



An aging timber bridge on Ourimbah Creek Road (Horns Bridge) was recently removed and replaced with a new road over a large concrete culvert. The \$300,000 project was designed and constructed by Council staff (pictured are Council staff during the construction of the road) and was completed on budget and on time.

Business Paper

ORDINARY MEETING

09 March 2011



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 9 MARCH 2011 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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9 QUESTIONS WITHOUT NOTICE ASKED

At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02520534

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2011/00027 - D02520559
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

At the time of printing of this business paper there were no proposed inspections listed.

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

| Date | Briefing | Description | Time | Presented by |
|--------------|---|--|-----------------------|---|
| 9 March 2011 | Asset Management Strategy | Briefing on the Draft Asset Management Strategy and the opportunity for direction prior to its incorporation in the 2011 WSC Strategic Plan and Budget | 12.00 noon – 12.45 pm | Acting Director Corporate Services, Cate Trivers/ Dan Smith / Rob Fulcher |
| 9 March 2011 | Workforce Management Strategy | Briefing on the Draft Workforce Management Strategy and the opportunity for direction prior to its incorporation in the 2011 WSC Strategic Plan and Budget | 12.45 pm – 1.30 pm | Acting Director Corporate Services, Cate Trivers/ Dan Smith / Marie Hanson-Kentwell |
| 9 March 2011 | Fees and Charges | Presentation of Draft 2011/12 Fees & Charges | 1.30 pm - 2.30 pm | Acting Director Corporate Services, Cate Trivers |
| 9 March 2011 | Draft Section 94A (indirect) Contributions Plan | Briefing outlining the objectives of the draft Section 94A Levy Development Contributions Plan. | 2.30 pm - 3.00 pm | Director Environment and Planning Services, Gina Vereker/ Martin Johnson |

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

ATTACHMENT

Nil

1.3 Address by Invited Speakers

TRIM REFERENCE: F2011/00027 - D02520562
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

- 1** *That Council receive the report on Invited Speakers.*
- 2** *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02520577

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

Confirmation of minutes of the previous Extraordinary Meeting of Council held on 17 February 2011 and the Ordinary Meeting held on 23 February 2011.

RECOMMENDATION

That Council confirm the minutes of the previous Extraordinary Meeting of Council held on 17 February 2011 and the Ordinary Meeting held on 23 February 2011.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Minutes of Council's Extraordinary meeting of 17 February 2011 | D02521836 |
| 2 | Minutes of Council's meeting of 23 February 2011 | D02527756 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 17 February 2011
COMMENCING AT 7:00:00 PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Community and Recreation Services, Manager Major Projects and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 7.15 pm and advised that in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

Apologies, for the inability to attend the meeting, were received on behalf of Councillor Wynn and Mr David Jack, Director Corporate Services who were both absent due to family commitments.

RESOLVED unanimously on the motion of Councillor Webster and seconded by Councillor McBride:

That Council accept the apology and grant leave of absence to Councillor Wynn from the meeting.

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

AGAINST: NIL

1.1 Disclosures of Interest

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

That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

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

AGAINST: NIL

2.1 Constitution and Voting Shareholders' Agreement

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

That Council adopt the recommendations of the Central Coast Regional Organisation of Councils (CCROC) as follows:

- A Approve the Constitution for Central Coast Water Corporation in the form tabled (Constitution) at the meeting of the Central Coast Regional Organisation of Councils held on 17 February 2011.**
- B Affix the Council's seal to the Constitution.**
- C Approve the Voting Shareholders' Agreement in the form tabled (Voting Shareholders' Agreement) at the meeting of the Central Coast Regional Organisation of Councils held on 17 February 2011.**
- D Enter into and affix the Council's seal to the Voting Shareholders' Agreement.**
- E Request the Minister to recommend the making of a proclamation to commence section 4 of the Central Coast Water Corporation Act 2006 (NSW).**

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

AGAINST: NIL

2.2 Timing of Implementation

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

That Council adopt the recommendations of the Central Coast Regional Organisation of Councils (CCROC) as follows:

That Council endorse in-principle a compressed timeframe for the transfer of all of the Councils' water supply authority functions, responsibilities, assets and staff for commencement on 1 July 2013 noting the staged implementation procedure required under the Act and Memorandum.

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

AGAINST: NIL

2.3 Recruitment of Directors

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

That Council adopt the recommendations of the Central Coast Regional Organisation of Councils (CCROC) as follows:

A The information be noted.

B The General Manager be delegated responsibility for proceeding with the recruitment of directors in accordance with the process outlined in the Voting Shareholders' Agreement and subject to Part C as follows:

C Further information and consideration be provided to Council regarding expected meeting schedules for the term, reasonable remuneration per meeting, expectations and criteria required for the recruitment of independent directors.

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

AGAINST: NIL

THE MEETING closed at 7.24 pm.

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 23 February 2011
COMMENCING AT 5:00:00 PM**

PRESENT

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

IN ATTENDANCE

Acting General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Community and Recreation Services, General Counsel, Manager Development Assessment, Chief Financial Officer and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Councillor McBride advised that the Central Coast Blue Tongues would be competing in Country Energy 19th Annual Local Government Touch Carnival being held in Parkes at the weekend and wished them the best of luck.

The Mayor acknowledged:

- 1 the death of former Councillor Robert Mann, whose funeral would be held on Friday 25 February 2011.
- 2 the devastating earthquake in Christchurch, New Zealand causing many fatalities.

A minutes silence was observed in recognition of both events.

APOLOGIES

There were no apologies.

1.1 Disclosures of Interest

9.3 Request for NSW State Government to Close Aging Munmorah Power Station

Councillor Vincent declared a non pecuniary significant conflict in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7:51 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm

12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Councillor Webster declared a non pecuniary significant conflict in the matter for the reason that she is a Director of The Entrance Town Centre Management and her daughter is a part time employee at The Entrance V.I.C. which comes under the management of the Town Centre Management Manager, left the chamber at 8:43 pm took no part in discussion, did not vote and returned to the chamber at 9:04 pm

12.2 Public Access to the Coast via Shelly Beach Golf Course

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Shelly Beach Golf Club and remained in the chamber during consideration of this matter.

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

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm and as a result took no part in voting.

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

1 That Council receive the amended report on Invited Speakers.

2 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm and as a result took no part in voting.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 February 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Proposed Inspections and Briefings

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm during consideration of this item.

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

That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

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

AGAINST: NIL

2.1 Mayoral Minute - Comprehensive Local Environmental Plan

PROCEDURAL MOTION

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

That the motion be put.

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

AGAINST: EATON AND GRAHAM

RESOLVED on the motion of Councillor EATON:

That Council consider as part of its preparation of the Comprehensive Local Environmental Plan an appropriate zoning and flexible controls to enable ancillary residential development to take place on public open space land adjoining sporting fields, golf courses and the like.

That Council note that the objective of this LEP provision would be to provide affordable housing and ensure passive surveillance of sporting facilities and to assist Council in meeting its population targets and also to provide some level of affordable of housing.

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

AGAINST: COUNCILLORS MCBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

3.1 Notice of Intention to Deal with Matters in Confidential Session

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

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c), and (g) of the Local Government Act 1993:***

Report No 12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Report No 12.2 Public Access to the Coast via Shelly Beach Golf Course

- 2 That Council note its reason for considering these reports in confidential session as discussions on Report No 12.1 may confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business also during discussions on Report No 12.1 it is anticipated advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege would be compromised should the discussions be held in a non-confidential environment.***
- 3 That Council request the General Manager to report on this matter in open session of Council.***

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

AGAINST: NIL

4.1 DA/229/2010 - Proposed 110 Lot Residential Subdivision at Blue Haven

Mr Sean Gordon, CEO of Darkinjung Local Aboriginal Land Council addressed the Chamber at 5.25pm and retired at 5.48pm.

Councillor Vincent left the chamber at 6.23pm and returned to the chamber at 6.25pm during consideration of this item.

Councillor Graham left the chamber at 6.25pm and returned to the chamber at 6.27pm during consideration of this item.

Councillor Wynn left the chamber at 6.34pm and returned to the chamber at 6.36pm during consideration of this item.

PROCEDURAL MOTION**MEETING MOVES TO CONFIDENTIAL SESSION**

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

That Council move the Meeting into Confidential session to discuss this item.

FOR: COUNCILLORS BEST, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

The Public Gallery was cleared at 6.21pm to allow Council to consider this item in Confidential Session.

PROCEDURAL MOTION**MEETING RESUMES IN OPEN SESSION**

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

That Council resume in Open Session.

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

AGAINST: NIL

Council resumed in Open Session at 6.45pm and the Public Gallery was re-opened.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report and including the deletion of the north/south pathway extending from Roper Road to Mogo Close.***
- 2 That Council advise those who made written submissions of its decision.***
- 3 That Council vary Development Control Plan 2005 Chapter 66 – Section 4.1 Lot Sizes to permit the development.***

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

AGAINST: COUNCILLOR BEST

4.2 DA 1353/2010 Proposed Telecommunications Tower at Bateau Bay

Mr John Mills, from Urbis Services on behalf of Telstra, addressed the meeting at 6.45pm and retired at 6.50pm.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of this decision.**

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

AGAINST: NIL

4.3 Community Gardens Policy

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

- 1 That Council adopt the Community Gardens policy and that appropriate public notice be given.**
- 2 That Council note that the adopted policy will come into effect following appropriate public notice being given.**
- 3 That Council advertise the adoption of this policy through its usual media channels.**

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

AGAINST: NIL

5.1 Proposed Lease to The Entrance Bateau Bay Australian Football Club and Central Coast Softball Association of Part of Lot 1 DP 1132863 at Bateau Bay

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm and as a result was absent during voting.

Councillor Best left the chambers at 7.05pm and returned to the chamber at 7.06pm and as a result were absent during voting

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

- 1 That Council approve a lease of Part of Crown Reserve R97864, Lot 1 DP 1132863 at Passage Road, Bateau Bay to The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc for five years, plus two consecutive five year options, provided that the parties receive the appropriate authorities to construct a Clubhouse.**
- 2 That Council note that its conditional approval of a lease and the land manager on behalf of the Crown as provided by Resolution (1), is independent of any Development Application process and may not be taken as any indication that such an Application will be approved or denied.**
- 3 That Council endorse, as the Reserve Trust Manager of the Tuggerah Public Recreation Reserve Trust (R97864), Lot 1 DP 1132863 at Passage Road, Bateau Bay, a development application by The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc to construct a clubhouse on the land.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc.**
- 5 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**
- 6 That Council note the lease will be at a nominal rental.**

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

AGAINST: NIL

5.2 Proposed Sale of Council Land at The Entrance

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm and as a result was absent during voting.

Councillor Best left the chambers at 7.05pm and returned to the chamber at 7.06pm during consideration of this item.

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

- 1 That Council authorise the sale of Lots 24, 36 and 37 DP 14230 Ashton Avenue The Entrance to Stirloch Investments for an amount to be negotiated but not less than the market value as determined by a registered valuer.**
- 2 That Council note the sale of the land will be subject to the contract to construct the Centrelink building being awarded to Stirloch Developments Pty Ltd.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**
- 5 That Council direct the proceeds of this sale to the Property Investment Reserve.**

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm during consideration of this item.

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

That, with the exception of report numbers 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 9.3, 9.9, 11.1, 11.2, 12.1 and 12.2, Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

6.1 Contract CPA/187299 Removal and Acquisition of Surplus Materials and Equipment from Ourimbah Water Pump Station (WPS 17)

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

That Council accept the tender from Ampcontrol Service NSW for a lump sum payment of \$16,775.00 (excl GST) for Contract CPA/187299 – Purchase and Removal of surplus materials and equipment from Ourimbah Water Pump Station (WPS17).

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

AGAINST: NIL

6.2 Contract CPA/188197 Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment

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

- 1 That in accordance with sub-clause 178(1)(b), Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for contract CPA/188197 - Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment.**
- 2 That Council invite, in accordance with clause 167 fresh tenders based on the same or different details in accordance with the project budget.**
- 3 That Council pursue preparation of the amended tender documents using funds available from within the Estuary Management Project budget.**
- 4 That Council only invite fresh tenders when sufficient funding for construction of the works is provided to Council.**
- 5 That Council thank the tenderers for their interest and invite them to re-tender when fresh tenders are called.**

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

AGAINST: NIL

7.1 Review of Council and Committee Meeting Structure

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

That Council defer the Review of Council and Committee Meeting Structure until a workshop on the proposal has been conducted with Councillors at the earliest possible convenience.

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

AGAINST: NIL

7.2 E-Waste Collection Update

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

1 That Council support the discontinuation of the bi-annual E-Waste collections as of the March 2011 E-waste collection.

2 That Council support future annual budget allocations of \$90,000 to continue the centralised E-Waste collection point beyond WaSIP seed funding.

3 That Council advertise this decision through its usual media channels.

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

AGAINST: NIL

7.3 Facilities and Expenses Policy for Councillors

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

1 That Council adopt the amended Policy on Facilities and Expenses for Councillors for implementation from 1 March 2011.

2 That Council note that Clause E28 will be deleted.

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

AGAINST: NIL

7.4 2010-11 Annual Plan - December Quarter Review

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

- 1 That Council receive the second Quarterly Review report on progress against the WSC 2010-11 Annual Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**

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

AGAINST: NIL

7.5 Nomination of Delegate and Alternate to the board of Central Coast Tourism Incorporated

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

That Council nominate an alternate delegate to represent Wyong Shire Council on the board of Central Coast Tourism Incorporated in the absence of the General Manager.

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

AGAINST: NIL

The Mayor advised that nominations for the position of alternate delegate to the Board had been received for Councillors Graham and Vincent. Councillors Graham and Vincent had accepted their respective nominations.

The Mayor requested those Councillors supporting the nomination of Councillor Graham to raise their right hand. Councillors voting in support of Councillor Graham were Councillors Best, Eaton, Graham, McNamara, Webster and Wynn.

The Mayor requested those Councillors supporting the nomination of Councillor Vincent to raise their right hand. Councillors voting in support of Councillor Vincent were Councillors Symington, McBride, Matthews and Vincent.

The Mayor advised that as Councillor Graham had a clear majority he was declared elected.

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

That Council appoint Councillor Graham an alternate delegate to represent Wyong Shire Council on the board of Central Coast Tourism Incorporated in the absence of the General Manager.

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

AGAINST: NIL

7.6 Joint Regional Planning Panel Delegation to Council

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

That Council note the response from the Department of Planning.

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

AGAINST: NIL

7.7 Integrated Planning and Reporting Framework - Council Group Nomination

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

That Council amend its nomination from "Group 2" to "Group 3" for phasing in of the new planning and reporting legislation.

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

AGAINST: NIL

8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011

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

- 1 That Council receive the report on Minutes – Wyong Shire Senior Citizens' Council Meeting of 28 October 2010 adopt the recommendations contained therein.**
- 2 That Council receive the report on draft Minutes – Wyong Shire Senior Citizens' of 27 January 2011 adopt the recommendations contained therein.**
- 3 That Council adopt the recommendations 2 and 3 on Item 3.4 – Planning for Seniors Week 2011 as follows:**
 - a Authorise the banner for Senior's Week be displayed along the front banister outside of the Civic Centre Administration Centre at Wyong Council from 20 March 2011 to 26 March 2011.**

- b** Approve the suggested banner to have the Council Logo and Live Life Logo with a slogan "You're never too old" and also "Celebrating NSW Seniors Week".

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

AGAINST: NIL

9.1 Information Reports

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

That Council deal with the following information reports by the Exception Method.

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

AGAINST: NIL

9.2 Activities of the Development Assessment Unit

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

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

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

AGAINST: NIL

9.3 Request for NSW State Government to Close Aging Munmorah Power Station

Councillor Vincent declared a non pecuniary significant conflict in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7:51 pm, took no part in discussion, did not vote and returned to the chamber at 7.55 pm.

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

- 1 That, after the State Election in March, Council request the relevant Minister to close the aging Lake Munmorah Power Station.**
- 2 That Council receive the report on Request for NSW State Government to Close Aging Munmorah Power Station.**
- 3 That Council request a full site inspection of both Lake Munmorah and Colongra Power Stations.**

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

AGAINST: COUNCILLORS MCBRIDE AND MATTHEWS.

9.4 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

9.5 Works in Progress - Water Supply and Sewerage

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

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

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

AGAINST: NIL

9.6 Disclosure of Interest Returns - 1 October to 31 December 2010

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

That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2010.

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

AGAINST: NIL

9.7 Investments for January 2011

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

That Council receive the report on Investments for January 2011.

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

AGAINST: NIL

9.8 Minister's Direction - Coastal Emergency Plans

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

That Council receive the report on the Minister's Direction – Coastal Emergency Plans.

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

AGAINST: NIL

9.9 North Wyong Structure Plan

Cr Vincent left the chamber at 7.51pm and returned to the chamber at 7.55pm during consideration of this item.

Councillor McNamara left the chamber at 7.58pm and returned to the chamber at 8.00pm during consideration of this item.

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

- 1 That Council receive the report on North Wyong Structure Plan.**
- 2 That Council express its deep disappointment at the refusal to extend the time for submissions to the NSW Department of Planning.**

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

AGAINST: COUNCILLORS EATON, MATTHEWS AND MCBRIDE

9.10 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

9.11 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

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

11.1 Notice of Motion - Change of LEP Zonings for Schools, Hospitals and Public Facilities

Councillor Graham left the chamber at 8.05pm and returned to the chamber at 8.07pm during consideration of this item.

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

- 1 *That Council express its strong opposition to the directive of the State government to force Council to change the zoning of our schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.*
- 2 *That Council direct the Mayor, on behalf of Council, to write to the Planning Minister calling on him to overturn this short sighted decision.*
- 3 *That Council direct the Mayor to write to the newly elected Planning Minister after the State Election calling on the Minister to commit to removing this requirement.*
- 4 *That Council, in the interim, request the State government to allow Wyong Shire Council to retain the protective "special use" and "special purpose" zonings on its critical public infrastructure by using the SEPP Infrastructure zoning in the standard instrument LEP.*

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

- 1 *That Council express its concern as to the current State Government's policy to force Councils to change the zoning of schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.*
- 2 *That Council's view is that these issues should be dealt with on a case by case basis with community consultation.*

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

The AMENDMENT was put to the vote and declared CARRIED

The AMENDMENT then became the MOTION.

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

- 1 ***That Council express its concern as to the current State Government's policy to force Councils to change the zoning of schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.***
- 2 ***That Council's view is that these issues should be dealt with on a case by case basis with community consultation.***

FOR: COUNCILLORS BEST, EATON, MCNAMARA, MATTHEWS, MCBRIDE, VINCENT AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, SYMINGTON AND WYNN

11.2 Notice of Motion - Improved Taxi Services

Councillor Matthews left the chamber at 8.32pm and returned to the chamber at 8.35 pm during consideration of this item.

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

- 1 *That Council note the Community's concerns as to the apparent lack of taxi availability.*
- 2 *That Council invite both the NSW Taxi Council and the Central Coast Taxis to brief Council on their service delivery model and plans for future improvement and expansion.*

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MCBRIDE :

That Council note the Community's concerns as to the apparent lack of taxi availability.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

The AMENDMENT was put to the vote and declared LOST

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

- 1 ***That Council note the Community's concerns as to the apparent lack of taxi availability.***
- 2 ***That Council invite both the NSW Taxi Council and the Central Coast Taxis to brief Council on their service delivery model and plans for future improvement and expansion.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

QUESTIONS WITHOUT NOTICE**Q114/11 Memorandum of Understanding with Department of Housing
Councillor Best
F2004/06900**

"In the last quarter of 2010, Council resolved to receive a briefing from the NSW Department of Housing Central Coast division. The briefing, in my view, was most productive and the Area Director, Donna Hinchcliff, in partnership with Council staff undertook to enter into an MOU between the organisations to further foster working relationships when delivering much needed housing services. To the best of my recollection the MOU was to be developed by the end of 2010. Could staff please report on the progress with regard to this important affordable housing undertaking / initiative?"

**Q115/11 Increase in Traffic due to Disability Facility on Louisiana Road
Councillor Best
DA/953/2008/A**

"I have received representation from local residents in and around the Hamlyn Terrace area who are seeking clarity as to how the Casurina Grove \$35m (Disability Facility) has been constructed with neither little to no road improvements to Louisiana Road nor any upgrade to the Pacific Highway intersection. Understandably, traffic volumes must be affected by such an establishment and as safety is a priority why have no upgrades occurred? I trust safety has not taken second place with the approval allowing a retrospective traffic upgrade."

CONFIDENTIAL SESSION

At this stage of the meeting being 8.38pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

OPEN SESSION

Council resumed in open session at 9.30 pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Councillor Webster declared a non pecuniary significant conflict in the matter for the reason that she is a Director of The Entrance Town Centre Management and her daughter is a part time employee at The Entrance V.I.C. which comes under the management of the Town Centre Management Manager, left the chamber at 8:43 pm took no part in discussion, did not vote and returned to the chamber at 9:04 pm

RECOMMENDATION

- 1 That Council accept the tender from Amazon Cleaning & Security Pty Ltd in the estimated total amount of \$864,901.53 (excl GST) for Contract CPA/184906 – Provision of Cleaning Services to The Entrance Town Centre for the initial two year period of the contract.**
- 2 That for Contract CPA/184906, Council delegate authority to The Entrance Town Centre Management for the sum of \$10,000 (excl GST) per annum representing 2.3% of the estimated total amount to provide for additional cleaning services associated with events held annually during the contract.**
- 3 That subject to satisfactory performance by Amazon Cleaning & Security Pty Ltd, the General Manager be authorised to extend this contract in one year increments up to a further period of two years, at a total estimated cost (including CPI but excluding GST) of \$945,000 over the two extra years.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA AND VINCENT

AGAINST: COUNCILLORS SYMINGTON AND WYNN

12.2 Public Access to the Coast via Shelly Beach Golf Course

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Shelly Beach Golf Club and remained in the chamber during consideration of this matter.

Councillor Webster returned to the Chamber at 9.04pm.during consideration of this item.

Councillor Best left the chamber at 9.05pm, took no part in voting, and did not return.

RECOMMENDATION

- 1 That Council receive the report on Public Access to the Coast via Shelly Beach Golf Course.**
- 2 That Council note the arrangement between the Tuggerah Lakes Golf Cub and the Shelly Beach Recreation and Flora (R73287) Reserve Trust**

- 3 That Council endorse the improvement work to the road shoulder area on the road leading to the North Shelly car park as outlined in option 2 under Proposal.**

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

AGAINST: NIL

THE MEETING closed at 9.31pm.

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9 March 2011

To the Ordinary Meeting

Councillor

2.1 Mayoral Minute - Chinese Cultural Theme Park

TRIM REFERENCE: F2011/00192 - D02537405

AUTHORS: Doug Eaton; Councillor

I formally move:

- 1 That the report on discussions be received and noted.**
- 2 The Council confirm its in principle support for the proposal.**
- 3 That Council enter into a co-operation agreement in the general format attached.**
- 4 That progress on the proposal be reported to Council at least quarterly.**

Note from the Mayor:

I was approached by the Australia China Cultural Foundation (ACCFI) via the Central Coast Chinese Association and had a first meeting with them in mid September 2010 with staff member Mr Garry McLachlan in attendance.

They presented a \$500 million Chinese themed tourist development proposal that they were seeking to develop somewhere within 150km of Sydney.

The development consists of a major walled gateway similar to the Forbidden City in Beijing, a museum, a pagoda and a village consisting of 33 small town blocks with each block containing shops, restaurants and services representative of each of China's 33 provinces.

The Museum will be a Ming dynasty 300 year old building that will be dismantled in China and re-erected in Wyong. Another major item will be a Buddhist Temple with a giant Buddha statue.

The development would be funded predominantly by Chinese investors.

Australia China Cultural Foundation's proposal is to use Council's land in partnership with Council.

In China all major projects must have the backing and support of Government and the Australia China Cultural Foundation will not achieve Chinese investor backing without Council support and involvement.

The Australia China Cultural Foundation have been informed that it is unlikely that Council would wish to be actively involved in the project however Council may be prepared to enter into an appropriate lease agreement.

Mr McLachlan has identified a possible site which has been acknowledged by ACCFI as suitable. The site is behind Woolworths Warehouse at Warnervale and comprises 15 hectares. The land is undeveloped although largely cleared and it is currently being developed for sale as industrial land, however due to a number of reasons, including the bio-certification issue it is at least twelve months from being completed.

The current market value of the land is around \$5 million in its undeveloped state.

Mr McLachlan and I had a further meeting with ACCFI representatives around the end of November where the concept was further explored. At that time I asked ACCFI to demonstrate the support they had for this project in China. They organised a number of meetings for me in China with both government and business leaders and have given me confidence that there is good Chinese support for the project and it is likely to attract sufficient investment.

As a result of these introductions on Friday, 10th February Mr McLachlan and I had a meeting with a major Chinese investor Mr Kuang who has 5 billion RMB to invest (nearly \$1 billion Australian) and is interested in acquiring a local tourist resort.

Additionally Mr Zhang is planning a mass wedding tour of some 60 Chinese couples to get married in Wyong and stay here for some time in spring.

Wyong Shire also recently received coverage in Sydney Chinese language newspapers.

These are examples of the links and benefits the project proponents bring to Wyong Shire.

Last week there was a further meeting with ACCFI this time including in addition our General Manager, Deputy Mayor, Mr Oliver Philpot from Central Coast Tourism Inc and Mr McLachlan. At this meeting the General Manager outlined the need for the ACCFI to submit a formal proposal detailing their development plans and their offer to Wyong Shire Council to allow us to conduct the appropriate due diligence.

After the meeting ACCFI confirmed that the Warnervale site is suitable and that Wyong is their preferred location.

A large number of testimonials and support documents have also been provided by ACCFI and some are attached.

For the matter to continue to progress ACCFI have requested a letter of intent or co-operation agreement be given by council for them to use as the basis for initial funding of the project.

A potential investor from the Hong Kong Stock Exchange is due to meet with them next month and this letter or agreement is requested prior to this meeting.

To date no funds of Council have been expended and none are proposed in the near future or without Council resolutions.

The following is an outline of how the proposal could progress:

- 1 Co-operation agreement.
- 2 Initial funding secured.

- 3 Exploration access agreement for possibly 6 months to allow the proponents to develop a detailed proposal.

If this proposal is supported and progressed by Council then any statutory obligations under the Private Public Partnership regulations of the Local Government Act will need to be complied with.

DRAFT CO-OPERATION AGREEMENT

(Some formal parts omitted)

This agreement is made between Australia China Cultural Foundation and Wyong Shire Council on(date)

- 1 Australia China Cultural Foundation and Wyong Shire Council to share a vision of developing a world class Chinese Cultural Village Theme Park Tourist Attraction attraction in Wyong Shire.
- 2 The parties agree to work co-operatively and constructively towards developing the tourist attraction.
- 3 Wyong Shire Council recognises and respects Australia China Cultural Foundation intellectual property in the design and operation of the tourist attraction.
- 4 Australia China Cultural Foundation recognises and respects Wyong Shire Council's role as the Local Government authority and planning authority and it is agreed that this agreement in no way fetters Wyong Shire Council's powers or duties in this or any other respect.
- 5 Both parties shall nominate lead representatives to work on the project.
- 6 Wyong Shire Council identified a potential site at Warnervale (title details to be inserted) and Australia China Cultural Foundation believes this site to be suitable.
- 7 The parties intend that this agreement is general and preliminary and will be supplemented by further detailed agreements as the project continues.
- 8 This agreement may be terminated by either party by one months notice in writing given to the other. No liability arises whatsoever to either party out of any such termination.

