
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, 28 FEBRUARY 2007,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

28 February 2007

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WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

073 Disclosure of Interests

F2006/02282 MW: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

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

074 Proposed Inspections

F2006/02282 MW:SW

SUMMARY

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

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

075 Proposed Briefings

F2006/02282 MW:SW

SUMMARY

There were no Briefings scheduled for the 28 February 2007 Ordinary Meeting at the time of printing the business paper.

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

076 Address by Invited Speakers

F2006/02282 MW: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

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

077 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:SW

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 14 February 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 14 February 2007 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 14 FEBRUARY 2007,
COMMENCING AT 5.00 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM AND PASTOR PHIL OLDFIELD READ THE OPENING PRAYER.

THE DIRECTOR SHIRE PLANNING PRESENTED THE MAYOR WITH A PLAQUE FROM MASTERFOODS IN RECOGNITION OF MASTERFOODS' 15TH ANNIVERSARY IN THE SHIRE AND THE EXCELLENT WORKING RELATIONSHIP THE FIRM HAS HAD WITH COUNCIL DURING THAT TIME.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR FORSTER WITH A REQUEST FOR EXTENDED LEAVE OF ABSENCE.

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

That the apology be accepted and the Deputy Mayor, Councillor Forster, be granted leave of absence until Council's meeting on 11 April 2007. If further leave is required it will be reviewed at that meeting.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 046, 050, 054 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 14 February 2007 (contd)

040 Disclosure of Interests

F2006/02282 ED:MR

053 - PREPARATION OF A DRAFT CONTRIBUTIONS PLAN FOR THE WYONG EMPLOYMENT ZONE

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY IS THE OWNER OF INDUSTRIAL LAND AT NORTH WYONG AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER DAUGHTER IS EMPLOYED AT GWANDALAN PUBLIC SCHOOL, WHICH ADJOINS THE PROPOSED DEVELOPMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

056 - The Entrance Historic Carnival Lease

COUNCILLOR PAVIER DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PART TIME EMPLOYEE OF PAVIER AMUSEMENTS WHICH IS IN DIRECT COMPETITION WITH THE SUBJECT LESSEE, LEFT THE CHAMBER AT 8.08 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.12 PM.

070 - Recurrent Funding for Warnervale Family and Community Centre

THE MANAGER OF FUTURE PLANNING DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS WIFE WAS PREVIOUSLY A MEMBER OF THE BOARD OF THE WARNERVALE FAMILY AND COMMUNITY CENTRE AND HIS FAMILY IS ACTIVELY INVOLVED IN THE CENTRE AND DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and advice of disclosures noted.

041 Proposed Inspections

F2006/02282 ED:MR

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

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

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

042 Proposed Briefings

F2006/02282 ED:MR

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

That the report be received and the information noted.

043 Address by Invited Speakers

F2006/02282 ED:MR

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

- 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.***

044 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 24 January 2007, together with the amended Confidential Minutes, be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

045 Notice of Motion – Wyong Shire Youth Council

F2005/00908 WJW

Councillor WELHAM withdrew this item.

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

F2004/10306 WJW

MR KEVIN SPENCER, REPRESENTING THE GWANDALAN SUMMERLAND POINT ACTION GROUP, IN FAVOUR OF THE MOTION, ADDRESSED THE MEETING AT 5.20 PM, ANSWERED QUESTIONS AND RETIRED AT 5.22 PM.

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

That Council support these residents by:

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

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

047 Notice of Motion – Picnic Shelters at Jenny Dixon Reserve

F2004/05301 NR

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

That staff report on:

- 1 The functionality of the existing picnic facilities at Jenny Dixon reserve.**
- 2 An appropriate relocation of a larger covered structure to cater for larger user groups**
- 3 The likely costs associated with any upgrade of facilities.**
- 4 Where these funds may be sourced.**

048 Notice of Motion – Indirect Water Recycling

F2004/00133 NR

Councillor STEWART left the Chamber at 6.49pm and returned at 6.52pm.

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

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

The report should include:

- a the process (water treatment)**
- b examples (in Australia) of regions where the process is currently utilised**
- c required infrastructure**
- d changes to/introduction of enabling legislation**
- e indicative cost**
- f potential benefits of indirect water recycling**
- g any potential risks associated with indirect water recycling**
- h possible timeframe of implementation.**

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

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

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

AGAINST: COUNCILLOR VEUGEN.

049 Notice of Motion – Freeway Corridor Security

F2004/07706 GPB

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

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

LEAVE TO INTRODUCE MOTION OF URGENCY

COUNCILLOR BEST SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING SAFETY OF BEACH PATRONS AT MAGENTA BEACH, NORTH ENTRANCE.

THE MAYOR RULED THAT THE MATTER WAS URGENT AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

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

That Council consider a Motion of Urgency regarding safety of beach patrons at Magenta Beach, North Entrance.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

049A Motion of Urgency – Safety of Beach Patrons at Magenta Beach

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.14 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 7.10 PM AND RETURNED TO THE CHAMBER AT 7.12 PM.

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

- 1 That Council support staff's every endeavour to urgently negotiate with Mirvac, the owners of the Magenta Shores Development, for Mirvac to provide appropriate surf lifesaving beach patrols on the treacherous Magenta Beach/North Entrance**

- 2. That staff urgently report on progress to date regarding this issue including the Department of Planning's and the Private Certifier's role.**

- 3 That subject to legal advice, as this beach is of high hazard and a tragic drowning recently occurred, Council erect prominent surf hazard signage on the road reserve of Wilfred Barrett Drive at the entrance to the Magenta Shores Development alerting beach users to the dangerous unpatrolled beach.**

050 Notice of Motion – Tuggerah Lakes System

F2004/07706 CWV

MR BOB CORNISH, RESIDENT, IN FAVOUR OF THE MOTION, ADDRESSED THE MEETING AT 5.52 PM, ANSWERED QUESTIONS AND RETIRED AT 6.05 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.17 PM AND RETURNED TO THE CHAMBER AT 6.19 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

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

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS PAVIER AND VEUGEN.

AGAINST: COUNCILLORS EATON, GRAHAM, ROSE, STEVENS, STEWART AND WELHAM.

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

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

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

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

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

FOR: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, STEWART, VEUGEN AND EATON.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.28 PM AND RETURNED TO THE CHAMBER AT 7.32 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council note the objections received.***
- 2 That Council ratify the increase in fees for holiday storage vans as resolved at the Ordinary Meeting of Council on 13 September 2006 to apply from 1 April 2007.***
- 3 That Council form separate consultative committees for each holiday park as follows:***

**** Number of Committee members to be determined by Council;***

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

- * ***The Committees would include Council staff and Park managers and the meetings would be chaired by a Council staff member and minuted by Council;***
- * ***Committee members representing holiday van owners to be elected by a ballot of all holiday van owners in each park;***
- * ***As provided in the Act there would be a Committee for each Holiday Park and not a committee purporting to represent all 4 parks;***
- * ***Frequency and venue for meetings of the Committees to be determined by Council as the Park owner;***

4 ***That staff bring back a report with details of 3 above.***

FOR: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS EATON, STEWART AND VEUGEN.

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

DA/2444/2005 WKW:WKW

It was MOVED by Councillor STEWART and seconded by Councillor ROSE:

- 1 *That Council make urgent representations to local members of parliament, the Minister for the Central Coast and the Minister for Planning regarding the serious implications for Wyong Shire of the Department of Planning's recommendations regarding payment of contributions by Crown developments.*
- 2 *That the Mayor and General Manager seek an urgent meeting with the Minister for Planning regarding the serious implications arising from the sudden change in government policy.*

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

That Council buys print media space outlining what potential programmes may have to be cut as a result of the \$50,000 shortfall.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

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

That Council reject the Minister's assertion that ratepayers should be denied the Section 94 Contributions that would be required under any other development amounting to \$50,000 and further Council reject the notion that the location of a drug and alcohol rehabilitation centre opposite future residential precincts is best urban practice.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS PAVIER AND STEVENS.

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

The FORESHADOWED AMENDMENT then became the AMENDMENT which was put to the vote and declared LOST.

FOR: COUNCILLORS BEST AND VEUGEN.

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

The MOTION was put to the vote and declared CARRIED.

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

- 1 That Council make urgent representations to local members of parliament, the Minister for the Central Coast and the Minister for Planning regarding the serious implications for Wyong Shire of the Department of Planning's recommendations regarding payment of contributions by Crown developments.***
- 2 That the Mayor and General Manager seek an urgent meeting with the Minister for Planning regarding the serious implications arising from the sudden change in government policy.***

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

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

F2006/01781 PAB

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY IS THE OWNER OF INDUSTRIAL LAND AT NORTH WYONG AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

- 1 That the report be received and the information noted.***
- 2 That Council make urgent representations to the Minister for Planning:***
 - a Seeking exemption from the proposed regional infrastructure levy for development within the Wyong Employment Zone; and***
 - b Seeking allocation of the \$10million identified in the Central Coast Transport Action Plan for Sparks Road upgrading to assist in funding the upgrading of intersections on Sparks Road contained within this draft contributions plan and also the contributions plans to the east (Warnervale Town Centre and Warnervale District).***
 - c Seeking a further \$11.2million from the Roads and Traffic Authority to cover the cost of upgrading the existing Sparks Road pavement within the scope of works for each intersection in the draft contributions plan referred to in b above.***
- 3 That Council in the interim prepare a further report on how contributions/levies can be substantially reduced to assist in the commercial viability in this major employment precinct.***
- 4 That the Minister for Planning be asked to outline to the delegation as in 2 above how does the levy on employment land and lack of road contributions as identified, expedite jobs on the Central Coast as he has predicated in the draft Central Coast regional strategy.***

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

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

F2004/10306 SI:SI

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER DAUGHTER IS EMPLOYED AT GWANDALAN PUBLIC SCHOOL, WHICH ADJOINS THE PROPOSED DEVELOPMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

MR KEVIN SPENCER, REPRESENTING THE GWANDALAN SUMMERLAND POINT ACTION GROUP, IN FAVOUR OF THE STAFF'S RECOMMENDATION, ADDRESSED THE MEETING AT 5.27 PM, ANSWERED QUESTIONS AND RETIRED AT 5.29 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.47 PM AND RETURNED TO THE CHAMBER AT 5.49 PM.

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

- 1 That Council lodge a submission to the Department of Planning generally in accordance with Attachment 2 to this report.**
- 2 That Council make this report and attachments available on Council's website for the benefit of community groups and interested parties and compare this report with past applications.**
- 3 That staff commence an urgent amendment of the Development Services Plan and Section 94 Contributions Plan – Gwandalan District and prepare a Section 94 Contributions Plan, if necessary, for Catherine Hill Bay.**

055 Lease of The Entrance Visitors Centre

F2004/12356 JB

COUNCILLOR EATON LEFT THE CHAMBER AT 8.01 PM AND RETURNED TO THE CHAMBER AT 8.10 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.02 PM AND RETURNED TO THE CHAMBER AT 8.10 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council, as Reserve Trust Manager, subject to the consent of the Minister for Lands, grant a Lease of the building located at The Entrance Memorial Park to Central Coast Tourism Inc. from 1 March 2007 until 18 June 2012 at a commencing rental of \$16,000 per annum (including GST) increasing with adjustments of Consumer Price Index.**

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

- 2 *That all terms of the agreement be similar to the current Agreement with the exception that Central Coast Tourism Inc is to pay the electricity costs.*
- 3 *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Central Coast Tourism Inc.*
- 4 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Central Coast Tourism Inc.*
- 5 *That monies raised from this lease be allocated to improvements of the visitors centre starting with a suitably engineered structure over the stage adjacent to the visitors centre.*

056 The Entrance Historic Carnival Lease

F2004/12672 JMT

COUNCILLOR PAVIER DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PART TIME EMPLOYEE OF PAVIER AMUSEMENTS WHICH IS IN DIRECT COMPETITION WITH THE SUBJECT LESSEE, LEFT THE CHAMBER AT 8.08 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.12 PM.

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

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

057 Proposed Easement Over Council Land

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

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.08 PM AND RETURNED TO THE CHAMBER AT 8.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

058 Proposed Easements for Electricity Transmission Lines at Berkeley Vale

F2006/02102 PF

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.08 PM AND RETURNED TO THE CHAMBER AT 8.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

059 Compulsory Acquisition of Kim Close Lake Haven

F2006/01599 PF

It was MOVED on the motion of Councillor WELHAM and seconded by Councillor STEVENS:

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

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

That Council authorise the General Manager to negotiate with the Department Housing to gain an acceptable level of compensation.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

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

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

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

060 Area Assistance Scheme

F2005/01932 DBR

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

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

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

AGAINST: COUNCILLORS EATON AND STEWART.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

061 Proposed Boundary Alteration – Catherine Hill Bay

F2004/06544 GV:NL

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

That Council not proceed with the proposal to alter the boundary between Wyong Shire and Lake Macquarie City Council.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, AND VEUGEN.

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

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

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

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

AGAINST: COUNCILLORS BEST, EATON, AND VEUGEN.

062 Irrecoverable Debt

F2004/13008 JT

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

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

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

063 Sister City Conference

F2004/06466 MW

COUNCILLOR BEST LEFT THE CHAMBER AT 8.43 PM AND RETURNED TO THE CHAMBER AT 8.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

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

AGAINST: COUNCILLORS PAVIER AND VEUGEN.

064 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

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

That an amount of \$9,150.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1 of the Amended Report.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

065 Central Coast Pro Surfing Competition

F2005/01881 CTB

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

That this report be deferred to Council's meeting on 28 February 2007 to ascertain the extent of State Government funding.

An AMENDMENT was MOVED on the motion of Councillor ROSE and seconded by Councillor STEVENS:

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

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS EATON, STEWART AND WELHAM.

The AMENDMENT became the MOTION.

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

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

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

AGAINST: COUNCILLORS EATON AND STEWART

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

066 **Darren Kennedy Oval, Noraville**

F2004/12581 SPR

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

- 1** *That Council note the important role Darren Kennedy Oval plays within the Toukley community and the importance of the Toukley Rugby League Football Club in developing youth within the area.*

- 2** *That Council waive the outstanding \$81,598.08 debt owed by the Toukley Rugby League Football Club.*

067 **Information Reports**

F2006/02282 ED:MR

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

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

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

That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report number 072, be received and the information noted.

068 **Growth Rates**

2006/00843 SA:LD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

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

F2004/07528 MR:IT

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

That the report be received and the information noted.

070 Recurrent Funding for Warnervale Family and Community Centre

F2004/07793 ED

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

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

That the report be received and the information noted.

071 Schedule of Bank Balances and Investments – 31 December 2006

F2004/06604 BB

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

That the report be received and the information noted.

072 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 SW

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED**Q013 – Possibility of Foam Injection Used on Sporting Fields****Councillor Veugen**

F2005/01141

Could staff investigate and report into the possibility of foam injection into our new and existing sporting fields as has been done to the Umina oval, to conserve our water usage?

Q014 – Installing Shelter at Picnic Point, The Entrance**Councillor Stewart**

F2004/00521

Would Council please bring back a report on the cost of installing a large shelter/picnic shelter at Picnic Point, The Entrance?

Q015 – Installing Shelter at Terilbah Reserve, The Entrance North**Councillor Stewart**

F2004/00521

Would Council please bring back a report on the cost of installing a large shelter/picnic shelter at Terilbah Reserve, The Entrance North?

Q016 – Thank Staff Involved with Australia Day Functions**Councillor Welham**

F2004/05339

Could the General Manager personally thank staff involved in the various Australia Day functions especially the two staff who promoted Council's water initiatives at Canton Beach, Wyong and The Entrance?

Q017 – Computer Usage at Council's Libraries**Councillor Welham**

F2004/00326

Could staff provide a report on computer numbers and usage at Council's libraries and any data that shows numbers and usage over the last few years?

Q018 – Rangers on Duty**Councillor Pavier**

F2007/00276

Can staff outline how many Rangers, excluding those engaged by Town Centre Management, are on duty after 9.00pm at night, both on a weekday and a weekend?

Minutes of the Ordinary Meeting of Council held on 14 February 2007 (contd)

Q019 – Coastal Hazard Zone

Councillor Pavier

F2004/06935

What is the status of the coastal hazard zone and when will it be completed and provided to Council?

Q020 – Fees and Relief for Water Minimisation Installations

Councillor Eaton

F2004/06948

Can Council report on the development application fees and relief therefrom on water minimisation installations such as grey water reuse systems similar to water tank fee exemption?

Q021 – Conditions of Level 6 and Climactic Level 5 Restrictions

Councillor Eaton

F2004/08147

Can Council advise when on current climactic conditions, Level 5 restrictions are likely to be imposed and what Level 6 restrictions contain?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.05 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

078 Notice of Motion – Warnervale Airport

F2004/06700 GJB

Councillor G Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

“That Council reaffirm its previous decisions to:

- 1 Not proceed with plans to develop Warnervale Airport as a Central Coast Regional Airport.*
- 2 Not allocate any capital funding to the existing airport.*
- 3 Rezone the airport to a business/industrial zoning with appropriate provisions for the continuation of a local airport.”*

Councillors Note – Report from Council’s Business Development Manager

Following representation from Mike Polowytsch from the Department of State and Regional Development, I have met with Phil Jones-Hope, Operator of Just Jump Skydiving (JJS) at Warnervale.

