
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, 24 JANUARY 2007,
 COMMENCING AT 5.00 PM

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WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

001 Disclosure of Interests

F2006/02282 ED:SW

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

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

002 Proposed Inspections

F2006/02282 ED:SW

SUMMARY

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

Date of Inspection	Location	Requested By
24 January 2007	Blue Haven Community Centre Colorado Drive, Blue Haven	Director Shire Services
24 January 2007	Proposed Temporary Desalination Plant Budgewoi Road, Budgewoi	Director Shire Planning
24 January 2007	Proposed Temporary Desalination Plant Lakes SLSC Car Park Budgewoi Road, Budgewoi	Director Shire Planning
24 January 2007	Proposed Temporary Desalination Plant Wilfred Barrett Drive, Magenta	Director Shire Planning
24 January 2007	Kamira Farm, Hamlyn Terrace	Director Shire Planning

RECOMMENDATION

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

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

003 Proposed Briefings

F2006/02282 ED:SW

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
24 January 2007	Desalination Plants	Briefing on the assessment process and the way that the issues have been resolved through the assessment or by conditions of consent.	1.30pm – 3.00pm	Craig Niles principal representative of Maunsell Pty Ltd

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

004 Address by Invited Speakers

F2006/02282 ED:SW

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

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

005 Notice of Intention to Deal with Matters in Confidential Session

F2006/02282 ED:SW

SUMMARY

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

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

RECOMMENDATION

- 1 *That pursuant to Sections 10A(2)(a) of the Local Government Act, 1993, the following reports 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.***

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

006 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:SW

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 13 December 2006.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 13 December 2006 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, DECEMBER 13 2006, COMMENCING AT 4.00 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, B J PAVIER (LEFT AT 5.25PM AND RETURNED AT 7.09PM), N T ROSE, R E STEWART, R C STEVENS, C W VEUGEN AND W J WELHAM.

IN ATTENDANCE

ACTING GENERAL MANAGER, DIRECTOR CORPORATE SERVICES (ARRIVED AT 5.18PM), DIRECTOR SHIRE PLANNING (ARRIVED AT 5.18PM), MANAGER DEVELOPMENT ASSESSMENT (ARRIVED AT 5.18PM), MANAGER FUTURE PLANNING (ARRIVED AT 5.18PM), MANAGER STAFF SERVICES LEFT AT 5.05PM AND AN ADMINISTRATION OFFICER (ARRIVED AT 5.05PM).

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 4.00 PM.

PASTOR CHRIS RUBIE READ THE OPENING PRAYER AT 5.05PM.

CLR STEWART PRESENTED A PLAQUE, RECEIVED FROM THE MARDI GRAS FESTIVAL COMMITTEE IN CONGRATULATION OF THE EFFORTS COUNCIL PUT INTO FESTIVAL.

APOLOGIES

THERE WERE NO APOLOGIES.

RESOLVED THAT STANDING ORDERS BE VARIED TO ENABLE CONFIDENTIAL ITEMS TO BE CONSIDERED.

CLR PAVIER WAS PRESENT FOR THE CONFIDENTIAL SESSION BUT WAS NOT PRESENT FOR THE COMMENCEMENT OF THE ORDINARY MEETING. COUNCILLOR PAVIER LEFT AT 5:25PM AND RETURNED AT 7:09PM HAVING BEEN IN ATTENDANCE AT A PRESSING PUBLIC ENGAGEMENT.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 539A, 543, 539, 540, 541, 542, 544, 551, 552, 555 AND 574A 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 December 13 2006 (contd)

539 Disclosure of Interests

F2006/00351 LC:MW

551 - FISHERMAN'S WHARF DEVELOPMENT

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE RECEIVED FUNDING FOR HER ELECTION CAMPAIGN FROM (THE GUARANTOR OF THE NEW PACIFIC PTY LTD) CORALCORP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

566 - CONTRACT CPA 113367 - THE ENTRANCE COMMUNITY FACILITY STAGE 2 CONSULTANT SERVICES

COUNCILLOR STEWART DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE ALONG WITH HER BUSINESS PARTNER HAS A WRITTEN EXPRESSION OF INTEREST IN FOR A COMMUNITY MUSEUM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

567 - THE ENTRANCE HISTORIC CARNIVAL LEASE

COUNCILLOR PAVIER DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON HE IS A PART TIME EMPLOYEE OF A FAMILY COMPANY OPERATING IN THE LOCALITY OF THE REPORT, LEFT THE CHAMBER AT 8.56 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.05 PM.

577 - REZONING PROCEDURE – “SPOT REZONINGS”

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS LIKELY TO SUBMIT A HERITAGE REZONING APPLICATION IN THE NEAR FUTURE, LEFT THE CHAMBER AT 9.14 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.15 PM.

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

539A Disclosure of Interests for Confidential Items only

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

That the report be received and the fact that no disclosures were made be noted.

540 Proposed Inspections

F2006/00351 LC:MW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report on Inspections be received and the information noted.

541 Proposed Briefings

F2006/00351 LC:MW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

There were three additional briefings being:

- ***Temporary Desalination Plants***
- ***Fishermans' Wharf Development***
- ***Proposed Commercial/Residential/Tourist Development at The Entrance***

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

542 Address by Invited Speakers

F2006/00351 LC:MW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 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.*

543 Notice of Intention to Deal with Matters in Confidential Session

F2006/00351 LC:MW

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

- 1 *That pursuant to Sections 10A(2)(a) and (c) and 10A(2)(d)(i) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:*

W011 - Staff Issues.

W012 - Contract CPA101669 – Collection of Waste and Recoverable Resources for Wyong Shire Council and/or Gosford City Council – Negotiation Process.

W013 - Contract 2259 - Chubb Security Australia Patrol and Alarm Response Service.

- 2 *That the reason for dealing with Report No W011 confidentially is that it contains personnel matters concerning particular individuals.*
- 3 *That the reason for dealing with the Report No W012 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and it is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- 4 *That the reason for dealing with Report No W013 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

CONFIDENTIAL SESSION

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

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

W011 - Staff Issues.

W012 - Contract CPA101669 – Collection of Waste and Recoverable Resources for Wyong Shire Council and/or Gosford City Council – Negotiation Process.

W013 - Contract 2259 - Chubb Security Australia Patrol and Alarm Response Service.

for the reasons contained in Report No 543 - Notice of Intention to Deal with Matters in Confidential Session.

OPEN SESSION

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

That Council resume in open session.

THE ACTING GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W011 Staff Issues

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

That a further report will be submitted to Council.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

W012 Contract CPA101669 – Collection of Waste and Recoverable Resources for Wyong Shire Council and/or Gosford City Council – Negotiation Process

CPA/101669 EBL/PRW

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

(Subject to the adoption of complementary resolutions by Gosford City Council at its meeting on December 5 2006 and subject to Gosford City Council entering into the same contract term, conditions and commencement date as Wyong Shire Council)

- 1 That Council accept the negotiated offer from Thiess Environmental Services for a period of up to 10 years for a Regional Contract commencing on February 1 2008. The estimated annual expenditure against this contract is \$9,244,922 including GST (\$8,404,475 excluding GST) however the tendered rates are subject to annual rise and fall adjustments.**
- 2 That Wyong Council execute a separate Contract with Thiess.**
- 3 That the staff and consultants be thanked for their outstanding efforts in this matter.**

W013 Contract 2259 - Chubb Security Australia Patrol and Alarm Response Service

CPA/2259 CM

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

- 1 That Council authorise the General Manager to negotiate with the contractor on acceptable terms.**
- 2 That new tenders be called for the provision of security services for Council facilities as soon as practicable.**

544 Confirmation of Minutes of Previous Meeting

F2006/00351 LC:MW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on November 22 2006 be received and confirmed.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

545 Notice of Motion – Change of Colour for Lifesavers Uniform

F2004/06257

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council, as a result of changing colours of our lifesavers, conduct a short media campaign reinforcing that “Red and Yellow” are the colours to look for on our beaches during the summer break.

546 Notice of Motion – Cancer Council NSW Community Partnership

F2004/06089

COUNCILLOR STEVENS LEFT THE CHAMBER AT 7.20 PM AND RETURNED TO THE CHAMBER AT 7.29 PM BUT WAS PRESENT FOR VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Wyong Shire Council in partnership with The Cancer Council NSW affirm their commitment to reducing the impact of cancer in the community by:

- a Learning about and adopting new policies that will lead to a reduction in the incidence of cancer.***
- b Supporting Cancer Council advocacy campaigns that benefit the residents of Wyong Shire.***
- c Using Council communication channels, venues, staff and networks to disseminate Cancer Council health promotion and patient support materials.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

- d Helping the Cancer Council to support patients and their families in Wyong Shire by allowing free use of Council venues for support group meetings and education programs.*
- e Support Cancer Council efforts to raise money in the local area.*
- f That a suitable community function be organised to celebrate the signing of this partnership.*

547 Notice of Motion – Wyong Transport Corridor – Option 4

F2004/13054

COUNCILLOR BEST WITHDREW THE MOTION.

548 Notice of Motion – Extension of Exhibition Period for Desalination Plants

F2006/00969

COUNCILLOR STEWART LEFT THE CHAMBER AT 7.31 PM AND RETURNED TO THE CHAMBER AT 7.35 PM.

It was MOVED by Councillor BEST and seconded by Councillor PAVIER:

- 1 That as staff have deferred their report to Council until January 24 2007 on the beach desalination issue and the multi-million dollar installation contract, Council advises the public that submissions will be received up until January 5 2007 to provide our residents and ratepayers the opportunity to voice their views on this important issue.*
- 2 That as Council is the applicant and the consent authority for the desalination plants Council recognises the importance of transparency and an open and accountable consultation process.*
- 3 That Council advertise the extended consultation period.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS VEUGEN, BEST, ROSE, PAVIER AND WELHAM

AGAINST: COUNCILLORS STEVENS, STEWART, FORSTER, EATON AND GRAHAM

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

549 Notice of Motion – Holiday Makers and Water Wastage

F2006/01608

COUNCILLOR BEST WITHDREW THE MOTION AND THE MATTER WAS CONSIDERED WITH REPORT NO 550.

550 Notice of Motion – Advertising of Level 4 Water Restrictions

F2006/01608

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

- 1 That given the approaching holiday/tourist season, Council actively advertise the fact that Level 4 Water Restrictions are in place on the Central Coast.**

This should include clear signage at main entry points to Wyong Shire, 'water awareness' brochures being placed with tourist organisations and at accommodation venues.

- 2 That the RTA be requested as a matter of urgency to place banners on appropriate overpasses on the F3 Freeway advertising the fact that Level 4 Water Restrictions are in place on the Central Coast.**

- 3 That signage/leaflets be provided at all accommodation venues and a media blitz be carried out over the peak season.**

- 4 That a report be brought back to Council in March/April 2007 on the outcomes of these initiatives.**

The MOTION was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLOR EATON.

LEAVE TO INTRODUCE MOTION OF URGENCY

COUNCILLOR BEST SOUGHT AND WAS GRANTED LEAVE TO INTRODUCE A MOTION OF URGENCY REGARDING THE PROPOSED CLOSURE OF THE LONG DAY CARE SERVICES AT WYONG HOSPITAL.

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

That Council consider a Motion of Urgency regarding the proposed closure of the long day care services at Wyong Hospital.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

550A Motion of Urgency – Proposed Closure of the Long Day Care Service at Wyong Hospital

F2004/07558

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

That, further to a community rally held at Wyong Hospital, Council provide its support in an advocacy role with a view to supporting a delegation of Council and the community to the respective Federal and State Members to endeavour to maintain the long day care services at Wyong Hospital.

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

AGAINST: COUNCILLORS FORSTER, GRAHAM AND ROSE,

LEAVE TO INTRODUCE MOTION OF URGENCY

COUNCILLOR PAVIER SOUGHT AND WAS GRANTED LEAVE TO INTRODUCE A MOTION OF URGENCY REGARDING THE CLOSURE OF THE WOONGARRAH COMMUNITY FACILITY BECAUSE OF THE SOCIAL EVENTS BOOKED OVER THE CHRISTMAS PERIOD.

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

That Council consider a Motion of Urgency regarding the proposed closure of Woongarra Community Facility.

550B Motion of Urgency - Proposed Closure of Woongarra Community Facility

F2004/08175

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

That the Mayor contact the Minister for Education and Training, The Hon Carmel Tebbutt, to seek a stay of execution over the closure of the Woongarra Community Facility.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

551 Fisherman's Wharf Development

DA/607/2006 DD

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE RECEIVED FUNDING FOR HER ELECTION CAMPAIGN FROM THE GUARANTOR OF THE NEW PACIFIC PTY LTD CORALCORP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

MR JIM PRICE, AGAINST THE PROPOSAL REPRESENTING THE WATCH COMMITTEE AND BATEAU BAY PRECINCT COMMITTEE, ADDRESSED THE MEETING AT 5.30 PM, ANSWERED QUESTIONS AND RETIRED AT 5.35 PM.

MR KEITH BLACKMORE, AN INDEPENDENT CONSULTANT (GHD) RETAINED BY COUNCIL TO ASSESS THE DA, ADDRESSED THE MEETING AT 5.35 PM, ANSWERED QUESTIONS AND RETIRED AT 5.40 PM.

MR ROBERT BARR, IN FAVOUR OF THE PROPOSAL REPRESENTING NEW PACIFIC PTY LTD, WILL BE AVAILABLE TO ANSWER QUESTIONS AT THE MEETING.

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

- 1 That consent be granted subject to the conditions detailed in Appendix A attached to the report.***
- 2 That Council support the provision of the required parking by allocation in Council's Coral Street Car Park.***
- 3 That those residents and interest groups that made submissions be advised of Council's decision.***
- 4 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***

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

AGAINST: COUNCILLORS BEST, ROSE AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

552 Proposed Commercial/Residential/Tourist Development at The Entrance

DA/3357/2003 EA:EA

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 7.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

MR PAUL P BONNICI, AGAINST THE PROPOSAL REPRESENTING THE EXECUTIVE COMMITTEE AND OWNERS OF STRATA PLAN 63341, ADDRESSED THE MEETING AT 6.25 PM, ANSWERED QUESTIONS AND RETIRED AT 6.40 PM.

MR DANIEL MCNAMARA, IN FAVOUR OF THE PROPOSAL REPRESENTING THE APPLICANT, ADDRESSED THE MEETING AT 6.46 PM, ANSWERED QUESTIONS AND RETIRED AT 6.52 PM.

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

- 1 That the requirements of DCP 2005 Chapter 64 be varied with regard to site coverage, deep soil zones and communal open space to permit the proposed development.**
- 2 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.**
- 3 That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.**
- 4 That those who made written submissions be advised of the decision.**
- 5 That the owners' corporation of the adjoining development 'The Oaks' be advised of Council's decision should it wish to undertake any work on the sacrificial windows on the southern elevation.**

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

553 Concrete Batching Plant at Berkeley Vale

DA/1799/2005 EA:EA

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

- 1 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.**
- 3 That a copy of the consent be forwarded to the Department of Environment and Conservation.**
- 4 That those who made written submissions be advised of the decision.**

554 Proposed 67 Lot Strata Subdivision at Hamlyn Terrace

DA1482/2006 RSM:RSM

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.30 PM AND RETURNED TO THE CHAMBER AT 8.32 PM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.40 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That the application be refused because it contravenes Clause 42D of the LEP and that the use of SEPP 1 is not appropriate in the circumstances.**
- 2 That the reason Council has resolved contrary to the staff recommendation is that in the community interest (in the view of the Council) stand alone residential housing in our new urban areas of Hamlyn Terrace should be maintained.**

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

AGAINST: COUNCILLORS GRAHAM, ROSE, STEVENS AND STEWART.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

555 Pacific Highway, Wyong – RTA Options Study

F2004/08230 RCB

COUNCILLOR PAVIER ENTERED THE CHAMBER AT 7.10 PM DURING DISCUSSION OF THIS ITEM.

MR KEVIN FAULKS IN FAVOUR OF THE PROPOSAL, REPRESENTING WYONG TUGGERAH CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 7.01 PM, ANSWERED QUESTIONS AND RETIRED AT 7.08 PM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM.

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

- 1 That Council write to the RTA in response to the exhibition of the Options Study seeking:***
 - a That the RTA consider further alternatives identified in this report and any other appropriate alternatives raised during the community consultations.***
 - b That the RTA ensure that it takes into account future development identified in Council's exhibited Planning Strategy and any adopted Planning Strategy for the Wyong/Tuggerah area to assess future traffic volumes.***
 - c That the RTA carry out detailed modelling (PARAMICS and SIDRA) involving the future developments identified above.***
 - d That the detailed modelling include the additional options identified in this report.***
 - e That the analysis include all intersections between River Road and North Road (inclusive).***
 - f That the RTA dedicate the small allotment of Crown land adjacent to the Pacific Highway and the Wyong Grove School as a drop-off and pick-up point for the school.***
 - g That the RTA replace, at its cost, any existing parking spaces lost as a consequence of this project under any option selected.***
- 2 That upon receipt of information from the RTA on the results of investigations raised above, a further report be presented to Council recommending its preferred option.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

- 3 ***That Council request all local candidates for Wyong State Electorate to advise their parties' commitment to funding of this project and that the candidates' responses be reported to Council at its first meeting in March.***
- 4 ***That if any of the centre route stays as part of the proposal and is accepted by the RTA and a bridge is to be built over Wyong River, there be a safe pedestrian linkage from east to west of Wyong Township.***

556 Contract CPA 115479 - Rehabilitation and Redevelopment of the Bateau Bay Landfill

CPA/115479 JCT

COUNCILLOR BEST LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.45 PM. AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.35 PM AND RETURNED TO THE CHAMBER AT 8.38 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.36 PM AND RETURNED TO THE CHAMBER AT 8.45 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 accept the tender of Neumann Contractors Pty Ltd in the estimated schedule of rates amount of \$11,577,810.57, inclusive of GST (\$10,507,100.52, exclusive of GST).***
- 2 ***That Council approve a contingency amount of \$1,150,000, inclusive of GST (\$1,045,454.55, exclusive of GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

557 Contract CPA 113366 - Central Coast Lifetime Learning Centre (CCLLC) Facility, Lot 2 (DP 222560) Palmdale Road, Palmdale

CPA/113366 CB

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

- 1 That Council accept Tender No. 1 from North Construction and Building Pty Ltd in the lump sum amount of \$999,578.80 including GST (\$908,708.00 excluding GST).**
- 2 That Council approve a contingency amount of \$49,978.50 including GST (\$45,435.00, 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.**
- 3 That Council approve the transfer of \$100,000.00 from the Roads budget to fund the project shortfall and this adjustment to be made at the December Quarterly Review.**

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

AGAINST: COUNCILLOR EATON.

558 Contract CPA 101670 – Receival and Processing of Organics

CPA/101670 PRW:EBL

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

That Council accept Tender No. 1 from Australian Native Landscapes for the Receival and Processing of Organics for a period of 7.5 years commencing on February 1 2008. The estimated annual expenditure against this contract is \$1,763,624 per annum including GST (\$1,603,295, excluding GST) however the tendered rates are subject to annual rise and fall adjustments.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

559 Contract CPA 98753 – Hire of Tipping Trucks

CPA/98753 ABP:JEM

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

- 1 That all conforming tenders received for Contract No CPA 98753 – Hire of Tipping Trucks be accepted on a priority ranking list for the period January 8 2007 to January 9 2009.**
- 2 That the Director Shire Services be authorised to arrange engagement of Tipping Trucks as required from time to time in accordance with the priority ranking list.**

560 Contract CPA 102576 – Hire of Plant and Machinery

CPA/102576 ABP:JEM

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

- 1 That all conforming tenders received for Contract No CPA 98753 – Hire of Tipping Trucks be accepted on a priority ranking list for the period January 8 2007 to January 9 2009.**
- 2 That the Director Shire Services be authorised to arrange engagement of Tipping Trucks as required from time to time in accordance with the priority ranking list.**

561 Contract CPA 102577 – Hire of Minor Plant and Equipment

CPA/102577 ABP:JEM

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

- 1 That all conforming tenders received for Contract No CPA 102577 Hire of Minor Plant and Machinery be accepted for the period January 8 2007 to January 9 2009.**
- 2 That the Director Shire Services be authorised to arrange engagement of Minor Plant and Equipment as required from time to time in accordance with Contract No CPA 102577 using the most economical and suitable supplier as each situation demands.**

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

562 Contract CPA 107734 – Manufacture, Supply and Deliver to Mardi Water Treatment Plant of Bulk Liquid Aluminium Sulphate

CPA/107734 SM

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

That Council accept the schedule of rates tender from Omega Chemicals for the supply of Bulk Liquid Aluminium Sulphate, at the rate of \$175.00 per tonne excluding GST (\$192.50 including GST). The estimated three year expenditure against this contract is \$262,500 excluding GST (\$288,750 including GST).

563 Contract CPA 107736 – Manufacture, Supply and Delivery of Bulk Liquid Chlorine to Mardi Water Treatment Plant

CPA/107736 SM

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

That Council accept the schedule of rates tender from Orica Australia Pty Ltd for the supply of Bulk Liquid Chlorine, at the rate of \$1925.00 per tonne excluding GST (\$2117.50 per tonne including GST). The estimated three year expenditure against this contract is \$346,500 excluding GST (\$381,150 including GST).

564 Contract No.107738 – Manufacture, Supply and Deliver to Mardi Water Treatment Plant of Bulk Hydrated Lime

CPA/107738 SM

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

That Council accept the schedule of rates tender from Unimin Australia Pty Ltd for the supply of Hydrated Lime, for a period of three years commencing December 1 2006, at the rate of \$159.00 per tonne excluding GST (\$174.90 per tonne including GST) . The estimated three year expenditure against this contract is \$159,000 excluding GST (\$174,900 including GST).

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

565 Contract CPA 115841 - Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility

CPA/115841 PRW:EBL

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

That Council accept tender no. 1 from CMA Metal Corporation for the Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility for a period of six months commencing on February 1 2007 at an estimated income to Council of \$242,202 (GST inclusive) or \$220,184 (GST exclusive).

566 Contract CPA 113367 - The Entrance Community Facility Stage 2 Consultant Services

CPA/113367 GB

COUNCILLOR STEWART DECLARED A NON PECUNINARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE ALONG WITH HER BUSINESS PARTNER HAS A WRITTEN EXPRESSION OF INTEREST IN FOR A COMMUNITY MUSEUM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

- 1 That Council accept tender no. 3 from EJE Architecture in the lump sum amount of \$161,480 including GST (\$146,800 excluding GST).***
- 2 That Council approve a contingency amount of \$7,990 including GST (\$7,263, 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.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

567 The Entrance Historic Carnival Lease

F2004/12672 AWS

COUNCILLOR PAVIER DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON HE IS A PART TIME EMPLOYEE OF A FAMILY COMPANY OPERATING IN THE LOCALITY OF THE REPORT, LEFT THE CHAMBER AT 8.56 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.05 PM.

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

That Council approve amendment to the terms of lease for The Entrance Historic Carnival to allow charges for use of carnival equipment to increase to \$2.00 for rides and \$2.50 for games.

568 Proposed Acquisition of Private Land at Jilliby for Road Widening

F2006/02132 & F2006/02133 AWS

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

- 1 That Council acquire parts of Lot 50 DP 876432 and Lot 1 DP 510216 Dickson Road Jilliby as Public Road as shown in Attachments 1 and 2.***
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land 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 land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.***
- 4 That Council authorise the affixing of the Common Seal of Wyong Shire Council 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 for compulsory acquisition, related to the acquisition in Item 1.***
- 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 related to the acquisition in Item 1.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

569 Proposed Temporary Right of Carriageway over Council Land

DA/1548/2005 JLC:JLC

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

- 1 That Council endorse the creation of a temporary right of carriageway over Lot 51 DP 9215, No 31 Aldenham Road, Warnervale and Lot 2 DP 1047484, No 30 Jack Grant Avenue, Warnervale.**
- 2 That Council authorise the common seal of Wyong Shire Council to be affixed to the Deposited Plan or 88b Instrument creating the temporary right of carriageway to benefit Energy Australia.**
- 3 That Council authorise the Mayor and General Manager to execute all documents relating to the creation of the temporary right of carriageway.**

**570 Proposed Land Acquisition for Car Parking – 20 Manning Road,
The Entrance**

F2006/02036 AWS

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

- 1 That Council authorise the acquisition of Lot 10 DP14527 No. 20 Manning Road, The Entrance for an amount to be negotiated by the General Manager, taking account of an assessment by a qualified valuer.**
- 2 That Council propose classification of Lot 10 DP 14527 as Operational Land.**
- 3 That the proposal be advertised in accordance with Section 34 of the Local Government Act, 1993.**
- 4 That, if no adverse submissions are received, the classification be confirmed.**
- 5 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer between the owner of Lot 10 DP 14527 and Wyong Shire Council.**
- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer between the Wyong Shire Council and the owner of Lot 10 DP 14527.**

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

571 Relinquish Trusteeship of Reserve at Ourimbah

F2004/06017 PF

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 9.00 PM AND RETURNED TO THE CHAMBER AT 9.05 PM.

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

That the matter be deferred for consideration at Council's Ordinary Meeting on January 24 2007 and the report address biobanking and carbon credits.

572 Pacific Highway and Dog Trap Road Intersection Property Matters

F2006/01014 PF

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

- 1 That Council give its concurrence to the compulsory acquisition by the Roads and Traffic Authority of that part of Dog Trap Road reserve rendered unnecessary by the realignment and upgrade of the Pacific Highway and Dog Trap Road intersection at Ourimbah for the purpose of transferring the land therein to the Department of Education.***
- 2 That Council not waive its right to compensation resulting from the compulsory acquisition of Dog Trap Road described in Item 1.***
- 3 That any funds realised from the compensation for the land transaction be allocated to footpath improvements in the immediate vicinity.***

573 Classification of Land at Barrington Drive, Woongarra

DA/280/2004 PF

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

- 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 adopted.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

574 Pedestrian/Cycle Overpass Bridge at the Intersection of Goorama Avenue and Pacific Highway, Blue Haven

F2004/07739 LAB

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

- 1 That Council not proceed with the construction of a pedestrian overpass bridge at the intersection of the Pacific Highway and Goorama Avenue, Blue Haven.**
- 2 That Council consult with the Blue Haven and San Remo communities on the proposed option to substitute the pedestrian overpass with an improved intersection and integrated shared pathway system.**
- 3 That Council negotiate an option to acquire land critical to achieving a suitable integrated shared pathway system, subject to a satisfactory Development Application process.**

574A WaterPlan 2050

F2006/02278 DGC

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

- 1 The preliminary working draft of WaterPlan 2050 be made available for public comment.**
- 2 That a communications strategy be implemented to ensure public awareness and involvement in the WaterPlan 2050 process.**

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

575 Central Coast Gateway Centre

F2004/07096 KY

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

- 1 That Wyong Council decline to contribute to this project as:**
 - a No business case has been developed to justify the expenditure of such significant funds.**
 - b There is no demonstrated advantage to the ratepayers of Wyong Shire in providing such a facility at Mount Penang.**
 - c This is a "State Centre" as stated by Central Coast Tourism Inc and Tourism NSW and as such should be the responsibility of the New South Wales State Government, not the ratepayers of Wyong Shire.**
- 2 That Council ask the Central Coast Tourism CEO as to why the business case documents and the plans for the centre were not provided as promised in the recent briefing.**

576 Amendments to Contribution Plans

F2004/00552 SR:SR

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

That subject to no objections being received as a result of the exhibition and in accordance with Part 4 of the Environmental Planning and Assessment Regulation 2000, the draft contributions plans outlined in the report be adopted

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

577 Rezoning Procedure – “Spot Rezoning”

F2004/00572 DJM:DJM

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS LIKELY TO SUBMIT A HERITAGE REZONING APPLICATION IN THE NEAR FUTURE, LEFT THE CHAMBER AT 9.14 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.15 PM.

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

- 1 ***That Council adopt the Spot Rezoning Procedure and fees as outlined in the attachment and including the amendments to the Rezoning Process outlined in this report.***
- 2 ***That Council strongly discourage spot rezonings unless they demonstrate a direct relationship to an adopted strategy of Council or the State Government.***
- 3 ***That the Spot Rezoning Procedure be distributed to development industry bodies and planning consultants who regularly deal with Council.***
- 4 ***That Council staff continue to hold briefing and consultation sessions with the development industry to enable opportunities for sharing information on development, rezoning and strategic planning issues.***
- 5 ***That the Spot Rezoning Procedure be made available, free of charge, at all Council branches and on Council's website.***
- 6 ***That the Rezoning Fees for the 2006/2007 financial year be advertised for a period of 28 days in accordance with section 705 of the Local Government Act 1993, as follows:***
 - Phase 1 Lodgement Fee (\$3,000)***
 - Phase 2 Report, Further Assessment and DLEP Preparation – Actual Cost Basis (Initial Fee \$7,000 and “pay in advance”)***
 - Phase 3 Public exhibition, Submissions and Finalisation Actual Cost Basis (Initial Fee \$5,000 and “pay in advance”)***
- 7 ***That should no objections be received, the fees be adopted after the 28 day advertising period and included in Council's 2006/2007 Management Plan – Fees and Charges.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

578 Sports Ground Fees

F2004/07007 MW

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

That Council remove the provision for waiving of sports ground fees for junior athletes from Section 19.9 of the Revenue Policy in the 2006/07 Management Plan.

