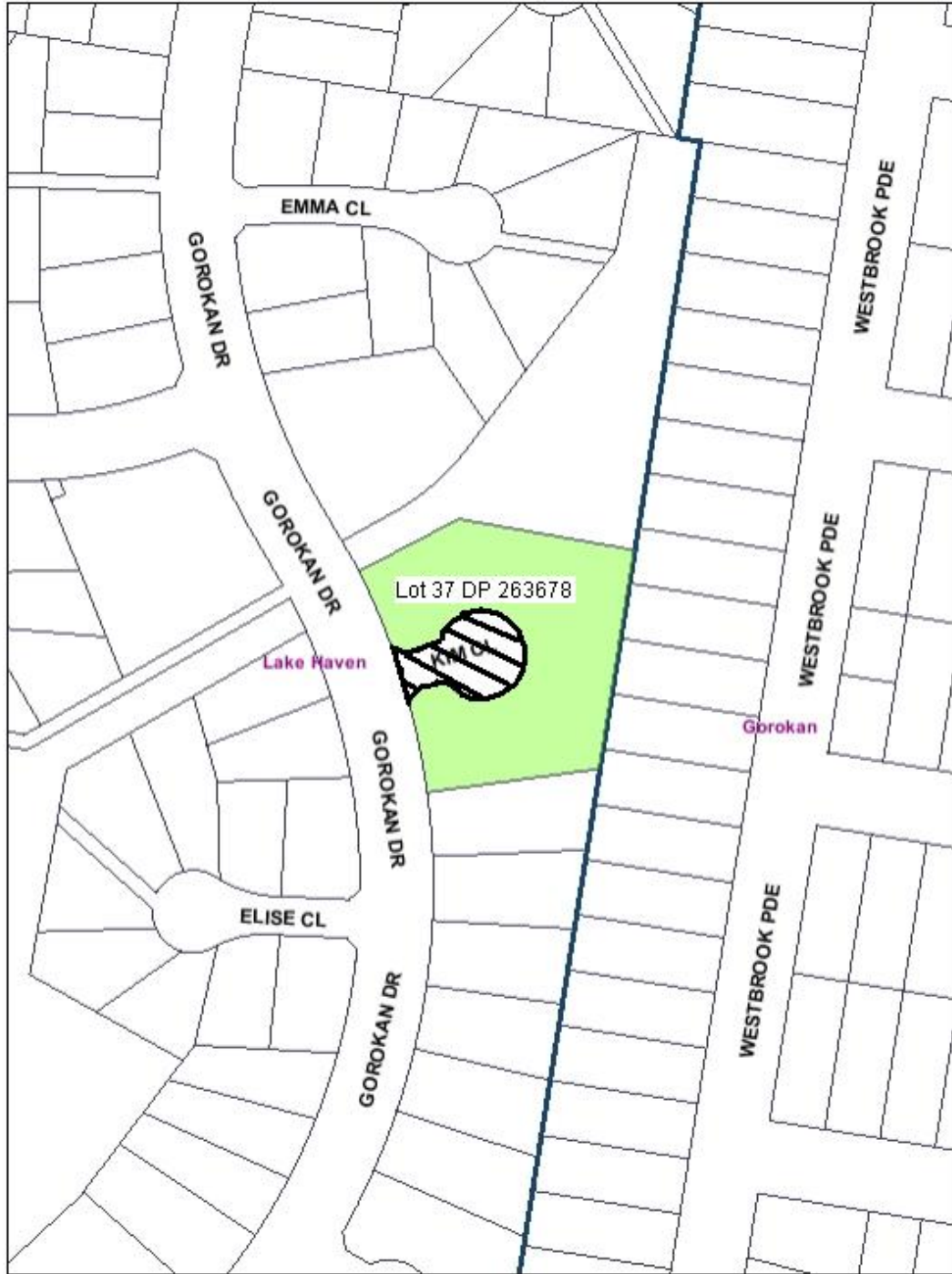
Attachment 1

***Plan showing the easement proposed to be acquired hatched
(1 page)***

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059 Compulsory Acquisition of Kim Close Lake Haven (Attachment 1)

Plan showing the location of Kim Close hatched



WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

059 Compulsory Acquisition of Kim Close Lake Haven

F2006/01599 PF

SUMMARY

The Department of Housing proposes to compulsorily acquire Council public road, Kim Close at Lake Haven.

RECOMMENDATION

That Council consent to the compulsory acquisition by the Department of Housing of the Council public road known as Kim Close Lake Haven and accept compensation in the amount of \$22,000.

BACKGROUND

The Department of Housing owns Lot 37 DP 263678 Kim Close Lake Haven which it wishes to redevelop. The Department proposes to incorporate the public road known as Kim Close within the development. Kim Close is a cul-de-sac providing public road access to Lot 37 only.

The Department of Housing proposes to acquire the public road reserve in accordance with Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*. Section 30 provides that the pre acquisition procedures of the said Act do not apply if agreement is reached on all matters including compensation, with the owner of the land and the acquiring authority.

The Department has requested that Council consent to the compulsory acquisition of the road and in that regard has offered Council the amount of \$22,000 as consideration for Council's agreement.

Sections 204 and 206 of the *Roads Act 1993* apply in respect of the payment of compensation if the Crown compulsorily acquires public road. The amount of compensation Council is entitled to is the sum of the amount Council paid for the acquisition of the land and the money Council spent on the construction of the road.

Kim Close along with other roads in this precinct were developed by the Department of Housing at its cost when creating residential subdivisions in 1982. Council has not expended any funds on the acquisition, construction or maintenance of the road and the compensation of \$22,000 offered by the Department is more than what Council could expect to receive if compensation was claimed pursuant to the *Roads Act 1993*, and on that basis the amount is considered reasonable.

Compulsory Acquisition of Kim Close Lake Haven (contd)

Upon the acquisition of the road reserve the Department intends to consolidate that land with the adjoining Lot 37. Most of the buildings previously on Lot 37 have been demolished. In order to redevelop the site it will be necessary for the Department to lodge a Development Application for consideration by Council. The Department has conferred with Council planning staff.

Lot 37 is zoned 2(b) Multiple Dwelling and has an area of 3467 m². Kim Close has an area of approximately 580 m². The roads in this precinct are also covered by the 2(b) zoning.

Council's Future Planning section and Manager Roads and Drainage have raised no objection to the closure and transfer of the road to the Department of Housing.

Attachment 1

Plan showing the location of Kim Close (hatched) (1 page)

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

060 Area Assistance Scheme

F2005/01932 DBR

SUMMARY

The Department of Community Services Hunter Central Coast Communities Division has requested that Wyong Shire Council nominate a new representative to participate on the Central Coast Area Assistance Scheme Regional Advisory Committee (Attachment 1).

RECOMMENDATION

- 1** *That the report be received and the information noted.*
- 2** *That Council nominate a representative to participate on the 2007-2008 Central Coast Area Assistance Scheme Regional Advisory Committee.*

BACKGROUND

The Area Assistance Scheme (AAS) is an annual grants program which provides funding for projects that improve community infrastructure. The scheme is a partnership between the NSW State Government, Local Government and the community. The active involvement of the community is encouraged when developing and managing community projects as well as making funding recommendations to the Minister.

AAS began in the Sydney area in 1979 and was extended to other areas in 1986. Wyong Shire Council was one of the first participants outside Sydney to participate in the scheme and can be proud of the successful accomplishments and quality of projects achieved to date.