Mr Jones-Hope has provided the following information and has asked that it be forwarded onto all Councillors for their information;

“We have received good news that we have just picked up skydiving ops for Lord Howe Island.

As discussed the following are just a few points as to the sustainability of Warnervale Airport as an important part of infrastructure in our local/regional community, particularly now since JJS operate exclusively from this venue.

Since commencing operations at Warnervale in last May, JJS have raised the attitude and profile of the professionalism of parachuting activities from a very poor and low base due to the previous operators below standard safety, poor operational and customer service.

In a relatively short time JJS has grown the number of clients and their spectators to average in excess of 200-300 each weekend (40-50 tandems each have an average of 4-5 spectators). This number is growing steadily and we expect that the 2007 calendar year will see an annual tandem descent count in excess of 2500 meaning that more than 10-12000 people will visit JJS at Warnervale airport.

28 February 2007
To the Ordinary Meeting of Council

Notice of Motion – Warnervale Airport (contd)

In addition to this JJS are an authorised student training and instructor endorsement training organisation. We have recently held week long operations training candidates from our armed forces to be qualified skydivers (another of these week long army course is planned in early Jan 2007). The instructor week long endorsement courses are undertaken approx four times a year which involve experienced skydivers from around Australia wishing to become instructors undergo training at JJS. This showcases our airport and the area to a wide variety of people, the result of which has resulted in JJS bidding for National and State Skydiving events to be held throughout 2007 - 2008.

Three of these events are:

- * NSW POPS (Parachutists Over Phorty) Event*
- * Trans - Tasman POPS Challenge Trophy*
- * NSW Skydiving Championships*

Each of these events bring both awareness but more importantly dollars into our area as the competitors and their spectators spend and reside in our area for the completion period and usually several weeks prior there is a steady influx as teams begin pre-competition training.

JJS has been able to place itself and the area in this position only because of its huge investment both in its instructors, staff and resources.

JJS and its partners have recently invested \$1.8m in a new 18 place turbine aircraft allowing it not only to be in a position of providing the best jump aircraft in Australia but to be able to offer a "World Class" jump aircraft.

JJS have in excess of 20 instructors plus a further 10 staff that are involved with operations at Warnervale.

This could be further expanded with further council DA approval for food, accommodation (bunk house) facilities at the airport to support our growing requirements.

In addition to this JJS support the local industry and community through its local suppliers that service our day to day business requirements in marketing material, office supplies, waste disposal, vending machines, graphic design.

Our comparatively large emphasis on marketing also sees JJS support local industry through radio, paper, letterbox drops and community advertising.

28 February 2007
To the Ordinary Meeting of Council

Notice of Motion – Warnervale Airport (contd)

JJS is also a contributor to local charity through Community Chest, Apex and the public and private school sponsorship programs.

Obviously most of these areas could be expanded further, the fact is that JJS's value to the local industry and community is already significant and measurable and is continuing to grow steadily only being held back by Aero Club politics and council approval, proven models and examples of just how significant skydiving centres and the financial contribution into the local community can be readily seen in the United States of America (USA).

The fact that Warnervale is the only regional airport between Sydney and Newcastle and apart from JJS supports pilot training, maintenance, helicopter training, search and rescue, fire fighting activities just to name a few, only strengthens the view point of the absurdity to close and relinquish this infrastructure to develop it for a few industrial blocks, which currently there are areas already available but remain unsold.

The potential that JJS offers in tourism which is one of the most important "draw cards" to our region and the value of Warnervale airport to the aviation community (particularly as Bankstown winds down) surely should secure its future in our region."

Manager Business Development

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

079 Notice of Motion – Safe Driving Schools

F2006/00843 BJP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

“Recent deaths on our roads highlights the importance of safe driving awareness, both for the young and the aged, and those services, providing such a service, should be actively encouraged. To gain some of these skills below, it is my understanding that Central Coast people must travel to Sydney to attend these courses.

- 1 *That Council call upon the driving schools on the Central Coast to expand their services to provide classes and advanced driving courses.*
- 2 *That Council support in principle and in the ShireWide page (as far as media), only, the expansion of the class room approach to driving testing and testing of skills for aged and P platers.*
- 3 *That the focus of these courses should be the encouragement to increase the skills and understanding of changes to our road rules and high performance vehicles.*
- 4 *That classes should also actively encourage the aged to maintain their driving skills for the aged assessment driving test.*
- 5 *That Council call upon the Roads and Traffic Authority to encourage by whatever means, the honing of skills via the driving schools to meet some of the objectives defined above in 1 to 4.”*

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

080 Notice of Motion – Climate Conditions

F2004/08147 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

- “1 That Council adopt as policy that the climate conditions over the last decade be adopted as normal and ongoing.*
- 2 That in light of the above, Council prepare a plan to move out of restrictions by 31 December 2010”.*

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

081 Notice of Motion – Childcare Operations

F2004/07558 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

“That Council receive a comprehensive report on the operation of its childcare operations including history and operations of recently privatised centres to enable Council to decide on further privatisation or continued Council operations”.

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

**082 Notice of Motion – Clear Felling of Trees and Vegetation
Removal in Wyong Shire**

F2006/00843 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

“That as there will be a Central Coast Conservation Plan and a North Wyong Structure Plan within 12 months under the Central Coast Regional Strategy, that Council;

- 1 *Adopt an interim moratorium on clear felling of trees and vegetation removal until the Conservation Plan and Structure Plan are adopted, and*
- 2 *Further review clear felling and vegetation removal policies at the time the plans are adopted.”*

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

083 Notice of Motion – Anti Whaling Petition

F2004/10946 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 February 2007, he will move the following Motion:

“That Council invite the Japanese Consulate General to Council to discuss and be presented with the community anti whaling petition which is currently circulating throughout the Shire.”

COUNCILLOR NOTE

The community whaling petition is an initiative of the local Whale Call organisation and to date public participation has been strong with over 10,000 signatures collected locally. On behalf of Whale Call, I would like to pass on our sincere appreciation and thanks to our residents who have supported this important initiative.

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

084 Wallarah 2 Coal Project – Proposed Groundwater Monitoring Bores

F2004/07086 MDL

SUMMARY

Reporting on a request from the Wallarah 2 Coal Project for a letter from Council stating that it has no objection to the installation of nine groundwater monitoring bores within road reserves in the Dooralong Valley.

RECOMMENDATION

- 1** *That the company be requested to undertake necessary searches to determine which borehole locations, if any, are actually on land under the ownership of Council.*
- 2** *That upon resolution of the ownership issue, Council consider the specific sites and respond to the company's request for a letter of non-objection.*

BACKGROUND

Council has received a letter dated 18 December 2006 from the Wyong Areas Coal Joint Venture, proponents of the Wallarah 2 Coal Project, requesting a letter from Council stating its non objection to the installation of nine groundwater monitoring bores in the Dooralong Valley. A copy of the letter with location plans for the proposed bores and photographs of various aboveground covers is included in the enclosure.

The company is required by the Department of Natural Resources (DNR) to establish a long term strategic groundwater monitoring programme as part of its proposed Wallarah 2 longwall coal mine. The information obtained from the bores will enable the measurement and recording of any fluctuations in the water table at each location. Water level measurements may be taken manually or logged with an automatic recorder.

The company has stated that the information obtained from these bores will enable better information to be obtained on groundwater levels in the Dooralong Valley, and will complement information already obtained in the valleys.

Wallarrah 2 Coal Project – Proposed Groundwater Monitoring Bores (contd)

This work is being undertaken within the area of the company's mineral exploration licence. All proposed bores will be located within road reserves, and the company proposes to locate each bore away from the road shoulder in a safe and non-obtrusive location. The company has indicated that it will provide copies of all data provided to DNR for Council's own use. Given:

- * Council's level of knowledge of groundwater resources in the Dooralong Valley;
- * identified general lack of potable groundwater resources; and
- * high cost of connecting any such resources to Council's domestic supply;

the information from these bores is likely to be of only marginal benefit to Council.

Legal advice has been sought regarding Council's obligations in this matter. The issue of ownership of the roads is significant, and it is noted that the subject roads are in the older settled areas in the valleys. Investigations to date have been unable to definitively determine whether the specific sections of roads are privately owned, Council owned, Crown land or Crown owned but maintained by Council. It should be noted that Council is not the authority for keeping title information in regard to road status, and hence title searches would be required to definitively confirm ownership. These searches will take some time to perform.

Council's legal advice is that if the bore proposal continues, Council should request the company to research the ownership of the land on which the bores are to be located, as Council's records are not comprehensive over the roads in question. Once the extent of Council's ownership is clear a further response could be provided to the company after considering whether any other legislation such as the *Roads Act*, *Water Act 1912* or *Rivers and Foreshore Improvement Act* may also have relevance.

It is noted that Council has repeatedly expressed its opposition to the proposed Wallarrah 2 Coal project. Should Council not be willing to support the installation of the monitoring bores on Council owned land, it would be appropriate to inform the Company of its attitude to the request now, rather than requiring the additional research and legal searches to be undertaken.

Enclosure

Letter dated 18 December 2006 from the Wallarrah 2 Coal Project

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

085 Important Bird Areas

F2004/06909 SF:JP

SUMMARY

Report on Birds Australia's proposal to declare the Tuggerah Lakes Estuary as an Important Bird Area.

RECOMMENDATION

That Council support Birds Australia's proposal to declare the Tuggerah Lakes Estuary as an Important Bird Area.

BACKGROUND

Correspondence has been received from Birds Australia, requesting support for a proposal to declare Tuggerah Lakes Estuary an Important Bird Area. Birds Australia has stated that the Tuggerah Lakes Estuary is visited in great numbers by migratory birds from Siberia and Alaska as well as Australian States. The Lakes are also home to many other birds that are of significant conservation value, and because of this, the Tuggerah Lakes Estuary fits into the criteria of a site of global significance.

At its meeting of 7 December 2006, the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee resolved to support the proposal by Birds Australia to identify the Tuggerah Lakes Estuary as an Important Bird Area. The Committee made this decision because the proposal is consistent with the objectives of the Tuggerah Lakes Estuary Management Plan.

It should be noted that the declaration of the Tuggerah Lakes Estuary as an Important Bird Area has no legal or formal implications. It does, however, provide for additional funding opportunities to protect the estuary.

Attachment 1

***Letter from Birds Australia dated 29 September 2006
(2 pages)***

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Important Bird Areas (Attachment 1)

NSW & ACT Group (Sydney), Birds Australia
Box 1322,
P.O. CROWS NEST
NSW 1585

2/399 Pacific Highway
Crows Nest, NSW 2065

Ph: 02 9436 0388
Fax: 02 9436 0466
Email: rosella63@bigpond.com
Website: <http://snag.birdsaustralia.com.au>



Friday, 29 September 2006

Mr G. White,
Strategic Planning
Wyong Shire Council
P.O. Box 20 Wyong NSW 2259

Dear Graham,

I am writing to tell you about work being undertaken by Birds Australia to identify sites across the country that are of global significance for birds. These sites, termed Important Bird Areas (IBAs), meet international criteria used by BirdLife International, of which Birds Australia is a partner. Effectively, it is the birds themselves, not Birds Australia, that choose where the IBAs are situated. We are identifying about about 500 IBAs across Australia, of which 80 are within New South Wales, including Tuggerah Lakes.

I am sure that you are already aware that this area is very special for a variety of wildlife, which has been recognized in Council and Government reports. This letter is to let you know that Birds Australia has identified the area as one meeting the Important Bird Area criteria and to give you the chance of commenting on the attached form. The significant species for this site are: The Lakes attract about 5000+ Black Swans which feed and moult here each summer; Up to 4500 Sharp-tailed Sandpiper, a migratory species from Siberia & Alaska, spend the northern winter around the shores and inter-tidal areas of the Lakes; Up to 2500 Chestnut Teal have been reported feeding in the seagrass beds around the foreshores of the Lakes; Up to 650 Swift Parrots, an endemic migrant from Tasmania, have been counted in autumn-winter feeding in the flowering Swamp Mahogany & Forest Red Gums around the edges of the Lakes; & up to 70 Regent Honeyeaters, an endemic species that breeds west of the Great Divide, have been present in some years feeding in the flowering Swamp Mahogany groves around the Lakes. Obviously other species occur but not in numbers that exceed the given criteria for the species. We would be grateful for any corrections to this written account, which will be made publicly available through our website and publications.

The declaration of the area as an Important Bird Area has no legal or formal implications, as it is merely a scientific project undertaken by a non-government organisation. Birds Australia believes that this information must be collated so that local people can help us to contribute to the conservation of our country for future generations.

However, we hope that the declaration of an Important Bird Area can be used by the owners and managers to attract financial and other support. For instance the status as an IBA could be used to promote nature-based tourism, or to support proposals for funding for on-ground management activities.

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Important Bird Areas (Attachment 1) (contd)

Unfortunately at this stage we do not have a proper map, although one is currently in preparation. However the area proposed includes Tuggerah, Budgewoi & Munmorah Lakes and adjacent SEPP 14 wetlands; Wyong Council foreshore reserves around the Lakes; Colongra Swamp & Tuggerah Nature Reserves; Munmorah State Conservation Area; Wyrabalong National Park (north); Tuggerah Reserve (Pioneer Dairy); Toukley Golf Course foreshore; Tuggerah Sewerage Treatment Ponds; the foreshores reserves of Wyong Creek and Ourimbah Creek downstream from the railway bridges; and the urban areas of Wyongah, Tuggerawong, Gorokan, Buff Point, Budgewoi and Charmhaven because the street trees and trees in yards and public parks in these suburbs are very important as food trees for the Swift Parrot

Birds Australia is happy to co-operate with the owners of land in an IBA, should they request it. For example we can provide advice on the birds of the area or provide support for applications for funding. Please do not hesitate to contact me should you need more information. Please reply to the address below.

Yours sincerely,

Alan Morris,
Southern NSW & A.C.T. Group,
Regional Group
3 Murray St Bateau Bay NSW 2261
Tel 02 43 342776

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WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

086 Contract CPA/102575 - Hire of Casual Labour

CPA/102575 AP:GJ

SUMMARY

Report on tenders received for the Hire of Casual Labour to Council for the period 5 March 2007 to 6 March 2009 with the option to extend for a further 12 months.

RECOMMENDATION

- 1** *That all conforming tenders received for Contract CPA/102575 - Hire of Casual Labour be accepted on a priority ranking list for the period 5 March 2007 to 6 March 2009.*
- 2** *That the Director Shire Services be authorised to arrange engagement of Casual Labour as required from time to time in accordance with the priority ranking list.*

BACKGROUND

Due to the fluctuating nature of its operations, Council frequently finds it necessary to externally hire casual labour for such purposes as general labouring and traffic control. To ensure that these items are readily available at the most competitive rates, tenders are invited every two to three years. The contract conditions with the current casual labour suppliers expire 4 March 2007.

Casual labour hire is coordinated by Council's Plant Pool in response to requests from the relevant operational unit of Council. Offers of casual labour hire start with the contractor with the highest ranking for that category of labour and proceed down the ranking list until that category of labour is sourced.

Tender Process

Tenders were invited by way of public invitation. Tenders were advertised in both local and metropolitan newspapers and closed at 2.00pm on 25 May 2006.

Tenderers were required to complete hourly normal time and overtime rates for 18 different labour classifications nominated in the tender document.

Tenders were also required to supply details of insurances, and policy/management systems in the areas of Occupation Health and Safety Rehabilitation, training and industrial relations.

No addenda were issued to prospective tenderers.

Contract CPA/102575 - Hire of Casual Labour (contd)

Evaluation of Tenders

Tenders were evaluated using the following criteria:

- * Price
- * Policies and management systems, including Occupational Health, Safety and Rehabilitation (OHS&R)
- * Suppliers past performance/referees

The evaluation criteria and their weightings are 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.

Council's Occupational Health and Safety Officer assisted in the assessment of the tender documentation with respect to the OHS&R Systems of the tenderers.

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Weighted evaluation of tenders.
- 4 Assessment of occupational health and safety system and rehabilitation systems, adequacy.
- 5 Independent review of the tender selection process.