579 Closure of Walkways at Emma Close and Casurina Close, Lake Haven

F2005/00212 & F2005/00601 AKP:JEM

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

- 1 That Council approve the permanent closure of the walkways in both Emma Close and Casurina Close, Lake Haven.***
- 2 That Council approve:***
 - An application to the Minister for Lands for the Closure of the Public Road status for the walkways.***
 - The lands from the closed walkways be classified as Operational Land.***
 - The proposed Operational classification be advertised in accordance with Section 34 of the Local Government Act 1993. That, if no adverse submissions are received, the classification be confirmed.***
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the application to the Department of Lands for the approval of the Minister for road closure and to Development Applications, Contracts and Transfers.***
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the applications to the Department of Lands and the development Applications, Contracts and Transfers.***
- 5 That subject to recommendations 1 and 2, Council authorise:***
 - Disposal of the land to one or both adjoining owners in each case at a market price based on assessment by a qualified valuer.***
 - The sale of the land be subject to a reservation in favour of Council of easement rights for access to services.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

- *In the event agreement with the adjoining property owners cannot be achieved in the terms set by Council, a further report be submitted to Council on the prospects for retention or other distribution of the land.*

580 Proposed Changes to Fire Boundaries

F2004/07097 GAW:JEM

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

- 1 That Council approve the changes to the boundary of New South Wales Fire Brigade and New South Wales Rural Fire Service as shown on the Wyong Fire District Map Number 295/06/1 (copy enclosed).***
- 2 That the Joint Fire Services Standing Committee be advised of Council's decision.***
- 3 That Council authorise the General Manager to sign all required documentation to implement Recommendation 1.***

581 Demolition of Building at North Rd and Pacific Highway, Wyong

F2006/02100 SB

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

That the building being the former Vietnam Veterans Association Hall located at Apex Park, Pacific Highway Road Reserve, Wyong be demolished and that Council authorise the making of a development application in this regard.

582 Demolition of Hall and Toilet Block at Lakeside Parade, The Entrance

F2006/02099 SB

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

- 1 That the building being the former Lapidary Club Hall and adjacent public toilet building on Lot 61 DP 24151 Lakeside Parade, The Entrance be demolished and that Council authorise the making of a development application in this regard.***

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

- 2 *That staff investigate and report back on the feasibility of changing the status of the land in terms of operational classification.*

583 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

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

That an amount of \$12,469.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

584 Minutes of the Community Benefit Grants Panel – November 21 2006

F2005/01881 JBL

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

That the reports and recommendations of the Community Benefit Grants Panel be received and the recommendations contained therein be adopted.

585 Central Coast Regional Organisation of Councils

F2004/07245 MW

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on November 9 2006 be received and the recommendations contained therein, adopted.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

586 Information Reports

F2006/00351 LC:MW

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

That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report numbers 587 and 592 be received and the information noted.

587 Annual Report to the Minister for Local Government

F2006/01580 LC

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

- 1 That the report be received and the information noted.***
- 2 That a Councillor briefing on Freedom of Information and cost involved be scheduled in the near future.***

588 Contaminated Asbestos Site

DA/1004/2004 GV:NL

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

That the report be received and the information noted.

589 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

590 General Works in Progress Report

F2004/07830 CS

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

That the report be received and the information noted.

591 Schedule Of Bank Balances And Investments – October 31 2006

F2004/06604 BB

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

That the report be received and the information noted.

592 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 SG

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

Q126 – Results of the Public Exhibition on Draft Local Environmental Plan (Amendment No 163)**Councillor Eaton**

F2004/07783

Can Council report by first meeting in March 2007 on the results of the Public Exhibition on draft Local Environmental Plan (Amendment No 163) for the Louisiana Road so called infill precinct?

Q127 – Proposed Section 94 contributions for Wyong Employment Zone (WEZ)**Councillor Eaton**

F2006/01787

Can Council confirm that the proposed Section 94 contributions for the WEZ make the project unviable?

Q128 – Star pickets presenting a danger to pedestrians/bike riders**Councillor Pavier**

F2004/00690

Can staff contact B. England at 34 Leonard Avenue, Toukley to locate the exact position of star pickets that are on a Council reserve presenting a danger to pedestrians/bike riders?

Q129 – Visitor's Centre lease at The Entrance back to Council**Councillor Pavier**

F2004/12356

When will the visitor's centre lease at The Entrance come back to Council for determination?

Q130 – Congratulate the Tidy Towns Committee**Councillor Rose**

F2004/00034

Would the Mayor write to the Gwandalan/Summerland Point Tidy Towns Committee and congratulate them on their category win and high commendations award to them at the recent NSW Tidy Towns Awards night?

Minutes of the Ordinary Meeting of Council held on December 13 2006 (contd)

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

Councillor Stewart

F2005/02352

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

Q132 – Water Tanks in Caravan Parks And Manufactured Home Villages

Councillor Best

F2004/06949

Could staff please report on this letter regarding water tanks in caravan parks and manufactured home villages by the proprietor of Bevington Shores Village?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.30 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

007 Notice of Motion – Developer’s Forum

F2004/12148 DE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 24 January 2007 he will move the following Motion:

"That Council reconvene the Developer’s Forum."

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

008 Notice of Motion – Bio Banking and Carbon Credits

F2004/09073 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 24 January 2007 he will move the following Motion:

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

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

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

F2004/07086 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 24 January 2007 he will move the following Motion:

- "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 review and implement its resolution at the 11 October 2006, item 427.*

- 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.”*

Councillor’s Note

Resolution of Council – Ordinary Meeting Held on 11 October 2006 regarding Environmental Planning and Assessment Act – Part 3A Process:

- 1 That Council note the report.

- 2 That Council consider as part of its Quarterly Reviews, the provision of up to \$110,000 funding to engage suitably qualified consultants to advise on issues such as flora and fauna, social impacts and traffic.

- 3 That in accordance with the Water Authority recommendation of September 20 2006, Gosford City Council be requested to provide 50% of the funding (ie \$55,000) in relation to engaging consultants to assist with issues affecting the Central Coast water supply, with the remaining 50% (ie \$55,000) being provided by Wyong Shire Council Water Supply Authority.

24 January 2007
To the Ordinary Meeting of Council

**Notice of Motion – Korean Coal Company Kores’ 120 Million Tonne Coal Mine
(contd)**

- 4 That Council write to the Minister for Planning detailing concerns raised by staff and the community to date, and requesting:
 - a) That an Independent Hearing and Assessment Panel be convened to provide expert advice on the project.
 - b) That the proponent be required by the Director-General to provide a “preferred” project report and a written response to all issues raised in public submissions during the exhibition period. Further, that the “preferred” project report be made public.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

010 Temporary Desalination Plant – Budgewoi Beach

DA/1667/2006

SUMMARY

An application has been received for a temporary desalination plant with a capacity of 4ML/day to be located within a coastal reserve off Budgewoi Road at Budgewoi Beach South. The application has been examined having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Wyong Shire Council
Owner	Crown Land (NSW Department of Lands)
Application No	1667/2006
Description of Land	Lot 7076 DP 755266
Proposed Development	Temporary Desalination Plant
Site Area	Compound area 1,200m ²
Zoning	6(a) Open Space and Recreation
Existing Use	Coastal Reserve adjacent to beach car park

PRECIS

As part of the Central Coast Drought Initiatives, Wyong Shire Council proposes to install temporary desalination plants at three sites within the Wyong Shire, which are:

- * Budgewoi Beach
- * Lakes Beach SLSC car park
- * Tuggerah Beach, Magenta.

This Planning Report has been prepared by Maunsell Australia Pty Ltd on behalf of Wyong Shire Council to independently assess the development application for the proposed **Budgewoi Beach Temporary Desalination Plant**. This assessment has been prepared in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Enclosure

Budgewoi Beach Planning Report

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

011 Temporary Desalination Plant – Lakes Beach

DA/1667/2006

SUMMARY

An application has been received for a temporary desalination plant with a capacity of 4ML/day to be located at the northern end of the existing Lakes Beach car park. The application has been examined having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Wyong Shire Council
Owner	Crown Land (NSW Department of Lands)
Application No	1665/2006
Description of Land	Lot 7076 DP 755266
Proposed Development	Temporary Desalination Plant
Site Area	Compound area 1,200m ²
Zoning	6(a) Open Space and Recreation
Existing Use	Car Parking (for Lakes Beach Surf Club)

PRECIS

As part of the Central Coast Drought Initiatives, Wyong Shire Council proposes to install temporary desalination plants at three sites within the Wyong Shire, which are:

- * Budgewoi Beach
- * Lakes Beach SLSC car park
- * Tuggerah Beach, Magenta.

This Planning Report has been prepared by Maunsell Australia Pty Ltd on behalf of Wyong Shire Council to independently assess the development application for the proposed **Lakes Beach Temporary Desalination Plant**. This assessment has been prepared in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Enclosure

Lakes Beach Planning Report

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

012 Temporary Desalination Plant – Tuggerah Beach, Magenta

DA/1667/2006

SUMMARY

An application has been received for a temporary desalination plant with a capacity of 2ML/day to be located within a coastal reserve off Wilfred Barrett Drive at Tuggerah Beach, Magenta. The application has been examined having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant:	Wyong Shire Council
Owner	Crown Land (NSW Department of Lands)
Application No	1668/06
Description of Land	Lot 623 DP 822104
Proposed Development	Temporary Desalination Plant
Site Area	Compound area 1,200m ²
Zoning	7(a) Conservation Zone
Existing Use	Coastal reserve adjacent to beach car park

PRECIS

As part of the Central Coast Drought Initiatives, Wyong Shire Council proposes to install temporary desalination plants at three sites within the Wyong Shire, which are:

- * Budgewoi Beach
- * Lakes Beach SLSC car park
- * Tuggerah Beach, Magenta.

This Planning Report has been prepared by Maunsell Australia Pty Ltd on behalf of Wyong Shire Council to independently assess the development application for the proposed **Tuggerah Beach Temporary Desalination Plant**. This assessment has been prepared in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Enclosure

Tuggerah Beach Planning Report

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
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**013 Exhibition of revised draft Wyong Shire Retail Strategy and
Development Control Plan 2005 - Chapter 81**

CPA/95742 LH

SUMMARY

This report provides a discussion on:

- * The history of the revised draft Wyong Shire Retail Strategy and Development Control Plan 2005 – Chapter 81;
- * Issues raised during a Councillor workshop to consider the draft documents; and
- * Recommendation to proceed to exhibition of the draft documents.

RECOMMENDATION

- 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.***

BACKGROUND

The revision of the Wyong Retail Strategy commenced through a consultancy with Leyshon Consulting in February 2006. The review included liaison with major industry representatives.

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

The recommendations of the study were reviewed in a number of internal forums and a report was presented to the 8 November 2006 Council meeting appending a draft revised Strategy. At the meeting on 8 November 2006, Council resolved the following:

- "1 That a Councillor workshop be held to discuss the draft Retail Strategy and draft Chapter 81 of Development Control Plan 2005.*
- 2 That a further report be submitted to Council following the workshop.*
- 3 That the report canvas the future of the local San Remo shops."*

The Councillor workshop was held on 13 December 2006. At the workshop Councillors identified four main issues which they believed required further addressing in the draft Retail Strategy. The issues are outlined below.

San Remo

Concern was raised regarding the viability of the local shops in Liamena Avenue, San Remo, given the recent approval of the Shopping Centre and Hotel on the Pacific Highway at San Remo. Councillors agreed that opportunities to redevelop and revitalise this area, including the potential for alternative land uses, should be investigated.

Bulky Goods

Questions were raised as to whether it would be more appropriate to concentrate the bulky goods floorspace proposed for northern Wyong in one central location, rather than dispersing the floor space over several locations. Specifically it was questioned whether residents of northern Wyong could be provided with a better range and quality of bulky goods retailing at a single larger centre than a number of smaller centres.

At present the draft Strategy recommends the provision of 8,000 square metres of additional bulky goods floorspace at the proposed Warnervale centre. Councillors questioned whether a bulky goods centre of this size would be effective in terms of the range of tenants which could be attracted to such a centre.

Pad Site Policy

It was recommended that the draft Retail Strategy should address the specific need to create an adequate number and range of so-called "pad sites" particularly in northern Wyong. Councillors considered that such sites are needed in developing areas to provide an adequate range of fast food outlets and in particular service station facilities.

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

Gwandalan/Wallarah

It was noted that since the draft Retail Strategy was prepared details have emerged of potential additional residential development at both Gwandalan and Wallarah. The Minister for Planning is considering development concepts for both areas under the auspices of "State Significant Development". These concepts could involve the substantial addition of new residential land in both locations. The potential addition of population in these two areas could give rise to additional retail floor space requirements not considered in the draft Retail Strategy to date.

These issues will be further investigated during the proposed exhibition period and reported back to Council along with the results of the exhibition.

Exhibition

This report recommends an exhibition period beyond the standard four week period due to:

- * The controversial nature of the draft strategy.
- * The complexity of the issues involved.
- * The beginning of the exhibition period falling in the holiday period.
- * The need to ensure that the exhibition includes widespread consultation with Chamber of Commerce, affected businesses and key stakeholders.

The exhibition is required to ensure opportunity for effective input into the revision of these important documents and transparency of the process.

CONCLUSION

The revision of both documents has been finalised and the next stage is to enable the public to review and comment on the documents. The above issues are to be further considered during public exhibition and reported back to Council with results of the exhibition process.

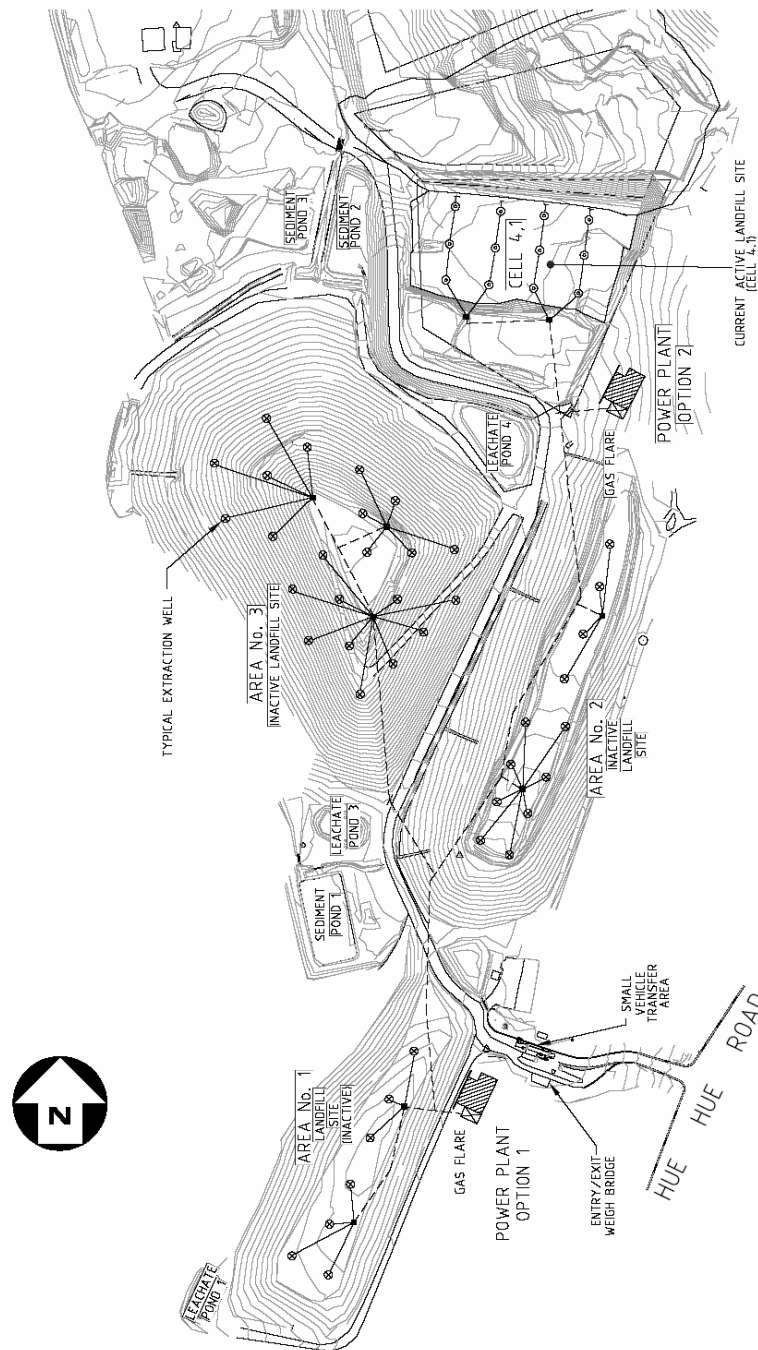
Enclosure 1
Enclosure 2

Wyong Shire Retail Strategy
Development Control Plan 2005 - Chapter 81

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014 Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (Attachment 1)

Attachment 1: Buttonderry Landfill Site – Potential Layout of Methane Gas Extraction System and Electricity generation Plant



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

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

F2004/08370 PRW:RA

SUMMARY

Report on the evaluation and selection of proposals for the Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (Contract No. 2408).

RECOMMENDATION

- 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.***

BACKGROUND

Wyong Shire Council operates and maintains the Buttonderry Solid Waste Management Facility (Buttonderry Landfill) for the receipt and disposal of waste collected throughout the Shire. The Facility commenced operation in 1989 and the site currently consists of three completed and capped cells which hold approximately 1,500,000 tonnes of waste. A fourth cell commenced operations at the start of 2004 and is expected to receive in excess of 700,000 tonnes of material. The landfill has a projected lifespan in excess of 50 years.

Decomposing landfill waste generates significant quantities of methane gas which, if allowed to escape to the atmosphere, has both environmental consequences and safety implications, if not effectively managed. Methane gas harvested from landfills has the potential to be used for the generation of electricity for sale to the power grid. To encourage the use of renewable energy, the Commonwealth Government, under the *Renewable Energy (Electricity) Act 2000*, has established rules for the creation of Renewable Energy Certificates (RECs) that are used to demonstrate compliance with the requirements of the Government's mandatory renewable energy target. RECs are created by registered persons, validated by the Office of Renewable Energy Regulated, traded between registered persons and eventually surrendered to demonstrate compliance with the requirements of the Australian Government's mandatory renewable energy target. All electricity retailers and wholesale buyers have a legal liability to contribute towards the generation of additional renewable energy.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

Electrical retailers and wholesale buyers are termed "liable parties" and can meet their legal obligations by acquiring and surrendering RECs for which they are the registered owner. If they do not meet their liabilities, then the Renewable Energy Shortfall Charge (penalty) applies. In addition, to encourage reductions in greenhouse gas emissions the NSW Government has established the NSW Greenhouse Gas Abatement Scheme (GGAS) which imposes mandatory greenhouse gas benchmarks on all NSW electricity retailers and certain other parties, known as "benchmark participants", so as to abate a portion of the greenhouse gas emissions attributable to their sales/consumption of electricity in NSW. The GGAS is administered by IPART and each calendar year benchmark participants must surrender enough New Gas Abatement Certificates (NGACs) to reduce their average emissions to their greenhouse gas benchmark. Failure to do so incurs a financial penalty.

A methane gas extraction system and electricity generation plant would be eligible for the issue of both the RECs and NGACs. Potential developers of the plant will generally seek to maximise returns by selling the electricity and the certificates as a package to an electricity retailer who is both a "liable party" and a "benchmark participant", and who can then market the electricity as "green energy" as well as satisfy their Commonwealth and State obligations.

There is currently no system for harvesting methane gas at the landfill and the development of a landfill gas to electricity project has substantial risk. The capital cost of such a development is estimated to be \$3.4 million and the revenue generated is dependent on the market for electricity and greenhouse gas certificates generated by the project. The expertise required to manage the development risks, the construction risks, the operating and commercial risks and the regulatory risks is not available within Council. Council has therefore sought proposals from selected companies, to provide a viable and economic solution for the capture and commercial utilisation of waste methane gas. Expressions of interest from suitably qualified companies were sought through public advertisement in the Sydney Morning Herald on 17 February 2004 and the Central Coast Express Advocate on 18 February 2004. The Expressions of Interest were closed in the Council's Tender Box on 25 March 2004 and following an assessment by the Evaluation Panel, the Director Shire Services approved the selection of three companies to be invited to submit proposals for the Capture and Commercial Utilisation of Landfill Gas for Buttonderry Landfill. The three selected companies were;

- * AGL Energy Services Pty Ltd (AGL)
- * Landfill Management Services Pty Ltd (LMS)
- * Energy Developments Limited (EDL)

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (contd)

To protect Council's interests, and in an effort to facilitate the tender review process, it was decided to first engage a technically and commercially competent consultant to advise on technical aspects and assist in the commercial analysis of the project. Both Lake Macquarie City Council and Newcastle City Council have recently carried out similar projects at their respective landfills and their experience showed that expert technical and commercial assistance in the evaluation of proposals was essential. In December 2004 tenders were called for the provision of expert technical and commercial advice with respect to the proposed project, but unfortunately the request for tenders failed to elicit a response that could provide the necessary level of expertise in both fields. Both Newcastle City and Lake Macquarie City Councils made use of the services of a small industry consultant, PEG Business Solutions Pty Ltd, and both indicated satisfaction with the company's input to their projects. As a small, Brisbane based consultant, PEG Business Solutions had missed the advertisements calling for tenders for the provision of expert technical and commercial advice. In March 2005 PEG Business Solutions was engaged to carry out a review and subsequent report on the landfill gas to electricity potential at Buttoderry Landfill Site, to assist in the preparation of appropriate request for tender documents and to assist in the evaluation of proposals received. In addition, solicitors Abbott Tout were also engaged to provide relevant legal advices. PEG Business Solutions was commissioned to undertake an evaluation of the potential for a landfill gas power generation project at the Buttoderry Landfill site. The consultant prepared a "desk top" model, based on the historical waste deposition profile and the current future operational plan for the landfill, to predict potential landfill gas production levels based on which a financial model to assess the financial viability of such a development was also prepared. It is to be noted that there is a number of variables which impact on the results of a "desk top" model and, until a full gas extraction system is installed and operational at the site, estimates of gas production rates cannot be confirmed. The following assumptions were made in preparing the financial model:

- a Potential developers will adopt a modular approach that is flexible and low cost, that saves on expensive civil infrastructure such as engine halls and enclosures.
- b The current industry optimum size for a modular generating engine is a 1 megawatt (MW) unit.
- c The generating engines will be run at their maximum rated capacity 24 hours per day, 7 days per week (excluding scheduled and unscheduled maintenance).
- d The engines will run for 90% of the time (in line with the operational availability maintained by most capable operators).
- e The project life is assumed to be 15 years for the purposes of the financial model.
- f Royalties payable to Council were assumed to be 15% of gross revenue.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

The analysis indicated that Buttonderry potentially produces enough landfill gas to justify the installation of a 1 MW capacity electricity generating unit and at the current deposition rates would be capable of supporting the installation of a second 1 MW unit in the near future. On the basis of the assumptions, the landfill has the current potential to generate approximately 7,900 MW hours per annum and a future capacity to generate approximately 15,800 MW hours per annum.

The consultant concluded that:

- * *Sufficient landfill gas is forecast to warrant progressing to a tender for the development of the project.*
- * *The current market for the sale of electricity and green rights arising out of the electricity generated from landfill gas makes the project an attractive proposition to a developer*
- * *Subject to the assumptions outlined in the report, Wyong Shire Council could expect 2 keys deliverables from a tender of the landfill gas rights at the Buttonderry site:*
 - *Environmental compliance for the control of the landfill gas for life of the site.*
 - *A royalty stream from a developer, which indicatively may exceed \$2.6 million over a 15 year period.*

Request for proposal documents were prepared in consultation with solicitors Abbott Tout and PEG Business Solutions, so as to appropriately take into account the unique nature of this project. The principle followed was that the additional time taken in preparing the request for proposal documents would allow better management of Council's risks and potentially shorten the tender evaluation phase.

Key requirements of the project make the successful proponent taking responsibility for:

- 1 All necessary design, construction installation, operation and maintenance of a landfill gas collection system at no cost to Council.
- 2 All the environmental approval processes, including the preparation and submission of the Development Application and Construction Certificate.
- 3 Compliance with all statutory and regulatory authority requirements.
- 4 All costs associated with the viable commercial use of methane gas.
- 5 Payment of Royalties to Council in the form of a percentage of Gross Revenue generated by the development.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

- 6 A contract period of 20 years. This allows companies a reasonable period to amortise development costs and therefore make financial projections with a level of confidence. After 20 years Council will have the option of negotiating a new contract with the company that is successful under this contract, or calling proposals for a new contract. If Council elects not to negotiate a new contract with the existing contractor, then the company must remove its electrical generating equipment from the site (it is to be noted that after 20 years the equipment will have reached the end of its operating life and have little residual value).

Council will be required to enter an agreement (Landfill Gas Agreement) in which it assigns exclusive rights to the landfill gas to the successful proponent for a period of 20 years, in return for a percentage of the gross revenue realised by the actual operating performance of the development. In order to be able to fully evaluate proposals, a Schedule of Predicted Project Performance and a draft Landfill Gas Agreement was included in the Request for Proposal documents. Each company was required to complete the Schedule of Predicted Project Performance by analysing the existing and projected future landfill operations and detailing their estimates of landfill gas likely to be produced, potential electricity generation, gross revenue derived and Council revenue on an annual basis for the next 20 years. The Request for Proposal documents also required the companies submitting proposals to review the draft Landfill Gas Agreement and to make comment of the acceptability or otherwise of the clauses set out therein.

Procurement Process

Request for Proposal documents were issued to the three selected companies under Council letterhead on 16 February 2006.

Two addenda were issued during the proposal period:

- 1 Addendum 1 provided the selected companies with an updated site survey drawing.
- 2 Addendum 2 extended the date for the closing of proposals to allow sufficient time for fully detailed proposals to be prepared.

Proposals closed at Council Chambers at 2:00pm on 30 March 2006.

The proposals received from Landfill Management Services Pty Ltd, AGL Energy Services Pty Ltd and Energy Developments Limited were all received on time.

There were no problems or issues with the receipt and registration of the proposals.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

All three companies provided a significant amount of detail in support of their proposals. Landfill Management Services and AGL Energy Services also provided additional schedules to those required setting out their predicted upper and lower levels of performance. Complex and time consuming analyses of the technical, financial and contractual implications of each of the proposals was required to ensure that Council's long term interests are properly addressed. Accordingly, the time required to complete the full evaluation significantly exceeds that which normally applies to a standard contract evaluation.

Evaluation of Proposals

Proposals were evaluated by a panel of three staff members using the following threshold and weighted criteria:

- * The proposer's ability to manage risks arising from issues such as safety and environmental impact.
Compliance with the Specification/Brief and other request for proposal requirements
- * Price and price structure; as well as any potential costs/monetary benefits to Council that may be identified.
- * Technical quality including any technical advantages of the gas collection system and proposed methodology for the design, construction, installation, operation and maintenance of the gas extraction and gas-to-energy system and potential impacts on the operation of the Buttonderry Waste Management Facility.
- * Proposed implementation programme.
- * Acceptability to Council of proposed additions/alterations to the draft Landfill Gas Agreement.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess proposals against the evaluation criteria, the panel used information obtained from the proposal documents and related correspondence, referees, external advisors and presentations made by the shortlisted proposers.

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of proposals.
- 2 Assessment of conformance of proposals.
- 3 Shortlisting of proposals.

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Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (contd)

- 4 Detailed weighted evaluation of shortlisted proposals.
- 5 Due diligence checks on preferred proposals.
- 6 Independent review of the selection process.

Assessment of Receipt

The following proposals were received.

Proposal	Proposal Offer (% Gross Revenue)	Status
1 AGL Energy Services Pty Ltd	14.8% - 19.1% stepped scale	Submitted on time
2 Landfill Management Services Pty Ltd (Conforming offer)	15% flat	Submitted on time
3 Landfill Management Services Pty Ltd (Alternative offer)	10% - 25% stepped scale	Submitted on time
4 Energy Developments Limited	7%	Submitted on time

Note 1

"Gross Revenue" includes all revenue (excluding reimbursement of GST), directly or indirectly attributable to the operation of the facility that is derived from:

- 1 Electricity generation, including sale of physical electricity, as well as any other associated benefits such as network benefits
- 2 Sales or other dealings in renewable energy certificates (RECs) arising from the potential eligibility of the Facility under the *Renewable Energy (Electricity) Act 2000 (Cth)*
- 3 Sales or other dealings in NSW Greenhouse Abatement Certificates (NGACs) arising from the potential eligibility of the Facility under the *Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Act 2002 (NSW)*
- 4 Sales or other dealings in any other green, carbon or carbon dioxide credits, offsets or other commodities arising from the operation of the facility.