Council is funded \$10,500 annually by the State Government to co-ordinate the Regional Ranking Committee (RAC) and manage the projects that are successful in gaining Area Assistance Scheme funding.

The RAC is made up of not more than 12 core members comprising community and local government representatives. Where government representatives are invited to participate on the RAC, their proportion of the committee must not exceed one third of the total membership. Members are appointed for a two year term and shall not exceed more than four years continuously. Councillor Robyn Stewart has served for the past four years on the Regional Advisory Committee and as such is no longer eligible to serve.

Area Assistance Scheme (contd)

RAC are appointed in each Area Assistance Scheme region to:

- * advise on priority issues and needs identified through the AAS planning process;
- * promote a collaborative relationship between the AAS, the community sector, local government and other state government agencies;
- * consider the assessment and ranking of local projects by the Local Ranking Committee,
- * assess and rank regional and sub-regional projects;
- * recommend to the Minister projects for funding and ensure that all projects recommended meet the AAS assessment criteria.

CONCLUSION

The letter from the Department of Community Services intimated that two representatives were required on the Regional Advisory Committee, but this is now not the case, only one nomination from Council is required.

The next Central Coast Regional Advisory Committee will be held on 22 February 2007 at the Department of Community Services. It is recommended that Council continue its support of the AAS and appoint a new representative for the Regional Advisory Committee.

Attachment 1

Letter from Department of Community Services (2 pages)

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Area Assistance Scheme (Attachment 1)



COMMUNITIES DIVISION - AREA ASSISTANCE SCHEME:
C/o Premiers Office, Lv 5, 26 Honeysuckle Drive, NEWCASTLE NSW 2300
Tel: 4927 8799 • Fax: 4927 8798

18th December 2006

General Manager
Wyong Shire Council
Po Box 20
WYONG NSW 2259

Nomination request - Council Representative for 2006/2007 Central Coast Area Assistance Scheme Regional Advisory Committee

The Hunter Central Coast Communities Division wish to thank Councillor Robyn Stewart and acknowledge the valuable contribution she has made to the implementation of the Area Assistance Scheme in the Central Coast Region. During the time of her membership on the Regional Advisory Committee, many worthwhile projects have received funding and made a positive difference to the lives of many disadvantaged people within the Region.

Applications for the 2006/2007 Round of the Scheme closed in September 2006 and the Central Coast Local Ranking Committees have been convened with projects assessed and ranked against local priorities that will be to the Regional Advisory Committee for consideration. Preparations are now underway to ensure the membership for the Regional Advisory Committee is complete, in accordance with the Area Assistance Scheme Policy and Procedure Guidelines.

As you know, members of the Regional Advisory Committee are appointed for a two-year term and shall not serve for more than four years continuously. My understanding is that Councillor Robyn Stewart has been involved with the Regional Advisory Committee for the past four years and is no longer eligible to serve on the Regional Advisory Committee for the Area Assistance Scheme.

The Hunter Central Coast Communities Division is responsible for co-ordinating the 2006/ 2007 Funding round for the Area Assistance Scheme. The Regional Advisory Committee process is an important part of the Regional assessment of Area Assistance Scheme project applications. Council representation on the Regional Assessment Committee is invaluable and we would appreciate Council considering providing two nomination's for the committee to consider the 2006/2007 funding round applications. I have attached a copy of the nomination form for the Regional Advisory Committee for your use.

The Central Coast Regional Advisory Committee will be held on the 22nd February 2007 at Department of Community Services, Community Service Centre conference room, located at 9 Hely Street, Wyong.

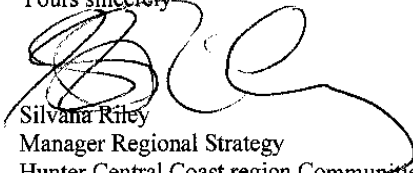
14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Area Assistance Scheme (Attachment 1) (contd)

Further information will be provided at the appropriate time. Should you have any questions, please don't hesitate to contact Rachel Martin, Senior Regional Strategies Officer – Funded Programs on 49278799.

Yours sincerely



Silvana Riley
Manager Regional Strategy
Hunter Central Coast region Communities Division
Phone: 49278798
Silvana.Riley@community@nsw.gov.au

CC/ Dawn Brown Community Project Officer Wyong Shire Council

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

061 Proposed Boundary Alteration – Catherine Hill Bay

F2004/06544 GV:NL

SUMMARY

Report on investigations into bio-landbanking and carbon credits.

RECOMMENDATION

That Council proceed with the proposal to alter the boundary between Wyong Shire and Lake Macquarie City Council and the application be forwarded to the Department of Local Government for consideration.

BACKGROUND

At its Meeting held on Wednesday 25 October 2006, Council gave consideration to report No 460 regarding the proposal to alter the Shire boundary between Wyong and Lake Macquarie at Catherine Hill Bay.

At that meeting, Council resolved as follows:

"That Council proceed with the proposal to alter the boundary between Wyong Shire and Lake Macquarie City Council be forwarded to the Department of Local Government for consideration."

Subsequently, at its meeting held on 22 November 2006, Council resolved:

"That the following resolution carried at the Ordinary Meeting of Council held on 25 October 2006 be rescinded:

That Council proceed with the proposal to alter the boundary between Wyong Shire and Lake Macquarie City Council be forwarded to the Department of Local Government for consideration."

Council then resolved:

"That the matter be deferred to enable Council to investigate bio-landbanking and carbon credits and that the results of the investigation be reported back to Council."

Proposed Boundary Alteration – Catherine Hill Bay (contd)

As outlined in the original report to Council on 25 October 2006, all of the major land parcels involved in the proposed boundary alteration are either in private ownership or in the ownership of the Crown. Council's understanding of the development proposal by Rosecorp is that it includes provision for the transfer of the area not destined for development to the Department of Environment and Conservation. Information available to Council to date suggests that no land would come into Council's ownership. Therefore, there will be no opportunities for Council to undertake environmental trading in respect of any of the land subject of the boundary alteration and on this basis, there would be no advantage to Council to retain the land within Wyong Shire for this purpose.

Carbon Credits

The majority of the land proposed to be included in the boundary alteration is heavily vegetated. As Council would be aware, under current guidelines, the offsetting of carbon dioxide emissions requires that new trees be planted and no carbon credit can be obtained for protecting existing bushland. Some cleared areas do exist within the area which is being considered for boundary alteration that may have potential for rehabilitation and replanting to enable the take up of carbon dioxide and thus the achievement of carbon credits. However, this land is currently in private ownership and will either remain in private ownership or form part of the land to be transferred to the Department of Environment and Conservation. Therefore, as Council is unlikely to acquire ownership of any of the relevant land parcels, there is no ability or opportunity for Council to utilise the land for potential carbon credits.

Biobanking

NSW is in the process of developing a Biobanking trading scheme. Under the new approach, landholders can voluntarily create biodiversity credits by establishing biobank sites on their land. They do so by entering into a 'biobanking agreement' that is attached to the land title. This agreement allows them to create and sell a specified number of credits in exchange for committing to ongoing conservation management of the land.

Therefore, the Biobanking trading scheme will only benefit property owners and as the properties are not owned by Council, no Biobanking potential exists.