Assessment of Receipt

The following 13 tenders, across 18 labour classifications, were submitted:

- | | |
|---------------------------|--|
| * MHS Group Pty Ltd | * Spectrum Employment Services Pty Ltd |
| * Skilled Group Limited | * The TESA Group Pty Ltd |
| * Labour Co-Operative Ltd | * Workforce International Pty Ltd |

Contract CPA/102575 - Hire of Casual Labour (contd)

- | | |
|---|------------------------------------|
| * Adecco Services Pty Ltd | * Mark Bough Constructions Pty Ltd |
| * Complete Staff Solutions Pty Ltd | * Advantage Recruiting Pty Ltd |
| * Command Recruiting Pty Ltd | * Venture Solution Pty Ltd |
| * Oasis Pre Employment Network (Open) Inc | |

The tender received from Command Recruiting Pty Ltd was delivered to the tender box seven minutes after closing time. In accordance with Clause 177 of the Local Government (General) Regulation 2005, this tender was eliminated from further consideration.

Assessment of Conformance

Tenders were assessed against:

- * Compliance with specification
- * Provision of all requested information (including copies of required insurances)
- * Completion of all schedules

All tenders were deemed conforming and progressed to the next stage of evaluation.

Weighted Evaluation

Tenders were subsequently scored against each of the weighted evaluation criteria by the panel. A final score was developed for each labour category submitted by each tenderer. The tenderer with the highest score for each category received the highest ranking in the schedule through to the lowest score receiving the lowest ranking. The weighted evaluations and priority rankings are documented within the contract file.

Previous experience has shown that companies are generally able to supply the required category of labour at the time ordered. Accordingly it is highly unlikely that Council would progress beyond the first three ranked companies in each labour category. The following five companies ranked in the top three for one or more labour categories:

- | | |
|----------------------------|-----------------------------------|
| * MHS Group Pty Ltd | * Workforce International Pty Ltd |
| * Labour Co-Operative Ltd | * Advantage Recruiting Pty Ltd |
| * Venture Solution Pty Ltd | |

Assessment of OHS & R Systems

All of the above five tenderers had in place adequate OHS & R systems.

Contract CPA/102575 - Hire of Casual Labour (contd)

Process Review

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

Budget

Procurement of casual labour will be coordinated by Council's Plant Pool and costed to the respective operational programs and projects to which the casual labour is ordered. The value of the services provided under the contract will be a function of the fluctuating nature and timing of Council's operational activities. It is estimated the total value of the supply of services under this contract is \$400,000 per annum which is provided for within existing operating programmes.

Time Frame

The tender is for a two year period with the option to extend a further one year. A further report will be submitted to Council prior to the expiry of the two year period should the 12 month option be sought to be exercised by Council.

Conclusions

All of the tenders received, with the exception of Command Recruiting Pty Ltd, were assessed as conforming tenders that meet all the requirements of the tender documents.

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

087 Contract CPA/117607 - Supply of Personal Computers and Notebooks

CPA/117607 RM

SUMMARY

Evaluation of tenders for Contract No. CPA/117607 - Supply of 158 Personal Computers (PCs) and 11 Notebooks.

RECOMMENDATION

- 1 *That Council accept the supply of 158 Personal Computers in tender no. CPA/117607 from Hewlett Packard (HP) in the lump sum amount of \$191,006 including GST (\$173,642 excluding GST).***
- 2 *That Council accept the supply of 11 Notebooks in tender no. CPA/117607 from Dell Computers Australia in the lump sum amount of \$22,143 including GST (\$20,130 excluding GST).***

BACKGROUND

Five years ago, Council decided to lease computers (either a Personal Computer or a Notebook) as part of the Information Technology Strategy project. The lease for 169 Computers (158 PCs and 11 Notebooks) under this policy expires on 15 March 2007 and it is proposed that the Computers be returned to ComputerFleet, the owners of the equipment.

Council investigated retaining the computers for another year, however due to a significant drop in Computer pricing over the years, the pay out figure of the three year old equipment is relatively high (\$462). The lease extension cost is only \$16 less per quarter than the cost of leasing a new computer. Additional warranty would cost \$23.50 per quarter. Therefore continuing to lease current computer equipment will result in no saving compared to leasing new equipment. There would also be additional costs associated with internal support over the next 12 months as the break down rate for equipment grows exponentially after three years use. With the technological advances made, Council is able to acquire faster and more powerful computers at a lower rate as those currently proposed to be replaced.

Contract CPA/117607 for Supply of Personal Computers and Notebooks (contd)

This also results in more productivity for users of the equipment especially when using the Council's Online solution. In particular it has become clear that the computers proposed to be replaced are not meeting the technical performance required to efficiently process Council's Online applications. The specifications for the new computers have been upgraded to reflect the additional need for Council's Online applications.

Tender Process

In accordance with State Government Contract ITS 2000, Council sought tenders from the following organisations for the replacement of Personal Computers (PCs) and Notebooks currently at the end of their lease period being 15 March 2007:

- * Dell Computers Australia (Dell Solution)
- * Hewlett Packard (HP Compaq Solution)
- * Computer Corp (IBM Solution)

Because the tender is for PCs as well as notebooks, the tender specified that Council reserved the right to award the contract in whole or in part. This would not bind Council to purchase both PCs and notebooks from the same company.

Tenders closed at the Council Chambers at 2.00pm on 23 November 2006.

EVALUATION OF TENDERS

The evaluation was conducted according to the following process:

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Shortlisting of tenders.
- 4 Detailed weighted evaluation of shortlisted tenders.
- 5 Due diligence checks on preferred tenderers.

Contract CPA/117607 for Supply of Personal Computers and Notebooks (contd)

Tenders were evaluated by a panel of four staff members (one of whom was from the Purchasing Section, the others from the Information Technology Section) using the following threshold and weighted criteria:

- * Hardware reliability.
- * Compliance with agreed service levels.
- * Price.
- * Hardware compliance and performance.
- * Ability to supply.
- * Quality control processes.

The evaluation criteria and their weightings were documented in the Contract Development Plan prior to tenders closing. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and past experience for those suppliers being previously successful tenderers.

Assessment of Receipt

The following tenders were received;

	Tender	Tendered PC Lump Sum (Ex. GST)	Tendered Notebook Lump Sum (Ex. GST)	Status
1	Dell Computers Australia Pty Ltd	\$208,560	\$22,143	Submitted on time
2	Hewlett Packard Australia Pty Ltd	\$191,006	N/A	Submitted on time
3	Klikon Solutions Pty Ltd (IBM proposal)	\$225,592	\$24,030	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. All Tenders conformed to all requirements and were progressed to the next stage of evaluation.

**Contract CPA/117607 for Supply of Personal Computers and Notebooks
(contd)**

It should be noted that Klikon Solutions Pty Ltd submitted several options as part of their tender. As all options satisfy Council requirements the pricing used as part of the tender process was established by the panel applying the least cost configuration and had the calculations confirmed by Klikon Solutions Pty Ltd.

Shortlisting

To streamline the process tenders were shortlisted according to price.

For the PCs, the Klikon solution was 18.1% (\$34,500) more expensive than the lowest priced solution and 8.2% (\$17,032) more expensive than the second lowest.

For the Notebooks, the Klikon solution was 8.5% (\$1,895) more expensive than the only other solution.

Accordingly, the Klikon solution did not proceed to the weighted evaluation stage.

Weighted Evaluation – PCs

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), with the following result;

	Tender	Tendered PC Lump Sum (Ex. GST)	Weighted Evaluation Score
1	Dell Computers Australia Pty Ltd	\$208,560	89
2	Hewlett Packard Australia Pty Ltd.	\$191,006	91

Both quotations were compared against the assessment criteria. HP scored substantially higher in the hardware reliability and initial price and slightly higher in hardware compliance and quality control, whilst Dell scored substantially higher in ability to supply and past compliance with agreed service levels.

As the tender from HP was the highest scoring tender it progressed to the due diligence stage of the evaluation.

Contract CPA/117607 for Supply of Personal Computers and Notebooks (contd)

Weighted Evaluation – Notebooks

Despite the fact that the Dell tender was the only remaining in this category a weighted evaluation was still undertaken to determine the suitability of the offer. The tender met all threshold criteria including timeframes to supply and hardware compliance and performance. The weighted evaluation score of 94 indicates value for money to Council.

Due Diligence

Because both HP and Dell have previously and currently supply Council with computers, the Panel considered current performance and experiences with these firms would be a suitable assessment and determined that both firms demonstrate satisfactory performance.

Process Review

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

BUDGET

In accordance with the Information Technology Strategy the operating lease payments have been budgeted for in the 2006/2007 Management Plan Annual Operating Budget.

A current financial assessment of the cost / benefits of leasing personal computers over direct purchase recommends the lease option be exercised as planned in 2006/07. The key factors in the decision to lease include:

- * Conserves Council's Working Capital by deferring payment for the computers to the future financial years in which the physical benefits or use of the computers will be enjoyed. This effectively "matches" the cost and the benefits.

**Contract CPA/117607 for Supply of Personal Computers and Notebooks
(contd)**

- * Smooths cash flow and operating budgets over financial years as opposed to having large capital drawings on a periodical basis.
- * Leasing mitigates the risk of technology obsolescence by ensuring that Council can adopt new technologies without the risk of, ownership and the potential for losses and write offs at the end of the equipments life.

Financial analysis of the funding options available include:

Option 1: Cash Fund the Purchase

Assumptions: Capital Cost \$1,000, foregone investment rate 6.12% (Commonwealth Bond Investment Rate) investment term of three years with quarterly interest paid in arrears.

Cost to Council: Total Cost \$1,199.87 (capital cost \$1,000, investment interest foregone \$199.87). Expressed in today's dollars, this is represented by a net present value (NPV) of \$1,000.

Option 2: Borrow Funds for the Purchase

Assumptions: Capital Cost \$1,000, Local Government Indicative Borrowing Rate three Year 7.18%, loan term three years, quarterly payments in arrears with reducing interest.

Cost to Council: Total Cost \$1,120.40 (capital cost / loan principal \$1,000, interest \$120.40). Expressed in today's dollars, this is represented by a net present value (NPV) of \$1,016.57.

Option 3: Operating Lease of Equipment

Assumptions: Value of Equipment \$1,000, implicit lease interest rate 0%, operating lease term three years with payments quarterly in advance.

Cost to Council: Total Cost \$999.96 (lease payments \$83.33 per quarter x 12 quarters). Expressed in today's dollars, this is represented by a net present value (NPV) of \$921.11.

Contract CPA/117607 for Supply of Personal Computers and Notebooks (contd)

Residual Value of Computers:

The estimated residual value of the computers is between \$100 / \$300 after three years (10-30% of current cost) less selling costs (administration and marketing). However, in Options 1 and 2 Council bears the ownership risk, including the risk of a loss on sale of the assets. Companies specialising in providing computer leasing under Option 3 have a far greater range of disposal options and well developed supply channels. Therefore the leasing companies carry a lower risk of ownership, greater residual returns and generate their profit through disposal.

Whilst with Option 1 and 2 there may be a residual value to off set the interest foregone or paid, past experience in disposal of computers shows a nominal residual value which is further off set by costs of disposal (administration and marketing).

Therefore it is intended that financing will be undertaken according to Option 3 - Operating Lease of Equipment is the recommended option as this is a risk free option for Council, with the total cost limited to the value of the equipment and the lowest net present value.

LOCAL CONTENT

HP have advised that their service agency for the Central Coast is based in Erina with backup from HP Engineers in Newcastle.

CONCLUSION

- 1 For the provision of PCs the HP tender is the highest scoring tender, meets all of Council's requirements for this contract and on balance represents the best value for money for Council.

The HP quote is at least 9% cheaper than the other tenderers for PCs, providing the best value for money for Council. To date there have been no major issues with their hardware or warranty support. HP has been a previously successful tenderer.

Last year Dell was the successful PC supplier, but a decline in hardware reliability and the extra price of their tender leads to HP being this year's recommended supplier.

**Contract CPA/117607 for Supply of Personal Computers and Notebooks
(contd)**

- 2 For the provision of Notebooks the Dell tender is the highest scoring tender, meets all of Council's requirements for this contract and on balance provides the best value for money for Council. This tender has included the 'Complete Cover Insurance', which will cover non warranty repairs, such as drops and liquid spills by Council staff.

It should be noted that PC and Notebook pricing trends will continue to be closely monitored and after three months, when deemed appropriate, both companies will be asked for a requote for further incidental purchases as required.

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088 Proposed Easement Over Council Land (Attachment 1)



WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

088 Proposed Easement Over Council Land

SC/168/2006 RH:NL

SUMMARY

Walker Corporation Pty Limited has lodged a Subdivision Certificate for the creation of a right of access across Plaza Lane, approximately 7.2 metres wide, from the refurbished Wyong Plaza.

RECOMMENDATION

- 1** *That Council endorse the creation of the easement for right of access across Plaza Lane, Wyong.*
- 2** *That Council authorise the common seal of Wyong Shire Council to be affixed to the Subdivision Certificate and 88B Instrument creating the said easement.*
- 3** *That Council authorise the Mayor and/or General Manager to execute all documents relating to the creation of the easement.*

BACKGROUND

The easement is to be created in accordance with the Deed of Agreement dated 22 June 2005 between Wyong Shire Council, L Walker Developments Pty Ltd and Walker Corporation Pty Limited.

The relevant sections of the Deed of Agreement are:

- 1.7 As part of the redevelopment, Walker Corporation intends to tunnel under the road/laneway immediately to the north of the Plaza between it and the Council Chambers adjoining ("the Laneway") to provide carparking access to the redevelopment.*
- 1.8 Council is the owner of the Laneway and intends to grant the necessary rights to enable the development referred to at 1.7 to proceed, subject to all appropriate approvals.*
- 4.9 Council shall provide access and grant a registered easement in favour of Walker Corporation under the Laneway at Wyong for no compensation.*
- 4.10 Council shall provide land owner's consent to any Development Application to provide for such access under the Laneway.*

Proposed Easement Over Council Land (contd)

- 4.11 Walker Corporation is to obtain all the necessary statutory consents and approvals, and must meet all costs of construction and relevant insurances in relation to any construction under the Laneway which shall be in accordance with those relevant consents and approvals.*
- 4.12 Walker Corporation hereby provide an indemnity to Council for costs of all works and the ongoing maintenance on the area of the public land comprising the Laneway which is the subject of any works and in respect of all claims, howsoever arising, in relation to access under the Laneway.*
- 4.13 Council agrees to the temporary closure of the Laneway for the purposes of construction in accordance with any relevant consents.*
- 4.14 The parties have agreed to enter into a planning agreement (as defined in the Environmental Planning and Assessment Act, 1979) encapsulating the provisions of clauses 4.8 to 4.12."*

The Plaza Lane tunnel has been completed and all structural works have been certified by Consulting Engineers. It is recommended that Council endorse the creation of the easement.

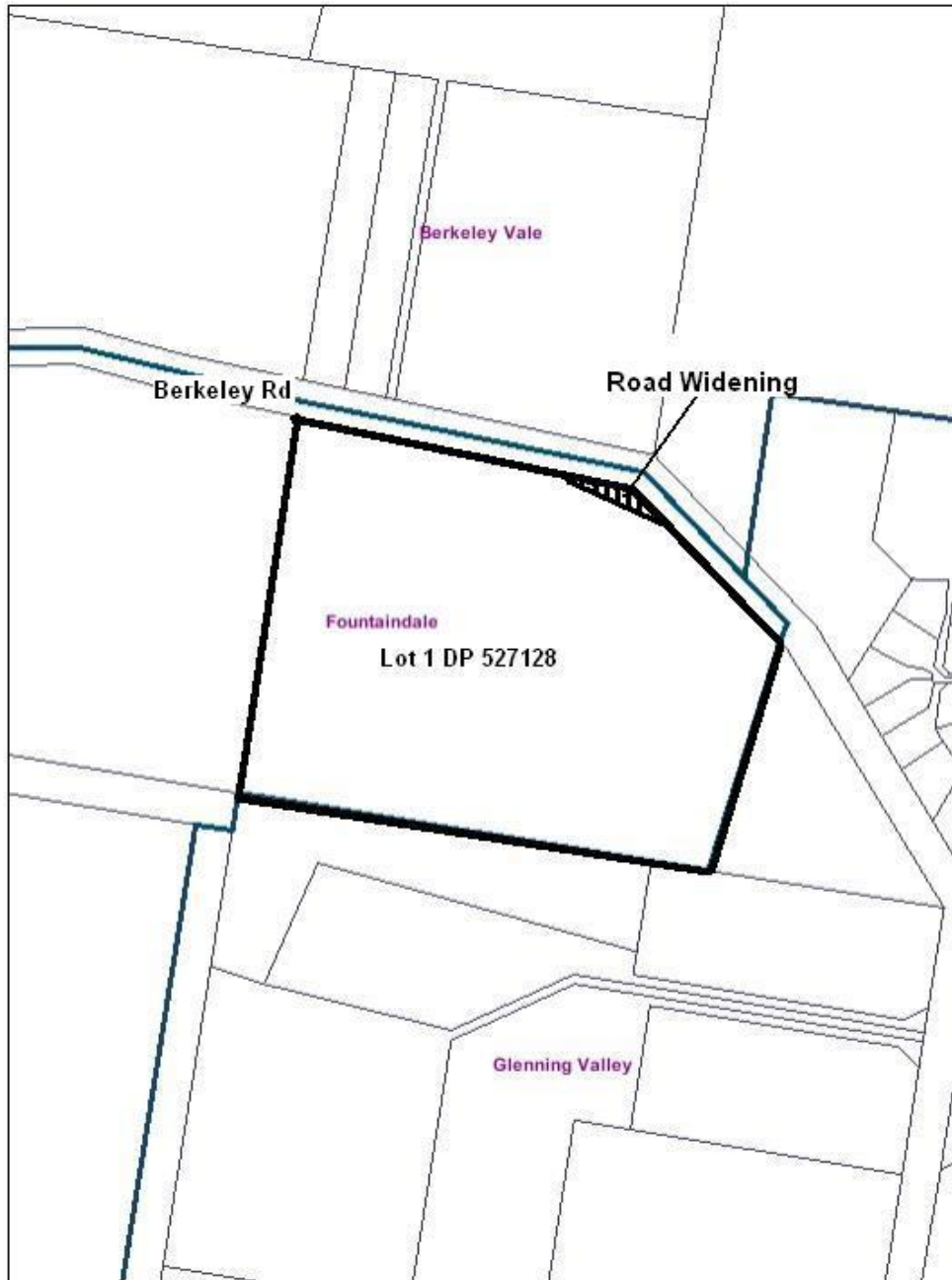
Attachment 1

Locality Plan (1 page)

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089 Proposed Acquisition of Private Land at Berkeley Vale for Road Widening (Attachment 1)

Plan Showing Proposed Road Widening With That Part for Acquisition, Hatched



WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

089 Proposed Acquisition of Private Land at Berkeley Vale for Road Widening

F2007/00170 AWS

SUMMARY

Authority is sought to acquire land at Berkeley Vale as Public Road for the reconstruction of part of Berkeley Road, Berkeley Vale.