ATTACHMENTS

- | | |
|---|-----------|
| 1 Letter of support | D02537823 |
| 2 First English letter of support | D02537827 |
| 3 Second English letter of support | D02537830 |
| 4 First English letter of support from Zhang Ming CEO of Asia Finance Resources | D02537833 |
| 5 Letter of Support - Yantai Fuxin Steel Co Ltd | D02537837 |
| 6 Picture of Budda from ACCFI News on Chinese Sydney Weekly | D02537840 |

English vision:

December 10, 2010

Dear Yazhang Zhong,
President of Australia China Cultural Foundation Incorporated(ACCFI£©

According to your introduction, we knew that ACCFI intends to build a Chinese Museum in Australia; We are very willing to be part of building a Chinese Museum and we will fully support to ACCFI about building that Museum. It is not only good for the nation and its people, but also it is beneficial to develop our corporation. That is to say; it is a great issue for both China and Australia, and it is also in line with our overseas development policy. From the details you talked to me, we know that you are negotiating with the local council about renting a land, we can make sure that we will invest to build this Chinese Museum after a land is obtained. Funds will be available on time. I believe we will fulfill our commitments in this win-win situation.

Pei Shengli
Chairman of
Shanghai Songli Steel Sales Co., Ltd.
Wenshui Road, Hongkou District, Shanghai, China Rong-Fai Building 29, Room 1705
Tel 021-55382333 Fax 021-55381333 Mobile 13901882772



澳大利亞雪梨北區華人商會
Australian Northern Sydney Chinese Chamber of Commerce

10 January 2011

Dear Yazhang Zhong,

Chairman of Australia China Cultural Foundation Incorporated (ACCFI)

According to your introduction, we are very willing to be part of building a Chinese Museum and we will fully support to ACCFI about building that Museum. We believe it will enhance the friendship between China and Australia, and it has practical significance in bringing economic prosperity to Australia. It is not only good for the nation and its people but also consistent with the purpose of the Northern Sydney Chinese Chamber of Commerce and policies. If Australian Government approves this project, within Australian and Chinese laws, we will fulfill our commitments and give the greatest support for the Chinese Museum project.

I wish our cooperation great success!

Duoleng Xu

Chairman
Australian Northern Sydney Chinese Chamber of Commerce
Contact number: 0411 711 918



澳大利亞東方歌舞團

AUSTRALIA ORIENTAL DANCE GROUP

12 January 2011

Dear Yazhang Zhong,
Chairman of Australia China Cultural Foundation Incorporated (ACCFI)

Australia Oriental Dance Group is the largest Chinese community performances group. Last year we had participated and performed in 2010 World Expo in Shanghai in China Pavilion as the sole representative in Australia. If Wyong Shire City council agreed to a dollar a year lease to ACCFI Foundation, we will give our best support to the Chinese museum project, including building the most modern and international style theater.

As we discussed with ACCFI, we will build an theater with the world's most modern and sexy style, it could be similar as Sydney Opera House, it will become one of the landmark buildings of the Chinese museum.

Best wishes for the Chinese Museum project!

Head of Australia Oriental Dance Group
Lily Zheng
Mobile: 0403268682

aroau 亚洲财经资源投融资机构(上海)
Asia Finance Resources Investment Organization

地址：上海市卢湾区复兴中路50号(200021) 电话：021-63568060 传真：021-63553233 网站：www.aroau.com

Dear Zhong Yazhang,

President of Australia China Cultural Foundation Incorporated(ACCFI)

After talking with you in details, we will give our greatest support to ACCFI about building a Chinese Museum. It is not only good for the nation and people, but also it is beneficial to develop our corporation. In other words, it is a great issue for both China and Australia, and it is also consistent with our overseas development policy.

Knowing the fact that you are in negotiations with the local council about renting a land, we make sure that we will invest to build this Chinese Museum after a land is obtained. Funds will be put in place at that time. I believe we will fulfill our commitments in this win-win situation.

Wish our cooperation success!

Yours sincerely

CEO 
Asia Finance Resources Investment Organization (Shanghai)

2010-11-10

YANTAI FUXIN STEEL CO., LTD.

No.90 Huangshan Road, Yantai Development Zone

Ph: 0535-6370829 Fax: 0535-6391939

11 November 2010

Dear Zhong, Yazhang,

Chairman of Australia China Cultural Foundation Incorporated (ACCFI)

According to your introduction, we knew that ACCFI intends to build a Chinese Museum in Australia; we believe it will enhance the friendship between China and Australia, and it has practical significance in bringing economic prosperity to Australia. Meanwhile, it is also in line with our strategy of expanding foreign development. If Australian Government approves this project, within Australian and Chinese laws, we will actively contribute ourselves to participate in the construction and to promote friendship between China and Australia.

May this project a complete success!

Zhou, Jiduo

Chairman of the board

YANTAI FUXIN STEEL CO., LTD.

11.11 2010

03 悉尼社区

澳中网 CHINA 澳中周末報

魏基成 僑領榮譽冠名 ABC家用紙廠董事長

宏揚中華文化建中國主題公園

基金會主建 懷王市一元租出地



正午門



懷恩寺



圖說：市長Doug Eaton (左七)與主席連素珍 (右六)及雙方出席人員合影於懷王市議會午餐後。



江南一條街



中期效應

(澳中網悉尼訊)用一元錢租一年的方式，借租九十九年。澳中文化基金會向懷王市租用一塊十五萬平方米的土地，用此借租方式建中國主題公園。

中國主題公園將用五年時間在懷王市(Wyong Council)近一號公路的土地上建成。澳中文化基金會(ACCFI)籌款委員會主席連素珍表示，中國主題公園是中華文化在海外的沿伸，它集建造，藝術，美食等內容為一體，與孔子學院最大區別在於它是一個讓遊客在娛樂中慢慢地接受中國文化的新模式，在世界上是首創。中國主題公園內分三大塊，主塊為中國城，內設三十三條街，以中國各省直轄市為命名，如上海街造石庫門一條街，北京造四合院一條街，浙江街造水鄉一條街，如此類推。其二是造一座宏偉的懷恩寺，與中國四大佛山(普陀山，九華山，五台山，峨嵋山)合作建造集學校與寶殿為一體的寺廟。其三是引進中國原素造一座現代劇院，與雪梨歌劇院媲美，走現代摩登性感的演出路子。

連素珍稱，基金會全都由義工組成，註冊為慈善機構，以華人為主，包括西人參加，他們是上市公司老總及組省審計部門經理。基金會自去年九月起與懷王市接觸，經過多次會議，基本已確定為離一號公路僅一分鐘路程的一塊平地來建造(高悉尼約一小時多路程)。此土地目前已被砍去一半的樹林，據專家考證土壤很理想，將會引進懷王河(Wyong River)的河流建中國江南水鄉。

懷王市議會在本月十七日在議會與基金會進行了最近一次會議，出席者有市長Doug Eaton及市長太太Ruby，副市長Bob Graham，發展部經理Garry McLachlan，總經理Michael Whittaker，中海岸旅遊部行政總裁Oliver Philpot，經濟和房產發展局經理Bronwyn Rumbel，及當地享有勝譽的城市規劃公司

Adw Johnson 董事長 Scott Robinson 及高級城市規劃師Adam Crampton。基金會有連素珍，財務總監文如，藝術總監鄭麗莉，首席翻譯官李丰媛，商業顧問戴明，及中華情國際總商會會長張完飭，北悉尼華人商會會長徐中力及副會長裴勝利等。會後雙方共進午餐慶祝。

市長在上月接受當地英文傳媒採訪時指出，中國城的建立將為當地帶來旅遊和就業的好處，該計劃讓當地議會和市民相當興奮。他相信基金會有足夠的能力來完成這項大項目。計劃已放在市政府網上獲得本地及海外的支持。發展經理將把航拍地圖交予基金會，基金會將請專家繪制具體地圖和建築圖，連素珍表示，希望華人的制圖專家能獻計獻策，替中國主題公園設計出最完美的藍圖。

連素珍表示，中國主題公園還有一個讓中國人引以驕傲的建築，就是公園的大門是按北京阜宮的前門，按一比一的比例建造。這可以讓在澳洲國家一號公路上所有使過的车子可以看到此一偉大的具九百處歷史的中國製造。

她稱，在公園內將建澳洲歷史上最大的永久性的華人博物館。她呼吁，因此項工程浩大，具中國特色和風采。希望所有熱愛中國文化的華人西人都來參加建設，獻計獻策，包括共同參與投資。

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3.1 Planning Proposal - Draft LEP Wyong Town Centre

TRIM REFERENCE: F2007/01960 - D02490976
AUTHOR: Gary Hamer; Senior Strategic Planner
MANAGER: Paul Bowditch, Manager Place Management

SUMMARY

Reporting on the outcomes of the public exhibition process in relation to the Planning Proposal for Wyong Town Centre and recommending that the draft Local Environmental Plan (LEP) be forwarded to the Minister of Planning for gazettal.

RECOMMENDATION

- 1 That Council refer the Planning Proposal – Wyong Town Centre to the Department of Planning requesting the Minister to make the Plan.**
- 2 That Council proceed with the reclassification of Lot 2 DP 1108419 from Community Land to Operational Land.**

BACKGROUND

Council Resolution

At its meeting held on 25 August 2010, Council considered a report on the preparation of a draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre as a planning proposal under the Gateway process and resolved in confidential as follows:

- “1 That Council note that the draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre will now proceed as a planning proposal under the Gateway process.*
- 2 That Council reiterate to the Department of Planning the critical importance of the Wyong Town Centre Planning Proposal progressing independently of the Comprehensive LEP.*
- 3 That Council incorporate the rezoning of the business incubator site within the Wyong Town Centre Planning Proposal.*
- 4 That Council initiate master planning for the Wyong Civic and Cultural Precinct.*
- 5 That Council commence the process to reclassify Lot 2 of DP 1108419 from community to operational land in accordance with the Local Government Act.*
- 6 That Council amend the contributions plan for the Wyong Social Planning District to enable the acquisition of land for future carparking.”*

On 3 November 2010, Council formally received written authorisation to exercise delegation to publicly exhibit the Wyong Town Centre Planning Proposal (WTCPP). The WTCPP is the mechanism that provides the appropriate planning framework in order to facilitate increased commercial and residential development within the town centre. At present, the town centre is suffering due to high levels of exposure and development occurring at Tuggerah. Whilst these developments are important to the economic sustainability of Wyong Shire, it is considered equally important to focus more attention towards the development of the Wyong Town Centre as a place that provides opportunities for business, residential and community growth.

THE PROPOSAL

The WTCPP is the principal catalyst towards securing Wyong as a major centre on the Central Coast. The Central Coast Regional Strategy (CCRS) identifies Wyong as part of the major regional centre of the Central Coast, performing vital economic, administrative, civic, residential and cultural roles.

The objectives of the WTCPP are to:

- 1 Implement the directions of the CCRS and the adopted Wyong/Tuggerah Planning Strategy;
- 2 Increase residential and commercial densities within the town centre core and periphery areas within reasonable walking distance of Wyong Train Station.
- 3 Enable the reclassification of land from community to operational.
- 4 Enable the acquisition of certain properties to facilitate the extension of Frank Balance Park.
- 5 Facilitate the development of the Business Development Site.

OPTIONS

In order to facilitate the progression of the implementation of the Wyong/Tuggerah Planning Strategy, it is considered that the most viable option is through the Gateway Process. Should Council resolve to support the Draft LEP, as a planning proposal the WTCPP will be forwarded to the DoP for gazettal. If Council does not recommend progression, the WTCPP will be incorporated in the Comprehensive LEP for Council's further consideration at that time. This will effectively delay the rezoning by 12 months.

Should Council propose amendments to the WTCPP then it will either require re-exhibition and reporting the outcomes back to Council or be forwarded to the DoP outlining the relevant amendments and justifications for these decisions. Either of these two options will extend the existing timeframe of the draft LEP. There is a degree of uncertainty associated with the outcomes of the pending State elections and the implications this might have on the progression of draft instruments. Given the significant resourcing Council has committed to this project over time and its importance in kick starting development within the township, neither of these two options are favoured.

STRATEGIC LINKS**Annual Plan**

Nil Impact

Contribution of Proposal to the Principal Activity

Nil.

Link to Shire Strategic Vision

| <i>Priority Objective</i> | <i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i> |
|--|--|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | The WTCPP will enable the ability to revitalise the town centre. The rezoning will enable the development of businesses as well as provide the planning framework for mixed use developments. |
| Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable. | The WTCPP is primarily focused around transit orientated development in proximity to Wyong Train Station. Wyong is identified in the CCRS as part of the major regional centre. By enabling commercial development near Wyong Train Station it provides suitable transport alternatives other than traditional car dependency. |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | The WTCPP is part of the overall revitalisation program that includes the development of the Wyong Art House, Civic and Cultural Centre masterplan, masterplanning for Baker Park and the Active River Foreshore, construction of the Wyong Regional Police Station and will complement existing services in the town centre. |
| Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life. | It is anticipated that the WTCPP will provide additional training and employment opportunities as the town centre grows. The establishment of both traditional educational providers such as TAFE and also alternate providers will provide a balance to the educational needs of the community. |
| Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths. | The WTCPP will enable the development of a strong business sector in the town centre that can draw upon the community to fill its employment needs. |
| Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors. | It is expected that the overall concentration and densification of commercial centres such as the Wyong Town Centre will provide sufficient demand for telecommunication services. It is noted that Wyong Town Centre is also located within close proximity to Tuggerah Business Park (4km). |

| Priority Objective | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|--|
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | The intensification of residential and commercial areas within the town centre will minimise the need in the future to expand into existing natural areas. Whilst the WT CPP includes the reclassification of land to operational, the size and context of the site will not have a negative impact on natural areas. The WT CPP also includes the provision to expand Frank Balance Park. |
| Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs. | Nil |

Financial Implications

The WT CPP will facilitate the rezoning of land and provide for increased densities and heights that will enable increased development within the town core. The expected financial gain will be through immediate employment of construction and also ongoing employment opportunities through commercial development. In particular the core objective of the business development site is to act as a catalyst for job growth in the Shire.

Principles of Sustainability

The WT CPP is consistent with all Principles of Sustainability including:

- Concentration of higher density commercial and residential development around the town centre;
- Increased commercial, residential and community development within 800m of Wyong Train Station;
- Greater self sufficiency of the town centre by enabling a wider diversity of services;
- Increased demand for bus services to the south and north of the town centre through increased population and employment densities; and
- No increase in the development footprint of Wyong Town Centre.
- Promotion of pedestrian orientated development through increased commercial activity within walking distance of Wyong Train Station.
- Intensification of existing resources including utilities and infrastructure.
- Increased passive and active surveillance through greater densities in the town centre.
- Improved social connectivity within the town centre.

CONSULTATION

Amendments to the Environmental Planning and Assessment Act (EP&A Act) 1979 have introduced the new Gateway process for the determination of rezonings. These changes were introduced on 1 July 2009. Inclusive to these changes was the introduction of the Environmental Planning and Assessment Amendment (Transitional Arrangement) that focused on those rezoning proposals currently under assessment.

3.1 Planning Proposal - Draft LEP Wyong Town Centre (contd)

In order to ensure an efficient transition in the plan making process, credit was granted for the steps already undertaken. In this instance the DoP has determined the government agency consultation that was already undertaken for the making of this Plan is still valid.

During consultation with the relevant government agencies, no objections were raised. The following public agencies were consulted throughout the process:

- Roads and Traffic Authority
- Department of Environment, Water and Climate Change
- Ministry of Transport
- Railcorp
- Rural Fire Service
- Catchment Management Authority
- Department of Planning (Heritage Office)

The WTCPP was placed on public exhibition from 19 November 2010 until 17 December 2010 in accordance with Section 57 (2) of the EP&A Act 1979.

Six submissions were received. A summary of those submissions and responses to the submissions are detailed below:

| Doc No. Submissions | Comments | Response |
|------------------------|--|---|
| D02470467 | <ul style="list-style-type: none"> • Support for the increase in residential and commercial densities. • Does not believe the development of a minimised floor space ratio will encourage development. | <p>Noted.</p> <p>The Floor Space Ratio (FSR) provides clear direction on the expected bulk and density of buildings and therefore will provide greater certainty for development.</p> |
| D02473033 | <ul style="list-style-type: none"> • Support the Wyong Town Centre Planning Proposal. • Encourage Council to consider the principles of Crime Prevention through Environmental Design (CPTED) in subsequent development. • Encourage Council to ensure that future works, particularly stormwater mitigation measures and the removal of the informal pedestrian link do not detract from the utility of the Frank Balance Park in terms of connection. | <p>Noted.</p> <p>Noted. The best mechanism to address this is through the relevant Development Control Plan provisions associated with Wyong Development Control Plan (DCP) 2005 – Chapter 7 – Wyong Town Centre. Council is currently reviewing this chapter.</p> <p>Council is currently undertaking the relevant studies that will feed into the masterplanning associated with the Wyong Civic and Cultural Precinct Masterplan. The draft masterplan for the Civic and Cultural Precinct will be presented to Council mid this year.</p> |
| D02473025 | <ul style="list-style-type: none"> • The focus of the Plan on business, residential and community growth is supported. | <p>Noted.</p> |

| Doc No. Submissions | Comments | Response |
|---------------------|---|---|
| | <ul style="list-style-type: none"> • The Plan is considered to fall short of addressing constraints and opportunities in the town, in particular the existing 2(b) zoned precinct (proposed to be rezoned to 2(c)) situated to the north east of the intersection of Hope Street and Alison Road. • It appears that it is currently unattractive to undertake residential flat development, either at 2(b) or 2(c) density, due to limited returns on investment. The major current obstacle being comparative and superior investment opportunities in the single dwelling. • The 2(c) zone does not provide an incentive for the provision of smaller units to attract commuters, young couples and the elderly wishing to reside in a secure town unit environment. • The Plan appears to fail to provide for a business support zone to the 3(a) Business Centre zone. The increased demand for commercial space and small unit development generated by the new police station alone necessitates a wide choice of zoned land options. | <p>The draft plan is consistent with the recommendations of the adopted Wyong/Tuggerah Planning Strategy and also the CCRS. Whilst at the moment the market for higher density residential development is difficult, the Wyong Town Centre Planning Proposal provides certainty for the development industry and also is regarded as a ten year plan for the town centre.</p> <p>Presently there is not the significant demand for the provision for higher density residential development. At present demand is more focused towards town house style development but over time it is expected demand for residential living in town centre will increase.</p> <p>The draft LEP is consistent with the adopted Wyong/Tuggerah Planning Strategy. The 2(c) (Medium Density Residential Zone) allows for the construction of residential units up to 3 storeys. A modest development bonus through increased FSR is provided if sites reached a particular threshold. The purpose of the draft LEP is to ensure that sufficient land is rezoned in order to meet the prescribed population and employment targets outlined in the CCRS.</p> <p>It is considered that the draft plan provides sufficient commercially zoned land in the town centre. In formulating the draft plan, an analysis was undertaken of the existing commercial floor space and the revised floor space based upon the proposed heights and FSR. Whilst it is anticipated that the construction of the new Police Station will hopefully help in igniting future business interest in the town</p> |

| Doc No. Submissions | Comments | Response |
|---------------------|--|---|
| | <ul style="list-style-type: none"> • The proposal includes historical FSR bonus's that appear not to have any rationale or relationship to the current Plan. • The proposed FSR and Height Controls appear to require expansion to ensure a minimum site area and street frontage applies before the full benefit of the stated maximum FSR and Building height can be obtained. • It appears apparent whilst not stated as part of the planning proposal, that a specific DCP will be required to provide appropriate controls to ensure consistent application and achievement of the objectives of the Plan. | <p>centre, it is considered that there will be sufficient floor space available to meet this demand. Ultimately, the 3(a) (Business Centre Zone) will become B2 Local Centre under the new Standard Instrument. This will allow for greater flexibility in the land use provisions.</p> <p>The development bonus has been derived from DCP 2005 – Chapter 64 – Multiple Residential Dwelling. It allows for a modest increase in total floor space when a land threshold is met.</p> <p>Noted. The current cadastre of the town centre reveals a mix of lot sizes including lot widths and depths. Combined with the difficult topography of the town centre, incentives were required in order to entice land owners to amalgamate with adjoining lots to provide sufficient building width to lots for potential three storey development associated with the 2(c) (Residential Medium Density). This is to ensure compliance with solar access and open space requirements prescribed under DCP 2005 – Chapter 64 – Multiple Residential Dwelling.</p> <p>Council is currently undertaking a review of DCP 2005 – Chapter 7 – Wyong Town Centre. This chapter will complement the statutory framework of the LEP. As such the DCP will review the current planning controls. The proposed timing for adoption of the revised Chapter 7 – Wyong Town Centre is June 2011.</p> |
| D02471058 | <ul style="list-style-type: none"> • Inconsistency with the proposed height limits along Alison Road and Hely Street. | <p>The present Chapman Store building varies in height from the street frontage. It is acknowledged that this corner site provides development challenges.</p> |

| Doc No. Submissions | Comments | Response |
|---------------------|--|---|
| | <ul style="list-style-type: none"> • The existing height of the Chapman Building will not comply with the new draft 7 metre limit along Alison Road. • The 7 metre height limit should be removed from the property. • The introduction of the 2:1 FSR on the property would be a large loss of potential development. • Flawed economic hypothesis of feasibility. • Interpretation of the term "speculation". | <p>In formulating the FSR Map, it was considered prudent to ensure a consistent building form along Alison Road. In establishing the 7m height limit along Alison Road and also the Pacific Highway, emphasis was placed on the existing heritage items as well as the existing character of the area. An analysis of the sites indicates that there is adequate lot depth to allow for potential redevelopment that allows for potentially 4 storey development whilst maintaining the character of this area.</p> <p>The site has been identified by Council as an Iconic Development Site. This will enable the future possibility of working with Council on the appropriate process in order to develop the site.</p> <p>The development of the FSR considered the outcomes of various economic feasibility studies and Council's current planning controls. A 2:1 FSR would theoretically enable a development of up to 4 storeys.</p> <p>Council has undertaken various economic feasibility studies on both the town centre and also other centres and at present there are economic challenges associated with developments in the town centre that require the construction of basement carparking. Theoretically the FSR will provide approximately 3,200sq m of gross floor area on this site.</p> <p>Council commissioned the services of an architectural/planning firm to undertake a FSR and Building Height Study. Part of the brief included analysis of the economic</p> |

| Doc No. Submissions | Comments | Response |
|---------------------|--|--|
| | <ul style="list-style-type: none"> <li data-bbox="363 539 863 640">• The concept that a lower lying area should be able to build higher is flawed. <li data-bbox="363 1283 863 1384">• The draft plan has been determined by carparking requirements and costs. <li data-bbox="363 1854 863 1921">• The draft Plan should be in the form of a DCP | <p data-bbox="890 237 1369 506">feasibility of development including the constraints that exist. Case studies were also completed as part of the study. One of the recommendations concluded that the FSR should limit speculation and provide certainty with respect to height and yield.</p> <p data-bbox="890 539 1369 1211">Parts of the draft Plan are subject to localised stormwater events, in particular land bounded by North Road, Anzac Ave, Hely Street, and Pacific Highway. Presently most of the sites have a significant site coverage but are limited to 1 to 2 storeys. In order to reduce the site coverage the planning proposal will increase heights to 4 to 6 storeys, but provide a modest increase in the floor space. The end effect will be taller buildings, but a reduced building footprint that will potentially enable more landscaping, at grade car parking and overland flow paths. This is consistent with the DEM Vision and character statements as part of the adopted Wyong Tuggerah Planning Strategy.</p> <p data-bbox="890 1283 1369 1749">Carparking is only one consideration that Council identified and considered in the formulation of the draft Plan. There is a direct relationship between carparking requirements and costs associated with development. This is particularly the case with any requirements associated with the need to build basement or multilevel carparking. The cost of basement construction is significant in any development, therefore should be given weight in formulating the FSR.</p> <p data-bbox="890 1854 1369 1951">The Draft LEP includes a draft written instrument. Under the provisions of the new plan making</p> |

| Doc No. Submissions | Comments | Response |
|---------------------|---|---|
| | | system Council is not obliged to complete a draft written instrument. This was included as a guide to the overall intentions of the Planning Proposal. Clause 42AA was included due to the overall heritage considerations along Alison Road. |
| D02465107 | <ul style="list-style-type: none"> • Concerns rose about the inclusion of No 24 and 26 Margaret Street as part of the possible future extension of the Wyong RSL/Bowling Club site or carparking. • Current congestion of Margaret Street that will worsen over time. | <p>The draft LEP is to provide future alternatives for the expansion of the existing Wyong Bowling Club including provision for carparking. At present there are carparking deficiencies in the town centre and this will potentially provide an additional 1,500sqm.</p> <p>Council is currently completing a Carparking Strategy for the town centre to address this issue.</p> |
| D02466787 | <ul style="list-style-type: none"> • Access issues to rear of 10 Margaret Street, Wyong. • Inconsistency with rezoning, split rezoning between the parcels under the one ownership. | <p>The draft LEP is consistent with the adopted Wyong/Tuggerah Planning Proposal.</p> <p>At present there is no direct access from street frontage The proposed rezoning from 2(b) to 2(c) would require acquisition from adjoining properties to the west.</p> |

PUBLIC HEARING – RECLASSIFICATION OF LAND

A public hearing for the reclassification of Lot 2 DP 1108419 Margaret Street, Wyong from community land to operational land was held on 24 February 2011.

The public hearing was required to ensure that Council complied with the statutory procedures prescribed under the LEP Practice Note (PN 09-003) titled "Classification and reclassification of public land through a local environmental plan". The Practice Note provides the sequential steps to follow in order to progress the reclassification in accordance with statutory obligations.

In order to facilitate the planning for the business development site there is the need to reclassify a parcel of land that is currently classified as community land. Presently lot 2 DP 1108419 is zoned 6(a) (Open Space and Recreational Zone) under Council ownership.

The subject lot is rectangular in shape and has a total land area of approx 240sqm. The site has a gradual fall towards the north east and forms part of Frank Balance Park. The site is affected by localised drainage issues. It is considered that whilst it currently forms part of Frank Balance Park, in reality it is used as a pedestrian linkage between the informal car park located at Lot 10 DP 3136 and the Wyong Shire Council administration centre. This is due to the current high demand for parking spaces within the immediate precinct. This is expected to increase significantly with the construction of the Wyong Regional Police Station.

The reclassification of Lot 2 DP 1108419 will facilitate the rezoning of the land to 3(a) (Business Centre Zone) that will allow greater flexibility with the future planning of the site.

No issues were raised at the Public Hearing.

GOVERNANCE

The WTCPP has been undertaken in accordance with Part 3 of the EP&A Act 1979. The WTCPP is consistent with the adopted Wyong/Tuggerah Planning Strategy.

The WTCPP satisfies all the legislative requirements for the Minister to make the Plan.

CORPORATE RISKS

Nil

CONCLUSION

The WTCPP is consistent with the objectives of the Shire Strategic Vision (SSV) and also the Wyong/Tuggerah Planning Strategy. The WTCPP provides a clear planning framework for future development in the town centre. The WTCPP has been exhibited for public comment and it is now recommended that Council resolve to forward the proposal to the DoP requesting the Minister to make the Plan.

