



Vera's Water Garden at The Entrance turned pink recently, as the community celebrated the Central Coast's water storage levels reaching 50 per cent. The milestone was celebrated with cake, face painting, arts and craft and pink water - the Cancer Council also raised more than \$200 on the day.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

13 March 2013

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MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 13 MARCH 2013 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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9 QUESTIONS ON 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 Disclosure of Interest

TRIM REFERENCE: F2013/00023 - D03276256

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

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.

ATTACHMENTS

Nil

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2013/00023 - D03276414

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

There were no inspections scheduled for the March 2013 Ordinary Meeting at the time of printing the business paper.

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

Time	Topic	Summary	Presented by
12.00pm - 12.30pm	North Wyong Industrial Planning Proposal	Status update on the North Wyong Industrial Planning Proposal	Land Management Martin Johnson
12.30pm - 1.30pm	Tender Assessment Process	To provide information to Councillors on the tender assessment process, as well as advice on the Local Preference Policy.	Infrastructure Management Mary-Ellen Wallace
1.30pm - 2.00pm	Rural fire Fighting Fund Estimate 2013/14	To brief Councillors on the RFS program	Infrastructure Management Rob Fulcher David Lemcke
2.00pm - 2.30pm	Local Government Review Panel	Present to Councillors on the Local Government Review Panel	GM Unit Stefano Laface
2.30pm - 3.00pm	DA/Rezoning Process Improvements	To make recommendations aimed at improving DA/Rezoning processing times improving Council's responsiveness in the decision making process	Development and Building Lin Armstrong Peter Fryar
3.00pm - 3.30pm	Business paper discussion	Nil	Nil
3.30pm - 4.00pm	Councillor Discussion	At the conclusion of the scheduled briefings issues raised by Councillors will be discussed on an informal basis at the discretion of the Mayor	Mayor

Briefings proposed for future meetings of Council are attached.

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Community Precinct Committees	Community and Recreation Services		27/03/2013
Precinct 7A Masterplan - Feedback following exhibition	Land Management	March	27/03/2013
Quality of Life Study	Community and Recreation Services	March	27/03/2013
CSP & Strat Plan	GM Unit		10/04/2013
Bateau Bay and Lake Haven Draft Masterplan	Land Management	April	24/04/2013
Q3 2012/13	GM Unit		22/05/2013
Q4 2012/13	GM Unit		28/08/2013
Q1 2013/14	GM Unit		27/11/2013
Comprehensive LEP, DCP & Settlement Strategy post exhibition	Land Management	April	
Urban Design Principles & Concepts	Land Management	April	
RZ/7/2009 Chittaway road Rezoning	Land Management	May	
Bushfire works plan	Land Management	March	
Iconic Site No 16 - 216-222 Main Road & Rowland Terrace Toukley	Land Management	May	
Rezoning - 223 Scenic Drive Colongra	Land Management	March	
Retail Strategy Review	Land Management	March	
Natural Resources Management Strategy	Land Management	August	
Biodiversity Management Plan	Land Management	January	
Central Coast Taxis	Land Management	March	
Customer Service Review	Community and Recreation Services	July	

1.3 Address by Invited Speakers

TRIM REFERENCE: F2013/00023 - D03276428

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

The following person has been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Andrew Dash <i>Speaking in favour of the motion</i>	Repeated Flooding of Tuggerah Businesses	172	5 mins

RECOMMENDATION

- 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.***

Nil

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D03281529

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Laura Annesley; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 27 February 2013.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 27 February 2013.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 27 February 2013 D03279028

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 27 FEBRUARY 2013
COMMENCING AT 5:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Acting Director Development and Building, Acting Director Land Management, Director Infrastructure and Operations, Director Community and Recreation Services, General Counsel, Manager Integrated Planning, Manager Human Resources, Chief Financial Officer Communications and Marketing Coordinator and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.03 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Graham. This apology was noted.

At the commencement of the ordinary meeting report numbers 5.10, 1.1, 1.2 and 6.6 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

5.3 Rural Fire Fighting Fund Estimate 2013/4

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Service.

Councillor Troy stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty".

U1/13 Motion of Urgency – Louisiana Road and Pacific Highway Intersection Safety Risks

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of NSW Police and participated in consideration of this matter.

Councillor Greenwald stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty”.

U1/13 Motion of Urgency – Louisiana Road and Pacific Highway Intersection Safety Risks

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, Member for Wyong.

Councillor Nayna stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty”.

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor NAYNA:

158/13 That Council receive the report on Disclosure of Interests and note the advice of the disclosures.

1.2 Proposed Inspections and Briefings

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

159/13 That Council receive the report on Proposed Inspections and Briefings.

PROCEDURAL MOTION

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

160/13 That Council allow meeting practice to be varied.

161/13 That Council use the exception method to deal with the balance of the Agenda.

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

162/13 That with the exception of report numbers 2.1, 2.2, 2.3, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.11, 6.5 and 6.6 Council adopt the recommendations contained in the remaining reports.

1.3 Address by Invited Speakers

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

- 163/13 That Council receive the amended report on Invited Speakers.
- 164/13 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

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

- 165/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 February 2013.

Business Arising

There was no business arising.

2.1 DA 1086/2012 - Proposed Dwelling and Secondary Dwelling at Charmhaven

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

- 166/13 That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 167/13 That Council vary the section 94 contributions to 35% of a DU in accordance with Council's current interim policy.

FOR: COUNCILLORS BEST, EATON, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.2 DA 32/2013 Detached Secondary Dwelling at Tumbi Umbi

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

168/13 That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

169/13 That Council vary the section 94 contributions to 35% of a DU in accordance with Council's current interim policy.

FOR: COUNCILLORS BEST, EATON, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.3 DA/815/2012 - Alterations and Additions at 73 McDonagh Road, Wyong

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

170/13 That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

171/13 That Council vary the section 94 contributions to 35% of a DU in accordance with Council's current interim policy.

FOR: COUNCILLORS BEST, EATON, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.1 Proposed Telstra Telecommunications Facility at Lot 150 DP 263470, Thomas Walker Drive, Chittaway Bay

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

172/13 That Council endorse, as owner of Lot 150 DP 263470 at Thomas Walker Drive, Chittaway Bay, a development application by Aurecon, on behalf of Telstra Corporation Ltd to construct a telecommunication facility on part of the land.

173/13 That Council emphasises, for the public record, that its endorsement of the Development Application (as the landowner) must not be interpreted in any way whatsoever as support, or otherwise, for the determination of any Development Application by Council.

4.1 CPA/214104 - Air Conditioning Maintenance Services

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor TROY:

- 174/13 That Council accepts the tender from the company nominated as Tenderer No 7 in the attached Tender Evaluation Report, for a period of up to three (3) years (including an option for Council to extend the Contract for a further 2 years) for Contract CPA/214104 – Air Conditioning Maintenance Services. The estimated total expenditure against this contract is \$311,355.00 (excl GST); however actual expenditure may vary significantly with fluctuations in demand.
- 175/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.
- 176/13 That Council approve the contract budget sum as detailed in the Recommendation of the Tender Evaluation Report in Attachment A.
- 177/13 That Council authorise the General Manager to offer the company nominated as Tenderer No 7 in the attached Tender Evaluation Report an extension to the contract period for an additional two year period subject to satisfactory performance by the Contractor during the initial three year contract period.

5.1 Adoption of the NSW Model Code of Conduct and Procedures as Wyong Shire Council Code of Conduct and Procedures

Councillor Taylor left the meeting at 7.29 pm and returned to the meeting at 7.31 pm during consideration of this item.

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

- 178/13 That Council adopt the NSW Division of Local Government Model Code of Conduct 2013 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013.
- 179/13 That Council note that the General Manager has appointed the positions of Senior Internal Ombudsman and General Counsel as Code of Conduct ‘Complaints Coordinator’ and ‘Alternate Complaints Coordinator’, respectively.
- 180/13 That Council enter into an arrangement with Gosford Council to share a panel of conduct reviewers under the auspices of Central Coast Regional Organisation of Councils (CCROC).
- 181/13 That Council note that Expressions of Interest will be called for the establishment of the panel.
- 182/13 That Council report to CCROC its preference to enter into an arrangement for joint use of a panel of Code of Conduct reviewers.
- 183/13 That Council establish its own arrangement for a panel of conduct

reviewers should the joint option not be approved by CCROC.

- 184/13 That Council use the existing Hunter Regional Organisation of Councils Conduct review panel in the interim period.

5.2 Proposed Councillors' Community Improvement Grants

Councillor Troy left the meeting at 7.34 pm and returned to the meeting at 7.35 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

- 185/13 That Council allocate an amount of \$7,389.17 from the 2012-13 Councillors' Community Improvement Grants as follows:

Proposed allocations for 13/02/2013		
Berkeley Vale School Canteen (\$1000)	Morning tea and lunches for disadvantaged children for 2013	\$350.00
Central Coast Ugnay Kabayan (Filipino-Australia People's Link) (\$2000)	To augment organisation's funds to sustain community and welfare projects and services	\$300.00
Central Coast Woodturners Co.op Ltd (\$1154)	Replacement of 48 year old fridge	\$1154.00
Charles Richards for Tayla Richards (\$1200) (\$50 already allocated)	Registration for Central Coast Mariners Academy	\$400.00
Coast Alive Foodcare (\$1800)	Provide meals and activities for foodcare facility for underprivileged families	\$600.00
Firepod (\$685.17)	Assist with payment to WSC for a sprinkler service connection to a group home in Woongarah that houses elderly disabled residents	\$685.17
Gary Witt for Brodie Witt (\$1200)	Registration for Central Coast Mariners Academy	\$1200.00
National Servicemens Association of Aust Tuggerah Lakes Sub Branch (\$700)	Public Address System for outdoor and indoor events	\$700.00
Toowoona Bay Surf Life Saving Club (\$2000)	Installation of Solar Hot Water System	\$2000.00

- 186/13 That Council request the Watanobbi Neighbourhood Watch Group withdraw their current Councillors' Community Improvement Grant application and resubmit it stating it is for a different purpose.

- 187/13 That Council direct the General Manager to undertake a review of the Councillors' Community Improvement Grants Policy to cover this matter.

5.3 Rural Fire Fighting Fund Estimate 2013/14

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Service.

Councillor Troy stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty".

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

188/13 That Council defer this item to allow a Councillor Briefing on the matter.

PROCEDURAL MOTION

It was MOVED by Councillor VINCENT and seconded by Councillor MATTHEWS:

That Council allow meeting practice be varied to discuss item 5.4 in confidential session.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

5.4 Selection of Community Members for the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor TROY:

189/13 That Council consider the applications from the public expression of interest process.

190/13 That Council appoint Marlene Pennings, Ken Derry and Bob Davies to be the three community representatives for the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.

191/13 That Council note that the attachments to this report contain a full copy of each of the eight Expressions of Interest, which remain confidential in accordance with s10A(2)(a) of the LGA as it contains personnel matters concerning particular individuals (other than Councillors).

5.5 Results of Public Exhibition of Draft DCP 2005: Chapter 14 - Tree Management

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

192/13 That Council adopt Draft Development Control Plan 2005: Chapter 14 - Tree Management and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 14 within DCP 2005 on the date identified within the notice.

193/13 That Council forward a copy of DCP 2005 containing the amended Chapter 14 to the Director General of the NSW Department of Planning within 28 days.

194/13 That Council note s.149 Certificates as to the adoption of Chapter 14.

FOR: COUNCILLORS BEST, EATON, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

5.6 2012-16 Strategic Plan - December Quarter Review (Q2)

Councillor Greenwald left the meeting at 7.50 pm and returned to the meeting at 7.52 pm during consideration of this item.

Councillor Vincent left the meeting at 7.52 pm and returned at 7.53 pm and as a result did not take part in voting on this item.

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

195/13 That Council receive the second Quarterly Review Report on progress against the WSC 2012-16 Strategic Plan.

196/13 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

PROCEDURAL MOTION

Councillor Vincent left the meeting at 7.52 pm and returned at 7.53 pm and as a result did not take part in voting on this item.

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

197/13 That Council allow meeting practice be varied.

198/13 That Council consider the following items in conjunction with each other:

- **5.7- Exhibition of Draft Wyong Shire Council 2013-2017 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies)**

- **5.8 - Exhibition of revised Community Strategic Plan (CSP)**
- **5.11 - Supplementary Report to Item 5.7 - Exhibition of Draft Wyong Shire Council 2013-17 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies)**

5.7 Exhibition of Draft Wyong Shire Council 2013-2017 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies)

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

- 199/13 That Council adopt the amended Draft Wyong Shire Council 2013-17 Strategic Plan (the Draft Plan) for public exhibition as considered in item 5.7.1, Supplementary Report to Item 5.7 - Exhibition of Draft Wyong Shire Council 2013-17 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies).**
- 200/13 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Plan for consideration and possible inclusion in the final Plan to be adopted by Council in April 2013.**
- 201/13 That Council note that no loan monies will be required during 2013/14 to support the planned activities.**
- 202/13 That Council note that the Plan includes options for funding capital works and these will not be defined until advice is received from the Independent Pricing and Regulatory Tribunal (IPART) on the outcome of Council's application for a Special Rate Variation.**
- 203/13 That Council note that the Plan does not consider the draft or final outcome of the IPART pricing decision for Water and Sewerage and that this will be included once the decision has been received.**
- 204/13 That Council note the Plan's links to the Community Strategic Plan (CSP) may require updating once the revised CSP is adopted.**
- 205/13 That Council authorise the General Manager to make appropriate corrections in the Draft Plan to eliminate numerical inconsistencies and typing errors.**

5.7.1 Supplementary Report to Item 5.7 - Exhibition of Draft Wyong Shire Council 2013-17 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies)

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

206/13 That Council receive and the report on Supplementary Report to Item 5.7 - Exhibition of Draft Wyong Shire Council 2013-17 Strategic Plan (incorporating the 4 year Delivery Program, Operational Plan and Resourcing Strategies).

5.8 Exhibition of revised Community Strategic Plan (CSP)

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

207/13 That Council endorse amendments to the existing Community Strategic Plan.

208/13 That Council place the draft Community Strategic Plan on public exhibition.

209/13 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Plan for consideration and possible inclusion in the final Plan to be adopted by Council in April 2013.

210/13 That Council endorse the revised Engagement Strategy for the Community Strategic Plan.

5.9 Report of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee Meeting, 7 February 2013

Councillor Vincent left the meeting at 7.52 pm and returned at 7.53 pm during consideration of this item.

Councillor Matthews left the meeting at 7:56 pm and returned at 7.59 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor NAYNA:

211/13 Council note the report of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee of 7 February 2013.

212/13 That Council endorse the Committee's recommendations.

5.10 SERVICE STANDARDS REVIEW - Special Rate Variation

Councillor Matthews left the meeting at 5.06 pm and returned to the meeting at 5.07 pm during consideration of this item.

Councillor Vincent left the meeting at 5.30 pm and returned to the meeting at 5.32 pm during consideration of this item.

Councillor Matthews left the meeting at 5.33 pm and returned to the meeting at 5.34 pm during consideration of this item.

Councillor Troy left the meeting at 6.08 pm and returned to the meeting at 6.09 pm during consideration of this item.

Councillor Matthews left the meeting at 6.10 pm and returned to the meeting at 6.12 pm during consideration of this item.

Mr Stewart Durie, Chairperson of the Lake Munmorah and Chain Valley Precinct Committee, speaking against the item, addressed the meeting at 5.06 pm, answered questions and retired at 5.15 pm.

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

213/13 That Council make a submission to the Independent Pricing and Regulatory Tribunal for a S508A Special Rate Variation for 6.9 % (including rate cap) for a period of seven years commencing 2013/14 financial year by 11 March 2013.

214/13 That Council promote this decision and provide a link to the Independent Pricing and Regulatory Tribunal website on Council's website once the submission has been made.

FOR: COUNCILLORS BEST, EATON, GREENWALD, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: MATTHEWS AND VINCENT

The meeting was adjourned at 6.23 pm to allow the gallery to be cleared.

The meeting resumed at 6.33 pm.

6.1 Works in Progress - Water Supply and Sewerage

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

215/13 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.2 Investment Report for January 2013

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

216/13 That Council receive the Investment Report for January 2013.

6.3 Activities of the Development Assessment and Building Certification and Health Units

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

217/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units.

6.4 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

218/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.5 Mayor's visit to China - December 2012

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor NAYNA:

219/13 That Council receive the report on Mayor's visit to China - December 2012.

220/13 That Council note that attachment 1 of this report contains confidential information in accordance with s10A(2)(c) of the Local Government Act, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

6.6 Central Coast Water Corporation Quarterly Report to Wyong Shire Council

Councillor Vincent left the meeting at 6.45 pm and returned to the meeting at 6.51 pm during consideration of this item.

Councillor Nayna left the meeting at 6.53 pm and returned to the meeting at 6.54 pm during consideration of this item.