Note 2

Under the terms of the Contract, the Contractor is required to make monthly payments to Council, in arrears, based on the actual revenue generated. Each monthly payment is to be accompanied by a report providing details of the amount and nature of the revenue derived and how the royalty payment was calculated.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (contd)

Council has the right to audit the Contractor's calculation of the royalty payments and may, on reasonable notice, enter the Contractor's premises and review all relevant records to do so. This method of determining the royalties that are payable to Council is the industry standard and was recommended by Council's consultant engaged to provide technical and commercial advice so as to ensure that the project risks are appropriately attributed, there are the necessary incentives to maximise the financial returns to both parties. Abbott Tout has reviewed the terms and is satisfied that Council's legal interests are appropriately protected. Abbott Tout prepared the draft Landfill Gas Agreement that forms part of the Request for Proposal documents and the terms are included in that draft agreement.

All proposals were progressed to an assessment of conformance.

Assessment of Conformance

The proposals were assessed for conformance with the general tender requirements, including the specification. All proposals conformed to the Request for Proposal requirements and were progressed to the next stage of evaluation.

Shortlisting

All three proposals provided estimates of the financial return to Council based on the percentage of gross return specified in their proposals. AGL Energy Services and Landfill Management Services based their estimates on their assessed maximum and minimum quantities of methane gas expected to be extracted from the landfill. The predicted financial returns to Council over the 20 year life of the proposed agreement were as follows:

Proposal	Royalty Payment (% of Gross Revenue)	Predicted Return to Council over 20 years (\$minimum - \$maximum)
1 AGL Energy Services Pty Ltd	Stepped scale from 14.8% to 19.1%	\$1,815,000 - \$3,955,000
2 Landfill Management Services Pty Ltd (Conforming offer)	15%	\$3,234,255 - \$6,673,667
3 Landfill Management Services Pty Ltd (Alternative offer)	Stepped scale – not specified but example quoted of: * 10% for 1 st 1.1 MW * 20% for 2 nd 1.1 MW * 25% for 3 rd 1.1 MW	Not provided in the proposal and it is not possible to properly extrapolate the possible returns from the details available.
4 Energy Developments Limited	7%	\$1,098,555 (no upper and lower estimate provided)

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (contd)

Although the three proposals submitted demonstrated similar qualities with respect to the non-price criteria, Proposal No.1 (AGL Energy Services) and Proposal No. 2 (Landfill Management Services) were significantly superior with respect to the predicted financial return to Council. The Tender Evaluation Panel considered that further evaluation of the proposal from Energy Developments Limited would not change its relativity with Proposals 1 and 2 and consequently only Proposal No. 1 (AGL Energy Services) and Proposal No. 2 (Landfill Management Services) were shortlisted for a weighted evaluation.

Clarification of Shortlisted Proposals

To better understand the details of each of the proposals shortlisted, the Tender Evaluation Panel sought clarification on a number of identified elements of each proposal.

Clarification of the following matters was sought from AGL Energy Services:

- 1 The form of the offer, particularly how the proposed stepped scale would be applied.
- 2 Plans for Buttoderry Landfill include the potential installation of alternative waster treatment facilities to reduce the quantity of organic material being sent to the landfill and this was reflected in request for proposal documents. The reduction of organic material has the potential to reduce the quantity of methane gas produced in the landfill and thus the quantity of electricity generated and the consequent financial returns. AGL was asked to advise the impact on predicted project performance if alternative waste treatment facilities were installed earlier than the predicted date.
- 3 If augmentation of the existing power lines to the site is required to connect the proposed development, their proposal does not allow for any costs that might arise if augmentation is necessary.
- 4 Proposed changes to the terms of the draft Landfill Gas Agreement that was included with the Request for proposal documents.

AGL Energy Services responded as follows;

- 1 An accurate assessment of the generation capacity could only be calculated after the initial gas proving phase (up to 26 weeks). For gas to energy installations of this type, electricity generation equipment is generally installed in modules (say 1 MW units) depending on the amount of methane gas being produced. The stepped scale percentage of Gross Revenue is based on the number of modules of generation equipment installed. Thus 14.8% would apply if only a 1 MW module was installed and 19.1% would apply if 2 MW of electricity generation capacity was installed.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

- 2 The earlier introduction of alternative waste treatment facilities and the consequent reduction in the amount of methane gas generated would necessitate a reduction in royalty payment to 8.2% of gross revenue for the remainder of the contract term, after its introduction.
- 3 Although AGL Energy Services did allow for the electrical connection costs from the plant to Energy Australia's network, they did not include any costs for the network augmentation that may be required by Energy Australia. AGL will subsequently reduce its Gross Revenue offered to Council by 0.85% for each \$50,000 of the augmentation costs.
- 4 AGL Energy Services indicated that it required all of the above conditions to be included in the Landfill Gas Agreement and confirmed by email received by Council on 8 May 2006.

Clarification of the following matters was sought from Landfill Management Services Pty Ltd:

- 1 The form of the offer, particularly the alternative offer of a stepped percentage of gross revenue.
- 2 Predicted project performance taking into account the early introduction of alternative waste treatment facilities.
- 3 Design of the proposed installation
- 4 Acceptability of the draft Landfill Gas Agreement, attached to the Request for Proposal documents.

Landfill Management Services Pty Ltd responded as follows:

- 1 The alternative stepped scale of the percentage of gross revenue was based on the size of electricity generation capacity installed. The conforming offer of 15% of gross revenue would apply regardless of the size of electricity generation capacity installed.
- 2 The offer of 15% Gross Revenue will not be affected by the early introduction of alternative waste treatment facilities at the landfill.
- 3 The draft Landfill Gas Agreement was generally acceptable and only minor amendments were foreshadowed.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

Weighted Evaluation

Based on the information provided, the two conforming proposals were assessed with respect to predicted gross return to Council and weighted evaluation of the specified non-price criteria. For the comparison of financial returns, the mean of the upper and lower amounts (totalled over the 20 year lifespan of the proposed agreement) of each of the proposals was calculated and compared with the pre-tender estimate prepared by PEG Business Solutions. The alternative offer from Landfill Management Services Pty Ltd was not considered because of the lack of definitive information that would allow a proper comparison. The proposal from AGL Energy Services was adjusted to reflect the impact of the early introduction of alternative waste treatment facilities at the landfill. A detailed financial income analysis of the two proposals is included at Attachment 2. A summary of the evaluation results was as follows:

Proposal	Total Estimated Royalties (over 20 yrs)	Estimated Royalties per Year	Weighted Evaluation Score	Ranking
AGL Energy Services Pty Ltd (Original Proposal)	\$2,882,500	\$144,125	61	2
AGL Energy Services Pty Ltd (Adjusted Proposal)	\$1,774,570	\$88,729	46	3
Landfill Management Services Pty Ltd (Conforming offer)	\$4,953,961	\$247,698	93	1

The conforming proposal submitted by Landfill Management Services Pty Ltd to provide a revenue stream of 15% of gross revenue to Council is the best ranked proposal and potentially provides higher financial returns to Council than that submitted by AGL Energy Services Pty Ltd.

Landfill Management Services Pty Ltd has demonstrated extensive experience in projects of similar nature in New South Wales, Queensland, South Australia, the Northern Territory and Western Australia and currently has contracts for the extraction of methane gas at landfill sites at Lake Macquarie, Newcastle and Maitland. The company is familiar with the requirements for the design, construction installation, operation and maintenance of a landfill gas collection system including the environmental approval process whilst satisfying all governing regulatory bodies with comparable commercial schemes. It offers full in-house services for design and installation of extraction, flaring and electrical generation equipment as well as for the operation, management of the installation.

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (contd)

The draft design submitted by Landfill Management Services Pty Ltd shows a significantly lower number of extraction wells (compared to the other tenderers) over the landfill area. Consequently its design has less impact on the operational requirements of the ongoing active landfill cells.

Based on the data provided in their Schedule of Predicted Project performance, Landfill Management Services estimates that the immediate electricity production capacity of the landfill is between 9,000 to 18,000 megawatt hours per annum (the upper and lower assessment of project performance). For comparative purposes, 9,000 megawatts per annum is equivalent to the power consumption of approximately 1000 homes or a 4 ML/day desalination plant.

Due Diligence

Proposal No. 2 (Landfill Management Services Pty Ltd) was subjected to an assessment of the safety/environment system as described in its proposal and referee checks were carried out.

Referees nominated within the Proposal were contacted and the overall response was that Landfill Management Services Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Landfill Management Services Pty Ltd is a South Australian company with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health and Safety and Rehabilitation Management and Environmental Management systems as detailed within this report. The amount tendered by LMS aligns with Council's pre-tender estimate (as indicated by independent expert PEG Business Solutions Pty Ltd) of Gross Revenue and is considered to represent a reasonable return to Council.

An independent financial assessment by Kingsway Financial Services has been carried out on Landfill Management Services Pty Ltd and the results indicate that the company is financially capable of undertaking the project.

Process Review

This evaluation process and recommendations have been endorsed by the Manager – Contract Systems.

The procurement process has been carried out in accordance with Section 55 of the *Local Government Act 1994* and the associated Local Government tendering regulations.

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill (contd)

BUDGET

The contract will result in a potential revenue stream to Council, at no cost to Council.

TIME-FRAME

Key target dates for the project are:

Execute Landfill Gas Agreement	31 March 2007
Install Gas Flare	30 September 2007
Gas Field Verification	31 December 2007
Install Engines and Commission Commercial Operation (Note that income is not generated and therefore royalties to Council will not start to accrue until after the facility commences commercial operation)	31 December 2008

LOCAL CONTENT

Establishment of the methane gas extraction system and gas to energy operation is specialised work undertaken by Landfill Management Services' own resources. Operation of the gas to energy plant is essentially an automated activity requiring little resource input other than specialist maintenance.

Attachment 1
Attachment 2

Buttonderry Landfill Site (1 page)
Detailed Financial Income Analysis (1 page)

Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttoderry Landfill (Attachment 2)

Attachment 2: Detailed Financial Income Analysis

ESTIMATED COUNCIL ROYALTY (A\$2005)					Effect of the introduction of alternative waste technology in 2012 to AGL's Proposal		
Year	LMS	LMS (cum)	AGL	AGL (cum)	Gross Revenue %	Council Royalty	Council Royalty (cum)
2009	\$249,051	\$249,051	\$40,000	\$40,000	17.02%	\$40,000	\$40,000
2010	\$253,615	\$502,666	\$197,500	\$237,500	17.40%	\$197,500	\$237,500
2011	\$257,929	\$760,595	\$192,500	\$430,000	17.58%	\$192,500	\$430,000
2012	\$258,614	\$1,019,208	\$187,500	\$617,500	17.52%	\$187,500	\$617,500
2013	\$260,816	\$1,280,024	\$182,500	\$800,000	17.63%	\$182,500	\$800,000
2014	\$264,639	\$1,544,663	\$175,000	\$975,000	8.20%	\$82,410	\$882,410
2015	\$267,248	\$1,811,911	\$170,000	\$1,145,000	8.20%	\$79,540	\$961,950
2016	\$268,478	\$2,080,389	\$165,000	\$1,310,000	8.20%	\$77,080	\$1,039,030
2017	\$264,017	\$2,344,405	\$160,000	\$1,470,000	8.20%	\$74,210	\$1,113,240
2018	\$259,345	\$2,603,750	\$152,500	\$1,622,500	8.20%	\$71,750	\$1,184,990
2019	\$254,977	\$2,858,727	\$147,500	\$1,770,000	8.20%	\$69,700	\$1,254,690
2020	\$251,739	\$3,110,466	\$142,500	\$1,912,500	8.20%	\$67,240	\$1,321,930
2021	\$247,414	\$3,357,880	\$135,000	\$2,047,500	8.20%	\$64,370	\$1,386,300
2022	\$242,844	\$3,600,724	\$132,500	\$2,180,000	8.20%	\$62,320	\$1,448,620
2023	\$238,132	\$3,838,856	\$130,000	\$2,310,000	8.20%	\$59,860	\$1,508,480
2024	\$233,300	\$4,072,156	\$125,000	\$2,435,000	8.20%	\$57,400	\$1,565,880
2025	\$228,368	\$4,300,524	\$120,000	\$2,555,000	8.20%	\$55,350	\$1,621,230
2026	\$223,292	\$4,523,816	\$112,500	\$2,667,500	8.20%	\$53,300	\$1,674,530
2027	\$217,623	\$4,741,438	\$110,000	\$2,777,500	8.20%	\$51,250	\$1,725,780
2028	\$212,523	\$4,953,961	\$105,000	\$2,882,500	8.20%	\$48,790	\$1,774,570
					average royalty = 10.51%		

Notes

* The above figures are estimated projected values ONLY and based on desk top calculations.

* The above figures are an average of the high and low projections from each developer.

* The above figures are in A\$2005 and based on a discount rate of 7% per annum.

* LMS figures based on a flat 15% Gross Revenue.

* AGL figures based on a stepped rate of 14.8% - 19.1% Gross Revenue.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

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

F2004/09609 CB:LD

SUMMARY

Evaluation and selection of tenders for Contract No. CPA 113410 – Wyong Performing Arts Centre – Business Plan & Design Brief.

RECOMMENDATION

- 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.***

BACKGROUND

At its meeting on 23 August 2006 Council resolved as follows:

- “1 *That Council develop an arts centre for a diversity of cultural uses but focusing on the performing arts, as outlined in the report.*
- 2 *That Council establish the proposed Performing Arts Centre at site Option 1 (River Road).*
- 3 *That Council commission a detailed business plan and concept design for the proposed Performing Arts Centre.”*

This report relates to the third of these resolutions, the commissioning of a detailed business plan and concept design for the proposed Performing Arts Centre.

The scope of work for the consultancy consists of two main stages:

- 1 Development of a detailed business plan for the Performing Arts Centre that establishes a vision and the management and program model and operational budget for the Centre as well as a capital funding strategy.
- 2 Development of a detailed design brief for the Centre informed by the Business Plan.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

The successful completion of this consultancy will allow Council to move forward with a clear understanding of the:

- * range of activities that will occur in the centre.
- * detailed design brief for the centre on the preferred site including internal spaces and relationships with surrounding sites. *
- * management structure and business plan to efficiently and effectively maintain the facility and integrate it with the cultural development of the Shire and the region.
- * financial implications, both capital and operational, of establishing the Centre.
- * options for funding, operating and maintaining the Centre.

NOTE: The design brief is the first step in arriving at the architectural design and development application for the Centre. The detailed design will be the subject of a further consultancy.

The project requires knowledge, understanding and experience in the following areas:

- * The performing arts sector in Australia, including knowledge of a range of Australian performing arts centres.
- * Management of community and professional theatre.
- * The role of arts in community and economic development.
- * Business planning for a performing arts enterprise.
- * Financial management in the context of a cultural facility.
- * Architectural design and construction budgeting
- * The local government environment and process
- * Community consultation.

TENDER PROCESS

Expressions of Interest were publicly advertised in *The Sydney Morning Herald*, *The [Newcastle] Herald* and *Central Coast Express Advocate*, commencing 3 October 2006. Expressions of Interest closed on 26 October 2006. Seven Expressions of Interest were received. There were no problems with receipt and registration of these.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

The seven respondents proceeded to weighted evaluation of which five firms rated significantly higher than the other two. This was due to more substantial strategic and operational experience of planning and management in the cultural and performing arts sector and more extensive specialist experience in the design of performing arts facilities. The five highest scoring firms were recommended to be invited to tender for the Business Plan and Design Brief for the Wyong Performing Arts Centre, as follows:

- * Creative Thinking-Positive Solutions
- * KPMG
- * Tanner Architects
- * Sutera Architects
- * Root Projects Australia

The following two firms were not invited to submit a tender:

- * Schreiber Hamilton did not provide evidence of the necessary strategic business planning and management skills and experience in the performing arts context, a key aspect of this project, in spite of experience of development and design of performing arts facilities, and extensive technical operations and production experience.
- * PTW did not demonstrate adequate hands-on management skills and experience in a performing arts context and evidence of business planning skills and experience in the relevant areas as stated are relatively slight.

Invitations to tender were issued on Tuesday 14 November 2006. The following addenda were issued to all prospective tenderers during the invitation period.

- 1 Tender Addendum No 1 (issued 27 November 2006) responded to a number of tender queries.
- 2 Tender Addendum No 2 (issued 4 December 2006) clarifying meeting and consultation requirements.

Tenders closed at Council Chambers at 2:00pm on 7 December 2006. Submissions were received from all five consultants invited to tender.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of five staff members (three of which were from a unit other than the one managing the procurement process) using the following threshold and weighted criteria.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

Threshold Criteria:

- * Conformance with the requirements of the tender documents.
- * Ability to manage risk, eg safety and environmental risk.

Weighted criteria:

- * Price.
- * Knowledge, understanding and experience of the performing arts sector in Australia, both community and professional, including emerging trends, and understanding of the role of the arts in community and economic development.
- * Demonstrated ability in business planning and management for performing arts enterprises with both community and professional involvement, including the ability to develop management and programming models and operational budgets and to manage a sustainable arts enterprise.
- * Relevant qualifications in the discipline of architecture and demonstrated ability to design a functional arts facility that meets or exceeds expectations in use
Demonstrated ability to develop a detailed Design Brief for the Proposed Performing Arts Centre.
- * Capacity to dedicate adequate resources to meet the tendered design program.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Planning prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents, expressions of interest documents and related correspondence, referees, and external advisors.

The evaluation was conducted according to the following process:

- 1 Assessment of receipt of expressions of interest.
- 2 Assessment of conformance of expressions of interest.
- 3 Shortlisting of expressions of interest.
- 4 Due diligence checks on shortlisted expressions of interest
- 5 Assessment of receipt of tender/s.
- 6 Assessment of conformance of tender/s.
- 7 Detailed weighted evaluation shortlisted tender/s.
- 8 Further due diligence checks on preferred tenderer/s.
- 9 Independent review of the tender selection process (if the recommended tender exceeds \$150K).

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

Assessment of Receipt

The following tenders were received.

Tender	Tendered Lump Sum (ex GST)	Tendered Lump Sum (incl. GST)	Status
Tanner Architects	\$190,616	\$209,677	Received on Time
Creative Thinking – Positive Solutions	\$137,940	\$150,653	Received on Time
Root Projects Australia	\$136,268	\$149,895	Received on Time
Suters Architects	\$118,305	\$130,135	Received on Time
KMPG	\$200,389	\$220,428	Received on Time

All tenders received were progressed to an assessment of conformance.

Assessment of Conformance

Assessment of conformance was conducted on the following basis:

The tenderers ability to manage risks arising from issues such as safety and environmental impact. Ability to manage risks arising from issues such as safety and environmental impact was assessed at the Expressions of Interest stage. All firms demonstrated having an OH&S Management System and quality assurance measures appropriate to tasks required for the project

Compliance with the Brief. All respondents demonstrated an understanding of the work required by Council. All respondents provided a methodology and timeline that reflected the tasks outlined in the brief and that broadly adopted an acceptable approach. The statements of methodology ranged from adequate to superior.

Other tender requirements –supply all information requested in Schedules 3.1 through 3.8 in the request for tender. All schedules were completed, with minor departures noted by three of the tenderers.

There were no major non-conformances or departures but all tenders contained minor non-conformances. These related mainly to evidence of adequate Public Liability and Professional Indemnity Insurance on the part of sub-contractors. This has been resolved by requesting copies of certificates of currency. Tenders conformed in other respects with the criteria.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

Creative Thinking – Positive Solutions holds \$2M Professional Indemnity insurance in its capacity as the consultant responsible for the Business Plan. Whilst the consequences of a poor outcome could be significant, the likelihood of this occurring given the credentials of the consultant rates as unlikely or rare. On the basis of advice provided by Council's insurance controller the risk rating is computed as low and the minimum level of cover required is \$2M. The architectural firm for this team – Williams Ross Architects – conforms with the standard level of cover required by the request for tender.

Weighted Evaluation

A full weighted evaluation was conducted at the Expression of Interest stage, based on the non-price criteria. To this was added the tender price to arrive at the Weighted Evaluation Score indicated in the following table.

Tender Number (in order received)	Tender	Adjusted Lump Sum (Ex. GST)	Weighted Evaluation Score
2	Creative Thinking – Positive Solutions	\$139,440	89
4	Suters Architects	\$119,805	86
3	Root Projects Australia	\$137,768	77
1	Tanner Architects	\$192,116	72
5	KPMG	\$201,889	70

Note: All tenders were adjusted up by \$1,500 to cover the estimated fee payable to Darkinjung Local Aboriginal Land Council for their involvement in the Aboriginal Heritage study.

Recommended Tender

The two top scoring tenders are relatively close Tender number 2 (Creative Thinking - Positive Solutions) is the highest scoring tender with a score of 89 in a range of 70 - 89. Evaluation panel members agree that, on balance, this tender represents the best value-for-money for Council.

The planning and design of performing arts centres is a specialised field with a relatively small field of consultants and sub-contractors to call upon. Accordingly in the five teams proposed for the project, some consultants (both in design and in operation of performing arts centres) appeared more than once.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

The recommended team, lead by Creative Thinking – Positive Solutions, combines a lead consultant recognised as a national industry leader in business planning and management of performing arts centres and an architectural consultancy – Williams Ross Architects – that is similarly a recognised national industry leader in their field of designing performing arts centres of all sizes and types. Independently these two firms have a depth and wealth of experience in the performing arts sector.

Creative Thinking-Positive Solutions have extensive experience in feasibility, business planning and design planning. The Principal, David Fischel, who would conduct the core work for the business planning phase of the consultancy, has 29 years of experience in theatre and the arts, in both operational and strategic roles. The firm has conducted work of a similar nature to that required by Wyong Shire Council for the following operational centres– Brisbane Powerhouse, Moonee Ponds Clocktower, Joan Sutherland Performing Arts Centre, Marborough “Broglia” Theatre and Katherine Regional Cultural Precinct; and for the following venues that are being developed – Cairns Regional Performing Arts Centre, Bendigo Capital Theatre and Gallery, Redland Performing Arts Centre, Oamaru Opera House and National Glass Centre, ACT.

Creative Thinking – Positive Solutions submitted a particularly detailed and robust statement of methodology that bears out the high scores that this team achieved in the expressions of interest stage and that inspires confidence in their ability to achieve a superior outcome for Council. In particular, the methodology demonstrated a thorough understanding of the business plan as the essential foundation for a functional arts centre.

In the case of Williams Ross Architects, it may be said that partner Virginia Ross has literally “written the book” on how to plan the design of a performing arts centre, having conducted a benchmarking study for ArtsVictoria that involved an assessment of every performing arts centre in Victoria leading to publication of “O, you beautiful stage”, an industry recognised text for the design of performing arts centres.

Williams Ross Architects are specialist design consultants for performing art venues, galleries and cultural centres. They have been involved in the feasibility assessment, design and development of 20 cultural and performing arts facilities in Australia and New Zealand as well as having direct management experience of arts organisations and facilities. Representative examples include: The Drum Theatre, Dandenong (\$13 million); Malthouse Theatre, Melbourne (\$27 million); Mansfield Community Arts Centre, Victoria; and Belconnen Community Arts Centre, ACT (\$15 million). Hence, they have a thorough understanding and working knowledge of how design requirements and solutions are crucial in establishing a well-founded basis for the functional effectiveness, operation and long term viability of a performing arts facility.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

The experience and knowledge of Williams Ross Architects, and the high level of Director involvement from Virginia Ross, is considered highly desirable in the development of a detailed design brief for the Wyong Performing Arts Centre, reinforcing the key point of difference between the first and second ranked tenders.

Other Tenders

The second ranked tender, and lowest quote, is from Suters Architects. Suters has combined with Creative Thinking-Positive Solutions who would undertake the business plan stage.

The combination of two industry leaders in the highest ranked tender is the chief point of difference between the Creative Thinking – Positive Solutions/William Ross Architects team and the second ranking team of Suters Architects/Creative Thinking-Positive Solutions. Whilst Suters has relevant experience in the design and redevelopment of performing arts facilities this experience is less extensive than that of Williams Ross Architects.

Suters work is across a wide range of design and development projects including residential, commercial, civic and community/cultural projects. Their recent cultural experience as indicated in the submission extends to the design, documentation and contract administration for extensions to the Joan Sutherland Performing Arts Centre, Penrith (\$14 million); design documentation and contract administration for refurbishment of the Civic Playhouse, Newcastle (\$2 million); and a small art gallery (\$1.2 million) at Muswellbrook.

Both Creative Thinking-Positive Solutions and the third ranked tender Root Projects Australia submitted a similar price to undertake the scope of works for the consultancy. Whilst it is recognised that Root Projects Australia displays a clear understanding of the process required and is undertaking similar work for Port Macquarie-Hastings Council, the combination and experience of the Creative Thinking-Positive Solutions and Williams Ross Architects team is again the key point of difference between these two tenders.

Tanner Architects, the fourth ranked tender, cited 3 recent performing arts centre projects including the extensions to Campbelltown Arts Centre. The theatre management consultancy Pegasus, included in the team for the purpose of development of the business plan, has strong experience in performing arts centre management. However, this tender is significantly higher priced than the 3 higher ranked tenders without demonstrating superior qualifications and experience to the team proposed by Creative Thinking – Positive Solutions.

Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

KPMG, the fifth ranked tender, demonstrates experience in the design and development of a number of high profile performing arts centres and includes Williams Ross Architects (also in highest ranked team). However, this tender is significantly higher priced than the 3 highest ranked tenders without demonstrating superior qualifications and experience to the team proposed by Creative Thinking – Positive Solutions. This tender provided the least detailed statement of methodology.

Due Diligence - Referee Checks

Referee checks of all five tenderers were conducted at the Expressions of Interest stage. Further referee checks were conducted at the tender stage to elicit further information particularly of a technical nature relating to development of the design brief. These investigations indicate that the recommended consultants are held in high regard in the performing arts industry and have successfully conducted relevant projects in line with information provided in the submission.

Process Review

This evaluation process and recommendations have been endorsed by the Manager – Contract Systems.

BUDGET

The budget for this consultancy is to be sourced from Section 94 contributions funds as per the budget variation report to the Finance and Audit Committee on 8 November 2006: 2006/2007 Management Plan – September 2006 Quarterly Review.

TIME-FRAME

The consultancy program is 15 weeks in duration. The duration excludes public holidays and the agreed nominated Christmas shut down period. Scope of works will commence upon receipt of Council's Letter of Acceptance. Draft Business Plan and Design Brief for Council's review will be completed within 12 weeks duration from the date of the Letter of Acceptance.

LOCAL CONTENT

N/A

24 January 2007
To the Ordinary Meeting of Council

Director's Report
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Wyong Performing Arts Centre – Business Plan and Concept Design Tender (contd)

CONCLUSION

Tender number 2 from Creative Thinking – Positive Solutions is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council.

Enclosure

Tender Evaluation (distributed under separate cover)

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

016 Sale of Properties for Overdue Rates

F2006/02184 JT:ED

SUMMARY

Properties detailed in this report are proposed to be sold for non payment of rates.

RECOMMENDATION

- 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.*

BACKGROUND

As at 30 November 2006 the properties listed on the attached schedule are eligible to be sold in 2007 for overdue rates in accordance with the provisions of Section 713 of the *Local Government Act 1993*.

Total value of rates outstanding on the above properties is \$408,174.22.

To proceed with the sale Council is required to make the following resolutions:

- 1 That the land be sold for overdue rates in accordance with Section 713 of the *Local Government Act 1993*.
- 2 That a time and place for the sale of land is fixed.
- 3 That an auctioneer be appointed.
- 4 That the General Manager be authorised to sign and seal all documents associated with the sale.

Sale of Properties for Overdue Rates (contd)

It is recommended the Auction be held on Saturday 19 May 2007 in Wyong Shire Council's Administration Building.

Based on previous experience with sale for unpaid rates some properties may be withdrawn from the sale process due to rates being paid between the time the properties are advertised and the actual sale date. No accurate estimation can therefore be given as to how many properties will actually proceed to sale.