Attachment 1**Report to Council dated 25 October 2006 (4 pages)**

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Boundary Alteration – Catherine Hill Bay (Attachment 1)

WYONG SHIRE COUNCIL

October 25 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

460 Proposed Boundary Alteration – Catherine Hill Bay

F2004/06544 LC

SUMMARY

Reporting a proposal to alter the boundary between Wyong Shire and Lake Macquarie City in the locality of Catherine Hill Bay.

RECOMMENDATION

That subject to the agreement of Lake Macquarie City Council, the proposal to alter the boundary between Wyong Shire and Lake Macquarie City Council be forwarded to the Department of Local Government for consideration.

As Councillors would be aware, Rosecorp has proposed extensive development in and around the village of Catherine Hill Bay. Part of the proposed development is in the Wyong Shire local government area while the existing village and additional development is in the Lake Macquarie City local government area. The Minister for Planning has recently indicated that he intends to deal with the development as State Significant development under Part 3A of the Environmental Planning and Assessment Act so it is highly likely that the development will go ahead in some form or other.

The end result of the development will be a township that straddles the local government boundary with each Council having to provide the full range of services to a small population remote from other areas within their respective local government areas. In addition, different planning schemes would apply in different parts of the township.

There would be considerable financial and administrative benefits if the township was to be located entirely in one local government area. The attached plan shows the existing local government boundary together with the proposed boundary further to the south. Moving the boundary south rather than north would seem to be the preferable option as there are no existing residents within the affected area and over 50% of the land is Crown Land anyway.

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Boundary Alteration – Catherine Hill Bay (Attachment 1) (contd)

October 25 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Boundary Amendment – Catherine Hill Bay (contd)

The table below indicates the ownership of the properties and whether income is received through rates:

Owner	Area (ha)	Rate Category
Brora Pty Ltd	0.2716	Business
Coastal Hamlets Pty Ltd	190.4204	Business
Crown Land	94.3986	Non-Rateable
Kores Pty Ltd and Catherine Hill Resources Pty Ltd	40.391	Business
National Parks and Wildlife	173.3872	Non-Rateable
	Total 498.8688	

The total loss of rate revenue for the above land holdings is \$22,853. Once the development is completed, there would be additional rate revenue but this income is likely to be more than offset by the cost of servicing the development. Discussions have taken place with Hunter Water who have indicated that, if the boundary is altered as proposed, they are able and prepared to provide water / sewerage services to the township. It is understood that the developer is also investigating package treatment plants which may obviate the need to connect to Hunter Water's infrastructure.

PROCESS INVOLVED IN BOUNDARY AMENDMENTS

For Council to apply for a boundary alteration to amend its boundary with Lake Macquarie City Council, Council would firstly need to consult with and seek its agreement to the proposal. The General Managers of Wyong and Lake Macquarie have had a meeting to discuss this issue and there is agreement at the administrative level for the proposal outlined in this report.

Upon receipt of an agreement, the proposal is to be submitted to the Minister for Local Government addressing the criteria contained in the Section 263(3) of the *Local Government Act 1993*. The criteria which must be addressed is as follows:

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Boundary Alteration – Catherine Hill Bay (Attachment 1) (contd)

October 25 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Boundary Amendment – Catherine Hill Bay (contd)

Section 263 – Local Government Act 1993

“3) When considering any matter referred to it that relates to the boundaries of areas or the areas of operations of county councils, the Boundaries Commission is required to have regard to the following factors:

- (a) the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,*
- (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area,*
- (c) the existing historical and traditional values in the existing areas and the impact of change on them,*
- (d) the attitude of the residents and ratepayers of the areas concerned,*
- (e) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,*
- (e1) the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,*
- (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,*
- (e3) the impact of any relevant proposal on rural communities in the areas concerned,*
- (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards,*

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Proposed Boundary Alteration – Catherine Hill Bay (Attachment 1) (contd)

October 25 2006
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Boundary Amendment – Catherine Hill Bay (contd)

- (e5) *in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,*
- (f) *such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas."*

The Department of Local Government advises that minor boundary alterations (that is, those where both councils are in agreement) need only to be forwarded to the Department for consideration. Should both councils agree then the Department would require a comprehensive report addressing all of the above criteria together with a plan indicating the current and the proposed boundary and a statement indicating how the rates would be addressed between the councils. The Department further advises that there is no statutory requirement for consultation with landowners and therefore the consultation process is at the discretion of the individual councils.

After the Department of Local Government has processed the submission it will be forwarded to the Minister for approval. The Minister may either refer the proposal to the Boundaries Commission for an inquiry (usually only in cases where there is dispute) or refer the proposal back to the Department for gazettal.

CONCLUSION

Given that the relative minor value of loss of rate revenue compared with the cost to service the land in the future it is recommended that, subject to the agreement of Lake Macquarie City Council, a submission be made to the Department of Local Government Department to alter the boundary.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

062 Irrecoverable Debt

F2004/13008 JT

SUMMARY

Approval is sought to write off monies owed by Brendon Charles as the debt is considered irrecoverable.

RECOMMENDATION

That the amount of \$3,927.31 considered irrecoverable, be written off.

BACKGROUND

On 21 November 2004 a Council vehicle registration number XTP-765 was parked in Blackwall Road, Woy Woy when a vehicle driven by Brendon Charles of 21 Gunya Road, Kincumber struck the Council vehicle from behind. Damage to the value of \$3164.45 was occasioned to the Council vehicle. On 18 April 2005, Council's Insurance Officer made a formal request to Brendon Charles for payment of the outstanding monies.

The initial request for payment was returned from 21 Gunya Road, Kincumber as "left address". The collection process was handed over to Council's Credit Management Section on 24 May 2005.

On 15 June 2005, Credit Management obtained a new contact address for the debtor and passed the collection process onto Council's external Solicitor for recovery. A Statement of Claim was served on the debtor on 22 June 2005 and a Writ executed on 26 September 2005. On 10 March 2006 a Notice of Non-Levy in relation to the Writ was received from the Sheriff's Office at Gosford.

On 6 April 2006 Council's Solicitor submitted the following opinion:

- * *"At this stage we doubt whether it is economically feasible to pursue this outstanding amount as the best, we believe, Council could achieve would be Bankruptcy but no assets to satisfy the outstanding debt. On that basis Council would have to spend up to \$1800.00 to obtain Bankruptcy (an Order has to be made through the Federal Magistrate's Court) but would achieve nothing in terms of funds being paid to Council."*

Irrecoverable Debt (contd)

On 5 May 2006 Council's Insurance Section requested that an attempt be made to garnishee the debtor's Centrelink payments. Council's Solicitor subsequently advised that for this to happen the debtor would need to give his consent as such an arrangement is voluntary. As the debtor is avoiding contact with all authorities it was doubted such an agreement would be forthcoming.

Following the advice given by Council's Solicitor it is considered that the debt of \$3,927.31 is irrecoverable and should be written off.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

063 Sister City Conference

F2004/06466 MW

SUMMARY

Council has received information in respect to an upcoming New Zealand Sister City conference.

RECOMMENDATION

- 1** *That Council accept the invitation of the Southland Sister City Committee.*
- 2** *That Council authorise the Mayor, Councillors Stewart and Welham to attend the 2007 New Zealand Sister City Conference.*
- 3** *That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.*

BACKGROUND

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

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

Mayor Graham, Councillor Stewart and Councillor Welham have expressed interest in attending the New Zealand Sister City Conference.

