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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 23 MARCH 2011 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02542003
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2011/00027 - D02542116

AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

Inspections proposed to be held on 6 April 2011 are listed as follows:

Date of Inspection	Location	Requested By
6 April 2011	93 Alison Road, WYONG	Director, Environment and Planning
6 April 2011	The Entrance Town Centre	Director, Infrastructure Management

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

Date	Briefing	Description	Time	Presented by
23 March 2011	Drug & Alcohol Clinic	Briefing on legal advice	12.30 pm – 1.00 pm	General Counsel, Brian Glendenning & Director Environment and Planning Gina Vereker / Peter Fryar
23 March 2011	Graffiti Strategy Recommendation and Program	Endorsement of draft Wyong Shire Graffiti Strategy	1.00 pm – 1.30 pm	Director Community and Recreation Services, Maxine Kenyon / Julie Vaughan
23 March 2011	Care and Education Options	Briefing on detailed options for management of Care and Education	1.30 pm – 2.00 pm	Director Community and Recreation Services, Maxine Kenyon / Adam Holland
23 March 2011	Tuggerah Lakes Floodplain Risk Management Plan	Briefing to identify and compare various options including assessment of social, economic and environmental impacts.	2.30 pm – 3.00 pm	Director Infrastructure Management Greg McDonald / Rob Fulcher / Lara Critchley

A full list of Councillor Briefings for 2011 was adopted by Council at its meeting on 9 February 2011. The latest version of Briefings for 2011 list is available upon request to the General Manager's office.

RECOMMENDATION

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

ATTACHMENT

- 1 Briefing Schedule 2nd, 3rd & 4th Quarters 2011 D02552118

PROPOSED QUARTER	PROPOSED DATE	Briefing Title	Director	STAFF PRESENTING
2nd quarter	23rd March	Confidential - Care and Education Options	Community & Recreation Services	Adam Holland
2nd quarter	23rd March	Present graffiti strategy, recommendation & program	Community & Recreation Services	Application form to be submitted
2nd quarter	23rd March	Confidential - Drug and Alcohol Clinic- 1A Kantara Rd Canton beach	General Counsel/ EP&S	Brian Glendenning/ Gina Vereker Peter Fryar
2nd quarter	23rd March	Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
2nd quarter	27-Apr	Annual Plan	Corporate Services	
2nd quarter	27-Apr	Coastline Management Plan	Environment and Planning Services	Greg White
2nd quarter	May/June	Vision and Values	Corporate services	Dom
2nd quarter	May	Warnervale Town Centre Draft S94 Plan	Environment and Planning Services	Martin Johnson
2nd quarter	25-May	Chinese Cultural Village	Corporate Services	Garry McLachlan and external presenters booked for 12.30pm
2nd quarter	25-May	RTA Proposed works	Infrastructure Management	Bob Burch/RTA
2nd quarter		The Entrance Tiles (acid etching)	Infrastructure Management	
2nd quarter		Central Coast Sports field Management Strategy	Community & Recreation Services	Brett sherar keith ollier
2nd quarter		Detail matching fund guidelines and framework	Community & Recreation Services	Julie Vaughan
2nd quarter		Plan of Management Central Coast Caravan Parks	Community & Recreation Services	Tara Mills
2nd quarter		Present information on traditional custodians of lands and acknowledgement of country	Community & Recreation Services	Julie Vaughan
2nd quarter		Surf Club Lease Renewals	Community & Recreation Services	
2nd quarter		Adoption for Exhibition strategic plan	corporate services	Dan Smith
		Committee structure	Corporate Services	Lesley Crawley
2nd quarter		Councillor input into the Continuous Improvement Program and	Corporate Services	Dan Smith
2nd quarter		Q3 Annual Plan and Budget	Corporate Services	Cate Trivers
2nd quarter		Strategic Plan Post Exhibition	Corporate Services	Dan Smith
2nd quarter		Strategic Plan Review & Feedback	Corporate Services	Jeff Simpson/Dan Smith
2nd quarter		Clause 14	Environment and Planning Services	Greg White / David Lemcke/ Nature Conservation trust CEO Paul Toni
2nd quarter		Climate Change Adaptation Report – March 2011.	Environment and Planning Services	
2nd quarter		Sea Level Rise Notification & 149 Certificate	General Council/Environment and Planning Services	Brian Glendenning
2nd quarter		DCP 113 – Floodprone Land	Environment and Planning Services	Martin Johnson / Rod Mergan
2nd quarter		DCP 97 - Water Sensitive Urban Design	Environment and Planning Services	Martin Johnson / Peter Kavanagh
2nd quarter		Development Control Plan 61 – Carparking	Environment and Planning Services	Martin Johnson / Michael Conroy
2nd quarter		Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Environment and Planning Services	Jeff Simpson/Dan Smith??
2nd quarter		Iconic Development Sites DCP & Current Proposals	Environment and Planning Services	Paul Bowditch
2nd quarter		Shire-wide Heritage Review	Environment and Planning Services	Consultant David Scobie
2nd quarter		Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services	Karen Douglas
2nd quarter		Tuggerah Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Lynda Howson
2nd quarter		Wyong Civic & Cultural Masterplan	Environment and Planning Services	Paul bowditch / Gary Hamer