Attachment 1

Land proposed to be sold for overdue rates in 2007 (2 pages)

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Sale of Properties for Overdue Rates (Attachment 1)

Land proposed to be sold for overdue rates in 2007

Assessment No	Ownership Details	Property Details	Amount Outstanding
347.5	Sydney McDonald Pooley	Lot 432 DP 29539 51 Katoomba Avenue San Remo	\$ 14,187.97
574.4	Mabel Buchanan	Lot 196 DP 25356 151 Pacific Hwy East Charmhaven	\$ 8,751.24
592.6	Ivan Maras	Lot 221 DP 28798 74 Liamena Avenue San Remo	\$ 21,345.30
1732.7	Keith Elvin Paterson	Lot 26 DP 223805 Lot 27 DP 223805 51 to 53 Cornwall Avenue Gorokan	\$ 47,888.15
2895.1	Phylston Pty Ltd	Lot 54 DP 31322 14 Lakeshore Avenue Chain Valley Bay	\$ 28,490.37
12279.6	Stuart William Miller	Lot 25 DP 28400 149 Lake Road Tuggerah	\$ 11,378.95
38688.8	Maureen Patricia Moore	Lot 100 DP 26394 8 Reynolds Road Noraville	\$ 30,125.82
4409.9	Kevin Allen	Lot 45 DP 201943 39 Teragalin Drive Chain Valley Bay	\$ 12,179.05
10160	Kevin Allen	Lot 754 DP 31892 128 Emu Drive San Remo	\$ 11,865.21
40296.6	Kevin Allen	Lot 36 DP 12003 Lot 36 Glenning Road Glenning Valley	\$ 19,672.23
41963	Kevin Allen	Lot 135 DP 30813 57 California Circle Tuggerah	\$ 4,140.68

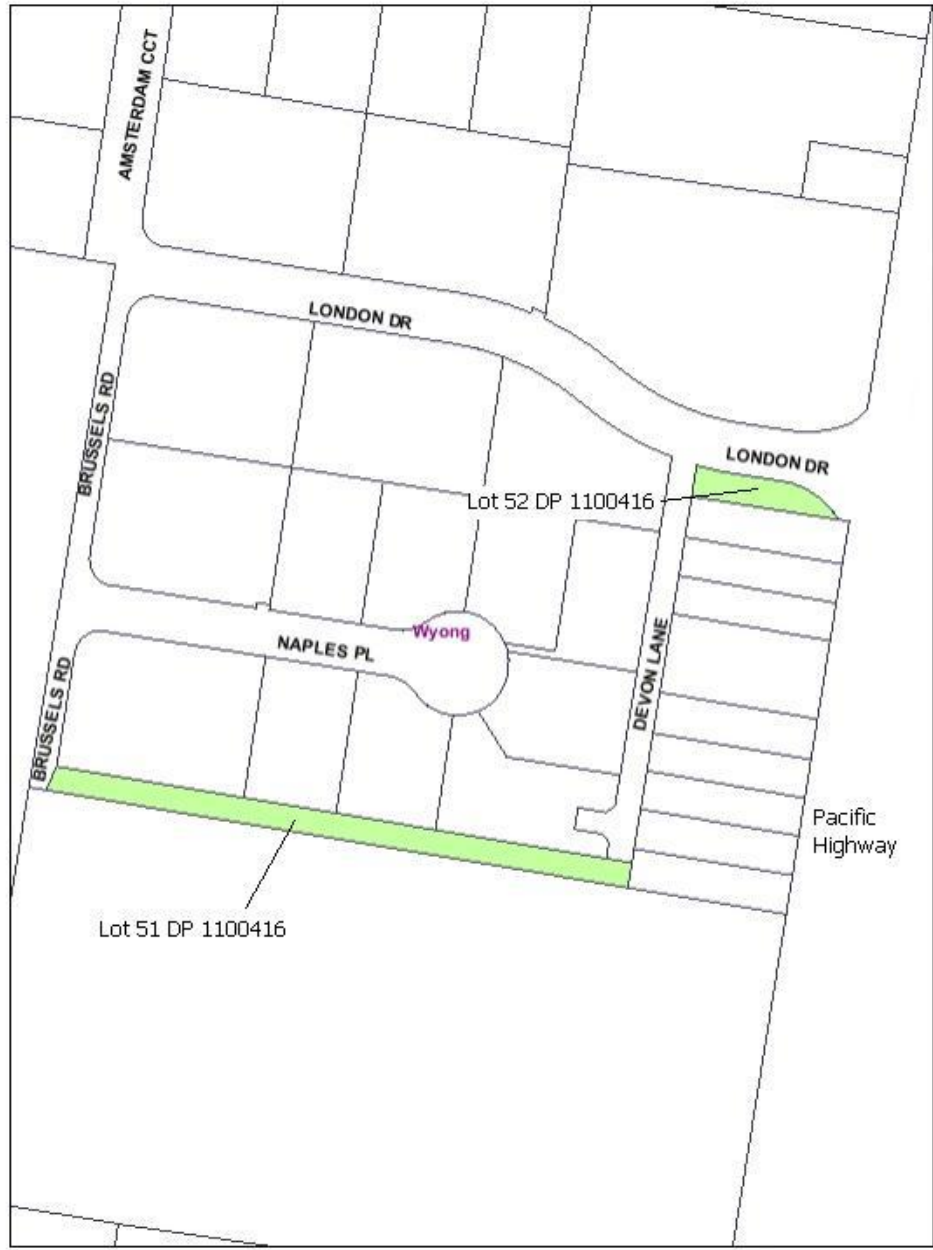
Sale of Properties for Overdue Rates (Attachment 1) (contd)**Land proposed to be sold for overdue rates in 2007**

Assessment No	Ownership Details	Property Details	Amount Outstanding
40971.4	Antonio D'Ambrosio	Lot 63 DP 220400 36 Campbell Parade Mannering Park	\$ 19,308.88
41366.6	Allan Jeffrey Canning	Lot 70 DP 217918 18 Kemira Avenue Lake Munmorah	\$ 28,814.43
65628	June Dorothy McCurdy	Lot 67 DP 4008 131 Church Road Tuggerah	\$ 12,783.30
69884.5	Alriay Pty Ltd	Lot 120 DP 550777 Lot 21 DP 27791 124 to 126 Wyong Road Killarney Vale	\$ 44,705.23
25352.6	Garry Allan Maytom	Lot 11 DP708198 70 Glenning Road Glenning Valley	\$ 17,560.07
11436.3	William Edward Stebbing	Lot 8 DP 264573 5 Moran Road Buff Point	\$ 11,601.05
35568.5	Russell Thomas Stanford	Lot 3 Sec H DP 25428 77 Evans Road Noraville	\$ 14,104.73
33049.8	Kenneth Owen Harder	Lot 2 DP576922 45 Richardson Road San Remo	\$ 9,095.76
75507.4	Est Late Albert Hamlyn Warner	Lot 1 DP 130423 192 Virginia Road Hamlyn Terrace	\$ 1,101.18
43859.8	Trustees Union Church	Pt Lot 23 Sec 27 DP 4460 23 Wolseley Avenue Tacoma	\$ 39,074.62

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**017 Dedication of Land at 480-500 Pacific Highway, Wyong being
 Lots 51 and 52 in Deposited Plan 1100416 (Attachment 1)**

Plan showing the land to be classified



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
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**017 Dedication of Land at 480-500 Pacific Highway, Wyong being
 Lots 51 and 52 in Deposited Plan 1100416**

DA/ 651/1993/D SCB

SUMMARY

Authority is sought to classify Lots 51 and 52 in DP 1100416 as Operational Land.

RECOMMENDATION

- 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.***

BACKGROUND

Lots 51 and 52 in DP 1100416 in a subdivision at 480-500 Pacific Highway, Wyong (north) has been dedicated to Council by Eaton & Sons Pty. Limited as Drainage Reserve from the plan of subdivision pursuant to a condition of consent.

Lot 51 DP 1100416, Brussels Road, Wyong is 2,192 square metres and is zoned 4A General Industrial Zone.

Lot 52 DP 1100416, Devon Lane, Wyong is 572.9 square metres and is zoned 4A General Industrial Zone.

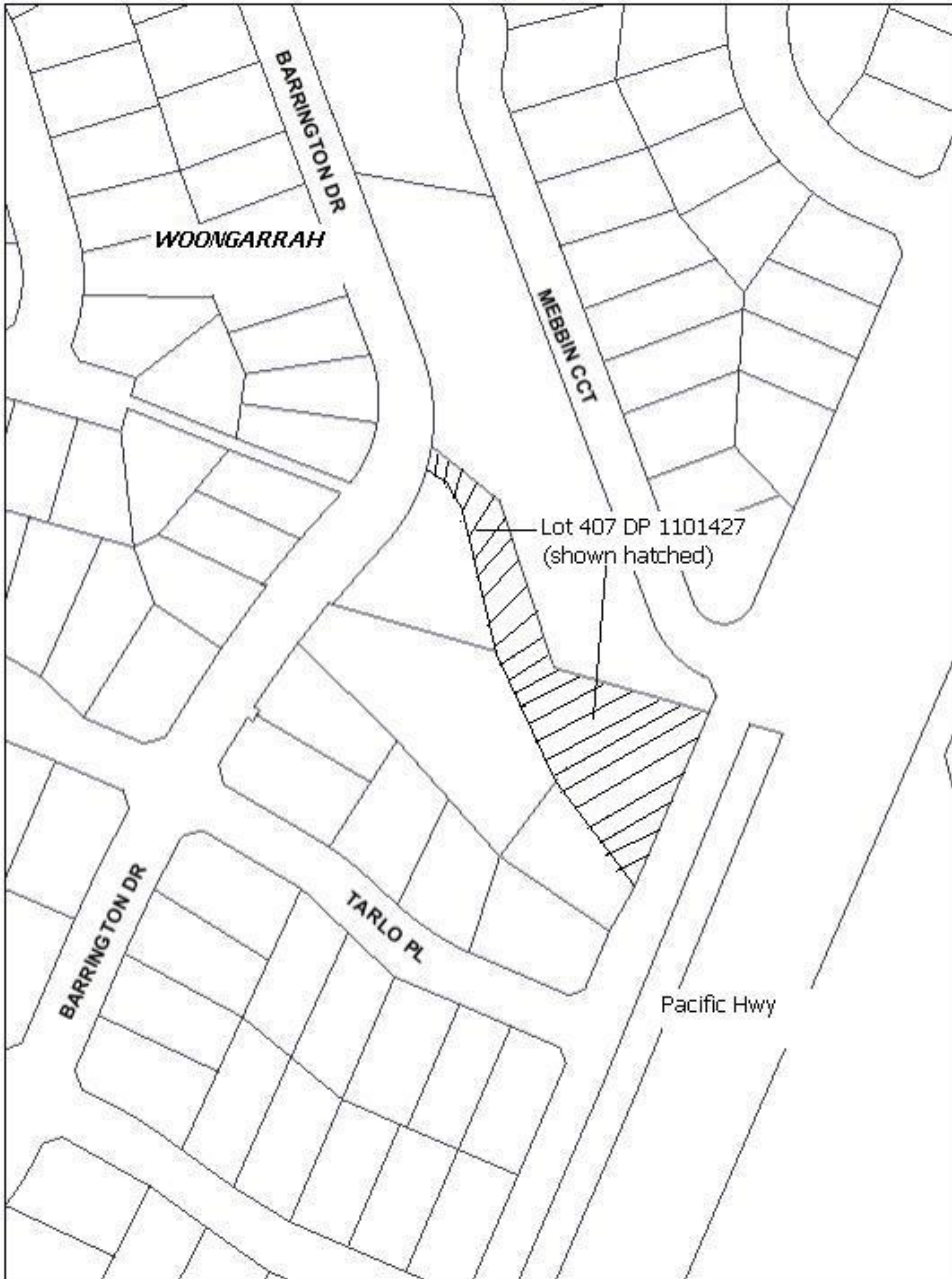
In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996 land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of The Local Government Act 1993 Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submissions are received Council's proposed land classification will be taken as adopted upon expiration of the notification period.

Attachment 1 *Plan showing the land to be classified (1 page)*

**018 Dedication of Land at 37 Barrington Drive, Woongarra
 (Attachment 1)**

Plan showing the land to be classified (hatched)



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

018 Dedication of Land at 37 Barrington Drive, Woongarrah

DA/280/2004 SCB

SUMMARY

Authority is sought to classify Lot 407 DP 1101427 as Operational Land.

RECOMMENDATION

- 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.***

BACKGROUND

Lot 407 DP 1101427 in a subdivision at Woongarrah has been dedicated to Council by Allam Bros. & Associates Pty. Limited, Belhome Holdings Pty. Limited and A V Jennings Limited as Drainage Reserve from the plan of subdivision pursuant to a condition of consent.

Lot 407 DP 1101427 is 2,305 square metres.

In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996 land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of the *Local Government Act 1993*, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification.

If no adverse submissions are received Councils proposed land classification will be taken as adopted upon expiration of the notification period.

Attachment 1 *Plan showing the land to be classified (hatched) (1 page)*

019 Classification of Land at Hamlyn Terrace (Attachment 1)

Plan showing the land to be classified



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

019 Classification of Land at Hamlyn Terrace

DA/971/2005 PF

SUMMARY

Authority is sought to classify Lot 4 DP 1091495 as Operational Land.

RECOMMENDATION

- 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.*

BACKGROUND

Lot 4 DP 1091495 in a subdivision at Bougainvillea Road Hamlyn Terrace is to be transferred to Council pursuant to a condition of the Development Consent for the subdivision for drainage purposes.

Lot 4 DP 1091495 is 926.2 square metres and is zoned 2(e) Urban Release Area.

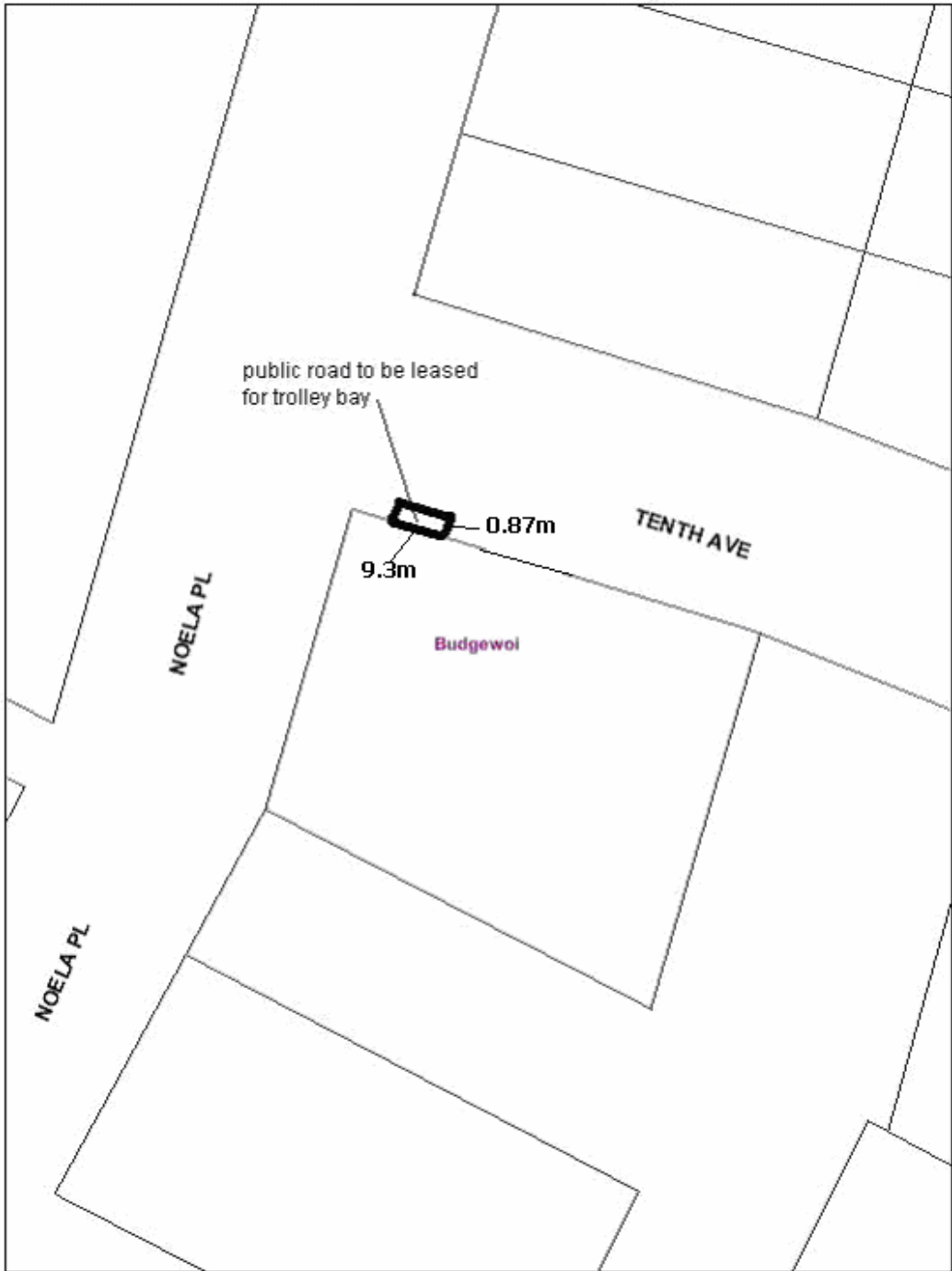
In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August 1996, land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of the *Local Government Act 1993*, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submissions are received Council's proposed land classification will be taken as adopted upon expiration of the notification period.

Attachment 1***Plan showing the land to be classified (1 page).***

**020 Renewal of Lease to Bi-Lo at Tenth Avenue Budgewoi
(Attachment 1)**

Plan showing location of lease area outlined heavy black



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

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

F2004/11655 PF

SUMMARY

Approval is sought to renew the lease of part of the footpath adjoining the Bi-Lo store at Budgewoi for a trolley bay.

RECOMMENDATION

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.

BACKGROUND

Council leases part of the footpath adjoining Lot 34 DP 708099, No. 34 Noela Place Budgewoi to Bi-Lo Limited for a trolley bay adjacent to the Bi-Lo store at that location.

The current lease for a period of five years and an annual rent of \$1,000 expires on 28 February 2007.

The lessee has requested that the lease be renewed for a term of 18 months upon expiry of the current lease generally on the same terms.

The lessee has advised that the lease term of 18 months only is required on the basis that the Bi-Lo at Budgewoi is to be redeveloped and the requirement of the lease area may need to be reviewed pending the outcome of the redevelopment during that period.

Council's Shire Services Department has no objections to the renewal of the lease.

Council's Shire Planning Department has advised that as a new development consent has just been issued for this supermarket and includes a revised location for the trolley bays, it has no objection to the renewal of the lease for the shorter term as any new lease should not run any reasonable time beyond the date when the new supermarket is completed.

Renewal of Lease to Bi-Lo at Tenth Avenue Budgewoi (contd)

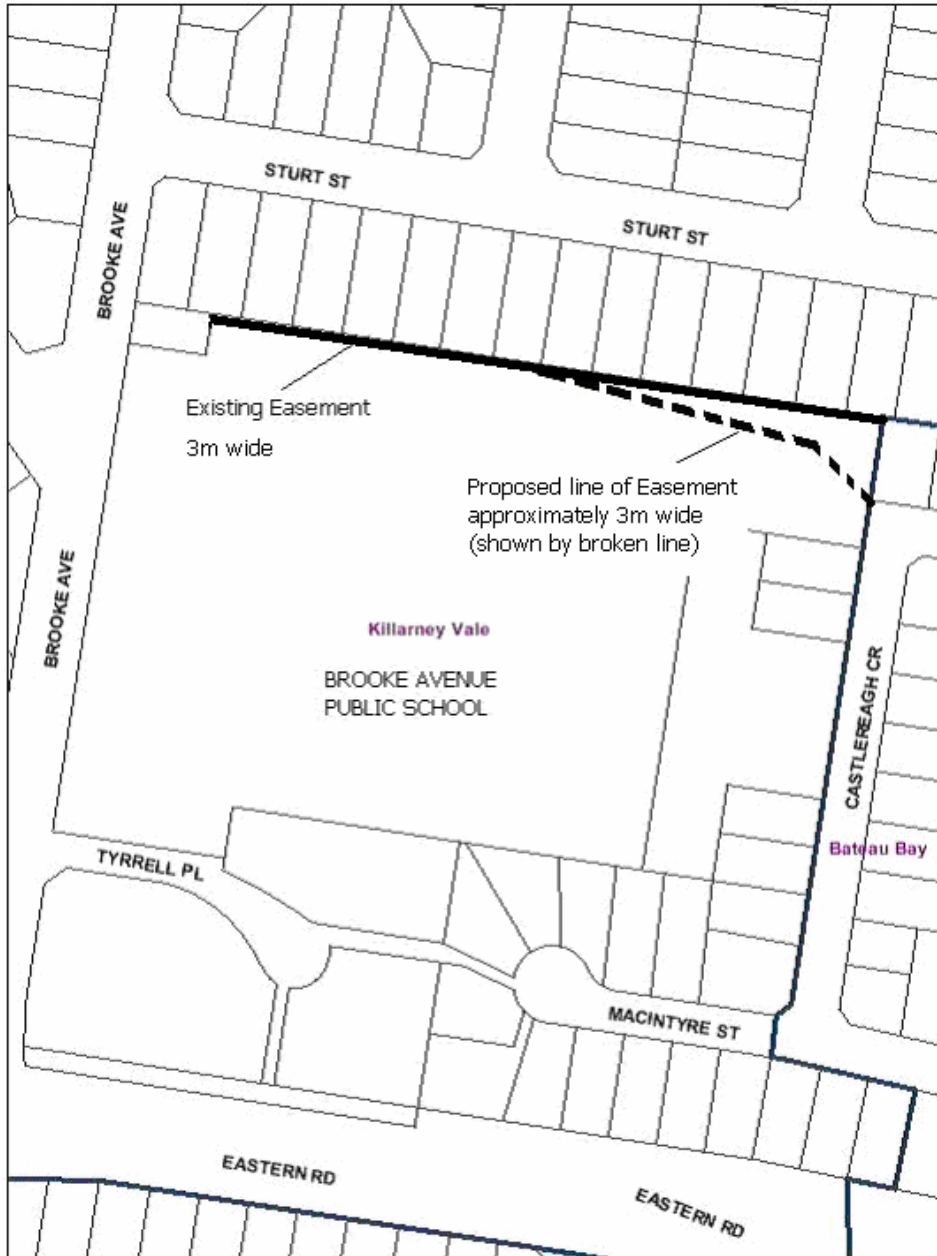
The application for development consent was advertised and submissions were received from Budgewoi Progress Association and a nearby resident. One of the issues raised was in respect to dumping of trolleys in the street and along footpaths. This issue is to be addressed in the new development. Coles will install a trolley deposit or token system on all trolleys used and return bays will be provided at various locations around the centre and trolleys collected by Coles staff on a regular basis.

***Attachment 1 Plan showing location of lease area outlined heavy black
(1 page)***

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**021 Acquisition of Easement for Drainage at Killarney Vale
(Attachment 1)**

Location Plan



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

021 Acquisition of Easement for Drainage at Killarney Vale

F2006/01488 JMT

SUMMARY

Approval is sought to acquire an easement for drainage over Lot 466 DP 44382 (Reserve R91458 for Public School Purposes, Brooke Avenue Public School, Killarney Vale.

RECOMMENDATION

- 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.***

Council has constructed drainage works over Lot 466 DP 44382, Brooke Avenue Public School, Killarney Vale. The work was completed on 29 August 2005 and involved installation of a pipeline within the proposed easement area to replace the existing open channel within the school grounds and to reduce runoff from Brooke Avenue

Associated with the works, it will be necessary to acquire an easement 3 metres wide and variable over the subject property to satisfy Council's requirements in respect to the operation and maintenance of the installation.

Acquisition of Easement for Drainage at Killarney Vale (contd)

The affected property is 30,020 square metres and zoned 2(b) Multiple Dwelling Zone. It is not considered that the work will have a major effect on the amenity of the property. *The proposed easement is located at the rear north east corner of the school site, well away from the main buildings, and will intersect the existing easement which is located along the northern boundary.* The area has been fenced from the remainder of the schoolyard.

The Department of Education consented to the construction of the drainage works and indicated a willingness to grant the associated easements. As the proposed easement is situated on Crown Land reserved for Public School purposes, it may be necessary to acquire the easement by compulsory process under the Land Acquisition (Just Terms Compensation) Act.

The Department of Lands requested compensation be assessed by the Valuer General is if compulsory acquisition had occurred. The Valuer General has assessed compensation at \$26,000.

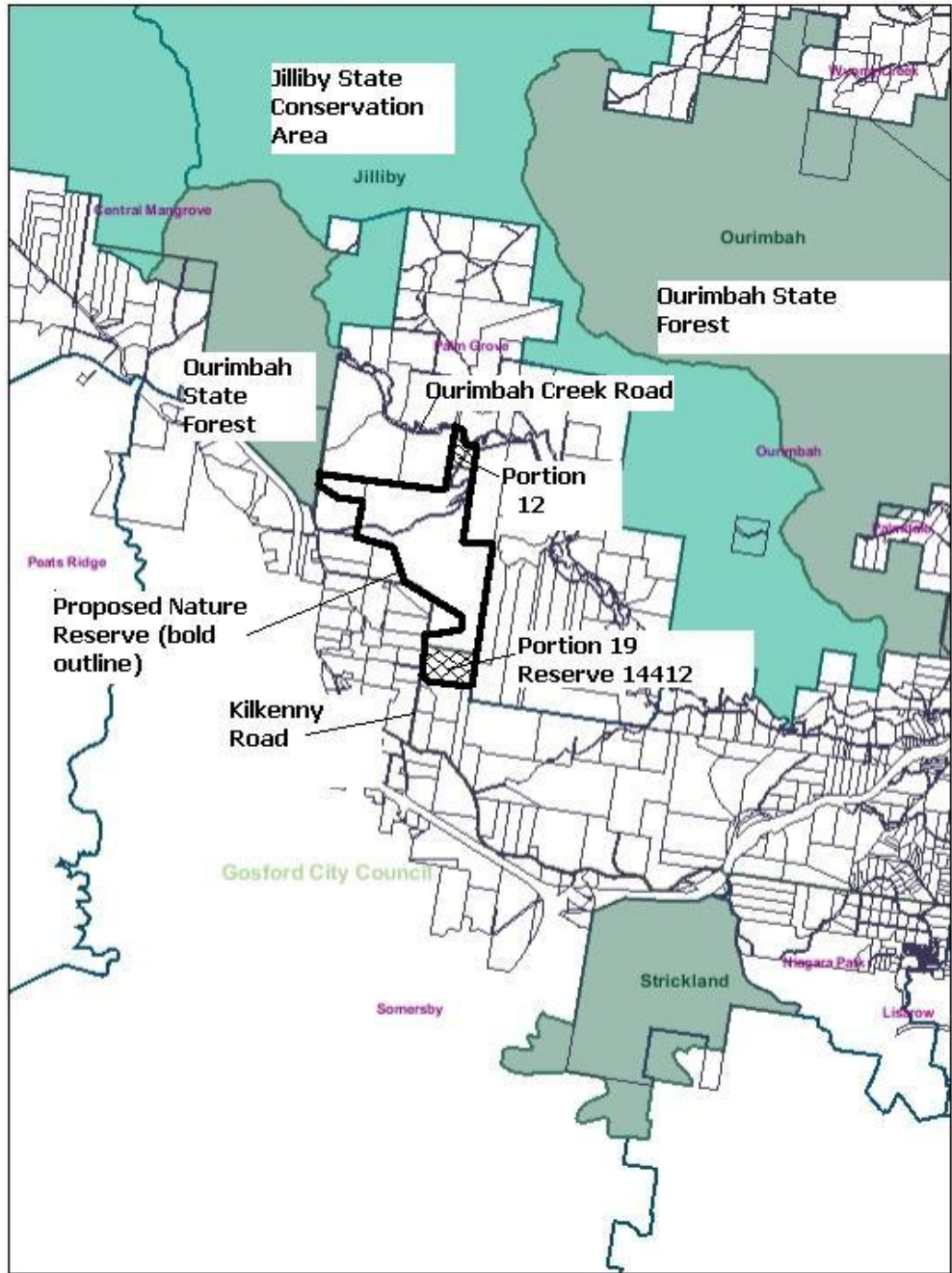
Attachment 1

Location Plan (1 page)

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022 Relinquish Trusteeship of Reserve at Ourimbah (Attachment 1)

Plan Showing Portion 12 hatched and Portion 19 cross hatched



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

022 Relinquish Trusteeship of Reserve at Ourimbah

F2004/06017 AWS

SUMMARY

Authority is sought to relinquish Council's interest as Reserve Trust Manager of Reserve 14412 for Public Recreation and Water Supply at Ourimbah

RECOMMENDATION

- 1 That Council advise National Parks and Wildlife Service that it has no objection to the transfer of Portion 12 Parish of Eglington at Ourimbah Creek Rd, Palm Grove and Portion 19 Parish of Eglington, 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 Eglington Kilkenny Rd, Ourimbah from Reserve 14412 for the purpose of allowing the Crown to transfer the land to National Parks and Wildlife Service.**

BACKGROUND

At its Ordinary meeting held on 13 December 2006 Council resolved;—

“That the matter be deferred for consideration at Council's Ordinary Meeting on 24 January 2007 and the report address biobanking and carbon credits.”

The National Parks and Wildlife Service (NP&WS) advised Council that at the State Government's Regional Cabinet meeting on September 12 2006 held on the Central Coast, the Minister for the Environment discussed the Palm Grove Nature Reserve proposal with local conservationist and National Parks Association member Andrew Scurry.

As a result of the meeting, the Department of Environment and Conservation (DEC) was tasked to urgently negotiate with the Department of Primary Industries (Minerals) (DPI) to facilitate the transfer of Crown Land to DEC in order to create Palm Grove Nature Reserve.

Crown Lands within Wyong Shire proposed to be transferred to NP&WS in question include Portion 12 Parish of Eglington Ourimbah Creek Rd Palm Grove and Portion 19 Parish of Eglington Kilkenny Rd, Ourimbah.

Relinquish Trusteeship of Reserve at Ourimbah (contd)

NP&WS has sought Council's agreement to the transfer of the land by the Crown to NP&WS for addition to Palm Grove Nature Reserve.

Portion 12 Parish of Eglington is Crown Land managed by the Crown over which Council has no tenure. Portion 19 Parish of Eglington is Reserve 14412 for Public Recreation and Water Supply and Council is the Manager of the Reserve Trust.