Mr John Read, Chairperson of the Central Coast Water Corporation Board, address the meeting at 6.38 pm, answered questions and retired at 7.04 pm.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

221/13 That Council receive the report on Central Coast Water Corporation Quarterly Report to Wyong Shire Council.

6.7 Outstanding Questions on Notice and Notices of Motion

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

222/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

U1/13 Motion of Urgency - Louisiana Road and Pacific Highway Intersection Safety Risks

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of NSW Police and participated in consideration of this matter.

Councillor Greenwald stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty".

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, Member for Wyong.

Councillor Nayna stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty".

Councillor Troy left the meeting at 8.06 pm and returned to the meeting at 8.07 pm during consideration of this item.

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

223/13 That Council, as a matter of urgency, engage the Roads and Maritime Service (RMS) highlighting the inadequacies of the current interim traffic control measures at the Louisiana Road and Pacific Highway Intersection, in response to the recent temporary closure of Minnesota Road for Council's \$5 million road upgrade.

224/13 That further to a recent spate of serious accidents including a fatality on New Years Day, Council call on the RMS to immediately review the current 140km closing speed, i.e. 70km East/West and investigate turning movements and the centre concrete median barrier.

225/13 That Council, in partnership with the Local Area Command (Police), seek to implement a holistic enforcement and education plan around the intersection usage speed limits on both the Pacific Highway and Louisiana Road, including heavy vehicle load limits. Traffic calming devices in Louisiana Road should also be investigated.

226/13 **That Council respectfully recognises the RMS is the consent authority and has the final say with respect to all traffic movements at this intersection.**

QUESTIONS ON NOTICE

Q9/13 **Wave Fencing at Norah Head Boat Ramp to Improve Safety**
Councillor Doug Vincent
CPA/204444

“Could staff please provide information on the feasibility of installing wave fencing at the Norah Head boat ramp to reduce the risks associated with launching boats at this ramp, when waves are washing over the ramp?”

In the past boats and trailers have been washed off the ramp when launching and retrieving vessels.”

Q10/13 **Community Mural at Blue Haven**
Councillor Doug Vincent
F2004/06206

“Could staff please assess, as soon as possible, the community fence mural that has recently been painted over at Blue Haven to see if the paint can be removed to restore the original mural?”

If the paint cannot be effectively removed could staff please hold discussions with the Northern Graffiti Forum to establish how a similar mural can be reinstated?”

Q11/13 **30 Million Dollar Tuggerah Straight Sinking**
Councillor Greg Best
F2004/08785

“Mr Mayor,

It is has been drawn to my attention by numerous motorists in particular cyclists, that the 30 million dollar Tuggerah straight highway reconstruction is failing and sinking in parts. A similar failure has also occurred along the new Sparks Road traffic light intersection, again a significant motor cycle hazard.

This has become a real traffic hazard. Could you officially request that the RMS urgently investigate the failure?”

THE MEETING closed at 8.20 pm.

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012

TRIM REFERENCE: F2012/01691 - D03286322

MANAGER: Brett Phillips, Manager Economic and Property Development

AUTHOR: Kathryn Heintz; Senior Strategic Planner

SUMMARY

This report seeks Council's endorsement of a process for progressing the draft Wyong Local Environmental Plan (LEP) 2012, draft Settlement Strategy and draft Wyong Development Control Plan (DCP) 2012, following the public exhibition period from 9 January 2013 - 20 February 2013. This includes consideration of carrying out a public hearing and an LEP Consultation Panel meeting, as well as a categorisation method for submissions received during and after the formal public exhibition period.

RECOMMENDATION

- 1 That Council endorse the carrying out of a public hearing in relation to the public exhibition of the draft Wyong Local Environmental Plan (LEP) 2012 and draft Settlement Strategy.**
- 2 That Council note that a separate public hearing into the Land Reclassification component of the draft Wyong LEP 2012 will be held, in accordance with section 29 of the Local Government Act 1993.**
- 3 That Council authorise the appointment of an independent facilitator to carry out the public hearings.**
- 4 That Council authorise notification of the public hearings in accordance with section 14 of the Environmental Planning and Assessment Regulation 2000.**
- 5 That Council endorse the carrying out of an LEP Consultation Panel meeting to provide the community with additional opportunity to comment publicly on the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012.**
- 6 That Council endorse the categorisation of submissions received in relation to the public exhibition of the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong Development Control Plan (DCP) 2012 into the following categories:**
 - a Submissions received between 9 January 2013 – 20 February 2013 = Formal submissions given full consideration.**
 - b Submissions received after 20 February 2013 (closure of public exhibition period) to 22 March 2013 = Informal submissions given full consideration.**

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 (contd)

c Submissions received at public hearing = Submissions to be considered by independent facilitator.

7 That Council note that the majority of submissions requesting rezoning of land are considered to be outside the scope of the draft Wyong LEP 2012 and any requests with merit should instead be deferred and considered as a separate planning proposal.

8 That Council conform to the LEP Practice Note issued by Department of Planning and Infrastructure as it relates to the zoning of schools.

BACKGROUND

On 12 December 2012, Council endorsed the draft Wyong LEP 2012 and supporting documentation, as certified by the Department of Planning & Infrastructure, to be placed on public exhibition for a minimum of 6 weeks pursuant to Section 66 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) (as amended). As a result, the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012 were exhibited from 9 January 2013 to 20 February 2013. This represents a 42-day exhibition period, 2 weeks longer than the minimum 28-day period prescribed by Clause 13 of the *Environmental Planning & Assessment Regulation, 2000* (as amended).

At the time of writing, a total of 501 submissions have been received.

COMMUNITY ENGAGEMENT STRATEGY

The draft Wyong LEP 2012 was exhibited from 9 January 2013 – 20 February 2013, to ensure that all stakeholders had adequate time to consider the contents of the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012, and supporting documentation. A community engagement strategy was developed to publicise the exhibition of these documents, and facilitate community discussion and feedback. The following community engagement initiatives were utilised during public exhibition:-

- A press conference was held on 11 January 2013, to launch the exhibition period and encourage increased media interest and coverage of the public exhibition of these plans.
- Weekly advertising in local newspapers and on social networking sites throughout the exhibition period.
- Information relating to the public exhibition period was provided in the rates newsletter on 22 January 2013.
- Advertising on local radio throughout the exhibition period, with a total of 34 plays.
- A dedicated exhibition webpage providing access to all documentation relating to the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012, including maps, written instrument, background reports and relevant statutory documents.
- An innovative online and interactive mapping facility provided the community with easy to obtain information about which maps apply to a particular site. A total of 1,236 individual online mapping website hits were received during the public exhibition period.
- Information stations containing copies of the public exhibition package were set up at all Council libraries and Council's Civic Centre.

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 (contd)

- Planning staff were available to discuss the plans at a set time every week throughout the exhibition period, at the following locations:

Where	When
Lake Haven Library – Lake Haven Shopping Centre	Tuesdays between 2pm-4pm
Tuggerah Library – Westfield Shopping Centre, Tuggerah	Thursdays between 2pm-4pm
Council's Civic Centre – Hely Street, Wyong	Wednesdays between 1pm-4pm

- Dates and times were advertised in local newspapers and on Council's website.
- As part of this initiative, a total of 70 members of the public were provided with an in-depth explanation of the draft documents and how it relates to specific issues of interest or concern.
- Discs containing all exhibition material were made available to all interested parties. Approximately 450 discs were distributed throughout the exhibition period.
- Media releases were prepared for the following focus areas throughout the exhibition period:
 - Public exhibition
 - Key changes
 - Land reclassification
 - Economic development
 - Land identified for future airport
- Public Information Sessions on the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012 were held as follows:

Where	When	Attendees
Council's Civic Centre – Hely Street, Wyong	7 February 2013	241
Halekulani Hall, Budgewoi	12 February 2013	173

- Dates and times were advertised in local newspapers and on Council's website.
- Public Information Sessions specific to the land reclassification component of draft Wyong LEP 2012 were held as follows:

Where	When	Attendees
Council's Civic Centre – Hely Street, Wyong	29 January 2013	19
Lakelands Community Centre, Kanwal	31 January 2013	22
Tuggerah Lakes Community Centre, Bateau Bay	5 February 2013	11
Blue Haven Community Centre, Blue Haven	6 February 2013	6

- Dates and times were advertised in local newspapers and on Council's website.

RESULTS OF THE PUBLIC EXHIBITION PERIOD

Number of submissions received

At the time of writing, Council has received 501 submissions in response to the public exhibition of the draft Wyong LEP 2012, draft Settlement Strategy and draft DCP 2012.

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 (contd)

Categorisation of submissions

As a number of the submissions listed above were submitted to Council after the close of the public exhibition period, it is proposed that submissions received on the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012 be categorised as follows:

1. Submissions received between 9 January 2013 – 20 February 2013 – Formal submissions given full consideration by Council.
2. Submissions received after 20 February 2013 (closure of public exhibition period) to 22 March 2013 – Informal submissions given full consideration by Council.
3. Submissions received at public hearing – Submissions to be considered by independent facilitator.

In summary, submissions received after 22 March 2013 will not be considered by Council, this will allow Council staff to focus on finalisation of the report to Council and will assist the community by providing a clear final date for receipt of submissions.

PUBLIC HEARINGS

What is a public hearing?

A public hearing is a consultation process where members of the public can put forward their comments about a draft LEP. A public hearing is to be conducted by an independent chairperson, as required by section 47G(2) of the *Local Government Act, 1993* (LG Act). It is proposed that two public hearings be held in relation to the draft Wyong LEP 2012 and Settlement Strategy, as follows:

1. Land reclassification

Council is required to undertake a public hearing as part of the land reclassification process, as outlined in the Department of Planning and Infrastructure's Practice Note "*Classification and reclassification of public land through a local environmental plan*" and Section 29 of the LG Act.

A public hearing has been scheduled for 2 April 2013. If required, the public hearing will continue on 3 April 2013. Notice of the details for the hearing will be published in a local newspaper and sent to any person that requested a hearing a minimum of 21 days prior to the hearing. Parties will be invited to speak or make a written submission to the hearing.

2. Draft Wyong Local Environmental Plan 2012 and Draft Settlement Strategy

84 pro-forma submissions were received from members of the Community Environment Network (CEN) during the public exhibition period, with an additional 18 pro-forma submissions received after the close of the exhibition period (at the time of writing). As part of this pro-forma, a public hearing was requested into the issues raised in the submission. These issues are listed as follows:

- a. Inadequate time for consideration by public
- b. Insufficient consideration of Climate Change Impacts
- c. Proposed Airport
- d. Land reclassification
- e. Destruction of Wildlife Corridors and environmental impacts of rezonings

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 (contd)

- f. Land containing Threatened Species not mapped or protected
- g. Developers can request a rezoning after the public exhibition period
- h. Significantly increased development in the Wyong Valleys
- i. Provisions to allow increased clearing
- j. Less parklands and less community facilities

Section 68 of the EP&A Act (as amended) requires Council to determine whether the reasons listed in a submission requesting a public hearing are of such significance that they should be the subject of a public hearing before Council decides whether any amendments should be made to the draft Wyong LEP 2012 as a result.

The Project Control Group for the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012 has agreed that some of the issues listed in the pro-forma submission are significant and that a public hearing should be held. It is therefore recommended that a public hearing be scheduled for 2 April 2013, separate to the land reclassification public hearing described above. If required, the public hearing will continue on 3 April 2013. Notice of the details for the hearing will be published in a local newspaper and sent to any person that requested a hearing. Parties will be invited to speak or make a written submission to the hearing.

Independent facilitator

Subject to Clause 47G(2) of the LG Act, the person presiding at a public hearing must not be:

- (a) a councillor or employee of the council holding the public hearing, or
- (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

The facilitator selected to chair the public hearing will be independent of Council and have no personal or professional interest in the outcome of the public hearing.

Public hearing process

The following public hearing protocol is proposed to be carried out:

- Parties may speak at the public hearing and/or make a written submission to the hearing.
- Parties wishing to speak at the hearing must register to appear, and attend at the designated date and time.
- Oral submissions are restricted to a maximum of 10 minutes per person.
- Parties making an oral submission have one opportunity to present their position, with no further opportunities to provide additional information or make further submissions.
- There will be no discussion forum or opportunity for general debate during the hearing.
- Parties must conduct themselves in an orderly and professional manner and not talk over each other or interrupt.
- Copies of written submissions will be made publicly available.
- Notes will be taken of oral submissions. These notes are for the purpose of assisting the chairperson in compiling all relevant information and preparing the report to Council.
- Late submissions will not be considered.
- The chairperson and/or Council may include presentation of background information at the hearing.
- Council planning staff may be asked by the chairperson to provide clarifying information if required.

Public hearing report

Once the public hearing is complete, a report of the public hearing by the independent facilitator will be provided to Council. The report is a public document and will be available to the public no later than 4 days after Council receives the report, in accordance with Clause 47G(3) of the LG Act. Further to this, this matter will then be reported back to Council and participants will be advised in writing when the matter is to be reported and where to obtain a copy of the Council report.

Subject to Clause 734(4) of the LG Act, Council must consider this report before making any decision with respect to the matter to which it relates.

LEP CONSULTATION PANEL MEETING

In addition to the public hearing, it is also recommended that an LEP Consultation Panel of experts be convened for a one-off meeting to enable members of the public that made a submission to Council during the exhibition period, to present their issues about the draft Wyong LEP 2012, draft Settlement Strategy and draft Wyong DCP 2012. It is recommended that the LEP Consultation Panel comprise the following representatives:

1. Michael Whittaker – General Manager or his delegate
2. Councillor Doug Eaton – Mayor
3. Any other interested Councillors
4. Relevant staff members.

It is recommended that the LEP Consultation Panel meeting be scheduled prior to the public hearings described above. The LEP consultation panel will determine the submissions to be heard at the panel and send a notice of invitation to those selected. Selected parties will be invited to present their issues to the LEP Consultation Panel, however no further written submissions will be accepted.

The outcomes of this meeting will be incorporated into Council's report under Section 68 of the EP&A Act (as amended), which will be considered by the Council.

OTHER MATTERS

Rezoning requests

Council has received 80 requests for rezoning of land as part of the public exhibition of the draft Wyong LEP 2012, with additional requests submitted after the close of exhibition. The majority of these requests include proposed rezonings that are considered to be outside the scope of the draft Wyong LEP 2012.

It is therefore recommended that those sites that are deemed to have some merit for a rezoning investigation be deferred and considered as a separate planning proposal. It is also recommended that those sites deemed to have merit be categorised into short, medium or long term timeframes for rezoning investigations.

Zoning of schools

Council has received 42 submissions in relation to the proposed zoning of schools under the draft Wyong LEP 2012, including 2 petitions. As part of the preparation of draft Wyong LEP

2.1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 (contd)

2012, schools are proposed to be zoned in accordance with the Department of Infrastructure & Planning's practice note *PN10_001 – Zoning for Infrastructure in LEPs*. As part of this practice note, Council was required to follow these steps when determining the zone of a school under the new LEP:

1. Public schools are automatically permitted within residential and business zones ('prescribed zones') under the *State Environmental Planning Policy (Infrastructure) 2007*. Therefore, Council is required to rezone existing special use zones to the zoning of the adjacent land (if a prescribed zone).
2. If no adjacent zones are prescribed zones, Council can propose to rezone the land to SP2 Infrastructure – Educational Establishment.

'Prescribed' zone means any of the following land use zones:

- | | |
|-----------------------------------|-----------------------------|
| a. RU2 Rural Landscape | k. B2 Local Centre, |
| b. b.RU4 Rural Small Holdings, | l. B3 Commercial Core, |
| c. RU5 Village, | m. B4 Mixed Use, |
| d. RU6 Transition, | n. B5 Business Development, |
| e. R1 General Residential, | o. B6 Enterprise Corridor, |
| f. R2 Low Density Residential, | p. B7 Business Park, |
| g. R3 Medium Density Residential, | q. B8 Metropolitan Centre, |
| h. R4 High Density Residential, | r. SP1 Special Activities, |
| i. R5 Large Lot Residential, | s. SP2 Infrastructure, |
| j. B1 Neighbourhood Centre, | t. E4 Environmental Living. |

In the majority of cases, an appropriate adjoining zone was able to be utilised, with only a few exceptions where appropriate adjoining zones were not present and so these sites were converted to the SP2 Infrastructure zone. The zone conversion of all public school sites in the Wyong Shire, including the current zoning under Wyong LEP 1991, is listed in Attachment 1.

In relation to the surplus school sites at Summerland Point and The Entrance, Site Compatibility Certificates have been issued which allows for the sites to be rezoned to a combination of Residential and Environmental zones under the proposed LEP, consistent with the environmental assessments undertaken for these sites.

It is recommended that no further review of proposed school zonings be undertaken as part of the draft Wyong LEP 2012.