PROPOSED QUARTER	PROPOSED DATE	Briefing Title	Director	STAFF PRESENTING
2nd quarter		Wyong Town Centre DCP Chapter 7	Environment and Planning Services	Paul Bowditch / Tania Halbert
2nd quarter		Desalination	Infrastructure Management	GarryCasement
2nd quarter		Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management	Rob Fulcher / Lara Critchley
2nd quarter		RTA Proposal for Wyong township	Infrastructure Management	Bob Burch
2nd quarter		Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
2nd quarter		Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
2nd quarter		Mariners Agreement	Corporate Services	1 hour req
2nd quarter		The Entrance Town Centre Masterplan	Environment and Planning Services	Paul Bowditch/Stephen Ashton
2nd quarter		RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services	Martin Johnson/Kathryn Heintz
2nd quarter		The Entrance, Wyong & Toukley Town Centre management agreements	Corporate Services Environment & Planning Services	Bronwyn Rumbel / Paul Bowditch
3rd quarter		Draft Wyong Employment Zone contributions plan	Environment and Planning Services	Martin Johnson
3rd quarter		Settlement Strategy	Environment and Planning Services	Scott Duncan / Jenny Mewing
3rd quarter		RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services	martin johnson/Kathryn Heintz
3rd quarter		The Entrance Town Centre Masterplan	Environment and Planning Services	Stephen Ashton
3rd quarter		Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update, DCP amendment update	Environment and Planning Services	Martin Johnson / Scott Duncan
3rd quarter		Central Coast Tourism Inc	Community & Recreation Services	Tara Mills
3rd quarter		Community Facilities Strategy	Community & Recreation Services	Julie Vaughan
3rd quarter		Engagement Strategy	Community & Recreation Services	Sue Lefingham
3rd quarter		Lifelong Learning Strategy	Community & Recreation Services	Adam Holland
3rd quarter		Provide update of plans and financial viability of The Art House	Community & Recreation Services	Julie Vaughan
3rd quarter		Review of Grants	Community & Recreation Services	Julie Vaughan
3rd quarter		Q1 Annual Plan and Budget	Corporate Services	Cate Trivers
3rd quarter		Q4 Annual Plan and Budget	Corporate Services	Cate Trivers
3rd quarter		Report on SDR Outcomes	Corporate Services	Dan Smith
3rd quarter		Biobanking	Environment and Planning Services	David Lemcke / Tricia Bancroft,
3rd quarter		Draft Shire-Wide Contributions Plan	Environment and Planning Services	martin johnson
3rd quarter		Iconic Development Sites	Environment and Planning Services	Paul Bowditch
3rd quarter		Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Jenny Mewing
3rd quarter		Desalination	Infrastructure Management	GarryCasement
3rd quarter		Wyong town centre planning proposal and car parking study	Infrastructure Management	Bob Burch
3rd quarter		CCTI Agreement	Corporate Services	Dan Smith
3rd quarter		Biodiversity Management Plan	Environment and Planning Services	Greg White
3rd quarter		Comprehensive LEP	Environment and Planning Services	Martin Johnson
3rd quarter		DCP 2011	Environment and Planning Services	Martin Johnson
4th quarter		Central Coast Business Enterprise Centre agreement	Corporate Services	wayne gates CCBEC? Bronwyn Rumbel
4th quarter		The Entrance, Wyong and Toukley Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Stephen Ashton
4th quarter		Natural Resources Strategy	Environment and Planning Services	Greg White / David Lemcke
		Councillor attendance at formal dinners	Corporate Services	(check minutes for wording)

1.3 Address by Invited Speakers

TRIM REFERENCE: F2011/00027 - D02542013

AUTHORS: Monica Redmond; Administration Assistant

MANGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

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

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02537538

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting held on 9 March 2011.