ATTACHMENTS




| | | |
|---|---|-----------|
| 1 | Reclassification Site: Community to Operational | D02535525 |
| 2 | draft LEP Building Height Map | D02494528 |
| 3 | draft LEP Zone Map | D02494520 |
| 4 | draft LEP Floor Space Ratio Map | D02494539 |

RECLASSIFICATION SITE: COMMUNITY TO OPERATIONAL



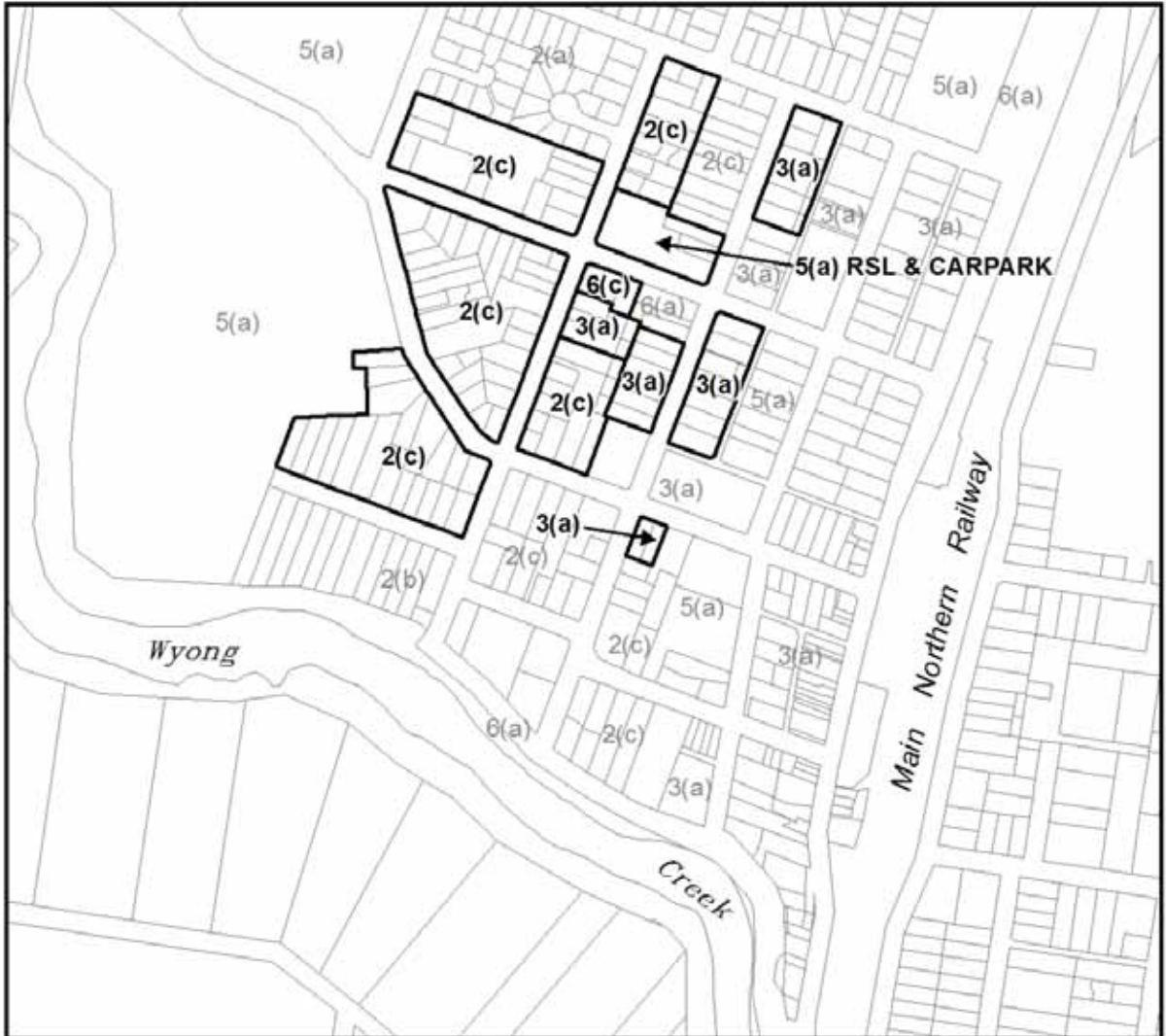



BUILDING HEIGHTS MAP
(Refer to Clause 42H of Wyong LEP 1991)

| | | |
|--|-----------------|--|
|  SCALE 1 : 6 000 | LOCALITY: WYONG |  Height (in metres)  Height limit of 7m for first 5m from street frontage (Clause 42H(4)) |
|--|-----------------|--|

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
BUILDING HEIGHTS MAP
WYONG
DRAFT LOCAL ENVIRONMENTAL PLAN 1991
 (Amendment No. 178)

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|---|--------------|----------|--------|--|----------------------------|--------------|--------|--|--------------------|---------|--|--|---------------------------|--|--|--|--------------------|--|--|--|------------------|--|--|--|---|--|--------|--|---|
| <table border="1"> <tr> <td>DRAWN BY :</td> <td>K FULLER</td> <td>DATE :</td> <td></td> </tr> <tr> <td>SUPERVISING DRAFTSPERSON :</td> <td>J WILLIAMSON</td> <td>DATE :</td> <td></td> </tr> <tr> <td>PLANNING OFFICER :</td> <td>G HAMER</td> <td></td> <td></td> </tr> <tr> <td>CERTIFICATE PLAN NUMBER :</td> <td></td> <td></td> <td></td> </tr> <tr> <td>COUNCIL FILE No. :</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DEPT. FILE No. :</td> <td></td> <td></td> <td></td> </tr> <tr> <td>CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT</td> <td></td> <td>DATE :</td> <td></td> </tr> </table> | DRAWN BY : | K FULLER | DATE : | | SUPERVISING DRAFTSPERSON : | J WILLIAMSON | DATE : | | PLANNING OFFICER : | G HAMER | | | CERTIFICATE PLAN NUMBER : | | | | COUNCIL FILE No. : | | | | DEPT. FILE No. : | | | | CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT | | DATE : | | <p style="text-align: center;">STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS WYONG LOCAL ENVIRONMENTAL PLAN 1991</p> <p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.</p> <p style="text-align: right;">GENERAL MANAGER DATE</p> |
| DRAWN BY : | K FULLER | DATE : | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUPERVISING DRAFTSPERSON : | J WILLIAMSON | DATE : | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PLANNING OFFICER : | G HAMER | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|--|-----------------|---|
|  SCALE 1 : 6 000 | LOCALITY: WYONG | 2(c) 2(c) Medium Density Residential Zone 3(a) 3(a) Business Centre Zone 5(a) 5(a) Special Uses 6(c) 6(c) Proposed Open Space & Recreation Acquisition |
|--|-----------------|---|

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
WYONG
DRAFT LOCAL ENVIRONMENTAL PLAN 1991
 (Amendment No. 178)

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|---|--|
| DRAWN BY : K FULLER DATE : SUPERVISING DRAFTSPERSON : J WILLIAMSON DATE : PLANNING OFFICER : G HAMER CERTIFICATE PLAN NUMBER: COUNCIL FILE No. : DEPT. FILE No. : CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT DATE : | STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS WYONG LOCAL ENVIRONMENTAL PLAN 1991 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS. GENERAL MANAGER DATE |
|---|--|



LOCALITY: WYONG

3:1 Floor Space Ratio

SCALE 1 : 6 000

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
FLOOR SPACE RATIO MAP
WYONG
DRAFT LOCAL ENVIRONMENTAL PLAN 1991
(Amendment No. 178)

| | |
|---|--------|
| DRAWN BY : J WILLIAMSON | DATE : |
| SUPERVISING DRAFTSPERSON : | DATE : |
| PLANNING OFFICER : G HAMER | |
| CERTIFICATE PLAN NUMBER: | |
| COUNCIL FILE No. : | |
| DEPT. FILE No. : | |
| CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT | DATE : |

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
AMENDS WYONG LOCAL ENVIRONMENTAL PLAN 1991

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER DATE

4.1 Acquisition of Easements for Wyong Employment Zone Sewerage Infrastructure at Sparks Road, Halloran

TRIM REFERENCE: F2011/00276 - D02523079

AUTHOR: Simone Barwick; Officer

MANAGER: Bronwyn Rumbel, Economic and Property Development

SUMMARY

Approval is sought to acquire an easement to drain sewage 5m wide within Lot 21 DP 259530 – 221 Sparks Road, Halloran, Lot 22 DP 259530 – 211 Sparks Road, Halloran and Lot 23 DP 259530 – 201 Sparks Road, Halloran to enable construction of the Wyong Employment Zone sewerage infrastructure.

RECOMMENDATION

- 1 That Council acquire the easements, generally 5m wide over Lots 21, 22 and 23 DP 259530, to drain sewage.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the proposed easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents.**

BACKGROUND

As part of its program of works, Council proposes to construct a sewer trunk main to service the projected growth in population, employment and retail demand for the Wyong Employment Zone.

4.1 Acquisition of Easements for Wyong Employment Zone Sewerage Infrastructure at Sparks Road, Halloran (contd)

Easements are required over the following properties:

| Description | Address | Area (m ²) | Zoning |
|------------------|---------------------------|------------------------|---------|
| Lot 21 DP 259530 | 221 Sparks Road, Halloran | 72,888 | IN1, E2 |
| Lot 22 DP 259530 | 211 Sparks Road, Halloran | 93,170 | IN1, E2 |
| Lot 23 DP 259530 | 201 Sparks Road, Halloran | 105300 | IN1, E2 |

Construction of the sewer trunk main for the Wyong Employment Zone is expected to commence in August 2011 and access will be required to the affected Properties in October 2011.

THE PROPOSAL

Associated with the sewer trunk main, it will be necessary to acquire easements, generally 5m wide, over the affected properties to satisfy Council's requirements in respect to the operation and maintenance of the main.

The route of the trunk main is in accordance with the sewerage network proposed in the Draft Warnervale District Planning Strategy.

OPTIONS

If Council does not authorise the acquisition of the easements, the construction of the sewer trunk main will not proceed as Council needs to have access to the affected properties for construction, operation and maintenance of the main.

STRATEGIC LINKS

Annual Plan

12498 – Capital Expansion Sewerage Wyong Employment Zone Warnervale.

Contribution of Proposal to the Principal Activity

The construction of the sewer trunk main will service the Wyong Employment Zone.

Link to Shire Strategic Vision

Employment – There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths. The construction of the trunk main will facilitate release of lands in precincts 11 and 13 and the Wyong Employment Zone.

Financial Implications

Funds have been budgeted in the 2010-11 Annual Plan (Project 12498) as indicated above.

Principles of Sustainability

A Review of Environmental Factors was prepared by GHD to assess the potential environmental impacts associated with the installation of the sewerage infrastructure. The assessment concluded that the proposed activities are unlikely to have a significant impact on any ecological matter.

CONSULTATION

The owners of the affected properties have been advised of the proposal and negotiations for the acquisition of the easements will proceed subject to Council's approval.

GOVERNANCE

Council has the authority to acquire easements under the Water Management Act 2000 and, if compulsory acquisition is necessary, the Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure to be undertaken.

CORPORATE RISKS

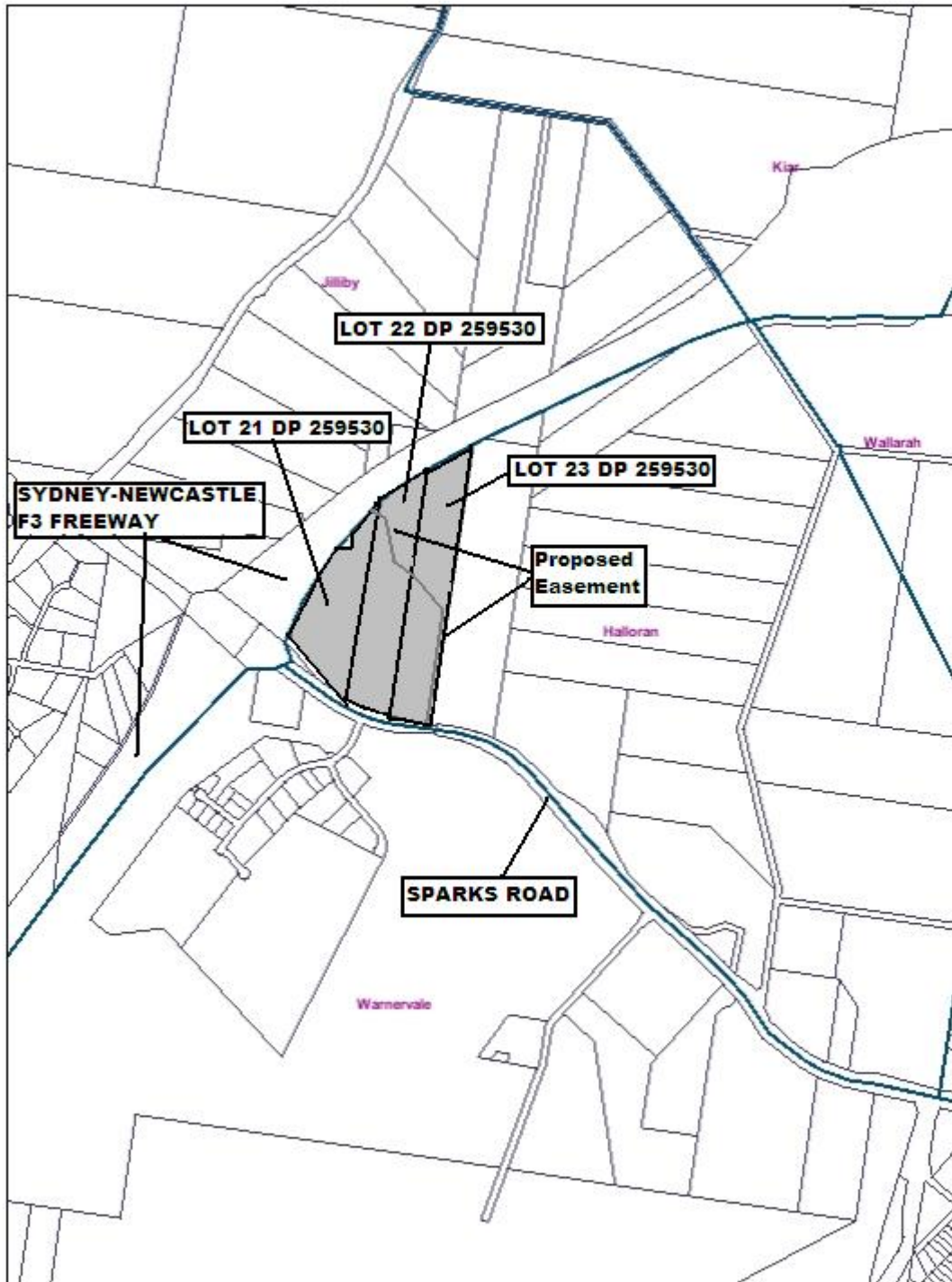
Nil impact.

CONCLUSION

The acquisition of these easements is to facilitate Council's project to provide sewerage services for the development of the Wyong Employment Zone and adjacent areas. The project cannot proceed without the access provided by the easements over the land.

It is recommended that Council proceed to acquire the easements for sewerage and authorise payment of compensation to the owners and proceed to compulsory acquisition if necessary.

Access will be required to the affected properties in October 2011 for construction.



ATTACHMENTS

Nil.

4.2 Classification of Land - Lot 100 DP 1149052, 10W Sun Orchid Road, Woongarra

TRIM REFERENCE: DA/912/2004/D - D02524717

AUTHOR: Simone Barwick; Officer

MANAGER: Bronwyn Rumbel, Manager Economic and Property Development

SUMMARY

Authority is sought to classify Lot 100 DP 1149052 as Operational Land.

RECOMMENDATION

- 1 That Council classify Council land Lot 100 DP 1149052 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

BACKGROUND

Stannic Securities Pty Limited (Stannic) is the owner of Lots 72B in DP 22837 and Lots 5, 6 & 7 in DP 1118025 (Stannic Land). As part of the development of its land, Stannic has agreed to dedicate to Council Lot 100 in DP 1149052 for drainage purposes.

Lot 100 DP 1149052 in a subdivision at Mataram Road, Woongarra has been dedicated to Council by Stannic for drainage purposes from the plan of subdivision pursuant to consent condition numbers 62 & 63 of Development Consent No. 912/2004/D issued on 11 November, 2010. Lot 100 is required by Council for drainage purposes.

Lot 100 DP 1149052 is 2,149m² and is zoned 2(e) Urban Release Area Zone.

THE PROPOSAL

It is proposed to classify Lot 100 DP 1149052 as Operational Land.

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

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

OPTIONS

Council may resolve to apply either a “community land” or an “operational land” classification. As the land is to be used for drainage, the land should be classified as Operational land in accordance with the Public Land Classification Table adopted by Council.

STRATEGIC LINKS

The classification of this land will enable drainage infrastructure to be developed and maintained.

Financial Implications

There is no cost to Council for land classification and the dedication of the land to Council pursuant to DA 912/2004/D is at no cost to Council.

Principles of Sustainability

The principles of sustainability were considered during the development consent process associated with the Stannic land.

GOVERNANCE

Under Section 31 of the Local Government Act 1993, land acquired by Council is taken to be classified as Community land unless Council resolves that the land concerned be classified as Operational land.

CONCLUSION

Lot 100 DP 1149052 has been dedicated to Council and requires classification in accordance with Local Government Act 1993 (Chapter 6, Part 2, s.25-34).

Council may resolve to apply either a “community land” or an “operational land” classification.

The land will be employed by Council for drainage purposes and thus requires to be classified as Operational land.

5.1 Adoption of Code of Meeting Practice

TRIM REFERENCE: F2004/06502 - D02230138
AUTHOR: Evelyn Duncan, Administration Officer
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

Following review of Council's Code of Meeting Practice and subsequent exhibition, the Code is submitted for adoption.

RECOMMENDATION

- 1** *That Council **include** a clause in the Code of Meeting Practice that requires the minutes of Ordinary Meetings of Council to record the reasons for overturning staff planning recommendations.*
- 2** *That Council **adopt** the amended Code of Meeting Practice.*

BACKGROUND

At its meeting held on 14 October 2009, Council considered a report on amendments to its Code of Meeting Practice. The amendments included the outcomes from a Councillor workshop and alignment with the Department Of Local Government Meetings Practice Note 2009. A copy of that report is enclosed. Legal advice on those proposed changes was sought and following receipt of that advice, the amended Code was advertised. No submissions on the proposed changes were received.

Since the draft Code was advertised, Council has been considering a review of its Committee framework and the adoption of the Code was further delayed pending the this Review as it may necessitate further changes to the Code.

That Review is not likely to be finalised in the immediate term, the General Manager has directed that the adoption of the Code of Meeting Practice now be considered and that any amendments as a result of the Committee Review, be undertaken subsequently.

CURRENT STATUS

The Governance Committee has recommended that the Code also be amended to require a record in the minutes of an Ordinary meeting of Council, of Council's reasons for the overturning of staff planning recommendations.

The Code has also been reformatted to improve usability – the final draft is enclosed.

CONSULTATION

The proposed amendments to the Code of Meeting Practice were advertised in March 2010 with hard copies available at Council's Customer Service Centres at Wyong, Tuggerah, The Entrance and Lakehaven. Submissions closed on Wednesday 28 April 2010.

GOVERNANCE

Actions taken have been as required under Clauses 361 and 362 of the Local Government Act.

CONCLUSION

The Code has been amended to reflect the requirements of changes to the Act and Regulations.

No submissions on the proposed changes were received.

The Code has been re-formatted and is ready for adoption.

ATTACHMENTS

- | | | | |
|---|----------------------------------|-----------|-----------|
| 1 | Council report - 14 October 2009 | Enclosure | D02008236 |
| 2 | Draft Code of Meeting Practice | Enclosure | D02524210 |

5.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2011/01723 - D02513465
AUTHOR: Evelyn Duncan; TL Governance and Councillor Services
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$8,175 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

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

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

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Annual Plan

| <i>Principal Activity</i> | <i>Strategy or Program</i> | <i>Financial Line Item No and Description</i> |
|----------------------------------|--|--|
| A More Sustainable Community | Enhance the quality of life of the Shire's residents | 1.1.11 – Community Financial Support |

Contribution of Proposal to the Principal Activity

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

Link to Shire Strategic Vision

| <i>Priority Objective</i> | <i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i> |
|---|---|
| Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood. | Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective. |
| Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. | Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective. |

Financial Implications

Expenditure is approved until the end of the 2010-11 financial year. Unspent approvals lapse 30 June 2011.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

Nil impact.

CONCLUSION

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

Councillors' Community Improvement Grants 2010-11

| COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION | Best | Eaton | Graham | Matthews | McBride | McNamara | Symington | Vincent | Webster | Wynn | SUB TOTAL |
|---|---------------|---------------|---------------|-----------------|----------------|-----------------|------------------|----------------|----------------|---------------|------------------|
| Allocation 01/07/2010 - 30/06/2011 | 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 09/02/2011 | 5,200 | 5,250 | 6,050 | 8,925 | 4,626 | 1,750 | 1,650 | 6,324 | 4,450 | 6,050 | 50,275 |
| Available allocation as at 09/02/2011 | 9,800 | 9,750 | 8,950 | 6,075 | 10,374 | 13,250 | 13,350 | 8,676 | 10,550 | 8,950 | 99,725 |
| Proposed Allocations for 9 March 2011 | | | | | | | | | | | |
| Australian Breastfeeding Association (\$125) | 25 | 33 | | 34 | | | | 33 | | | 125 |
| Central Coast Group Training (\$5,000) | | 1,500 | 1,000 | 250 | 250 | 1,000 | | | 1,000 | | 5,000 |
| Disabled Surfers Association of Australia Inc (\$1,200) | 100 | | | | 300 | | | 600 | 200 | | 1,200 |
| Lakes Surf Life Saving Club (\$2,900) | 250 | | | | | | | 600 | 1,000 | | 1,850 |
| Total Proposed Allocations for 09/03/2011 | 375 | 1,533 | 1,000 | 284 | 550 | 1,000 | 0 | 1,233 | 2,200 | 0 | 8,175 |
| Total Accumulated Allocations as at 09/03/2011 | 5,575 | 6,783 | 7,050 | 9,209 | 5,176 | 2,750 | 1,650 | 7,557 | 6,650 | 6,050 | 58,450 |
| Balance Uncommitted as at 09/03/2011 | 9,425 | 8,217 | 7,950 | 5,791 | 9,824 | 12,250 | 13,350 | 7,443 | 8,350 | 8,950 | 91,550 |

ATTACHMENTS

Nil.

5.3 Porters Creek Floodplain Risk Management Study - Public Exhibition

TRIM REFERENCE: CPA/168276 - D02517477

AUTHOR: Lara Critchley; Senior Planning Engineer

MANAGER: Rob Fulcher, Manager Asset Management

SUMMARY

As part of Wyong Shire Councils Floodplain Management program, the draft Porters Creek Floodplain Risk Management Study has been prepared in accordance with the NSW Government Floodplain Management Program. The Study provides Wyong Shire Council with a set of measures to manage the existing and future flood risk in the Porters Creek catchment. These management measures require close consideration by all different stakeholders to determine which measures will be recommended in the Porters Creek Floodplain Risk Management Plan.

RECOMMENDATION

- 1 That Council endorse the Porters Creek Floodplain Risk Management Study for public exhibition.**
- 2 That Council endorse the public exhibition period to extend from 15 March 2011 to 15 May 2011.**

BACKGROUND

The Porters Creek Floodplain Risk Management Study (FRMS) has been prepared in accordance with the NSW Floodplain Development Manual (2005) and relevant update Guidelines from the NSW State Government. The Study has used information from the Porters Creek Flood Study, completed in 2010, to determine the extent and magnitude of floodprone land within the study area and has sought to examine a range of floodplain management measures to manage existing and future risk associated with flooding. This work included an assessment of the social, economic and environmental impacts of each of these management options, together with opportunities to enhance the floodplain environments.

The primary aim of the Porters Creek Floodplain Risk Management Study is to estimate the flood hazard and risk to people and property in the existing community and devise planning guidance to ensure future development is planned in a manner consistent with the flood risk.

The Porters Creek Floodplain Risk Management Study is proposed to be on public exhibition for a period of two (2) months, after which the recommended management measures will be incorporated into the Porters Creek Floodplain Risk Management Plan for consideration for adoption by Council.

The study was two thirds (2 / 3) funded by the Department of Environment, Climate Change and Water (DECCW) under their Floodplain Management Program.

Porters Creek flooding

The catchment area of Porters Creek is approximately 55 square kilometres, and includes the suburbs of Kanwal, Hamlyn Terrace, Woongarra, Warnervale, Watanobbi and Jilliby. The Porters Creek system consists of three (3) major creek systems: Woongarra Creek, Buttonderry Creek and Hue Hue Creek. The Woongarra Creek conveys runoff from Kanwal, Hamlyn Terrace, Woongarra and Watanobbi. Buttonderry and Hue Hue Creeks convey runoff from Jilliby and Warnervale. All three creeks flow into the Porters Creek Wetland located west of the Northern Railway line. Porters Creek wetland drains through Porters Creek into Wyong River near the Wyong Christian School at Alison Road, Wyong. The low-lying southern part of the study area can also be affected by backwater flooding from Wyong River.

Porters Creek has a history of major and minor flooding. The most significant flood events in recent time were in October 2004 and June 2007. The June 2007 flood event was believed to be equivalent to a 5% Annual Exceedence Probability (AEP) design flood event. This is equivalent to a 20 year Average Recurrence Interval (ARI) design flood event. The October 2004 flood had more localised flood impact within the Porters Creek catchment, particularly in the Warnervale, Hamlyn Terrace, Woongarra and Kanwal areas.

Porters Creek Flood Study Addendum 2010

The Porters Creek Flood study was completed in 2009. An addendum to this Study was completed in September 2010, as part of the floodplain risk management study. This Study update included incorporation of recent catchment changes resulting from recent developments. The key information from the study included:

- Probable Maximum Flood (PMF), 0.5%, 1%, 2%, 5% and 10% AEP floods information in the form of flood height, depths and velocity. These equate to the 200 year ARI, 100 year ARI, 50 year ARI, 20 year ARI and 10 year ARI design storm event.

Sensitivity analyses for several different key factors were examined to assess the Porters Creek catchment's response to variation of these factors. The key factors assessed were:

Climate change - The design rainfall intensity for the 1% AEP design storm event was factored up by 30% based on the DECCW guidelines (Floodplain Risk Management Guideline: Practical consideration of Climate Change – October 2007). The results indicated a 30% increase in rainfall intensity could add up to 0.5 metre depth to the 1% AEP flood levels at particular locations. Average flood level increases in the catchment were 0.2 metre depth for the 1% AEP design storm event. The 1% AEP design storm event was the only event examined for this sensitivity analysis.

Culvert blockage – The impact of culvert blockage was examined in seven (7) key locations for the 5% AEP, 1% AEP and PMF design flood events. A 50% reduction in design capacity was assessed at each of these locations. The assessment indicated that such blockages could have localised impacts of between 0.8 metre to 1.0 metre upstream of the structures.