CONCLUSION

The draft Wyong LEP 2012 and the draft Settlement Strategy has undergone an extensive process of drafting and consultation to date, including the public exhibition period which recently closed. To ensure the draft Wyong LEP 2012 and the draft Settlement Strategy are as robust as possible, it is recommended that public hearings and an LEP Panel meeting be coordinated as described above.

ATTACHMENTS

- | | |
|---|-----------|
| 1 Public exhibition of draft Wyong Local Environmental Plan 2012, draft Settlement Strategy and draft Wyong Development Control Plan 2012 - Attachment - School Zones | D03286325 |
|---|-----------|

PUBLIC SCHOOLS (Primary)

#	SCHOOL	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Bateaux Bay PS	Waratah Ave, Bateaux Bay	Lot 382 DP 755263	2a Residential	2a Residential Zone	R2 Low Density Residential	Direct conversion.
2	Berkeley Vale PS	Pindani St, Berkeley Vale	Lot 1 DP 731542	5a Special Uses	2a Residential Zone	R2 Low Density Residential	PNL0_001
3	Blue Haven PS	Colorado Dr, Blue Haven	Lot 1 DP 1089656	2b Multiple Dwelling & 7g Wetlands Management	2b Multiple Dwelling & 7g Wetlands Management Zone	R1 General Residential & E2 Environmental Conservation	Direct conversion.
4	Brooke Ave PS	Brooke Ave, Killarney Vale	Lot 466 DP 44382	2b Multiple Dwelling	2b Multiple Dwelling Zone	R1 General Residential	Direct conversion.
5	Budgewoi PS	Wooliana Ave, Budgewoi	Lot 10 DP 1101984, Lots 1049-1057, Lots 1116-1124 DP 24050 and Lot 2 DP 239616	5a Special Uses	2a Residential Zone	R2 Low Density Residential	PNL0_001
6	Chittaway PS	Chittaway Rd, Chittaway Bay	Lot 2 DP 829719	5a Special Uses	2a Residential & 6a Open Space & Recreation	R2 Low Density Residential & E2 Environmental Conservation	PNL0_001 EEC's located on land zoned E2
7	Dooralong PS	Dooralong Rd, Dooralong	Lots 218-219 DP 755271	5a Special Uses	1a Rural	SP2 Infrastructure (Educational Establishments)	PNL0_001
8	Gorokan PS	Dudley St, Gorokan	Lot 101 DP 838668	5a Special Uses	2b Multiple Dwelling	R1 General Residential	PNL0_001
9	Gwandalan PS	Kananga Dr, Gorokan	Lot 63-65 Sec 9 DP 27782, Lot 1 DP 270889	5a Special Uses	2a Residential & R2 Low Density Residential	R2 Low Density Residential	PNL0_001
10	Jilliby PS	Jilliby Rd, Jilliby	Lot 1 DP 578580, Lot 1 DP 755271	5a Special Uses	1a Rural	SP2 Infrastructure (Educational Establishments)	PNL0_001
11	Karwal PS	Craigie Ave, Karwal	Lot 1 DP 383337, Lot 1 DP 392224, Lot 1 DP 850212, Lots 12-17 DP 26179, Lot 213 DP 810491, Lot 215 DP 805475, Lot A DP 354699	5a Special Uses	2b Multiple Dwelling Residential	R1 General Residential	PNL0_001
12	Killarney Vale PS	Hennicks Rd, Killarney Vale	Lots 1-2 DP 845889, Lot 24 DP 839496	5a Special Uses	2a Residential & 6a Open Space and Recreation	R2 Low Density Residential	PNL0_001

13	Lake Munmorah PS	Pacific Hwy, Lake Munmorah	Lot 22 DP 1117984	5a Special Uses	7b Scenic Protection	SP2 Infrastructure (Educational Establishments)	PNL0_D01
14	Mannering Park PS	Vales Rd, Mannering Park	Lot 1 DP 214857	5a Special Uses	2a Residential	R2 Low Density Residential	PNL0_D01
15	North Lakes PS	Goorama Ave, San Remo	Lot 173 DP 728997	5a Special Uses	2a Residential	R2 Low Density Residential	PNL0_D01
16	Ourimbah PS	Pacific Hwy, Ourimbah	Lot 13 DP 1097319, Lot 110 DP 1129450	5a Special Uses	2a Residential & 7a Conservation	R2 Low Density Residential	PNL0_D01
17	Tacoma PS	Hillcrest Ave, Tacoma	Lot 1 DP 227276, Lot 1 DP 523708, Lots 1 DP 771679, Lots 1-10 DP 29364, Lots 144-151 DP 205160	5a Special Uses & 10a Investigations Precinct	2a Residential & 10a Investigations Precinct	R2 Low Density Residential	PNL0_D01
18	The Entrance PS	Oakland Ave, The Entrance	Lot 1 DP 715415	5a Special Uses	2c Medium Density Residential	R3 Med. Density Residential	PNL0_D01
19	Toukley PS	Main Rd, Toukley	Lot 1 DP 782524, Lot 10P 613072, Lots 71-83 DP 27833, Pt Lot 70 DP 27883	5a Special Uses	2a Residential	R1 General Residential	PNL0_D01 - Adjoining 2a zone was converted to R1 under Toukley Strategy
20	Tuggerah PS	Pacific Hwy, Tuggerah	Lot 517 DP 821088, Pt Lot 62 DP 755263, Pt Lot 66 DP 755263	5a Special Uses	7f Environmental Protection & 6a Open Space and Recreation	SP2 Infrastructure (Educational Establishments)	PNL0_D01
21	Tuggerawang PS	Tuggerawang Rd, Tuggerawang	Lot 23-34 Sec 2 DP 11710, Pt Lot 29-33 Sec 2 DP 11710	2a Residential	2a Residential	R2 Low Density Residential	Direct conversion.
22	Woongarrah PS	Maram Rd, Woongarrah	Lot 1 DP 1104475	2a Urban Release Area	2a Urban Release Area	R2 Low Density Residential & E2 Environmental Conservation	PNL0_D01 2a zone converted to R2 as part of draft Wyong LEP 2012. EEC's located on land zoned E2
23	Wyong Creek PS	Yarralong Rd, Wyong Creek	Lots 1-2 DP 795369	5a Special Uses	1a Rural	SP2 Infrastructure (Educational Establishments)	PNL0_D01
24	Wyong Grove PS	North Rd, Wyong	Lot 1 DP 123075, Lot 18 DP 210825	5a Special Uses	2a Residential	R2 Low Density Residential	PNL0_D01
25	Wyong PS	Cutler Dr, Wyong	Lot 1 DP 576538, Lot 3 DP 242538	5a Special Uses	2a Residential	R2 Low Density Residential	PNL0_D01

26	Yarramalong PS	Yarramalong Rd, Yarramalong	Lot 1 DP 762407, Lots 15-16 DP 755224, Lot 60 DP 755224, Pt Lot 91 DP 755244	5a Special Uses	1d Village & 6a Open Space and Recreation	RUS Village	PN10_001
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PUBLIC SCHOOLS (Secondary)

#	SCHOOL	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Genokan HS	Goobarabah Ave, Gorokan	Lots 11-12 DP 88194	5a Special Uses	2a Residential & 6a Open Space and Recreation	R2 Low Density Residential Zone	PN10_001
2	Lake Munmorah HS	Carters Road, Lake Munmorah	Lot 21 DP 1117984	7b Scenic Protection	7b Scenic Protection	SP2 Infrastructure (Educational Establishments)	PN10_001
3	North Lakes HS	Erava Ave, San Remo	Lot 170 DP 727766, 173 DP 728997	5a Special Uses	2a Residential	R2 Low Density Residential	PN10_001
4	Berkeley Vale HS	Berkeley Rd, Glenning Valley	Lot 10 DP 729013, Lots 1-2 DP 774172	1c Non Urban Constrained Lands	1c Non Urban Constrained Lands, 6a Open Space and Recreation, 7a Conservation & 7c Scenic Protection Small Holdings	SP2 Infrastructure (Educational Establishments)	PN10_001 EEC's located on land zoned EZ.
5	The Entrance HS	The Entrance Rd, Long Jetty	Lot 385 DP 755263, Lot 334 DP 755263	5a Special Uses	2b Multiple Dwelling & 6a Open Space and Recreation	R1 General Residential	PN10_001
6	Tumbi Umbi HS	Bellevue Rd, Tumbi Umbi	Lot 2 DP 567984	7c Scenic Protection Small Holdings	7c Scenic Protection Small Holdings	E4 Environmental Living	Direct conversion
7	Wyong HS	Alison Road, Wyong	Lot 101 DP 878443	5a Special Uses	2c Medium Density Residential, 2b Multiple Dwelling & 6a Open Space & Recreation	R1 General Residential	PN10_001

PUBLIC SCHOOLS (Kindergarten - Year 12)

#	SCHOOL	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Wadalba CS	Vim Stappen Rd,	Lot 821 DP 1113752	2b Urban Release	2b Urban Release Area,	R2 Low Density Residential	Direct conversion.

Wadaliba	Area & 5d Arterial Road	6a Open Space and Recreation & 10a Investigation Precinct	& SP2 Infrastructure – Roads & Traffic Facility	2e zone converted to R2 as part of draft Wyong LEP 2012.
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PUBLIC SCHOOLS (Special)

#	SCHOOL	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Hopetown School	Follock Ave, Wyong	Lot 2 DP 562445	1c Non Urban Constrained Lands and 7g Wetlands Management Zone	1c Non Urban Constrained Lands Zone	SP2 Infrastructure (Educational Establishments) and E2 Environmental Conservation	No appropriate adjoining zone. EEC's located on land zoned E2
2	Nth Entrance Campus of Glenvale	Hutton Road, Nth Entrance	Lot 1-2 DP 17615, Lot 272 DP 755266, Lot 537 DP 42567	2b Multiple Dwelling Residential Zone and 6a Open Space and Recreation Zone	2b Multiple Dwelling Residential	R2 Low Density Residential	Adjoining 2b zone was converted to R2 due to potential flood hazard.

TAFE INSTITUTES

#	ESTABLISHMENT	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Wyong Campus	Alison Road, Wyong	Lot 5 DP 877558	5a Special Uses	2c Medium Density Residential, 2b Multiple Dwelling, & 2e Urban Release Area Zone	R1 General Residential	PN10_001

UNIVERSITIES

#	UNIVERSITY	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	University of Newcastle, Ourimbah Campus	Chittaway Road, Ourimbah	Lot 1 DP 837937	5a Special Uses	7a Conservation	SP2 Infrastructure (Educational Establishments)	PN10_001

SURPLUS LAND

#	UNIVERSITY	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Warnervale Public School	Warnervale Road, Warnervale	Lot 71 DP 71091	5a Special Uses	10a Investigations Precinct	SP2 Infrastructure (Educational Establishments)	PN10_001 Precinct 7A Planning Proposal proposes R1 General Residential Zone.
2	Summerland Pt School Site	Carns Boulevard, Summerland Pt	Lot 1 DP 555600	5a Special Uses	2b Multiple Dwelling Residential	R2 Low Density Residential and E2 Environmental Conservation	Site Compatibility Certificate.
3	The Entrants Infant Site	Oakland Avenue, The Entrance	Lot 61-75 DP 18372, Lot 523 DP 821676	5a Special Uses	2c Medium Density Residential	R3 Medium Density Residential and E2 Environmental Conservation	Site Compatibility Certificate. EEC's located on land zoned E2, R3 adjacent zone. * Private Ownership

STRATEGIC SITES

#	UNIVERSITY	ADDRESS	LOT & DP	CURRENT ZONE	ADJOINING ZONE	PROPOSED ZONE	COMMENTS
1	Warnervale Education Precinct	Jack Grant Avenue, Warnervale	Lot 2 DP 1047484	5a Special Uses	5a Special Uses / 7a Conservation	SP2 Infrastructure (Educational Establishments)	PN10_001 Precinct 7A Planning Proposal proposes B7 Business Park and E2 Environmental Conservation zone. * WSC ownership

* Denotes site in ownership other than Department of Education & Communities.

3.1 Classification of Land, Part Lot 2 DP 1158945 at Cascades Road, Woongarra

TRIM REFERENCE: F2012/02052 - D03263371

MANAGER: David Jack, Acting Director Land Management

AUTHOR: Julie Tattersall; Property Administration Officer

SUMMARY

Authority is sought to classify the proposed Lot 1 in a plan of subdivision of Lot 2 DP 1158945, Cascades Road, Woongarra as Operational Land.

RECOMMENDATION

- 1** *That Council propose classification of proposed Lot 1 in a plan of subdivision of Lot 2 DP 1158945, Cascades Road, Woongarra, 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

The proposed Lot 1 in a plan of subdivision of Lot 2 DP 1158945, at Cascades Road, Woongarra (Lot 1) is to be transferred to Council by the Minister for Disability Services for drainage channel pursuant to a condition of consent.

The subdivision was approved by Council in March 2011 to allow a 2 lot subdivision and creation of a public road. Lot 1 is part of the Woongarra Drainage Channel, is approximately 2,110 square metres and contains a water holding pond and significant sandstone retaining works in addition to native tree plantings. The land is zoned 2 (e) Urban Release Zone.

CURRENT STATUS

Upon registration of the plan of subdivision Lot 1 will be transferred to Council.

THE PROPOSAL

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.

3.1 Classification of Land, Part Lot 2 DP 1158945 at Cascades Road, Woongarra (contd)

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 Lot 1 contains significant drainage works, the land should be classified as Operational Land in accordance with the Public Land Classification Table adopted by Council.

STRATEGIC LINKS

Budget Impact

There is no cost to Council to classify the land.

GOVERNANCE AND POLICY IMPLICATIONS

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 particular land concerned be classified as Operational land.

CONCLUSION

Lot 1 in a plan of subdivision of Lot 2 DP 1158945 is to be transferred to Council and requires classification in accordance with the Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance Operational classification is proposed on the basis of the use of the land as drainage channel.



ATTACHMENTS

Nil.

3.2 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah

TRIM REFERENCE: F2012/00750 - D03215750

MANAGER: Brett Phillips, Manager Economic and Property Development

AUTHOR: Paul Forster; Services Coordinator Property Administration

SUMMARY

Department of Primary Industries has not agreed to the Proposed Acquisition of Crown Land, Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah by Council and compulsory acquisition with payment of compensation to the Crown will be required if Council is to secure the land.

RECOMMENDATION

- 1 That Council acquire by compulsory acquisition from the Crown Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah.**
- 2 That Council acknowledge that compensation payable for the acquisition will be market value as determined by the Valuer General and that the funds for the acquisition will be made available from available funds in 2012/13 capital works budget as per the Q2 Business Report 2012/13.**
- 3 That Council give authorisation to proceed with an application seeking the approval of the Minister and the consent of the Governor NSW, pursuant the provisions of the Land Acquisition (Just Terms Compensation) Act 1990 to proceed with the compulsory acquisition.**
- 4 That Council authorise the General Manager to sign and seal all documentation associated with the acquisition of the land referred to in Item 1 by Council.**
- 5 That Council classify the land referred to in Item 1 as Operational Land**
- 6 That Council advertise the proposal to classify the land in accordance with Section 34 of the Local Government Act 1993.**
- 7 That Council adopt the classification if no adverse submissions being received.**

**3.2 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188,
Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd
Tuggerah (contd)**

BACKGROUND

Council at its meeting held on 23 May 2012 resolved the following

- "1 That Council acquire by agreement from the Crown and for a nominal consideration, purchase or compulsorily acquire Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah.*
- 2 That Council authorise the application to proceed with compulsory acquisition by agreement for the approval of the Minister and the Governor NSW, pursuant to Section 30 of the Land Acquisition Just Terms Compensation Act 1990."*

The purpose of the acquisition is for development of the site as a sporting precinct.

The earlier report to Council suggested that Crown Lands Division of the Land and Property Management Authority was supportive of the proposal and would consider granting the land to Council for nominal consideration.

A copy of the earlier report is enclosed.

CURRENT STATUS

Subsequent to the earlier resolutions, discussions took place with staff at Crown Lands Division however Council has now been advised that the Crown is not in a position to transfer the land and that if Council wished to secure the land it would need to commence compulsory acquisition action and if that were successful the Crown would expect to receive compensation at market value as determined by the Valuer General.

Crown Lands Division did not agree that Council could compulsorily acquire the land by agreement pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act 1990.

The land required by Council was the subject of an Energy Services Corporations Act 1995 Order that gifted the land from Pacific Power Corporation to the State of NSW in 2001 via the then Minister for Land and Water Conservation.

Crown Lands Division contends that the Order prevents it from transferring or otherwise disposing of the land and for that purpose prevents it from agreeing to compulsory acquisition of the land.

Crown Lands Division has advised that should Council wish to secure the land it would need to do so by compulsory acquisition in accordance with Part 1 of the Land Acquisition (Just Terms Compensation) Act 1990 and the pre-acquisition procedures will apply.