In order that Portion 19 can be taken out of the Reserve for the purpose of transfer to NP&WS the Department of Lands will require the agreement of Council as the Manager of the Reserve Trust.

Council's Open Space and Recreation, Water and Waste and Shire Planning Sections have advised there is no objection to the transfer of the subject Crown Land to NP&WS for inclusion in the Palm Grove Nature Reserve."

Issues of Concern

During Council's deliberation of this report issues were raised requiring clarification. The issues and staff responses follow.

- * Would NP&WS be a suitable manager of the land?
 - The NSW National Parks and Wildlife Service (NP&WS) is part of the Department of Environment and Conservation (DEC) and is responsible for managing over 600 parks across NSW, which range in size from 1 hectare to 100,000 hectares. The primary purpose of the NSW park system is to provide security in perpetuity for the state's natural and cultural heritage. The NP&WS has specialist conservation and land management skills and could readily manage a site like the proposed Palm Grove Nature Reserve, as it is the peak body responsible for such activities in NSW.

There are other ways to manage the site. For example, the Council could accept transfer or purchase the site from the Crown. Then Council could enter into a Voluntary Conservation Agreement (VCA) with DEC and a similar outcome could also be achieved, but Council would need to commit to a range of costly land management actions to maintain the environmental values of the site. This option might therefore allow Council to retain some opportunities for carbon trading and biobanking in the future, which would be ruled out if a NP&WS Nature Reserve was established. It should also be acknowledged that Council is not the owner of this land (it is only the Trustee) and would probably not be entitled to gain any benefit from environmental trading schemes which exist now or in the future.

Relinquish Trusteeship of Reserve at Ourimbah (contd)

- * Would there be any adverse impact on the water catchment and are there any issues from a water management point of view?

- Based on NP&WS advice there will be no essential change of use to the Reserve. No adverse impact to the water catchment is anticipated.

Mr Henderson, of the NP&WS said there were no significant improvements on the lands concerned and no plans to establish any. He confirmed NP&WS shares Council concern for protection of the land and the water catchment of which it is part. He did not see any adverse impact resulting from the proposal.

- * Council needed to understand the relevance of two parcels of land referred to in report

- The NP&WS proposal involves an extensive area of State Forest and five Crown parcels. Three parcels are in Gosford City Council Local Government area and the two parcels referred to in the report are in Wyong Council's area.

Of the two parcels in Wyong Shire's area, Council only has direct authority, by virtue of being Reserve Trust Manager, over *Portion 19 Parish of Eglington being Reserve 14412*.

- * What are the issues for Council in relation to Bio-banking and carbon credits?

- It is clear that if Council was the actual land owner there might be some opportunities for environmental trading on the site. However, the land is owned by the Crown. In terms of the suitability of the site for carbon credit generation and biobanking the following situation applies:

Carbon Credits

The subject site is heavily vegetated. No more than one hectare of land is cleared and available for new tree plantings which would sequester (take up) carbon dioxide. 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.

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.

Relinquish Trusteeship of Reserve at Ourimbah (contd)

However, as the properties are Crown land and not owned by Council there is no Biobanking value to Council.

- * What is Council's current use of the land?
 - Council does not currently use the land for any active purpose. Council's only interest in the land is to ensure that its use does not adversely impact the water catchment area of which it is part.

CONCLUSION

Council has no current demand for the land, involving either parcel, and would most probably derive no advantage from securing any future interest.

It is possible that council's Reserve Trust status could be peremptorily removed by the Crown since it has already agreed to the proposal.

NP&WS has indicated it would be most willing to include any water management or other reasonable requirements in the Plan of Management it will need to produce for the Reserve. Its interests relate to education, scientific and conservation aspects for the land and not for recreation. There will be no interruption to the Great North Walk which affects the land. On these grounds the original recommendation is resubmitted for Council's consideration.

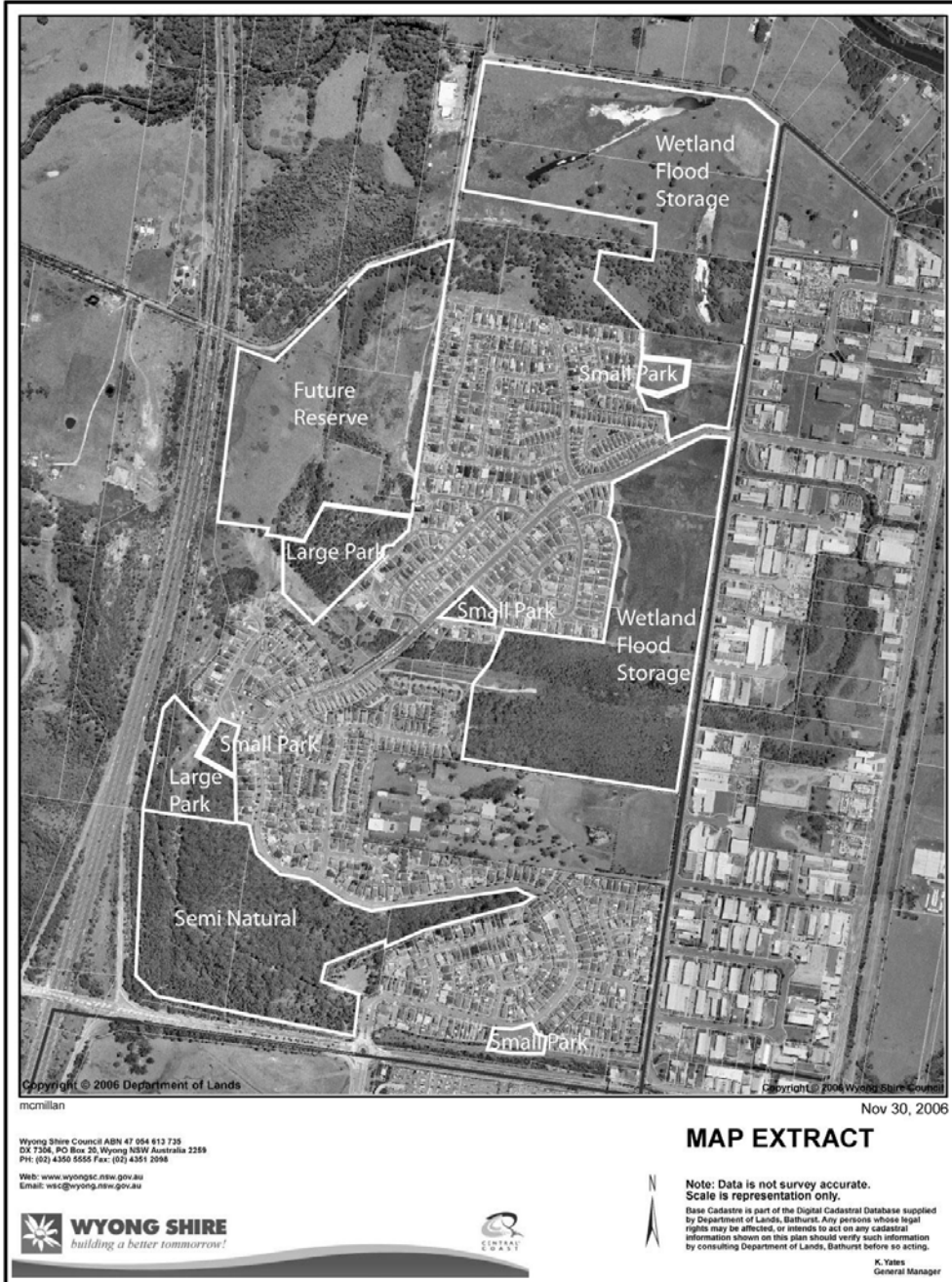
Attachment 1 *Plan Showing Portion 12 hatched and Portion 19 cross hatched (1 page)*

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023 Open Space and Recreation in Mardi (Attachment 1)

ATTACHMENT 1

MARDI – OPEN SPACE LAND



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

023 Open Space and Recreation in Mardi

F2004/08340 BMC

SUMMARY

Report on open space and recreation areas in and around Mardi that concludes that these exceed Council's standard for the provision of these facilities and more open space areas will be created with the restoration of the former Mardi tip site where there maybe an opportunity for the provision of an oval as part of the restoration work.

RECOMMENDATION

- 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.**

BACKGROUND

At its meeting held on 23 August 2006, Council considered a Notice of Motion concerning open space and recreation at Mardi. At that meeting Council resolved:

"That staff report on:

- 1 The extent of all classes of open space and recreation areas in Mardi.*
- 2 Whether the open space and recreation areas comply with those originally proposed in the Development Control Plan and whether these meet standards that Council currently uses to plan these important facilities in new release areas."*

In an earlier Council meeting on 9 August 2006 Council also resolved in part:

- "1 That Council notes ongoing negotiation regarding current sporting facilities near the Mardi Treatment Works.*
- 2 That staff provide an update on the negotiations and opportunities available to create a district sporting facility that can service the Tuggerah/Mardi area".*

This report covers those combined resolutions.

Mardi – Extent of Open Space/Recreation Areas

Attachment 1 and Table 1 below show the location and aggregate size of different classes of open space in Mardi.

Open Space and Recreation in Mardi (contd)

Table 1: Open Space Extent – Mardi

Sub-Category	Total Area (ha)
Semi Natural	18.38
Developed Park (including Small Park and Large Park)	6.90
Total Open Space Extent	25.28

In addition to the normal Open Space lands, the Mardi Precinct has a further 48.47ha of land that is "Wetland Flood Storage". This has not been included in the Open Space area calculations as it is generally not accessible for recreation purposes.

In the north west of the release area is the Freeway buffer area and the former Mardi Landfill which will form part of the future Open Space resource once it is rehabilitated. This restoration is currently scheduled to be completed by 2010.

Sporting Fields and Courts near Mardi / Tuggerah

There are no public sports fields or courts in Mardi although two tennis courts and two swimming pools are provided in strata developments for private use by residents and a sports ground is located on a private school in the district.

There are two existing sporting fields near the sewage treatment works at Tuggerah:

- * Tuggerah Oval – There are two softball fields immediately east of the treatment works on land owned by Council. This land, in the long run, will be required for expansion of the works. No timeframe has been set for its closure.
- * Club Tuggerah Soccer Fields – There are a number of soccer fields on land owned by the RSL Sub Branch and partially on land owned by Council. Council had been negotiating to assume maintenance responsibility for the fields, but this required a commitment to long term tenure to ensure that the cost of upgrading the quality of the fields and services by Council was appropriately spent. Long term tenure could not be provided and there have been no further negotiations concerning these fields for at least 18 months.

Other sport fields and courts include public sports fields are located at Baker Park which has netball and the Wyong Olympic Pool. Tennis facilities are located, through clubs, at Baker Park and Tuggerah.

Open Space and Recreation in Mardi (contd)

There is a possibility for sporting fields to be developed in the long term on land owned by the State government in one of two localities:

- * Pioneer Dairy – The management Trust for the Pioneer Dairy land is considering their development and management options and have exhibited a Masterplan for the site that includes several sports ovals. Wyong Council staff have provided encouragement for the eventual development of regional playing fields, but the Masterplan is not resolved and no negotiations are currently taking place. It is expected that this will be a long term option.
- * Lake Road – The State government owns land north of Lake Road near the junction of Bryant Drive. This land is largely cleared, but has significant flooding constraints. The draft Wyong / Tuggerah Strategy, that was recently exhibited, highlights the limited development opportunities for this land due to flooding and raises the option for community facilities on this site, which would likely be playing fields.

Mardi – Development Control Plan Requirements for Open Space

DCP 2005 Chapter 37 Mardi specifies that:

“Local open space is to be provided at a minimum rate of 3.3 hectares per 1,000 population consisting of:

- * *1.25ha of semi natural/family open space.*
- * *1.88ha of developed parks (including small and large parks).*
- * *0.17ha of cycleways.*

and developed to a standard consistent with its category.”

It is stressed that this rate is higher than the 3.0ha per 1,000 population that Council now uses for new release areas because Council decreased the standard following the approval of the Mardi DCP and does not include courts and sporting fields.

The Mardi Urban Release Area was originally estimated to grow to a total population of 3,053 thereby generating a gross area requirement of 10.07ha of open space when Mardi was first planned. Removing cycleways meant that Mardi required:

Semi Natural	3.82ha
Developed Park (including Small Park and Large Park)	<u>5.74ha</u>
Total Open Space Requirement	9.56ha

Open Space and Recreation in Mardi (contd)

The Development Control Plan identifies sites which satisfy this requirement.

The DCP requirements excluded further requirements for "sporting fields and courts" in the Mardi urban release precinct. At that time it was identified that there was already an excess of land in the Wyong Social Plan district for sporting fields and courts and the Contributions Plan excluded the need for land acquisition for Sporting fields and Courts. The Wyong Social Plan district extends from Ourimbah Creek in the south to Watanobbi in the north and from Hue Hue Road to the western edge of Tuggerah Lake. Another way to look at the standards for sporting fields and courts is that a population of at least 5,333 residents would be required in a new Greenfield development before the area for a single playing field would be justified by current standards.

Public sports fields and courts are district facilities that users generally have to drive to for practice and competition depending on the code that the field is being used for during any given season. In addition, sports fields should, where possible, incorporate multiple fields to support competitions and minimise maintenance costs.

In 2004 the Contributions Plan was amended to provide for an increased population estimate to a total of 3,523 people (from the original 3053) arising from an increase in the developable area on the north side of the precinct. To this end it required an increase in the provision of usable open space to include an additional playground and flat, turf, informal play area in the northern area. These have been provided.

The new open space requirements for Mardi based on the expanded population estimates are shown in Table 2 along with the actual areas provided (from Table 1).

Table 2: Open Space Requirements and Extent

	Requirements	Provided
Semi Natural	4.40ha	18.38ha
Developed Park (including Small and Large Parks)	6.62ha	6.90ha
Total	11.02ha	25.28ha

Open Space and Recreation in Mardi (contd)

CONCLUSION

Based upon the DCP the provision of Open Space exceeds Council's requirements.

No public sports fields or courts have been provided in Mardi, but the Open Space Technical Report and Section 94 Contributions Plans recognised an excess of land for sporting facilities in the Wyong Social Plan District and the criteria adopted for these plans accept vehicle travel to sporting facilities rather than walking distance. There are publicly used facilities at Club Tuggerah, Lake Road Oval, Baker Park, Wyong Regional Sporting Complex and Watanobbi Oval. This is a similar standard of provision to other residential subdivisions.

Beyond this current supply of open space area, the restoration of the former Mardi tip site will provide further open space area and add to the amenity of the locality. The landscaping of the former tip site offers an opportunity to form one open, reasonably flat play area which would add to the diversity of developed parks and open space opportunities in the area. This provides an opportunity for the development of a single oval. Provision of further playgrounds or active sports facilities have not been included in any Section 94 plans and therefore development and maintenance funding for any such facilities would have to be found in general revenue or through grants funding.

Attachment 1

Mardi Aerial Photo (1 page)

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

024 Climate Change - Risk Assessment and Adaptation

F2004/00080 KD:LD

SUMMARY

Council's 2005-2006 Management Plan requires that the current scientific research on climate change be evaluated and the implications for Wyong Shire be considered. This report addresses the issue of climate change and its impacts on the Shire. It proposes a direction for Council to respond and adapt to the issue of climate change.

This report provides information on what actions Council is currently undertaking to reduce its greenhouse emissions (mitigation), and what additional measures are required. It further discusses ways in which Council can adapt to reduce the unavoidable effects of climate change on its infrastructure, community, economy and environment whilst recognising that deferring implementation of adaptation measures makes these measures more expensive to achieve in the long term.

The information in this report is based on research outlined in greater detail in the attached Climate Change Issues Paper (Attachment 1). It is advised that to fully appreciate the climate change issue that the Issues Paper be read in conjunction with this Report.

RECOMMENDATION

- 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.**

Climate Change - Risk assessment and Adaptation

- 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.*

INTRODUCTION

Although global warming is a natural phenomenon caused by greenhouse gases in the earth's atmosphere, enhanced global warming or climate change is a result of human activities over the last 200 years that have taken the level of greenhouse gases higher. It is the rate of change (accelerating) and the uncertainty about the extent of associated effects that climate change may bring which should be of concern to us. Council's State of the Environment Report (SoE) has discussed the need for an appropriate response to the challenge of climate change since 2002.

This Report focuses on the two actions that are required to respond to climate change:

- 1 current and future mitigation measures to enable us to responsibly reduce our greenhouse gas emissions, and
- 2 adaptation measures which will allow Council to be better prepared for an uncertain future in terms of potential legal liability and corporate responsibility.

The global economic implications of climate change have been reviewed by Sir Nicholas Stern, the Chief UK Economist. In his review, Stern makes clear that the longer serious efforts to mitigate or reduce our greenhouse emissions and implement sound adaptation measures are delayed, the greater the likely losses and the more costly the measures will be to implement.

Strong mitigation measures that will stabilise greenhouse gas emissions to a 'manageable' level (of 550ppm) is expected to cost around 1% of GDP by 2050, a level that is significant but consistent with continued growth and development. In contrast, an unabated 'business as usual' approach to climate change will eventually lead to significant threats to growth with models estimating a loss in GDP of up to 20% when 'non market' impacts on health and the environment are included.

Climate Change - Risk Assessment and Adaptation (contd)

BACKGROUND

Implications for Climate Change and Global Warming

The Intergovernmental Panel for Climate Change (IPCC) and the CSIRO are the authoritative references for Climate Change in Australia and these organisations play a key part in the international regime for assessing future climate scenarios, determining possible effects and developing appropriate responses. Using the latest IPCC Report (2001) and discussions with relevant CSIRO research staff, Council has produced a Climate Change Issues Paper relevant to Wyong Shire. This paper is attached to the Report (See Attachment 1).

The Issues Paper outlines in greater detail some of the anticipated climate change scenarios and their effects, associated risks and issues such as insurance and public health. In summary these changes will mean a hotter, drier climate for Wyong Shire with increasing frequency and severity of storms, drought and bushfire and increased health risks. Increased temperatures are causing expansion of the oceans and a rise in sea levels. Given the nature of our coast and low lying estuarine systems, there is a predicted increase in the rate of coastal erosion and shoreline recession, as well as inundation of low lying areas all with potential implications for our infrastructure, natural resources, communities and economy.

For example, there are early indications from the hazard definition studies undertaken for the Coastline Management Study that projected sea level rise will result in beach erosion and shoreline recession along the coastal strip. These issues will be addressed in the subsequent Coastline Management Plan currently being developed.

The IPCC is about to release its latest Report (early 2007). The draft report indicates that tracking of sea level rise over the last four years indicates that levels are increasing along the upper limits of estimated change (moving towards a sea level rise of up to 88cms by the year 2100).

Additional localised data will soon be provided as a result of a study by the Department of Planning using a LIDAR survey methodology (aerial survey using laser technique instead of photos) to assess the impacts on the built environment of a number of sea level rise scenarios across the Hunter and Central Coast coastal regions. Results for this study are expected by early 2007, with a full report due in October 2007. Staff will review this data and report the results and appropriate recommendations to Council once it becomes available.

Climate Change - Risk Assessment and Adaptation (contd)

RESPONSE BY COUNCIL

The key considerations for Council in responding to the risks of imminent climate change are outlined in Attachment 2 where they are categorised under the following headings:

- * Mitigation – including education/community awareness.
- * Adaptation and risk assessment.
- * Legal liability.
- * Social and inter-generational equity.

These are discussed in detail below:

Mitigation

The case for a significant reduction in global greenhouse emissions is clear (COAG 2006). However, current scientific opinion is that global emissions will need to be cut by 50-60% below current levels by 2050 to avoid 'dangerous global harm'. If this objective can be achieved then there will be a greater chance that global average temperature increases can be limited to 2°C above the pre-industrial average and impacts will be reduced accordingly (Australian Climate Change Group 2004).

NSW State Government, in its State Plan, has committed to reducing greenhouse gas emissions to 2000 levels by 2025 and 60% by 2050. It has also committed to introducing mandatory energy targets for renewable energy of 10% by 2010 and 15 % by 2020 for end use consumption.

While the impact of Council's mitigation efforts may seem small in a global context, it must be emphasised that it has an extremely important leadership role to play in mitigation efforts on the Central Coast and collectively must contribute where it can to emissions reduction.

Wyong Shire Council is currently undertaking, or is soon to commence a number of mitigation measures which will ultimately reduce greenhouse emissions. Current actions include:

- * *GreenFleet* – a tree planting program which offsets carbon dioxide emissions for the entire council fleet (including its trucks, small plant and equipment), thereby reducing the effects of emissions on the environment. This program involves the planting of 18,000 trees per year at a cost of \$42,138 pa. (see further detail in Attachment 2).
- * gradually increasing the proportion of 4 cylinder and LPG cars in its transport fleet;

Climate Change - Risk Assessment and Adaptation (contd)

- * development assessments must conform with the state government design, water and energy efficiency program – BASIX;
- * waste management section is currently exploring a methane capture and re-use facility at the Buttonderry landfill site to reduce the incidence of fugitive methane emissions; and
- * Council is finalising its first Energy Savings Action Plan to identify its high energy usage and implement savings where applicable (Further details of this project are available in Attachment 3).

However, it is considered that Council should go further in taking a leading role within its community to lead all of Wyong in the positive direction of reducing the potential impacts of climate change (see Attachment 2). Additional actions for Council's consideration include:

- * *GreenPower* - is government accredited clean, renewable energy sourced from the sun, the wind, water and waste. Council currently commits to 6% of its electricity needs through GreenPower but this percentage could be increased significantly.

Council is in the unique position of being both a local government authority and a water authority. This means that approximately 50% of our major energy consumption is due to production and treatment of water and sewer. Other councils and water authorities have been surveyed to establish what measures were being undertaken or considered to offset their emissions resulting from their energy consumption. The result indicates that current actions are variable but the general trend is to increase the use of alternative energy sources over time as indicated in the table below:

Table 1 – Alternative energy management measures

Councils	Greenpower offset %	Other measures
North Sydney	25%	Greenhouse Action Plan
Parramatta	25% (buildings) +10% streetlighting	
Gosford	Currently 6%, committed to 50% by 2020	Greenhouse Strategy
Water Authorities		
Sydney Catchment Authority	10%	Energy Mgt Strategy
Sydney Water	Currently 2.5% GreenPower	Co-generation of power equivalent to 4.5% of usage.
Perth Water Corporation	10% GreenPower on general operations 100% wind power offset for the desalination plant	Greenhouse Strategy

Climate Change - Risk Assessment and Adaptation (contd)

Councils	Greenpower offset %	Other measures
Mid Coast Water	0%	3 tree plantations offsetting operations
Sth Australia Water	0%	Greenhouse Policy (investigating renewable energy options)
Wannon Water Vic	0% (nominating 10%)	Greenhouse Strategy

Council currently spends \$1.5m pa on the energy component of its electricity consumption. This figure includes the 6% GreenPower currently purchased for approx \$70,000. The GreenPower component covers the 32 large contestable sites. Note: This does not include the additional network and demand charges (currently \$1.3m) which are charged in addition to energy usage.

Given the current trend (indicated in the above table) toward best practice and responsible leadership as well as the influence of IPART toward a level playing field in the water and sewer sectors for all players, it is recommended 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 consider increasing its GreenPower purchase as follows: For non water and sewer related energy use - an increase 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 (to conform to State guidelines and to ensure increases are supported by IPART). Total additional cost in 2020 is \$308,000 above current expenditure.

Council currently spends \$1.5m pa on the energy component of its electricity consumption. This does not include the network and demand charges (currently \$1.3m). This figure includes the 6% GreenPower currently purchased for approx \$70,000.

Based on today's costs and consumption rates, if Council purchased GreenPower as above in 2008 then the energy component of its electricity consumption would cost Council \$1.63m pa. Electricity consumption by 2020 with GreenPower as described above would cost \$1.8m pa. (see further details in Attachment 4).

These figures will need to be adjusted for expected annual increases in energy consumption of potentially 50 % as discussed in attachment 4. Consequently, additional energy costs for GreenPower may be up to \$201,000 in 2008 and \$462,000 in 2020.

Climate Change - Risk assessment and Adaptation (contd)

- * *Fleet Policy* – further changes to the Policy to increase the uptake of 4 cylinder and LPG vehicles into the fleet.

Adaptation

As important as mitigation measures are to minimise climate change effects for the future, mitigation alone is unlikely to have any real impact for some time. In fact, if emissions were stopped today, it would take a century to see any reduction of carbon in the atmosphere (Pittock 2003). Hence, Wyong Council will need to develop specific adaptation responses to the risks of climate change as they apply to our area. There is a need to analyse the extent of the risk, such as how many buildings or infrastructure are at risk and which areas have been affected by past extreme events such as high seas, storms and floods (ALGA 2005).

Planning and adaptation measures will need to target actions and investment where it will deliver the most significant benefits in the future. Further assessment of needs in relation to climate change effects is necessary for protection of water supply, infrastructure and community assets and future development. The following adaptation measures are currently being undertaken or will be progressed by Council in the short term:

- * Climate Change is incorporated into the following Plans or Studies:
 - Estuary Management Plan.
 - Coastal Hazard Assessment and Coastline Management Plan.
 - Floodplain Risk Management Plans.
- * A study funded by the Australian Research Council (ARC) and Wyong Council is underway to investigate effects of lake edge retaining walls (and rising lake levels) on Tuggerah Lakes foreshores including changes to recreational use and any impacts on seagrass and saltmarsh environments.
- * Department of Planning LIDAR survey – a coastal vulnerability assessment which will detail areas of the built environment at risk under given sea level rise scenarios. The results will enable updated greenhouse scenarios to be incorporated into modelling for the Floodplain Risk Management Plans.
- * Relevant policy adaptation measures for climate change effects are to be considered in the Wyong LEP review.
- * Council needs to ensure it has the best available information to fully understand the extent of its vulnerability to climate change. It can fulfil the following information gaps:

Climate Change - Risk Assessment and Adaptation (contd)

- by development of a decision-making framework to enable decisions on issues such as adaptation to climate change, energy reduction strategies and other sustainability issues to be made in an integrated and cohesive manner;
- by continual dialogue with state and national research bodies, with a particular focus on clarifying the potential for regional and local effects of climate change;
- by identifying those areas of Council's operation contributing most to greenhouse gas emissions;
- be more inclusive of the community, providing people with realistic global and local information on climate change, including informing them of Council's actions.

Legal Liability

It is important that Council considers the legal implications of any adaptation measures and ensures decisions made are defensible in court. Council should determine whether it has a duty of care (in terms of liability) to members of the public in relation to climate change. The question needs to be raised as to whether Council is at risk if it does nothing to address the effects of climate change through adaptation or if it introduces inappropriate measures. Compensation and common law negligence may both be issues of concern where liability for climate change may apply to Councils (PIA 2004). However, as long as the discussion occurs, Council's liability may be reduced if, whatever actions we take, or do not take, can be argued to have been based on the best information available at the time. Staff will seek a legal opinion to clarify Council's position.

Council is legally obliged to develop the following plans: Coastline Management Plan, Estuary Management Plan and the Floodplain Risk Management Plans. Their guidelines require that climate change be considered in their development. However, modelling that underpins some of the Floodplain Risk Management Plans has historically not taken into account the projected changes to rainfall patterns or the Probable Maximum Flood level (PMF) associated with climate change scenarios (Wallace pers comm). This is similar to many other Councils who are collectively looking to the Departments of Planning and Natural Resources for guidance on this matter and seeking a more a coordinated approach. Current flood modelling for Porters Creek catchment includes the climate change scenarios but other catchment flood models will need to be reviewed.

Climate Change - Risk Assessment and Adaptation (contd)

Social and Inter-Generational Equity

Consideration needs to be given to how the costs of adaptation measures will be borne. Responses need to be prioritised with costs and debts minimised to ensure that future generations are not burdened with the actions or inactions of adaptation measures. Such costs may include relocation, upgrading of buildings and infrastructure, land acquisition and resettlement. The issue of accessibility to and affordability of insurance may require consideration. Will insurers continue to cover the areas most vulnerable to climate change? Discussion with insurers will be of value because they are well ahead in consideration of the effects. Climate created insurance losses have been a major concern for the insurance industry in recent years and these may likely continue (PIA 2004).

PROPOSED ACTIONS

In terms of liability, planning undertaken at a local and regional level, which is guided by the precautionary principle, has the potential to provide adaptation measures for climate change in a sustainable development framework and will form an important component in demonstrating that Wyong Council has adopted a reasonable response to deal with the uncertainty of climate change. In addressing the issues associated with climate change, it is recommended that Council proceed with the following actions:

- * Undertake gap analyses in relation to the adequacy of:
 - the relevant Management Plans to offer protection to Council in terms of legal liability to ensure they anticipate the changes and consequences of climate change at a local scale under the latest scenarios.

- * Subject to the results of the Department of Planning LIDAR survey:
 - identify those areas of operation and geography at greatest risk;
 - develop a suitable suite of adaptation measures;
 - determine the costs and benefits of the adaptation strategy.