Roughness – The impact of changed ground surface condition was measured. Ground conditions are likely to change in areas of the floodplain where dense vegetation would occur naturally as it is expected that the floodplain will re-establish and regenerate over time. The impact assessment was done by varying surface roughness in the flood models. In general, the increase in the 1% AEP design flood levels was in the range of 0 to 0.25 metre depth.

Flood Hazard Classification for Porters Creek

The Floodplain Development Manual defines three (3) hydraulic categories which can be applied to areas of the floodplain - flood fringe, flood storage and floodway. In the Porters Creek catchment hydraulic categories were defined for PMF, 1% and 5% AEP flood event. The method of mapping the hydraulic categories is as follows:

- **Floodway** extent is defined by the 10% AEP flood extent with some manual adjustment to ensure continuity of the floodway.
- **Flood storage** is the remaining areas within the flood extent after defining the floodway and to the extent where floodwater depths are greater than 200 mm; and
- **Flood fringe** is the remaining area within the flood extent after defining floodway and flood storage.

Provisional flood hazard is based on the combination of the peak depth and velocity of floodwaters. The peak velocity and depth results from the 5% AEP, 1% AEP and PMF were used to develop the velocity – depth relationship across the floodplain and determine the provisional flood hazard for each of these design storm events.

The hydraulic flood hazard category is refined to reflect the impact of all relevant factors which may affect the safety of individuals. This resultant hazard classification is called the True flood hazard, and forms the basis of all decisions in the floodplain risk management study and plan.

For Porters Creek, the following factors were considered to determine the true flood hazard.

| Criteria | Comment |
|-----------------------------|---|
| Size of the flood | Flood hazard has been assessed for the PMF, 1% AEP and 5% AEP events. As the size of the flood increases in the Porters Creek catchment, the damages increase significantly. |
| Effective Warning time | There is generally insufficient warning time in the urban catchment to the east of the railway, with the critical storm duration of two (2) hours for the 5% AEP and 1% AEP design storm events. In other areas, particularly the low lying southern parts of the catchment, the critical storm duration is 9 hours, which enables adequate warning time to notify residents. |
| Flood Readiness | Flood readiness or preparedness can greatly influence the time taken by flood affected residents and visitors to respond in an efficient pattern to flood warnings. The responses from the resident survey suggest that around fifty percent (50%) of the residents are not concerned about flooding in the catchment. Flood awareness of larger floods is likely to be relatively low except for rural residential areas across the lower floodplain where overfloor flooding is common in the 20% AEP flood event. |
| Rate of Rise of floodwaters | The rate of rise of floodwaters affects the magnitude of the consequence of a flood event. Generally a rate of rise of 0.5 metre/hour in conjunction with the flood depth equal to or greater than 0.5 metre has been considered as indicative of high hazard. In the Porters creek catchment, these areas are located within the provisional high hazard area. |
| Duration of flooding | The duration of flooding can have a significant impact on the costs and disruption associated with flooding. The low lying areas of the Porters Creek catchment are flooded for 9 to 36 hours and are covered by the provisional high hazard area. |
| Ease of evacuation | Ease of evacuation considers the number of people requiring assistance; mobility of those being evacuated; time of day and suitable evacuation equipment. The duration of flooding in the urban areas of the catchment is short. Therefore evacuation issues for the majority of the catchment are not considered to be an issue except for properties that experience overfloor flooding in the 1% AEP and PMF events that do not have a second level they can evacuate to. There are a total of eighteen (18) residential properties in the 1% AEP flood event and ninety three (93) in the PMF event that experience over floor flooding and are therefore considered high hazard. |
| Effective flood access | Effective access implies that there is an exit route available that remains trafficable for sufficient time to evacuate people and possessions. Road crossings are considered impassable if there is a flood depth of 0.2 metres or greater for a period of one hour (1) or longer in 1% AEP flood event. In the Porters creek catchment the roads that are impassable include Warnervale Road at the Woongarra Creek crossing; Hue Hue Road at the Buttonderry Creek crossing; Alison Road at the confluence of Porters Creek and Wyong River, Minnesota Road and Louisiana Road. |
| Type of development | The degree of hazard to be managed is a function of the type of development and resident mobility. The land use in the study area is generally residential with some small areas of commercial and industrial. There are a number of child care facilities, as well as the Wyong Christian School, that are located in the floodprone areas of Porters Creek catchment. |

Flood risk and social and economic impacts of flooding

The cost of flood damages and the extent of disruption to the community depend on many factors, including:

- magnitude (depth, velocity and duration) of flooding;
- land usage and susceptibility to damages;
- awareness of the community to flooding;
- effective warning time;
- availability of an evacuation plan or damage minimisation program;
- physical features such as failure of services, flood borne debris and wind/wave run-up.

Flood damages can be classified as tangible or intangible. Tangible damages are those for which monetary value can be assigned; intangible damages are those which cannot easily be attributed a money value. Intangible damages include the social impacts as a result of flood events, such as stress, loss of life or serious injury, depression, insecurity or inconvenience.

As part of this study, floor level information for properties which experience overfloor flooding in 1% AEP flood event was provided by Council. This information was then used to estimate flood damages for the Porters Creek catchment, which includes residential, commercial and industrial properties.

| Design storm event AEP | Number of properties with overfloor flooding | Number of properties with overground flooding | Estimated damage (\$ March 2010) |
|------------------------|--|---|----------------------------------|
| 20 % AEP | 17 | 35 | \$2,363,385 |
| 10 % AEP | 17 | 40 | \$2,467,744 |
| 5 % AEP | 18 | 45 | \$2,654,260 |
| 2% AEP | 19 | 51 | \$2,963,465 |
| 1% AEP | 26 | 53 | \$3,763,148 |
| PMF | 129 | 229 | \$25,181,731 |

NOTE: AEP = Annual Exceedence Probability
PMF = Probable Maximum Flood

THE PROPOSAL

Council has an obligation to manage the flood risk in the Porters Creek catchment, which includes residential, commercial, industrial and environmental inhabitants (flora and fauna) of the floodplain. Despite the large areas of Porters Creek floodplain that are already occupied, Council has the opportunity to manage the continuing flood risk for these occupants, as well as minimise future flood risks with flood mitigation measures that are specific to the Porters Creek catchment.

Reference is made to the Enclosure – Porters Creek Floodplain Risk Management Study – Exhibition Report.

As per the NSW Government Floodplain Development Manual (2005), hydraulic and true hazard categories are used to determine appropriate types of land development in flood-prone lands whilst ensuring there is not unnecessary sterilisation of flood prone land. This approach ensures that the developments in the Porters Creek catchment are considered consistently with the same controls, and the floodprone land is not subject to uncontrolled and ad-hoc development inconsistent with its flood risk.

Floodplain Management measures can be separated into three broad categories:

1. **Flood modification measures** - modify the flood's physical behaviour (depth, velocity and redirection of flowpaths) and include flood modification dams, retarding basins and levees.
2. **Property modification measures** – modify land use including planning controls. These can include planning and building regulations, voluntary purchase or flood proofing properties.
3. **Response modification measures** – modify the community's response to the flood hazard by educating flood affected property owners about the nature of flooding so they can make informed decisions.

An appropriate method to determine the relative merits of competing floodplain management measures must be employed to ensure the potential environmental or social impacts of any proposed flood mitigation measure are considered, as they cannot be evaluated using the benefit / cost approach. For this reason a multi-criteria matrix type assessment has been used which enables a value (including non-economic worth) to be assigned to each measure.

The following criteria have been assigned a value in the multi-criteria matrix for Porters Creek:

- | | |
|-----------------------|--|
| Economic: | Benefit Cost ratio; Capital and Operational Costs; Risk Reduction to property. |
| Social: | Reduction in Social Disruption; Reduction in Risk to life; Community Acceptance of management option; Compatible with policy and plans; and |
| Environmental: | Meeting Flow and Water Quality Objectives; Flora and Fauna impact. |

The Porters Creek Floodplain Risk Management Study provides the basis for assessment of the floodplain management measures, which will form the basis for determining a coherent and integrated Management Plan. Accordingly, community input is vital in determining the most appropriate means of managing the flood risk of Porters Creek, to enable the ongoing occupation of the floodplain. A summary is provided below of the potential measures investigated for the management of the floodprone areas of Porters Creek. A detailed description of each of the floodplain management measures can be found in the Porters Creek Floodplain Risk Management Study, Section 11.

1. Flood Modification Measures

The following flood modification measures are considered for Porters Creek:

- Detention Basins;
- Upgrade of inundated Road Crossings;
- Channel Improvements;
- Levees.

2. Response Modification Measures

The following response modification measures are considered for Porters Creek:

- Information Transfer to SES;
- Update Local Flood Plan (SES);
- Community Awareness/Education;
- Flood Prediction and Warning System;
- Flood Warning Signs at Critical Locations.

3. Property Modification Measures

The following property modification measures are considered for Porters Creek:

- Building and Development Controls;
- Zoning;
- Voluntary Purchase;
- Voluntary House Raising/Rebuilding;
- Land Swap;
- Flood proofing of Building.

OPTIONS

Council has an obligation to manage the flood risk in the Porters Creek catchment, particularly as the catchment contains most of the land release areas for the Wyong Shire. This area includes Warnervale Town centre (WTC), Wyong Employment Zone (WEZ), and Precincts 7(a) and 7(b). The options presented in the Porters Creek Floodplain Risk Management Study will provide Council and residents with a clear direction for the management of the risk associated with the ongoing occupation of the floodplain.

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the NSW Floodplain Development Manual and other relevant State Government Policies. The information presented in the Porters Creek Floodplain Risk Management Study is the best available information Council has on the risks of flooding in the catchment, and the management measures are specific to the Porters Creek catchment.

The alternative to not developing Porters Creek Floodplain Risk Management Plan is the “Do Nothing” approach. This would require the assessment of development in the Porters Creek floodplain to continue on an ad-hoc basis, without consideration for the cumulative impacts on flood behaviour and risks caused by individual developments or works. Applicants and Council staff would be forced to refer to the most recent version of the NSW Floodplain Development Manual (FDM), and other State Government Policies, to satisfy the “merits based approach” to each development application. This would not provide clear guidance to Council staff or the local community on Councils aims and objectives for the long term development of the catchment.

STRATEGIC LINKS

Annual Plan

| <i>Principal Activity</i> | <i>Strategy or Program</i> | <i>Financial Line Item No and Description</i> |
|--------------------------------|---|---|
| A More Sustainable Community | Communities Education | Nil impact |
| A More Sustainable Economy | NIL | Nil impact |
| A More Sustainable Environment | Natural Areas | Nil impact |
| Infrastructure | Co-operation Sustainability Fiscal Responsibility | Nil impact |
| Organisation | Co-operation Sustainability Fiscal Responsibility | Nil impact |

Contribution of Proposal to the Principal Activity**Link to Shire Strategic Vision (SSV)**

| <i>Priority Objective</i> | <i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i> |
|---|--|
| <p>Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p> | <p>Relevant Annual Plan Strategies:</p> <p>1.5 – Develop and implement the Wyong Shire Settlement Strategy</p> <p>Comment</p> <p>The adopted flood hazard information will be used to inform the development of Wyong Local Environmental Plan 2011 and Development Control Plan 2011. Part of the North Wyong Structure Plan area falls within the Porters Creek catchment.</p> |
| <p>Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</p> | <p>Will contribute to ease of travel throughout the Wyong Shire if inundated roads are upgraded.</p> |
| <p>Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p> | <p>Relevant Annual Plan Strategies:</p> <p>4.4 – Establish and maintain a committed network of education, community, business and government representatives.</p> <p>Comment</p> <p>Flood awareness and flood education is a very important component of floodplain management. The Porters Creek Floodplain Risk Management Study and Plan will provide clear and concise information to the community regarding the flood risk of the Porters Creek catchment.</p> <p>With the number of residential, commercial and industrial properties experiencing over floor flooding in the Porters Creek floodplain, as well as those people potentially impacted by flooding by such things as inundated roads, it is important that the community are kept up to date with flood information and Council's direction on floodplain management. Ongoing networking and distribution of information will ensure the broadest information flow to people.</p> |

| Priority Objective | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|---|---|
| <p>Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p> | <p>5.8 – Ensure adequate and appropriate employment land in the Shire.</p> <p>Comment</p> <p>The Warnervale Town Centre (WTC), Warnervale Employment Zone (WEZ) and Precinct 7a are located within the Porters Creek catchment.</p> |
| <p>Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p> | <p>Relevant Annual Plan Strategies:</p> <p>7.3 – Ensure all development areas create or maintain tree-covered ridgelines and waterways. 7.4 – Develop and implement strategies to reduce the Shire's environmental footprint.</p> <p>Comment</p> <p>Implementation of the management options will be consistent for the whole of the Porters Creek catchment and will ensure that high flood risk areas are kept free from development. Each of the floodplain management options has considered the impacts on the environment and ecological communities, as well as the social impacts and community acceptance. The study has examined the impact of increasing the environmental components of the floodplain, including increased revegetation and re-establishment of the floodway areas as it is assumed these will naturally occur, remaining free from development.</p> |

Financial Implications

The intention of the public exhibition of the Porters Creek Floodplain Risk Management Study is to obtain input from the local community on how to best manage the flood risk and flood prone land of Porters Creek based on the information provided in the Study. Indicative social, environmental and financial costs are indicated for each of the management measures to assist in this decision making process. As such, at the current time, there are no financial implications for Council.

The recommended works will then be incorporated into the Porters Creek Floodplain Risk Management Plan, which will indicate the financial implications for each of the floodplain management measures.

Principles of Sustainability

A properly considered floodplain risk management plan will enable the ongoing use and occupation of the floodplain in a sustainable manner. The Porters Creek Floodplain Risk Management Study provides the basis for the assessment of options that will form the basis for the recommended works in the Porters Creek Floodplain Risk Management Plan.

5.3 Porters Creek Floodplain Risk Management Study - Public Exhibition (contd)

As stated in the 2005 NSW Floodplain Development Manual, the advantages to Council and the community of a properly considered floodplain risk management plan will include:

- Proper basis for managing and using floodprone land to provide a balance between danger to personal safety and economic losses due to flooding, and social, ecological and cultural interests. This provides the current and future community best value from managing and using the floodplain;
- Optimise use of community infrastructure such as roads, water supply and sewerage;
- Strategically assessing future developable land so the impacts of its development on flooding and the affects of flooding on the development can be effectively considered. This allows the community to grow in a responsible and socially cohesive fashion in consideration of flood issues.

CONSULTATION

The Porters Creek Floodplain Risk Management Study has been developed in accordance with the 2005 NSW Floodplain Development Manual and DECCW's Floodplain Management Program.

There has been on-going consultation with the community via the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC). This Committee has representatives from Wyong Shire Council technical staff and elected Councillors, community representatives, officers from DECCW, officers from the SES, and representatives of relevant industry bodies, such as the local Catchment Management Authority and Department of Lands.

As part of the data collection for the Porters Creek Floodplain Risk Management Study, a community questionnaire was sent out to approximately 4,600 properties within the study area in January 2010. The intention of the survey was to inform the community that Council had commenced work on the Porters Creek Floodplain Risk Management Study and Plan. As part of that process, Council required an understanding of the community's level of flood knowledge and of their concern with flood related issues in their area. The survey also asked residents about their experiences with previous floods and if they had any additional information on historic flooding in the Porters Creek catchment area. The survey presented a range of floodplain management options and asked the community what options they consider would be appropriate to manage the flood risk in the Porters Creek catchment.

Over 700 responses were received from the survey. The community's preferred options were assessed and ranked accordingly. The summary of the responses to these management options is presented below:

Porters Ck Resident Questionnaire Summary

| Proposed Option | No. of Responses | | Rank |
|--|------------------|-----------------|------|
| | Most Preferred | Least Preferred | |
| Natural channel maintenance | 415 | 63 | 1 |
| Planning controls | 390 | 56 | 2 |
| Culvert/pipe/bridge enlargement | 405 | 67 | 3 |
| Natural Flowpath Recognition | 426 | 98 | 4 |
| Flood forecasting and emergency response | 329 | 87 | 5 |
| Detention basins | 324 | 88 | 6 |
| Education | 276 | 95 | 7 |
| Levee Banks | 215 | 149 | 8 |

The community's preferences for the floodplain risk management options was considered during the selection of each of the floodplain risk management options for the Porters Creek catchment. The community's responses were also used to determine input and weightings of the social impacts in the multi-criteria assessment matrix.

Presentations were also made at the Watanobbi / Warnervale Community Precinct committee in February 2010 and February 2011.

GOVERNANCE

The following Legislation has been referred to in the preparation of the Porters Creek Floodplain Risk Management Study:

NSW Flood Prone Land Policy,
 NSW Local Government Act (1993)
 Wyong Local Environmental Plan (1991)
 Wyong Development Control Plan 2005
 NSW Government Floodplain Development Manual (2005)
 Wyong Shire Council Policy F5 – Flood Prone Land Development
 Wyong Shire Council Policy F3 - Filling of Land
 NSW Sea Level Rise Policy Statement, DECCW (2009).
 Flood Risk Management Guide – Incorporating sea level rise benchmarks in flood risk assessments, DECCW (2010).
 NSW Coastal Planning Guideline to Adapting to Sea Level Rise, DoP (2010).

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the Floodplain Development Manual.

CORPORATE RISKS

Wyong Shire Council is responsible for the management of the Porters Creek floodplain. As such, Council has an obligation to reduce the impact of flooding and flood liability on individual owners and occupiers of floodprone property, and to reduce private and public losses resulting from floods, utilising ecologically sustainable measures. The ongoing use and occupation of the Porters Creek floodplain must be managed in a manner which is consistent with Wyong Shire Council's long-term SSV.

This Study has been prepared in accordance with the NSW Government Floodplain Development Manual, and Department of Environment, Climate Change and Water Floodplain Management Program. Accordingly, if the recommendations from the Study are formed into the Porters Creek Floodplain Risk Management Plan which is then adopted and implemented by Council, Council would be protected by the Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone* if and/or when floodplain management issues arise on the Porters Creek floodplain associated with flood damages to private or public properties.

CONCLUSION

Having regard to the above, the following conclusions are reached:

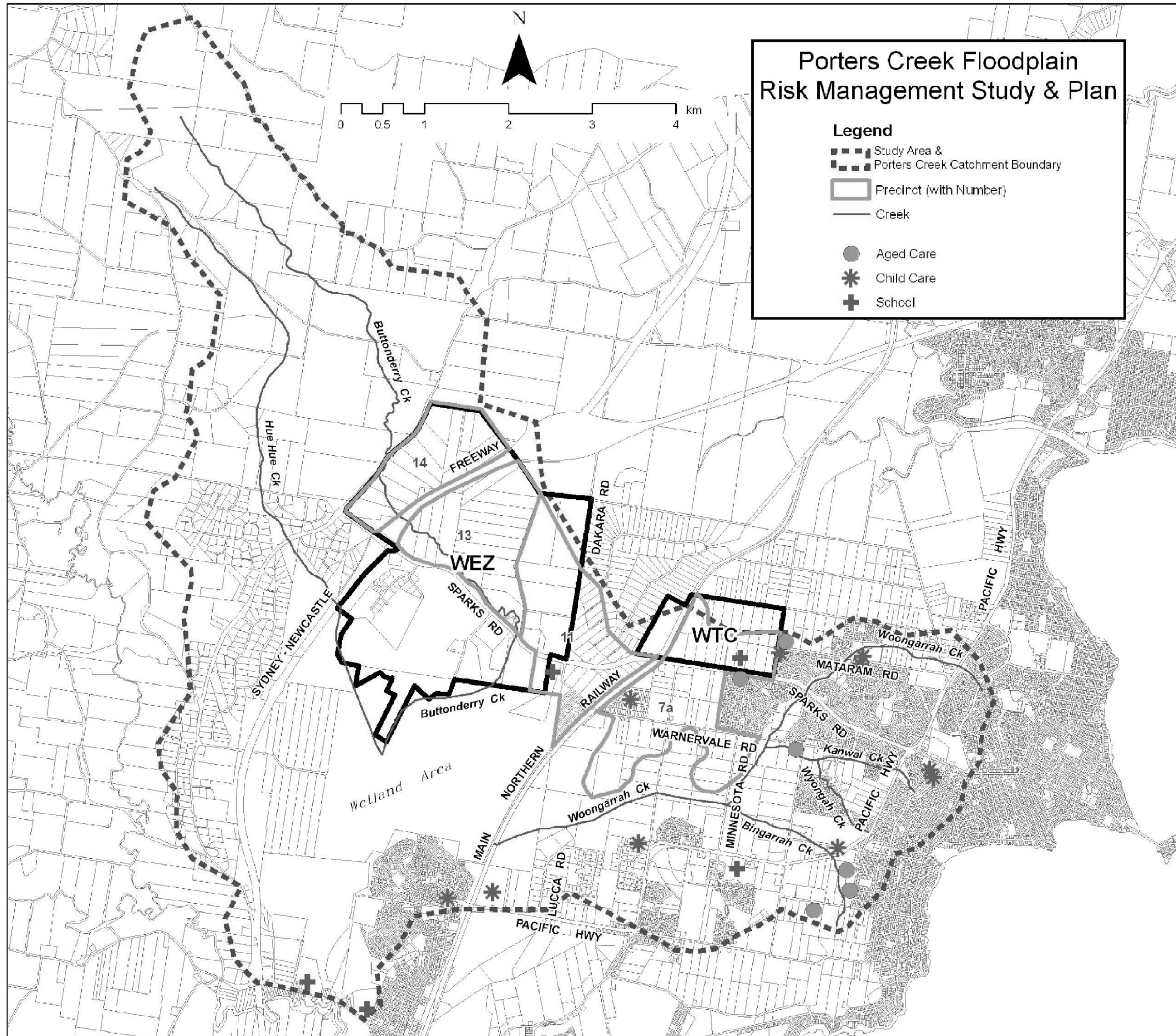
- Wyong Shire Council is responsible for floodplain management of the Porters Creek catchment. In accordance with Council's planning responsibilities under the EP&A Act, Council must plan and manage flood prone land in accordance with its flood exposure;
- The Porters Creek Floodplain Risk Management Study has been prepared in accordance with the most recent version of the NSW Floodplain Development Manual and the Department of Environment, Climate Change and Water (DECCW) Floodplain Management Program, and other relevant State Government Policies;
- A comprehensive analysis of flood hazard to establish the true flood hazard was developed for the Porters Creek catchment within the strategic framework of a floodplain risk management study.
- The flood hazard mapping indicates that only part of the Porters Creek catchment is already developed, primarily with residential development. There are 26 residential and industrial properties located within the 1% AEP flood extent, and 129 residential, commercial and industrial properties located within the PMF flood extent.
- The Porters Creek Floodplain Risk Management Study discusses a variety of floodplain management measures, including flood modification, response modification and property modification measures, which can be implemented to manage the existing and ongoing flood risk of the Porters Creek catchment.
- Effective community consultation is vital to gaining the community's acceptance of the findings of the Porters Creek Floodplain Risk Management Study and subsequent Plan. As such, community input is required to determine which management measures will be recommended in the Porters Creek Floodplain Risk Management Plan.
- The intention of the public exhibition of the Porters Creek Floodplain Risk Management Study is to obtain input from the local community on how to best manage the flood risk

**5.3 Porters Creek Floodplain Risk Management Study - Public Exhibition
(contd)**

and flood prone land of Porters Creek. As such, at the current time, there are no financial implications for Council.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Porters Creek catchment map | D02517475 |
| 2 | Porters Creek Floodplain Risk Management Study - Exhibition Report (D02525925) | Enclosure |



5.4 Porters Creek Catchment Stormwater Harvesting Scheme

TRIM REFERENCE: F2007/00039 - D02520205

AUTHOR: Ben Fullagar; Project Manager

MANAGER: Mike Long, Manager Contracts and Project Management

SUMMARY

This report seeks Council endorsement for a revised concept design for the Porters Creek Catchment Stormwater Harvesting Scheme. Council's endorsement is also sought to delegate to the General Manager the authority to enter into a Heads of Agreement with the Gosford Wyong Councils' Water Authority to establish their level of interest and involvement in the Scheme.

RECOMMENDATION

- 1 That Council endorse the revised concept design for the Porters Creek Catchment Stormwater Harvesting Scheme detailed in this report.**
- 2 That Council delegate to the General Manager authority to enter into a Heads of Agreement with the Gosford Wyong Councils' Water Authority outlining their involvement in the Scheme.**

BACKGROUND

Aim of the Scheme

An Integrated Water Cycle Management (IWCM) Strategy was formulated in 2006 to mitigate impacts on the Porters Creek Wetland (PCW) from stormwater runoff coming from new development in the Wyong Employment Zone (WEZ) and Warnervale Town Centre (WTC). A key aspect of the IWCM Strategy is the Porters Creek Stormwater Harvesting Scheme that is designed to capture and treat urban runoff and to bypass excess stormwater around the Porters Creek Wetland and discharge it into Wyong River.

Grant Funding

Council has had mixed success in obtaining external funding to fund the Stormwater Harvesting Scheme.

The aims of the original 2006 IWCM Scheme were amended by Council in 2009 to improve the cost effectiveness of the scheme and allow for staging of the works. Council adopted the revised scheme in February 2010 (see Attachment 1) and sought Federal Funding to assist with construction of the initial stage of the scheme.

At the ordinary meeting held on 10 February 2010 Council resolved as follows:

“RESOLVED on the motion of Councillor SYMINGTON and seconded by Councillor VINCENT:

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

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WEBSTER

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA”

Full details of the reasons for returning the original grant and seeking a much larger and more beneficial grant can be found in the business paper of the 10 February Ordinary Meeting.

Unfortunately, Council was advised on the 9 September 2010 that it was unsuccessful with its application for \$4.3M in funding under the Federal Governments National Urban Water and Desalination Plan.

At the ordinary meeting of 10 November 2010 Council resolved as follows:

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

- 1 That Council receive the report on Porters Creek Stormwater Harvesting Scheme - Notification of Unsuccessful Grant Application.*
- 2 That Council authorise the Delegation to raise this issue on their forthcoming visit to Canberra in view of the importance of this scheme to the Warnervale Employment Zone and report back to Council.”*

The outcome of the delegation visit to Canberra was that a meeting was held with Minister Crean’s Office and it was suggested that the matter be subject to a submission under the Building Better Cities Grant Program. Further grant funding options will be sought once the proposed revised scheme has been endorsed and developed sufficiently to satisfy future grant conditions.

THE PROPOSAL

1. Importance of the Scheme

The majority of Wyong Shire's major new employment and residential land releases are planned in the catchment of PCW. These include the WEZ, WTC and the Precinct 7A, Warnervale/Hamlyn Terrace Rezoning. Stormwater runoff from these areas all flows to the PCW.

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

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

Failure to implement this scheme will jeopardise these significant economic and development opportunities.

2 Revised Concept Design

An internal review of the February 2010 adopted scheme was completed by staff in early 2011 taking into account the following factors:

- Grant funding application in 2010 was unsuccessful.
- Need to ensure the scheme can be fully funded from s94 developer contributions (if grant funds are secured in the future, depending on the grant conditions, reductions or credits on s94 contributions could be applied or the scheme could be expanded into existing development areas).
- Reviewing of possible options to reduce the cost of the scheme because of pressure to reduce the cost of infrastructure due to the Section 94 cap and development affordability.
- Review of likely construction staging. Due to changing development timing in the catchment there is no longer a need to service Precinct 14 in the WEZ ahead of other areas. Previously a separate pipeline was proposed to connect to the WEZ due to the likely timing of development in Precinct 14 at that time. This appears to no longer be the case with the WTC likely to proceed to construction first.