RECOMMENDATION

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

ATTACHMENTS

- 1 Minutes of Council's meeting of 9 March 2011 D02528653

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 09 March 2011
COMMENCING AT 5:00:00 PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services, General Counsel.

Manager Place Management, Manager Corporate Governance, Senior Strategic Planner, Senior Planning Engineer Hydrology and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.05pm 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.

Councillor Wynn reported on the luncheon hosted by Wyong Shire Council for the centenary of International Women's Day which she attended.

Councillor Webster made a presentation to Council on behalf of The Entrance Town Centre Management in thanks for its sponsorship for the Tuggerah Lakes Mardi Gras Festival and noted that this year will mark the 60th anniversary of the Festival which is now the longest running festival in New South Wales.

The Mayor congratulated the Central Coast Mariners on their achievement in qualifying for the Asian Champions League Final. Councillor Graham thanked the Mayor and Council for the support given to the Central Coast Mariners.

The Mayor announced that the Minister for Planning refused the application submitted by Wallarah 2 Coalmine for proposed mining of the Valleys in Wyong Shire and advised that both the General Manager and himself thought it would be appropriate to host a civic reception to acknowledge all those involved in stopping the coal mine. Invitees would include the Member for Wyong, Mr David Harris MP and representatives from the community.

APOLOGIES

There were no apologies.

1.1 Disclosures of Interest

5.2 Proposed Councillors' Community Improvement Grants

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training (CCGT), left the chamber at 6.55pm, took no part in discussion, did not vote and returned to the chamber at 6.58pm.

5.2 Proposed Councillors' Community Improvement Grants

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a Councillor delegate on the Board of Central Coast Group Training (CCGT) and participated in consideration of this matter.

Councillor Eaton 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."

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

Councillor Vincent, declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 8.13pm, took no part in discussion, did not vote and returned to the chamber at 8.17 pm.

7.7 Central Coast Mariners - Update

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 8.34pm, took no part in discussion, did not vote and returned to the chamber at 8.59pm.

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

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

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor Vincent left the chamber at 5.16pm, returned to the chamber at 5.20pm, and as a result took no part in voting.

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

That Council receive the report on Proposed Inspections and Briefings, endorse the recommended inspections and briefings and include the following items:

- ***The Entrance Town Centre – Tiles***
- ***Site for concept of Chinese Cultural Theme Park***

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

AGAINST: NIL

1.3 Address by Invited Speakers

Councillor Vincent left the chamber at 5.16pm, returned to the chamber at 5.20pm, and as a result took no part in voting.

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

That Council receive the report on Invited Speakers.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the chamber at 5.16pm, returned to the chamber at 5.20pm, and as a result took no part in voting.

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

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

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

AGAINST: NIL

Business Arising

There was no business arising.

MAYORAL MINUTES

2.1 Mayoral Minute - Chinese Cultural Theme Park

Councillor Vincent left the chamber at 5.16pm and returned to the chamber at 5.20pm during consideration of this item.

It was MOVED by Councillor EATON :

- 1 *That the report on discussions be received and noted.*
- 2 *The Council confirm its in principle support for the concept.*
- 3 *That Council enter into a co-operation agreement in the general format attached.*
- 4 *That progress on the proposal be reported to Council at least quarterly.*
- 5 *That Council invite the proponents to brief Council after an inspection has been performed by Councillors.*

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

- 1 That the report on discussions be received and noted.
- 2 The Council congratulate the Mayor, staff and ACCFI on the progress to date.
- 3 That Council complete the proposed urgent briefing and site inspection with a view to progressing to a cooperative agreement with the proponent.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT.