Sister City Conference (contd)

New Zealand Sister City Conference

The New Zealand Sister City Conference is being hosted by Southland District and will be held in Te Anau from Thursday 26 April 2007 to Sunday 29 April 2007. The Southland Sister City Committee has invited the Wyong Shire Sister City Committee and Councillors to attend. Councillor Stewart, Councillor Welham and five other members of the Wyong Shire Sister City Committee have indicated a desire to attend.

Mayor Graham has been invited by the organising Committee to participate in a panel discussion as part of the program.

The conference is expected to attract approximately 300 people from around the world and the theme of the conference is based on a Ngai Tahu proverb which translates to;

"For all of us those who follow."

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

Proposed Sister City Conference Attendance Costs	(\$)
Registration (including coach transfers)	\$720
Travel (approx return airfare)	\$1,000
Accommodation (based on approx \$150 per night)	\$450
Total	\$2,170

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

064 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

SUMMARY

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

RECOMMENDATION

That an amount of \$8,450.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

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

Attachment 1

***Councillors' Community Improvement Grants 2006/2007
(1 page)***

14 February 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
Expenditure up to and including Ordinary Council Meeting of 24/01/2007		8,400	2,300	6,100	5,150	6,700	9,878	3,100	1,965	8,000	6,019	57,612
Available allocation as at 24/01/07		6,600	12,700	8,900	9,850	8,300	5,122	11,900	13,035	7,000	8,981	92,388
14 February 2007												
Australian Hellenic Association	Purchase Greek dancing uniforms	250	200			1,200					300	1,950
Chain Valley Bay Community Hall Committee	Painting of interior and exterior of Chain Valley Bay Community Hall	300									300	600
Friends of Wyong Hospital	Assist with administration costs; phone, postage, food, petrol and stationery	500				500	250	200	500	500		2,450
Glengara Seniors Computer Club	To further tuition program by replacement of consumables and the purchase of a webcam, scanner and portable speakers.									200		200
Manning Park Sports and Community 355 Committee	Purchase Lawnmower to maintain the area around the Clubhouse and courts	100										100
Mountains District Sports Association Bloodtree Festival Sub-committee	Assistance with costs associated with Staging Bloodtree Festival. Portable Toilets; PA System; Red Cross First-Aid tent; Multicultural Music; Marching Band.	250	200							500		950
Northern Women's Health Centre	Assist with production costs for V-Day Wyong 2007		200									200
Ourimbah University Football Club	Fence around carpark for safety and purchase of shipping containers from Council for storage				500							500
San Remo Tidy Towns Community Group	Purchase garden equipment, mowers to beautify area	250	200								400	850
Soldiers Beach Surf Life Saving Club	Purchase of Rhino, two-way radios and training equipment		200									200
St John Ambulance (NSW) Central Coast Cadet Division	Assist with purchase of uniforms		200									200
Tae Zen Do Ryu Karate	Assist with costs from attending the Australian Championships Tournament in Melbourne	250										250
Total Proposed Allocations for 14/02/2007		1,900	1,200	0	500	1,700	250	200	500	1,200	1,000	8,450
Total Accumulated Allocations as at 14/02/2007		10,300	3,500	6,100	5,650	8,400	10,128	3,300	2,465	9,200	7,019	66,062
Balance Uncommitted as at 14/02/2007		4,700	11,500	8,900	9,350	6,600	4,872	11,700	12,535	5,800	7,981	83,938

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

065 Central Coast Pro Surfing Competition

F2005/01881 CTB

SUMMARY

A commitment is sought from Council on sponsoring the 2007 Central Coast Pro Surfing Event.

RECOMMENDATION

- 1 That Council allocate \$15,000 to the 2007 Central Coast Pro Surfing Event.**
- 2 The funding for the event be redirected from the Community Benefits Grant budget for the 2006/07 financial year.**
- 3 That Council consider an allocation of \$15,000 to the 2008 Central Coast Pro Surfing Event during deliberations on the 2007/08 Management Plan.**

BACKGROUND

Council resolved the following at the Ordinary Council Meeting of Wednesday 22 March 2006:

"That Council advise Surfing NSW that it will agree to match the State Government contribution of \$15,000 provided that a viable business plan is submitted to Council by Surfing NSW."

A viable business plan was submitted by Surfing NSW Inc to Council on Tuesday 4 April 2006. The sponsorship of \$15,000 for the 2006 event was therefore released to Surfing NSW Inc.

Surfing NSW Inc is now seeking a commitment from Council on the \$15,000 sponsorship for the 2007 event.

Council previously resolved to consider an annual allocation in the next two future Management Plans (being the 2006/2007 and 2007/2008 Management Plans).

Council considered the \$15,000 sponsorship of the 2007 Central Coast Pro Surfing Event during deliberations on the 2006/2007 Management Plan in March 2006. Council decided not to allocate any specific funding to the Central Coast Pro Surfing Event in the 2006/2007 Management Plan.

Central Coast Pro Surfing Competition

Council decided to wait and determine the funding from the State Government, prior to committing any funds to the 2007 event.

Surfing NSW Inc is currently in negotiations with the New South Wales State Government to increase their sponsorship from \$15,000 in 2006 to \$100,000 in 2007.

The outcome of this submission will not be known until 13 February 2007.

The Central Coast Pro Surfing Event is to be held at Soldiers Beach from Monday 19 March until Sunday 25 March 2007.

The proposed event will form part of the World Qualifying Series for both men and women and is expected to have total prize money of \$75,000. It is expected that over 250 competitors will participate directly in the competition and that this will be enhanced by the influx of family, friends and spectators for the event.

In April 2006 Surfing NSW Inc. held the Central Coast Pro at Soldiers Beach and it is estimated that this event injected around \$900,000 into the local economy. This figure was based on formula accepted by the State Government in assessing economic impacts of such events.

Council is advised that the proposed 2007 Central Cost Pro is a larger event. The economic impact would easily exceed \$1m based on a larger number of competitors and a greater spectator base.

It is believed that the event will enhance the reputation of the Central Coast as a tourist destination and has the potential of becoming one of the premier sporting events on the coast.

Surfing NSW Inc advises that sponsorship has been confirmed from Tooheys Extra Dry, Surfing Australia, SeaFM, NBN, Fuel TV, Central Coast Sun Weekly, and the Beachcomber Hotel.

A naming rights sponsor has been secured for the 2007 event, Hot Tuna Surf Wear. This company was an iconic Australian surf brand of the 1970's and 1980's. The company has been resurrected and is backed by Australia's Elle MacPherson.

Surfing NSW Inc also advise that Fuel TV, a channel on the FOXTEL pay television network, have committed to screening a 30 minute special following the event to be shown around the world offering tremendous exposure to the Central Coast.

Funding for this type of event would normally be through Council's Community Benefits Grant Program. This event meets the Economic Criteria of the guidelines. This is to strengthen the economic base of the Shire and provide sustainable employment opportunities.

Central Coast Pro Surfing Competition

It was deemed necessary to seek a commitment from Council now as the applications for the Community Benefits Grant Program are not expected to be formally approved by full Council until Wednesday 28 March 2007.

The Central Coast Pro Surfing Event is scheduled to be held from Monday 19 March 2007.

Surfing NSW Inc is seeking a commitment from Council prior to the staging of the event.