RECOMMENDATION

- 1** *That Council acquire part of Lot 1 DP527128 Berkeley Road, Berkeley Vale as Public Road as shown in Attachments 1.*
- 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 affixing of the Common Seal of the Wyong Shire Council to all documents relating to the transfer of the land in Item 1 to Wyong Shire Council and the dedication of that land as public road.*
- 6** *That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of the land in Item 1 to Wyong Shire Council and the dedication of that land as public road.*

BACKGROUND

Council proposes to reconstruct a section of Berkeley Road, Berkeley Vale involving a minor realignment of the current road boundaries to improve the amenity and safety of the road.

Proposed Acquisition of Private Land at Berkeley Vale for Road Widening (contd)

The reconstruction of the road will affect Lot 1 DP 527128 Berkeley Road, Berkeley Vale and it will be necessary to acquire a relatively minor part of that property as public road.

Lot 1 DP 527128 having an area of 49,940 m² is affected by road widening of 270 m².

The subject property is zoned 7(c) Scenic Protection – Small Holdings. The road widening area does not contain any buildings.

The owner of the land has been advised of the proposal and negotiations will proceed for access for construction purposes and the acquisition of the required part for road.

BUDGET IMPACT

Provision has been made within Project funding for estimated compensation for land acquisition.

Attachment 1

Plan showing the property affected by road widening with that part for acquisition, hatched (1 page)

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

090 Revised Facilities and Expenses Policy

F2004/07011 CTB

SUMMARY

The Department of Local Government issued a circular (06-57) to all Councils in New South Wales in late 2006. The purpose of the circular was to advise Councils of the release of guidelines to assist in the review and preparation of policies on the payment of expenses and the provision of facilities for Mayors and Councillors.

RECOMMENDATION

- 1** *That Council adopt in principle the Revised Facilities and Expenses Policy and advertise the policy for 28 days in order to seek public comment, as required by section 253 of the Local Government Act 1993.*
- 2** *That subject to no significant objections being received, the revised Facilities and Expenses Policy be adopted.*
- 3** *That Council provide the Department of Local Government with a copy of the adopted policy, including a summary of any submissions received by 30 April 2007.*

BACKGROUND

Council is required to submit an adopted Facilities and Expenses Policy to the Department of Local Government by 30 April 2007, which complies with the guidelines issued by the Department of Local Government.

The following amendments to the policy were discussed with Councillors at a briefing session held on Wednesday 7 February 2007:

- * Addition of a clause on Childcare Expenses. Maximum reimbursement of \$3,000 per annum.
- * Addition of a clause on Postage Expenses. Maximum reimbursement of \$200 per annum.
- * Insert Capital Cost for Mobile Telephone and Car Kit – Allow \$1,500 for each Councillor. Each Councillor is allowed **\$1,500** per installation. Cost per Councillor must not exceed \$1,500 per year.

Revised Facilities and Expenses Policy (contd)

- * Guidelines suggest inserting a time limit for Councillors to seek reimbursement for their expenses.
- * Insert section on “**APPROVAL ARRANGEMENTS**”. The department's guidelines require all Councils to have at least two people authorising discretionary trips where a full meeting of Council has not authorised the costs. Council currently has the Mayor and General Manager as sole decision makers. This is not allowed under the new guidelines. The guidelines recommend both the General Manager and the Mayor or the Acting General Manager and the Deputy Mayor where the General Manager and Mayor are unavailable, as joint authorisers.
- * Guidelines provide for Councillors to request payment in advance. This is in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Advance must be reconciled with receipts once the Councillor has returned.
- * Corporate Dress was discussed.
- * Clause 4 on Equipment was discussed.

The following amendments/additions to the policy were agreed at the Councillor Briefing:

- * A clause on Childcare Expenses is to be added to the policy. Clause 2.5 was added to the revised policy.
- * A clause on Postage has been added to the policy. Clause 2.6 was added to the revised policy.
- * Clause 4.1 (c) was amended to include the capital cost of a mobile telephone and car kit.
- * Clause 4.2 was amended. The maximum amount for mobile telephone costs was increased by 5%. This is allowed under the guidelines and is not significant.
- * Clause 5 corporate dress was amended to include a hat and protective clothing.
- * A clause on Approval Arrangements has been added to the policy. Clause 13 was added to the revised policy.
- * A clause on time limits for seeking reimbursement has been added to the policy. Clause 14 was added to the revised policy.
- * A clause on payments in advance has been added to the policy. Clause 15 was added to the revised policy.

Revised Facilities and Expenses Policy (contd)

The remaining amendments to the current policy were of a cosmetic nature in order to present the policy as professionally as possible. Councils are required to give public notice of the proposed amendments to the policy, if it is deemed that the amendments are substantial. The guidelines require any new categories to be advertised. Council has included new categories into the policy, the only one which is substantial is the childcare expenses category and hence the policy must be advertised for a minimum of 28 days.

The Department of Local Government guidelines define the term “**not substantial**” to mean “minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%”. It also means minor changes to the standard of provision of equipment and facilities. Apart from the provision for childcare, the other changes can be regarded as “not substantial”

Other services, such as the Wyong Workfit Program are not required to be included in the Facilities and Expenses Policy, as Council does not reimburse Councillors for the expense. Councillors pay the entire yearly membership cost themselves.

STATUTORY IMPLICATIONS

Policy Implications

Council has a current Facilities and Expenses Policy. The revised policy will replace the current policy.

Financial Implications

The Councillor Support budget will need to be increased to cover the 5% increases in Mobile Telephone Expenses.

Legal Implications

Section 252 (5) of the *Local Government Act 1993* requires a Facilities and Expenses Policy to comply with the provisions of this Act, the Regulations and any relevant guidelines issued under section 23A. The Department of Local Government expects all Councils in New South Wales to comply with the guidelines by 30 April 2007.

Section 253 of the *Local Government Act 1993* requires a Council to give public notice of proposed amendments to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendments are substantial.

Revised Facilities and Expenses Policy (contd)

Section 403 of the *Local Government (General) Regulation 2005* prevents a policy under section 252 of the *Local Government Act 1993* from allowing a council:

- a to pay any councillor an allowance in the nature of a general expense allowance,
- or
- b to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

Enclosure

Revised Facilities and Expenses Policy

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

091 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

SUMMARY

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

RECOMMENDATION

- 1** *That an amount of \$2000.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 2** *That the amount of \$150.00 allocated to Toukley Torch Bearers for Legacy on 23 August 2006 for a hot water system for the kitchen, be reallocated towards portable clothing racks and storage bins.*

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

Toukley Torch Bearers for Legacy have requested a change to the purpose of allocation resolved at the 23 August 2006 Ordinary Meeting. Councillors Best and Pavier have approved the funds to be used for portable clothing racks and bins.

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

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services
Department

Proposed Councillors' Community Improvement Grants (Attachment 1)

Proposed Councillors' Community Improvement Grants 2006/2007

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2006 - 30/06/2007		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 14/02/2007		10,400	3,500	6,100	5,900	8,500	10,128	3,300	2,465	9,450	7,019	66,762
Available allocation as at 14/02/07		4,600	11,500	8,900	9,100	6,500	4,872	11,700	12,535	5,550	7,981	83,238
28 February 2007												
Chain Valley Bay Community Hall Committee	Painting of interior and exterior of Chain Valley Bay Community Hall						500					500
Lifeline Central Coast	Fundraising Event - International Women's Week			500		250						750
Mannering Park Sports and Community 355 Committee	Purchase Lawnmower to maintain the area around the Clubhouse and courts						100					100
Royal Volunteer Coastal Patrol	To replace motor on boat used for training crews and skippers for emergency marine rescue on Tuggerah Lakes	250				250						500
Ron Bennett - Aged Care 'Sing-Alongs'	Photocopying of A4 song books	50							100			150
Total Proposed Allocations for 28/02/2007		300	0	500	0	500	600	0	100	0	0	2,000
Total Accumulated Allocations as at 28/02/2007		10,700	3,500	6,600	5,900	9,000	10,728	3,300	2,565	9,450	7,019	68,762
Balance Uncommitted as at 28/02/2007		4,300	11,500	8,400	9,100	6,000	4,272	11,700	12,435	5,550	7,981	81,238

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

092 Formation of Wyong Shire Youth Council

F2005/00908 F2004/11271 JJ:CB

SUMMARY

This report provides information on the progress of Wyong Shire Youth Council further to a status report presented at the Ordinary Meeting held on 8 March 2006. The draft charter of operation for the Youth Council is presented to Council for approval.

RECOMMENDATION

That the formation of a Youth Advisory Council proceed in accordance with the process outlined in this report

BACKGROUND

Council adopted the following resolution on 23 March 2005 regarding a Youth Council:

- “1 *That Council facilitate the establishment of a Youth Council in Wyong Shire.*
- 2 *That the Youth Council's membership consists of the Shire's elected Secondary Schools' Captains and Vice-Captains, representatives of the Ourimbah Campus of the Newcastle University and the local TAFE.*
- 3 *That the Youth Council meets at least quarterly with the aim of discussing issues that effect and concern youth in this Shire.*
- 4 *That Councillors and Council Staff be made available to assist in these discussions where appropriate.*
- 5 *That staff prepare a charter of operation for the Youth Council which is to be endorsed by the Youth Council at its first meeting.”*

Council at its Ordinary Meeting held on 8 March 2006 considered a report on the progress of Wyong Shire Youth Advisory Council (YAC). Contained within that report were recommendations that additional investigations needed to be undertaken to address the concerns documented by organisations represented at the Central Coast Youth Interagency.

The Interagency concerns included the proposed YAC structure, diversity of membership, empowering youth participation over prescriptions, increased democratic opportunities, over extended commitments of school captains and the challenges for school captains to adequately represent the views of a diverse range of young people in the Shire.

Formation of Wyong Shire Youth Council (contd)

An extensive consultation process was undertaken throughout 2006 addressing the concerns raised by the Interagency and young people themselves. Student Representative Councils from The Entrance, Northlakes, Wadalba, Lake Munmorah and Wyong High were consulted as well as Links Youth Service at San Remo, Toukley Independent Learning Centre and Wyong Youth Services at Gravity Youth Centre. Meetings were arranged with Ourimbah Campus Central student body representing university and TAFE students, Darkinjung Local Aboriginal Land Council and Youth Connections.

In September 2006, a Youth Planning Forum was held to gain the perspectives of local young people about how they wanted to participate in the YAC and what they wanted a YAC to focus on. Four key outcomes were identified from the extensive consultation process.

- 1 Development of a Council sponsored youth participation website and online forum to be called "WYspeak".

The aim of this initiative is to provide a gateway for engagement of a large number of young people in a format that is familiar and accessible and is currently available in the monitored settings of schools, libraries, youth centres and through health services. A diversity of young people would have the opportunity to respond to issues, to initiate issues, get feedback on their ideas and find up-to-date local information about events and activities. The design of the site could be managed by a team of young people with support through the Wyong High School Centre for Excellence in Technology. The management of the site and chat room would require the expertise of a worker with the combined skills of computer technology, youth work connections and the ability to translate Council business and local issues into a youth friendly and inspiring format.

- 2 Continued involvement in Youth Week activities.

Council has always supported and been involved in Youth Week activities in a support and co-ordination role.

- 3 Undertake ongoing consultation with the local youth sector and ensure issues and recommendations are actioned.

A number of youth organisations, interagencies and consultation forums exist and are undertaken throughout the year. Some of these include: Staying on Track – forum for young people with a disability; Youth Forum of Environment; Community Environment Network and Jigsaw Youth Action Protocol. Young people and the youth sector would benefit from ongoing consultation, ensuring issues and recommendations are actioned.

Formation of Wyong Shire Youth Council (contd)

- 4 Sponsorship of an annual Leadership and Advocacy Symposium for Young People in the Shire.

This symposium will offer young people opportunities to learn how government works; to consider what is required in formal and informal leadership roles and to learn about a range of advocacy strategies. This will be done through interactive workshops, lecture and other forms of youth-friendly activities. The symposium offers the opportunity to demystify the practice of local government through information provided by Councillors in and for Council staff to provide information about current and potential projects that would benefit from the inclusion of young peoples' perspectives.

It is considered appropriate that the Youth Advisory Council initially focus on the implementation of the above four key outcomes through facilitation and co-ordination within Council.

Achievement of the above outcomes will require commitment of council revenue in the first year of operation as follows:

* Development of Website	\$10000
* Youth Week Activities	already contained with other budget
* Ongoing consultation, facilitation	already contained with other budget
* Annual Leadership Symposium	<u>\$10000</u>
	\$20000

Resource commitment for subsequent years will be:

* Maintenance of website	\$3000
* Annual Leadership symposium	<u>\$10000</u>
	\$13000

A breakdown of symposium costs is as follows:

* Facilitators, workshop leaders & entertainment	\$6000
* Marketing & Promotion	\$2500
* Administration	<u>\$1500</u>
	\$10000

Formation of Wyong Shire Youth Council (contd)

Budget Implications

Within the first year (2007/2008) of its operation, some of the funding can be provided from the existing Community Development budget. The remaining \$20,000 for the first year and the ongoing anticipated \$13,000 for the following years has not been provided for within existing budgets. An increase in the Community Development budget to fund this activity would be required and provision will be made in the ongoing management plans.

YOUTH ADVISORY COUNCIL CHARTER

A Charter for the YAC is presented for Council's consideration and adoption. The operational guidelines for the Charter include:

Purpose of a Charter

Adopting a Youth Charter is a visible way that Council can acknowledge the importance of young people and the unique contributions they make to their community. A charter displays Council's commitment to affirming young people as valued community members and engaging them in decisions that impact on their lives and their community.

A Youth Charter can act as a 'compass' – enabling councils to work more effectively with and for young people. It encourages councils to put young people on the agenda and respond to their needs in council planning, policy, advocacy and service delivery activities.

Scope – What a Youth Charter Can Achieve

Councils who participate in developing a Youth Charter acknowledge and celebrate the unique contributions that young people make to all aspects of community life. Young people's participation is enriching and important to council planning and service delivery functions across economic, social, cultural and environmental dimensions.

A Youth Charter acknowledges that young people have a right to active citizenship through a visible and valued presence in their community and participation in decision-making that affects them and their communities; affirms that Council has a leadership role with young people in the community – to advocate at all levels of government and community, ensuring that young people's needs are addressed; develops connections between young people and their neighbourhoods and communities – young people's involvement is essential to a strong community; helps ensure better decision-making in response to young people's diverse needs; and supports a whole-of-government approach to youth issues.

Principles – Working With Young People

Council's impact on the lives of young people through a variety of local government roles, such as providing information, advocacy to other agencies, planning and direct delivery of some services. Council's can demonstrate their commitment to young people through actively and visibly promoting young people as an integral part of the community.

Formation of Wyong Shire Youth Council (contd)

By working with young people to understand the range of youth perspectives on key issues, councils will ensure local responses are appropriate.

Adoption of the following youth participation principles is recommended when developing a Youth Charter.