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

The AMENDMENT was put to the vote and declared LOST.

RESOLVED unanimously on the motion of Councillor EATON:

- 1 That the report on discussions be received and noted.
- 2 The Council confirm its in principle support for the concept.
- 3 That Council enter into a co-operation agreement in the general format attached.
- 4 That progress on the proposal be reported to Council at least quarterly.
- 5 That Council invite the proponents to brief Council after an inspection has been performed by Councillors.

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

AGAINST: NIL

3.1 Planning Proposal - Draft LEP Wyong Town Centre

Councillor Matthews left the meeting at 6.24pm and returned to the meeting at 6.25pm during consideration of this item.

Councillor McBride left the meeting at 6.32pm and returned to the meeting at 6.33pm during consideration of this item.

Councillor Wynn left the meeting at 6.34pm and returned to the meeting at 06.33pm during consideration of this item.

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

- 1 That Council refer the Planning Proposal – Wyong Town Centre to the Department of Planning requesting the Minister to make the Plan.
- 2 That Council proceed with the reclassification of Lot 2 DP 1108419 from Community Land to Operational Land.
- 3 That Council note that the acquisition of the following properties proposed to be zoned “6(c) – Proposed Open Space & Recreation Acquisition” under the draft LEP be only on a voluntary basis, not under compulsory acquisition, based on

the current zoning of the land in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991:

***No 7 Lot C DP 360458 Anzac Ave Wyong
No 9 Lot 1 DP 530424 Anzac Ave Wyong
No 14 Lot 1 DP 663619 Hope Street Wyong***

4 That Council write to each property owner to explain the process involved.

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

AGAINST: NIL

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

Councillor Vincent left the chamber at 6.35pm, returned to the chamber at 6.39pm, and as a result took no part in voting.

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

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

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

AGAINST: NIL

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

Councillor Vincent left the chamber at 6.35pm, returned to the chamber at 6.39pm, and as a result took no part in voting.

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

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

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

AGAINST: NIL

5.1 Adoption of Code of Meeting Practice

Councillor Vincent left the chamber at 6.35pm and returned to the chamber at 6.39pm during consideration of this item.

Councillor Best left the meeting at 6.43pm and returned to the meeting at 6.44pm during consideration of this item.

Councillor Symington left the chamber at 6.52pm, returned to the chamber at 6.55pm, and as a result took no part in voting.

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

- 1 That Council adopt the amended Code of Meeting Practice.***
- 2 That Council amend the Order of Business to include The Acknowledgement of Country in Clauses 5.2.5, 5.2.7 and 5.2.8 after the Opening Prayer.***

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

AGAINST: NIL

5.2 Proposed Councillors' Community Improvement Grants

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training (CCGT), left the chamber at 6.55pm, took no part in discussion, did not vote and returned to the chamber at 6.58pm.

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a Councillor delegate on the Board of Central Coast Group Training (CCGT) and participated in consideration of this matter.

Councillor Eaton 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 Symington left the meeting at 6.52pm and returned to the meeting at 6.55pm during consideration of this item.

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

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

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

AGAINST: NIL

5.3 Porters Creek Floodplain Risk Management Study - Public Exhibition

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

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

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

AGAINST: NIL

5.4 Porters Creek Catchment Stormwater Harvesting Scheme

Councillor Vincent left the meeting at 07.05pm and returned to the meeting at 07.08pm during consideration of this item.

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

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

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

AGAINST: COUNCILLORS BEST AND WYNN

5.5 Contract Variations and Finalisation - January 2011

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

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

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

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

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

AGAINST: NIL

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

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

Councillor Matthews left the meeting at 7.59pm and returned to the meeting at 8.00pm during consideration of this item.

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

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

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

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

AGAINST: NIL

7.1 Information Report

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

That, with the exception of report numbers 7.2, 7.4, 7.5, 7.6, 7.7 and 7.9, Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

7.2 Mine Subsidence at Chain Valley Bay South

Councillor McNamara left the meeting at 8.05pm, returned to the meeting at 8.06pm, and as a result took no part in voting.