**3.2 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188,
Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd
Tuggerah (contd)**

THE PROPOSAL

The proposal now, should Council wish to pursue the acquisition of the land for playing fields it will be necessary to compulsorily acquire the land pursuant to Part 1 of The Land Acquisition (Just Terms Compensation) Act and to pay compensation to the Crown at market value as determined by the Valuer General.

In taking that approach the Council will need to consider the source of funds for the acquisition as currently there are no funds available for the purchase.

The timing for completion of compulsory acquisition process commences from the date of making the application for the approval of the Minister for Local Government and consent of the Governor. Department of Local Government can take up to six months for processing application for Ministers approval.

Upon receipt of Ministers approval and Governors consent Council may issue a Proposed Acquisition Notice (PAN) providing 90 days notice within which the owner of the affected land may make submissions including claim for compensation.

After the 90 day PAN period expires Council, within 30 days, may publish in the NSW Government Gazette an acquisition notice which effectively vests the land in Council.

OPTIONS

The options for Council are to set aside funds for the acquisition of the land and proceed with compulsory acquisition or Council may decide not to pursue acquisition of the land and abandon the proposal for the development of a sports precinct in this location.

Budget Impact

The impact on the budget will be dependant on whether the acquisition proceeds and if so the source of funds identified for the acquisition.

CONCLUSION

The Department of Primary Industries has not agreed to the Proposed Acquisition of Crown Land, Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah by Council for nominal consideration.

Council must acquire the land by compulsory means if it wishes to proceed with development of any sort.

Payment of compensation to the Crown at market value as determined by the Valuer General will be required.

No priority has been given to any project on this land in terms of Council's directions to date.

**3.2 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188,
Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd
Tuggerah (contd)**

ATTACHMENTS

- 1 Report to Council 23 May 2012 D02990445

23 May 2012

Director's Report

To the Confidential Session of the Ordinary Council Meeting

Corporate Services Department

8.3 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah

TRIM REFERENCE: F2011/01480 - D02990445

MANAGER: Brett Phillips, Manager

AUTHOR: Paul Forster; Services Coordinator Property Administration

SUMMARY

Approval is sought to acquire Crown Land, Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah.

RECOMMENDATION

- 1 *That Council acquire by agreement from the Crown and for a nominal consideration, purchase or compulsorily acquire Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah*
- 2 *That Council authorise the application to proceed with compulsory acquisition by agreement for the approval of the Minister and the Governor NSW, pursuant to Section 30 of the Land Acquisition Just Terms Compensation Act 2012.*
- 3 *That Council authorise the General Manager to sign and seal all documentation associated with the acquisition and or transfer of the land referred to in Item 1 to Council.*
- 4 *That Council classify Council land Lot 430 DP 1145240 as Operational Land*
- 5 *That Council advertise the proposal to classify in accordance with Section 34 of the Local Government Act 1993 subject to the exchange being approved by the Minister and Governor.*
- 6 *That Council adopt the classification if no material adverse submissions being received.*

CONFIDENTIAL SESSION OF THE ORDINARY MEETING HELD ON 23 MAY 2012

Councillor Matthews left the meeting at 8.08 pm, returned to the meeting at 8.10 pm and as a result took no part in voting on this item.

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

- 1 That Council acquire by agreement from the Crown and for a nominal consideration, purchase or compulsorily acquire Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah.**
- 2 That Council authorise the application to proceed with compulsory acquisition by agreement for the approval of the Minister and the Governor NSW, pursuant to Section 30 of the Land Acquisition Just Terms Compensation Act 2012.**
- 3 That Council authorise the General Manager and the Mayor to sign and seal all documentation associated with the acquisition and or transfer of the land referred to in Item 1 to Council.**
- 4 That Council classify Council land Lot 430 DP 1145240 as Operational Land**
- 5 That Council advertise the proposal to classify in accordance with Section 34 of the Local Government Act 1993 subject to the exchange being approved by the Minister and Governor.**
- 6 That Council adopt the classification if no material adverse submissions being received.**
- 7 That Council request a briefing on this matter be undertaken in July 2012.**

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

AGAINST: NIL

BACKGROUND

Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road. Tuggerah is Crown Land under the management of Crown Lands Division. It is the land fronting Lake Road to the south of the Crown Reserve that forms the Pioneer Dairy site.

The land is zoned 1(c) Non-Urban Constrained Land and has an area of approximately 38 hectares.

A number of meetings have been held with the State Members for Wyong and The Entrance who fully support the development of a sporting precinct over part of the Pioneer Dairy site. Both Members also fully support (as does the Crown Lands Division) the Wyong Shire Council taking the lead role in the development and implementation of this project.

In addition both Members have held discussions with the NSW Treasurer on obtaining grant funding to aid in the implementation of the project.

CURRENT STATUS

Council has been in discussions with Crown Lands Division concerning the possible transfer of the land to Council for the purpose of pursuing the public benefit development of the site as a sporting precinct and Crown Lands division has suggested that it would consider allowing Council to acquire the property for nominal consideration.

It is the usual policy of the Crown Lands Division to allow Council to acquire Crown Land by compulsory process, and where agreement on the amount of compensation has been reached, compulsory acquisition would proceed pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act.

THE PROPOSAL

It is proposed to acquire the land in question for the purposes of a joint State/WSC development particularly as a sporting precinct with ancillary commercial services/precinct as required

The Lake Rd site is identified as a suitable location for development of a sports precinct with part of the site also developed as a commercial precinct. The proposal for a commercial precinct is on the basis that the whole area is not required for the sports precinct and that the return from the commercial precinct will offset some of the development costs of the sports precinct.

It should be noted that Council can or will only deliver this project on the basis that substantial grant funding is made available from the State.

Budget Impact

If the Crown agrees to transfer the land at nominal consideration then the impact to the budget will be in terms of costs to complete the transfer which will include survey, preparation and registration of plan of acquisition. These costs may be up to \$10,000.00

GOVERNANCE AND POLICY IMPLICATIONS

The Local Government Act provides for the classification of land owned by Council on or before acquisition and it is proposed to classify the land as operational land as the land will not be available in the immediate term for the use of the general public. As the land becomes fit for the purpose it is acquired council will review the classification.



CONCLUSION

The Crown Lands Division is willing to pass ownership of the land to Council on the basis it is Council who is best positioned to manage any related project. Freehold ownership of the land is considered the most effective and efficient means to ensure delivery by maintaining control from start to finish.

The concept is well supported by local MPs.

Acquiring the land is the first step and development will only proceed with State funding to a level suitable for Council to invest.

If for some reason Council is unable to proceed with the development of the sports precinct this parcel of land will still be a valuable asset for Council as part of property portfolio and other land development options would than be able to be investigated and pursued in time.

Maintenance costs are minimal in the event the project does not proceed.

ATTACHMENTS

Nil.

4.1 CPA/219328 - Replacement of WSC Air Conditioning Chillers and Associated Works

TRIM REFERENCE: CPA/219328 - D03270788

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Michael Horan; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/219328 – Replacement of Air Conditioning chillers and associated works.

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer '5' in the attached Tender Evaluation Report for Contract CPA/219328 Replacement of Air Conditioning chillers and associated works.**
- 2 That Council approve the contingency sum and increased budget allocation as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Independent inspection of the air conditioning system serving Building A of Council's Civic Centre has resulted in the advice that the system is quickly reaching the end of its effective life – specifically the chillers and pumps. In the last two years there has been a significant rise in system faults and failures especially during the summer months.

The system is served by 2 x 400kW air cooled chillers - currently chiller 1 is operating at 80% and chiller 2 at 40%. Increasingly, maintenance crews are on site to repair & maintain the system.

Replacement of the chillers and pumps has been identified as a necessary project and is listed in Council's Annual Plan, Principal Activity 12 – Administration, Ref No CS4, \$750,000 budget allocation in 2012/13.

The planned works involve the replacement of the existing *air cooled* chillers with a *water cooled* system which will result in substantial savings in electrical costs and increased performance.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 27 November 2012 and closed on 20 December 2012.

The invitation documents called for lump sum tenders, based on a detailed specification.

4.1 CPA/219328 - Replacement of WSC Air Conditioning Chillers and Associated Works (contd)

A compulsory pre-tender meeting was held at Council's Civic Centre on 5 December 2012 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on 20 December 2012.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Airmaster Australia Pty Ltd
- Dalkia Technical Services
- Hirotec Maintenance Pty Ltd
- James & Scott Air Pty Ltd
- James L Williams (NSW) Pty Ltd
- Nationwide Air Conditioning Sales & Service Pty Ltd
- Resolve Mechanical Services Pty Ltd
- Ryan Wilks Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Price;
- b) Methodology;
- c) Experience;
- d) Performance
- e) Local content

FINANCIAL IMPLICATIONS

The projected cash flow for 2012/13 is \$413,000 with the residual in 2013/14 (July & August).

The original intention was to replace the air cooled chiller with a similar system. As investigations progressed, the alternative water cooled system was reviewed and its performance and power consumption far outweighed air cooled systems. It is estimated that power consumption will be approximately half the current consumption. Inherent with this alternative is the additional cost of the cooling tower and roofing alterations required to accommodate the tower.

Power consumption savings and energy saving certificates which can be claimed, as a result of reduced emissions, will offset the additional budget requirement within 2 years.

4.1 CPA/219328 - Replacement of WSC Air Conditioning Chillers and Associated Works (contd)

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

Replacement of the chillers has been programmed to be undertaken outside the summer period to avoid major disruption to the air conditioning system. Consideration was given to utilizing a temporary chiller and estimates were obtained for a projected hire period of 10 weeks at \$8,000 per week (\$80,000). There is a risk of some minor occupant discomfort for people in Building A if unseasonal warm weather is experienced but it is recommended that this risk is tolerable in light of the savings of \$80,000 in not providing a temporary chiller.

Work is projected to contractually commence March 2013 and conclude August 2013 in readiness for the 2013/14 summer period. On site construction work will not commence until May due to the long lead times for equipment delivery.

PUBLIC CONSULTATION

No public consultation specific to this project was necessary and none has occurred.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Confidential Attachment - CPA/219328 - Replacement of WSC Air Conditioning Chillers and Associated Works - | D03271134 |
|---|--|-----------|

5.1 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2013/01723 - D03264944

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Kay Matthews; Administration Assistant

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$9,340.00 from the 2012-13 Councillors' Community Improvement Grants as follows:

<i>Proposed allocations for 13 March 2013</i>		
<i>Bateau Bay PCYC (\$2000)</i>	<i>Time for Kids Event and other programs</i>	<i>500.00</i>
<i>Charles Richards for Tayla Richards (\$1200) (\$450 already allocated)</i>	<i>Registration for Central Coast Mariners Academy</i>	<i>150.00</i>
<i>Child and Family Services Wyong Shire (\$2000)</i>	<i>Provide an Early Childhood Education and Care Service Crèche</i>	<i>400.00</i>
<i>Homeless No More (\$2000)</i>	<i>Sneaks 4 Streets Walkathon</i>	<i>1,100.00</i>
<i>Homeless No More (\$2000)</i>	<i>Workshops focussing on long term unemployed, homeless and disadvantaged youth</i>	<i>800.00</i>
<i>Iris Foundation (\$2000)</i>	<i>Slither & Slumber Sleepout</i>	<i>2,000.00</i>
<i>Lakeland Park Fitness Group (\$300)</i>	<i>Exercise equipment for seniors</i>	<i>150.00</i>
<i>Long Jetty & District Senior Citizens Club (\$1000)</i>	<i>Seniors' Week - provide meals to housebound seniors</i>	<i>400.00</i>
<i>Ourimbah Public School P & C (\$2000) (\$100 already allocated)</i>	<i>150 year celebration commemorative medallion/pin to be given to students</i>	<i>500.00</i>
<i>Rotary Club of Wyong Tuggerah (\$400)</i>	<i>Sponsor a hole at Rotary Charity Golf Day</i>	<i>40.00</i>
<i>The Entrance Rugby Club (\$2000)</i>	<i>Sporting equipment</i>	<i>600.00</i>
<i>Toukley & District Senior Citizens Club (\$2000)</i>	<i>Replacement of ceiling fans</i>	<i>600.00</i>
<i>Tuggerah Tuffs Winter Swim club (\$1700)</i>	<i>Purchase of club shirts</i>	<i>500.00</i>

Variety the Childrens Charity (\$1000)	Helping a child within the Wyong Shire who is sick, disadvantaged or has special needs	200.00
YMCA (\$2000)	Swimathon Toukley Aquatic Centre to teach disabled children to swim	1,400.00

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.

In accordance with Clause 2.3 of the Councillor's Community Improvement Grants Policy available funding for the 2012/2013 financial year is \$75,000. Clause 2.3 states:

"After a Local Government election, the allocation to the individual Councillors will be 50% of the allocation identified in Clause 1.1 and will be available from 1 December of that year to 30 June of the following year".

THE PROPOSAL

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

5.1 Proposed Councillors' Community Improvement Grants (contd)

The proposed allocations are listed below:

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/012/2012 - 30/06/2013		7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	75,000.00
Expenditure up to and including Ordinary Council Meeting of 13 February 2013		1,850.00	1,300.00	2,500.00	335.17	2,080.00	800.00	200.00	550.00	3,550.00	2,276.02	15,441.19
Available allocation as at 13 February 2013		5,650.00	6,200.00	5,000.00	7,164.83	5,420.00	6,700.00	7,300.00	6,950.00	3,950.00	5,223.98	59,558.81
Proposed allocations for 13 March 2013												
Bateau Bay PCYC (\$2000)	Time for Kids Event and other programs					500.00						500.00
Charles Richards for Tayla Richards (\$1200) (\$450 already allocated)	Registration for Central Coast Mariners Academy				150.00							150.00
Child and Family Services Wyong Shire (\$2000)	Provide an Early Childhood Education and Care Service Crèche	100.00			300.00							400.00
Homeless No More (\$2000)	Sneaks 4 Streets Walkathon	100.00				500.00				500.00		1,100.00
Homeless No More (\$2000)	Workshops focussing on long term unemployed, homeless and disadvantaged youth					500.00				300.00		800.00
Iris Foundation (\$2000)	Slither & Slumber Sleepout	100.00				1,000.00				900.00		2,000.00
Lakeland Park Fitness Group (\$300)	Exercise equipment for seniors						150.00					150.00
Long Jetty & District Senior Citizens Club (\$1000)	Seniors' Week - provide meals to housebound seniors	100.00	200.00		100.00							400.00
Ourimbah Public School P & C (\$2000) (\$100 already allocated)	150 year celebration commemorative medallion/pin to be given to students								500.00			500.00
Rotary Club of Wyong Tuggerah (\$400)	Sponsor a hole at Rotary Charity Golf Day	40.00										40.00
The Entrance Rugby Club (\$2000)	Sporting equipment	100.00		500.00								600.00
Toukley & District Senior Citizens Club (\$2000)	Replacement of ceiling fans	100.00				200.00				300.00		600.00
Tuggerah Tufts Winter Swim club (\$1700)	Purchase of club shirts			500.00								500.00
Variety the Childrens Charity (\$1000)	Helping a child within the Wyong Shire who is sick, disadvantaged or has special needs	100.00			100.00							200.00
YMCA (\$2000)	Swimathon Toukley Aquatic Centre to teach disabled children to swim	200.00	100.00	100.00	100.00	200.00	200.00	200.00		100.00	200.00	1,400.00
Total Proposed Allocations for 13 March 2013		940.00	300.00	1,100.00	750.00	2,900.00	350.00	200.00	500.00	2,100.00	200.00	9,340.00
Total Accumulated Allocations as at 13 March 2013		2,790.00	1,600.00	3,600.00	1,085.17	4,980.00	1,150.00	400.00	1,050.00	5,650.00	2,476.02	24,781.19
Balance Uncommitted as at 13 March 2013		4,710.00	5,900.00	3,900.00	6,414.83	2,520.00	6,350.00	7,100.00	6,450.00	1,850.00	5,023.98	50,218.81
COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Greenwald	Matthews	Nayna	Taylor	Troy	Vincent	Webster	SUB TOTAL
Allocation 01/012/2012 - 30/06/2013		7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	75,000.00
Expenditure up to and including Ordinary Council Meeting of LAST COUNCIL MEETING DATE)		2,790.00	1,600.00	3,600.00	1,085.17	4,980.00	1,150.00	400.00	1,050.00	5,650.00	2,476.02	24,781.19
Available allocation as at (LAST COUNCIL MEETING DATE)		4,710.00	5,900.00	3,900.00	6,414.83	2,520.00	6,350.00	7,100.00	6,450.00	1,850.00	5,023.98	50,218.81

OPTIONS

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

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
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

Priority Objective

How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan

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 2011-12 financial year. Unspent approvals lapse 31 May 2012.

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.

ATTACHMENTS

Nil

5.2 Proposed Water Supply, Sewerage and Drainage Charges for 2013/14 to 2016/17

TRIM REFERENCE: F2004/06782 - D03272485

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Ian Johnson; Regulatory Services Engineer

SUMMARY

On 19 February 2013 the Independent Pricing and Regulatory Tribunal (IPART) released a set of draft pricing proposals for Council's water, sewerage and drainage business for the period 2013/14 to 2016/17. This report summarises the draft pricing proposal, the implications of the proposal to Council and Council's response to the proposal.