- Empowerment:** Young people having greater control over their lives through participation.
- Purposeful engagement:** Young people taking on valued roles, addressing issues that are relevant to them and influencing real outcomes.
- Inclusiveness:** Ensuring that all young people are able to participate.
(Office for Youth and YACVic, 2002)

A copy of the proposed Youth Advisory Council Charter is attached

Establishment of the Youth Advisory Council (YAC)

The following is a process by which the YAC is proposed to be established:

- * Council will call for nominations and host the election of an interim council of 10 members aged 12-18 years as part of Youth Week (April 2007).

Representatives will be sought from the groups detailed in the Council resolution and from the following groups:

- 1 Culturally Diverse backgrounds
- 2 Aboriginal or Torres Strait Islander background
- 3 Balanced gender representation
- 4 From all wards of the LGA
- 5 Unemployed
- 6 Working
- 7 Studying at High School or Tertiary Level
- 8 Young people with a disability
- 9 Gay, Lesbian, Bi-sexual or Transgender

Formation of Wyong Shire Youth Council (contd)

Criteria for selection to be representative on the Youth Advisory Council are as follows:

- 1 Links to other young people.
- 2 Work, study or live in the Shire.
- 3 References are provided.
- 4 Can demonstrate their interest in participating on the YAC.

Council staff will work with the interim YAC to develop a constitution under which the YAC will operate. The constitution will address issues such as:

- * YAC status and membership.
- * Election of office bearers.
- * Meeting frequency and format, taking into account the frequency identified within the Council resolution.
- * Procedural issues such as filling of vacancies etc.

The election of the interim YAC will occur in June 2007.

**Attachment 1 Wyong Shire Council Youth Advisory Council Charter
(1 page)**

Formation of Wyong Shire Youth Council (Attachment 1)

WYONG SHIRE COUNCIL YOUTH ADVISORY COUNCIL CHARTER

Aim

To create a direct link between Wyong Shire Council and Young People.

To provide a forum for Young People to discuss how Council's policies and actions affect them.

Charter

- * To act as a body through which the Young People of Wyong Shire can be involved with decision-making in their community and also to feel free to express their opinions and ideas to Council.
- * To develop an effective line of communication between young people living in the Shire and the Council.
- * To consider items referred to it by the Council on matters relating to problems, activities and associated subjects of concern to young people.
- * To provide Young People with the opportunity to improve the quality of life within their community and to redress community stereotypes about youth.

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WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Board Report

093 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

SUMMARY

Minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 21 February 2007.

RECOMMENDATION

That the minutes of the Gosford and Wyong Councils Water Authority Board meeting held on 21 February 2007 be received and the recommendations contained therein, adopted.

A meeting of Gosford and Wyong Councils' Water Authority Board was held on 21 February 2007. The minutes of that meeting are enclosed.

Enclosure

Minutes of the Gosford and Wyong Councils Water Authority Board meeting held on 21 February 2007

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Committee Report

094 Wyong Shire Audit Committee

F2004/07245 MW

SUMMARY

Minutes of the Audit Committee Meeting held on 21 February 2007.

RECOMMENDATION

That the minutes of the Wyong Shire Audit Committee meeting held on 21 February 2007 be received and the recommendations contained therein, adopted.

A meeting of Council's Wyong Shire Audit Committee was held on 21 February 2007. The minutes and significant issues of that meeting are enclosed.

Enclosures

Minutes of the Wyong Shire Audit Committee (distributed under separate cover)
Significant Issues Discussed at the Wyong Shire Audit Committee (distributed under separate cover)

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Delegate's Report

095 Grassroots Sustainability – International Lessons Forum

F2004/06517 ED

SUMMARY

Councillor Forster has submitted her delegate's report in relation to the *Grassroots Sustainability – International Lessons* forum held on 4 - 5 October 2006.

RECOMMENDATION

That the report be received and information noted.

BACKGROUND

In accordance with Council's Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of the conference.

Accordingly, Councillor Forster has submitted her delegate's report in relation to the *Grassroots Sustainability – International Lessons Forum* which she attended on 4 – 5 October 2006 in Townsville. Councillor Forster's report is as follows:

“The CLAIR conference ran for two and a half days with a number of presentations and case studies from various bodies in relation to urban sustainability. Presenters included Dr David Suzuki, Yasushi Furukawa (Governor, Saga Prefecture, Japan and Senior Specialist and Advisor on Environmental Policy), Prof Lal Walhwa (Civil and Environmental Engineering, JCU), Cr Diane Thorley (Mayor, Toowoomba Council), Ellen O'Brien (Sustainability Programs Manager, Wollongong Council), Graham Foulger (General Manager, Ergon Energy), Hajime Nishiyama (Consul-General of Japan), Greg Bruce (Director-Environmental Management, Townsville Council). All sessions were informative (apart from one or two that were heavily 'science' based and a degree in chemical and nano-science was required to keep up with them!) and covered a range of issues to do with environmental sustainability, with emphasis on the role local government could and should undertake in addressing a number of the issues raised during the conference.

Grassroots Sustainability – International Lessons Forum (contd)

Several Councils gave detailed presentations on projects they had undertaken or were in the process of implementing in their local area to address problems with urban/environmental sustainability, water management and waste management. Cr Diane Thorley gave a very interesting talk on the water shortage in Toowoomba, the attempt to introduce recycled drinking water into the town supply and the 'political bastardization' of the process. Graham Foulger (Ergon Energy) and representatives from Townsville Council gave a detailed presentation on a Solar City project currently being implemented in Townsville (the project is the largest ever to be trialled in Australia) and if successful will be used in future planning in the area.

David Suzuki emphasized the need for urgent action to be taken in regard to the effects and implication of climate change, and that our sustainable future is in the hands of grassroots activity by local governments, rather than relying on national leaders. He challenged local government to lead the way in working towards a sustainable future. He noted that there is such a plethora of information and reporting on climate change that the community becomes overwhelmed by it all and that leads to the risk of them doing nothing substantive to address the issue. Dr Suzuki explained the "Nature Challenge"- a program run in six Canadian cities. This program lists 10 of the most effective things individuals can do to assist – choose energy efficient appliances, don't use pesticides, have meat free meals once a week, buy locally grown/produced food, use fuel efficient vehicles, walk, bike, car pool, use public transport one day a week, use alternative methods of transport, learn more and share information. While these are relatively simple actions for individuals to undertake, they have a real and positive impact on the environment. Dr Suzuki urged all local governments to promote the "Challenge" within their local area.

Prof Lal Walhwa gave a presentation on "Global Technologies and Local Endeavours" which included:

- * Australians are the 2nd worst carbon emissions culprits in the world
- * Solar energy is still a largely untapped source of power generation. The sun delivers about 17,000 times as much energy every day as what the world uses.
- * Current technology converts about 20% of solar energy collected to electricity
- * There are a number of projects that are about to come on line using solar power technology including the Liddell Power Station which is currently a coal powered station that is about to become a hybrid solar thermal power station by using the sun's heat to preheat water, thus cutting the amount of coal used.
- * A 150 mega watt power station is under construction in Victoria using paraboloidal/photovoltaic technology, providing power to 75,000 homes.

Grassroots Sustainability – International Lessons Forum (contd)

- * Case studies were also given of other business/industrial sites using alternative technologies/innovative methods to reduce the amount of electricity used by them. The CSIRO Energy Centre at Newcastle uses less than 40% of the electricity used in a conventional office of the same size.
- * It was suggested that local government look at this in relation to their own operations and that of upcoming developments in their local area.

Yasushi Furukawa gave an interesting presentation titled 'Saga Prefectural Government's Take Charge Approach for Sustainable Development and the Environment'. Saga Prefecture introduced a major recycling educational program promoted as 'TURN A BURDEN INTO A BENEFIT'. This included funding and conducting educational programs for residents and industry with programs commencing in preschools. Eco programs were enacted including the purchasing of hybrid cars for Government officials, the double sided printing on all office documents, relaxing of dress standard (reducing the reliance on air conditioning for employees comfort). A long promotional campaign was run on the reuse of grey water, and a rebate program was introduced for the installation of solar panels on homes and business. Tree planting programmes were also enhanced for both residential and industrial areas.

The response to the whole program has been overwhelming with a significant reduction in waste disposal and greater than anticipated uptake of installation of solar panels.

Robert Ball, General Manager, Hornsby Council gave a presentation on Hornsby Council's Biodiversity Strategy. Hornsby Council has a Biodiversity Strategy with a focus on retaining indigenous vegetation. The Biodiversity Plan is reviewed annually with State of the Environment reports on performance indicators. Contained within the Plan is a Conservation Strategy including partnerships, incentive programs, internal and external training programs. There are five partnership programs in place - Rural Lands Incentive Program, Urban Habitat Restoration Program, Bushcare Volunteer Program, a Community Nursery, (which grows 2500 plants a year, is manned by 50 volunteers and distributes 3000 plants per year to residents and 300 plants per year to schools) and Land for Wildlife Program (250 properties joined this program in the first year).

Grassroots Sustainability – International Lessons Forum (contd)

Ellen O'Brien, Sustainable Programs Manager, Wollongong City Council:

- * Wollongong is the 4th largest local government area in NSW, population 192,000. It has heavy industrial and service based industries and an expanding residential area. When surveyed, 80% of residents expressed concern about environmental problems but weren't sure what they could do about them.
- * The first step was to identify the impact of local activities on the environment.
- * The Council established a \$1 million per annum environment fund in July 2003 for four years.
- * The fund was used as leverage for other investment, eg corporate sponsorship, Federal and State Government grants, catchment management authority funding.
- * Three themes were adopted - biodiversity, water and sustainability.
- * Intense consultation was undertaken July-December, partnerships were seen as key to success of the program and these were brokered with a range of State Government agencies and local businesses (including Integral Energy).
- * Education program commenced including the publishing and area wide distribution of the information booklet "Sustainability Begins at Home" which included tips on energy conservation, a list of all existing state and Federal rebates available to residents, additional rebates available from the Council, product supplier discount vouchers.
- * Community workshops were held giving practical advice from experts on biodiversity etc.
- * Voluntary home audits were offered to residents (assessment of energy and water use, and all were provided with a free kit including 3A rated shower kit and four energy efficient light globes).
- * The Sustainable Street program was established (including assisting with the establishment of 'street community gardens and veg plots). This included the Council converting unused/unnecessary laneways into cultivated plots).
- * Energy and water saving competitions were held as an incentive to encourage residents to consider how to change management of their homes. Prizes of significant value (ie energy efficient washing machines, water tanks) were offered to residents who could show reductions in water and energy use (from past bills six months older).
- * Promotion of all activities in the program was undertaken – in the local media, on the Council website, through direct mail, visual displays.

Grassroots Sustainability – International Lessons Forum (contd)

- * Evaluation of the program was undertaken nearing its four year completion. (including phone surveys, follow up on audits, response forms and voucher redemption slips) 83% of residents identified at least two significant changes they had made to make their home more sustainable.
- * 833 homes had installed water tanks, and there was a significant increase in the installation of solar hot water systems (saving 5.1 tonnes of greenhouse gas per year).

Yoshiaki Sogabe - Ehime Prefecture - Environmental Purification Micro-organism.

Mr Sogabe gave a presentation on a new method of waste treatment being used in Ehime Prefecture:

- * Environment surrounded by organisms, natural and clean way of eliminating bacteria.
- * After undertaking numerous studies, a waste treatment centre using micro-organism purification as the main method of treating waste was established in Ehime Prefecture.
- * Cultures are incubated for one week in industrial size incubation tanks, capable of producing 1000 litres a week.
- * This replaces the use of detergents and chemical cleaners in residential and industrial settings (it is safe, organic and cheap) and is also used as fertilizer in fruit, vegetable and flower cultivation industries.
- * As well as being much less environmentally damaging than chemical type treatments, there is a large reduction in the volume of waste sludge for disposal.
- * Numerous 'before and after' photos were used in the presentation.

Greg Bruce, Manager, Environmental Management, Townsville City Council - Evolution of Total Water Cycle Management in Townsville City. Mr Bruce detailed the water systems in Townsville highlighting the fact there are five catchment areas based around marine wetlands and coral reef systems, muddy tidal flats that are ecologically complex and diverse, industrial ports and heavy industry (nickel, copper, zinc):

- * There are a number of challenges including the impost of additional financial and environmental regulations, the defining of management and management actions and a lack of interactive expertise.

Grassroots Sustainability – International Lessons Forum (contd)

- * There was also a fragmentation of jurisdictions, planning regulations (both similar to problems we face), and a failure to understand the inherent inter-connectiveness of the water cycle.
- * A lack of ownership within the community of problems and solutions (“belongs to the Government, not us”).
- * A series of meetings over a period of 12 months between all agencies resulted in a ‘Memorandum of Understanding’ type agreement on the management of the total water cycle. Funding responsibilities were included in this agreement.
- * Water utilities management was formally linked with Wetlands, Waterways, Ecosystems, and community partnerships.
- * This resulted in a change in the culture and management of water within the Council.
- * Community groups were actively pursued to become involved in relative parts of the water cycle management process.
- * As a result there is now a ‘whole’ approach to water management between both the Council and all State agencies, funding (including whole funding projects) is determined for each project at the beginning of each financial year eliminating delays in a program’s commencement or completion.”

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

General Manager's Report

096 Information Reports

F2006/02282 MW: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

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

097 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 months of December 2006 and January 2007.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Development Applications Received and Determined – December 2006

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	33	13,198,847	31	13,487,145
Industrial	5	611,500	10	3,383,000
Residential	122	29,243,738	91	18,239,983
Other	12	9,200	16	730,000
Total	172	43,063,285	148	35,840,128

Subdivision Applications Received and Determined – December 2006

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	0	0	0	0
Industrial	1	2	1	2
Residential	6	40	9	181
Rural	0	0	0	0
Total	7	42	10	183

Activities of the Development Assessment Unit (contd)

Development Applications Received and Determined – January 2007

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	13	1,680,190	17	1,097,515
Industrial	2	25,000	0	0
Residential	69	4,451,277	110	9,175,614
Other	25	1,977,220	19	5,763,600
Total	109	8,133,687	146	16,036,729

Subdivision Applications Received and Determined – January 2007

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	0	0	0	0
Industrial	0	0	0	0
Residential	2	19	3	3
Rural	0	0	0	0
Total	2	19	3	3

Mean Turn Around Time

There were no priority applications determined during the months of December 2006 or January 2007.

The mean (average) turn around time in calendar days for development applications determined during the month was 39 days for December 2006 and 34 days for January 2007.

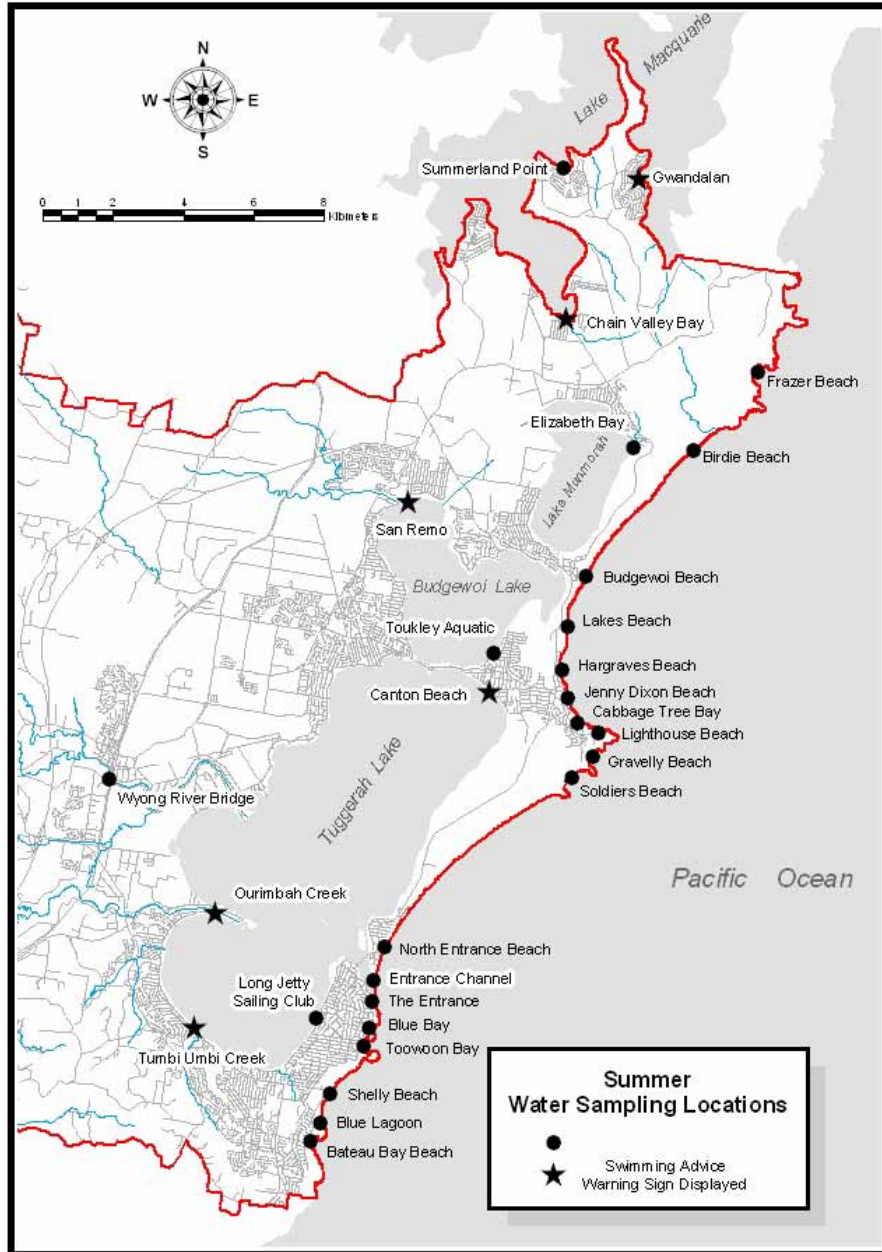
Other Approvals and Certificates

Type:	Number Determined December 2006:	Number Determined January 2007:
Trees	66	71
Section 149 D Certificates	16	16
Construction Certificates	78	83
Complying Development Certificates	12	7

Enclosure

Graphs – Development Applications Lodged and Development Applications Determined (2 pages)

098 Results of Water Quality Testing for Bathing Beaches (Attachment 1)



WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

098 Results of Water Quality Testing for Bathing Beaches

F2004/06822 RHM

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for beaches in Wyong Shire. Summer water sampling recommenced in October for the swimming season.