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

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

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

AGAINST: NIL

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

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

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

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

AGAINST: NIL

7.4 Mardi to Mangrove Link Project Status

Councillor McNamara left the meeting at 8.05pm and returned to the meeting at 8.06pm during consideration of this item.

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

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

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

AGAINST: NIL

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

Councillor Vincent, declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 8.13pm, took no part in discussion, did not vote and returned to the chamber at 8.17 pm.

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

- 1 That Council receive the report on Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi.**
- 2 That Council express its disappointment at the generic level of response and request more details i.e results of the audit.**

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

AGAINST: COUNCILLORS MATTHEWS AND MCBRIDE

7.6 Warnervale Town Centre Progress Report February 2011

Councillor Webster left the meeting at 8.21pm and returned to the meeting at 8.22pm during consideration of this item.

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

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

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

AGAINST: NIL

7.7 Central Coast Mariners - Update

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 8.34pm, took no part in discussion, did not vote and returned to the chamber at 8.59pm.

Councillor Best left the meeting at 8.53pm and returned to the meeting at 8.55pm during consideration of this item.

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

- 1 That Council receive the report on Central Coast Mariners - Update.**
- 2 That Council hold a civic reception for the Central Coast Mariners.**

- 3 That Council congratulate the Central Coast Mariners on their achievements for this current season and indicate its support in principle to enter into negotiations for the continuance of its sponsorship for 2011/2012 A League season.
- 4 That Council request Central Coast Tourism to investigate tourism opportunities arising from Central Coast Mariners involvement in next year's Asian Champions League.

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

The MOTION was put to the vote and declared LOST.

The Council report remains at large.

7.8 Central Coast Tourism - Update

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

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

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

AGAINST: NIL

7.9 Outstanding Questions without Notice and Notice of Motions

Councillor Vincent left the meeting at 09:03 pm, returned to the meeting at 09:05 pm, and as a result took no part in voting.

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

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

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

AGAINST: NIL

8.1 Notice of Motion - Drains along Long Jetty Foreshore

Councillor Vincent left the meeting at 09:03 pm and returned to the meeting at 09:05 pm during consideration of this item.

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

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

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

AGAINST: NIL

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

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

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

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

AGAINST: COUNCILLORS EATON, GRAHAM AND MCNAMARA

8.3 Notice of Motion - Closure of Warnervale Rail Station

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

- 1 That, further to recent community concerns regarding the State Government's possible closure of the current Warnervale Rail Station on or prior to the completion of the Town Centre Station, 1.55 km north of the existing station, Council make urgent representation to the new State Minister seeking clarity on the retention or closure of this economically vital transport and business infrastructure.**
- 2 That Council seek State funding assistance to provide an appropriate road overpass to the existing dangerous road/rail crossing at the current Warnervale Station (the only road/rail crossing in the Shire).**

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

AGAINST: COUNCILLORS MCBRIDE, MATTHEWS, SYMINGTON AND VINCENT

QUESTIONS WITHOUT NOTICE

Q1/11 Cleaning The Entrance Ocean Baths
Councillor Greg Best
CPA/158914

"Mr General Manager,

I have been approached by a local resident Ms Field, who regularly attends our Ocean Baths and is concerned that it would appear Council is choosing to regularly clean the pool with liquid chlorine. I understand Newcastle City Council uses an alternative cleaning product that may be more environmentally friendly. Could Council staff please report on the current situation and what options are available and in doing so, reply to Ms Field's here attached letter of concern (D02531169)?"

Q2/11 Odour in Water at Chain Valley Bay North
Councillor Doug Vincent
C2011/05561

"Residents in the Chain Valley Bay North area have reported that their town water smells "fishy". Could Council staff please advise if there is any link between the recently reported manganese levels in the water and the fishy smell. If no link exists, could staff please advise what might be causing the fishy smell?"

THE MEETING closed at 9.24 pm.