RECOMMENDATION

That Council provides a response to the draft IPART price proposal outlining its concern with the proposal.

BACKGROUND

In September 2012 the Independent Pricing and Regulatory Tribunal (IPART) commenced a review of pricing for water supply, sewerage and drainage services provided by Wyong and Gosford Councils for the period 2013/14 to 2016/17.

IPART is Council's regulator for pricing purposes.

In response to the review Council provided to IPART on 14 September 2012 a pricing submission and associated information schedules outlining Council's pricing proposals for the period (price path) 2013/14 to 2016/17.

For reference the Council submission and associated documents provided to IPART are in TRIM document D03135024.

Following receipt of Council's pricing proposal IPART undertook an extensive review and consultation process which involved canvassing of public opinion/submissions and a Public Hearing at Gosford on 12 November 2012 seeking further community input.

As part of the price review process IPART engaged specialist consultant Oakley Greenwood to examine and review Council's past and future operational and capital expenditure proposals for prudence and efficiency and to provide IPART with independent expert advice/guidance on Council's proposal.

Following review of Council's operational and capital forecasts IPART calculates a required level of revenue to sustain Council's operations over the price path. The required revenue is determined from a "Building Block" methodology which takes in to account factors such as "prudent and efficient" expenditure forecasts, return on capital invested in Council's water business and expenses associated with asset depreciation.

5.2 Proposed Water Supply, Sewerage and Drainage Charges for 2013/14 to 2016/17 (contd)

Following the revenue calculation process and using customer growth forecasts and projected water sales IPART is then able to determine appropriate prices and charges necessary to generate the required "efficient" revenue level.

On Tuesday 19 February 2013 IPART released its draft price determination and accompanying report and is currently seeking Council and community comment before finalisation of prices. The accompanying report is a particularly important document as it explains the reasons and background surrounding IPART's decisions on prices.

The deadline for comments to IPART from Council and the wider community is Friday 15 March 2013.

On receipt of Council and community input IPART will issue its final binding price determination in mid May in order to allow Council to be in a position to implement the new prices on 1 July 2013.

The purpose of this report is to highlight to Councillors the outcomes of the draft price determination and the differences between the prices sought by Council and the prices proposed by IPART. The report also outlines the elements of Council's response to IPART's proposals.

5.2 Proposed Water Supply, Sewerage and Drainage Charges for 2013/14 to 2016/17 (contd)

Differences between IPART and Council Price Proposals

While both Council's and IPART's price proposals are both highly detailed there are two critical elements that will enable a comparison. These elements are;

- Revenue requirements for pricing purposes for 2013/14 to 2016/17
- Proposed prices for 2013/14 to 2016/17

The following comparisons between Council and IPART are presented;

	Required Revenue* (12/13 \$M)				Total
	2013/14	2014/15	2015/16	2016/17	
Wyong Submission	92.00	94.5	99.0	103.5	389.0
IPART Determined	70.8	70.7	70.6	70.2	282.3

* for pricing purposes

Revenue requirements are designed to cover Council's corporate, water, sewerage and drainage activities for the period 2013/14 to 2016/17. As indicated IPART has determined a revenue requirement 27% lower than that proposed by Council. This has resulted in a significantly reduced pricing trend as indicated below.

Proposed Prices (expressed as % changes from previous year)

Category	2013/14		2014/15		2015/16		2016/17	
	Wyong Proposed	IPART Decision	Wyong Proposed	IPART Decision	Wyong Proposed	IPART Decision	Wyong Proposed	IPART Decision
Water Service	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
- Residential (20mm)	+4.6%	- 4.4%	+11.4%	-11.2%	+10.5%	-12.2%	+10.4%	-13.0%
Water Service	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
- Non-Residential (>20mm)	+4.6%	- 17.7%	+11.4%	-10.3%	+10.5%	-11.3%	+10.4%	-12.1%
Water Usage	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
	+10.9%		+6.4%		+4.0%		+3.8%	
Sewerage Service	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
- Residential (20mm)	+11.3%	- 4.3%	+11.8%	-0.7%	+13.7%	-0.7%	+13.5%	-0.7%
Sewerage Service	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
- Non-Residential (>20mm)	+11.3%	+ 34%	+11.8%	+4.7%	+13.7%	+5.0%	+13.5%	+4.0%
Sewerage Usage ^(c)	CPI	0	CPI	0	CPI	0	CPI	0
Drainage Service	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
	+10.5%	+4.8%	+10.5%	+4.8%	+10.5%	+4.8%	+10.5%	+4.8%
Liquid Trade Waste ^(a)	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI
Miscellaneous ^(b)	CPI	CPI	CPI	CPI	CPI	CPI	CPI	CPI

- (a) With two exceptions all charges increased at either CPI or slightly less than CPI
 (b) With two exceptions all charges increase at CPI
 (c) IPART has determined that the Sewerage Usage Charge will remain at \$0.83 per kilolitre without any step price charges or CPI adjustments over the pricing path

5.2 Proposed Water Supply, Sewerage and Drainage Charges for 2013/14 to 2016/17 (contd)

There are also a number of other significant differences between Council's and IPART's proposals ie;

1 Return on Assets or Capital Invested

While Council has used a post tax Weighted Average Cost of Capital (WACC) of 5.6% for its future revenue requirement calculation IPART has subsequently reduced this to 4.2%.

The implication of this decision is that Council's revenue requirement has been reduced by \$5.6M per annum or about \$22M over the four year price path.

2 Operational Expenditure

IPART has removed all forecast expenditures (\$3.1M) associated with the establishment of the Central Coast Water Corporation (CCWC) from Council's revenue requirement for the period 2013/14 to 2016/17.

IPART has also removed all proposed expenditure for CCWC Board expenses (\$300,000 pa).

IPART has excluded \$12M from the Corporate expenditure forecast for the water, sewerage and drainage business from the revenue requirement for the period 2013/14 to 2016/17.

3 Capital Expenditure

While Council proposed a \$167M capital works programme for the period 2013/14 to 2016/17 IPART has only provided sufficient revenue to sustain a \$93M expenditure.

While IPART has indicated that much of the disallowed expenditure (\$74M) can be deferred to the post 2016/17 period this decision still has implications for water security and water quality issues. The capital projects deferred are;

- Mardi to Warnervale Pipeline (\$25M)
- Charmhaven Sewage Treatment Plant Upgrade (\$12.5M)
- Kiar Ridge Reservoir (\$7.8M)
- Mangrove Creek Dam Spillway Upgrade (\$4M)
- Water Quality related works (\$1.7M)
- Drainage related works (\$18.5M)

IPART also requires Council to identify, implement and demonstrate improvements in its asset and capital procurement practices by mandating a 5% efficiency gain in capital expenditure.

IPART Price Proposal – Typical Customer Impacts

To give a perspective on customer impacts two typical bill scenarios have been presented below based on;

- Residential property using 160 kilolitres per annum
- Non Residential property using 500 kilolitres per annum

Bill for Residential Property Using 160 KI Per Annum (12/13\$)									
Charge	2012/13 Current	2013/14 Council Proposed	2013/14 IPART etermination	2014/15 Council proposed	2014/15 IPART etermination	2015/16 Council proposed	2015/16 IPART etermination	2016/17 Council proposed	2016/17 IPART etermination
Water Usage	339.20	376.00	339.20	400.00	339.20	416.00	339.20	432.00	339.20
Water Service*	167.35	175.05	160.01	195.00	142.07	215.50	127.78	238.00	108.62
Sewerage Service	463.44	515.81	443.50	577.00	440.43	656.50	437.40	745.00	434.37
Drainage Service	89.77	99.20	94.09	109.61	98.62	121.12	103.37	133.84	108.35
Total Bill (12/13 \$)	1,059.76	1,166.06	1,036.80	1,281.61	1,020.32	1,409.12	1,007.75	1,548.84	990.54
Total Bill ** (with inflation)	1,059.76	1,202.21	1,068.94	1,354.37	1,078.25	1,526.35	1,091.59	1,719.63	1,175.47

* does not include "per property" contribution to the NSW Government "Central Coast Water Savings Fund"

** based on IPART assumed inflation - 3.1% pa (to 13/14)
- 2.5% pa (13/14 to 16/17)

Bill** for Non-Residential Property Using 500 KI Per Annum (12/13\$)									
Charge	2012/13 Current	2013/14 Council Proposed	2013/14 IPART etermination	2014/15 Council proposed	2014/15 IPART etermination	2015/16 Council proposed	2015/16 IPART etermination	2016/17 Council proposed	2016/17 IPART etermination
Water Usage	1060.00	1175.54	1060.00	1250.77	1060.00	1330.80	1060.00	1350.24	1060.00
Water Service*	1045.88	1093.99	860.48	1218.70	772.20	1346.81	684.76	1487.45	602.20
Sewerage Service	626.10	696.85	1398.00	779.07	1463.76	886.93	1537.04	1006.48	1598.24
Sewerage Usage	249.00	249.00	124.50	249.00	124.50	249.00	124.50	249.00	124.50
Drainage Service	561.06	619.97	588.06	685.06	616.37	757.00	646.06	836.48	677.19
Total Bill (12/13 \$)	3,542.04	3,835.35	4,031.04	4,182.60	4,036.83	4,540.54	4,052.36	4,929.65	4,062.13
Total Bill ** (with inflation)	3,542.04	3,954.25	4,156.00	4,420.07	4,266.02	4,918.29	4,389.49	5,473.26	4,510.07

* does not include "per property" contribution to the NSW Government "Central Coast Water Savings Fund"

** assuming 50mm water meter and 60% discharge factor

*** based on IPART assumed inflation - 3.1% pa (to 13/14)
- 2.5% pa (13/14 to 16/17)

IPART Price Proposal – Implications and Risks for Council

While the IPART price proposal will be seen by many customers as a “win” in comparison to those prices originally proposed by Council there are risks associated with the IPART proposal arising out of reduced revenues.

These risks are;

- Financial stability of Council
- Future Resourcing
- Potential changes in Levels of Service
- Impact on CCWC Establishment
- Environmental and OHS compliance
- Water security and quality issues
- Volatility in customer bills
- Price uniformity with Gosford

Particular attention is drawn to the risk of Council breaching it’s public responsibilities arising from the IPART decision in respect to:

- drinking water quality
- public health
- environmental compliance / protection

This decision also raises concerns over potential liability issues for Council staff and Councillors.

In reference to financial risks Council’s Finance group has reviewed the impacts of three scenarios. These are;

- Case 1 Based on Council’s original price submission and expenditure proposals
- Case 2 Where Council accepts IPART’s prices and undertakes expenditure in accordance with the draft determination
- Case 3 This is a ‘worst case’ where Council attempts to undertake an expenditure program in accordance with it’s original price submission albeit with prices proposed by IPART.

5.2 Proposed Water Supply, Sewerage and Drainage Charges for 2013/14 to 2016/17 (contd)

In summary the outcomes (expressed in \$,000) are;

Annual Profit / Loss Case 1	Cumulative 2009-13	2013-14	2014-15	2015-16	2016-17	Total for Determination Period
Income	347,482	86,425	94,815	103,612	113,031	397,883
Expenditure	349,828	93,860	93,655	95,333	96,926	379,775
Profit / (Loss)	(2,346)	(7,435)	1,160	8,278	16,105	18,108
New Borrowings			15,000	35,000	30,000	
Cash and Reserves		15,000	11,896	41,971	40,218	
Annual Profit / Loss Case 2		2013-14	2014-15	2015-16	2016-17	Total for Determination Period
Income		80,209	79,713	78,969	78,124	317,016
Expenditure		84,584	84,129	85,145	80,605	334,462
Profit (Loss)		(4,375)	(4,415)	(6,176)	(2,481)	(17,447)
New Borrowings						
Cash and Reserves		24,843	11,151	9,337	8,904	
Annual Profit / Loss Case 3		2013-14	2014-15	2015-16	2016-17	Total for Determination Period
Income		80,209	79,713	78,969	78,124	317,016
Expenditure		89,125	88,907	90,596	85,944	354,571
Profit / (Loss)		(8,916)	(9,194)	(11,627)	(7,819)	(37,556)
New Borrowings						
Cash and Reserves		18,033	(9,637)	(31,782)	(84,982)	

In view of the above Council will find it difficult to obtain any new borrowings given the ongoing losses. This will impact Council reserves.

In relation to debt to equity ratios there is minimal movement for each of the scenarios as indicated below.

Debt to Equity Ratio	2013-14	2014-15	2015-16	2016-17
Case 1	0.11	0.11	0.13	0.13
Case 2	0.11	0.11	0.10	0.09
Case 3	0.11	0.12	0.10	0.09

IPART Price Proposal – Comparison with IPART Price Proposal for Gosford

In undertaking the current price review IPART has drawn significant distinctions between Wyong and Gosford particularly in relation to capital work programs, growth related works and operational expenditure such as sludge process and disposal.

This situation has resulted in significant imbalance in water and sewerage bills where for example a typical annual residential water and sewerage bill (using 160 kilolitres per year) will rise by 24% (including inflation) in Gosford between 2013/14 and 2016/17 whereas the corresponding increase in Wyong is less than 2% over this period which is less than inflation.

This imbalance will not assist customer confidence moving towards the CCWC where more uniform charges are expected.

IPART Price Proposal – Proposed Response by Council

Council will be responding to the IPART draft determination in particular highlighting;

- Financial impacts of IPART's decision
- Impacts on Council meeting it's health and environmental regulatory obligations
- Need for uniformity of charging as the Councils' move towards the establishment of the CCWC
- Impact of disallowances of CCWC expenditure
- Reduction in allowance for financial return on assets
- Impacts on Levels of Service
- Impacts on resourcing
- Impacts of capital expenditure reductions

It is also intended to raise with IPART the issue of the use of historic expenditure (to develop future expenditure requirements) that reflects the recent drought. Such historic expenditure based on "skeleton" resourcing is considered unrepresentative in developing forward expenditures.

One issue that will also require consideration before responding to IPART relates to the length of the pricing path. While IPART has provided prices for a four year path Council's financial position arising out of the IPART decision may necessitate consideration of a shorter price path although this course of action will also result in other risks such as diversion of staff resources to undertake a further price review.

ATTACHMENTS

Nil.

5.3 Flooding of Turpentine Road Rail Underpass

TRIM REFERENCE: C2013/05482 - D03276514

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: Karina Curtis; Personal Assistant to Director Infrastructure and Operations

SUMMARY

At the time this business paper was prepared this recommendation had not yet been endorsed by the Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee at their meeting of 7 March 2013.

The purpose of this report is not necessarily to commit Council to any particular action or expenditure, but rather to place Council in a position to be able to potentially qualify for grant funding to address a particular flood risk management issue. Any decision to commit expenditure will be the subject of a further report to Council.

The issue for which a funding mechanism is being sought is flood access and evacuation for 21 existing rural properties in Kangy Angy; these residents are frequently isolated for several hours during flooding.

RECOMMENDATION

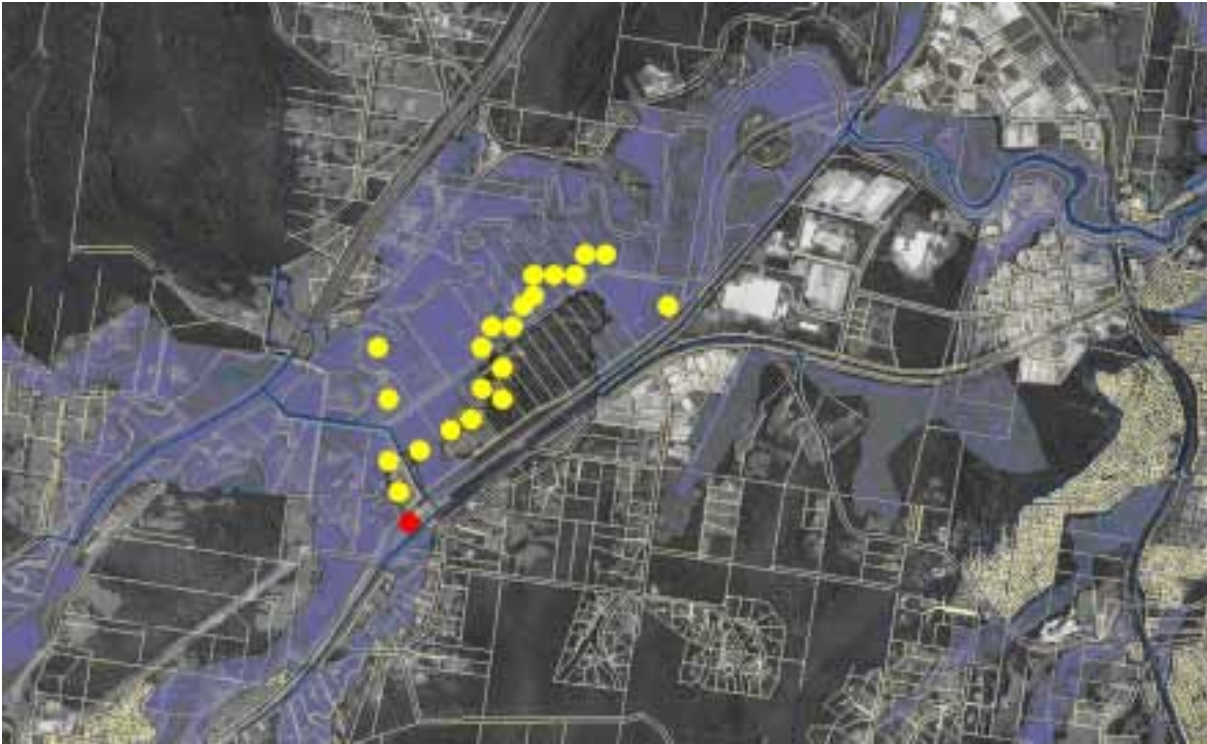
That Council include the flood risk management issue of the flooding of Turpentine Road rail underpass, Kangy Angy, as an additional implementation action in the already adopted Lower Ourimbah Creek Flood Risk Management Plan. This will allow time for a grant application to be prepared and submitted before the 21 March 2013 deadline.