RECOMMENDATION

That the report be received and the information noted.

Summary of Results

For November to January all the ocean beaches had excellent bacteriological water quality ie were rated as 4 stars. However, in mid January over a two week period algal blooms intermittently resulted in ocean beach closures. There is no link between algal blooms and bacteriological contamination. Council would recall that a report explaining the process of algal bloom was provided in a recent Councillor Update.

The lake beaches had variable water quality with only Pelican, Long Jetty and Chain Valley Bay having consistently good water quality. Fluctuation in water quality may be attributed to the few rainfall events which flushed pollution into the lakes.

Ourimbah and Tumby Umbi Creeks and Wyong River continue to have poor water quality (1 and 2 stars), with the level of bacterial contamination remaining similar to the previous results. The rivers continued to have extremely poor water quality (1 star). This can be attributed to stock accessing water via poorly vegetated creek banks. River water quality can be expected to improve once the catchments fully recover from the drought. Well established vegetation acts as a filter by slowing down runoff and capturing pollutants before they enter the river.

Standards

The star rating system is based on the National Health and Medical Research Council (1990) Australian Guidelines for Recreational Use of Water. Five results collected over a calendar month are used to determine the star rating.

Results of Water Quality Testing for Bathing Beaches (contd)

Star Rating	Calculation of Faecal Coliforms (FC)	Calculation of Enterococci (Ent)
4 stars	The median FC value is less than or equal to 150, and the maximum FC value is less than 600.	The median ent value is less than or equal to 35, and the maximum ent value is less than 100.
3 stars	The median FC value is less than or equal to 150, and the second highest FC value is less than 600 (but max is greater than or equal to 600).	The median ent value is less than or equal to 35, and the second highest ent value is less than 100 (but max is greater than or equal to 100).
2 stars	The median FC value is greater than 150, and the second highest FC value is less than 600. or The median FC value is less than or equal to 150, and the second highest FC value is greater than or equal to 600 (fails on second highest value).	The median ent value is greater than 35, and the second highest ent value is less than 100. or The median ent value is less than or equal to 35, and the second highest ent value is greater than or equal to 100 (fails on second highest value).
1 star	The median FC value is greater than 150, and the second highest FC value is greater than or equal to 600	The median ent value is greater than 35, and the second highest ent value is greater than or equal to 100

The star rating for a site would be determined as the lowest star rating obtained for FC and ent.

Results of Water Quality Testing for Bathing Beaches (contd)**NOVEMBER 2006****OCEAN BEACHES**

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Cabbage Tree Bay	2	100	0	100	****
Soldiers Beach	1	100	0	100	****
Gravelly Beach	1	100	0	100	****
Lighthouse Beach	0	100	1	100	****
Shelly Beach	2	100	0	100	****
Toowoan Bay	3	100	2	100	****
Blue Bay	3	100	0	100	****
Blue Lagoon	3	100	0	100	****
Bateau Bay	1	100	0	100	****
Frazer	0	100	0	100	****
Birdie	0	100	0	100	****
Budgewoi	1	100	0	100	****
Lakes	0	100	0	100	****
Hargraves	2	100	0	100	****
Jenny Dixon	0	100	0	100	****
North Entrance	3	100	1	100	****
The Entrance	2	100	1	100	****

RIVER AND LAKE BEACHES

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Ourimbah Chittaway Point	400	60	170	0	*
Toukley Aquatic	10	100	0	100	****
Tumbi Creek Tumbi Umbi	410	80	400	0	*
Canton Beach	15	100	4	80	***
San Remo	32	100	42	100	**
Long Jetty	150	100	38	100	****
Chain Valley Bay	16	100	15	100	****
Gwandalan	18	100	26	100	****
Summerland Point	32	100	15	100	****
Wyong River at Wyong	220	100	180	20	**
Elizabeth Bay	156	80	3	80	**
Pelican	14	100	3	100	****

Results of Water Quality Testing for Bathing Beaches (contd)**DECEMBER 2006****OCEAN BEACHES**

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Cabbage Tree Bay	0	100	0	100	****
Soldiers Beach	0	100	0	100	****
Gravelly Beach	3	100	7	100	****
Lighthouse Beach	7	100	0	100	****
Shelly Beach	0	100	0	100	****
Toowoan Bay	0	100	0	100	****
Blue Bay	0	100	0	100	****
Blue Lagoon	0	100	0	100	****
Bateau Bay	0	100	3	100	****
Frazer	3	100	1	100	****
Birdie	0	100	0	100	****
Budgewoi	1	100	1	100	****
Lakes	9	100	0	100	****
Hargraves	7	100	1	100	****
Jenny Dixon	2	100	0	100	****
North Entrance	0	100	0	100	****
The Entrance	1	100	0	100	****

RIVER AND LAKE BEACHES

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Ourimbah Chittaway Point	150	100	50	100	**
Toukley Aquatic	1	100	0	100	****
Tumbi Creek Tumbi Umbi	320	80	200	0	*
Canton Beach	3	60	3	80	*
San Remo	37	100	20	80	***
Long Jetty	2	100	0	100	****
Chain Valley Bay	32	100	4	80	***
Gwandalan	10	80	3	80	***
Summerland Point	30	100	3	100	****
Wyong River at Wyong	200	80	20	80	**
Elizabeth Bay	180	100	19	80	***
Pelican	4	100	2	100	****

Results of Water Quality Testing for Bathing Beaches (contd)**JANUARY 2007****OCEAN BEACHES**

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Cabbage Tree Bay	2	100	0	100	****
Soldiers Beach	4	100	2	100	****
Gravelly Beach	4	100	1	100	****
Lighthouse Beach	20	100	0	100	****
Shelly Beach	7	100	2	100	****
Toowoan Bay	9	100	2	100	****
Blue Bay	10	100	2	100	****
Blue Lagoon	6	100	3	100	****
Bateau Bay	10	100	2	100	****
Frazer	32	100	0	100	****
Birdie	1	100	1	100	****
Budgewoi	12	100	0	100	****
Lakes	9	100	0	100	****
Hargraves	5	100	0	100	****
Jenny Dixon	6	100	2	100	****
North Entrance	22	100	4	100	****
The Entrance	15	100	0	100	****

RIVER AND LAKE BEACHES

LOCATION	MEDIAN FC COUNT (≤150 fc/100ml)	% OF SAMPLES (< 600 fc/100ml)	MEDIAN ENT COUNT (≤35 ent/100ml)	% OF SAMPLES (< 100 ent/100ml)	STAR RATING
Ourimbah Chittaway Point	700	40	34	80	*
Toukley Aquatic	3	80	0	100	***
Tumbi Creek Tumbi Umbi	880	40	150	40	*
Canton Beach	43	80	0	100	***
San Remo	98	100	28	100	****
Long Jetty	19	100	5	100	****
Chain Valley Bay	100	100	4	100	****
Gwandalan	370	60	15	100	*
Summerland Point	83	80	6	100	***
Wyong River at Wyong	180	100	72	80	*
Elizabeth Bay	170	100	10	100	**
Pelican	3	100	2	100	****

WYONG SHIRE COUNCIL

28 February 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

099 Lake Islands

F2205/0695 SF:NL

SUMMARY

At its meeting held on 11 November 2006, Council considered a report on a Notice of Motion to investigate Lake Islands to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and resolved the following:

"That as the State Government policies have significantly contributed to the deterioration of the Tuggerah Lakes system and that the State Government is the beneficiary of all revenues from the lakes, Council request the State Government for assistance to fund this important investigation with regard to the Lake Islands initiative."

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting of 25 October 2006, Council adopted the Tuggerah Lakes Estuary Management Plan (TLEMP). At the same meeting, Council adopted the works programme for the first year of implementation of the Plan. However, prior to the implementation commencing, Council required that funding be sought from the State and Federal Governments to match the amount collected by Council in the stormwater levy.

Council currently has a grant funding application with the State Government for the amount of \$4.11m under the State Estuary Management Programme. The intention of this application is to match Council funding for the implementation of the first year's works programme. To date, no response has been received on the success or otherwise of this application.

The TLEMP contains a number of individual dredging projects that will occur at different times throughout the life of the Plan. Rather than dealing with the disposal of spoil from each dredging project on an individual basis, it is intended that the first year works programme include the development of a strategy for the disposal of spoil. Given the numerous small dredging projects within the TLEMP, it is prudent for Council to develop an overall strategy for spoil disposal prior to commencing any dredging works. This strategy would identify all potential options for the disposal of spoil and will therefore include the creation of islands in the lake. The strategy would evaluate each option on environmental, social and economic grounds, with the objective being to seek to have the strategy "signed-off" by all relevant state government authorities that have some involvement in dredging applications. This would ensure that, as each individual dredging project was undertaken, it would not firstly be delayed by a lengthy approval process.

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Shire Planning Department

Lake Islands (contd)

Therefore, the option of using spoil to create islands in the lake will be fully investigated as part of the comprehensive strategy for the disposal of spoil. This strategy will form part of the first year works programme for which the State Government has already been requested to provide matching funding. However, in response to Council's resolution above, a further request has been made to the State Government outlining the importance of developing a strategy for spoil disposal and the potential advantages Council sees in the creation of lake islands.

WYONG SHIRE COUNCIL

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Director's Report
Shire Services Department

100 General Works in Progress Report

F2004/07830 CS

SUMMARY

General works in progress and completed for the period December 2006 to January 2007.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

Roads and drainage works are complete on Lakedge Avenue between Bluebell Avenue shops and Kingsford Smith Drive, Berkeley Vale. This included the upgrade of existing drainage systems, new pavement with kerb and gutter and paved footpath.

Roadworks are complete at Hutton Road, North Entrance. Works included upgrade of the road pavement and construction of a shared pathway.

Road works and drainage have commenced at Eastern Road, Tumbi Umbi. This work includes new road pavement between Roberta Street and Bertram Avenue including kerb and guttering and the construction of a shared pathway.

Capital Works In Progress

The table below is a status report of current major road rehabilitation and drainage projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Lakedge Avenue, Berkeley Vale	600,000	100	November 2006	Upgrade of pavement and drainage between Bluebell shops and Kingsford Smith Drive.
Bay Road / Boondilla Road roundabout, The Entrance	350,000	100	December 2006	Construction of a roundabout and associated drainage works at the Bay Road / Boondilla Road intersection. This work is funded by S94 contributions and forms part of The Entrance Traffic Management Plan.

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General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Hutton Road, North Entrance	135,000	100	December 2006	Upgrade of pavement between Leonard Street and Stewart Street. This includes construction of a shared pathway.
East Bateau Bay Traffic Management Plan works	45,000	100	November 2006	Construction of islands in Parkside and Harbour Streets. Also includes new additional parking spaces, kerb and gutter in the shopping village and formalising traffic movements to one way within the car park.
Kathleen White Crescent, Killarney Vale	480,000 (road) 110,000 (drainage)	60	February 2007	Upgrade of drainage and road pavement including kerb and gutter.
Cresthaven / Rotherham roundabout, Bateau Bay	350,000	80	February 2007	Construction of a roundabout at the intersection of Cresthaven Avenue and Rotherham Street to improve road safety.
Eastern Road, Tumbi Umbi	904,000	5	April 2007	Upgrade of road pavement between Roberta Street and Bertram Avenue. Includes mid block traffic calming device and shared paths.
Lukela Avenue, (Budgewoi School). School Crossing, Road closure	186,000	80	February 2007	Relocation of school crossing in Lukela Avenue. Includes road closure at Woodlawn Avenue to improve pedestrian safety.
Ted Doyle Oval car park, Berkeley Vale	353,000	85	February 2007	Car park reconstruction adjacent to Ted Doyle Oval. Adjacent to new skate park currently under construction.
Sunrise Avenue, Budgewoi - drainage	450,000	90	February 2007	Major drainage upgrade to 106 year capacity. Includes construction of 1200 x 900mm box culverts.

General Works in Progress Report (contd)**GENERAL MAINTENANCE WORK**

	North	South
Drainage Maintenance	Hamlyn Terrace Woongarra Lake Munmorah	Killarney Vale Bateau Bay Wyong Tuggerah
Replacement of Damaged Footpaving	Hamlyn Terrace Budgewoi Woongarra	Nil
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Tuggerawong Jilliby	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Jilliby	Bateau Bay Berkeley Vale
Heavy Patching	Yarramalong	Nil
Table Drain Maintenance	Gwandalan Summerland Point Mannering Park Chain Valley Bay San Remo Charmhaven Canton Beach Budgewoi	Berkeley Vale Long Jetty Bateau Bay The Entrance Tumbi Umbi
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby	Ourimbah Palmdale
Footpaving Construction	Nil	Nil
Carpark Maintenance	Toukley Budgewoi Norah Head	Nil

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General Works in Progress Report (contd)

	North	South
Fencing	Nil	Nil
Vegetation control	Dooralong Norah Head Jilliby Yarramalong Budgewoi Buff Point Woongarrah Halloran Hamlyn Terrace	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Mardi

CONTRACTS AND SPECIAL PROJECTS SECTION

The table below is a status report of current major projects.

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/94532	Excavation and lining of cell 4.2A, Buttonderry landfill	Contract works now in Defects Liability Period. Cell commenced receiving waste on 2 November 2006.	100
CPA/94560	Construction of Sewage Pumping Stations B3, B4 and pipelines, Lucinda Avenue, Killarney Vale	Contract works now in Defects Liability Period. Quotations currently being called for the landscaping of both pump stations.	100
CPA/94531	Consultancy for investigation and design of Link Road and trunk water main	Preliminary designs advanced. Additional studies and investigations required by conditions of consent are advanced. Significant design problems presented by the soft foundation soils for the Link Road through the Porters Creek wetland section. Options report for engineering solutions under consideration. Consultancy expected to be complete by the end of May 2007.	80
CPA/98601	Design development and construction of the Morisset to Warnervale water trunk main	The pipeline connecting Morisset to Warnervale was completed and commissioned on 15 December 2006 and has been in operation since. The Contractor is currently completing a cross connection to the future Bushells Ridge Reservoir underneath the F3 Freeway and the installation of covers to valve pits. It is anticipated that all contract works will be completed by end-February 2007.	96

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for obtaining approvals for likely section of route through Crown land north from Terilbah Place, North Entrance.	95
CPA/99940	Construction of Wadalba Sports facility	Contract awarded and works commenced. Target August 2007 to complete works and for use of fields in April 2008.	45
CPA/94559	Design and documentation of Woongarra Sportsfields.	Design contract awarded. Master plan design still underway. Issues regarding <i>Native Vegetation Act</i> and development of this site are currently under review and delaying project.	20
CPA/113453	Holiday Parks Upgrade Works – Design Consultancy	Design consultancy tender including masterplan, full documentation and the preparation of building tender packages for four holiday parks let to BHI Architects on the 27 November 2006. These upgrade works proposed for the next five years are as identified in the Business Development Strategy for Holiday Parks. To date preliminary concept plans for each park have been provided to Council for consideration.	5
CPA/104754	Construction of Fishway, Ourimbah Creek Upper Weir	Contract awarded 21 August 2006. Construction proceeding satisfactorily. No significant issues. Construction expected to be complete end of March 2007.	50
CPA/98705	Construction of Edwards Creek Bridge, Dooralong	Contract works now in Defects Liability Period.	100
CPA/97631	Lake Haven Leisure Centre	Refurbishment works to Leisure Centre complete. Contractor currently attending to defects.	100
CPA/96544	Blue Haven Community Centre	Practical completion achieved February 2007. Application made for occupation certificate. Hand over inspection in early February 2007.	100