23 March 2011

To the Ordinary Meeting

Councillor

2.1 Mayoral Minute - Joint Wyong - Gosford Delegation to Canberra to discuss Regional Development

TRIM REFERENCE: F2010/00500 - D02545362

AUTHOR: Doug Eaton; Councillor

I formally move:

- 1 That Council endorse the Mayor and the General Manager to travel to Canberra during April 2011 for discussions with the Minister for Regional Development Australia Department, Simon Crean and representatives of his department.***
- 2 That Council pay expenses incurred by the Mayor on this visit in accordance with Council's Facilities and Expenses Policy for Councillors.***

Note from the Mayor:

The General Manager, Michael Whittaker, joined local Federal MPs in Canberra in recent weeks to present a strong case for Federal support for a number of projects that are aimed at unlocking the potential of the Central Coast. The Central Coast delegation visited Canberra to meet with various Ministers and Department representatives to advocate for the following regional priorities:

- * Early rollout of the National Broadband Network on the Central Coast;
- * Certainty of funding for Council's Estuary Management Project (EMP);
- * Support through the Building Better Regional Cities funding program for
 - The intersection of Sparks Road and the Town Centre; and
 - The Porters Creek Rainwater harvesting scheme.

These projects have support of the Central Coast, Regional Development Australia as regional priorities.

The delegation emphasized the RDA and Local Government playing a collaborative role on the Central Coast. The GM has indicated that the discussions allowed the government to further understand further the local issues and potential at Wyong and provided a way forward to resolve the funding of the EMP program.

This delegation was a follow up to a previous visit to Canberra made by the Mayor, the General Manager and Councillor Matthews during November 2010 where they met with the Minister for Broadband Communications and the Digital Economy, Stephen Conroy.

It is intended that the General Manager and I join a further delegation to Canberra in April 2011 to continue to push for recognition of Wyong Shire and the Central Coast. The delegation would enable me to discuss with Minister Crean the Federal Government's Building Better Regional Cities funding program and advocate for the preceding projects.

These discussions will be held jointly with Gosford City Council's Mayor and General Manager.

23 March 2011

To the Ordinary Meeting

Councillor

2.2 Mayoral Minute - Central Coast Mariners

TRIM REFERENCE: F2004/07942 - D02550353

AUTHORS: Doug Eaton; Councillor

I formally move:

- 1 That Council hold a Civic Reception for the Central Coast Mariners.**
- 2 That Council congratulate the Central Coast Mariners on their achievements for this current season and indicate its support to enter into negotiations for continuation of its sponsorship for 2011/12.**
- 3 That Council request Central Coast Tourism Inc to investigate tourism opportunities arising from the Central Coast Mariner's involvement in next years Asian Champion League.**

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah

TRIM REFERENCE: F2009/00893 - D02543575

AUTHOR: Simone Barwick; Officer

MANAGER: Bronwyn Rumbel, Economic and Property Development

SUMMARY

Approval is sought to enter into a lease of part of Lot 1 DP 837937 Chittaway Road Ourimbah being part of the University of Newcastle Ourimbah Campus from the Minister for Education and Training for a period of 50 years at nominal rent.

RECOMMENDATION

- 1 That Council agree to lease from the Minister for Education and Training part of Lot 1 DP 837937 Chittaway Road Ourimbah, being part of the University of Newcastle Ourimbah Campus for a period of fifty (50) years at nominal rent for the purpose of community playing fields.**
- 2 That Council authorise the Mayor and General Manager, to execute all documents, including the affixation of the Council Seal (as required), relating to the lease between the Wyong Shire Council and the Minister for Education and Training.**

BACKGROUND

Council currently leases part of Lot 1 DP 837937 from the Minister for Education and Training.

The facility, located at Chittaway Road, Ourimbah, consists of soccer and rugby union playing fields, associated amenities and club houses and a neighbourhood centre. The amenities and club house associated with the soccer fields are in a poor state of repair and upkeep.

The sportsgrounds are used by the Ourimbah Rugby Club and Ourimbah University Soccer Club throughout the annual winter seasonal use period. Local primary schools also use the facilities occasionally. Over the years Council has considered these grounds to be important for providing sports facilities to the Ourimbah area.

The current lease expires in 2016.

Council has been in negotiations with University of Newcastle since 2004 to secure an extension of the current lease for playing fields.

The University administration had expressed concern about extending Council's lease due to a projected growth of programs offered by the University, the Community College and TAFE.

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah (contd)

An intention to proceed with a fifty year lease has been WSC's objective for some time but previous business papers have been held back (Sept/Oct 2009) pending the outcome of RTA design programmes for adjacent roads.