Climate Change - Risk Assessment and Adaptation (contd)

- * Offset greenhouse emissions from:
 - Council's transport and machinery fleet through continued participation with the Greenfleet program;
 - Council's electricity consumption through committing to increase its purchase of GreenPower progressively for non water and sewer related energy use - an increase 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;
 - Implementing recommendation from Energy Savings Action Plan;
 - Maximising reuse and recycling of carbon based wastes.
- * Commit to a further reduction in greenhouse emissions through additional changes to the Fleet Policy.
- * Address the questions of water conservation, alternative water supply, and related reductions in energy use.
- * Seek to fill the information gaps:
 - by development of a decision-making framework to enable decisions on issues such as adaptation to climate change, energy reduction strategies and other sustainability issues to be made in an integrated and cohesive manner rather than in an ad hoc fashion;
 - by continual dialogue with state and national research bodies, with a particular focus on the potential for regional and local impacts;
 - by identifying those areas of Council operation, local business operation and private activities contributing most to greenhouse gas emissions;
 - by being more inclusive of the community, providing people with realistic global and local information on climate change, including informing them of Council's actions.

Climate Change - Risk Assessment and Adaptation (contd)

RESOURCING AND TIMEFRAME

Implementation of the recommended actions can be undertaken over a 3 year period, consistent with Council's Management Plan reporting cycle. This provides the opportunity to review management actions which enables Council to better adapt to climate change.

It is envisaged that the risk assessment process can be managed in house through a series of cross organisational workshops with the help of an external facilitator. Adaptive actions requiring capital expenditure that are identified through the risk assessment process would be subject to a case by case budgetary review.

Grant funding for projects associated with climate change has been available from a number of state government sources in recent months, and it is possible that Council could apply for funds to review the modelling for the Floodplain Risk Management Plans.

CONCLUSION

Evidence for climate change is now overwhelming and it has become necessary for all levels of government to think about responding to the implications of the threat it imposes. Council needs to involve all sectors of the community in planning for climate change and indeed Council needs guidance from the community about appropriate actions.

Council has the opportunity to lead by example. By committing to practical 'in house' changes and disseminating information about such changes, Council can demonstrate the effectiveness of its actions and set standards for others to follow. In committing to undertaking the recommended actions within this report Council would be in a position to set itself a goal of being a leading practitioner in climate change response.

Enclosures

Climate Change Issues Paper
Table of Current and Future Responses
Energy Savings Action Plan Summary
GreenPower Summary
GreenFleet Summary
List of References

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

025 Schedule of Ordinary Meetings 2007

F2006/02282 LC

SUMMARY

Reporting the scheduling of Ordinary Meetings for 2007. In addition it is proposed to amend the date of the Ordinary Meeting scheduled for 25 April 2007 given that it is Anzac Day.

RECOMMENDATION

- 1 *That in accordance with the provisions of Clause 6(2) of the Code of Meeting Practice, the Ordinary Meeting scheduled for Wednesday 25 April 2007 be rescheduled to Thursday 26 April 2007.***

- 2 *That appropriate public notice of the rescheduled Ordinary Meeting date be given.***

BACKGROUND

In accordance with Clause 6(2) of Council's Code of Meeting Practice, Ordinary Meetings of Council are held on the second and fourth Wednesday of each calendar month, with the exception of the last scheduled meeting in December and the first scheduled meeting in January, commencing at 5.00 pm.

The Ordinary Meeting scheduled for Wednesday 25 April 2007 will occur on Anzac Day. Given that this day is a public holiday it is proposed to reschedule that Ordinary Meeting to Thursday 26 April 2007.

Clause 6(2) of Council's Code of Meeting Practice enables Council to alter the time and date of a meeting of Council by resolution, at a prior Ordinary meeting without notice being given provided the requirements of clause 232 of the Local Government (General) Regulation 2005 are met. Clause 232 deals with giving notice of business to be transacted at the meeting. These requirements will be met for the rescheduled meeting date.

Schedule of Ordinary Meetings 2007 (contd)

Should the rescheduled date be adopted, the Ordinary Meetings will be held as follows during 2007:

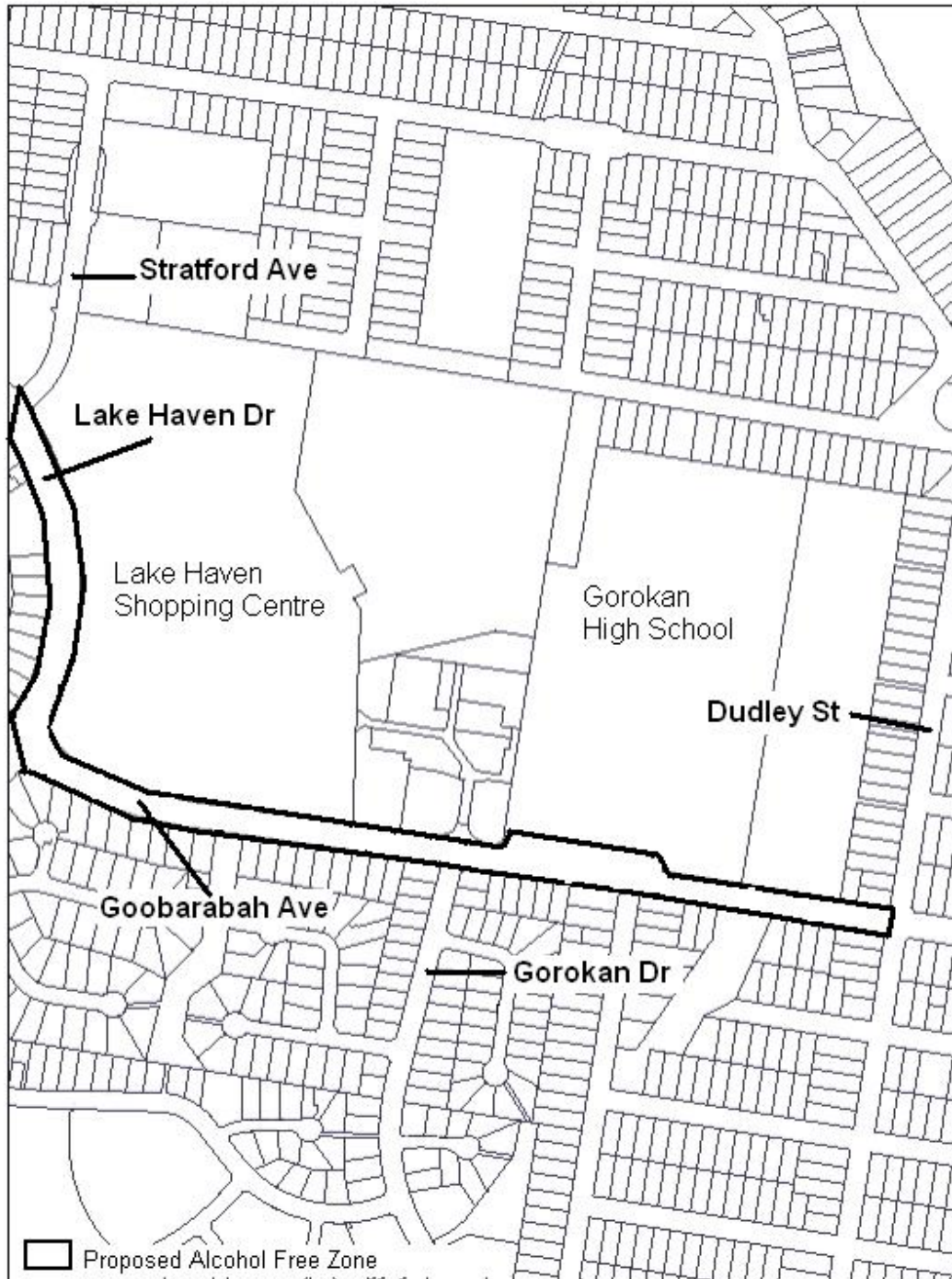
Ordinary Meeting Dates 2007

Wednesday 24 January 2007	Wednesday 11 July 2007
Wednesday 14 February 2007	Wednesday 25 July 2007
Wednesday 28 February 2007	Wednesday 8 August 2007
Wednesday 14 March 2007	Wednesday 22 August 2007
Wednesday 28 March 2007	Wednesday 12 September 2007
Wednesday 11 April 2007	Wednesday 26 September 2007
*Thursday 26 April 2007	Wednesday 10 October 2007
Wednesday 9 May 2007	Wednesday 24 October 2007
Wednesday 23 May 2007	Wednesday 14 November 2007
Wednesday 13 June 2007	Wednesday 28 November 2007
Wednesday 27 June 2007	Wednesday 12 December 2007

**Re-scheduled due to Anzac Day*

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**026 Establishment of Alcohol Free Zone at Lake Haven
(Attachment 1)**



WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

026 Establishment of Alcohol Free Zone at Lake Haven

F2006/01909 MW

SUMMARY

The Tuggerah Lakes Local Area Command of the NSW Police has indicated its support for the establishment of an Alcohol Free Zone at Lake Haven, set to expire on 30 June 2009.

RECOMMENDATION

- 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.*

BACKGROUND

Correspondence has been received from Mr Cameron Tyan, Operations Manager of Lake Haven Shopping Centre requesting an Alcohol Free Zone be established surrounding the shopping centre.

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

Establishment of Alcohol Free Zone at Lake Haven (contd)

A map outlining the proposed zone is attached to this report.

The ministerial guidelines require Council, after preparing a proposal to establish or re-establish an Alcohol Free Zone, to undertake public consultation through publishing details of the proposal in a newspaper circulating in the area inviting representation or objection within 14 days; sending a copy of the proposal to local Police (and liquor licensees and registered clubs if adjacent to the proposed zone) inviting representations or objections within 30 days.

The guidelines also provide that specific Councils must consult with the Anti-Discrimination Board on the proposal with all other Councils having the option of advising the Board. It is proposed that Council advise the Board of the proposal to establish the Alcohol Free Zone.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an Alcohol Free Zone. However, under section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol. Increased signage is proposed around the Gravity Youth Centre and Amphitheatre to enforce restrictions.

The ministerial guidelines state that an Alcohol Free Zone can be established for no longer than a three year period, therefore it is considered appropriate for all of the zones to have a common expiry date of 30 June 2009.

Attachment 1

Map of Alcohol Free Zone at Lake Haven (1 page)

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

027 Report Following Exhibition of Fee Increase – Holiday Storage Vans

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

SUMMARY

Report on submissions received following public exhibition of fee increase to holiday storage vans at Council's four Holiday Parks.

RECOMMENDATION

- 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.***

BACKGROUND

At Council's meeting of 13 September 2006, a resolution was made in regards to the increase in fees for holiday storage vans at Council's four Holiday Parks. The relevant parts of that resolution were:

"That Council approve the proposed 5% increase in tariffs for holiday storage vans, as identified in the Business Plan financial model with a view that it be introduced in January 2007.

That in accordance with Section 705 of the Local Government Act, a proposed increase in holiday storage van tariffs be advertised and placed on exhibition for a period of 28 days, and subject to no objections being received, that the proposed fees be adopted as of 31 January 2007."

The 5% increase is significant within the Business Strategy, which was developed to provide the parks with the capacity to be commercially competitive and increase revenue to provide additional funds to reserves. The proposed holiday storage van tariffs will be consistent with what is charged within the industry.

The proposed increase was exhibited by way of a newspaper advertisement in the Central Coast Express of 15 December 2006. The advertisement advised that written objections would be received up to 12 January 2007.

In accordance with the requirements of the *Holiday Parks (Casual Long Term Occupation) Act 2002*, the affected van owners were provided with the stipulated 30 day notification period of the fee increase by way of letter dated 18 December 2006.

Report Following Exhibition Of Fee Increase – Holiday Storage Vans (contd)

At the closing of the period for written submissions, five submissions were received.

- * A letter and petition signed by 227 people, representing approx. 195 sites, of the Norah Head Holiday Park.
- * An agenda item forming part of a meeting between a Council Officer and holiday storage van representatives of the Toowoon Bay Holiday Park.
- * Three letters from individual storage van owners of the Norah Head Holiday Park.

The thrust of the objections received centred on:

- * The public notice being advertised only in a local newspaper when many van owners live in other regions.
- * A belief that there had not been proper notification and consultation.
- * Grievances regarding the second increase within a twelve month period when historically fees were only adjusted once annually.
- * A belief that the Occupation Agreements between Council and the Van Owners prohibits the proposed increase.
- * Grievances relating to future increases that may occur as early as July 2007.

The objectors have been provided responses which covered the following:

- * That Council met the requirements of the *Local Government Act 1993* by publicly advertising the proposed increases in a local newspaper. Section 705 (3) of the *Local Government Act 1993* states in regards to the issuing of a notice under the Act "*The notice is to be given in a manner determined by the council with the object of bringing the matter notified to the attention of as many people in its area as possible.*"
- * That Council met the requirements of the *Holiday Parks (Casual Long term Occupation) Act 2002* by issuing letters to holiday storage van owners in mid December which provided more than the 30 day notification as required under the Act.
- * Advice that the Occupation Agreement between the van owner and Council does not preclude the proposed increase in fees.
- * Advice that there will be future reviews of fees for the 2007/08 financial year in regards to holiday storage vans and that a simplified flatter fee structure is being considered.

None of the written objections were considered to present significant issues that would prevent the implementation of the proposed fee increase. As such, it is recommended that the proposed fee increase be ratified to take affect from 31 January 2007.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

028 Draft Pesticide Use Notification Plan

F2004/06926 DW/LM

SUMMARY

This report provides information on the new requirements from the NSW Department of Environment and Conservation for notifying the community via a Pesticides Use Notification Plan when public authorities use pesticides in public places.

The accompanying draft of the Pesticides Use Notification Plan is presented to Council for approval prior to being placed on public exhibition for comment.

RECOMMENDATION

- 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 4 weeks for comment.*
- 3** *That, subject to no significant objections being received, the plan be adopted.*

BACKGROUND

Changes to the Pesticides Regulation 1995 will require public authorities, including local Councils, to notify the community, in accordance with a notification plan, when Council uses or allows the use of pesticides in public places that are owned or controlled by the Council.

For the purpose of this report, pesticides include, (but are not limited to), all herbicides, insecticides, rodenticides, fungicides or baits commonly used by Council.

The changes to the Regulation outlined by the NSW EPA state that; "from February 2007 public authorities cannot use or allow the use of pesticides in prescribed public places unless a notification plan has been;

- * Developed in consultation with the community
- * Finalised, (by Council), advertised and made publicly available

The changes are based on the principle that people who live and work in an area have a basic right to know when public places in that area are being treated with pesticides. Notifying people about pesticide application means they can make informed decisions about the use of a public area at any time.

Draft Pesticide Use Notification Plan (contd)

Notifying members of the public about pesticide use before it happens does not mean that the public can prevent the use of pesticides in that area. The aim of the notification process is to provide the public with an opportunity to reduce their exposure to pesticides used by Council. Community notification is now internationally recognised as best practice in pesticide management.”

The draft plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation).

The draft plan sets out how Council will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls. It describes:

- * What public places are covered by the plan;
- * Who is most likely to use or access public places and an estimate of the level of use;
- * How and when Council will provide the community with information about its pesticide applications (i.e. what notification arrangements will be used);
- * How the community can access this plan and get more information about Council's notification arrangements.
- * How and when future reviews of the plan will be conducted; and
- * Contact details for anyone wishing to discuss pesticide notification with Council.

The Current Situation Regarding Community Notification of Pesticide Use on Public Lands by Council

Currently Council only provides notification of pesticides use where it has a legal responsibility as indicated either by:

- * The product label, including any off label permits
- * The associated Material Safety Data Sheets
- * As required by other relevant government authorities

Community notification by Council of pesticide use on public lands is currently infrequent and only represents a very minor number of the overall pesticide applications by Council on public lands.

Draft Pesticide Use Notification Plan (contd)

Implications to Council Due to Changes under the new Pesticides Regulation 2005

In preparing the draft plan a number of factors relating to operational matters were considered, notwithstanding the various stakeholders within Council that have an interest in the plan. It attempts to be as least onerous on Council as practicably possible whilst satisfying the requirements of the Pesticides Regulation 2005.

All stakeholders within Council responsible for supervising the application of pesticides in a public place will need to ensure that they comply with the requirements of the plan. Additional resources will be required to both develop and maintain administrative systems to satisfy the requirements of the new legislation. For instance, a central register will need to be established where critical information is stored regarding the characteristics and use of pesticides as they apply to Council operations. The central register of pesticide information will need to be available to any officer answering general enquiries from the community relating to the use of pesticides on Council land. It will be the responsibility of either the supervisor or staff applying pesticides in public places to ensure that the central register receives the required information prior to applying a pesticide in a public place. A procedure is being developed to ensure this can be done in an efficient and timely manner.

Enclosure

Pesticides Use Notification Plan

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

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

F2005/01215 TC:JEM

SUMMARY

Staff from Council's Roads and Drainage section have undertaken a review of the traffic using this intersection, site conditions and the proposals for future traffic management at the Pacific Highway at Ourimbah.

RECOMMENDATION

- 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.***

BACKGROUND

Following a Notice of Motion by Councillor Pavier at the Ordinary Meeting of Council held on 11 October 2006 it was resolved unanimously as follows:

- "1 That a safety audit be conducted on the intersection of Burns Road and Enterprise Drive with a view to identifying:*
 - a vehicles per day and their movements per day at this intersection*
 - b the need of a turn right storage lane into Burns Road*
 - c the need for a slip lane on Enterprise Drive southbound*
 - d the need for an acceleration lane onto Enterprise Drive northbound*
 - e lighting of the intersection.*
- 2 *That the report come before Council once this audit has been completed.***

Chittaway Road is a regional road connecting Wyong Road at Berkeley Vale to the Pacific Highway at Ourimbah, with traffic use of greater than 25,000 vehicles per day. Burns Road is a local road connecting Chittaway Road to the Pacific Highway near the Ourimbah freeway interchange, with greater than 6,000 vehicles per day.

**Safety Audit on Intersection of Burns Road and Chittaway Road, Ourimbah
 (contd)**

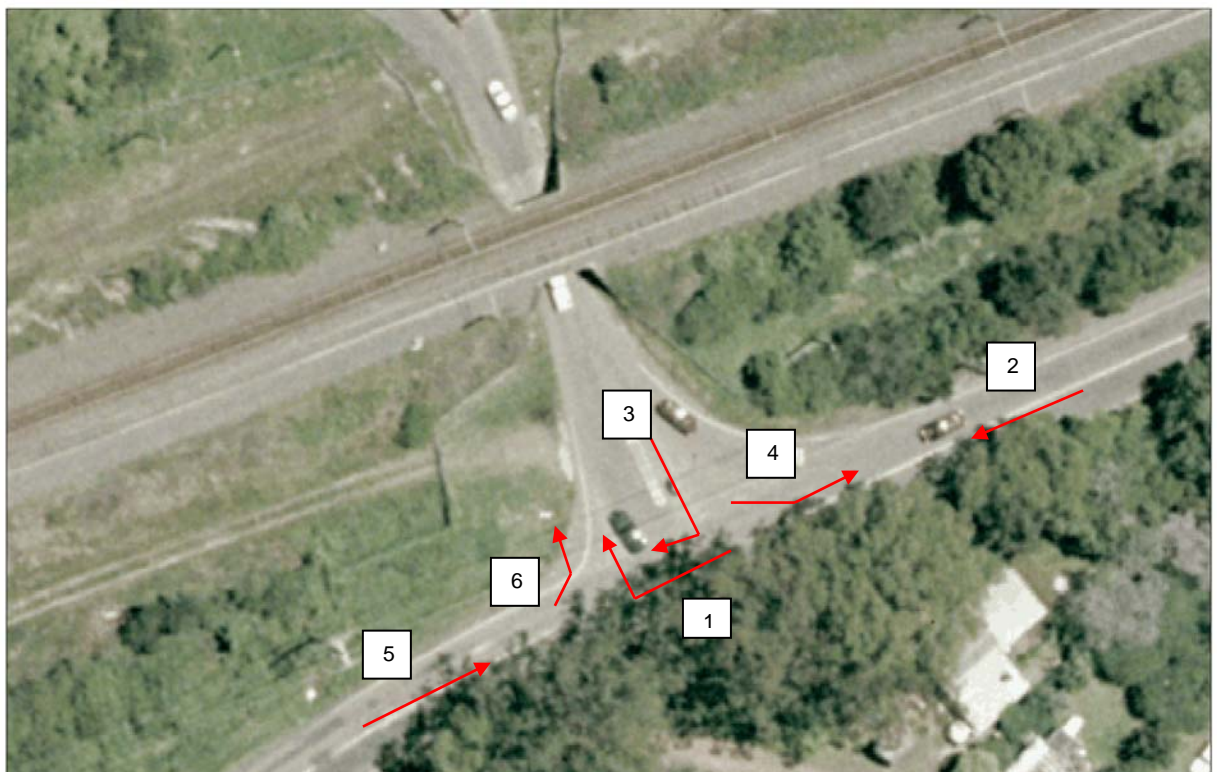
At present, the route from Wyong Road – Chittaway Road (Enterprise Drive) – Burns Road – Pacific Highway is used as an alternative bypass route to the freeway.

In relation to the points in the above resolution the following is advised:

1 a A traffic count was undertaken and the following results obtained:

Table 1: Maximum vehicles per hour

Traffic Movement	Right turn Chittaway into Burns (Refer 1 on diagram)	Chittaway thru traffic southbound (Refer 2 on diagram)	Right turn Burns into Chittaway (Refer 3 on diagram)	Left turn Burns into Chittaway (Refer 4 on diagram)	Chittaway thru traffic northbound (Refer 5 on diagram)	Left turn Chittaway into Burns (Refer 6 on diagram)
am	395	722	71	141	408	30
pm	178	438	44	476	559	47



Safety Audit on Intersection of Burns Road and Chittaway Road, Ourimbah (contd)

Table 2: Average vehicles per day

Traffic Movement	Chittaway Road Traffic	Burns Road Traffic	% Vehicles using Burns Road
	26,116	6,212	24 %

1 b - e The following significant issues relate to this site:

- * RTA works proposal - as part of the RTA's upgrade works of the Pacific Highway, Ourimbah, it is intended to modify the intersection of the Pacific Highway and Burns Road to a left-in-left-out intersection. This is programmed to be completed in late 2007. It has been estimated that this work will reduce the morning traffic volumes in Burns Road by 65%, resulting in approximately 125 vehicles per hour not using Chittaway Road to access the F3 (ie using the Tuggerah Interchange instead) and 125 vehicles per hour using the Chittaway Road and Pacific Highway intersection to access the F3.
- * Railway underpass in Burns Road - there is a one lane underpass of the railway line within 50 metres of the intersection. Any plans to upgrade this facility would require the collaboration of the relevant organisations, and would be costly (in excess of \$1M) and require significant time to implement.
- * Site restrictions – The intersection is subject to a number of site conditions which restricts the road configuration, particularly the trees located on the eastern side of the road reserve.
- * Local Traffic Movement – Burns Road provides the only entry/exit route for approximately 160 premises.

Traffic using Burns Road may at times disrupt traffic movements in Chittaway Road, particularly with vehicles turning right into Burns Road bringing the south bound traffic in Chittaway Road to a stand still.

As noted above it estimated that the traffic volumes will significantly reduce once the RTA traffic modifications occur at the intersection of Burns Road and Pacific Highway. As such it is recommended that no action be taken until the RTA works have been completed. Following completion of the works it is recommended that a further traffic study be undertaken to review the need for a right-hand turn lane.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

030 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 \$4,750.00 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)***

24 January 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 13/12/2006		6,400	2,300	6,100	5,150	6,200	8,628	3,100	1,965	7,500	5,519	52,862
Available allocation as at 13/12/06		8,600	12,700	8,900	9,850	8,800	6,372	11,900	13,035	7,500	9,481	97,138
January 24 2007												
Candles Cancer Support Group Inc	Assist with costs to provide a 24 hour support line, emotional support, referrals, resource material, education workshops, hospital visits, general administration and outdoor shelter									500		500
Central Coast Football	Hire of shade structures for teams from across NSW visiting the coast for State Titles October 2007	250									200	450
Don Small Retirement Village Tuggerawang	Purchase of indoor bowl sets to accompany recently donated bowls mat for recreation of residents	250									200	450
Ourimbah University Football Club	Fence around carpark for safety and purchase of shipping containers from Council for storage	250										250
Northern Women's Health Centre	Assist with production costs for V-Day Wyong 2007	250										250
Royal Volunteer Coastal Patrol	Replace old radio's with new technology to enhance radio coverage on Tuggerah Lakes					500						500
Soldiers Beach Surf Life Saving Club	Purchase of Rhino, two-way radios and training equipment	250					1,000					1,250
St John Ambulance (NSW) Central Coast Cadet Division	Assist with purchase of uniforms	250					250					500
Wyong Rotary	Local community projects for youth in Wyong Shire such as 'Vocational Excellence Awards', 'Pride of Workmanship (youth)' and 'Anyra'	500									100	600
Total Proposed Allocations for 24/01/2007		2,000	0	0	0	500	1,250	0	0	500	500	4,750
Total Accumulated Allocations as at 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
Balance Uncommitted as at 24/01/2007		6,600	12,700	8,900	9,850	8,300	5,122	11,900	13,035	7,000	8,981	92,388

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Board Report

031 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

SUMMARY

Minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007.

RECOMMENDATION

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.

A meeting of Gosford and Wyong Councils' Water Authority Board was held on 20 December 2006 and 17 January 2007. The minutes of these meetings are enclosed.

<i>Enclosure 1</i>	<i>Minutes of the Gosford and Wyong Councils Water Authority Board meeting held on 20 December 2006</i>
<i>Enclosure 2</i>	<i>Minutes of the Gosford and Wyong Councils Water Authority Board meeting held on 17 January 2007</i>

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WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

General Manager's Report

032 Information Reports

F2006/02282 ED:SW

SUMMARY

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

033 Activities of the Development Assessment Unit

F2004/07830 NL:NL

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development and subdivision applications for the month of November.

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	34	6,805,145	29	2,502,900
Industrial	7	578,000	7	1,409,000
Residential	100	8,430,765	141	10,604,562
Other	27	1,020,000	13	660,500
Total	168	16,833,910	190	15,176,962

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	0	0	0	0
Industrial	1	1	2	20
Residential	4	9	16	192
Rural	0	0	0	0
Total	5	10	18	212

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

There were no priority applications determined during the month.

The mean (average) turn around time in calendar days for development applications determined during the month was 24 days.

Other Approvals and Certificates

Type:	Number Determined:
Trees	89
Section 149 D Certificates	23
Construction Certificates	116
Complying Development Certificates	16

Enclosure

*Graphs – Development Applications Lodged and
Development Applications Determined*

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning
Department

034 F3 Access to Wyong

F2004/06586 RCB

SUMMARY

Reporting in response to Question Without Notice No Q083, asked by Councillor Graham at the Ordinary Meeting held on 23 August 2006.

“Could staff report on the benefits and costs of providing an entry and exit from Alison Road Wyong with the F3 Freeway and possible avenues for funding from State and/or Federal governments?”

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At the Ordinary Meeting held on 23 August 2006, Councillor Graham asked the following Question Without Notice:

“Could staff report on the benefits and costs of providing an entry and exit from Alison Road Wyong with the F3 Freeway and possible avenues for funding from State and/or Federal governments?”

A preliminary response was provided at the meeting of 25 October 2006 that a further report would be provided once the availability of information from the RTA was determined.

Cost

A very preliminary Estimate of Cost for an interchange on the F3 Freeway at Alison Road has been carried out by Council staff.

The Preliminary Estimate of Cost is as follows:

F3 Freeway Northbound Off Ramp - \$17 million
F3 Freeway Northbound On Ramp - \$9 million
F3 Freeway Southbound Off Ramp - \$10 million
F3 Freeway Southbound On Ramp - \$15 million

F3 Access to Wyong (contd)

The estimates are subject to design of the ramps and geotechnical information etc being obtained.

In order to determine the benefits, it is necessary to determine the demand for the interchange.

Properties Impacted

The extent of land that would need to be acquired to provide for an interchange depends on what access is selected and its design. It is anticipated that a number of properties would be affected under various scenarios. It is anticipated that these include three lots already owned by Council and four lots in private ownership.

Demand

As part of the Pacific Highway study, the Roads and Traffic Authority (RTA) carried out Origin Destination surveys. These were carried out in November 2002, and provide a good guide as to the potential use of an interchange should one be constructed at Alison Road.

The survey included stations located on the Pacific Highway at Wyong River and on Wyong Road east of the F3 Freeway interchange. These locations are appropriate in determining the potential use of a Freeway interchange at Alison Road because it gives a good indication of which specific cars left Wyong and accessed the freeway.

The survey identified the following:

Direction on Freeway	Period	Total Flow	Flow To/From Freeway from Wyong	% Traffic To / From Freeway
Northbound	6.00am – 8.00pm	16,025	1,620	10.1%
Southbound	6.00am – 8.00pm	15,540	1,195	7.7%
Northbound	8.00am – 9.30am	1,725	10	0.6%
Southbound	8.00am – 9.30am	2,115	100	4.7%
Northbound*	3.30pm – 5.00pm	2,400	185	7.7%
Two-way volume	6.00am – 8.00pm		2,795	

***Note:** Southbound 3.30pm – 5.00pm not available.

From the above, it can be seen that if an interchange was constructed at Alison Road, with a Southbound On-Ramp and a Northbound Off-Ramp, ie. to and from Sydney, approximately 3,000 vehicles per day total would use them at present.