PARTNERSHIP WITH SURFING NSW INC.

The proposal put forward by Surfing NSW Inc is an opportunity for Council to foster an ongoing relationship with the major surfing organisation in NSW that could have long term benefits to the local community.

Not only has Surfing NSW Inc hosted a successful event last April, the proposed event is set to become an annual one and there are opportunities for Council to work with Surfing NSW Inc to secure other events as well.

Surfing NSW has scheduled the NSW Junior Titles at Shelly Beach in the 2007, 2008 and 2009 years. This is the biggest junior surfing event in Australia. It is anticipated that there will be over 200 competitors and the event is scheduled for five days. The economic impact of this event is expected to be in the region of \$750,000.

Surfing NSW is committed to the Wyong region and are doing everything possible to promote the sport on the Central Coast.

Financial Implications

The current Management Plan has an allocation of \$160,000 to the Community Benefits Grant Program for the 2006/2007 financial year. Funding of \$81,000 has been allocated out of the program for the current year. There is therefore \$79,000 left to fund any applications for Trimester 3 2007. An allocation of \$15,000 to Surfing NSW Inc will leave \$64,000 in the Community Benefits Grant Budget for 2006/2007.

Enclosures

Detailed Proposal for Central Coast Pro by Surfing NSW Inc.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

066 Darren Kennedy Oval, Noraville

F2004/12581 SPR

SUMMARY

This report provides information on the future management of Darren Kennedy Oval at Noraville.

RECOMMENDATION

- 1 *That Council note the important role Darren Kennedy Oval plays within the Toukley community and the importance of the Toukley Rugby League Football Club in developing youth within the area.***
- 2 *That Council waive the outstanding \$81,598.08 debt owed by the Toukley Rugby League Football Club.***

BACKGROUND

Darren Kennedy Oval is located on Crown Land at Evans Road, Noraville. For the past 10 years, the sports ground has been leased and managed by the Toukley Rugby League Football Club (TRLFC). The lease includes the club house, playing fields, amenities building and car park.

Over recent years the TRLC has been unable to make the required lease payments to the Crown, or pay rates and water bills to Council for this property. In view of growing debts and the inability of the Club to service them, the Club requested that the Crown release them from their lease.

Following a land assessment by the NSW Department of Lands and Council, the Crown has agreed to relinquish the club's lease and has appointed Council as Reserve Trust Manager. This action has not absolved the Club of its responsibility to discharge its debts to the Crown and Council.

This report provides information on the future management of this land, and the financial implications of Council taking over the management of this facility.

CONDITION OF DARREN KENNEDY OVAL

Following the conclusion of the 2005 winter season, an inspection of the playing fields by Council staff showed that a large part of the surface was badly denuded of grass cover. In this condition, the sports ground was unsafe and unusable for play.

Darren Kennedy Oval, Noraville (contd)

To bring the playing fields up to a standard to allow them to be useable for the 2006 winter season, Council undertook a number of activities to assist the club. This included the provision and connection of recycled effluent from the Toukley Sewage Treatment Works to the sports ground irrigation system, the installation of additional irrigation lines and sprinkler heads, fertilising, turfing, weed spraying and the removal of approximately 30 tonnes of disused building material (and waste).

A number of works on the sports ground amenities building were also undertaken, including the installation of water saving shower heads and dual flush toilets, replacement of doors and padlocks and repairs to ceiling and walls.

The combined cost of the oval and building works to date are approximately \$36,000. These works have been funded from Council's sports ground and buildings maintenance budget.

The likely future costs that Council will incur in maintaining the sports grounds and Associated buildings as Trust Manager is approximately \$65,000 per annum. In addition to maintenance works, the estimated costs associated with undertaking capital improvement aimed at improving the performance and accommodating increased utilisation of the existing facilities is \$650,000. These works include upgrading of the floodlights, new irrigation, fencing, car park and drainage. The need and priority of these improvements will be assessed inline with the needs of other shire sporting facilities and will be incorporated into Council's Annual Sports Ground Capital Improvement Programme.

OUTSTANDING MONIES OWED TO COUNCIL BY FOOTBALL CLUB

The TRLFC currently pays \$400 per month to Council towards outstanding rates and charges, currently totalling over \$81,000. This payment arrangement was negotiated with the Club after legal action was taken to recover the unpaid rates and charges. This debt was accrued during a period when the club was involved in fielding senior teams in the Central Coast First Division competition and significant costs were incurred on maintaining a high quality playing surface.

In light of the financial position and the ongoing impact these repayments are having on the sustainability of the club, the TRLFC has requested that Council waive this outstanding debt. The TRLFC considers that without the removal of this financial burden it will not be able to progress the future development of players and the club.

Darren Kennedy Oval, Noraville (contd)

IMPORTANCE OF DARREN KENNEDY OVAL TO THE LOCAL COMMUNITY

Darren Kennedy oval is one of three sports facilities located in and serving the Toukley Social Planning District. The TRLFC has approximately 600 members, with the Toukley Soccer Club, based at Harry Moore Oval having a similar number of registered players. Both clubs utilise Norah Head Hockey Oval on an infrequent basis as a spill -over venue for weekday training.

Had the outcome of the land assessment recently undertaken by the NSW Department of Lands been to recommend a change to the use of this land, to residential, for example, Council would not have had land available in the Toukley district to provide an alternative home for the TRLFC.

Both Darren Kennedy and Harry Moore Oval are used six-days per week throughout the annual winter season, resulting in a considerable amount of damage to the playing fields. This use is reflective of the size of the respective clubs and the limited number of facilities located within the district for active recreation.

With Council now becoming Reserve Trust Manager, Darren Kennedy Oval will be available for use throughout the annual summer season by The Central Coast Cricket Association. Additionally it is envisaged that this venue will be used extensively by schools for weekly sport and gala days / carnivals.

Darren Kennedy Oval plays a very important role in meeting the active recreational needs of the Toukley community, which will increase as the Central Coast experiences ongoing water restrictions. The recent connection of the irrigation system to recycled effluent was undertaken as part of Council's strategy to increase sports ground durability under the current water restrictions. As part of this strategy, facilities such as Darren Kennedy Oval, which contain alternative water supplies will accommodate use from other venues which have deteriorated and are closed due to the unavailability of alternative water supplies.

CONCLUSION

Due to the inability of the Toukley RLFC to continue to manage and maintain Darren Kennedy Oval, the Crown has released the football club from its lease and appointed Council Reserve Trust Manager.

Over the past 12 months Council has undertaken significant works so as to ensure the continued safe use of this facility for over 600 local rugby league players. This has included works to the sports ground playing surface and amenities building valued at over \$ 36,000. It is estimated that the annual maintenance costs to manage the Darren Kennedy sports ground and amenities will be \$65,000 per annum.

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Darren Kennedy Oval, Noraville (contd)

Darren Kennedy Oval plays an important role within the Toukley community. The prolonged drought together with water restrictions will mean sports grounds which contain alternative water supplies such as Darren Kennedy Oval will play a greater role in facilitating community sport in the forthcoming years. Accordingly, maintaining these sports grounds to as highest quality possible is considered vital.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

General Manager's Report

067 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 englobo.