The review was undertaken to better align infrastructure requirements with currently predicted development patterns, and where possible to reduce the cost of the Scheme without compromising the project objectives.

3 Scheme Components

The Scheme comprises the following components:

i. Water Quality Treatment Facilities

These typically take the form of constructed wetlands that rely on proven biological treatment to improve the water quality of surface runoff. These treatment devices are critical to ensure harvested stormwater that is discharged to Wyong River is of adequate quality. Irrespective

5.4 Porters Creek Catchment Stormwater Harvesting Scheme (contd)

of the need for a scheme to manage stormwater flows, water quality targets for new development in Porters Creek catchment apply and accordingly wetlands are essential. This Council Policy is enforced through the Urban Stormwater Management Plan, 1999.

ii. Stormwater Storages

Storages are required throughout the catchment to mitigate minor to moderate stormwater flows to rates that are economically viable to pump.

iii. Pump Stations and Pipeline Reticulation

Pump and pressurised pipe systems will convey water from the storages to Wyong River.

4 Options to Reduce Costs

A number of options were considered in light of changed development patterns and the need to reduce Scheme costs. A list of options considered feasible and included in the revised Scheme concept design are summarised in Table A in Attachment 2. A list of other options that were considered but found not to be feasible is presented in Table B in Attachment 2.

5 Recommended Revised Scheme

A review of possible options to reduce the Scheme cost together with different development timing has led to a refinement in the design of the Scheme. A figure showing the revised March 2011 Scheme is shown in Attachment 3.

Table 1 summarises the key features of the adopted design and the revised concept design.

Table 1 – Key features of adopted and revised Scheme

| Previously Adopted Scheme February 2010 | Recommended Revised Scheme March 2011 |
|--|---|
| <ul style="list-style-type: none"> Cost = \$47.1M (2009 dollars excl. GST) for wetlands and storages. | <ul style="list-style-type: none"> Cost = \$26M for storages & pipelines, \$19.5M for wetlands. Total = \$45.5M (2011 dollars excl. GST) |
| <ul style="list-style-type: none"> Western pipeline to serve Precinct 14 & WEZ | <ul style="list-style-type: none"> Western pipeline diverted to original Link Road route |
| <ul style="list-style-type: none"> Eastern pipeline to serve WTC and Precinct 7A | <ul style="list-style-type: none"> Eastern pipeline to serve WTC and Precinct 7A |
| <ul style="list-style-type: none"> Baileys land wetland & Brick Pits regional storage be deferred | <ul style="list-style-type: none"> Baileys Land to be retained for use by the Scheme at a future date. Construction costs for secondary treatment wetland are not funded. Brick Pit regional storage deferred. |
| <ul style="list-style-type: none"> Due to wide range of modelling accuracy and other variables the Scheme was reduced in size whilst still meeting the objectives. Consequently the constructed | <ul style="list-style-type: none"> Constructed wetlands, storages and pump rates were reduced by 25% as per the February 2010 approved scheme. |

5.4 Porters Creek Catchment Stormwater Harvesting Scheme (contd)

| | |
|--|---|
| wetlands, storages and pump rates were reduced by 25%. | |
| | <ul style="list-style-type: none"> Central storage included in Precinct 7A to reduce infrastructure and capital outlay. This can be expanded in the future to include existing developed catchments to the east. |
| | <ul style="list-style-type: none"> Option to direct WTC to Charmhaven STP or Link Rd pipeline. |

6 Revised Scheme Cost Estimate and Funding Requirement

The Porters Creek Stormwater Harvesting Scheme as adopted by Council in February 2010 was estimated to cost \$47.1M (excl. GST - 2009 dollars).

A summary of the revised costs for the different areas and components is provided in Table 2.

Table 2 – Revised Stormwater Harvesting Scheme Cost Estimate (Excl. GST - 2011 dollars)

| Area | Pipelines | Pump Stations | Storages | Sub Total |
|---|-----------|---------------|----------|---------------|
| WTC | \$1.7M | \$0.5M | \$4.2M | \$6.4M |
| WEZ | \$7.1M | \$1.3M | \$5.6M | \$14M |
| Precinct 7A | \$2.6M | \$0.7M | \$2.3M | \$5.6M |
| Total (to be funded through s94 contributions) | | | | \$ 26M |
| Wetlands or other Stormwater Quality measures throughout the catchment (direct cost to developer) | | | | \$19.5M |
| Total (with wetlands) | | | | \$45.5M |

Note: 1) the above costs do not include future work on Baileys Land i.e. a constructed wetland.
 2) the above costs do not include acquisition of easements through Council owned land. This is to be added and included in Contributions Plans.

The scheme is planned to be funded entirely through s94 contributions made by developers. Draft Section 94 Contribution Plans exist for two of the three major development areas as shown in Table 3.

Table 3 –Section 94 Contributions Plans

| Contribution Plan | Status |
|--|--|
| Warnervale Town Centre (WTC) | Draft Contribution Plan is to go before Council in early 2011 for June 2011 commencement. |
| Wyong Employment Zone (WEZ) | Draft WEZ Section 94 Contribution Plan exists with superseded costs. Plan to be amended and re-exhibited early 2011. |
| Precinct 7A (including Education Precinct) | Contribution Plan expected to be completed late 2011/early 2012 once Master Planning complete for Precinct 7A. |

7 Possible Early Payment of Developer Contributions

- In order to accelerate the scheme major landholders in the Porters Creek catchment will be contacted to discuss upfront payment to bankroll the 1st stage of the development of the scheme. This will greatly benefit the cash flow situation, particularly since the first stage of works will be in excess of \$5 million.

8 Staging of the Scheme

The staging of the Scheme will primarily be driven by the timing of development in the Porters Creek catchment. The staging plan will need to be flexible in order to cater for changing economic conditions that provide the development drivers. For this reason a plan showing segmental costs for construction of trunk infrastructure has been prepared (refer Attachment 4).

For the Scheme to progress Council must initiate construction of Stage 1 that will form the “backbone” of the Scheme. It is recommended that Stage 1 works comprise a pipeline from Wyong River, around Watanobbi up to the central wetland and storage on Woongarra Creek in Precinct 7A. This will provide an interim measure to service the southern catchments of WTC that are being developed first. A short extension from this trunk line will permit connection to the Education Precinct and further extensions will eventually connect the WEZ including Precinct 14.

9 Heads of Agreement with the Gosford Wyong Councils’ Water Authority

The Porters Creek Catchment Stormwater Harvesting Scheme is seen as a possible supplementary source of water for the Gosford Wyong Councils’ Water Authority (GWCWA). The information contained in this report could form the basis a Heads of Agreement with the GWCWA to establish their level of interest and involvement in the Scheme.

10 Scheme Yield

The estimated stormwater harvesting yield for the Porters Creek Stormwater Harvesting Scheme as revised is approximately 3,000 megalitres per year once full development is achieved (note: this is a preliminary estimate that requires further modelling).

If the scheme was expanded to collect water from the existing developed areas such as Kanwal, Wadalba, Watanobbi and Lake Haven it is estimated this would result in an additional 4,000 megalitres per year of yield.

In total, this could result in a total scheme yield of 7,000 megalitres per year (if expanded). For comparison purposes this would be approximately equivalent to the yield generated from the desalination plant which was approved at Toukley Sewage Treatment Plant by the NSW Minister for Planning.

11 Suggested Phased Discharge of Water to Wyong River

It is envisaged the discharge of water to Wyong River would be completed in three distinct phases as outlined in Table 4.

Table 4 - Three Phases for Discharging to Wyong River

| Phase | Details | Benefit to GWCWA |
|--|---|--|
| 1. Discharge below weir <i>(diversion scheme)</i> | Harvested water to be discharged well downstream of the weir. Monitor harvested water and catchment flows to establish effectiveness of diversion scheme. | None |
| 2. Discharge on/at the weir to replace environmental flows <i>(diversion + environmental flows scheme)</i> | Harvested water to be discharged onto the weir. Monitor water quality over a long period (years) to establish a history and certainty in supply and water quality. | Offset environmental flows in Wyong River. |
| 3. Discharge to weir pool or directly to Mardi Dam <i>(diversion + potable use scheme)</i> | If harvested water is of sufficient quality and is proven over time (hence the necessity of monitoring records from Phase 2) then it can be delivered directly to the Wyong River weir pool or sent to Mardi Dam. | Additional water supply source |

Should the GWCWA decide to financially support the Scheme it is recommended the project be progressed to Phase 2 initially as this will satisfy the two objectives of protecting Porters Creek Wetland and provide water to offset environmental flows. Alternatively Phase 1 is the least cost option and should be pursued if the project relies solely on s94 funds.

OPTIONS

A number of different options were reviewed by Council staff. The options considered feasible were adopted into the revised Scheme concept design outlined in Table A in

5.4 Porters Creek Catchment Stormwater Harvesting Scheme (contd)

Attachment 2. A list of options that were considered not feasible to incorporate into the revised Scheme concept is outlined in Table B in Attachment 2.

STRATEGIC LINKS

Annual Plan

| <i>Principal Activity</i> | <i>Strategy or Program</i> | <i>Financial Line Item No and Description</i> |
|----------------------------|--|---|
| A More Sustainable Economy | 5.1 Provide a coordinated approach to business generation, employment and development for the region. 5.8 Ensure adequate and appropriate employment land in the Shire. | |
| Infrastructure | Nil | 4.2.4 Stormwater Management 4.3.10 Water Supply – Non-Joint Water Supply |

Contribution of Proposal to the Principal Activity

The Porters Creek Catchment Stormwater Harvesting Scheme will help enable the planned developments in the WEZ, WTC and the Precinct 7A, Warnervale/Hamlyn Terrace Rezoning to proceed and help provide:

- A More Sustainable Economy
- A More Sustainable Environment, and
- Infrastructure (drainage and a potential water supply source)

Link to Shire Strategic Vision

| <i>Priority Objective</i> | <i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i> |
|--|--|
| Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths. | 5.1 Provide a coordinated approach to business generation, employment and development for the region. 5.8 Ensure adequate and appropriate employment land in the Shire. |

| Priority Objective | How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan |
|--|---|
| Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. | 7.1 Preserve threatened and endangered species as well as ecological communities and biodiversity. |

Financial Implications

Whilst the project is planned to be fully funded from s94 developer contributions the timing of contribution payments could create a cashflow problem for Council. At the February 2011 Council workshop this project was approved as a priority project and a phased Section 94 funding strategy was approved to commence work on the project. Major landowners will be approached to bankroll the 1st stage of works with upfront payment through a Voluntary Planning Agreement (VPA). The actual financial impact will be assessed and reported to Council as further information on the timing of payments and construction is determined.

Principles of Sustainability

The PCSHS is designed to be in keeping with Council's principles of sustainability. It is particularly linked to the Caring for Nature principle with the primary objective of the project being to protect Endangered Ecological Communities (EECs) and the PCW.

CONSULTATION

Since the initial development of the PCSHS beginning in 2006 the following groups have been consulted at various stages:

- o NSW Dept. of Environment, Climate Change and Water (DECCW)
- o NSW Office of Water.
- o NSW Dept. of Planning
- o Warnervale Town Centre – Project Steering Group.
- o Developers (including Terrace Towers, Landcom, Hannan P/L, Woolworths) in regards to development standards or approval conditions.

Further consultation with key stakeholders is planned during the pre-construction phases of the project.

GOVERNANCE

Council Policies and Development Controls

This project is linked to Council's draft Water Sensitive Urban Design (WSUD) policy, and the individual Development Control Plans (DCP's) and IWCM policies for each of the development areas such as the Warnervale Town Centre DCP.

The project funding source is identified as being the s94 contribution plans for the WTC, WEZ and Precinct 7a. The project is directly linked to collection of funds through these contribution plans.

Approvals and Licences

A number of licences and approvals will be required for the construction and operation of the Scheme. These include:

Environmental Assessment - Part 5 Approval – EP&A Act:

Each construction stage will need to have a formal Part 5 approval lodged with Council's Development Assessment Unit. This will need to include a Review of Environmental Factors report.

Licence to Extract Water – Water Management Act 2000:

Under the Water Management Act the extraction of surface water from the constructed wetlands is likely to require a licence.

Licence to Discharge Water to the Environment – Protection of the Environment Operations Act 1997:

Under the Protection of the Environment Operation (POEO) Act Council will most likely need to obtain an Environmental Protection Licence to discharge the excess stormwater to Wyong River.

Environmental Flow Substitution under the Central Coast Water Sharing Plan:

Under the Central Coast Water Sharing Plan there is provision to use harvested stormwater to replace environmental flows released at Wyong River weir. However at present the Water Sharing Plan outlines that Class A flows (flows up to 4ML/d) can be substituted. An application will need to be made to amend this should the project progress to Phase 2 or 3.

CORPORATE RISKS

This project is funded from s94 developer contributions that have been identified as a corporate risk (CR1). The success of this project is directly impacted by the ability to levy sufficient funds from developers using s94 plans that are under development and yet to be adopted by Council.

This project is directly linked to the success of development plans in the Porters Creek Catchment such as WEZ, WTC and the Precinct 7A, Warnervale/Hamlyn Terrace Rezoning. It is therefore integral to the generation of future employment lands and increased local employment.

The success of the project is directly aimed at protecting the Porters Creek Wetland that is listed as a SEPP 14 coastal wetland and contains Endangered Ecological Communities (EECs) and significant areas of habitat for a number of threatened species which are protected under the *Threatened Species Conservation Act, 1995 (TSC Act, 1995)* and *Commonwealth Environment Protection and Biodiversity Act, 1999 (EPBC Act, 1999)*. The failure to protect the wetland is seen as a potential corporate risk to Council.

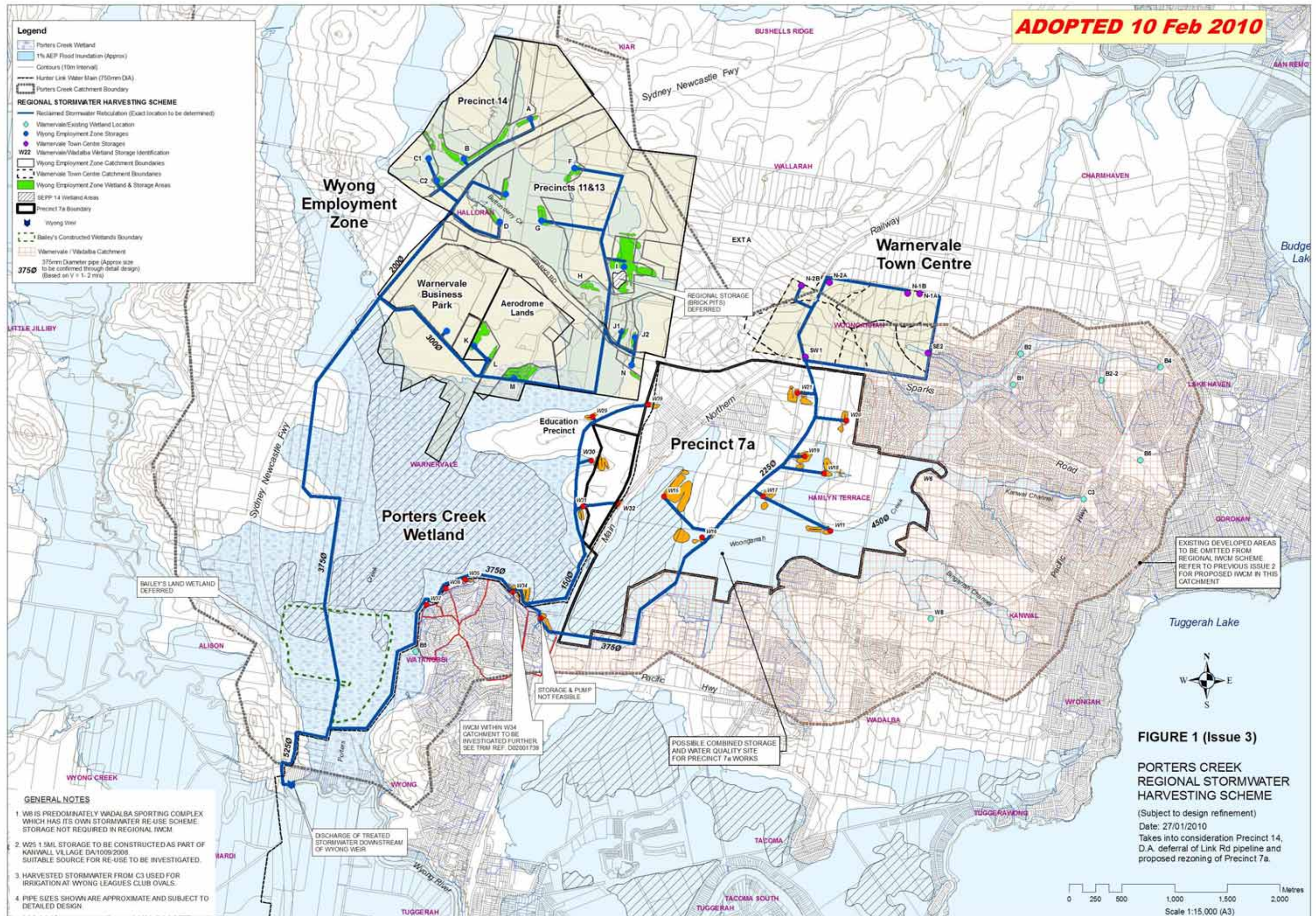
CONCLUSION

It is recommended that the Council endorse the revised Porters Creek revised concept design for the Porters Creek Catchment Stormwater Harvesting Scheme as detailed in Attachment 3.

It is also recommended that the General Manager approach the Gosford Wyong Councils' Water Authority with the aim of entering into a Heads of Agreement for the Scheme.

ATTACHMENTS

| | | |
|---|---|-----------|
| 1 | Porters Creek Stormwater Harvesting Figure 1 (Issue 3) 2010_01_27_Adopted Plan | D02274560 |
| 2 | Table 1 and 2 Assessment of Options - Porters Creek - 9 March Council Business Paper | D02523201 |
| 3 | Porters Ck Stormwater Harvesting Fig2 (Issue 4) 2011 02 17 | D02522074 |
| 4 | Porters Ck Stormwater Harvesting Fig3 (Rev_A) 2011 02 17 | D02522077 |

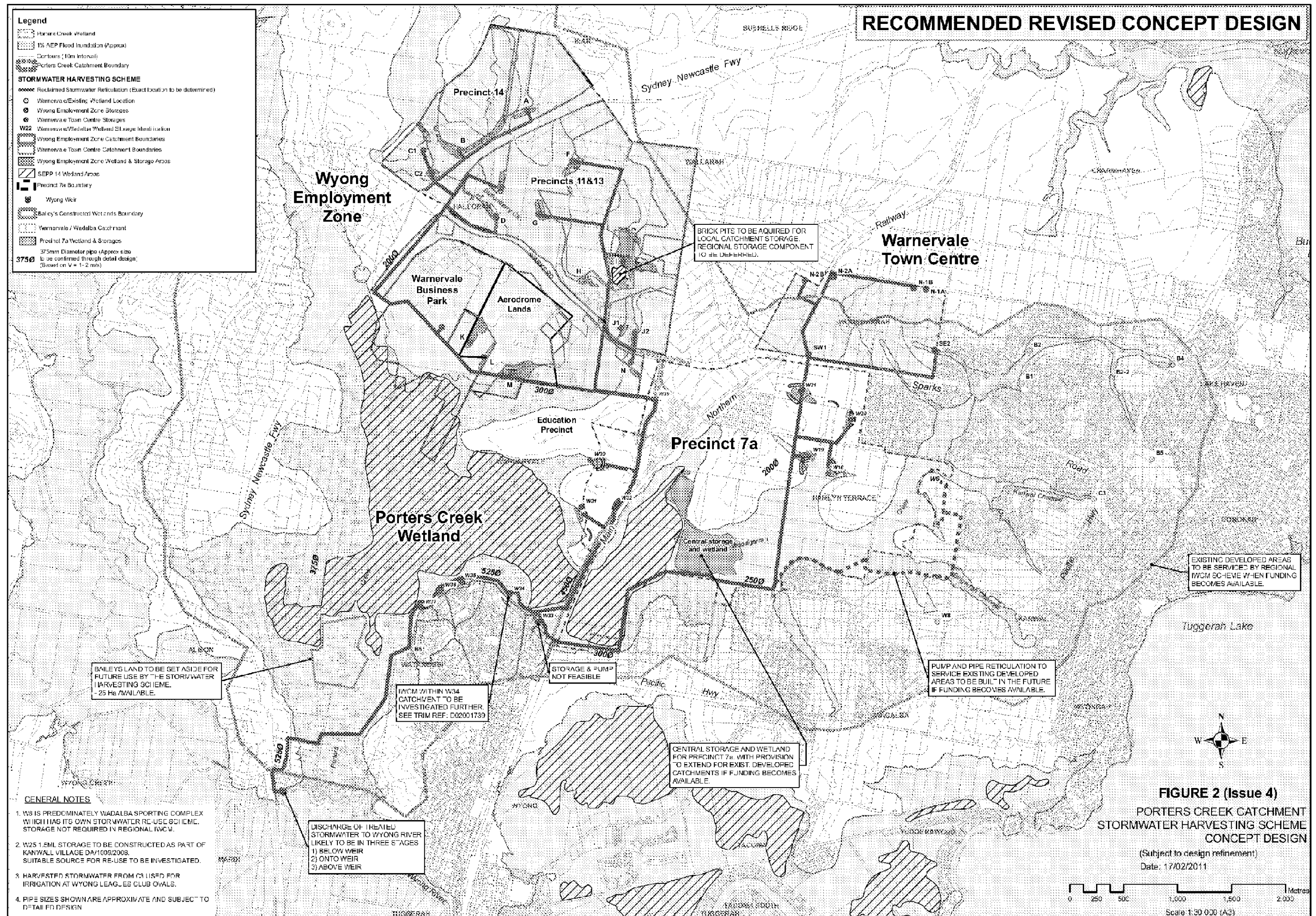


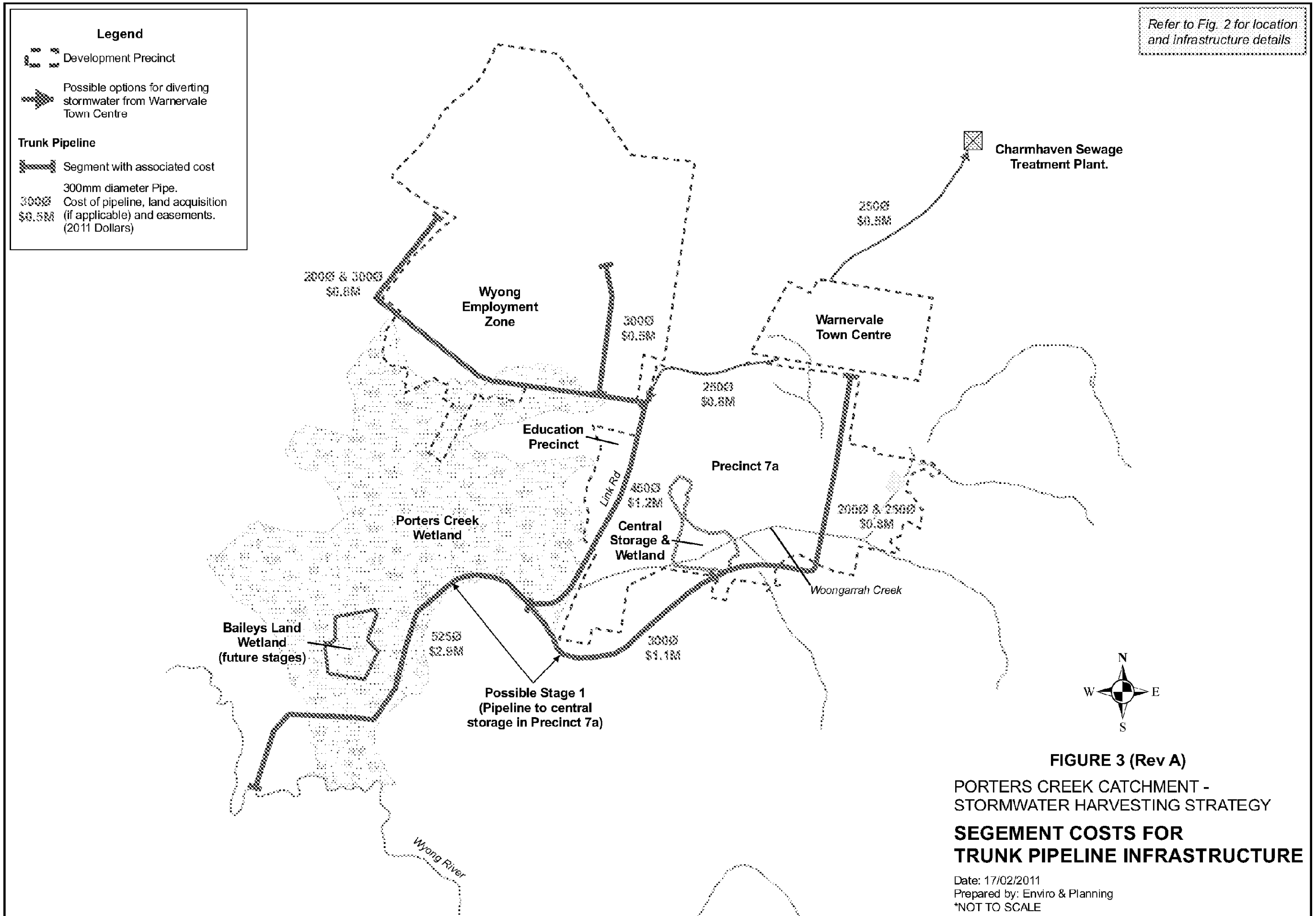
Attachment 2 - Table A: Feasible Options for Scheme Cost Reduction

| Item | Details | Estimated Cost Saving |
|--|---|---|
| 1) Redirect pipeline from Precinct 14 along Link Rd. | <p>This pipeline was required to service early development of Precinct 14. There are considerable easement and establishment costs if the pipeline from Precinct 14 is to be located in the oil/gas easement or through private property adjacent to the freeway. Diverting the pipe to Link Rd will negate these costs as well as resulting in reduced materials outlay.</p> <p>Disadvantage: the pipe to be laid through the proposed Link Rd bridge section may be required to be removed and relocated on the bridge structure if the last section of road goes ahead.</p> | <p>≈ \$1M (included in revised concept design)</p> |
| 2) Remove some wetlands & storages within Education Precinct | Two wetlands and storages within Education Precinct are not required due to insignificant catchments and/or space constraints. | <p>≈ \$0.5M (included in revised concept design)</p> |
| 3) Inclusion of central storage in Precinct 7a | <p>Include central storage within Precinct 7a which deletes some pipe reticulation and centralises the pumping system.</p> <p>The central storage also allows for future expansion to service existing developed areas if funding becomes available.</p> | <p>≈ \$1M (included in revised concept design)</p> |
| 4) Refine easement route through Precinct 7a | Design refinement, through the Master Planning process, of the pipe route through Precinct 7a has resulted in reduced easement costs. | <p>≈ \$0.5M (included in revised concept design)</p> |
| 5) Divert Warnervale Town Centre excess stormwater to Charmhaven STP or directly to Link Rd main as a contingency option | <p>This is an option should development of the WTC precede construction of the downstream water harvesting infrastructure. It would divert excess stormwater from WTC to Charmhaven Sewage Treatment Plant (CSTP) for later disposal at the Norah Head Outfall or possibly for local re-use as recycled water. The pipeline to CSTP would add approximately \$0.5M to the total cost of the scheme though it would reduce the reliance on having pre installed downstream infrastructure.</p> <p>A further alternative if the Link Rd to WEZ trunk pipeline was in place is to link WTC to the WEZ trunk pipelines using a short 1.5km pipeline along Sparks Rd instead of through Precinct 7a. Estimated additional cost is \$0.8M.</p> <p>The benefit of these options would be dependent on the timing of development and could be used as contingency measures.</p> | <p>Cost increase of between \$0.5M-\$0.8M BUT this will permit early construction of WTC infrastructure Contingency Option ONLY</p> |

Attachment 2 - Table B: Summary of non feasible options

| Option | Reason for being deemed not feasible |
|---|--|
| Local water re-use in Porters Ck catchment | <p>As the potential future recycled water demand is an unknown at this time the Stormwater Harvesting Scheme needs to be designed based on transferring the full required flow rate to Wyong River. However the Scheme could be modified in the future to supply recycled water.</p> <p>If local water recycling was adopted into the revised Scheme now then much larger local storages would be required in order to provide security of water supply during dryer times. This was not considered feasible at this time considering the aim to reduce costs.</p> |
| Inclusion of Brick Pits storage | <p>Runoff from areas to the north of the Brick Pit storages will utilise two of the three ponds. The third pond was originally intended as a regional storage but this was deferred in the adopted Scheme in 2010.</p> <p>The brick pits land will need to be acquired as it is zoned SP2 (water management). Including the brick pits as a regional storage does not benefit the scheme as the possible re-uses for the water are unknown at this stage and thus the downstream reticulation network will have to remain full size. Nonetheless, the brick pits could be used for storage for local water recycling with flows diverted from Mountain Rd catchment into the brick pits when there is storage available.</p> |
| Allow northern part of WTC to drain to Wallarah Creek | <p>Any development in Wallarah Ck catchment will require careful consideration and management of stormwater runoff due to sensitive downstream environments. The upper tributaries near WTC have already been identified for stream rehabilitation works due to erosion caused through clearing and road works.</p> <p>Unmitigated flows from urban development will damage sensitive downstream ecosystems i.e. increased flows will cause vegetation die back and erosion of creek banks. If the diversion works were removed, flows could be partially managed through detention basins within WTC but this would require larger wetlands and detention storage – this is not feasible due to severe space constraints.</p> |
| Larger rainwater tanks | <p>Larger rainwater tanks (above that required by BASIX) will not benefit the Scheme since the household/business demands and roof areas draining to tank are limited. Other impervious areas will bypass the tanks such as roads, driveways, paths, patios etc and this unmitigated flows will impact on downstream creeks and waterways.</p> |
| Rainwater tanks in existing areas. | <p>The option to subsidise the installation of rainwater tanks in existing developed areas was assessed. This is considered feasible and is being facilitated by the NSW and Federal Government Rainwater Tank rebate programs.</p> <p>However this will not alter the design of the Scheme since the works outlined in the revised Scheme serve new development areas only.</p> |





5.5 Contract Variations and Finalisation - January 2011

TRIM REFERENCE: D02521672
AUTHOR: John McCarthy, Supply Coordinator
MANAGER: Mike Long, Manager Contracts and Project Management

SUMMARY

This paper reports on variations, proposed variations or finalisations to contracts with a value greater than \$150,000 (excl GST).