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General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/110431	Mardi Landfill Remediation	Consultant has submitted investigation/design proposal for approval as part of Stage 1 works. Stage 2 works (includes additional investigation and testing) for the final report yet to be finalised and let.	45
CPA/107166	Warnervale District Sports Fields	Project placed on hold until Warnervale Town Centre Master Plan has been completed	5
CPA/101669	Collection of Waste and Recyclables	Wyong and Gosford Councils jointly called tenders on 28 March 2006 - tenders closed on 6 June 2006. On 13 December 2006, the contract was awarded to Thiess Environmental Solution for a 10 year contract term. Commencement date is 1 February 2008.	100
CPA/101670	Receival and Processing of Organics at the Buttonderry Waste Management Facility	The contract for the Receival and Processing of Organics was awarded to Australian Native Landscapes on 13 December 2006 for a contract period of seven years. Commencement date is 1 February 2008.	100
CPA/94561	Dredging of Tumbi Creek	Further expert consultant's report for foreshore remediation provided January 2007. Final approvals for dredging from Department of Lands and Council now awaited. Potentially dredging could commence in April 2007 for completion in September 2007.	5
CPA/116821	Construction of Underground Concrete Tank for Oval Irrigation Taylor Park Oval, The Entrance	Construction of tank completed, with associated civil works to be completed by end February 2007	60
CPA/112098	Design and Construction of Berkeley Vale Skate Park	Designs completed. Construction started in early January 2007. Work to be completed by end February 2007.	30

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/113366	Detail Design and Construction of Central Coast Lifetime Learning Centre at Palmdale	Detail designs completed. Construction Certificate submitted for approval. In interim Contractor has established on site and commenced preliminary earth and civil works. Programmed finish in July 2007.	20
F2004/07982	The Entrance Refurbishment Works	Current actions include: 1 Completed documentation to obtain quotes for rubber wetpour to steps in Vera's Watergarden. 2 Source tiles and obtain quotes for replacement of tiles to pedestrian ramps to tiled areas in The Entrance Town Centre. 3 Source lights and obtain quotes for lights to the Sails and Fountains. All above works to be completed by May 2007.	45
CPA/105697	Toukley Aquatic Centre Refurbishment	Refurbishment works completed and pool re-opened November 2006. Defects list issued - 75% completed. Finalising payments for work. Monitoring operation of pool.	100
CPA/98240	Buttonderry Waste Management Facility Entry Masterplan	Drawings being prepared for new site for Small Vehicle Waste Transfer Facility. Construction not expected to commence until third quarter of 2007.	65
CPA/113367	The Entrance Community Facility Stage 2	Design consultant appointed to commence pre-construction activities. Site works programmed to commence August 2007 for completion in February 2008.	10

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Shire Services Department

101 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

Water supply and sewerage works in progress and completed for January 2007.

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the repair of Tuggerah 1 water supply reservoir at Tuggerah.

Tuggerah 1 reservoir forms part of the water supply system that services the southern part of Wyong Shire. The reservoir was constructed in 1974 as part of the Gosford/Wyong Water Supply Scheme under the then NSW Department of Public Works. The reservoir was constructed using a proprietary design utilising relatively thin walled reinforced concrete supported by 12 separate tendons comprising of spirally wound steel wire that were post stressed to provide additional structural support for the reservoir walls. The tendons were then encapsulated with pneumatically applied cement mixture (shot-crete).

During a maintenance inspection in mid 2006 it was found that the shot-crete on one of the post tensioning tendons had spalled revealing severely corroded and broken steel wire. Subsequently the water level in the reservoir was lowered and the reservoir inspected by a number of specialists. The recommendation was to replace the obviously failed section of post-tensioned tendon and to undertake further inspections of the other 11 tendons and to further protect the other tendons from further corrosion using a specialist coating system.

The work currently being undertaken is for the removal and replacement of the failed tendon, the installation of six new 12.7mm pre-stressed cables contained within conduits and for the rendering of those conduits within the reservoir wall. The work also included an inspection of the other 11 tendons that revealed a further three badly corroded tendons that will also require replacement. A quotation is being sought from the contractor to replace these additional tendons.

The initial work, estimated to cost \$77,000, is being carried out by contract under supervision of Council's Water and Sewerage Section and is due for completion in mid February 2007. The work is being funded from Council's water reservoir refurbishment programme.

Works in Progress Report – Water and Sewerage (contd)

Water Storage

As at 5 February 2007 the storage in Mangrove Creek Dam was 10.5% while the total system storage was 12.9%. There has been a decrease of 0.9% in total stored volume over the last four weeks. Mooney Dam is currently 29.2% and Mardi Dam 64.9%.

For January 2007, 40mm of rain was received at Mangrove Creek Dam. This is 52mm less than the January long term average rainfall of 92mm.

SEWERAGE

Work has commenced on sewer manhole adjustment work in Dog Trap Road, Ourimbah.

The work consists of the adjustment of two sewer manholes. The existing manholes are required to be lowered by approximately 500mm and adjusted for the new road pavement construction being undertaken by the RTA. The work is difficult as it requires the existing manholes to be physically cut down by approximately 900mm below the finished pavement levels and new pre-cast components lay on top and set to form the new road profiles.

The work, estimated to cost \$5,000 is being carried out by day labour staff and is due for completion by mid February 2007. The work is being funded by the RTA as part of the Pacific Highway Upgrade Project at Ourimbah.

PROCESS

Water Treatment

All water produced by the Water Treatment Plant has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants has met Environmental Protection Authority Licence requirements.

Effluent Re-use Projects

The reclaimed water supply main has been extended under The Entrance Road to the Hind Bowling Club. The supply main has also been extended to serve the Tuggerah Lakes Secondary College (The Entrance High School) and Our Lady of the Rosary Primary School. This extension was funded by the Central Coast Water Savings Fund. The Toukley Public School has now connected to their reclaimed water service, following the completion of their irrigation system, which was funded under the Federal Government Community Water Grants program.

Works in Progress Report – Water and Sewerage (contd)

Tenders for upgrade of the Toukley Reclaimed Water Plant, lifting capacity from 3.6 ML/d to 7.2 ML/d will be called during February, following the closing of expressions of interest. The upgrade is expected to be completed by September 2007, providing additional production capacity to meet increasing demands, plus provide a more robust treatment process ensuring the increasingly stringent quality targets are maintained.

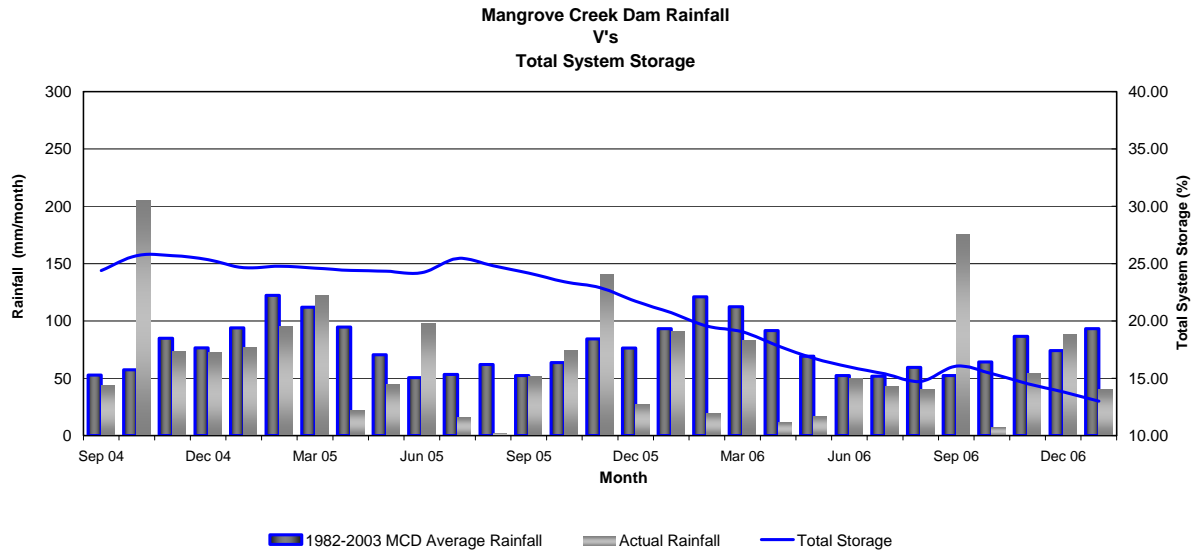
Following completion of the above extensions, effluent reuse will lift to 1,356 ML/annum representing approximately 9.9% of potable water usage.

Currently, effluent reuse is 1,300 ML/annum representing approximately 9.5% of potable water usage. This will increase to 1,334 ML/annum (9.75%) when the above projects are completed.

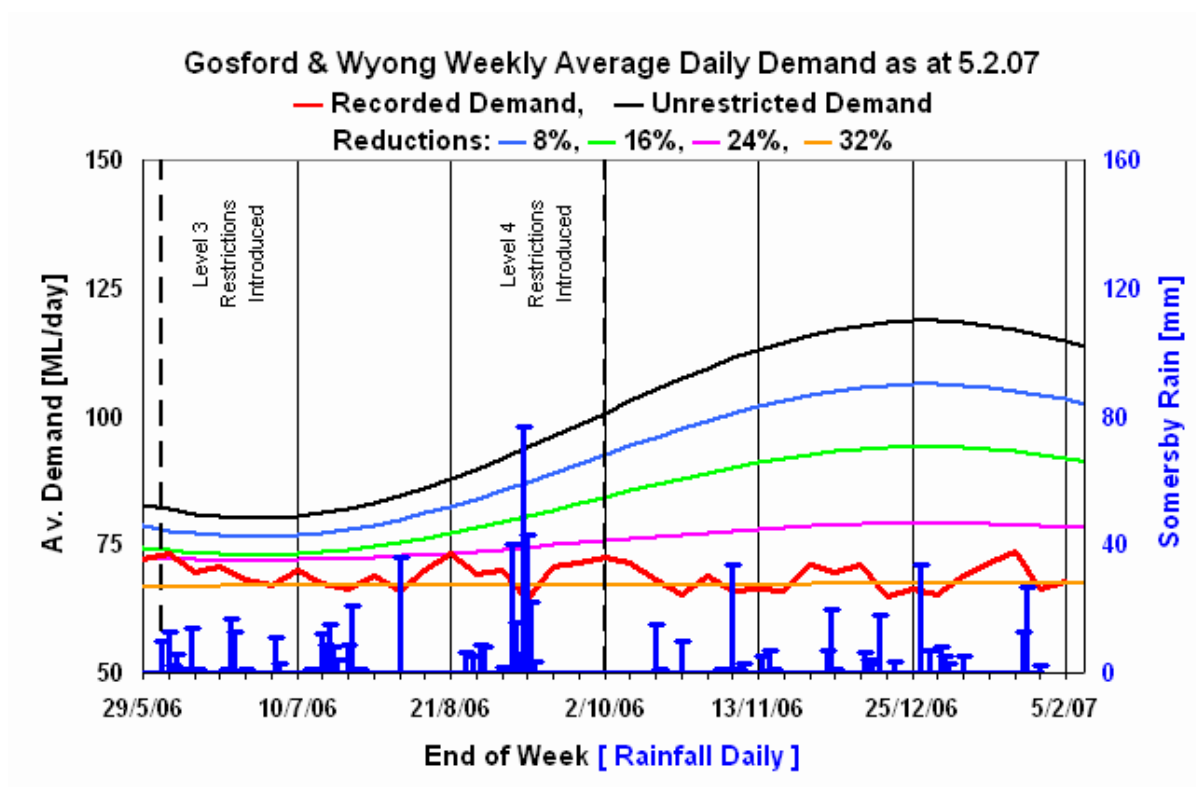
Attachment 1 *Actual Total Storage October 2004 – January 2007 (2 pages)*

Enclosure *Actual Total Storage October 2004 – January 2007 (2 pages)*

Works in Progress Report – Water and Sewerage (Attachment 1)



Works in Progress Report – Water and Sewerage (Attachment 1) (contd)



- 1 **Black Line** Wyong Shire's normal demand when no restrictions are in place.
- 2 **Blue line** 8% reduction (based on the 'black line') over the entire year.
- 3 **Green Line** 16 % reduction (based on the 'black line') over the entire year.
- 4 **Pink Line** 24% reduction (based on the 'black line') over the entire year.
- 5 **Orange Line** 32% reduction (based on the 'black line') over the entire year.
- 6 **Blue bars** Rainfall at Somersby in mm/day.
- 7 **Red line** Wyong Shire's average daily demand.

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Director's Report
Shire Services Department

102 **Wyong Shire Library Statistics**

F2004/11651 JM/JM

SUMMARY

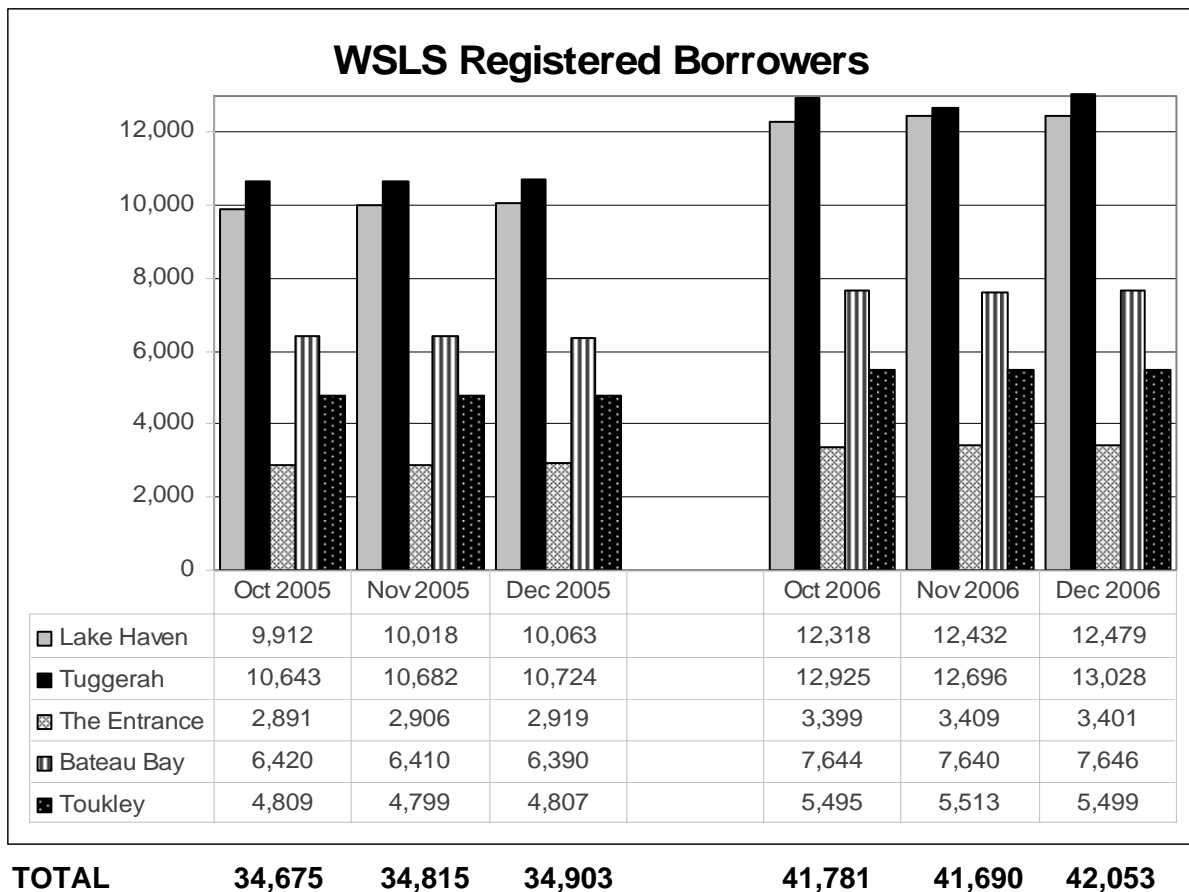
Report on Wyong Shire Library Service.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

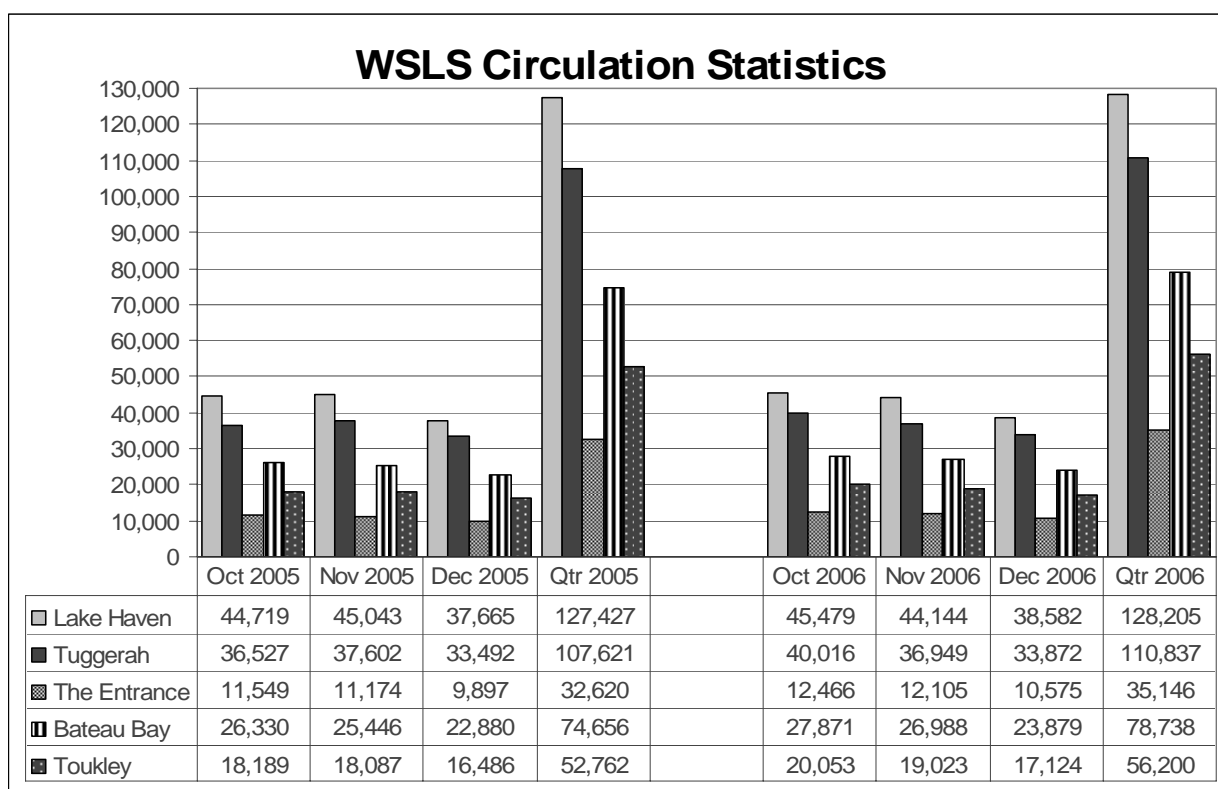
The following statistics present a picture of the activity experienced by the Wyong Shire Library Service in the months October 2006 to December 2006 and the corresponding months of the previous year.