F3 Access to Wyong (contd)

It is difficult to quantify the volume of traffic that would use ramps to and from Newcastle. The RTA, as part of the Origin Destination Survey, did not have any stations located west of the Freeway interchange on Sparks Road. However, counts at the Sparks Road Freeway Interchange in March 2005, showed a 63% south (Sydney), 37% north (Newcastle) split. Taking this into account, it is estimated that the volume of traffic likely to use a Freeway Interchange at Alison Road, to go to and from Newcastle, would be in the order of less than 2,000 vehicles per day at present.

The combined total volume of 5,000 vehicles per day is at the upper end of the volume mentioned by the RTA during its public consultations ie. "approximately 3,500 – 5,000 vehicles a day at today's volume may use a Freeway Interchange, if one was constructed at Alison Road."

Surveys carried out at the Sparks Road interchange in March 2005, indicated a volume in excess of 14,000 vehicles per day using the Freeway ramps. This volume will increase to approximately 38,000 vehicles per day by 2020. No recent intersection counts are available for the Wyong Road/F3 Freeway interchange.

Based on the above, it is considered that there would not be sufficient traffic to justify providing ramps to and from Newcastle.

Benefit

Based on the RTA figures above the ramps to and from Newcastle therefore were not included in the Benefit/Cost Assessment which was carried out. A Preliminary Benefit /Cost analysis was carried out by Council staff. It was based on construction only of the ramps to and from Sydney, with 5,000 vehicles per day using them. This allows for a further growth in traffic of 2,000 vehicles per day above current levels reported above. This volume takes into account future development in Wyong and is considered a high estimate.

The Benefit/Cost assessment indicated a value of approximately 0.5. This means that the cost of access at Alison Road does not justify the benefit arising. It should be noted that the RTA generally requires a benefit cost ratio of greater than 2.0 before considering projects.

It therefore would be difficult to justify expenditure for the two ramps based on the anticipated benefits gained.

Funding

As Freeways come under the care and control of the Federal Government, funding for any works would come from the Federal Government. It is very unlikely that the State Government would contribute, particularly given the very low Benefit/Cost ratio. There may be some opportunity, though very limited, in obtaining contributions from developments within the Wyong Township as a result of the rezoning strategy. However, given the particularly low Benefit/Cost ratio, this is considered unreasonable.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

**035 Recurrent Funding for Warnervale Family and Community
Centre**

F2004/07793 ED

SUMMARY

Advice received from the Federal Minister for Community Services, the Hon John Cobb.

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 Federal Minister for Community Services, the Hon John Cobb, is attached.

**Attachment 1 Response from the Minister for Community Services, the Hon
John Cobb (2 pages)**

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

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



THE HON JOHN COBB MP

**Minister for Community Services
Federal Member for Parkes**

Mr Kerry Yates
General Manager
Wyong Shire Council
DX 7306, PO Box 20
WYONG NSW 2259

18 DEC 2006

Dear Mr Yates

Thank you for your letter of 1 December 2006 to the Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough MP, about funding for the Warnervale Family and Community Centre. Your letter was referred to me as this matter falls within my portfolio responsibility.

In response to your request for recurrent funding for the Warnervale Family and Community Centre, the Department of Families, Community Services and Indigenous Affairs does not have any programs that provide ongoing funding. The Local Answers initiative, part of the Stronger Families and Communities Strategy, provides funding for small scale, time limited projects and is not intended to provide funding for activities or services of an ongoing nature.

I acknowledge the significant contribution that the Warnervale Family and Community Centre has made to the Wyong community. UnitingCare Burnside has received funding of \$269,000 for two years from July 2004 for the Warnervale Family and Community Centre under the former Stronger Families and Communities Strategy 2000-2004.

In addition, the Warnervale Family and Community Centre project has been included in the Results Based Funding Model pilot, providing funding for a further twelve months. The pilot aims to develop the way community organisations identify expected program outcomes, and monitor and evaluate the extent to which these outcomes are delivered. The inclusion of this project in the pilot programme will allow the stakeholders time to consider how this project might be funded from other sources in the future.

Parliament House Office
Parliament House
CANBERRA ACT 2600
Tel: (02) 62 77 7900
Fax: (02) 6273 0434

Dubbo Electorate Office
3/153 Brisbane Street
DUBBO NSW 2830
Tel: (02) 6882 0999
Fax: (02) 6882 9935

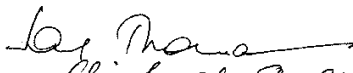
24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

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

Once again, thank you for writing on behalf of the Warnervale Family and Community Centre. I hope the information provided is of assistance.

Yours sincerely


Chief of Staff
on behalf of John Cobb

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

036 Warnervale Fire Station

F2006/02055 ED

SUMMARY

Advice received from the Minister for Emergency Services, the Hon Tony Kelly.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council at its Ordinary Meeting held on 8 November 2006 considered a motion of urgency regarding the Warnervale Fire Station. At that meeting Council resolved unanimously:

- “1 *That Council, as a matter of urgency, write to the Minister for Emergency Services, the Hon Tony Kelly, MLC, to revoke today's announcement to allow the Warnervale Fire Station to operate as the prime 24 hour high frequency response station, given its location in a quiet residential street and suburb.*
- 2 *That in writing to the Minister, Council also request his advice as to the detailed activity of the station if it was to operate as the priority response station.”*

A copy of the response from the Minister for Emergency Services, the Hon Tony Kelly, is attached.

Attachment 1

Response from the Minister for Emergency Services, the Hon Tony Kelly (2 pages)

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Warnervale Fire Station (Attachment 1)



The Hon Tony Kelly MLC
Minister for Justice
Minister for Juvenile Justice
Minister for Emergency Services
Minister for Lands
Minister for Rural Affairs
Leader of the House - Legislative Council

MIN06/4996

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

19 DEC 2006

Dear Mr Yates

I refer to your letter dated 20 November 2006 concerning Council's Motion of Urgency at its meeting on 11 November 2006 regarding Warnervale Fire Station.

Commissioner Mullins of the NSW Fire Brigades (NSWFB) has assured me that Hamlyn Terrace Fire Station (originally proposed to be Warnervale Fire Station) will operate no differently to any other fire station within the Wyong Shire, whether crewed by fulltime or retained firefighters. In all cases, the stations respond on a 24 hour a day, 7 day a week basis.

The announcement referred to by Council was actually a briefing to ensure Council was aware of the change to the originally planned staffing configuration. Initially the NSWFB proposed to establish Hamlyn Terrace Fire Station in the 2000/02 period with fulltime firefighters during the day, supported by retained firefighters on call after hours. Due to the protracted negotiations with Council and the resulting delay in finding a suitable site, together with rapid urban growth in the area, the NSWFB was forced in 2006 to staff Hamlyn Terrace Fire Station with permanent firefighters on a fulltime basis.

Having fulltime firefighters at the station will provide the community with an enhanced immediate response to calls within the Hamlyn Terrace area and will provide a back up to the surrounding stations. The staffing configuration in no way alters the number of emergency calls to which the station will respond, as the station would have provided identical coverage regardless of the staffing configuration.

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Warnervale Fire Station (Attachment 1) (contd)

-2-

Each firefighter attached to Hamlyn Terrace Fire Station has many years of experience and skills that they have acquired throughout their careers by attending and training for, not only all types of fires, but also hazardous materials emergencies, car accidents, storm damage, and all types of rescue incidents.

Commissioner Mullins has advised that as well as meeting its emergency management role the NSWFB conducts a series of community safety programs such as the Smoke Alarm Battery Replacement for the Elderly (SABRE) program where firefighters voluntarily maintain smoke alarms in working order and fire education for primary schools aimed at teaching young children fire safety practices and behaviours which could save their lives as well as those of their families.

Clearly, establishment of the new station is of great benefit to the Wyong community, and I urge Council to acknowledge this and recognise the Government's support of the Wyong community and its needs.

The NSWFB has many fire stations located within residential areas across the State and has found that the stations and the staff quickly become an integral part of those communities. Hamlyn Terrace Fire Station is expected to attend between 400 and 500 calls a year similar to the surrounding fire stations at Wyong, Toukley and Doyalson.

Yours sincerely



Tony Kelly
Minister for Emergency Services

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

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

F2004/11324 KRG:DP

SUMMARY

Results of audit of Council's Water Supply and Sewerage Services Strategic Business Plan.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The Department of Energy, Utilities and Sustainability (DEUS) best-practice guidelines for Water Supply and Sewerage (W&S) require Council to complete an audit of its W&S Strategic Business Plan (SBP) and its supporting plans on an annual basis to meet full compliance requirements.

DEUS' best-practice guidelines require W&S service providers to achieve and demonstrate specified outcomes that are the subject of this audit. Council engaged the Department of Commerce to undertake this audit. The auditors used DEUS' Auditing Compliance Brief as the basis for the audit.

The SBP audit outcomes form part of DEUS' annual assessment of Council's W&S services delivery.

Audit Scope

The auditors reviewed the SBP (updated June 2006) for compliance in the following areas:

- a) Operating environment review;
- b) Asset management plan – operations, maintenance and capital works;
- c) Key performance indicators;
- d) Customer service plan;
- e) Levels of service; and
- f) Human resources plan.

Best Practice Management – Strategic Business Plan Audit for Water and Sewerage (contd)

The auditors also checked the following supporting documentation:

- a) Financial Plan to ensure that it covers a period of at least 20 years and reports the lowest required stable typical residential bill;
- b) Demand Management Plan;
- c) Drought Management Plan;
- d) The completed performance reporting forms that Council sends to DEUS, to ensure that they were complete and lodged by 31 October each year;
- e) Integrated Water Cycle Management (IWCM) Strategy.

The DEUS guidelines exempt Council from having to comply with the best practice financial guidelines (p5) *“As Gosford and Wyong Councils’ pricing and developer charges are regulated by IPART, these Councils need only demonstrate compliance with the liquid trade waste approvals component of pricing and developer charges criterion.”* With respect to this criterion, Council has met both the IPART and DEUS requirements.

Audit Findings

The auditors made the following findings:

- * Council's SBP is substantially compliant with the required DEUS outcomes;
- * The financial plan is for 30 years, (exceeding DEUS' guidelines for 20 years), and IPART has accepted the reported average residential bill in its pricing determinations;
- * The Demand Management Plan has made provision for the required DEUS outcomes;
- * The Drought Management Plan has considered the required DEUS outcomes;
- * Council has completed and lodged the DEUS reporting forms by the due date.
- * Council's IWCM methodology has considered the required DEUS outcomes, with a Council engaged consultant having completed the IWCM Study in 2006, and a final IWCM strategy to be finalised by June 2007.

Based on the above findings, the auditor concluded that Council has demonstrated that it complies with Best Practice Management of Water and Sewerage Services, in accordance with the DEUS Guidelines.

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

Best Practice Management – Strategic Business Plan Audit for Water and Sewerage (contd)

This audit is conducted on a pass/fail basis with Council having to pass in all areas to achieve a complying result. As such the above result is an excellent outcome for Council with the result of this audit contributing to DEUS's annual assessment of Council's performance. Over the past two years this assessment has ranked both Council's water and sewerage operations as being in the top ten Council's in NSW with only two other Councils in NSW having achieved a comparable result.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

038 Schedule of Bank Balances and Investments – 30 November 2006

F2004/06604 MC

SUMMARY

The attached Schedule of Bank Balances and Investments as at 30 November 2006 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

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

The Schedule of Bank Balances and Investment Accounts shows that Council has total cash and investment funds of \$101,536,058 as at 30 November 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. Council's Investment Policy is currently under review.

During the month of November interest earned (net of fees) on Council's investments was \$554,742, financial year to date earnings were \$2,924,992.

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	November 30 2006	YTD	
General	66,533,621	67,041,470	1,704,767	4,265,000
Water	34,456,574	18,318,510	816,262	1,286,000
Sewer	15,571,738	16,176,078	403,963	751,000
Total	116,561,933	101,536,058	2,924,992	6,302,000

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Schedule of Bank Balances and Investments – 30 November 2006 (contd)

Council's bank balances and investments as at 30 November 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 30 November 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 November was 6.69% compared to the benchmark of the UBSWA Bank Bill Index of 6.46%.

During the previous twelve months Council's return has been 6.06% compared to the Bank Bill Index of 5.96%.

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

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

Schedule of Bank Balances and Investments – 30 November 2006 (contd)

SCHEDULE OF INVESTMENTS AS AT November 30 2006							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,129,551.74	5,899.12	-	6.58%	5.93%	5.90%
BT Institutional Managed Cash (AAA)	Cash	3,269,027.37	13,707.38	364.56	5.99%	6.02%	5.74%
Deutsche Fund (A)	Cash Plus	24,232,646.58	135,734.63	3,176.87	6.86%	6.53%	6.15%
ING Enhanced (A)	Cash Plus	17,755,896.13	95,358.86	2,330.83	6.56%	6.30%	6.10%
Perennial Cash Enhanced Fund (AA)	Cash Plus	17,381,566.33	96,879.32	2,276.97	6.85%	6.10%	5.87%
Macquarie Income Cash Plus (A)	Cash Plus	21,156,732.39	110,111.14	2,766.35	6.38%	6.28%	5.97%
T-Corp (WorkCover NSW)	Cash Plus	7,111,000.00	36,237.00	-	6.20%	5.88%	5.71%
Merrill Lynch (A)	Cash Plus	9,214,561.38	53,014.17	1,205.30	7.10%	6.79%	6.79%
QIC Cash Enhanced (AA)	Cash Plus	583,215.11	11,415.88	239.73	6.65%	6.35%	6.35%
TOTAL		101,834,197.03	558,357.50	12,360.61	6.69%	6.39%	6.06%
UBSWA INDEX					6.46%	6.23%	5.96%

*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

Note: The above returns are net of fees charged

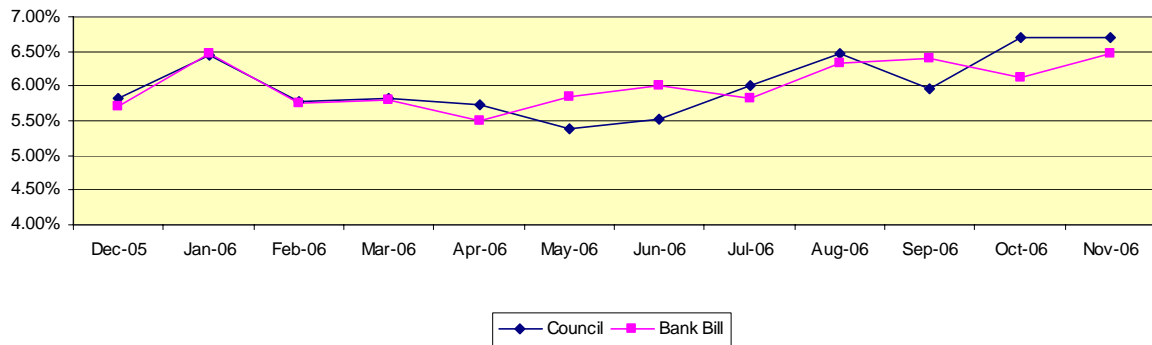
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Corporate Services
Department

Schedule of Bank Balances and Investments – 30 November 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 twelve months is displayed in the following graph.

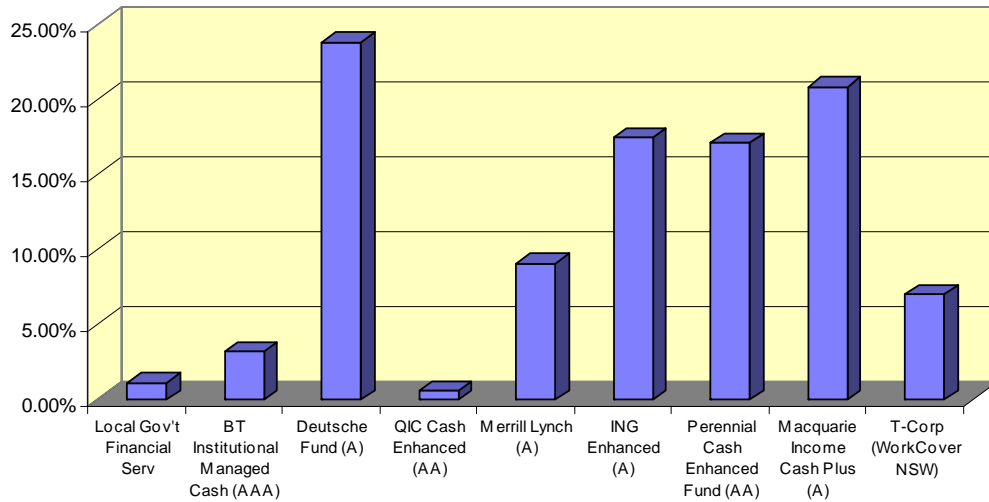


Allocation of Investment Funds

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

Council's funds during November were allocated as follows:

Schedule of Bank Balances and Investments – 30 November 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 30 November 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
30 November 2006 (1 page)**

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Schedule of Bank Balances and Investments – 30 November 2006 (Attachment 1)

SUMMARY

November 30 2006

<u>General</u>	\$
Unrestricted	4,402,305.17
Restricted - Internally	24,589,700.00
Restricted - Externally	38,049,464.73
Total General	67,041,469.90
<u>Water</u>	
Unrestricted	0.00 *
Restricted - Internally	864,000.00
Restricted - Externally	17,454,509.75
Total Water	18,318,509.75
<u>Sewer</u>	
Unrestricted	2,890,221.62
Restricted - Internally	1,558,000.00
Restricted - Externally	11,727,856.40
Total Sewer	16,176,078.02
TOTAL INVESTMENTS	101,536,057.67
BANK BALANCE PER BANK STATEMENT	2,277,286.98
TRUST ACCOUNT PER BANK STATEMENT	23,695.73

*No Un-restricted water investments held to date November 30 2006.

*Water fund loan approval currently being sought.

WYONG SHIRE COUNCIL

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

039 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 January 17 2006 requesting an answer. Further request sent October 11 2006.)	Councillor Pavier	December 14 2005	Corporate Services
Q003 – Business Arising – December 14 2005 (Staff sent Memo to Councillor Best on February 7 2006 requesting an answer. Further request sent October 11 2006.)	Councillor Welham	January 23 2006	Corporate Services
Q009 – Wyong Alliance (Staff sent Memo to Councillor Best on February 16 2006 requesting an answer. Further request sent October 11 2006.)	Councillor Rose	February 8 2006	Corporate Services
Q095 – The Entrance Visitors Centre (A response will be reported to the Ordinary Meeting on 14 February 2007)	Councillor Forster	27 September 2006	Corporate Services

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q120 – Traffic Movements – Pacific Highway Charmhaven (A response will be reported to the Ordinary Meeting on 14 February 2007)	Councillor Welham	22 November 2006	Shire Services
Q121 – Review of Safety Rail Corridor through Wyong Shire (A report will be submitted when response received from State Rail)	Councillor Welham	22 November 2006	Corporate Services
Q123 – 83 Railway Road Warnervale (A response will be reported to the Ordinary Meeting on 14 February 2007)	Councillor Pavier	22 November 2006	Shire Planning
Q127 - Proposed section 94 contributions for Wyong Employment Zone (WEZ) (A response will be reported to the Ordinary Meeting on 14 February 2007)	Councillor Eaton	13 December 2006	Shire Planning
Q129 – Visitor's Centre lease at The Entrance back to Council (A response will be reported to the Ordinary Meeting on 14 February 2007)	Councillor Pavier	13 December 2006	Corporate Services
Q131 – Future use of the Bateau Bay Childcare Centre at Bay Village (A response will be reported to the Ordinary Meeting on 28 February 2007)	Councillor Stewart	13 December 2006	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
314 – Notice of Motion – 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 – Notice of Motion – Blue Bell Park, Berkeley Vale	Shire Services	11 October 2006	Awaiting community consultation.
424 – Representations on Water	Shire Services	11 October 2006	A report will be submitted to the Ordinary Meeting of 14 February 2007.
514 – Growth Rates – Population Crisis	Shire Planning	22 November 2006	A report will be submitted to the Ordinary Meeting of 14 February 2007.
515 – Loss \$1.5 Million Levy	Shire Services	22 November 2006	A report will be submitted to the Ordinary Meeting of 14 February 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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24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice

Q105 – Grey Water Reuse System

Asked by Councillor Eaton at the Ordinary Meeting held on 25 October 2006
F2004/06948

“Can Council report on the Grey Water Reuse System proposed for the new Woodbridge Development at Mardi?”

As part of its proposed residential subdivision at Mardi, Woodbury Park Estates approached Council regarding the possibility of using recycled water from the Wyong South Treatment Plant. In 2004, Council commissioned a study to assess the feasibility of providing effluent re-use from various sewage treatment plants. The study, which was completed in 2005, concluded that an effluent re-use scheme for providing a dual reticulation system to residential development from the Wyong South Treatment Plant was not considered viable. Other effluent re-use options, such as selective industrial uses, may be viable.

On the basis that effluent re-use from Council’s treatment plant was not considered viable, Woodbury Park Estates investigated alternative options for meeting BASIX requirements and reducing the demand on the potable water supply. Although full details have not been provided to Council at this stage, Woodbury Park Estates now intends to incorporate a Perpetual Water P/L filter system within Stage 1 of its proposed ‘Woodbridge’ development. If installation is successful within Stage 1 then this may lead to its incorporation into the other stages. Stage 1 is for 30,000 litres of grey water per day from approximately 50 dwellings. The total project is for 200 dwellings.

Perpetual Water is a fully automated urban grey water treatment system that treats shower, bath and laundry water to a high standard. The treated water has clarity better than tap water and no measurable biological activity. The water quality resulting from the proposed system satisfies the NSW Government’s Department of Energy, Utilities and Sustainability four star rating which makes the treated grey water safe to use for dual reticulation, unrestricted residential use (not drinking), industrial processes and irrigation of food crops eaten raw, unrestricted urban irrigation (golf courses and playing fields) and discharge into sensitive waterways.

Within the ‘Woodbridge’ development the treated grey water is proposed to be used by each household for domestic toilet flushing, laundry use, car washing, path hosing and garden irrigation. It is also proposed to reticulate the surplus filtered grey water throughout the estate for parks, gardens and street beautification irrigation.

Once Stage 1 is fully occupied it is estimated that the project will reduce the amount of potable water required to service the development by approximately 55% per day.

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Answers to Questions Without Notice (contd)

Q105 – Grey Water Reuse System (contd)

The system incorporates filters designed to selectively remove detergents, biological, organic and inorganic contaminants from grey water. By passing the grey water through these filters the system removes all solid and dissolved contaminants, consequently destroying viruses and bacteria. The system operates to discharge to the sewer if the clean water tank is full or if the system detects an operational problem that results in partially treated water.

It is proposed to plumb each dwelling in the estate with dual sewer pipes. One for the black water (kitchen and toilet) which will be connected directly to the sewer. The other is for grey water collection from the shower, basins, bath and laundry, which will be connected to the treatment system. The grey water will flow by gravity to a central plant room comprising filters, pumps and storage tanks. From there the filtered grey water is reticulated to each dwelling for toilet flushing, laundry use, garden irrigation and car and path washing etc.

The system is accredited by NSW Health for operation where there are up to eight persons within a single household. Council's officer has indicated that it is unlikely that accreditation from NSW Health would be extended beyond such limitations.

The proposed system would also require Council approval. Once approved each installed system would need to be issued with an approval to operate under Council's On Site Sewerage Management policy and would be the subject of inspections by Council officers. Each system would need to be serviced at acceptable time periods.

Although a formal application for approval has not yet been made by Woodbury Park Estates, discussions with the applicant are continuing with respect to the appropriate form of the application and the level of supporting information required. Any approval would be subject to the system being owned, operated and maintained by the owners of the properties serviced thereby ensuring that the cost of meeting BASIX requirements was met by development and not passed through to Council and the wider community.

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To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q110 – Staffing at Kores Coal Pty Ltd

Asked by Councillor Veugen at the Ordinary Meeting held on November 8 2006
F2004/07086

Could staff write to Kores Coal Pty Ltd to ask if their application for a long wall coal mine under our valleys is successful, their claim it will create up to 600 local jobs, will these jobs be filled by existing locals or will they be filled by foreign workers brought here under the 457 Temporary Visa Scheme?

In response to any enquiry from Council requesting information about the creation of local jobs in the proposed Wallarah 2 Coal Mine, Mr Peter Smith, Environment and Community Manager for the Wyong Areas Coal Joint Venture, provided information in the attached letter dated 13 December 2006.

Attachment 1

Letter from Wyong Areas Coal Joint Venture (1 page)

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q110 – Staffing at Kores Coal Pty Ltd (contd) (Attachment 1)

13 December 2006

Wyong Shire Council
PO Box 20
Wyong NSW 2259

Attention: Mr Mike Long, Contracts Engineer

Dear Mike

I am pleased to respond to your letter of 21 November seeking advice about the Wallarah 2 Coal Project's intentions for employment.


The project owners, the Wong Areas Coal Joint Venture (WACJV), have stated that it expects the development proposal known as the Wallarah 2 Coal Project to directly employ approximately 300 persons full time. Subject to further socio-economic assessment, using an employment multiplier typically associated with major mineral resource developments would indicate a further 600 to 750 jobs to be indirectly generated due to the project.


The WACJV has stated that it will develop an employment recruitment policy that will seek to maximize local employment. In this policy, we envisage "local employment" to mean the Central Coast and immediately adjacent Lake Macquarie area. We have stated that we expect at least 70% of workers (that is, around 210 people) would be from this local region. Given that only limited experienced mining industry workers are likely to be available from the local area, the project is committed to ensure there is investment in appropriate training of such workers.

A further 30% (or about 90 workers) could be expected to be recruited from other mining areas, such as Newcastle, Hunter Valley, other parts of NSW and Australia. This proportion of workers is envisaged to be needed to supply much of the necessary mining experience needed to fill supervisory, team leader and management positions which will be important for safe and efficient mining operations.

It is possible that several overseas executives and professionals from the shareholders' companies could be employed in the operation. The individuals involved in these specialist managerial positions would be issued with temporary visas to undertake their employment. We expect that these professionals would be warmly welcomed into the regional community during their time in Australia.

I hope this clarifies the matter of employment recruitment. I also take this opportunity to remind the Council that the project owner and proponent is the Wyong Areas Coal Joint Venture, which comprises a major shareholder and several minor shareholders.

Yours sincerely

Peter Smith
Environment and Community Manager



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energy for the future

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q111 – Letters of Support and Congratulations to Environmental Care Groups

Asked by Councillor Veugen at the Ordinary Meeting held on 8 November 2006
F2004/05339

Could staff please send letters of support and congratulations to our local environmental care groups who have successfully obtained grant funding through the National Heritage Trust for their environmental projects? The groups concerned are Palmgrove – Ourimbah Creek Landcare, Norah Head Ratepayers, Residents & Coastcare Association, Coastcare T.E.N. and Hopetown Landcare Group.

Letters of congratulations have been issued by the Mayor.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q112 – Mangrove Creek Dam

Asked by Councillor Best at the Ordinary Meeting held on 8 November 2006
F2004/07930

“Mr General Manager, I have been approached by residents and ratepayers seeking advice on three key issues of concern as Mangrove Creek dam nears 10%.

- 1 *The usability of drinking water down to 0%.*
- 2 *The prospect of algal outbreaks as the dam waters warm.*
- 3 *The likely impact of vaporisation throughout summer as the dam shallows.*

Could you please advise on these issues as soon as possible?”

1 The Usability of Drinking Water Down to 0%

The usability of the lower levels of the water supply storages is dam specific and can relate to both quality and access issues. Mangrove Creek Dam was constructed with a “low level off-take”, which allows water from the very bottom of the dam to be sourced. This off-take has been in use for approximately four years, to ensure that any problems associated with its use could be resolved before it could impact on water delivery. No problems have been experienced with this low level off-take. Mooney Dam has an outlet tower, which includes an off-take just above the floor of the dam. This low level off-take is also currently in use. Mardi Dam also has provision for sourcing water just above the floor, with a contingency plan in place to recover the balance of the storage via a temporary pump. The above arrangements enable releases/extractions to be made down to 0% storage.

The stored water at or below 3% storage is at risk of elevated turbidity levels, due to the impacts of run-off. The treatment plants can effectively treat this high turbidity water, particularly at the low production rates required to supply restricted demands.

2 The Prospect of Algal Outbreaks as the Dam Waters Warm

Dams, at low levels of storage, are at risk of an algal outbreak, due to a combination of higher temperatures and an increased potential for high nutrient water entering the dam. The high nutrient levels could occur as a result of catchment run-off during a storm event, particularly if such an event followed a fire within the catchment. In a full storage, the nutrient rich run-off is diluted to manageable levels, whereas in a low storage situation, the dilution is less resulting in higher nutrient concentrations.

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Answers to Questions Without Notice (contd)

Q112 – Mangrove Creek Dam (contd)

This higher potential for algae outbreaks is being managed as follows:

Pro-actively

The Central Coast storages incorporate mixing systems, which prevent nutrient rich, warm layers forming within the storage. The mixing also minimizes the length of time the algae has access to sunlight, reducing its ability to reproduce.