The report covers contract variations and finalisations processed in January 2011.

RECOMMENDATION

- 1 That Council receive the *Contract Variations and Finalisation January 2011* report.
- 2 That Council approve additional expenditure above resolved estimates for the following contract:

| <i>Contract Title</i> | <i>Contract No</i> | <i>Additional Expenditure</i> |
|--|--------------------|-------------------------------|
| <i>Replacement of pope AC Equipment in Civic Centre</i> | <i>179982</i> | <i>\$11,895.80</i> |
| <i>Provision of Project Management services to Deliver Capital Works</i> | <i>94424</i> | <i>\$190,000.00</i> |

- 3 That Council note the additional expenditure requested for contract 179982 has been funded through Council's administration building maintenance air-conditioning budget.
- 4 That Council note the additional expenditure requested for contract 94424 has been funded by multiple sources.

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 (s.55) requires that contracts of an estimated value greater than \$150,000.00 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, normally 10% of the contract value, but varies between 5% and 30%, or is expressed as a specific dollar value.

The need to vary contracts (explained above) arises out of differences in estimating strategies where two extremes denote a range of risk that offers Council a choice of budget/estimate methodology.

Council estimates on the basis of known costs of assessment, design and construction. This approach allows budgets to maximise the number of works in an annual program, at the optimal risk level of programs being materially curtailed as unforeseen needs arise.

Budgets for projects are established within the Annual Plan. When tenders are called, specific approvals are sought from Council in accordance with s.55 of the Act. It is not uncommon for additional approvals to be sought within the approved project budget as unforecast changes (from the tender approval) occur in the works.

THE PROPOSAL

The report for the January 2011 period includes a requirement to seek Council's formal approval for additional funding to ensure compliance with s.55 of the Local Government Act.

Summary for January period.

| | |
|--|---|
| Contracts processed in January 2011 | 4 |
| Contracts requiring increase to the contract budget estimate | 2 |
| Contract where current funds are sufficient to complete | 2 |
| Contracts finalised in January 2011 | 4 |

OPTIONS

The variations reported in Attachments 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

Council's endorsement of, and approval to, these variations is the recommended option to ensure sufficient approved funds are available for contract payments to be made.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Depending on the final assessment of outstanding claims for contract 94424, respective budgets for the various projects managed by the Department of Commerce may require adjustments.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving WSC processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachments 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act.

CORPORATE RISKS

This report contributes to the mitigation the following risks identified in WSC Risk Register:

| Identified Risk | Rating | Actions to Mitigate |
|---|----------|---|
| Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence) | Moderate | Monthly reporting of variations. |
| Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes. | Low | - Monthly reporting of variations. - Local Government Act requirements in relation to Tenders. |

CONCLUSION

Variations detailed in this report are driven by "normal" contract issues.

The contracts are generally within their planned expenditure in terms of coverage, quantity and quality albeit some may exceed the timeframes originally calculated for the schedule estimates.

ATTACHMENTS

- | | | |
|---|----------------------------------|-----------|
| 1 | Contract Variations January 2011 | D02536717 |
| 2 | Contracts Finalised January 2011 | D02522279 |

Sludge Dewatering of No 1 and No 2 Sludge Lagoons at Gwandalan Sewage Treatment Plant and No 1 Sludge Lagoon at Charmhaven Sewage Treatment Plant

| Contract Number | Date of Council Approval | Contractor | (a) Approved Contract Value | (b) = (a) + contingency Total Approved Budget | (c) Value of Variations Previously Reported | (d) Value of Variations For Reporting Period | (e) = (c) + (d) Total Value of Variations | (f) = (a) + (e) Actual Contract Value | Source of Funds | Expenditure to Date | |
|--|--------------------------|------------------------------------|-----------------------------|---|---|--|---|---------------------------------------|-----------------------------|---------------------|--------------|
| 174323 | 28/4/2010 | Waste Processing Solutions Pty Ltd | \$ 179,110.00 | \$ 197,110.00 | Nil | \$ 11,167.15 | \$ 11,167.15 | \$ 190,277.15 | Sewer Fund Treatment Plants | \$ 190,277.15 | |
| Individual Variations For Reporting Period | | | | | | | | | | | |
| Description | | | | | Value | Description | | | | | Value |
| Variation 1 | | | | | \$ 11,167.15 | | | | | | \$ |
| This contract was a schedule of rates contract. Volume of sludge to be removed was an estimate only. More sludge was removed than estimate for dewatering, this ensures the process tank has maximum capacity available to take waste activated sludge to extend the life of the lagoon. | | | | | | | | | | | |
| Work on this contract is now 100% complete. | | | | | | | | | | | |
| With the information currently available no further budget increase are necessary. | | | | | | | | | | | |

Replacement of Pope AC Equipment in Civic Centre

| Contract Number | Date of Council Approval | Contractor | (a) Approved Contract Value | (b) = (a) + contingency Total Approved Budget | (c) Value of Variations Previously Reported | (d) Value of Variations For Reporting Period | (e) = (c) + (d) Total Value of Variations | (f) = (a) + (e) Actual Contract Value | Source of Funds | Expenditure to Date | |
|--|--------------------------|-------------------------------------|-----------------------------|---|---|--|---|---------------------------------------|---|---------------------|----------|
| 179982 | 14/7/2010 | Air Conditioning Industries Pty Ltd | \$ 203,792.00 | \$ 224,171.20 | \$ 11,870.00 | \$ 20,405.00 | \$ 32,275.00 | \$ 236,067.00 | Waste and Sustainability Improvement Program (WaSIP) + Building Operational Funds | \$ 210,672.00 | |
| Individual Variations For Reporting Period | | | | | | | | | | | |
| Description | | | | | Value | Description | | | | | Value |
| Variation 6 – Scope Change Additional work to supply and install a remote access and messaging facility into the Building Management System was requested by the facility manager to provide additional capability to the system to allow faults to be remotely identified and monitored by Council staff and maintenance contractor. This will allow faster and more cost-effective monitoring and management of system faults. The contractor's variation price was assessed and considered to be fair and reasonable. | | | | | 17,125.00 | Variation 8 – Scope Change During commissioning works a number of faulty or missing dampers were found at air outlets that were adversely affecting the proper operation of the new system. Rectification of these faults was not part of the original contracted scope of works. The contractor's variation price to rectify these faults and re-balance the system was considered to be fair and reasonable. | | | | | 3,280.00 |

This contract is 99% complete.

With the information currently available, the contract budget as approved by Council is not considered sufficient. Funding for the work required under Variation No. 6 has been identified by the client from savings within operational budgets. Approval is therefore sought to increasing the approved contract budget by \$11,895.80 for this variation.

Toowoomba Bay Holiday Park Swimming Pool and associated works.

| Contract Number | Date of Council Approval | Contractor | (a) Approved Contract Value | (b) = (a) + contingency Total Approved Budget | (c) Value of Variations Previously Reported | (d) Value of Variations For Reporting Period | (e) = (c) + (d) Total Value of Variations | (f) = (a) + (e) Actual Contract Value | Source of Funds | Expenditure to Date |
|--|--------------------------|--------------------------|-----------------------------|---|---|--|---|---------------------------------------|--|---------------------|
| 170570 | 10/3/2010 | Wright Pools Pty Limited | \$ 474,220.91 | \$ 521,643.00 | Nil | \$ -45,290.06 | \$ -45,290.06 | \$ 428,930.85 | General Fund Tourist Parks- Holiday Pk Upgrade | \$ 446,050.99 |
| Individual Variations For Reporting Period | | | | | | | | | | |
| Description | | | | | Value | | Description | | Value | |
| Variation No. 1 Credit Variation The Plant Room was withdrawn from this contract due to the high cost of the work. A price reduction of \$45,000.00 was agreed with the contractor. The work was reviewed and subsequently arranged by others at a more competitive price. | | | | | -45,000.00 | | Variation 2 Credit Variation A bridge included in the original design required specialised research and development to ensure correct operation. The bridge was withdrawn from the contract at an agreed price reduction of \$13,868.00. A specialist company was subsequently engaged to design, construct and place the bridge with a small nett cost to the project. | | -13,868.00 | |
| Variation 3 Credit Variation The Shade Sail over the children's pool was removed from this contract at an agreed price reduction of \$17,790.00. Further quotations were called and the sail was installed by others with a small nett cost saving. | | | | | -17,790.00 | | Variation No. 5 Latent Condition An old buried stormwater culvert was not identified during site investigations and required the reorientation of the pool to avoid conflict. Bored piers were installed to support edge of pool over the culvert. | | 782.00 | |

| | | | |
|---|-----------------|--|-----------------|
| <p>Variation No. 6 Latent Condition</p> <p>As part of the work to reorient the pool to avoid the stormwater culvert, additional work was required to install formwork for sections of the pool wall.</p> | <p>5,148.00</p> | <p>Variation No. 7 Latent Condition</p> <p>During variation work to address the reorientation of the pool to avoid the stormwater culvert, the site experienced prolonged wet weather conditions. This required excavation of additional collapsed material from adjacent to the pool.</p> | <p>1,874.50</p> |
| <p>Variation No. 8 Scope Change</p> <p>Additional aggregate was required behind the wall of the children's pool to provide improved filter media.</p> | <p>783.15</p> | <p>Variation No. 9 Latent Condition</p> <p>The wall between the main pool and separate children's pool was found to require additional formwork as the natural material suffered excessive slumping following extended wet weather. The geotechnical information provided did not identify that this area of the work would have potential slumping issues when wet.</p> | <p>3,384.00</p> |
| <p>Variation No. 10 Latent Condition</p> <p>The wall at the western end of the pool was found to require additional formwork as the natural material suffered excessive slumping following extended wet weather. The geotechnical information provided did not identify that this area of the work would have potential slumping issues when wet.</p> | <p>4,844.00</p> | <p>Variation No. 13 Scope Change</p> <p>Due to the reorientation of the main pool the island had to be redesigned. This required additional alterations to the formwork.</p> | <p>253.00</p> |
| <p>Variation No. 14 Latent Condition</p> <p>Additional formwork was required to trenches around the children's pool – as for Variations 9 and 10.</p> | <p>506.00</p> | <p>Variation No. 15 Scope Change</p> <p>Provision of whirlpool pump including outlet jets and 80mm pipework from plant room to create a swirl pool area adjacent to island. This improvement was identified after the contract was awarded, and provided an additional feature at an economical cost.</p> | <p>4,955.00</p> |

| | | | |
|--|-----------------|--|------------------|
| <p>Variation No. 16 Latent Condition</p> <p>Due to the need to over-excavate unsuitable material in Variations 9, 10 and 14, suitable material from excavation of the Jumping Pillows was used as backfill adjacent to pool walls.</p> | <p>4,091.13</p> | <p>Variation No. 18 Scope Change</p> <p>Supply and installation of 11 pool lights at water level within the pool. Not included in the original scope of works and necessary to complete the works. Price assessed and considered to be reasonable.</p> | <p>6,435.00</p> |
| <p>Variation No. 19 Latent Condition</p> <p>Ground conditions under the pool concourse required additional aggregate to be placed over an existing stormwater line to minimise settlement and avoid the need for piers.</p> | <p>2062.16</p> | <p>Variation No. 22 Credit Variation</p> <p>Overall size of pool was slightly reduced as result of reorientation.</p> | <p>-3,750.00</p> |

Physical works are complete and pool is operational.

Variations 4, 11, 12, 17, 20, 21 and 23 are unresolved to date. However, with the information currently available, the resolved contract budget as approved by Council is considered to be sufficient.

Provision of Project Management Services to Deliver Capital Works – Department of Commerce

| Contract Number | Date of Council Approval | Contractor | (a) Approved Contract Value | (b) = (a) + contingency Total Approved Budget | (c) Value of Variations Previously Reported | (d) Value of Variations For Reporting Period | (e) = (c) + (d) Total Value of Variations | (f) = (a) + (e) Actual Contract Value | Source of Funds | Expenditure to Date | |
|---|--------------------------|----------------------------|-----------------------------|---|--|--|---|---------------------------------------|------------------|---------------------|--------------|
| 94424 | 28/8/2008 | NSW Department of Commerce | \$ 6,360,777.00 | \$ 7,060,777.00 | \$ 6,933,421.18 27/8/08 370,717.00 24/11/10 | \$ 190,000.00 | \$ 7,494,138.18 | \$ 13,854,915.18 | Multiple sources | \$ 12,516,875.01 | |
| Individual Variations For Reporting Period | | | | | | | | | | | |
| Description | | | | | Value | | Description | | | | Value |
| Variation 44 Additional funds for extra project management services. | | | | | \$ 190,000.00 | | | | | | \$ |

This contract is 100% complete and finished on 9 January 2011.

Approved funds have been sufficient to cover payments for the months up to and including November 2010. The monthly invoice for December 2010 (received January 2011) has indicated that there will be insufficient funds available to pay the claim of \$1.209M. Additional funds of up to \$190,000 will be required if the account is to be paid in full. However, these claims have included amounts that were not previously advised and the assessment of the claim will take some time to resolve. It is recommended that an additional amount of \$190,000 be approved to allow payment as the assessment is undertaken.

Attachment 2 Significant Contracts Finalised

| SIGNIFICANT CONTRACTS FINALISED – JANUARY 2011 | | | | | | |
|--|-----------------------|--|---------------------|------------------------------------|------------------------------------|---|
| Contract Number | Date of Council Award | Name of Contract | Contract Price Type | Approved Expenditure Ex. GST \$ | Final Contract Value Ex. GST \$ | Comments |
| CPA/174323 | 28 April 2010 | Sludge Dewatering of No 1 and No 2 Sludge Lagoons at Gwandalan Sewage Treatment Plant and No 1 Sludge Lagoon at Charmhaven Sewage Treatment Plant. | Lump Sum | 197,110.00 | 190,277.15 | Works were complete within approved budget limits. |
| CPA/157278 | 13 May 2009 | Replacement of 600m of 250mm AC (asbestos cement) water main – McDonagh Road, Wyong. | Lump Sum | 332,362.80 | 323,637.50 | The contract has come out of defects Liability Period in January 2011. No defect claims were identified. Works were complete within approved budget limits. |

| SIGNIFICANT CONTRACTS FINALISED – JANUARY 2011 | | | | | | |
|--|-----------------------|---|---------------------|---------------------------------|---------------------------------|--|
| Contract Number | Date of Council Award | Name of Contract | Contract Price Type | Approved Expenditure Ex. GST \$ | Final Contract Value Ex. GST \$ | Comments |
| CPA/128566 | 28 Nov 2007 | Manufacture, Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion. | Schedule of rates | 762,750.00 | 744,141.15 | The contract budget was based upon an estimate of anticipated usage over the three-year contract period. Final expenditure was marginally lower than the approved budget estimate. |
| CPA/94307 | 23 November 2005 | Hire of Compactor and Traxcavator for Buttonderry Waste Management Facility | Schedule of rates | 3,776,472.00 | 3,728,901.20 | The contract budget was based upon an estimate of anticipated usage over the five-year contract period. Final expenditure was marginally lower than the approved budget estimate. |

9 March 2011

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

6.1 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 16 February 2011

TRIM REFERENCE: F2004/06808 - D02520234

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 16 February 2011.

RECOMMENDATION

That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 16 February 2011 and adopt the recommendations contained therein.

A meeting of the Gosford-Wyong Councils' Water Authority Board was held on 16 February 2011. The minutes of that meeting are set out below.

WYONG SHIRE COUNCIL

MINUTES OF THE GOSFORD / WYONG COUNCILS' WATER AUTHORITY BOARD MEETING HELD AT GOSFORD CITY COUNCIL, ON 16 FEBRUARY 2011 COMMENCING AT 8:37 AM

PRESENT:

CR MAHER *

CHAIRPERSON

GOSFORD

CR MACFADYEN*

WYONG

CR EATON*

CR GRAHAM*

CR SYMINGTON (ALTERNATE)

MR P WILSON*

MR R WILLIAMS*

MR M WHITTAKER*

MR G MCDONALD*

GOSFORD CITY COUNCIL STAFF

MRS P MCCANN

MS L KNIGHT

MS M LOW

MR B KOIZUMI-SMITH

WYONG SHIRE COUNCIL STAFF

MR S PEPPERALL

MS R REDMOND

MS J ELVIDGE

MR D MANN

MS M BRIEGER (*arrived at 8.42 am*)

* BOARD MEMBERS WITH VOTING RIGHTS AT THIS MEETING.

AUTHORITY STAFF
MR G CASEMENT

APOLOGIES
CR HOLSTEIN

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Holstein.

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

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

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

1.1 Disclosure of Interest

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

That the Board receive the report on Disclosures of Interest and the fact that no disclosure was made be noted.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

1.2 Confirmation of Minutes of Previous Meeting

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

That the Board confirm the minutes of the previous Gosford/Wyong Councils' Water Authority Board meeting held on 17 November 2010.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

2.1 Water Restrictions

Martine Brieger entered the meeting at 8:42am.

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

That the Board note the report on Water Restrictions.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.1 Information Reports

RESOLVED unanimously on the motion of Councillor MACFADYEN and seconded by Mr WHITTAKER:

That the Board deal with the following Information Reports by the exception method with the following reports being pulled for discussion 3.2, 3.3, 3.4, 3.5 and 3.6.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.2 Regular Information Report

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

That the board receive and note the Regular Information Report

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.3 Mardi to Mangrove Link Project Status

RESOLVED unanimously on the motion of Mr WHITTAKER and seconded by Councillor MACFADYEN:

That The Board receive and note the report on Mardi to Mangrove Link Project Status.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.4 Project Report - Update on Capital Works

RESOLVED unanimously on the motion of Councillor MACFADYEN and seconded by Mr WHITTAKER:

That the Board receive and note the report on Project Report - Update on Capital Works.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.5 Communications Update

Councillor Eaton raised concerns in regard to the NSW State Government Climate Change Fund and advised the Board that applications under the current round of funding will close tomorrow.

Michael Whittaker explained that the Minister takes from Wyong and Gosford councils \$2m combined per year and \$38m from Sydney Water for the Climate Change Fund. This fund provides a grants process for activities to save town water.

Councillor Eaton suggested that this may not be an appropriate system for the Water Authority to be involved in and suggested the Board look into the possibility of discontinuing this system or have the funding put back into Water Authority control in order to allocate these funds to more infrastructure focused areas.

Discussion centered about the NSW State Government Climate Change Fund resulting in the amended resolution below.

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

- 1 ***That the Board receive and note the report on Communications Update.***
- 2 ***That the Board write to the Minister with regards to the Climate Change fund and request the management of the Central Coast component of the fund be continued and be handed over to the Joint Water Authority/ Central Coast Water Corporation to manage.***
- 3 ***That a report be presented to the Board at the next meeting of the Joint Water Authority outlining the current operation of the Climate Change Fund and its opportunities for bringing the fund back under the control of the Authority/ Corporation***

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD, MR WILSON AND MR WILLIAMS.

AGAINST: NIL

3.6 Budget and Financial Summary

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

That Council receive the report on Budget and Financial Summary.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD, MR WILSON AND MR WILLIAMS.

AGAINST: NIL

GENERAL BUSINESS

1 Porters Creek Stormwater Harvesting Report

Councillor Eaton requested an update on the Porters Creek Stormwater Harvesting Scheme. The scheme is based on protecting the hydrology of Porters Creek Wetland by intercepting excess runoff from upstream development in the Warnervale area. There is potential to collect up to 3,000 mega liters' of water per year (approx average 7 ML/d), which could be available for the water supply.

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

That a report on the Porters Creek Water Harvesting Scheme be presented to the Board at the next meeting.

FOR: CR EATON, CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR MCDONALD,
MR WILSON AND MR WILLIAMS.

AGAINST: NIL

THE MEETING terminated at 9:25 am.

ATTACHMENTS

Nil

7.1 Information Report

TRIM REFERENCE: F2011/00027 - D02520581
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

7.2 Mine Subsidence at Chain Valley Bay South

TRIM REFERENCE: F2006/00246 - D02515728

AUTHOR: Jane Doyle; Senior Administration Support Officer

MANAGER: Gina Vereker, Director Environment and Planning Services

SUMMARY

Reporting on a response from Mr Steve Whan, MP, Minister for Primary Industries, Emergency Services and Rural Affairs in relation to mine subsidence damage at Chain Valley Bay South.

RECOMMENDATION

That Council receive the report on Mine Subsidence at Chain Valley Bay South.

Council at its meeting held on 11 August 2010 resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Symington:

- "1 That Council receive the report on Outstanding Mine Subsidence Claims Chain Valley Bay South.*
- 2 That Council express its disappointment to the State Government and write to the respective Minister, the Member for Swansea, Mr Robert Coombs, MP and the Minister for the Central Coast, the Honourable John Robertson, MLC to provide compensation to the affected land owners."*

Correspondence has now been received from Mr Steve Whan, MP, Minister for Primary Industries, Emergency Services and Rural Affairs which is attached.

ATTACHMENTS

- 1 Letter from Mr Steve Whan, MP dated 16 November 2010 D02435047**

**The Hon Steve Whan MP**

Minister for Primary Industries
Minister for Emergency Services
Minister for Rural Affairs
Member for Monaro

MOC10/3399

Mrs G Vereker
Wyong Shire Council
Director Shire Planning
PO Box 20
Wyong NSW 2259

16 NOV 2010

Dear Ms Vereker

Thank you for your letter of 6 September 2010 concerning claims for mine subsidence damage at Chain Valley Bay South.

On the 3rd June 2010 the former Minister for Mineral Resources, the Hon Ian Macdonald MLC, provided a detailed response to Wyong Shire Council regarding this matter and advised there was no justification for further investigation. Minister Macdonald took advice from an independent review completed by Mr Terrence Healey, Barrister at Law. Mr Healey was satisfied with the actions of the Mine Subsidence Board. Minister Macdonald met with a delegation representing the six residents involved following the review.

I understand Wyong Shire Council was actively involved in the Chain Valley Bay restoration project and community consultation. Whilst Wyong Shire Council expresses disappointment with the former Minister's advice they provide no supporting documentation. The Mine Subsidence Board has advised the Councillors' Note included with item 10.1 of Council's Ordinary Meeting of 10 March 2010 regarding damage at Chain Valley Bay is misleading.

The mine subsidence event at Chain Valley Bay occurred nearly 25 years ago and the residents concerns have been given serious consideration and were finalised through the independent review process. I'm advised a number of residents reached additional compensation arrangements with Centennial Coal and this detail is recorded through the District Court proceedings. Residents had a right of appeal to the Land and Environment Court but never pursued this action. I'm informed one resident took Elcom Collieries to the District Court and lost the case.

The Board's Chief Executive Officer would be pleased to provide Court references or information regarding damage at Chain Valley Bay South if this would assist Council.

Yours sincerely

Steve Whan MP
Minister for Primary Industries
Minister for Emergency Services
Minister for Rural Affairs

Level 33, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Phone: 02 9228 3800
Fax: 02 9228 3804
Email: office@whan.minister.nsw.gov.au

Parliament House
Room 808, Macquarie Street
Sydney NSW 2000
Phone: 02 9230 2291
Fax: 02 9230 2086

7.3 Results on Water Quality Testing for Beaches and Lake Swimming Locations

TRIM REFERENCE: F2004/06822 - D02502019

AUTHOR: Jon Scorgie; Senior Environmental Health Officer

MANAGER: Rob Van Hese, Manager Compliance and Regulation

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the months of November, December 2010 and January 2011.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Department of Environment, Climate Change and Water (DECCW) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

Council at its meeting held on 9 June 2010 resolved as follows:

"RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:

- 1 That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee being:*
 - a That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.*

- b That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes in water quality and the results of such testing be submitted to the Estuary Management Unit.*

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

AGAINST: COUNCILLORS BEST AND EATON"

As a result of the above resolution 22 monitoring locations are now sampled once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and 5 lake swimming sites in the Tuggerah Lakes catchment.