BACKGROUND

A report was prepared and discussed at the Tuggerah Lakes Estuary, Coastal, & Floodplain Management Committee on 7 March and was endorsed by the Committee members.

INTRODUCTION

There is a rural community of 21 properties in the Orchard Road area, Kangy Angy, that are frequently isolated by flooding (shown in yellow below). Their only access is via the Turpentine Road rail underpass (shown in red), which is accessed off Entrerprise Drive.



RECENT FLOODING

Three residents from this community have made separate representations to Council about this issue in relation to the recent flooding, three times in three weeks: 29 January, 12 February, and 24 February. The depth of flooding across the road at the underpass, was 2.0m on 29 January 2013, and 1.3m on 12 February 2013, as shown below. Note that depth of flooding over 1.0m at this location would be categorized as high hazard.





From recorded rainfall data it is estimated that the 2.0m flood depth observed on 29 January 2013 at the underpass was about a 50% AEP (1 in 2y) flood event, as shown below:

KANGY ANGY					
Hourly Rainfall Totals for KANGY ANGY ORCHARD RD RAINFALL					
Date	26/01/13	27/01/13	28/01/13	29/01/13	30/01/13
Time	Saturday	Sunday	Monday	Tuesday	wednesday
0:00	.	.	.	4.0	.
1:00	.	.	.	5.0	.
2:00	.	.	.	7.0	.
3:00	.	0.5	.	7.0	.
4:00	.	7.0	.	10.0	.
5:00	.	9.0	1.0	6.5	.
6:00	.	11.5	0.5	2.0	.
7:00	.	1.5	.	.	.
8:00	.	1.0	1.0	0.5	.
9:00	.	2.0	4.0	.	.
10:00	.	0.5	4.5	.	.
11:00	.	3.5	7.5	.	.
12:00	.	7.0	8.0	0.5	.
13:00	.	17.5	15.0	.	.
14:00	.	14.5	10.5	.	.
15:00	.	2.0	11.0	.	.
16:00	.	2.5	7.0	.	.
17:00	.	1.0	8.5	.	.
18:00	.	.	8.5	.	.
19:00	.	1.0	5.5	.	.
20:00	.	0.5	3.5	.	.
21:00	.	0.5	7.5	.	0.5
22:00	.	.	13.0	2.0	.
23:00	.	.	5.5	3.0	.
Day Total	0.0	83.0	122.0	47.5	0.5
9:00 Total		30.5	55.0	161.5	5.5
Grand Total = 253.0					
Rainfall Intensities above 2.0 mm					
Maximum in 5 mins	3.0 mm at 14:20 27-01-2013 (36.0 mm/Hr)				
Maximum in 15 mins	7.0 mm at 13:16 27-01-2013 (28.0 mm/Hr)				
	13:18 27-01-2013				
	13:19 27-01-2013				
Maximum in 30 mins	12.0 mm at 13:18 27-01-2013 (24.0 mm/Hr)				
Maximum in 60 mins	18.0 mm at 13:18 27-01-2013 (18.0 mm/Hr)				
	13:24 27-01-2013				
	13:25 27-01-2013				
Maximum in 3 hrs	40.0 mm at 11:46 27-01-2013 (13.3 mm/Hr)				
Maximum in 6 hrs	62.0 mm at 12:48 28-01-2013 (10.3 mm/Hr)				
Maximum in 12 hrs	105.5 mm at 11:00 28-01-2013 (8.8 mm/Hr ARI = 1.9 yrs)				
	11:21 28-01-2013				
	11:24 28-01-2013				
Maximum in 24 hrs	162.0 mm at 8:44 28-01-2013 (6.8 mm/Hr ARI = 2.9 yrs)				
Maximum in 48 hrs	232.0 mm at 4:31 27-01-2013 (4.8 mm/Hr ARI = 3.7 yrs)				

5.3 Flooding of Turpentine Road Rail Underpass (contd)

The depth of flooding at the underpass in a 20% AEP (1 in 5y) event is predicted to be 2.3m (taken from work completed on the current Ourimbah Creek Flood Study). Given that this is greater than the 2.0m observed then it confirms that the recent 29 January 2013 event was only of the order of a 50% AEP (1 in 2y) flood event. This is indeed concerning, because it provides some measure of the frequency of high hazard floodway conditions at the road underpass, and associated road closures.

PREVIOUS COMMITTEE REPORT (5 July 2012)

A report on this issue had been previously brought to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee on 5 July 2012, and made a recommendation to Council. However at that time Committee minutes did not go to Council, so the issue remains unresolved. At that time the Committee recommended:

That the Committee recommend that Council add the risk management issue of flooding of the Turpentine Road rail underpass, Kangy Angy, as an additional implementation action in the Lower Ourimbah Creek Floodplain Risk Management Plan.

A copy of the text associated with the report in the 5 July 2012 Committee business paper is included below (in part):

In July 2011 the then Mayor, Councillor Eaton, was advised of resident's concerns in relation to access to the Orchard Road area during flooding.

Council's Roads & Stormwater Unit investigated possible works to better manage flood impacts. They are about to carry out minor works to reduce the frequency of nuisance flooding [a bitumen bund has since been placed on the upstream side of the underpass to prevent low creek flows from overflowing onto the road]. They have however advised that a more extensive solution, such as an alternative railway level crossing or rail over-bridge, could not be properly investigated or subsequently constructed without the assistance of grant funding. Presently Council cannot qualify for such grant funding assistance because this flood risk issue is not included as an implementation action in the Lower Ourimbah Creek Floodplain Risk Management Plan.

The Turpentine Road rail underpass is actively monitored by the SES during flood events for early road closure. It is also identified as a specific risk area within the SES Wyong Shire Local Flood Plan [still current], as follows:

The access to the Orchard Road rural residential area is via a railway underpass at Turpentine Road off Enterprise Drive. The underpass becomes inundated at an early stage in Ourimbah Creek Floods (or less commonly by floods in the local watercourse which is Chittaway Creek). Residents of the area can then get vehicular egress along the transmission easement and then Chittaway Road to another underpass of the railway at Ourimbah Creek. However this second underpass also gets cut at later stages of Ourimbah Creek floods [Refer to figure at end of this report]. The Orchard Road area is then inaccessible except by crossing the railway line, which is normally prohibited.

In practice residents have reported that the alternative access along the 2.5km transmission line easement [and further north to the next underpass] is not viable given that it is impassable in wet periods and given that this route is itself subject to flood hazard in medium to large floods. Council's Roads & Stormwater Unit has advised the establishment of a road along this alignment not to be viable from an asset management perspective [due to the poor sub-grade, the significant capital,

maintenance and renewal costs, the additional traffic likely to be generated, and the likely damage to such a road from heavy vehicle access].

Instead the residents choose to cross the rail corridor by foot, which is not permitted by RailCorp and is associated with a different type of risk. Residents have also reported break-ins to cars that have been left on the Enterprise Drive side of the railway line.

The Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan was adopted by Council in August 2011. The Plan acknowledged the specific risk issue, but did not include it in the final list of six implementation actions [likely to be an oversight at the time], which were all related to land use planning, education and maintenance.

The question is: can the Plan be changed? In respect to the Plan, the NSW Government's Floodplain Development Manual, states that: "A management plan is never truly 'final' but rather 'adopted'", and "Management plans should be reviewed regularly", and "It is essential that the adopted management plan is complementary to the local flood plan" (FDM 2005, p.H-3).

Therefore, in order to properly investigate opportunities to manage this flood risk issue then it is necessary for it to be included as an additional implementation action within the Lower Ourimbah Creek Floodplain Risk Management Plan.

GRANT FUNDING APPLICATIONS FOR 2013/14

Applications for grants for 2013-14 close on 21 March 2013. They are typically announced in September.

Funding for successful applications may be provided under the NSW Floodplain Management Program or the joint NSW–Commonwealth Natural Disaster Resilience Program (The level of funding available for the latter program is subject to Commonwealth–State negotiations).

In the 2012-13 round \$24.35m funding was awarded to 101 NSW councils; an average of \$241,000 for each of the successful Councils. Wyong Shire Council was awarded \$405,000.

The following information was summarised from the OEH website:

Assistance provided under the program is usually \$2 from government for every \$1 provided by the applicant.

Applications can be made for the following independent project stages:

Stage 1 *Preparation of a flood study (including data collection)*

Stage 2 *Prepare or review floodplain risk management study and plan*

Stage 3 *Investigation, design and (where required) completion of a feasibility study for works identified in a floodplain risk management plan (this stage must be undertaken for any works projects that are likely to exceed a total project cost of \$500,000)*

Stage 4 *Implementation of actions identified in a floodplain risk management plan, including but not limited to:*

- *Structural works, such as levees, detention basins, flood gates and improved flow conveyance*
- *Flood warning systems*
- *Evacuation management*

- *Voluntary purchase or house raising*

Generally, the highest priority will be given to the following projects:

- *Flood studies or floodplain risk management studies and plans (or reviews), with the highest priority given to those in areas with significant development pressures or where existing communities are exposed to flood risk but where this risk is not fully understood*
- *The next stage of a mitigation work that is integral to a stage in progress – for example, the next stage of a levee project or works to offset the impacts from a levee project being constructed.*

PROPOSED SOLUTION

It is proposed to resolve this flooding access and evacuation issue utilising a rail level crossing. Feasibility discussions were held with the RailCorp External Interface Manager in 2012. RailCorp does not generally support level crossing proposals, but it is not without precedent; there is apparently a similar flood isolation issue near Windsor associated with Hawkesbury River flooding whereby a rail level crossing is opened during times of flood to provide flood safe alternative access. Under normal conditions the level crossing is gated and locked.

However a rail level crossing alone is not adequate. The reason being that the community is cut off by floodwaters at two locations, one being the Turpentine Road railway underpass, the other being the low lying sections of road in the vicinity of the Orchard Road and Ourimbah Road intersection. A railway level crossing must be accessible for both southern residents along Turpentine Road, Ourimbah Road and Schubolt Lane and northern residents along Orchard Road.

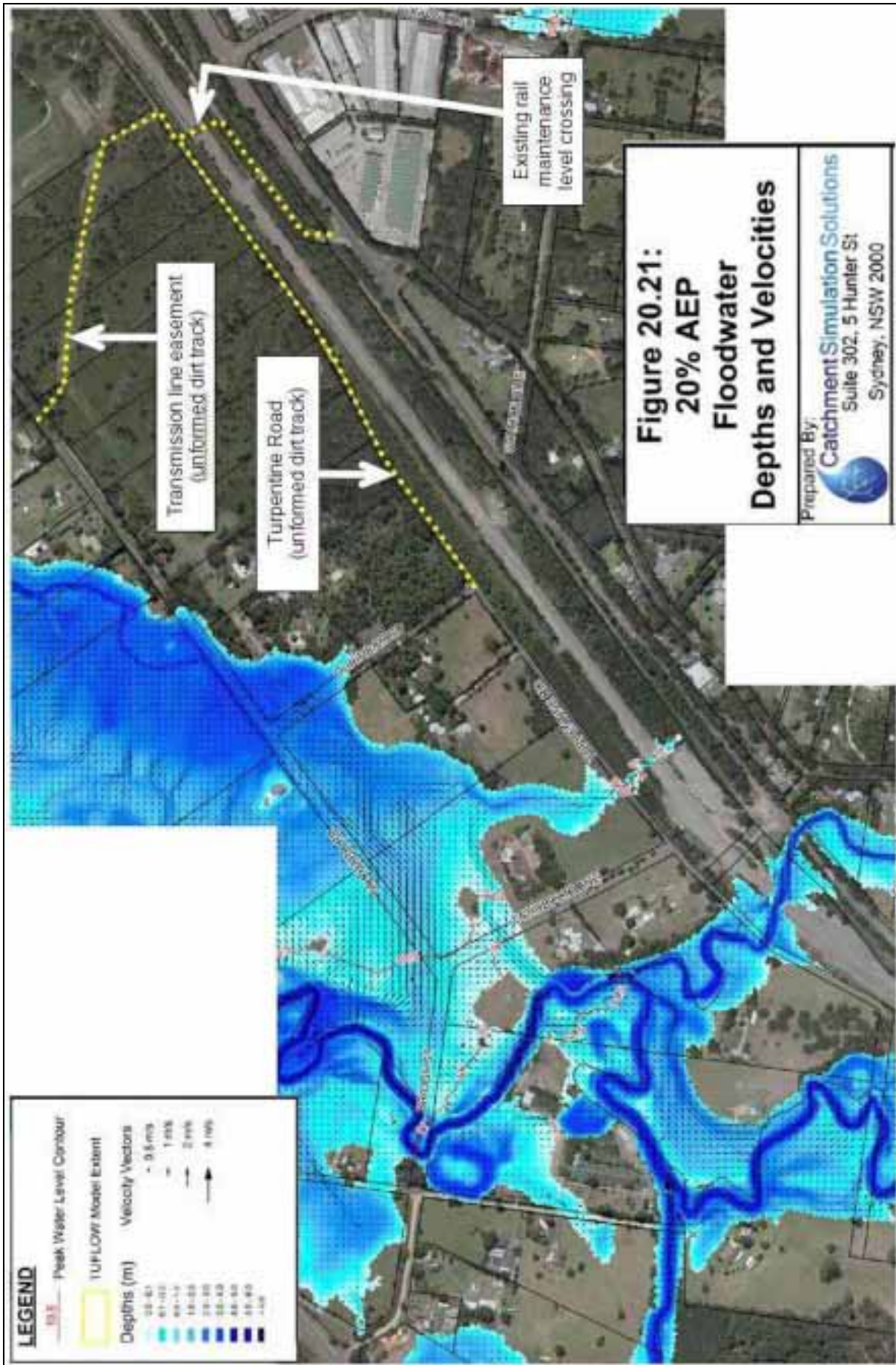
A recent meeting with a local resident on 25 February 2013 revealed that RailCorp already has a level crossing, which is ideally located, 1.3km from the existing underpass in a northbound direction. Discussions have not yet been held with RailCorp about the potential for this existing level crossing for flood evacuation purposes.

This proposed solution is shown graphically in the following figure (which incorporates the 20% AEP (1 in 5yr) flood extents from the current Ourimbah Creek Flood Study). It would involve the following works:

- Upgrade of a length of 800m of the unformed section of Turpentine Road to allow for light vehicle access.
- Upgrade of a length of 500m of the existing track along the transmission line easement to provide for light vehicle access (note that this route is already identified in the SES Local Flood Plan).
- Construct road approaches to each side of the existing rail level crossing, 20m length each side, with associated locked gates (opened only by authorised personnel during flooding when the underpass is closed).

Please note that:

- This project has not yet been properly scoped or planned at this stage. No cost estimate has been carried out at this stage other than an educated guess of \$600,000. It is proposed to apply for funding under the NSW 2013-14 Floodplain Management Grants Program, as discussed above.
- This proposed alternative access will still not be safe during very large floods. It is estimated that during the 1% AEP flood there will be up to 0.5m of ponded water along the proposed evacuation routes near the existing RailCorp level crossing, as shown in the final figure below.