Where outbreaks are identified through routine inspections, the affected area is dosed with a control chemical. In most instances this would control the outbreak.

Re-actively

Should an algal outbreak become unmanageable within the dam, the water supply has the potential to suffer taste and odour problems. Dosing the treated supply with activated carbon powder removes these undesirable characteristics. Both Somersby and Mardi Water Treatment Plants have been fitted with activated carbon dosing facilities to deal with such a situation.

3 Evaporation

The rate of evaporation is a function of temperature, wind speed, humidity and water surface area. The established evaporation rates for the Central Coast take into account these variables. During warmer weather, all storages increase in temperature. However, as the storages drop, the surface area decreases. The nett effect of all these variables is that, evaporation, while reducing storage levels, does not increase its impact on the storage in a disproportionate manner as dam storages decrease.

24 January 2007
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Answers to Questions Without Notice (contd)

F2006/00975

Q114 – Water Savings Fund

Asked by Councillor Pavier at the Ordinary Meeting held on 8 November 2006

“Applications have now closed for the Water Savings Fund. Could staff report on the number and type of applications received and the total amount of funds in this programme?”

The Water Savings Fund for 2006/07 received 27 applications for funding from the private sector. Wyong Council submitted 16 applications and Gosford Council submitted 26 applications. The fund was divided into two groups, a contestable group and a non-contestable group. The non-contestable group of applications comprised the applications made by Wyong and Gosford Councils, with the contestable applications being those submitted by the private sector. The total funds available within the program for 2006/07 is \$2.1M. These funds are raised by a levy of \$15.78 on each water service charge in the Wyong Shire and \$14.95 for each water service charge in Gosford City raising \$0.95M and \$1.05M in the Wyong and Gosford Council areas respectively. The total amount allocated for the projects was \$2.48M, which includes funding for two projects being implemented over more than one year. \$1.48M was allocated to the contestable applications, with \$1.0M being allocated to the non-contestable applications. All of the funds collected are allocated to specific projects with the Councils and relevant State Government Departments involved in management of the water saving fund meeting their own administration costs.

Wyong Council received \$475,000 from the fund, with Gosford receiving \$525,000. This is proportional to the amounts collected from each Council. The Wyong Council projects to be funded under this program are as follows:

- * Provision of reclaimed water supply to Tunkawallin Oval (Gwandalan) for oval irrigation
- * Rainwater harvesting for Baker Park Oval (Wyong) irrigation
- * Rainwater harvesting for Taylor Park (The Entrance) irrigation

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Answers to Questions Without Notice (contd)

Q114 – Water Savings Fund (contd)

- * Stormwater harvesting for oval irrigation and aquaculture facilities for Wadalba School.
- * Extension of reclaimed water main to serve The Entrance High School and Our Lady of the Rosary Primary School, including the provision of an irrigation system for The Entrance High School Ovals
- * A detailed performance audit program covering the existing irrigation systems to ensure the water is being applied in the most effective manner

The 27 projects submitted by the private sector included:

- * Four projects involving the reclamation of trade waste flows for reuse within the industrial environment
- * Provision of recycling facilities within an existing carwash
- * Introduction of new technology within an existing laundry to reduce the volume of wash and rinse water
- * The introduction of waterless woks within the restaurant industry
- * Water auditing and water saving initiatives within schools
- * Rainwater harvesting projects at Toukley Golf Club, Toukley Bowling Club, Halekulani Bowling Club and Ourimbah RSL Club
- * Funding for alternative water sources within an existing and a proposed residential development
- * Various water harvesting and water recycling projects
- * The promotion of an alternative irrigation technology within the nursery industry

The private sector projects to be funded under the program are as follows:

- * Aqua Jet Car Wash Pty Ltd – Upgrade recycling equipment
- * MasterFoods - Process water recycling and stormwater harvesting project
- * Sanitarium Health Food Company - Process water recycling
- * Sara Lee Bakery Pty Ltd - Water Recovery from Trade Waste Plant
- * Halekulani Bowling Club – Rainwater harvesting and use of bore water
- * Ourimbah Lisarow RSL Club - Water savings and harvesting plan

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Answers to Questions Without Notice (contd)

Q114 – Water Savings Fund (contd)

- * Rainsaver Pty Ltd - Auxiliary Water Supply for the Central Coast using Rainsaver Storage Gutter
- * Robann's Nursery - Rainwater harvesting and implementation of methods of moisture loss reduction in the nursery environment
- * Robann's Nursery - Rainwater harvesting and implementation of methods of moisture loss reduction in the nursery environment
- * Toukley District Bowling Club – Rainwater harvesting
- * Toukley Golf Club -Rainwater harvesting
- * Central Coast Laundry -Ozone Laundering to reduce wash and rinse water use
- * Delta Laboratories - Re-circulated chilled water system for process cooling
- * Ethnic Communities Council - Saving water in Asian restaurants through the promotion of waterless woks
- * Hunter Councils Inc - Central Coast Schools Integrated water program
- * Rumbalara Environmental Education Centre – Schools waterwise education program
- * The Hammond Care Group - Woy Woy Nursing Home Water Saving Project
- * Lutanda Children's Services - Water Wise at Camp Toukley

The basis for project selection was as follows:

- * The selection team comprised of:
 - Independent Chair
 - Wyong Shire Council representative
 - Gosford City Council representative
 - Hunter Water Corporation representative
 - NSW Department of Environment, Utilities and Sustainability representative
- * The key selection criteria were:
 - Projects must deliver significant water savings in the area of operation of Gosford City Council and/or Wyong Shire Council
 - Projects must be cost effective (based on a ten year timeframe)

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Answers to Questions Without Notice (contd)

Q114 – Water Savings Fund (contd)

Project applications were then given preference if they demonstrated they could meet the following other selection criteria:

- * had a degree of certainty in delivering savings
- * are repeatable and/or will lead to wider changes in water consumption behaviours and investment choices
- * coordinate with and complement, rather than duplicate, other programs and policies
- * demonstrate or apply innovative new technologies or practices
- * lead to benefits in addition to saving water, including energy savings

Projects were ineligible for funding if they satisfied the following criteria:

- * projects where it was reasonable to expect the applicant would undertake the activity without assistance from the Fund, including where there are no financial barriers to implementing the project
- * projects which were research and development only
- * projects directly implementing regulatory requirements such as BASIX or preparation of Water Management Plans

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

F2006/00975 MR

Q115 - Costs and Quantity of Water Saved

Asked by Councillor Pavier at the Ordinary Meeting held on 8 November 2006

“What is the expected quantity of water saved; the costs and the expected implementation time frame of the applications (in relation to the Water Saving Fund)?”

The expected quantity of water saved, by all projects funded under the Central Coast Water Savings Fund, is 674 ML/annum when fully implemented. The majority of projects are scheduled to deliver the identified savings within 12 months, with two industrial projects being implemented over two years.

The total cost of all approved projects amounts to \$4.31M, with \$2.48M being funded from the Water Savings Fund, and \$1.83M being provided by the applicants.

Wyang Council received funding of \$475,000 towards projects totalling \$678,000, with a Council contribution of \$203,000 from existing budget provisions. Gosford City Council received \$525,000. The funding allocations to each Council are in proportion to the contributions made to the fund by that particular Council. Based on the identified water savings to be achieved for each of the approved projects, the average cost of the alternative water supplies will be in the order of \$1.34/kL.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q116 – Water in Street Verge at Quinalup Street, Gwandalan

Asked by Councillor Eaton at the Ordinary Meeting held on 8 November 2006
F2004/00382

Could Council please report on water lying on the street verge outside 19 Quinalup Street, Gwandalan and measures to solve this problem?

Quinalup Street Gwandalan has a sealed traffic surface, unsealed road shoulders and grass dish drains. The dish drains have relatively little fall and water drains away slowly.

Council has received a number complaints in relation to water ponding in front of this property. These complaints have been addressed by undertaking clearing of the dish drain.

Recent inspections indicate that the dish drain is adequately maintained, however following rain small amounts of water may pond in the dish drain for a short time and the area could remain wet for sometime after a rain event due to soil conditions and flat grade. Formal drainage works including concrete kerb and guttering would be required to improve the drainage in this street. As this localised ponding of water does not affect houses or property this is a low priority on Council's drainage programme.

Quinalup Street has been identified as requiring road rehabilitation and it is proposed to provide formalised kerb and guttering when this work is undertaken.

Currently this work is programmed to be undertaken in 2007/2008 or 2008/2009.

At this stage no maintenance action is required. The site will be monitored and maintenance carried out as required.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

F2006/01608

Q117 - Effect of Level 4 Water Restrictions on Building Processes/Concreting

Asked by Councillor Eaton at the Ordinary Meeting held on 8 November 2007

“Could Council report on how Level 4 Water Restrictions apply to building processes such as concreting that necessarily consume water?”

Level 4 water restrictions apply to all consumers, including the building industry. However, in order to ease the impact of restrictions on employment, water use exemptions are being provided to businesses, such as concretors, that need to use water.

The exemption permits the use of water, for business purposes, provided it is used in a controlled manner eg trigger nozzle hose and is not being wasted eg no run-off from the site.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q118 – Commencement Date for New Warnervale Railway Station

Asked by Councillor Eaton at the Ordinary Meeting held on 22 November 2006
F2004/06713

“Can Council report on what is the Government’s commencement of operation date for the new Warnervale Railway Station?”

Council is in receipt of a development application for the new Warnervale Railway Station since 21 February 2005. Most recently, Council has requested additional information from Rail Corp on threatened species which has not been provided as of the drafting of this report.

The draft Central Coast Regional Strategy lists the station as being in the State Infrastructure Strategy which has an overall 10 year outlook, but to date only carries the funding for “project development” and not for construction. While priority and funding may change once planning for the Warnervale Town Centre has progressed through the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act*, it is clear that the State Government has not made a commitment to a commencement of construction nor operation date.

Telephone contact with Rail Corp’s Project Manager for the Warnervale Railway Station on 9 January 2007 confirmed that Rail Corp has no timeframe for any part of the station construction or operation. A formal request has been sent to confirm this in writing. Councillors will be informed of any dates for construction or operation as soon as it is set by the State Government.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

F2006/01604 & F2006/01608

Q119 - Effects of Level 4 Water Restrictions on Pool and Nursery Industries

Asked by Councillor Eaton at the Ordinary Meeting held on 22 November 2006

“Can Council report on how Level 4 Restrictions have affected the pool industry and the nursery industry and what other initiatives could be implemented to assist these industries?”

As previously reported to Council the pool and nursery industries have been particularly impacted by water restrictions since their introduction in February 2002.

Advice from these industries is that, since the introduction of level 4 restrictions in October 2006, there has been no noticeable further impact on sales. These industries have advised that this has been due to the positive impact of Water Banking. Under “Water Banking” water from sources which would not be economical to use for the town water supply is transported by water tanker for “banking” in either Mardi or Mooney Dams. This water is then sold for specific purposes targeted at protecting employment in industries most impacted by water restrictions. These uses include filling new swimming pools and establishing new plants sold at nurseries. The cost of this water, currently \$5 per kL, covers the tankering cost to the dam. This water is also subject to the water usage charge as it is treated and distributed through the town water supply system in the normal manner.

The Councils have been in regular contact, through forum meetings, with these industries to develop initiatives to provide relief from the impact of restrictions. Water banking has been the most significant initiative arising from these forums. As indicated above water banking is proving successful in providing assistance to these industries. There are no further initiatives, arising from these forums, that are yet to be implemented.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q122 - Rezoning Application at Bateau Bay

Asked by Councillor Pavier at the Ordinary Meeting held on 22 November 2006
PL/26/2005

“Given staff willingness to support ridgeline development ie Warnervale, can staff please report on that one of the reasons for rejection of a rezoning application at Bellevue Road, Bateau Bay, was ridgeline development?”

Bateau Bay

In 1999 an application (8/99) was lodged for rezoning of a number of lots extending from the floodplain of Tumbi Creek to the ridgeline immediately south of Bellevue Road. Part of the application proposed to rezone land currently zoned 6(c) (Proposed Open Space) to 2(b) (Multiple Dwelling Residential) zone to facilitate an application for retirement units under the then SEPP5.

In a report to Council dated 12 June 2002, the many issues arising from the rezoning were explained. Council resolved the following:

“that the rezoning application be refused as the subject land is not appropriate for the proposed 2(b) (Multiple Dwelling Residential) zoning due to the unacceptable impacts on traffic and transport management, vegetation and landscape, bushfire management, stormwater management, water and sewer servicing, development on a visually significant ridgeline and the provision of open space and buffer areas to adjoining development.”

The application was therefore refused with one of reasons for refusal being development on a visually significant ridgeline.

The applicant has lodged a new request for rezoning of the site and, as considerable Council resources would be required to progress this rezoning, the possible inclusion of this site in Council's priority works programme will be considered in the next programme review due in February.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q124 - Press Release Demolition of House at The Entrance

Asked by Councillor Stewart at the Ordinary Meeting held on 22 November 2006
DA/1729/2004

Could Council please do a press release on the demolition of the house on the corner of Coral Street and Torrens Avenue, The Entrance?

A press release concerning the above was issued on 16 January 2007.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q125 - No Smoking Policy Council Land

Asked by Councillor Stewart at the Ordinary Meeting held on 22 November 2006
F2004/06067

When will Council be dealing with the "no smoking policy" at our Council's childrens playgrounds and playing fields?

A Councillor Briefing on this matter was scheduled to take place on 4 October 2006. Due to the fact that there were a number of other pressing matters requiring consideration by Councillors this briefing was postponed, however it will be re-scheduled for 7 February 2007.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q126 - Results of the Public Exhibition on Draft Local Environmental Plan

Asked by Councillor Eaton at the Ordinary Meeting held on 13 December 2006
F2004/07783

“Can Council report by first meeting in March 2007 on the results of the Public Exhibition on draft Local Environmental Plan (amendment no 163) for the Louisiana Road so called infill precinct?”

Exhibition of the Louisiana Road rezoning was originally to close on 7 February 2007. In response to public requests (most notably from the Lakes Precinct Committee) to extend the exhibition period, the closure has been extended by two weeks to 21 February 2007.

This was considered a reasonable request in the circumstances due to a number of factors including, but not limited to:

- * The original exhibition period extended over the January holiday period and many residents in the area were away.
- * A joint meeting of the Warnervale/Watanobbi Precinct Committee has asked to be addressed on the issues and the earliest this can be organised is 6 February (the first meeting since exhibition commenced). The Committee would then require a reasonable time to compile a submission following the meeting.
- * An earlier public meeting attended by over 200 people had resolved to proceed to exhibition with the current proposal. In doing so; however, the meeting sought careful public review of the rezoning details and wanted to ensure there was ample opportunity for input during the exhibition period.

This means that there will be insufficient time to report the results of the exhibition to the first Council meeting in March.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q128 – Star pickets presenting a danger to pedestrians/bike riders

Asked by Councillor Pavier at the Ordinary Meeting held on 13 December 2006
F2004/00690

Can staff contact B. England at 34 Leonard Avenue, Toukley to locate the exact position of star pickets that are on Osborne Park, Toukley presenting a danger to pedestrians/bike riders?

Following two severe storms in late 2004 and early 2005 a number of damaged and over-mature trees had to be removed from Osborne Park on the foreshore at Peel Street, Toukley. Owing to the nature of the damage and the condition of the existing trees, a number of residents called Council concerned that the significant tree loss had the potential to lessen the conservation values of this area.

It had been noted for some time that this reserve (and other foreshore reserves in the Shire) had single aged tree stands which are showing signs of old age and deterioration and the consensus was that some form of revegetation should be carried out to ensure the character of the park is maintained.

To that end the following works were carried out and will continue for the foreseeable future:

Damaged trees and trees considered dangerous have been removed. (It is expected there will be no further tree removals in the near future).

Undergrowth and grass cover has been sprayed out of selected areas of the park.

Mulch from the trees removed has been spread over the sprayed areas.

Protective fencing has been established around the mulched areas to protect these areas from pedestrian and vehicular traffic and allow natural revegetation to occur.

Some intervention and reintroduction planting of local species was undertaken in June 2006 and will re-commence in the Autumn of 2007 when conditions for planting are suitable.

A number of stumps in the open grassed areas of the park have been removed.

Following the establishment of the local plant species in this section of the reserve the protective fencing will be removed. It is envisaged that this will occur in June 2008.

The protective fencing referred to by Mr England is regularly inspected and maintained by Council staff to ensure that it does not present a hazard to reserve users. Council staff were unable to make telephone contact with Mr England in late December 2006 however an inspection of the area undertaken on 27 December 2006 revealed no hazards related to the fencing. Council staff have replied to correspondence relating to the above issues from Mr England.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q130 – Congratulate the Gwandalan/Summerland Point Tidy Towns Committee

Asked by Councillor Rose at the Ordinary Meeting held on 13 December 2006
F2004/00034

That the Mayor write to the Gwandalan/Summerland Point Tidy Towns Committee and congratulate them on their category win and high commendations award to them at the recent NSW Tidy Towns Awards night.

A letter of congratulations has been issued by the Mayor.

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

F2004/06949

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages

Asked by Councillor Best at the Ordinary Meeting held on 13 December 2006

“Could staff please report on this letter regarding water tanks in caravan parks and manufactured home villages by the proprietor of Bevington Shores Village?”

Bevington Shores Manufactured Home Village wrote to Council on 12 October 2006 raising numerous issues including water restrictions, water tank installation and approval, water tank rebates, use of groundwater and use of grey water. A copy of this letter, together with a further letter sent on 24 November 2006 are attached. These issues have been assessed by relevant staff and replies forwarded that address the issues raised and provides information relevant to Bevington Shores formulating a policy to allow its residents to install rainwater tanks. Copies of these replies are included as Attachment 1.

While Bevington Shores was apparently waiting on this reply to enable the formulation of a policy, other parks such as Macquarie Shores, Lakeland, Teraglan Village and Valhalla Village already allow their residents to install water tanks. Council has been providing rebates to residents of these parks since July 2006.

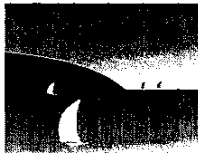
**Attachment 1 Letters of 12 October 2006 and 24 November 2006 and
Council responses of 29 December 2006 and 2 January 2007
(7 pages)**

24 January 2007
To the Ordinary Meeting of Council

Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

Bevington Shores
Manufactured Home Village



Wayne & Rowena Hamilton - Proprietors
A.B.N 65 959 359 004
186 Sunrise Ave., ♦ BUDGEWOI N.S.W. 2262 ♦ AUSTRALIA
Phone 02 43 909 267 ♦ Fax 02 43 907 710 ♦ Mobile 0412 546677

October 12th, 2006

Wyong Shire Council
Hely St
Wyong NSW 2262

Re: Water Tanks in Caravan Parks & Manufactured Home Villages

Dear Sir/madam,

We are the owners of Bevington Shores – Manufactured Home Village in Budgewoi and I am the secretary of the CCIAMHIA – Caravan Camping Industry Australia/ Manufactured Homes Industry Australia, for the Central Coast.

We are all in the process of formulating new Park Rules to allow our Permanent Residents to install their own water tanks – as well as working out how the Parks and Villages can catch their own water.

Each time we ring the Council we are given different information & desperately need the situation clarified in writing – so there is no more confusion and we can formulate accurate, workable policies.

Could you please supply all the information needed – plus directly answer the following questions.

1. Firstly, we all operate as Commercial Businesses & yet our member parks and villages are a mix of either fully Tourist, fully Permanent, or a mix of the two.
2. If we are a Permanent Home village with no Tourist accommodation at all - under your Tank policy are we therefore considered a fully commercial premises, or do you acknowledge that as our business is supplying land for residential housing – they should be treated as domestic. Our residents are nearly all pensioners living on fixed incomes. Will their tanks be classified as domestic and therefore, be eligible to the same rebates as other residential housing?

If the Park is a mix of both Tourist & Permanent will the permanent residents still be treated as domestic installations?
3. Please supply the relevant information on the Australian Standards for installing domestic water tanks & commercial water tanks. (keeping in mind the answers given to the previous questions). Please include information on the acceptable bases (ie concrete etc), how the downpipes should be connected and storm water overflow must be handled.

Also include, the storage of grey water and if processing is required & the health issues involved.
4. Previously the parks and villages were told that only one tank could be installed per subdivision lot. Most of us are only 1 lot – but have somewhere between 50 & 350 sites within the property

Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

with separate homes that could all potentially have water storage attached to them? We have observed that the Council Parks have already installed numerous huge tanks in various locations & we have been advised verbally that the 1 tank rule no longer exists. Please confirm in writing for our members.

5. Our member parks and villages are located on a number of different zonings and have been supplied different information by different Council representatives.
- Bevington Shores is zoned 7B & we were told that we could have up to 35,000 litres without requiring a DA to be lodged. Is this correct? What is the process for lodging a DA for greater than this size – as we are looking at the possibility of installing massive underground or above ground tanks to catch the water that flows down the village roads. Massive amounts of water come down our Southern Blvd that could be channelled into water storage to maintain our acres of community gardens. Would this require a full Integrated DA – or would it be a simple process? Once installed does this mean that each 1,000 to 3,000 litre tank the residents install would also require a DA, as one of our member parks was advised in a telephone enquiry to the Council?
- Our residents already use considerably less than the normal domestic water allowance – as we demonstrated in our 2B Water Management Plan supplied earlier in the year. In that process Council maintained that they wanted us to show how we, like other commercial businesses, could cut our water consumption by 25%. For permanent Home Villages – our business is supplying water for domestic housing only. We have no control over how our residents use their water – as long as they comply with the current water restrictions. The installation of water tanks by our residents would be mostly for water for their little gardens only. Others would also connect to their internal facilities.
- At Bevington we also had a large take up of the Council's Refit program a couple of years ago & as all the newer homes were already using water saving devices – we would estimate over 80% are now installed.
- Big 4 Lake Macquarie – Monterey Tourist Park was advised that as they were zoned 2A they could only install a max of 10,000lt tank before they would require DA's to be lodged. They were also advised that once this was reached each individual resident would be required to lodge DA's.
6. Are there other sizes for other possible zonings? If so we would like you to list the requirements for each Park & Village in your Shire. Steven Berry knows all of them – as he is our Council Inspector.
7. Can subterranean water be pumped into storage tanks for future use?
8. Many of our member parks and villages have garbage facilities scattered in various locations across their land. Level 4 restrictions now prohibit the washing of those bins. This poses a major health hazard to the adjoining homes and yet it is not possible to install water storage tanks if there are no park buildings located nearby. Grey water is also not available normally at all locations. Do they all need to individually apply for exemptions or can an industry wide exemption be issued?
9. Tourist Parks which rely on boating enthusiasts are now being adversely effected, as people are no longer allowed to flush their motors. This will result in the engines being ruined within a season. Again, is it necessary for each park to apply for an exemption or does the Council also want to encourage Tourism & can make an exemption for the industry on a whole?
- Members already report that Tourists are checking on requirements with their offices and saying that they might as well go home if they can't flush their boats. Others have indicated that they won't be back – preferring to go to Lake Macquarie, Hunter or Port Stephen areas where there are no restrictions.
- Council needs to look long and hard at the Tourist Industry & acknowledge that it represents a major employer to the whole Central Coast area.
10. In Queensland under the Rosalie Shire Council, Toowoomba Council Levels 4 and 5 still allow flushing of inboard and outboard motors to prevent corrosion. Is there no standard across councils? If they can allow it in their area under even higher water restrictions – why can't Wyong

24 January 2007
To the Ordinary Meeting of Council

Director's Report
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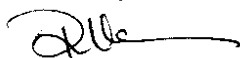
Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

and Gosford Councils amend their restrictions to match?

Our next industry meeting is in a couple of weeks & we would appreciate an answer before that meeting.

Yours truly,



Rowena Hamilton
Village Proprietor
CCIA/MHIA Central Coast Secretary

24 January 2007
To the Ordinary Meeting of Council

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Department

Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

Bevington Shores
Manufactured Home Village



Wayne & Rowena Hamilton - Proprietors
A.B.N 65 959 359 004
186 Sunrise Ave., ♦ BUDGEWOI N.S.W. 2262 ♦ AUSTRALIA
Phone 02 43 909 267 ♦ Fax 02 43 907 710 ♦ Mobile

24 November 2006

Mr Bob Graham
C/- Wyong Shire Council
Hely Street
WYONG NSW 2262

Dear Mr Graham

RE: Water Tanks in Caravan Parks & Manufactured Home Villages on behalf of
the CCIA/MHIA (Caravan Camping Industry Australia & Manufactured Homes Industry
Australia)

I have enclosed a copy of our correspondence to Wyong Shire Council on 12 October 2006 to which I have not yet received a response. After several telephone calls to their office I am no where near satisfied with their replies. Each Member Park and Village has been given different & conflicting information and advice.

As an industry we require definite standards to enable us to formulate our policies and respond to the many requests of our residents. It is critical that a succinct policy is developed by Council as soon as possible.

I have already had a petition signed by 32 of my residents demanding that they be allowed to install tanks and as yet I have not been able to develop a policy as I still have received no written advice from Council on how to develop one that will comply with all the legal aspects involved.

Please ask the relevant Council employees to look at this as a matter of urgency.

Yours sincerely

Rowena Hamilton
PROPRIETOR

24 January 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services
Department

Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

KG:LW/Mr K Grantham
F2004/06949

December 29 2006

Ms R Hamilton
Village Proprietor
Bevington Shores
186 Sunrise Avenue
BUDGEWOI 2262

Dear Ms Hamilton

Water Tanks in Caravan Parks & Manufactured Home Villages

The following is advised in response to issues raised in your letter of October 12 2006 in relation to the above.

Council rebates, in accordance with the attached information brochure, will be provided on the following basis to all caravan parks or mobile home villages;

A rebate up to the maximum available will be paid to the park management for tank(s) installed to service common use facilities.

A rebate up to the maximum available will be paid to occupiers of individual sites for tank(s) servicing the site.

General information, in relation to tank installation, is provided in the attached information brochure. Also refer to Council's website www.wyongsc.nsw.gov.au. Tanks should be installed in accordance with the supplier's recommendations which relate to warranty provisions.

Information in relation to the use of grey water is attached. Please also refer to Council's website.

Councils Exempt Development Control Plan identifies properties located within scenic protection zones, rural zones and residential zones such as caravan parks and manufactured home villages, as not requiring formal development approval for the installation of a rainwater tank subject to conditions as follows.

For water tanks servicing individual sites;

The capacity of water tanks must not exceed 5000 L

The height of water tanks must not exceed 2.7 m

Tank locations must comply with standard setbacks and do not block emergency accesses

Tanks connected to internal plumbing must comply with the requirements of AS3500 and the NSW Code of Practice – Plumbing and Drainage

Receipt of a rebate is subject to installation being in accordance with Council guidelines.

Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

For water tanks servicing common use facilities;

The capacity of water tanks must not exceed 45,000 L

The height of water tanks must not exceed 3.0 m

Tank locations must comply with standard setbacks, does not block emergency accesses and is situated at least 10m from side and rear boundaries

Installation does not require the removal of any significant vegetation

Tanks connected to internal plumbing must comply with the requirements of AS3500 and the NSW Code of Practice – Plumbing and Drainage

Receipt of a rebate is subject to installation being in accordance with Council guidelines.

Any proposed tank that does not comply with the above requirements requires a formal development application however no fee is applicable.

Formal approval may be required from the Mine Subsidence Board and appropriate enquiries should be made.

The use of sub-terranean water (bore water) is managed by the NSW Government Department of Natural Resources. Their contact number is 4323 6573.

Council will not issue individual or industry exemptions for activities such as washing of garbage bins. However, Council does recognise that these may need to be cleaned occasionally for health reasons. Council officers will not issue infringement notices if water is being used reasonably for reasons such as necessary cleaning of garbage bins, washing/filling of pet /animal food or water bowls etc.

Each Local Government or water authority area has its own set of characteristics that would make a uniform set of restriction requirements an inappropriate means of managing water supply shortages. Accordingly water restrictions vary between agencies. Council has determined that the use of town water for the flushing of outboard motors is not an appropriate use of the dwindling water supply. As such alternative sources, such as tank water, would need to be provided at the individual's expense if this discretionary use of water was to occur.

Should you wish to discuss any of the above issues I may be contacted on 4350 5454.

Yours faithfully,

K Grantham
Manager
WATER & WASTE

Cc: Councillor Warren Welham

24 January 2007
To the Ordinary Meeting of Council

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Answers to Questions Without Notice (contd)

Q132 - Water Tanks In Caravan Parks and Manufactured Home Villages (contd) (Attachment 1)

KRG/DP:Mr Ken Grantham
F2004/06949
D00746859

2 January 2007

Mrs R Hamilton
Proprietor
186 Sunrise Avenue
BUDGEWOI NSW 2262

Dear Mrs Hamilton

Water Tanks

Reference is made to your letter of 26 November 2006 to Councillor Best in relation to the above. Councillor Best has requested that I respond on his behalf.

A response to your letter of 12 October 2006 was forwarded on 29 December 2006. I apologise for the delay in replying.

I trust the information provided will allow Bevington Shores to formulate a policy that will allow its residents to install rainwater tanks.

Yours faithfully

Ken Grantham
Manager
Water and Waste