Beachwatch have updated their program to bring it in line with NHMRC (2008), which are based on the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments*, 2003. The new guidelines, NHMRC (2008), have lead to a change in acceptable faecal indicator levels and how they are reported as part of the Beachwatch partnership program.

The acceptable level for the faecal indicator *enterococci* has now been elevated to 200cfu/100mL, compared with 33cfu/100mL (Nb: cfu= colony forming units). This change is based on studies conducted by the WHO and relates to a health based risk of contracting an illness due to swimming in potentially contaminated waters.

Another change that has been brought in by Beachwatch is that Star Ratings are now reported weekly, based on one result. This is a big difference to NHMRC (1991), as that guideline recommended that the star rating be based on five previous results with a star rating being given for the month. This now means that each site can be rated weekly with the results being placed on the Beachwatch website.

During the winter season the Beachwatch program becomes inactive, sampling is conducted once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

7.3 Results on Water Quality Testing for Beaches and Lake Swimming Locations (contd)

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), DECCW's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period in NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

Summary of results for November, December 2010 and January 2011

During the sampling months of November, December and January there was only one instance, where a sample failed to meet the NHMRC guidelines (2 star rating). At all other times the beachwatch sampling locations complied with the NHMRC guidelines.

Figure 1 illustrates all the 11 sampling results for Gwandalan over the November, December and January period. On the ninth sample a failed result was recorded, but was preceded and followed by a star rating of 4 indicating that the failed sample was a one off localised incident. A definition of the star rating system can be seen in Table 1.

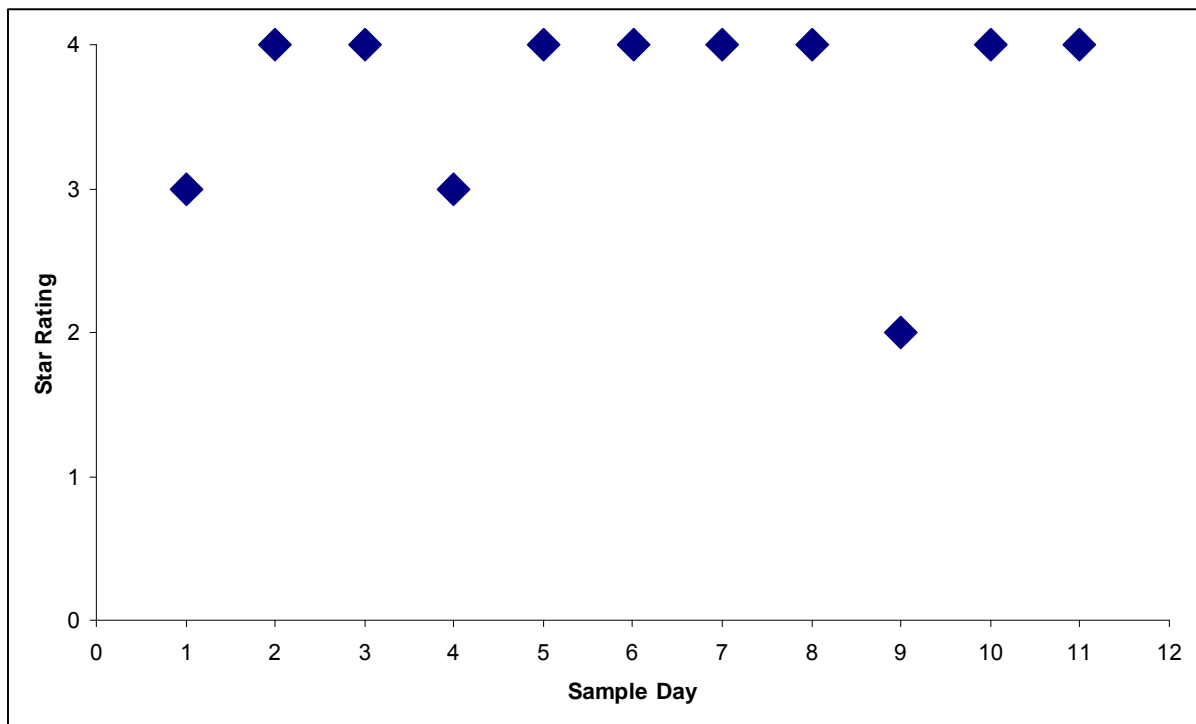


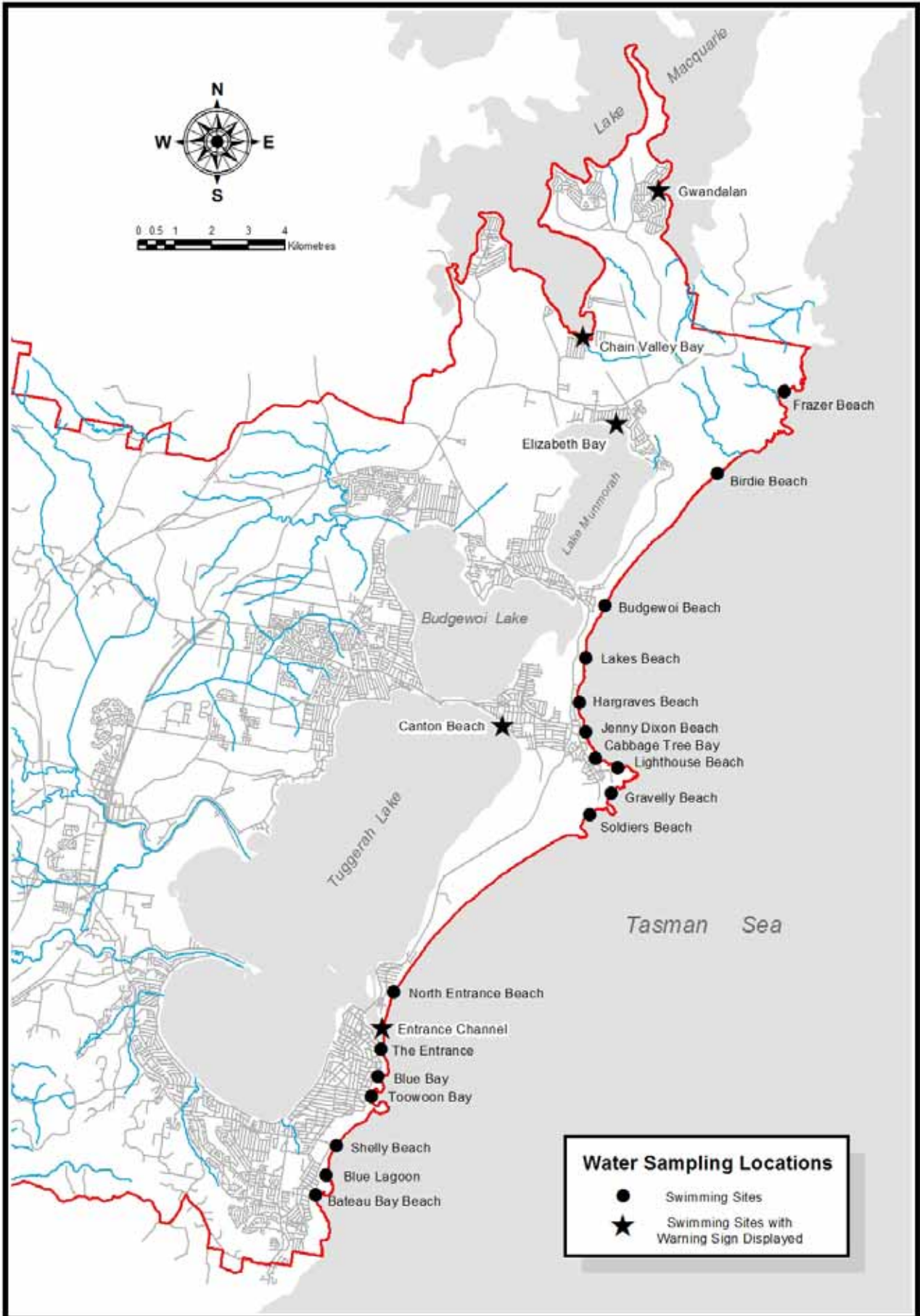
Figure1: Star ratings results for the Gwandalan site sampled over November, December and January

Table 1: NHMRC Star Rating Interpretation

| Star Rating | | Enterococci (cfu/100mL) | Interpretation |
|-------------|------|-------------------------|--|
| **** | Good | ≤ 40 | NHMRC indicates site suitable for swimming |
| *** | Fair | 41 – 200 | NHMRC indicates site is suitable for swimming |
| ** | Poor | 201- 500 | NHMRC indicates swimming at site is not recommended. |
| * | Bad | >500 | NHMRC indicates swimming at site is not recommended. |

ATTACHMENTS

- 1 Water Sampling Locations D02345961



7.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02519084

AUTHOR: Daniel Kemp; Engineer

MANAGER: Daryl Mann, Acting Manager Water and Sewerage

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date \$86m

Project Estimate \$120.6m

Construction Status

| | Scheduled Start | Scheduled Completion | % Work Complete |
|---|------------------|----------------------|-----------------|
| Milestone 1: | | 17 May 2011 | |
| Pre-construction – Management Plans & Approvals | 4 January 2010 | | 100% |
| Work Package 1 – Wyong River Off-take | 7 April 2010 | | 93% |
| Work Package 2 – Wyong River Pump Station | 19 February 2010 | | 92% |
| Work Package 3 – Wyong Mardi Rising Main 3 | 16 February 2010 | | 96% |
| Work Package 4 – Wyong Mardi Inlet | 6 May 2010 | | 99% |
| Work Package 7 – Mardi Mangrove Transfer Main | 1 March 2010 | | 90% |
| Work Package 18 – Wyong Weir, Fishway & Gauging | 5 August 2010 | | 97% |

| | | | |
|---|---------------|---------------|-----|
| Milestone 2: | | 14 March 2011 | |
| Work Package 6 – Mardi Mangrove Transfer Pump Station | 21 June 2010 | | 92% |
| Milestone 3: | | 6 May 2011 | |
| Commissioning | 1 August 2011 | | 5% |

Key Dates

| | Scheduled Completion | Actual Completion | Complete |
|--|----------------------|-------------------|-------------------------------------|
| Review of Environmental Factors (REF) submitted | 30 June 2009 | 30 June 2009 | <input checked="" type="checkbox"/> |
| Call for Expressions of Interest (EOI) | 9 July 2009 | 9 July 2009 | <input checked="" type="checkbox"/> |
| EOI closes | 30 July 2009 | 30 July 2009 | <input checked="" type="checkbox"/> |
| Determination Approval | 14 October 2009 | 23 September 2009 | <input checked="" type="checkbox"/> |
| Issue Request for Tenders (RFT) | 16 October 2009 | 16 October 2009 | <input checked="" type="checkbox"/> |
| Tenders close | 12 November 2009 | 12 November 2009 | <input checked="" type="checkbox"/> |
| Council consider Award of Construction Contract | 9 December 2009 | 9 December 2009 | <input checked="" type="checkbox"/> |
| Expiry of PAN 90 day notification period | 31 December 2009 | 31 December 2009 | <input checked="" type="checkbox"/> |
| Minister/Governor determination of compulsory acquisition applications | 27 January 2010 | 27 January 2010 | <input checked="" type="checkbox"/> |
| Pipeline Construction | 27 January 2011 | | <input type="checkbox"/> |
| Transfer Pump Station Construction | 31 January 2011 | | <input type="checkbox"/> |
| Commissioning | 6 May 2011 | | <input type="checkbox"/> |
| Project Completion | June 2011 | | <input type="checkbox"/> |
| | | | |

Land Matters

- Pipe laying has been completed on 47/56 properties
- 13/56 properties have been restored.
- Restoration of properties and completion of outstanding work is slower than anticipated and is limiting the progress of landholder compensation negotiations and releases. New restoration resources have just been brought in by John Holland and the property team is therefore hopeful that significantly more properties will be restored
- Key property and landholder issues at present include:

- Delays in completing restoration – additional compensation may be payable to some landholders for loss of production, agistment and stock feed
 - traffic delays
 - condition of Yarramalong Road – windscreen damage
 - quality of restoration
 - corridor maintenance particularly weed management and re-seeding requirements
-
- Negotiations for additional compensation for pipe bridges and section valves are almost complete with agreements having been reached with 6/7 landholders.
-

Stakeholder Liaison

Media

- Traffic updates continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- A traffic update was included in Shirewide to remind the Wyong Shire community about the traffic impacts along Yarramalong road.

Advertising

- Fortnightly traffic advertisements in the Central Coast Express Advocate were increased to weekly. These advertisements advise of the traffic delays and wide load restrictions on Yarramalong Road. These are scheduled until the end of March 2011.
- Radio advertising is ongoing on 2GO. These advertisements focus on the works and traffic updates in Yarramalong Valley and are updated each month.

Resident communication

- Weekly traffic emails are sent to more than 30 households who have sought direct updates. Residents are encouraged in all articles and letters to join this list to receive direct updates from the team.

Direct liaison with affected landholders is ongoing via the project's Property Team.

Incidents

- There have been no OH&S incidents during the last reporting period.
- Archaeological investigations have been completed for the corduroy road discovered in the construction area of Kidmans Lane on 20 October 2010. The archaeologist's report has not yet been submitted to Council.

Major Achievements / Issues

- Poured the reinforced concrete columns for the off take structure (**Work Package 1**) that support the suspended slab above the inlet mains. Forming the suspended slab located above the inlet mains on 25 February 2011
- Formed the roof slab of the wet well and poured on 23 February 2011 for the Wyong River Pump Station (**Work Package 2**). Completed the installation of the internal rising main pipework, including non-return and stop valves. Constructed the cable trench between the switchroom building and the pump station wet well.
- Satisfactorily tested the Wyong-Mardi rising main (**Work Package 3**) on 11 February 2011.
- Installed the power poles to provide 415volt electricity connection to the Wyong-Mardi Inlet (**Work Package 4**) site on 22 February 2011. Commenced general site restoration works, including spreading of top soil
- Approximately 17 km (of 19 km) of pipeline for the Mardi-Mangrove Transfer Main (**Work Package 7**) has been laid. Piling works for all pipe bridges are now complete. HDD boring commenced on 18 January 2011 – reaming of the borehole is up to 1375 mm diameter (will go to 1500 mm). HDPE pipe has been delivered on-site, welded, and hydrostatically pressure tested “above ground” on 24 February 2011. Poured the valve pit walls for the surge tank structure at Ch 16100 on 22 February 2011. Poured the bridge abutments on 22 February 2011 for Bunning Creek Rd Bridge
- For the Lower Wyong River Weir, Fishway and Gauging (**Work Package 18**), the Bandalong Boom was installed on 21 February 2011. Manly Hydraulics Laboratory is carrying out flow monitoring survey.
- Contractor has submitted draft **Commissioning** Plan. Meetings have been held to discuss the proposed commissioning requirements and procedures. Pre-commissioning inspections and tests have commenced.



Formed the roof slab of the wet well and poured on 23 February 2011 for the Wyong River Pump Station (**Work Package 2**).

ATTACHMENTS

Nil.

7.5 Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi

TRIM REFERENCE: F2004/00106 - D02520117

AUTHOR: Jane Doyle; Senior Administration Support Officer

MANAGER: Gina Vereker, Director Environment and Planning Services

SUMMARY

Reporting on a response from Mr Greg Sullivan, Deputy Director General, Environment Protection and Regulation, NSW Department Environment Climate Change and Water (DECCW).

RECOMMENDATION

That Council receive the report on Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi.

Council at its meeting held on 27 October 2010 resolved unanimously on the Motion of Councillor Wynn and seconded by Councillor Best the following:

- "1 That Council request the NSW State Government conduct a comprehensive audit of the power industry's environmental impact on Lake Macquarie, Lake Munmorah and Lake Budgewoi.*
- 2 That Council request the State Government ensure the audit identified any consequent health risks to the residents in the surrounding locale."*

Correspondence has now been received from Mr Greg Sullivan Deputy Director General, Environment Protection and Regulation, DECCW which is attached.

ATTACHMENTS

- 1 Letter from Mr Greg Sullivan D02515673**



**Environment,
Climate Change
& Water**

MD11/53

Ms Gina Vereker
Director - Environment and Planning Services
Wyong Shire Council
PO Box 20
WYONG NSW 2259

- 4 FEB 2011

Dear Ms Vereker

I refer to your letter dated 16 December 2010 to the Minister for Energy concerning the impact of the power industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi. The Minister for Energy referred your letter to the Minister for Climate Change and the Environment, the Hon Frank Sartor MP, as the issues you raised relate to matters within his portfolio. Minister Sartor has asked me to respond on his behalf.

The operations of the power generators are regulated by the Department of Environment, Climate Change and Water through conditions in environment protection licences. These licences include conditions that relate to a number of pollutants mentioned in your letter, including the temperature of water discharged from the power stations.

In relation to licences covering discharges to Lake Macquarie, Lake Munmorah and Lake Budgewoi, there are conditions requiring a Seagrass Monitoring Program to assess any thermal impacts on the seagrass community within these lake systems resulting from power station activities. These licences also have monitoring and reporting requirements for metals discharged to both water and atmosphere in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The Munmorah power station is not operating at present; however, should the station be refurbished, the operator is required to undertake a Water and Sediment Quality Study. The study will include an assessment of heavy metal levels within water discharged from the power station as well as current levels within the sediment of Lake Budgewoi. Further information regarding the study's requirements is provided in the approval conditions available from the Department of Planning's website at: <http://majorprojects.planning.nsw.gov.au/files/61469/01.%20Project%20Approval.pdf>

The Department of Environment, Climate Change and Water has a regulatory program that includes unannounced audits of industry sectors, including the power industry. At the completion of the sector audit, a specific report is produced. Further information regarding the audit program can be found on the Department of Environment, Climate Change and Water's website at: <http://www.environment.nsw.gov.au/licensing/complianceaudit.htm>

Should you require any further information on these matters, please contact Gary Davey, Director, North East Branch on 6659 8230.

Yours sincerely

GREG SULLIVAN
Deputy Director General
Environment Protection and Regulation

7.6 Warnervale Town Centre Progress Report February 2011

TRIM REFERENCE: F2004/00535-08 - D02491291
AUTHOR: Danielle Dickson, Manager Major Projects
MANAGER: Michael Whittaker; General Manager

SUMMARY

The Council has requested a monthly update on the progress of the Warnervale Town Centre project. The attached report shows the current status of the Warnervale Town Centre project for the month of February 2011.

RECOMMENDATION

That Council receive the report on Warnervale Town Centre Progress Report February 2011.

MAJOR MILESTONES ACHIEVED FOR THIS MONTH*

Biocertification Methodology

The Minister for the Department of Environmental Climate Change & Water has signed off Councils biocertification methodology.

Heath Wrinklewort Reserve

Council has successfully negotiated with the Department of Environment Climate Change & Water and with Lands Property Management Authority to be the prescribed authority over the lands known as Heath Wrinklewort Reserve.

ATTACHMENTS

- 1 Warnervale Town Centre Progress Report - February 2011 D02522748

1 ITEMS FOR WHICH COUNCIL HAS RESPONSIBILITY:

| # | ITEM DESCRIPTION | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---------|--|--------------------------|------------|---|-------------------------------|--|
| a | Biodiversity Certification Assessment for the Warnervale Town Centre | | | Methodology signed off Next Steps – <ul style="list-style-type: none"> • Public Exhibition • Gazettal | Dependant on others | <ul style="list-style-type: none"> • Council received notification from the Department of Environment, Climate Change & Water (DECCW) that the Minister has signed off Council's biocertification methodology |
| b W) | Assessment of the Viability of Units within the Warnervale Town Centre | | Commenced | <ul style="list-style-type: none"> • Background analysis complete • Brief for consultant to be prepared | Consultant engaged March 2011 | <ul style="list-style-type: none"> • Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. This assessment is ongoing. Once the amended DCP is placed on exhibition this action will be completed. Assessment of lot sizes will be reviewed in phase two of the Warnervale Delivery Strategy commencing in March 2011. |
| c | Amendments to Warnervale Town Centre Development Control Plan 2008 (DCP) | | | | Dependant on others | <ul style="list-style-type: none"> • DoP are reviewing Council's DCP amendments prior to re-exhibition |
| d | Preparation of Warnervale Town Centre Public Domain Plan | Internal Staff Resources | | | | <ul style="list-style-type: none"> • The Warnervale Town Centre DCP requires the consent authority to prepare a Public Domain Plan • Council has prepared a Project Management Plan to prepare the Public Domain Plan internally, with some external assistance with design drawings. • Plan based on DCP and focussed on controls, guidelines and examples. Revisions being made based on feedback from staff. • The public domain plan is inclusive of the DCP amendments. |

| # | ITEM DESCRIPTION | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---|---|--------------------------|------------|----------------------------------|--|--|
| e | Water & Sewer Infrastructure (southern side of ridgeline) | | | | | |
| | i Design | Internal Staff Resources | Commenced | 100% for sewer and 90% for water | Sewer - January 2011 Water - January 2011 | <ul style="list-style-type: none"> Council is proceeding with investigation and design of both the water and sewer component of this project. <ul style="list-style-type: none"> Trunk water: Temporary Water pump station in Nikko Rd and the delivery main detail design is nearing completion. Trunk sewer: Design of the sewer gravity main to SPS C13 has been completed and tender documents are being finalised. |
| | ii Construction | | | | | <ul style="list-style-type: none"> Construction tenders to be called: <ul style="list-style-type: none"> Sewer infrastructure construction: March 2011. Water infrastructure construction: March 2011. |
| f | Water & Sewer Infrastructure (northern side of ridgeline) | | | | | <ul style="list-style-type: none"> Northern side of the ridge will not have sewer infrastructure until at least 2020, but interim options using a developer-funded temporary pump station could be pursued if necessary. |
| g | Section 94 Development Contributions | Internal Staff Resources | Commenced | 90% | | <ul style="list-style-type: none"> Section 94 development contributions will levy residential lots in the capped \$30,000 per lot in the town centre. Retail /commercial precincts will be based on a per hectare basis. It is proposed to finalise the draft Section 94 Plan and brief Councillors on its content and seek approval to exhibit 2011. The draft S94 is to be reported to Council in March 2011. Council must then seek approval from the Department of Planning to exhibit the draft plan. It is expected that the Section 94 Plan could come into force by June 2011. |

| # | ITEM DESCRIPTION | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---|---|-----------|------------|---------------|--|---|
| h | Community Facilities | | | | | The Social Planning Team in conjunction with the NSW Department of Premier and Cabinet and the Human Services Planning Team have commenced the design brief for the Knowledge Centre. Due to the level of Section 94 fund availability the key elements and functions of the remaining community facilities (Integrated Child and Family Centre, Arts and Cultural Centre and Youth Space) will be incorporated into the Knowledge Centre. |
| i | Integrated Water Cycle Management (IWCM) – Porters Creek Catchment Stormwater Harvesting Scheme | | | | Revised Concept Design completed February 2011 and recommended for Council endorsement March 2011. | <ul style="list-style-type: none"> In order to manage downstream wetland hydrology, storm water harvesting infrastructure is required. To this end, Council has prepared the Porters Creek Stormwater Harvesting Scheme for the catchment area. A review of the project was completed in February 2011 with a revised Scheme Concept Design recommended for Council endorsement in March 2011. The Scheme will cover Warnervale Town Centre, Wyong Employment Zone and Precinct 7A and is planned to be fully funded from the Section 94 contributions from these areas. |

2 ITEMS FOR WHICH COUNCIL HAS PARTIAL RESPONSIBILITY AND/OR A FACILITATION ROLE:

| # | ITEM DESCRIPTION | RESPONSIBLE AUTHORITY | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---|---|-----------------------|-----------|------------|---------------|----------------------|---|
| a | Main Access Road Intersection of Sparks Road | | | | | | <p>Council is currently reviewing cost sharing and deed agreements with the land owners.</p> <ul style="list-style-type: none"> The RTA has designed a concept plan for this intersection, and GHD has prepared a design for the intersection as part of the Main Access Road design consultancy. Council has provided comments to RTA on this design. Council has written to the Federal Government seeking funding assistance for this intersection. No agreement has been reached to the funding of the intersection |
| b | Private Sector Development | | | | | | |
| | i Landcom | | | | | | <ul style="list-style-type: none"> Landcom is preparing a Development Application for approximately a 150-lot residential subdivision. This subdivision is likely to be staged. |
| | ii Woolworths | | | | | | <ul style="list-style-type: none"> A Part 3A Major Project Application has been lodged to the DoP. Director General Requirements for Woolworths Part 3A |

| # | ITEM DESCRIPTION | RESPONSIBLE AUTHORITY | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---|------------------|-----------------------|-----------|------------|---------------|----------------------|---|
| | | | | | | | Application have been issued by DoP. Awaiting lodgement of application with the Department of Planning |
| | iii Yeramba | Yeramba Estates | N/A* | Commenced | 10% | TBD | <ul style="list-style-type: none"> Yeramba Estates is preparing a Development Application for approximately a 98-lot residential subdivision. DA to be determined by Council. |

| # | ITEM DESCRIPTION | RESPONSIBLE AUTHORITY | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|---|---|-----------------------|--------------------------------|------------|---------------|-----------------------------|--|
| c | North Warnervale Railway Station | | | | | | |
| | i Development Application (DA/261/2005) | Council / RailCorp | Internal Staff Resources- N/A* | Commenced | 90% | Uncertain waiting on others | <ul style="list-style-type: none"> A Development Application (DA/261/2005) for the North Warnervale Railway Station has been lodged with Council. Due to the potential impacts on the Wyong Daisy population, Council cannot approve the DA without DECCW concurrence. A Plan of Management (PoM) specifically regarding the Wyong Daisy Reserve is needed prior to concurrence being considered by DECCW. RailCorp is finalising the PoM, and updating the Statement of Environmental Effects and DA plans to reflect the current DCP and to integrate with the proposed Woolworths development and the Main Access Road. On 30 July 2010, Council advised RailCorp that a review of the costings provided in the draft Plan of Management had been undertaken and that Council accepts the cost estimate of \$514,000 with the addition of a further \$50,000 for Council |

| # | ITEM DESCRIPTION | RESPONSIBLE AUTHORITY | EST. COST | START DATE | WORK COMPLETE | EST. COMPLETION DATE | COMMENTS |
|----------|--|-------------------------|------------------|------------|---------------|----------------------|---|
| | | | | | | | <ul style="list-style-type: none"> project management costs. RailCorp has not yet submitted the final Plan of Management, Statement of Environmental Effects or revised plans. |
| | ii Construction | RailCorp / NSW Treasury | c. \$40 million* | 2012 | 0% | 2015/16 | <ul style="list-style-type: none"> No funding has been set aside for this item by the State Government. The State Government has released the draft Central Coast Regional Transportation Strategy for comment. The draft Strategy identifies a commencement date for the railway station of 2012 and completion of construction by 2015/16. |
| d | Electricity Connection / Substation | | | | | | |
| | i Design of Substation | Energy Australia | N/A* | Commenced | 50% | TBD | <ul style="list-style-type: none"> Energy Australia (EA) to construct electricity substation to service additional loads – this may take 2-3 years to construct. However, interim arrangements can be made in the meantime, by drawing additional loads from existing Charmhaven and/or Wyong substations. Meetings have been held with EA to determine issues to be addressed. Woolworths, Landcom, Yeramba Estates are to discuss the electricity loads required and delivery timeframes. |
| | ii Construction of Substation | Energy Australia | c. \$20 million* | TBD | 0% | TBD | <ul style="list-style-type: none"> Interim arrangements may involve drawing additional loads from existing Charmhaven and/or Wyong substations. |

* State Government Agencies / Private Sector costs unknown.