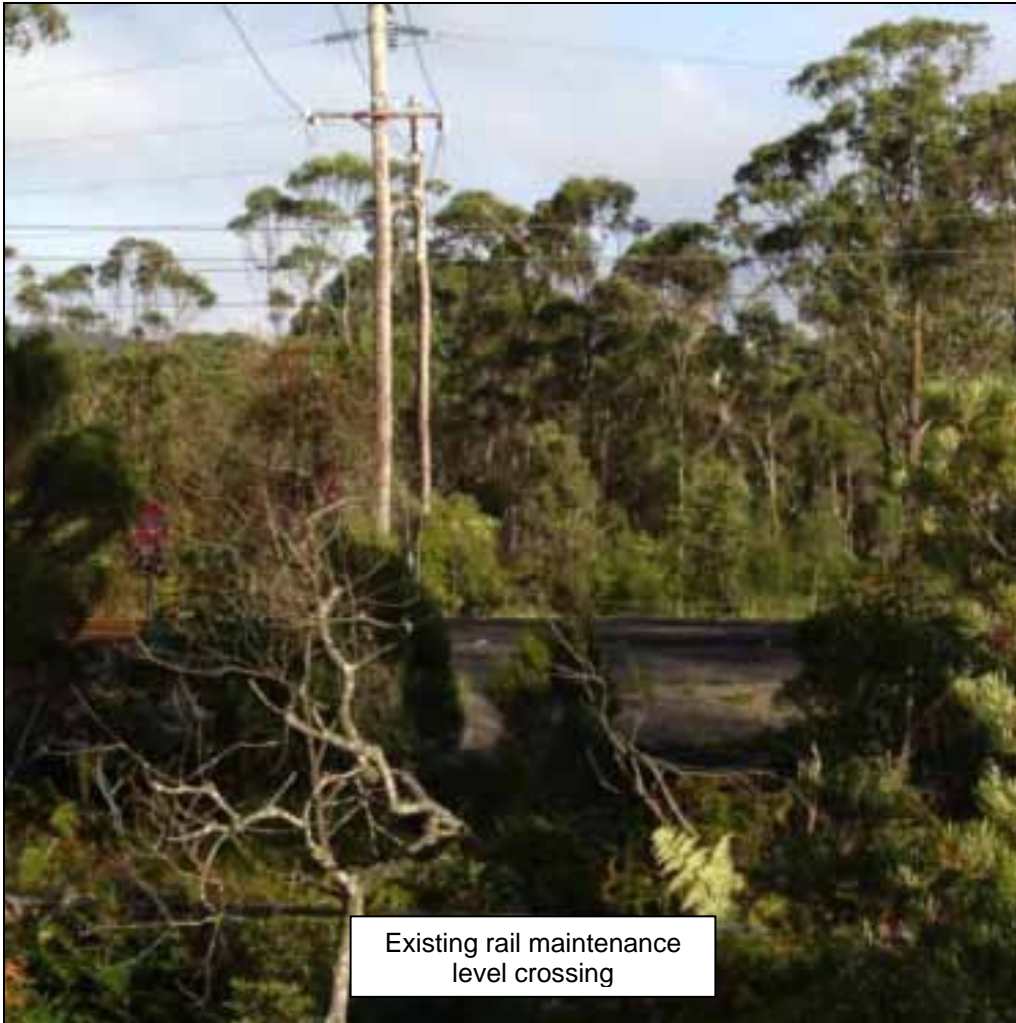


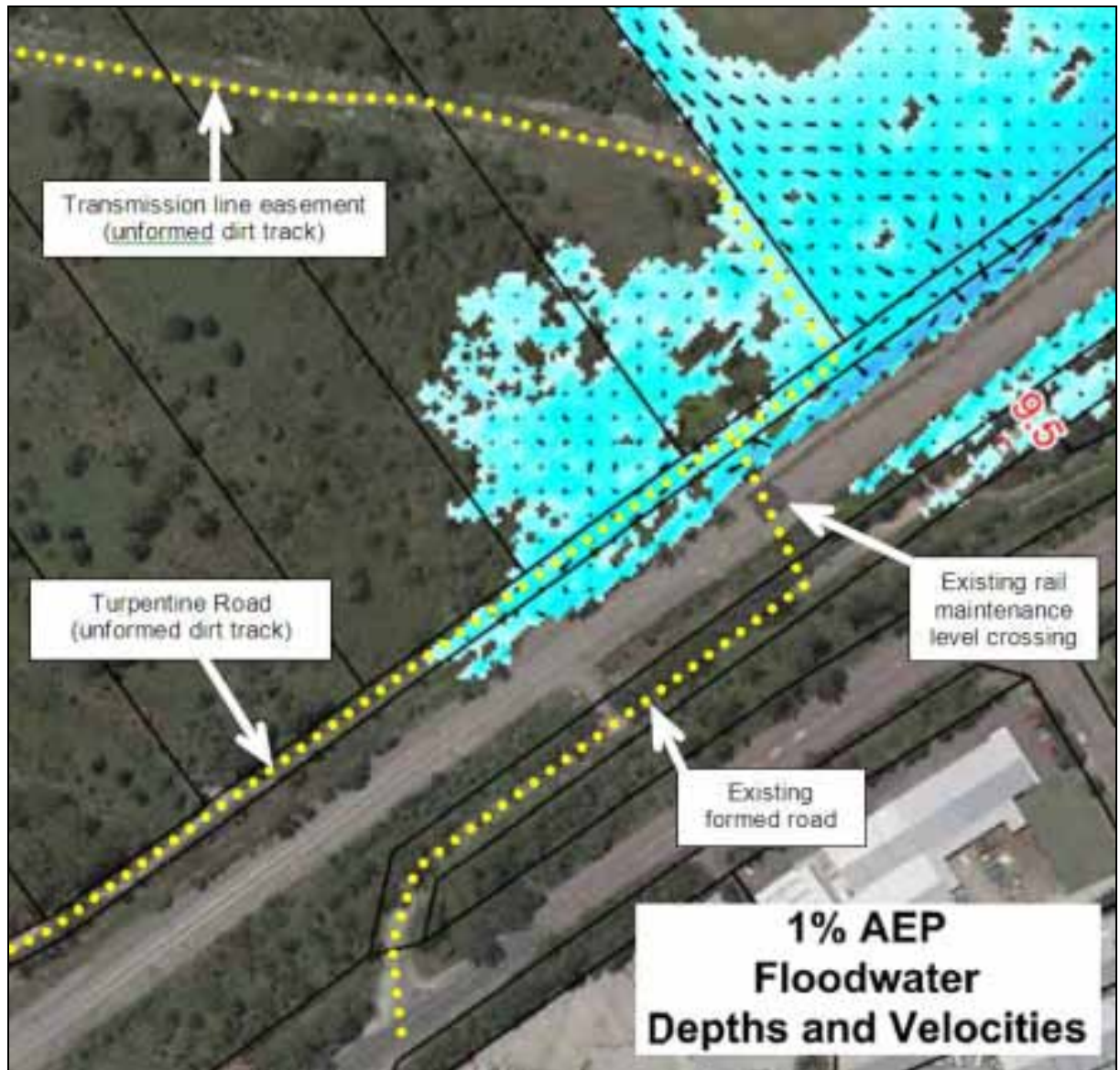


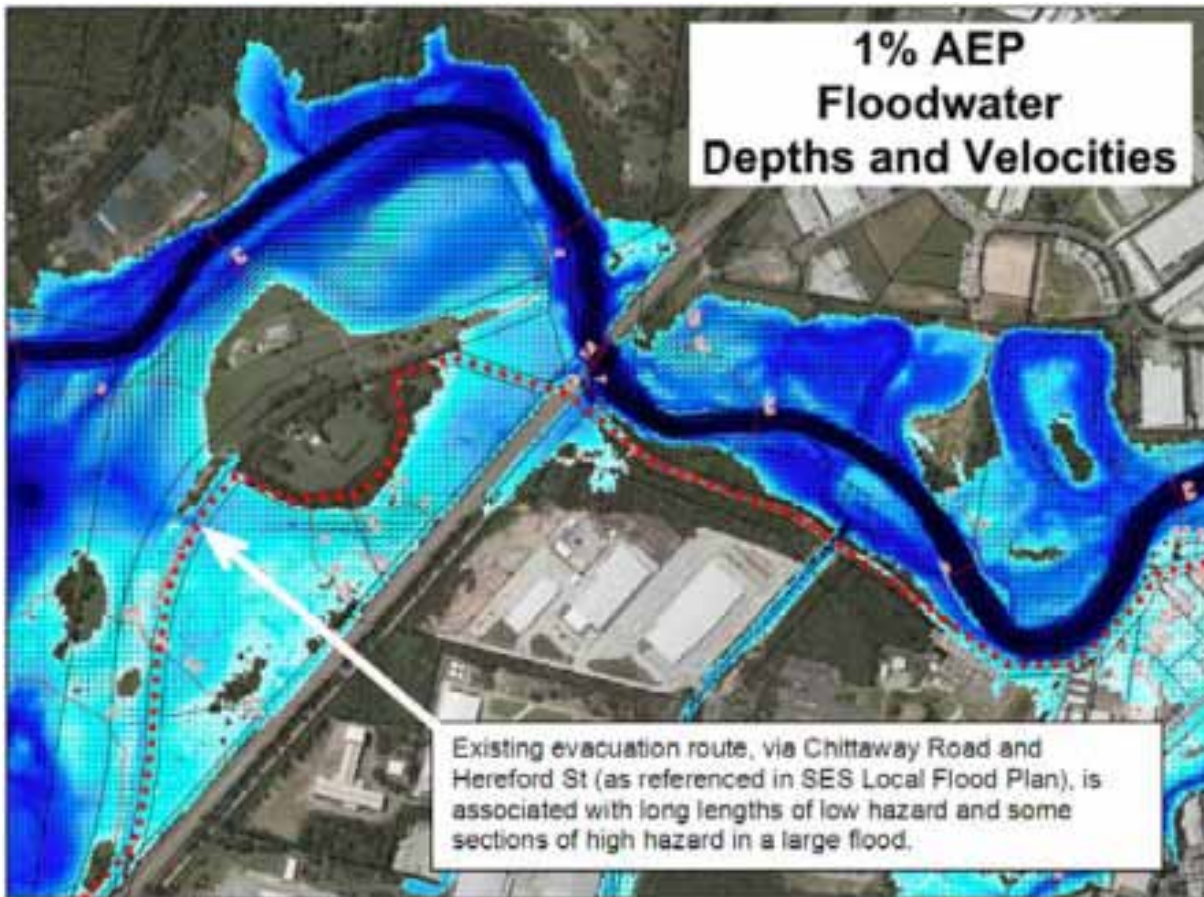
Transmission line easement
(unformed dirt track)
500m long



Turpentine Road
(unformed dirt track)
800m long







CONCLUSION

This report presents a proposed evacuation route to resolve the flood risk management issue of the flooding of Turpentine Road rail underpass, Kangy Angy. The first step is for the issue to be added as an additional implementation action in the already adopted "Lower Ourimbah Creek Floodplain Risk Management Plan". This will allow time for a grant application for the proposed works to be prepared and submitted before the 21 March 2013 deadline.

ATTACHMENTS

Nil.

5.4 Wyong Town Centre Flood Planning Levels

TRIM REFERENCE: F2004/07986 - D03277674

MANAGER: Robert Fulcher, Manager Asset Management

AUTHOR: Peter Sheath; Senior Planning Engineer Hydrology

SUMMARY

On 7 February 2013 the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC) received a report on the stormwater drainage strategy in Wyong Town Centre. They considered the report and made a recommendation to Council, as shown below. The report as presented to the TLECFMC is repeated below for Council's consideration.

RECOMMENDATION

That Council adopt the 1% AEP flood levels as presented on Figures 4.3 and 4.5 in the Wyong Town Centre Concept Stormwater Drainage Investigation and Options Analysis (3 May 2011) for flood planning purposes: including notations on s149(2) Planning Certificates that the relevant lots are affected by flood related development controls.

REPORT AS PRESENTED TO TLECFMC

Drainage Investigation

Wyong Town centre experienced significant flooding in June 2007. Since that time there have been development pressures associated with the Regional Police Station, the proposed Aldi development, Council's proposed Art House development and Council's redevelopment of Frank Ballance Park. These development pressures prompted Council to upgrade stormwater infrastructure in the area.

In order to carry out infrastructure planning a report was commissioned: *Wyong Town Centre Concept Stormwater Drainage Investigation and Options Analysis*, which was delivered by Cardno consultants in May 2011 (D02598175). The investigation can be considered to be a council funded flood study and floodplain management study, independent of the OEH Floodplain Management grants program.

The investigation considered the impacts of development and looked at options to better manage flooding by considering four possible detention basin locations and an upgraded trunk drainage system.

The upgrade of the trunk drainage system was found to be the most effective management option, but still did not completely remove the flood problem. A detention basin in Frank Ballance Park was the best of the four retarding basin options, but only had limited benefits. Results of the investigation are shown below for the 1% AEP (1 in 100yr) flood, both before and after the proposed trunk drainage works (figures 4.3 and 4.5 from the May 2011 Cardno report respectively).

Trunk Drainage Design

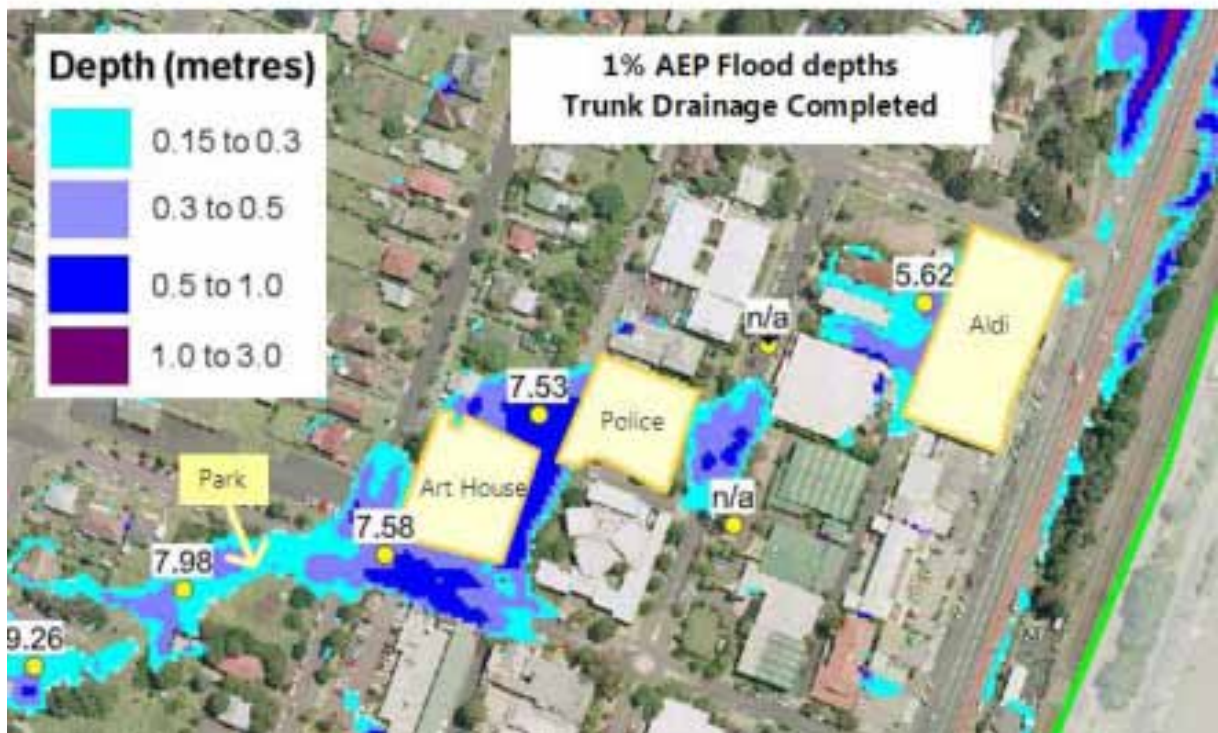
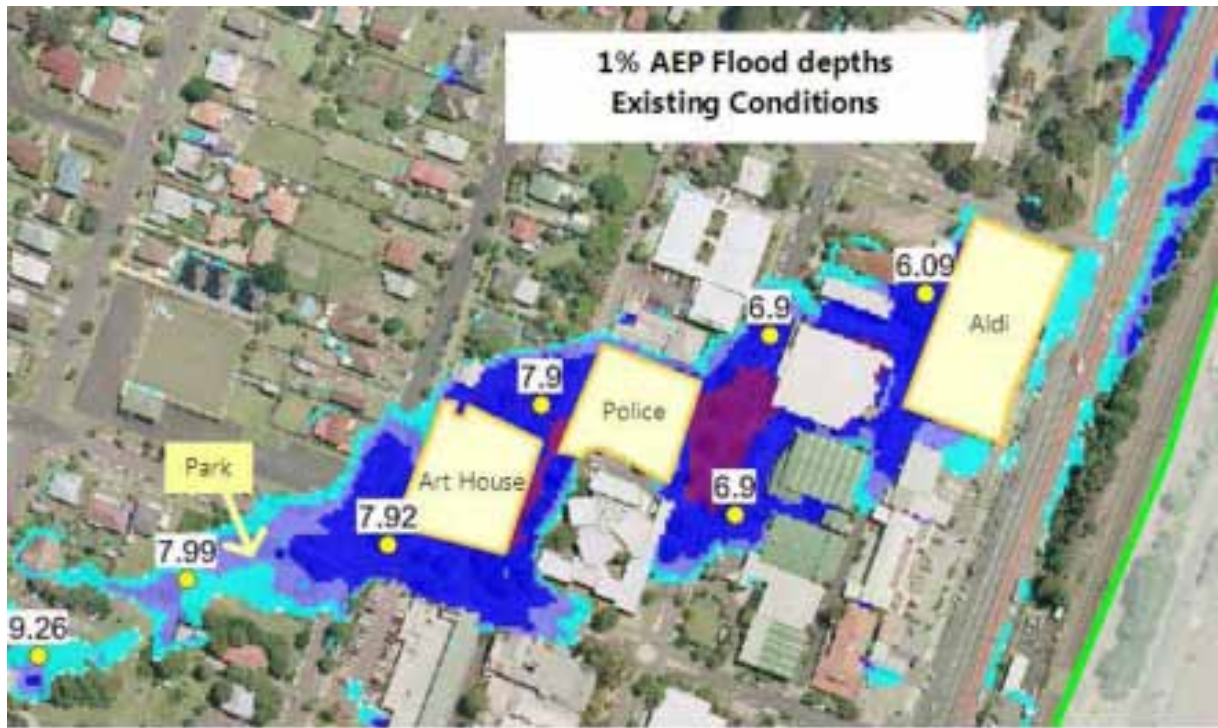
Council's Roads & Stormwater Unit has progressed work on the design of a trunk drainage system. Note that the option of including a retarding basin in Frank Ballance Park was abandoned, considering that it only lowered the resulting flood levels locally within Anzac Avenue by another 10%. Indeed it was likely to create greater flood risk within the park itself than the amount of flood risk lowered in Anzac Avenue.