Wyong Shire Library Statistics (contd)

These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database. This occurs on a monthly basis.

The number of borrowers in December 2006 is more than 20% higher than the figure for December 2005. Approximately 30% of the Wyong Shire population are members of the library.



TOTAL 137,314 137,352 120,420

Quarterly

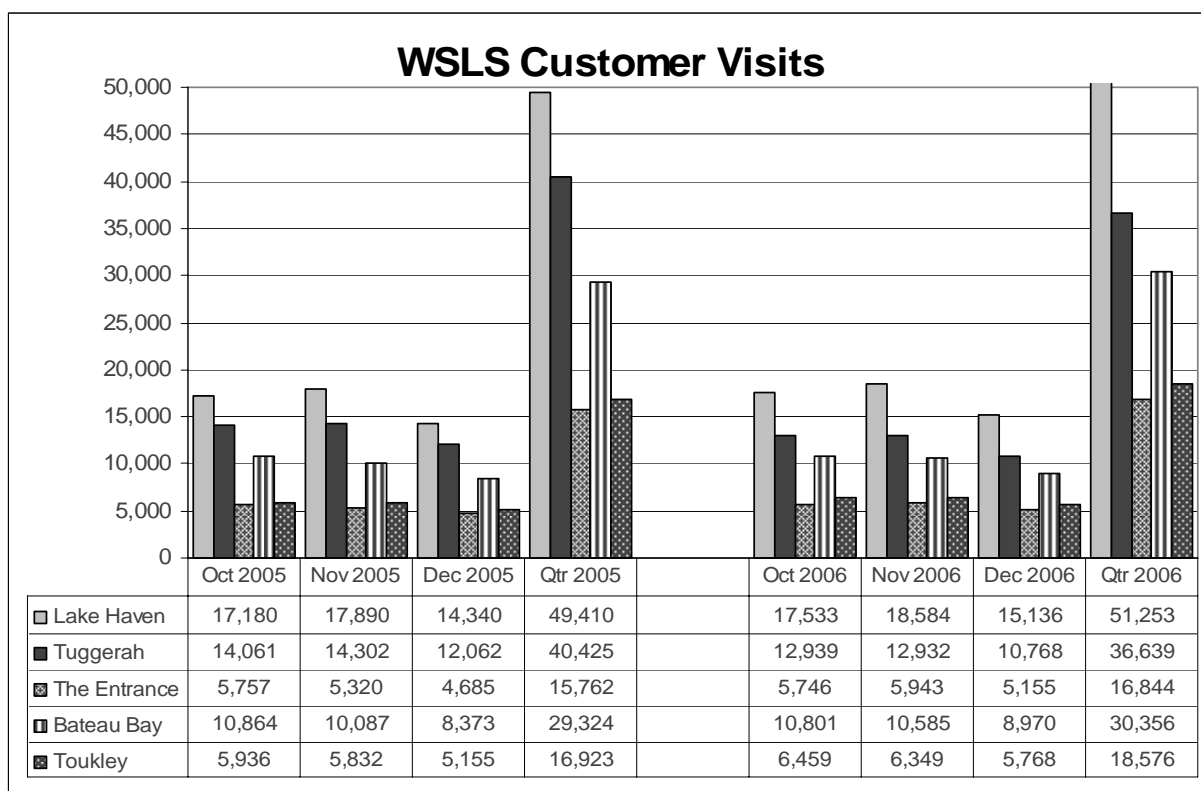
145,885 139,209 124,032

Total

395,086

409,126

The number of items circulated (this figure includes loans and returns) in December 2006 declined at all libraries compared to November 2006. This is usual as there are a number of public holidays in the month. The quarterly result for 2006 shows an increase of 3.55% over the same period in 2005.

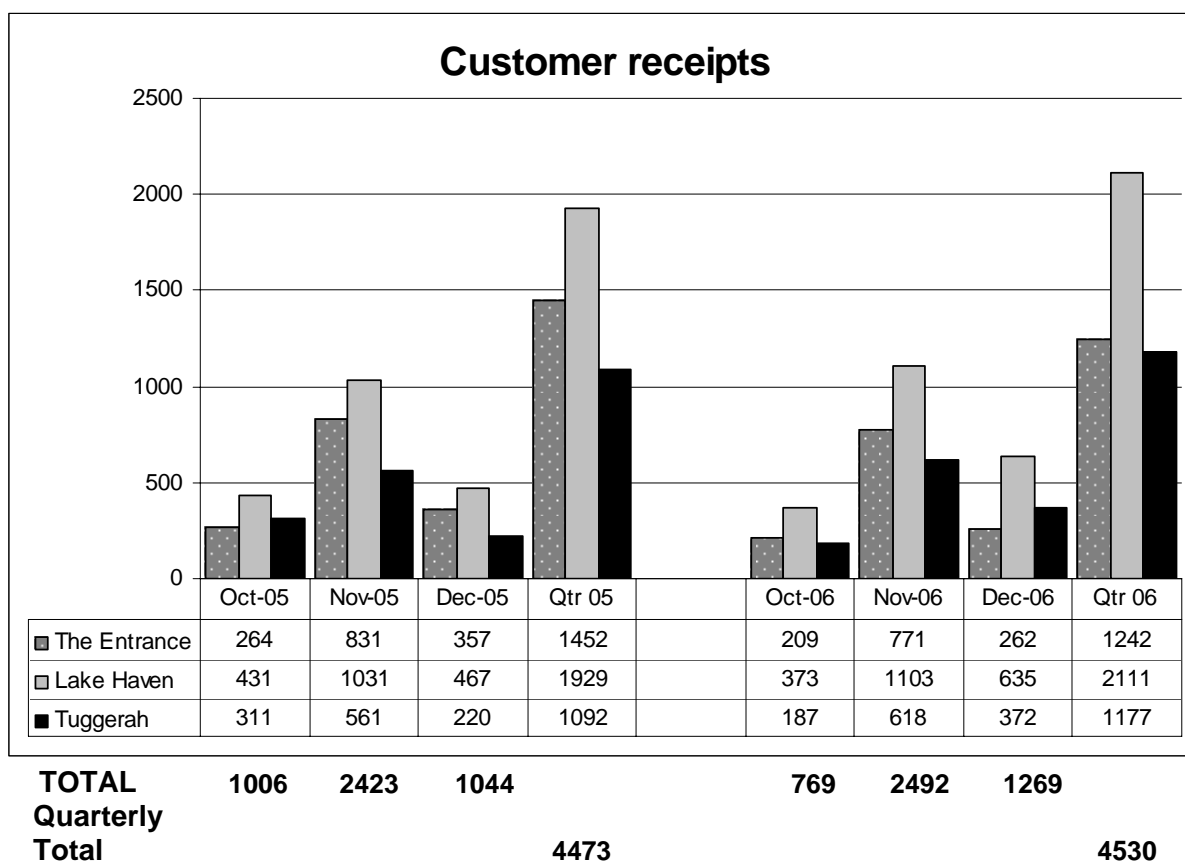
Wyong Shire Library Statistics (contd)

TOTAL	53,798	53,431	44,615			53,478	54,393	45,797	
Quarterly									
Total				151,844					153,668

The visits are measured by door counters in all libraries. The purpose of library visits is varied and may encompass participation in story time sessions, use of the internet, research or study, as well as borrowing or returning items. At the Tuggerah, Lake Haven and The Entrance libraries the visitors may also be conducting Council business.

Overall visits to all libraries decreased in December 2006 compared to November 2006. This is usual and can also be seen in the figures for 2005. There are a number of public holidays in December.

There has been a 1.1% increase in the number of visits to the libraries in the 2006 quarter compared to the same period the previous year.

Wyong Shire Library Statistics (contd)

The number of receipts issued is one measure of the activity but does not include enquiries which are made at the libraries about Council business.

There was a 23.5% decrease in the number of receipts issued at the libraries in October 2006 compared to October 2005. There was a 2.8% rise in the number of receipts issued in November 2006 compared to November 2005 and a 21.5% increase in the number of receipts issued in December 2006 compared to December 2005.

The number of receipts issued at the library based Council customer service centres has risen by 1.2% in the 2006 quarter compared to the same period the previous year.

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Director's Report
Corporate Services Department

103 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

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

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Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q001 - Water Banking for the Pool and Spa Industry (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Veugen	24 January 2007	Shire Services
Q002 - Cost and Feasibility of New Technology for Library System (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Veugen	24 January 2007	Shire Services
Q006 -Traffic Calming Devices in Vales Road, Mannering Park (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Rose	24 January 2007	Shire Services
Q007 - Possible Desalination Plant at Vales Point (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Rose	24 January 2007	Shire Services
Q008 - Lighting of Laneway between Reef Close and Roper Road, Blue Haven (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Pavier	24 January 2007	Shire Services
Q009 - Financial Cost of Providing Rain Water Tanks to All Rateable Properties (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Pavier	24 January 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q011 - Water Permits for Sale at Ferriers Nursery, North Wyong (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Eaton	24 January 2007	Shire Services
Q013 – Possibility of Foam Injection Used on Sporting Fields (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Veugen	14 February 2007	Shire Services
Q014 – Installing Shelter at Picnic Point, The Entrance (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Stewart	14 February 2007	Shire Services
Q015 – Installing Shelter at Terilbah Reserve, The Entrance North (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Stewart	14 February 2007	Shire Services
Q016 – Thank Staff Involved with Australia Day Function (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Welham	14 February 2007	Shire Services
Q017 – Computer Usage at Council's Libraries (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Welham	14 February 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q018 – Rangers on Duty (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Pavier	14 February 2007	Shire Planning
Q019 – Coastal Hazard Zone (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Pavier	14 February 2007	Shire Planning
Q020 – Fees and Relief for Water Minimisation Installations (A response will be reported to the Ordinary Meeting on 14 March 2007)	Councillor Eaton	14 February 2007	Shire Planning
Q021 – Conditions of Level 6 and Climactic Level 5 Restrictions (A response will be reported to the Ordinary Meeting on 28 March 2007)	Councillor Eaton	14 February 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.
363 – Water Harvesting Rights	Shire Services	13 September 2006	Referred to Water Authority
423 – Blue Bell Park, Berkeley Vale	Shire Services	11 October 2006	Awaiting community consultation. A report will be submitted to the Ordinary Meeting of 14 March 2007.
550 – Advertising of Level 4 Water Restrictions	Shire Services	13 December 2006	A report will be submitted to the Ordinary Meeting of March - April 2007.

Motion of Urgency	Department	Meeting Asked	Status
049A – Safety of Beach Patrons at Magenta Beach	Shire Planning	14 February 2007	Awaiting response from Department of Planning. A report will be submitted to the Ordinary Meeting of 11 April 2007.

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Shire Planning Department

Answers to Questions Without Notice

Q003 – Possible Sale of Toukley Rotary Park

Asked by Councillor Best at the Ordinary Meeting held on 24 January 2007
F2004/07926

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

Council staff have met with the owner of land adjoining Toukley Rotary Park (Toukley Gardens) and its consultants regarding development in the context of the draft Toukley Planning Strategy (draft TPS) and any subsequent rezoning. These discussions have raised the possibility of the developer and Council investigating a land swap of the western portion of Rotary Park in return for land to the north. This land swap was identified as a possible option for investigation in the draft Toukley Planning Strategy. The potential land swap presents benefits to the land owner by way of a more regular shaped development site. The perceived benefit to Council results from obtaining land located closer to and with views over Lake Budgewoi and providing pedestrian and cycle access to Rowland Terrace.

The potential land swap does not predicate the form or scale of potential future development on the land adjacent to the west of Rotary Park.

The developer and his consultants have been advised by staff that development of the scale sought would require rezoning and this would be considered in the sub-regional context of the draft TPS. Other issues discussed were graduation of building height from the adjacent Beachcomber Hotel to the 2(a) residential zoned land to the east, maintaining foreshore vegetation and the need to break up building form when viewed from the lake. Under the draft TPS a building height of three storeys was recommended. Consultants representing the developer lodged a submission to the draft TPS suggesting a greater height be considered to the lake given the fall of the site from the Main Road to the foreshore. A recommended solution may be a height of three storeys to Main Road and four storeys to the foreshore.

A report from Council's Property Section concerning the land swap options was to have been considered by Council at its meeting of 13 December 2006. This report was withdrawn pending the outcome and future direction of the draft TPS given that what the developer had been seeking was contingent on a land rezoning.

The developer is continuing to discuss with Council staff, possible developments on the site that could be considered under the current zoning. Due to the need to resolve the land boundary and the clear benefits that would arise from a reconfigured park, it is considered appropriate that Council pursue negotiations for a land exchange.

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Answers to Questions Without Notice (contd)

Q005 – Weekend Workshop

Asked by Councillor Stewart at the Ordinary Meeting held on 24 January 2007
F2004/07008

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

The feasibility of a weekend workshop will be discussed at the workshop with the General Manager on 4 April 2007. Councillors are requested to lodge possible agenda items with the General Manager prior to that date.

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Answers to Questions Without Notice (contd)

Q010 – Alcohol Free Zone – J P Howard Reserve, San Remo

Asked by Councillor Welham at the Ordinary Meeting held on 24 January 2007
F2004/06077 MW

Could staff report on making the Lake Foreshore reserve shared pathway at San Remo an Alcohol Free Zone?

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 such properties which prohibit amongst other things, the consumption of alcohol. Two separate offences in relation to alcohol can be enforced by Rangers under this section. Where signposted it is an offence to take alcohol onto a council reserve and it is also an offence to consume alcohol on a council reserve. Both offences carry a fine of \$110 each. Signage is erected at all access points along John Pete Howard Reserve, San Remo.

28 February 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (contd)

Q012 – Pensioner Rebates for Bateau Bay Retirement Village Residents

Asked by Councillor Eaton at the Ordinary Meeting held on 24 January 2007
F2004/08864

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

On 14 June 2006 Council considered a report on Review of Rate Donations and resolved the following:

- “1 That Council make no specific allocation of Rate Donations for 2006/2007.*
- 2 That Council transfer the \$35,000 budget provision for Rate Donations to the Community Benefits Grants Budget to allow for the equitable distribution of assistance.”*

Three retirement villages applied for a Community Benefit Grant during trimester 2 2006/2007 and were not successful as they are private businesses.

In 2005/2006 Kiah Lodge received a donation from Council of \$5,368.82, Elderslee Village received \$6,748.54 and Karagi Court received \$4,354.32.

Staff carried out comparative checks on whether these villages would benefit should the company have been rated as a strata title and each resident was given a pension rebate. The outcome of this exercise was that the company, as it is rated presently, received a much lower charge for rates and services than it would if the villages were strata titled.