RECOMMENDATION

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

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

068 Growth Rates

2006/00843 SA:LD

SUMMARY

A report on the direct and indirect controls available to the State Government to restrain residential growth rates.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 22 November 2006 Council resolved:

"That staff report to Council on the planning or other controls that are available to the State Government to physically reduce the residential growth rate on the Central Coast given Minister Sartor's announcement in the Draft Central Coast Regional Strategy that residential growth rates over the next 25 years are to be reduced to an annual average of 0.75% per year especially in light of a potential for some 4000 additional lots of zoned land already in Wyong alone?"

Research indicates that based on the latest available estimated resident population data for the 2004-2005 financial year (Australian Bureau of Statistics), the annual growth rate for Wyong was 1.3%; however, the Shire's average annual growth rate for the period 1996-2005 was 2%. This contrasts with the growth rate for the Central Coast Region as a whole, which was 0.8% for 2004-2005 and 1.4% for the period 1996-2005.

If the Minister sought to control growth rates to achieve an annual average of 0.75%, the most direct method available would be to delay or prevent the rezoning of greenfield developments particularly in the northern part of Wyong Shire or to delay or prevent rezonings that increase densities in existing centres. This could be done at several stages of the rezoning process including:

- * LEP Review Panel may refuse the draft LEP
- * The Director General of the Department of Planning may refuse to issue a Section 65 Certificate to enable public exhibition
- * The Director General of the Department of Planning may refuse to endorse the Section 69 Report (prepared by Council after public exhibition)
- * The Minister for Planning may refuse the rezoning at gazettal stage.

Growth Rates (contd)

There are other indirect ways to reduce the release of land for residential development which seriously reduces development rates by delaying the development/rezoning process and/or greatly increasing the cost of development. These can be used by the State Government to control the development, particularly of greenfield developments. These include;

- * environmental controls (such as bio-banking offset requirements);
- * increased investigation requirements and / or need for more intensive studies;
- * State development levies (when added to section 94 contributions can make development uneconomical);
- * delays in the provision of State infrastructure (eg delaying upgrade of freeway, major roadworks, or increased capacity on rail network);
- * increased building controls (eg BASIX, reporting requirements);
- * not approving Council's Residential Development Strategy;
- * not approving other area strategies such as Wyong, Tuggerah, Toukley etc.

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**069 Concise List and Costing of the Works Undertaken by both
Wyong and Gosford Councils for the Procurement of Water in
the Last Two years.**

F2004/07528 MR:IT

SUMMARY

The following details relate to works undertaken by both Wyong and Gosford Councils for the procurement of water in the last two years.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

On 11 October 2006 Council resolved as follows:

“That staff produce a concise list and costings of the works undertaken by both Wyong and Gosford Councils for the procurement of water in the last two years.”

The following is a list of works undertaken by both Wyong and Gosford Councils for the procurement of water over the last two years. Detailed is expenditure to date and estimated final cost.

PROJECT	EXPENDITURE TO DATE	ESTIMATED FINAL COST
Desalination investigation and approval	\$2,100,000	\$2,500,000
Groundwater	\$17,730,888	\$29,835,000
Hunter Water Transfer Link	\$10,027,402	\$21,115,000
Porters Creek Weir	\$155,521	\$1,770,000
Temporary Desalination Planning	\$166,000	\$500,000
Mangrove Weir to Mooney Dam Transfers	\$169,986	\$2,135,000
Mardi Dam Raising	\$118,044	\$5,024,000
Mardi Dam Transfer System	\$347,630	\$13,100,000
Mardi Highlift Pump Station	\$330,834	\$17,810,000
Lower Wyong Transfer Upgrade	\$142,482	\$5,870,000

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

070 Recurrent Funding for Warnervale Family and Community Centre

F2004/07793 ED

SUMMARY

Advice received from the Federal Member for Dobell, Mr Ticehurst and the NSW Department of Community Services on behalf of the Minister.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council at its Ordinary Meeting held on 26 July 2006 considered a report regarding recurrent funding required for the Warnervale Family and Community Centre. At that meeting Council resolved unanimously:

"That Council staff liaise with relevant State and Federal government departments with a view to changing provisions for grants to services of this nature"

A copy of the response from the local Federal Member, Mr Ken Ticehurst is attached, together with a copy of the response from the Director-General of the Department of Community Services on behalf of the Minister the Hon Reber Meagher.

Attachment 1
Attachment 2

Letter from the Federal Member, Mr K Ticehurst (1 page)
Response from the Director-General of the NSW Department of Community Services (1 page)

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Recurrent Funding for Warnervale Family and Community Centre (Attachment 1)

Response from the Federal Member, Mr K Ticehurst



KEN TICEHURST MP
Federal Member for Dobell



Wednesday, 10 January 2007

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

Dear Mr Yates

Thank you for your letter dated December 1 2006, regarding Warnervale Family Community Centre. My office has no record of receiving the correspondence you referred to in your letter. As you are aware Wyong Shire Council has a good working relationship with my office which includes appropriate responses to all correspondence.

The provision of recurrent funding to Community Centres, like the Warnervale Family Community Centre, is the jurisdictional responsibility of the NSW Government through the Department of Community Services.

Despite this, there have been two occasions in past years that the NSW Government has neglected it's responsibilities to the people of Warnervale and surrounding areas and I have arranged for the Federal Government to step in to save the important communities support programmes the centre provides. In 2004 the centre received \$269,000 as a rescue package when the NSW Government chose to withdraw their support, and again earlier this year I showed my support for the local community by providing a further \$94,000 when the State government once again showed their lack of interest in the Central Coast Community.

One both these occasions the community centre was aware that the amounts were specific one-off grants and not recurrent funding the NSW Labor Government should not be let of the hook from their responsibilities in this vital area.

With the NSW Labor Government unwilling to relinquish any of its record federal funding it may not be likely that the Federal Government will be in a position to take over the responsibility of these important community programmes on a long term basis.

If there is any other matter you would like to bring to my attention please feel free to contact my office again.

Sincerely

Ken Ticehurst MP
Federal Member for Dobell



Working for the Central Coast

Suite 12, 14 Pioneer Drive Tuggerah NSW 2259
PO Box 5253, Chittaway Bay 2261
Phone: (02) 4351 8060 Fax: (02) 4351 8061
Email: Ken.Ticehurst.MP@aph.gov.au

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Recurrent Funding for Warnervale Family and Community Centre (Attachment 2)

Response from the Director-General of the NSW Department of Community Services



NSW DEPARTMENT OF COMMUNITY SERVICES

Head Office 4-6 Cavill Avenue, Ashfield NSW 2131 • Locked Bag 28, Ashfield NSW 1800
DX 21212 Ashfield • Tel (02) 9716 2222 • Fax (02) 9716 2999

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

R 06/01423
Min 06/2865

15 JAN 2007

Dear Mr Yates

I refer to your letter to the Hon Reba Meagher MP, Minister for Community Services, concerning funding for Warnervale Family and Community Centre. The Minister has requested that I respond on her behalf, and I apologise for the delay in doing so.

As Minister Meagher informed Mr D Cathers, Acting General Manager on 3 July 2006 in response to similar correspondence, the NSW Department of Community Services (DoCS) does not currently fund this service and has no unallocated funding available to do so.

I am advised that in August 2006 the Commonwealth Department of Families, Community Services and Indigenous Affairs provided funding of \$93,000 to Warnervale Family and Community Centre to enable continued service provision for a further 12 months.