Council's stormwater design is presently being undertaken. This stage is focussed on the lower part of the catchment, from the Police Station in Hely Street along Hardware Lane (adjacent to the proposed Aldi development), before discharging into the existing road reserve along the Pacific Highway.

In regard to the Pacific Highway: Roads and Maritime Services are presently designing a road upgrade for the Pacific Highway through Wyong. However they have not yet considered trunk drainage aspects within their design. Council's Senior Planning Engineer Hydrology organised a joint planning meeting with the RMS to agree on a strategy. A meeting was held on 3 December 2012 at the RMS in Woy Woy, including Council's Construction Manager, Stuart Baverstock, and the RMS Senior Project Development Manager (Project Development North), Mr Craig Leckie. It was agreed that Council would terminate the trunk drainage system in the Pacific Highway road reserve at a suitable location, such that it could be extended across the highway by the RMS. They indicated that it is likely that their system will extend under the railway as well.

Flood Planning Levels

It may be many years until a formal flood study is carried out in Wyong Town Centre. In the interim, given that council is now in possession of the flood information, it is proposed to use this information for flood planning purposes. This will include noting on s149(2) Planning Certificates that the relevant lots is affected by flood related development controls.



ATTACHMENTS

Nil.

5.5 Rural Fire Fighting Fund Estimate 2013/14

TRIM REFERENCE: F2013/00078 - D03278990

MANAGER: Robert Fulcher, Manager Asset Management

AUTHOR: Paul Ogden; Assistant Manager

SUMMARY

A proposal for the 2013/14 financial year Rural Fire Service (RFS) district estimate of probable expenditure (bid), in an amount of \$5,444,152 is submitted for approval.

RECOMMENDATION

- 1 That Council endorse the submitted RFS bid estimate of probable expenditure for the 2013/14 financial year being (11.7% of \$5,444,152) \$636,966 understanding that a further \$234,000 will be added to the approved bid accommodating other Statewide Support Items generally (11.7% of \$2,000,000).***
- 2 That Council endorse the proposal that it will not supplement the RFS bid by making any contributions beyond its required 11.7% contribution apart from matters that have been identified and funded in the 2013/14 Service Unit Business Plans and associated budgets.***

BACKGROUND

All NSW Councils have a legislative responsibility to pay a contribution towards the amount of the estimated Fire Fighting expenditure applicable to the rural fire district. This amount is currently 11.7% of the rural fire brigade contribution payable for each rural fire district, as determined by the Minister for Police and Emergency Services (Minister).

The RFS has submitted a proposed expenditure bid totaling \$5,444,152. The expenditure is made up as follows:

Annual Maintenance and Repairs	\$458,657.00
Appliances	\$607,683.00
Second Hand Appliances	\$0.00
Other Vehicles	\$58,000.00
Equipment	\$284,000.00
Brigade Stations	\$350,000.00
Reimburseable Items	\$224,422.00
Hazard Reduction	\$2,155,615.00
District Staff Estimate	<u>\$1,305,775.00</u>
Total	<u>\$5,444,152.00</u>

Historically the only input staff have had to preparation of the bid submission is within the Hazard Reduction component (through estimates identified through the current Sustainability Unit). The last two financial years have seen significant increases in this component of the submission, from \$123,272 in 2011/12 to \$1,301,655 in 2012/13 and \$2,155,615 in 2013/14. That estimate for 2013/14 includes an amount of \$1,185,900 for capital works.

Separate provision has been made in the Council's own draft 2013/14 Capital Expenditure Programme for Hazard Reduction work to include \$400,000 of Asset Protection Zone and fire trail renewals and \$490,000 for upgrading of those council assets.

Council is required to contribute 11.7% of the amount approved by the Minister therefore, if the Minister approved the full \$2,155,615 for both operational and capital hazard reduction work, council would be required to contribute 11.7% of this amount, equaling \$252,207.

Council has prepared its own internal budget estimates for Emergency Management Services 2013/14, as part of its normal planning process. That estimate has been prepared with a view to council's limited level of funds.

NSW RFS determine the timing and type of replacement vehicles, equipment and Personal Protective Equipment (PPE) for all local area brigades based entirely on the number of volunteers and the historical type of work performed.

Historically Council has endorsed the RFS bid with minor alteration and has supplemented, from its own funds, any short fall between the submitted estimates and Ministerial approved budget. Generally that short fall has been approximately \$200K- \$300K within the annual maintenance and repairs budget component that covers building and fleet maintenance.

As a result, council has been contributing more than its required 11.7% rate to the RFS. This is another example of cost shifting and, in view of the tightening situation with council's own funds, needs to be reviewed.

CURRENT STATUS

The NSW Rural Fire Service Commissioner is currently awaiting Council endorsement of the attached 2013/2014 Rural Fire Fighting Fund Estimates to submit to the Minister.

Council's current budget estimates provision allows sufficient funds for council to meet its required 11.7% share of the proposed bid of \$5,444,152. In addition to this bid the Minister determines an expenditure level for general statewide items. That amount is expected to be \$2,000,000 involving a council contribution of \$234,000 which also is affordable with Council's current budget estimates.

RFS has the expectation that Council will supplement any short fall between the RFS submitted and approved bids and will contribute additional funds for the maintenance of all RFS buildings. That expectation needs to be considered. If the RFS chooses not to fund requested levels of expenditure on the assets that it uses for fire management purposes, it is not reasonable to expect council to amend its own priorities to fund work that the RFS itself has not determined to be its priority.

There is no provision in council's estimates for 2013/14 for funding to supplement any amount of shortfall between the RFS submitted and approved bids. The total of council's contribution towards the RFS bid is included in the budget submission of the Waterways and Asset Management Unit for 2013/14. Other stakeholder units have not made any specific provision in their budgets for the asset classes they manage to supplement any shortfall in the RFS bid.

THE PROPOSAL

It is proposed that:

- Council endorse the attached 2013/2014 Rural Fire Fighting Fund Estimates.
- Council agree to contribute no more than its required 11.7% of the Bush Fire Expenditure determined by the Minister.
- Council agree, except under extraordinary circumstances, or unless other grant funds can be obtained from other sources, it will not use its own funds to supplement any budget shortfall between submitted and approved bids and that proposed levels of fire fighting service will need to be managed by the RFS and council staff to match the available funds

OPTIONS

1. Do nothing- the Minister will determine Council's contribution estimate and enforce payment.
2. Endorse budget estimate only- Council will be expected to supplement any budget shortfall.
3. Endorse budget estimate and agree to not supplement shortfall between submitted and approved bids. There will be improved budget stability for any given financial year.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Emergency Management	Rural Fire Service	Timely payment of legislative monetary contributions to the Rural Fire Fighting Fund. RFS Act 1997 s 107- The total amount of contributions to be paid for a financial year by councils- 11.7%.	General Fund	Will allow compliance

Contribution of Proposal to the Principal Activity

This proposal forms part of the key actions and objectives portion of the Emergency Management principal activity.

Long term Financial Strategy

The proposal is aligned to the Long term financial strategy as the predicted RFS budget has been included in the four year delivery program.

Asset Management Strategy

Nil impact

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil Impact

Budget Impact

Nil impact as the proposal is affordable within the current budget of the Waterways and Asset Management Unit.

CONSULTATION

Nil Impact

GOVERNANCE AND POLICY IMPLICATIONS

Nil impact

MATERIAL RISKS AND ISSUES

Nil Impact

CONCLUSION

Being legislatively required to support the RFS budget bid and to ensure best practice management of the RFS budget it is the recommendation of staff for Council to approve the attached bid and to agree that no further Council funds be used to supplement any budget shortfall between submitted and approved bids.

ATTACHMENTS

1 RFS 2013_14 Completed Estimates to WSC for GM Sig D03265180

2013/2014 Rural Fire Fighting Fund Estimates

Summary Page

WYONG SHIRE COUNCIL

Annual Maintenance and Repairs....	\$458,657.00
Appliances	\$607,883.00
Second Hand Appliances	\$0.00
Other Vehicles	\$58,000.00
Equipment	\$284,000.00
Brigade Stations	\$350,000.00
Reimbursable Items	\$224,422.00
Hazard Reduction	\$2,155,615.00
District Staff Estimate.....	\$1,305,775.00
Total	\$5,444,152.00

I hereby certify that above figures are true and fair estimate of the anticipated expenditure from the Rural Fire fighting Fund in respect of this council for this financial year. The council will comply with Sections 109 and 110 of the Rural Fires Act, when meeting its statutory contribution.

General Manager

Date:

2013/2014 Rural Fire Fighting Fund Estimates

1st July 2012 to 30th June 2013

Annual Repairs and Maintenance

WYONG SHIRE COUNCIL

Maintenance Stations Sheds		\$66,400.00
Maintenance Vehicles		\$140,000.00
Maintenance Pumps		\$0.00
Maintenance Radio		\$6,000.00
Maintenance Petrol Oil		\$50,000.00
Maintenance Other		\$49,100.00
Fire Extinguisher M&R	\$3,600.00	
First Aid Kit M&R	\$5,000.00	
CABA M&R & Refills	\$9,000.00	
Cleaning FCC	\$18,000.00	
Brigade Subsidy M&R	\$13,500.00	
	\$0.00	
Freight Cartage		\$100.00
Telephone Rental		\$10,000.00
Telephone Calls		\$20,000.00
Electricity		\$50,000.00
Insurance Vehicles		\$0.00
Insurance Sheds		\$10,577.00
Insurance Other		\$0.00
First Aid Training		\$0.00
Training Subsidy Brigade		\$3,000.00
ERS Paging Subsidy		\$0.00
Other Total		\$53,480.00
Incident Coordination Expenses	\$4,500.00	
RFS Core & Specialised Training Expenses	\$17,480.00	
Community Safety & Risk Management	\$17,480.00	
Driving Licence Assessments	\$9,000.00	
BA Medicals	\$5,000.00	
Total Section B		\$458,657.00

2013/2014 Rural Fire Fighting Fund Estimates WYONG SHIRE COUNCIL
 Listing of Appliances Ordered [by Description]

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Item No	Item	Price	Stock No	Item Description	Quantity	Extended Cost
301003	APPLIANCE - CAT 1 CREW CAB VILLAGE	\$284,000.00		FOUR WHEEL DRIVE (4X4) CREW CAB VILLAGE TYPE APPLIANCE INCORPORATING 3500 LITRE TANK, 5 FULL LOCKERS, CLASS 4 DIESEL POWERED PUMP, 1 X 19MM(ID) X 60M HOSE REEL, 1 X 25MM(ID) X 50M HOSE REEL, PVC DELIVERY HOSE, NOZZLES, LIGHTS, SIREN, FOAM PROPORTIONER, ACCESS LADDER AND BRACKET, PUMP CONTROLS IN CABIN, THERMAL INSULATION ON RUBBER BRAKE AND FUEL LINES, RING CABIN SPRAY PROTECTION SYSTEM, FRONT SPRAY BAR, RADIATION CURTAINS, SIX FIRE BLANKETS AND HOLDER, GRNIPMR RADIO FITTED, CLASS 7 PORTABLE PUMP, AIR CONDITIONED CABIN, MAXIMUM CREW OF 6.	1	\$284,000.00
301110	APPLIANCE - CAT 1 DISPOSAL CREW CAB 6-10 YEARS OLD	-\$93,750.00		THIS IS A CATEGORY 1 UNIT AGED BETWEEN 6-10 YEARS OF AGE THAT YOU WISH TO DISPOSE OF. THE TANKER MUST BE A UNIT THAT WAS BUILT THROUGH THE SERVICES APPLIANCE CONSTRUCTION PROGRAM. IT MUST BE IN REASONABLE CONDITION AND CONTAIN ALL EQUIPMENT THAT WAS ORIGINALLY PROVIDED WITH THE UNIT.	1	-\$93,750.00
313001	APPLIANCE - CAT 13 - BULK WATER CARRIER	\$306,000.00		6 x 4 SINGLE CAB CHASSIS INCORPORATING 11000 LITRE TANK, 1 FULL SIZE LOCKERS, CLASS 9 DIESEL POWERED PUMP, LIGHTS, SIREN, STORAGE FOR 10 000L BUDY WALL DAM, THERMAL INSULATION ON RUBBER BRAKE AND FUEL LINES, GRNIPMR RADIO FITTED, 3 FIRE BLANKETS AND HOLDER FITTED, CLASS 8 FAST FILL PUMP, AIR CONDITIONED CABIN, MAXIMUM CREW OF 3.	1	\$306,000.00
309000	APPLIANCE - CAT 9 STRIKER / MOP UP UNIT	\$105,000.00		INITIAL ATTACK / MOP UP UNIT, FOUR WHEEL DRIVE (4 X 4), SINGLE CABIN APPLIANCE INCORPORATING A 600 LITRE TANK, SUPPLIED WITH LIGHTS, SIRENS, CLASS 1 DIESEL PUMPS WITH CONTROL PANEL AND FOAM PROPORTIONING SYSTEM, 30M HOSE REEL WITH PVC DELIVERY HOSE AND NOZZLE, RING CABIN SPRAY PROTECTION, RADIATION CURTAINS, 2 FIRE BLANKETS, GRNIPMR RADIO FITTED, CLASS 6 PORTABLE PUMP, AIR CONDITIONED CABIN, MAX CREW OF 2.	1	\$105,000.00
301003N	CABA BRACKETS FOR FITMENT TO CAT 1 VILLAGE APPLIANCE	\$1,864.00		DUAL PULL DOWN CABA BRACKETS FITTED TO FRONT LOCKER ON CAT 1 VILLAGE APPLIANCE	1	\$1,864.00
301003L	GENERATOR, 3kva FOR INCLUSION ON CAT 1 CREW CAB VILLAGE APPLIANCE	\$1,504.00		3.3 kva 240V GENERATOR FOR INCLUSION ON CAT 1 APPLIANCE. COST INCLUDES PROVISION OF UNDER TRAY LOCKABLE STOWAGE UNIT WITH SLIDE OUT RACK.	1	\$1,504.00
301003H	PUMP CONTROLS, AUXILIARY IN WORK AREA FOR CAT 1 CREW CAB VILLAGE APPLIANCE	\$1,499.00		AUXILIARY PUMP CONTROLS FOR MAIN PUMP, LOCATED IN WORK AREA, FOR INCLUSION ON CAT 1 APPLIANCE	1	\$1,499.00
301003K	PUMP, FAST FILL FOR CAT 1 CREW CAB VILLAGE APPLIANCE	\$1,766.00		PETROL POWERED FAST FILL PUMP FOR INCLUSION ON CAT 1 APPLIANCE. COST INCLUDES PROVISION OF ADDITIONAL LOCKABLE STOWAGE UNIT WITH SLIDE OUT RACK	1	\$1,766.00

2013/2014 Rural Fire Fighting Fund Estimates WYONG SHIRE COUNCIL
Listing of Appliances Ordered [by Description]

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Item No	Item	Price	Stock No	Item Description	Quantity	Extended Cost	
						Total of Equipment Items	\$607,663.00

2013/2014 Rural Fire Fighting Fund Estimates

Second Hand Appliances

WYONG SHIRE COUNCIL

Brigade Name	Vehicle Make Model	Additional or Replacement	Source	Amount
			Total	\$0.00