7.7 Central Coast Mariners - Update

TRIM REFERENCE: F2004/07942 - D02527095

AUTHOR: Bronwyn Rumbel; Manager Economic Property Development

MANAGER: David Jack, Director Corporate Services

SUMMARY

Progress report on Central Coast Mariners' sponsorship.

RECOMMENDATION

That Council receive the report on Central Coast Mariners - Update.

On 1 October 2010 a Sponsorship Agreement between Wyong Shire Council and Central Coast Mariners was signed by the chief executive officers of both organisations. (This was reported to Council in Item 10.2 on 22 September 2010.)

Parts 8 and 9 of the Sponsorship Agreement outline the deliverables and reporting required from the Central Coast Mariners.

The Central Coast Mariners have met the requirements for their final progress payment and a checklist with status comments is attached.

ATTACHMENTS

- | | |
|---|-----------|
| 1 Checklist and Status Comments for Mariners 2010-11 Sponsorship Agreement - Payment 4 | D02530823 |
|---|-----------|



CHECKLIST and STATUS COMMENTS for MARINERS 2010-11 SPONSORSHIP AGREEMENT –

Payment 4

Payment Schedule

Four (4) by \$25,000 (ex GST) payments. Invoices shall be presented by CCM:-

| Due Date | Date Paid |
|--|------------------|
| 1. Within fourteen days of signing this agreement. | 11 October 2010 |
| 2. 15 October 2010 | 29 October 2010 |
| 3. 15 December 2010 | 20 December 2010 |
| 4. 15 February 2011 | |

Payments will be subject to the achievement of deliverables as listed below.

CCM Deliverables:

| Branding and Signage | Status Comment |
|---|----------------|
| CCM to place Central Coast brand on the front of the home and away team playing shirts for the 2010-11 A-League Season. | Completed |
| CCM to place WSC Corporate branding on the back left leg of the home and away playing shorts for 23 games of the regular A-League Season. | Completed |
| CCM to place Central Coast brand on all team training apparel for the 2010-11 A-League Season. | Completed |
| CCM to place Central Coast brand co-branding with CCM on media interview back drop. | Completed |



| | |
|---|-----------|
| CCM to display Central Coast brand prominently on CCM website homepage. | Completed |
| CCM to place Central Coast brand on all CCM publications, programs and stationery. | Completed |
| CCM to place Central Coast brand on all CCM pre-match and general advertising in print and where possible radio and television media for 2010-11 A-League home games. | Completed |
| <p>CCM to place stadium signage at CCM 2010-11 A-League Home Games at Bluetongue Central Coast Stadium as follows:</p> <ul style="list-style-type: none"> o One (1) x Wyong Shire corporate sign (6.0metres x 0.91 metres) inside the TV arc at Bluetongue Central Coast Stadium for 11 CCM controlled Hyundai A-League 2010-11 Season home games. o Four (4) x Central Coast corporate signs (6.0 metres x 0.91 metres) inside the TV arc at Bluetongue Central Coast Stadium for all CCM controlled Hyundai A-League 2010-11 Season home games. o Provide priority rights for stadium signage opportunities at Hyundai A-League finals series matches involving CCM. | Completed |



| Youth | Status Comment |
|--|--|
| CCM to establish by 31 October 2010, a Junior Membership Program providing free Mariners' season passes to all Central Coast Football registered players aged 16 years and under. | Completed - August 2010. |
| CCM to establish by 31 October 2010 'Mariners Active', schools development program which will include approximately 320 school visits by Mariners staff who will engage approximately 20,000 Wyong Shire girls and boys in an active mind and lifestyle program (a total of 40,000 children across the Central Coast). | Completed Total for Term 4 – 23 Schools, 78 Mariners' Active sessions and 2,496 participants. |
| CCM to run three School Gala Days in calendar year. School Gala days to be held in March each year for Years 3/4, August each year for Years 4/5, and December each year for Year 6 students. Gala Days are to be held at EDSAAC Bateau Bay (or Budgewoi Soccer Club if EDSAAC is unavailable). | A Gala Day was held on Friday 26 November. 8 schools participated with a boys and girls team represented from each school (16 teams in total). 5 of the schools were from Wyong Shire. |
| CCM to continue to support the Central Coast Academy of Sport's Mariners Youth Academy for 13-16 year olds and its football program. CCM to continue to conduct program in conjunction with the Central Coast Academy of Sport. CCM to provide all coaching services and operational support for the program. | Program underway and continuing. |



| Women's Football | Status Comment |
|--|--|
| CCM will use their best endeavours to place a local team (with local players) in the 2011-12 Women's League. | Discussions held with Football Federation Australia and on track for a women's team to be entered in the 2011-12 season. |
| CCM to retain Central Coast Football's (CCF) support for a CCM Women's team in the 2011-12 NSW Women's League. | Several meetings have been held with CCF and support granted. |
| CCM to continue to advocate and give full support to the NSW Women's League. | On track. |
| CCM to provide a copy of strategy document in regards to placing a local team in 2011-12 Women's League by 30 November 2010. | <p>Completed, document supplied.</p> <p>CCM is working closely with both CCF and FFA to ensure the CCM WWL team re-enters the National League in 2011.</p> <p>CCM will engage high profile female athletes to work in administrative and technical functions to enhance the profile of football for girls and women on the Central Coast.</p> <p>A Technical Director specific to women's football on the Central Coast is to be appointed in the near future.</p> |



| Community Awards and Promotion | Status Comment | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-------------|----------|-------------|--------------------------|--------------|------------------|--------------|-------------------|-----------|------------|------------|-------------------------|------------|---------------------------|------------|--------------------|-----------|----------------|------------|----------|------------|--------|------------|------------------------------------|
| CCM to supply two (2) x autographed official CCM playing shirts and related memorabilia for promotional purposes for local community awards by the end of the 2010-11 A-League Season. | Completed. | | | | | | | | | | | | | | | | | | | | | | | | |
| CCM to provide priority booking rights at all CCM controlled events for Council recommended Community Groups. | Completed. | | | | | | | | | | | | | | | | | | | | | | | | |
| CCM to provide twenty (20) free general admission tickets for 12 home games to school, youth, seniors or other community groups, as determined by WSC. | <p>On track.</p> <p>Tickets provided for the following games:</p> <table border="0"> <tr> <td>Fri 10 Sept</td> <td>Hopetown</td> </tr> <tr> <td>Sat 2nd Oct</td> <td>Ngura (indigenous youth)</td> </tr> <tr> <td>Sun 21st Nov</td> <td>Seniors' Council</td> </tr> <tr> <td>Sun 28th Nov</td> <td>Breakfast Program</td> </tr> <tr> <td>Sat 4 Dec</td> <td>Men's Shed</td> </tr> <tr> <td>Wed 22 Dec</td> <td>Horizons Family Support</td> </tr> <tr> <td>Sun 26 Dec</td> <td>Graffiti Forum - San Remo</td> </tr> <tr> <td>Fri 31 Dec</td> <td>Together 4 Toukley</td> </tr> <tr> <td>Sun 9 Jan</td> <td>"The Italians"</td> </tr> <tr> <td>Wed 12 Jan</td> <td>Landcare</td> </tr> <tr> <td>Sun 23 Jan</td> <td>WyCare</td> </tr> <tr> <td>Sun 13 Feb</td> <td>Northern Wyong Settlement Services</td> </tr> </table> | Fri 10 Sept | Hopetown | Sat 2nd Oct | Ngura (indigenous youth) | Sun 21st Nov | Seniors' Council | Sun 28th Nov | Breakfast Program | Sat 4 Dec | Men's Shed | Wed 22 Dec | Horizons Family Support | Sun 26 Dec | Graffiti Forum - San Remo | Fri 31 Dec | Together 4 Toukley | Sun 9 Jan | "The Italians" | Wed 12 Jan | Landcare | Sun 23 Jan | WyCare | Sun 13 Feb | Northern Wyong Settlement Services |
| Fri 10 Sept | Hopetown | | | | | | | | | | | | | | | | | | | | | | | | |
| Sat 2nd Oct | Ngura (indigenous youth) | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 21st Nov | Seniors' Council | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 28th Nov | Breakfast Program | | | | | | | | | | | | | | | | | | | | | | | | |
| Sat 4 Dec | Men's Shed | | | | | | | | | | | | | | | | | | | | | | | | |
| Wed 22 Dec | Horizons Family Support | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 26 Dec | Graffiti Forum - San Remo | | | | | | | | | | | | | | | | | | | | | | | | |
| Fri 31 Dec | Together 4 Toukley | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 9 Jan | "The Italians" | | | | | | | | | | | | | | | | | | | | | | | | |
| Wed 12 Jan | Landcare | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 23 Jan | WyCare | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun 13 Feb | Northern Wyong Settlement Services | | | | | | | | | | | | | | | | | | | | | | | | |
| CCM to provide one (1) x corporate suite that each seats twelve (12) people for three (3) home games in the 2010-11 A-League Season. Includes all premium food and beverages, match programs and four (4) reserved car spaces. WSC to determine local community, school, youth or seniors | <p>The following dates have been secured:</p> <p>4 Dec (v Sydney FC) – Presidents of Wyong Shire soccer clubs attended.</p> <p>23 Jan (v Sydney FC) – Representatives of The Entrance, Toukley and Wyong town centres attended.</p> <p>13 Feb (v Newcastle Jets) – Key investment stakeholders attended (organised by the General Manager).</p> | | | | | | | | | | | | | | | | | | | | | | | | |



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|---|------------------------|
| groups to attend. WSC dates to be 4 December 2010, 23 January 2011 and 13 February 2011. | |
| In conjunction with NSW Department of Industry and Investment, team and individual groups of players (of at least three) will be available (if required) for promotional appearances to support the Central Coast brand at home and away venues or WSC initiatives. | Available as required. |



| Reporting | Status Comment |
|---|--|
| CCM will provide to WSC, by 30 November 2010 a copy of CCM Audited 2009-10 Financial Statements. | Unable to supply at the moment as CCM accountant has had recent major heart surgery and this has delayed the process of finalising the audited accounts. However, draft financial accounts FYE 2010 have been supplied. It is anticipated that final sign off will occur in January 2011. The draft 2009-10 Balance Sheet shows an increase in net assets/equity of \$746,000, due to a capital injection of \$2.031m during the year, via issued capital. Equity at the end of 2009-10 stands at \$240,000, with total assets of \$2.3m and total liabilities of \$2.05m. |
| CCM will provide to WSC, by 30 November 2010 a list of current Shareholders and Board Members. | Completed, information supplied. |
| CCM will provide to WSC, by 30 November 2010 a written football development program for youth and women during 2010-11, to the satisfaction of WSC. | Completed, document supplied. |
| CCM will provide to WSC, by 30 November 2010 a progress report on the benefits and deliverables that WSC has received as part of their sponsorship. | Completed – checklist provided by CCM. |
| CCM will provide to WSC, by 31 January 2011 a progress report on the benefits and deliverables that WSC has received as part of their sponsorship, including, but not limited to, information on school gala days held, and progress reports on Mariners Active Program and Mariners Youth Academy. | Completed – checklist provided by CCM. |



| | |
|---|---------------------|
| CCM will provide to WSC, at the conclusion of the 2010-11 A-League Season by 30 th April 2011, a written report on the benefits and deliverables that WSC received as part of their sponsorship and a copy of the 2010-11 Season Review report to Football Federation Australia (FFA) including financial reports. | Not due at present. |
| CCM will provide to WSC a report on the media exposure of the "Central Coast" and "Wyang Shire Council" brands at the conclusion of the 2010-11 A-League Season by 30 th April 2011. | Not due at present. |

7.8 Central Coast Tourism - Update

TRIM REFERENCE: F2004/07096 - D02527094

AUTHOR: Bronwyn Rumbel; Manager Economic Property Development

MANAGER: David Jack, Director Corporate Services

SUMMARY

December quarter report from Central Coast Tourism.

RECOMMENDATION

That Council receive the report on Central Coast Tourism - Update.

On 1 September 2010 a Memorandum of Understanding between Wyong Shire Council and Central Coast Tourism was signed by the chief executive officers of both organisations. (This was reported to Council in Item 7.16 on 22 September 2010.)

Part 6 of the Memorandum of Understanding states the deliverables required from Central Coast Tourism.

As required in Section 6.5, Central Coast Tourism has provided the organisation with a copy of its Annual Business Plan.

Central Coast Tourism has now provided a report for the December quarter of progress against actions in the Destination Management Plan and tourism/event activity in Wyong Shire.

A copy of the quarterly report is included as an Enclosure to this business paper.

ATTACHMENTS

- | | |
|--|---------------------|
| 1 December Quarter Report - Progress against implementation of Destination Management Plan and promotion of tourism and events in Wyong Shire | Enclosure D02535903 |
|--|---------------------|

7.9 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2011/00027 - D02522302
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table of Outstanding Questions without notice & Notices of Motion - 9 March 2011 | D02522309 |
|---|---|-----------|

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|---|---|---|
| 1 | Environment and Planning Services | <p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee</p> <p><i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p> <ul style="list-style-type: none"> • <i>The Terms of Reference (charter, roles, responsibilities and function);</i> • <i>Possible membership</i> • <i>Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</i> | 9 September 2009 Cr Wynn / Cr Best | This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors - date of workshop to be determined. |
| 2 | Environment and Planning Services | <p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <ol style="list-style-type: none"> 1 <i>Staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i> 2 <i>Draft policy be written to apply to major residential, commercial and industrial development.</i> 3 <i>That the provisions of the policy include:</i> <ol style="list-style-type: none"> a <i>objectives relating to ensuring visual amenity is maintained;</i> b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i> c <i>a focus on buildings located within town centres and on major roads within the Shire.</i> 4 <i>Draft policy be reported back for consideration.</i> | 11 November 2009 Cr Best / Cr Webster | Draft policy to be reported to Council in March 2011. |
| 3 | Environment and Planning Services | <p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <ol style="list-style-type: none"> 1 <i>Recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in cases.</i> 2 <i>Report required on the establishment of a Mediation process/planning disputes.</i> | 10 February 2010 Cr Eaton / Cr Graham | Report being prepared for a Council meeting in March 2011 |
| 4 | Environment and Planning Services | <p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <ol style="list-style-type: none"> 1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i> 2 <i>Text of the letter be endorsed by Council.</i> | 24 February 2010 Cr Eaton / Cr Graham | Affected properties identified. Report to Council to be provided for a meeting in April 2011. |

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|--|--|---|
| 5 | Community and Recreation Services | <p>7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)</p> <ol style="list-style-type: none"> 1 <u>Build partnerships with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document.</u> 2 <u>Consider the inclusion of this scheme in the 2011 – 2012 Management Plan or during the Quarterly Review if the opportunity arises.</u> 3 <u>Advertise the Scheme widely multiple times throughout the year.</u> 4 <u>Staff develop a set of guidelines for consideration of these projects and submit to Council for adoption.</u> | 12 May 2010 Cr Wynn / Cr Vincent | Consultation will occur and be completed by end February 2011 and a report to Council in March 2011. |
| 6 | Major Projects | <p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p><u>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</u></p> | 12 May 2010 Cr Eaton / Cr Best | Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. This assessment is in progress, which has an impact on the DCP amendments. |
| 7 | Environment and Planning Services | <p>8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes</p> <p><u>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</u></p> | 14 July 2010 Cr Wynn / Eaton | Report will be presented to Council subject to confirmation of a briefing date. |
| 8 | Community and Recreation Services | <p>10.2 – Notice of Motion – San Remo Xtreme Sports Park</p> <ol style="list-style-type: none"> 1 <u>Consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport.</u> 2 <u>Following initial community consultation conduct an on-site meeting.</u> 3 <u>Consider a report on the outcome of the above, including the financial and recourse implications to Council.</u> | 25 August 2010 Cr McBride / Wynn | Discussions with stakeholders have been held during January 2011. These include Delta, San Remo Neighbourhood Centre, Links and YMCA. Briefing to the new Manager, Sport Leisure & Recreation as well as research into existing facilities and documentation is being undertaken prior to being able to report back to Council. It is anticipated that the report to Council will be submitted in April 2011. |

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|--|--|--|
| 9 | Infrastructure Management | <p>8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling</p> <p>1 <i>Introduce a fluorescent light globe and battery recycling program for a 1 year trial and report is to come back outlining the success or otherwise of the program and its cost.</i></p> <p>2 <i>Enable this recycling to occur by providing suitable collection sites</i></p> | 8 September 2010 Cr Wynn/ Vincent | <p>The project is part of the Waste and Sustainability Improvement Payment (WaSIP) program. Implementation of this collection service is planned to commence during February 2011. It is part of a larger high-risk waste collection and recycling project that will also include electronic waste.</p> <p>A report will be submitted to Council once the feasibility of this program has been investigated.</p> |
| 10 | Community and Recreation Services | <p>8.2 Notice of Motion – Acknowledgement of the Darkinjung People</p> <p><i>Defer this item to allow time to further consider this matter and receive further information.</i></p> | 27 October 2010 Cr Graham / Cr Eaton | Information on traditional custodians of lands and acknowledgment of country to be presented at a Councillor Briefing that is scheduled for March - June 2011. |
| 11 | Environment and Planning Services | <p>2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age</p> <p><i>Adopt a strategic target of creating 5,000 local jobs over 10 years. The following strategies would be involved in reaching this target:</i></p> <p>a <i>Establish a register of sites appropriate for development of aged housing.</i></p> <p>b <i>Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</i></p> <p>c <i>Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i></p> <p>d <i>In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i></p> <p>e <i>Reviewing Council owned sites for possible aged housing including the Warrnvale Country Music site.</i></p> <p>f <i>Work with local registered clubs to encourage their participation.</i></p> <p>g <i>Call for expressions of interest to form an expert panel to advise Council on this initiative.</i></p> | 10 November 2010 Cr Eaton | <p>Landuse Planning and Policy are working with Major Projects Section to develop a project outline. Resolutions (b) and (c) to be implemented as part of the Comprehensive LEP and DCP 2011 process.</p> |

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|---|---|---|
| 12 | Corporate Services | <p>9.1 - Notice of Motion – Women’s Committee</p> <p>1 <u>Include</u> consideration of a Status of Women Committee during their deliberations on the whole committee structure.</p> <p>2 <u>Consider</u> participation / membership to include Councillors, staff and community reps.</p> | 10 November 2010 Cr Matthews / Cr Webster | This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors - date of workshop to be determined. |
| 13 | Environment and Planning Services | <p>9.2 - Notice of Motion – Lot 1 DP 450166 Main Road, Toukley</p> <p>1 Council reiterate on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally know as the Toukley Taj Mahal on Lot 1 DP 450166, Main Road, Toukley at the bridge.</p> <p>2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development:</p> <p>a Council <u>proceed</u> to issue a formal Order for completion.</p> <p>b Council’s legal counsel <u>investigate</u> any other avenues to achieve completion.</p> <p>c Should the owners not comply with the terms of the Order upon its expiry, Council <u>commence</u> legal action in the Land and Environment Court.</p> | 10 November 2010 Cr Best / Cr McNamara | The owner of the property, Evensay Pty Ltd, has commenced appeal proceedings in the Land and Environment Court of NSW. The proceedings are first listed before the Court on 21 March 2011. Evensay Pty Ltd seeks an Order that the S.121B Order be revoked, or, in the alternative, modified. |
| 14 | Infrastructure Management | <p>11.2 – Notice of Motion – Drains along Long Jetty Foreshore</p> <p>1 <u>Research</u> the potential to develop a program similar to “Adopt a Road” within the Shire.</p> <p>2 <u>Refer</u> the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration.</p> <p>3 <u>Express</u> its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme.</p> | 24 November 2010 Cr Graham / Cr Webster | Council to investigate the environmental, social, governance & economic potential for a program to provide maintenance responsibility for specific stormwater drains within the Shire. Investigations are to be made available for the February meeting of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration. A thank you letter sent to Messrs Darlington, Bond and Bevege. |

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|--|------------------------------------|--|
| 15 | Community and Recreation Services | <p>8.2 – Notice of Motion – Graffiti Outrage</p> <p>1 <u>Recognise</u> the significant efforts to date by staff, business and the broader community.</p> <p>2 <u>Concludes</u> that further and fresh initiatives be considered in response to this vandalous behaviour.</p> <p>3 <u>Urgently make representation</u> to our respective State Members highlighting this Community's utter frustration.</p> <p>4 <u>Endeavour</u> to take a whole of community approach to this social assault through formally tabling an appropriate resolution at the upcoming LGSA Annual Conference.</p> <p>5 <u>Recognise</u> the significant efforts by staff and the Northern Wyong Graffiti Forum.</p> <p>6 <u>Continue</u> to support the initiatives of the community "Draft" Graffiti Strategy" and relevant forums in community education, youth engagement and provision of graffiti removal materials.</p> <p>7 <u>Support</u> the implementation of the forums' initiative for provision of two pilot relocatable CCTV across the Shire.</p> <p>8 <u>Note</u> that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representative to programs to combat graffiti such as: *Graffiti trailer, *Posters *Supply of removal kits for residents, * Development of Council Shirewide strategy, *National Graffiti Action Day, * Rapid removal program</p> | 9 February 2011 Best / McNamara | <p>1 Staff and community members have been sent a letter of recognition.</p> <p>2 Issue to be raised at next Northern Wyong Graffiti Forum to be held Tuesday 24 February 2011.</p> <p>3 Correspondence has been sent to State members asking them to assist with law enforcement. A councillor update will be provided when a response is received.</p> <p>4 This item has been listed as a Motion proposed for submission to the upcoming LGSA Annual Conference</p> <p>5 A letter has been forwarded to the Northern Wyong Graffiti Forum.</p> <p>6 Support will be ongoing on the initiatives of the "Draft" Graffiti Strategy.</p> <p>7 Staff to investigate a pilot program of relocatable CCTV cameras to combat graffiti.</p> <p>8 Noted and included in correspondence to acknowledge community members and forums for their involvement.</p> |
| 16 | Infrastructure Management | <p>8.3 – Notice of Motion – Myrtle Rust Epidemic</p> <p>1 <u>Receive</u> a report on what steps have been taken to date to combat the pending epidemic of Myrtle Rust, that could result in devastating our local flora and associated industries and their supporting employment.</p> <p>2 <u>Seek</u> advice from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy to ensure the survival of these iconic Australian species.</p> | 9 February 2011 Best / Wynn | A timeline of Councils involvement in the Myrtle Rust issue has been developed. A report to Council is being drafted for a meeting of Council in March 2011 |

| No | Department | Question Asked / Councillor | Meeting Asked | Status |
|----|-----------------------------------|---|------------------------------------|--|
| 17 | Environment and Planning Services | Q113/10 - Policing Resources | 8 December 2010 Cr Best | Response to be provided for a meeting in April 2011. |
| 18 | Environment and Planning Services | 11.1 – Notice of Motion – Change of LEP Zonings for Schools, Hospitals and Public Facilities <i>Council express its concern regarding the State Government's policy to force Councils to change the zoning of schools, hospitals and public facilities.</i> | 23 February 2011 Eaton / Wynn | Letter to be prepared, as soon as a response is received it will be reported to Council. |
| 19 | Infrastructure Management | 11.2 - Notice of Motion – Improved Taxi Services <i>Council invite NSW Taxi Council and Central Coast Taxicab to brief Council on their service delivery model and plans for future improvement.</i> | 23 February 2011 Best / Webster | Initial discussions have been undertaken with NSW Taxi Council and Central Coast Taxicab – date of briefing yet to be determined. |
| 20 | Community and Recreation Services | Q114/11 – Memorandum of Understanding with Department of Housing <i>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</i> | 23 February 2011 Cr Best | A draft Memorandum of Understanding has been developed and circulated for staff comment. Anticipate final draft by the end of March. |
| 21 | Environment and Planning Services | Q115/11 – Increase in Traffic due to Disability Facility on Louisiana Road <i>Clarity to how the construction of Casurina Grove (Disability Facility) occurred with little to no road improvements to Louisiana Road nor any upgrade to Pacific Highway intersection. As safety is a priority why have no upgrades occurred?</i> | 23 February 2011 Cr Best | Response to be provided for Council's meeting on 23 March 2011. |

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

| Question without Notice / Notice of Motion | Date Asked/ Councillor | Outcome |
|--|--|---|
| <p>10.1 Notice of Motion - Efficiencies and Power Pricing Options</p> <p>1 <i>Note with great concerns the alarming escalation of electricity pricing and the financial impact.</i></p> <p>2 <i>As a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia.</i></p> <p>3 <i>Seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.</i></p> <p>4 <i>Staff report to Council on options, initiatives and recommendations arising from the above.</i></p> <p>5 <i>Staff report to Council on the affect on energy bills of installation of smart meters. .</i></p> | <p>13 October 2010 Cr Best/ Wynn</p> | <p>Letters written to the Minister for Energy re Items 1 and 3 and to Energy Australia seeking a meeting re items 2, 4 and 5. No replies have yet been received. Reports to Council will follow after replies are received and requested meetings have been held.</p> |

9 March 2011

To the Ordinary Meeting

Councillor

8.1 Notice of Motion - Drains along Long Jetty Foreshore

TRIM REFERENCE: F2004/06937 - D02528306

AUTHORS: Bob Graham; Councillor

Councillor Graham has given notice that at the Ordinary Meeting to be held on 9 March 2011 he will move the following Motion:

- "1 That the Council acknowledge the potential environment and social benefits of establishing an "Adopt a Drain" program.*
- 2 That the Council acknowledge the safety, insurance and resourcing issues of establishing such a program and therefore recommend that consideration be given to establishing such a program under the auspices of its existing Landcare model.*
- 3 That Council recommend that a further report be provided outlining the additional resource required within the Landcare section to enable it to establish an 'Adopt a Drain' program and options for funding the required resource."*

9 March 2011

To the Ordinary Meeting

Councillor

8.2 Notice of Motion - New Dredge purchased by the State Government for use in Lake Macquarie

TRIM REFERENCE: F2008/02368 - D02531263

AUTHORS: Bill Symington; Councillor

Councillor Symington has given notice that at the Ordinary Meeting to be held on 9 March 2011 he will move the following Motion:

“That Council confirm with Mr Robert Coombs MP, Member for Swansea, that the new dredge that has been purchased by the State Government for use in Lake Macquarie, will be made available as needed, to carry out dredging works in Boat Harbour channel and other locations where Wyong Shire has frontage to Lake Macquarie as appropriate.”

COUNCILLORS NOTE

Wyong Council allocated approximately \$95,000 in 2010 for the dredging of the Boat Harbour channel.

9 March 2011

To the Ordinary Meeting

Councillor

8.3 Notice of Motion - Closure of Warnervale Rail Station

TRIM REFERENCE: F2004/06709 - D02531250

AUTHOR: Greg Best; Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on Wednesday 9 March 2011 he will move the following Motion:

“That further to recent community concerns regarding the State Government’s possible closure of the current Warnervale Rail Station on or prior to the completion of the Town Centre Station, 1.55 km north of the existing station, Council make urgent representation to the new State Minister seeking clarity on the retention or closure of this economically vital transport and business infrastructure.

Further Council also seek State funding assistance to provide an appropriate road overpass to the existing dangerous road/rail crossing at the current Warnervale Station (the only road/rail crossing in the Shire).”