As you may be aware, the NSW Government is currently implementing a strategy to support vulnerable families and to provide early intervention services for children who have been identified as having risk factors. Uniting Care Burnside has been appointed lead agency for this Early Intervention Program on the Central Coast, and will work closely with local DoCS offices and non-Government agencies.

Should you require further information about the Department's funding programs on the Central Coast please contact Ms Rachel O'Connor, Acting Director Partnerships and Planning, on 4336 2401.

I trust this information is of assistance.

Yours sincerely

Neil Shepherd
Director-General

WYONG SHIRE COUNCIL

14 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

071 **Schedule of Bank Balances and Investments – 31 December 2006**

F2004/06604 BB

SUMMARY

The attached Schedule of Bank Balances and Investments as at 31 December 2006 is submitted for information.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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 \$104,702,466 as at 31 December 2006. 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 December interest earned (net of fees) on Council's investments was \$573,853 financial year to date earnings were \$3,518,859.

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

	Investment Balances		Interest	
	Opening Balance	Closing Balance	Interest Net Of Fees	Annual Budget
	July 1 2006	December 31 2006	YTD	
General	66,533,621	74,531,273	2,100,792	4,265,000
Water	34,456,574	12,236,579	919,888	1,286,000
Sewer	15,571,738	17,934,614	498,179	751,000
Total	116,561,933	104,702,466	3,518,859	6,302,000

Schedule Of Bank Balances And Investments – 31 December 2006 (contd)

Council's bank balances and investments as at 31 December 2006 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 December 2006 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 December was 6.77% compared to the benchmark of the UBSWA Bank Bill Index of 6.47%.

During the previous twelve months Council's return has been 6.10% compared to the Bank Bill Index of 5.98%.

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

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

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To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Schedule Of Bank Balances And Investments – 31 December 2006 (contd)

SCHEDULE OF INVESTMENTS AS AT December 31 2006							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,135,676.77	6,125.03	-	6.57%	6.03%	5.90%
BT Institutional Managed Cash (AAA)	Cash	5,714,696.88	14,177.59	368.72	6.16%	6.05%	5.74%
Deutsche Fund (A)	Cash Plus	24,341,053.11	111,696.45	3,289.92	5.40%	6.34%	6.06%
ING Enhanced (A)	Cash Plus	17,858,995.04	105,511.21	2,412.30	7.05%	6.43%	6.17%
Perennial Cash Enhanced Fund (AA)	Cash Plus	17,484,169.25	104,964.40	2,361.48	7.18%	6.28%	5.99%
Macquarie Income Cash Plus (A)	Cash Plus	21,285,691.61	131,833.73	2,874.51	7.42%	6.47%	6.10%
T-Corp (WorkCover NSW)	Cash Plus	7,111,000.00	37,444.90	-	6.20%	5.88%	5.71%
Merrill Lynch (A)	Cash Plus	9,273,134.11	59,825.60	1,252.87	7.75%	6.95%	6.59%
QIC Cash Enhanced (AA)	Cash Plus	498,049.29	15,197.91	363.73	7.05%	6.47%	6.40%
TOTAL		104,702,466.06	586,776.82	12,923.53	6.77%	6.45%	6.10%
UBSWA INDEX					6.47%	6.27%	5.98%

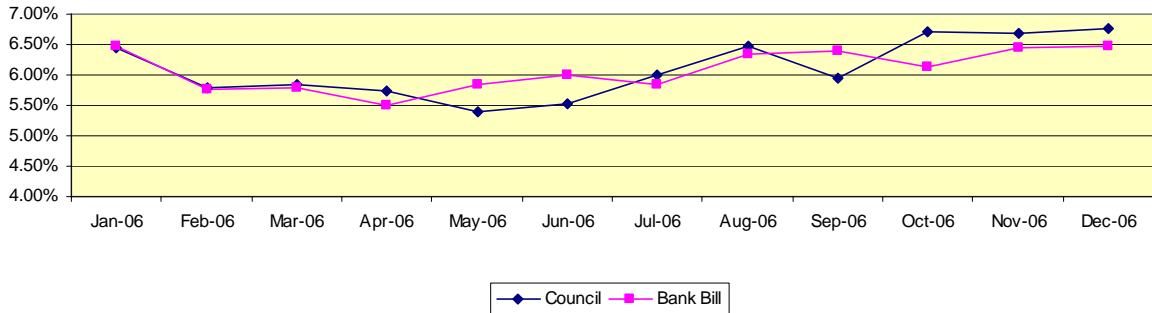
*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

Note: The above returns are net of fees charged

Schedule Of Bank Balances And Investments – 31 December 2006 (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 12 months is displayed in the following graph.

**Allocation of Investment Funds**

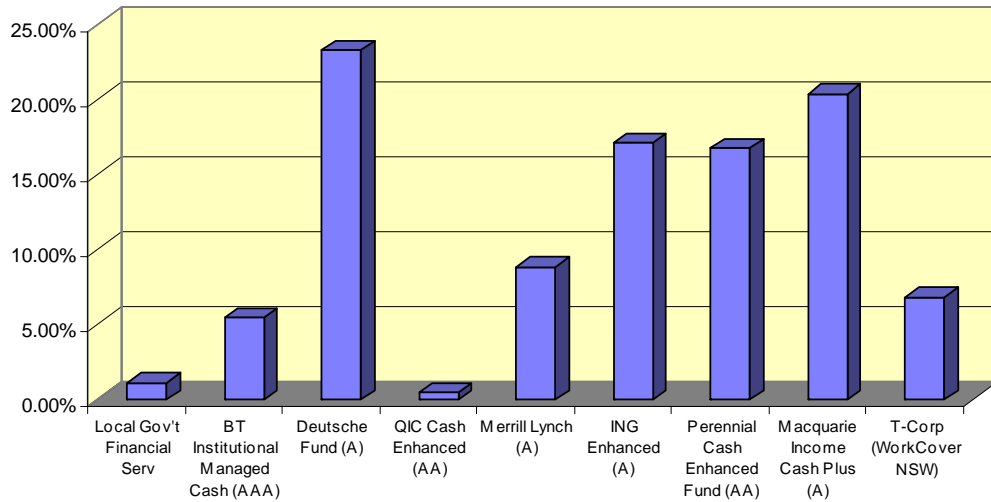
This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during December were allocated as follows:

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Schedule Of Bank Balances And Investments – 31 December 2006 (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 December 2006 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Attachment 1

**Schedule of Bank Balances and Investments
31 December 2006 (1 page)**

**Schedule Of Bank Balances And Investments – 31 December 2006
(Attachment 1)**

SUMMARY**December 31 2006**

<u>General</u>	\$
Unrestricted	9,172,474.37
Restricted - Internally	24,169,400.00
Restricted - Externally	41,189,398.71
Total General	74,531,273.08
<u>Water</u>	
Unrestricted	-7,282,635.56
Restricted - Internally	864,000.00
Restricted - Externally	18,655,214.58
Total Water	12,236,579.02
<u>Sewer</u>	
Unrestricted	2,194,851.31
Restricted - Internally	1,558,000.00
Restricted - Externally	14,181,762.65
Total Sewer	17,934,613.96
TOTAL INVESTMENTS	104,702,466.06
BANK BALANCE PER BANK STATEMENT	1,832,342.37
TRUST ACCOUNT PER BANK STATEMENT	23,695.73

*Water fund loan currently being drawn.

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072 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 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
Q109 – Work Rights (Staff sent Memo to Councillors Forster, Rose and Welham on 17 January 2006 requesting an answer. Further request sent 11 October 2006.)	Councillor Pavier	14 December 2005	Corporate Services
Q003 – Business Arising – 14 December 2005 (Staff sent Memo to Councillor Best on 7 February 2006 requesting an answer. Further request sent 11 October 2006.)	Councillor Welham	23 January 2006	Corporate Services
Q009 – Wyong Alliance (Staff sent Memo to Councillor Best on 16 February 2006 requesting an answer. Further request sent 11 October 2006.)	Councillor Rose	8 February 2006	Corporate Services
Q120 – Traffic Movements – Pacific Highway Charmhaven (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Welham	22 November 2006	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q001 - Water Banking for the Pool and Spa Industry (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Veugen	24 January 2007	Shire Services
Q002 - Cost and Feasibility of New Technology for Library System (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Veugen	24 January 2007	Shire Services
Q003 - Possible Sale of Toukley Rotary Park (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Best	24 January 2007	Corporate Services
Q005 – Week Workshop (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Stewart	24 January 2007	Corporate Services
Q006 -Traffic Calming Devices in Vales Road, Mannering Park (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Rose	24 January 2007	Shire Services
Q007 - Possible Desalination Plant at Vales Point (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Rose	24 January 2007	Shire Services
Q008 - Lighting of Laneway between Reef Close and Roper Road, Blue Haven (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Pavier	24 January 2007	Shire Services

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Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q009 - Financial Cost of Providing Rain Water Tanks to All Rateable Properties (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Pavier	24 January 2007	Shire Services
Q010 - Alcohol Free Zone – J P Howard Reserve, San Remo (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Welham	24 January 2007	Corporate Services
Q011 - Water Permits for Sale at Ferriers Nursery, North Wyong (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Eaton	24 January 2007	Shire Planning
Q012 - Pensioner Rebates for Bateau Bay Retirement Village residents (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Eaton	24 January 2007	Corporate Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities	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.
363 – Water Harvesting Rights	Shire Services	13 September 2006	Referred to Water Authority
423 – Blue Bell Park, Berkeley Vale	Shire Services	11 October 2006	Awaiting community consultation. A report will be submitted to the Ordinary Meeting of 14 March 2007.
550 – Advertising of Level 4 Water Restrictions	Shire Services	13 December 2006	A report will be submitted to the Ordinary Meeting of 26 April 2007.

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Answers to Questions Without Notice

Q004 – Thanks to OH&S Committees for 2007 Safety Calendar

Asked by Councillor Best at the Ordinary Meeting held on 24 January 2007

F2004/

“General Manager, would you please pass on Council’s thanks for an outstanding effort by staff of the Indoor and Outdoor OH&S Committees for the creation of Council’s Safety Calendar?”

Council’s thanks have been passed on to the Committees.

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Answers to Questions Without Notice (contd)

Q121 – Review of Safety of Rail Corridor through Wyong Shire

Asked by Councillor Welham at the Ordinary Meeting held on 22 November 2006
F2004/06709

“Given the recent tragic accidental death of a young man on the rail line at Wyong, could staff approach State Rail to undertake a review of the safety of the rail corridor through Wyong Shire and report their response to Council?”

RailCorp have responded as follows:

“As with all incidents that occur on our network, RailCorp undertakes an investigation to establish the facts and assess any implications for our safety and risk management system. Being a fatality, the NSW Police also undertake an investigation and prepare a report for the Coroner.

The investigation into this incident has established the individual entered the rail corridor without authority and proceeded to walk on the running line toward Wyong Station. This portion of the rail corridor is in fact fenced. It was inspected as part of the investigation and found to be in good condition.

Corridor safety is managed as an integral part of the RailCorp Safety Management System through which the risk is identified and controlled to a level that is low as reasonably practicable. This system is approved by the Independent Transport Safety and Reliability Regulator through the Accreditation of RailCorp as a rail operator under NSW legislation. It is noted that the regulator has not required further review of risk management practices in response to this incident.

In view of RailCorp’s systemic approach to corridor safety management, and the fact that the investigation into this incident did not identify any unknown significant risk factors, a separate review of rail corridor safety is not required.”

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Answers to Questions Without Notice (contd)

Q123 – 83 Railway Road Warnervale

Asked by Councillor Pavier at the Ordinary Meeting held on 22 November 2006
F2004/07041

“Can staff investigate 83 Railway Road Warnervale (a hall) for sale and see if it is suitable under or for any Council purpose and I table a letter of its real estate sale?”

Council staff have made investigations into the property listed for sale at 83 Railway Road, Warnervale.

The property is listed with Supa Realty Tuggerah and is on the market for \$319,000. The property has had a number of owners in the past and has previously been utilised as an RSL Sub Branch, a church / meeting hall, and more recently as a family home over many years .

The building has a large open plan hall, three small rooms off the hall, bathroom (with three toilets), disabled toilet, kitchen and large parking area at the front of the building.

Although the building has previously been used as a community hall, the building is not considered to be suitable now for purchase by Council as a community facility. It is an older style timber building, and is not adaptable for multiple purposes. Older style halls are limited in their capacity to accommodate different types of uses and simultaneously provide for a number of activities. With the development of multi-purpose community centres, incorporating large activity spaces / function rooms and meeting / office space, they have largely become redundant as ‘stand-alone’ facilities.

The hall is well located, close to public transport and the local general store; however it is not in an area of priority for the establishment of community facilities in the Warnervale / Wadalba area. At its meeting on 24 May 2006, Council considered a report which set the direction for facility provision in the Warnervale / Wadalba District. This report recommended that a local multi-purpose community facility be constructed in the Hamlyn Terrace area as a priority. In addition, district community facilities are proposed in the new Warnervale Town Centre only 1.3 km north of this site.

To meet the existing demand, Section 94 funds should be directed into the construction of the new multi-purpose community facility in Hamlyn Terrace and district community facilities within the new Warnervale Town Centre.

Therefore, no recommendation would be made to Council to purchase the property as the building is not considered suitable for use as a community facility.

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Answers to Questions Without Notice (contd)

Q127 – Proposed Section 94 Contributions for Wyong Employment Zone (WEZ)

Asked by Councillor Eaton at the Ordinary Meeting held on 13 December 2006
F2004/07041

“Can Council confirm the proposed section 94 contributions for the WEZ make the project unviable?”

A report including a response to this question is incorporated within this business paper.

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Answers to Questions Without Notice (contd)

Q131 – Future use of the Bateau Bay Childcare Centre at Bay Village

Asked by Councillor Stewart at the Ordinary Meeting held on 13 December 2006
F2005/02352

Would Council please bring back a report on the future use of the Bateau Bay Childcare Centre at Bay Village?

Currently, vacation care programs are offered in the Bateau Bay Child Care Centre at Bay Village. This facility is leased by Council from Stockland. The lease expires on 26 August 2009. It is intended to exercise the option available under this lease to purchase the subject land and facilities at nominal cost in the last year of the lease. Negotiations are continuing with Stocklands in regard to land tenure and overall strategy.

It is proposed that this site, which also incorporates the Bateau Bay Library, and part of the adjoining lot, will be used to construct a new library and customer service centre. The vacation care programmes currently offered would cease with this change of use.