The latest plans for the proposal by the NSW Roads and Traffic Authority to re-align Brownlee Street as part of the Pacific Highway upgrade indicates that future road work will be outside the area of the land leased by Council and on which will be the final location of the playing fields.

Council (November, 2010) deferred a decision on the proposed lease of the land for Ourimbah sports fields pending the outcome of the meeting between the Mayor, Deputy Mayor and the Pro Vice Chancellor of the University to discuss the mutual benefits of Council and the University working together to find an outcome suitable to all parties.

CURRENT STATUS

The University Administration has now agreed to grant WSC a new lease for a term of 50 years at nominal rent. The Department of Education and Training has provided an "in-principle" approval as the owner of the land.

Significant capital improvements are underway to the playing fields and facilities to bring them up to an acceptable standard. These works have been programmed to occur at this time of year to minimise their impact on the sporting seasons. Improvements are scheduled in the rolling works programme and include:

- upgrading the playing fields and floodlights;
- expansion of the junior soccer fields; and
- improvements to the oval drainage.

WSC has already completed the playing field upgrade and floodlights and the installation of the improved drainage is currently being undertaken. These works will improve the utilisation of the fields and the participation of the associated sporting clubs.

THE PROPOSAL

It is proposed that Council establish long-term tenure of the playing fields to ensure the on-going availability of the sportsgrounds for the community and to ensure a satisfactory certain of return on capital investment in the facilities.

Representations are expected from the sporting clubs to improve the current "built facilities" on the ovals in the future however Council is not in a position to consider such request without long-term tenure guarantees – as the proposed lease will provide. Improvements to the built facilities will in any event, be considered as part of Councils overall asset management plan and the precinct planning for this area.

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah (contd)

The University playing fields play an important role in meeting the recreational needs of the local Ourimbah community. The geographical characteristics of the district and the subsequent limited availability of flat open space land which can be developed into playing fields place significant importance on the long term retention of the existing facilities.

Should the local sporting community be unable to access these playing fields it is unlikely Council will be able to provide alternative facilities.

OPTIONS

- 1 Accept a new lease from the Minister for Education and Training for a period of 50 years at nominal rent to secure the long term future of the soccer and rugby playing fields and enable infrastructure spending on improvements to the facility.
- 2 Council allow the current lease to expire in 2016 without the benefit of tenure after that and at that time hand to the university the management of the site thereby removing same from use by the community at large.

The capital improvement needs of the rugby and soccer clubs are pressing and the ongoing improvement will be important to facilitate the continued growth of participation in these field activities.

STRATEGIC LINKS

Annual Plan

Nil impact

Contribution of Proposal to the Principal Activity

On the basis that the facility is proposed to provide recreation opportunities for youth and other residents of Wyong Shire, the proposal is likely to contribute to a more sustainable community.

Link to Shire Strategic Vision

Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services. The proposal will continue the provision of an effective local facility for the recreation, health and education of youth and other shire residents.

Financial Implications

This report relates to the lease only and there is no additional cost to Council of entering into the lease for a term of 50 years at nominal rent outside of the long-term commitment to operating expenditure.

Ongoing operational expenditure paid by Council, is expected to remain at current levels \$25,000 - \$30,000 p.a. for the maintenance of the playing surface and surrounds.

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah (contd)

The term of the lease will dictate the extent of Council's financial obligation to continue the maintenance and development of the sporting facilities over time. If Council wishes to invest in capital development of such facilities, then an adequate period of return must be a consideration.

CONSULTATION

Instructions provided by Manager Customer and Community Services. Negotiation with the University of Newcastle and Department of Education and Training.

GOVERNANCE

The Conveyancing Act 1919 applies in respect of leases. The Local Government Act 1993 enables Council to enter into a lease. Council currently leases playing fields located at Chittaway Road Ourimbah from the Minister for Education and Training.

Significant capital improvements are necessary to these playing fields and associated facilities to meet the growing needs of the local community.

Prior to committing public funds to these works, Council has proposed a 50 year extension to the current lease to ensure the long term tenure of the site by the community is assured. Plan showing the proposed lease area outlined in red.

CONCLUSION

Council currently leases and operates the playing fields which are used for a considerable amount of community sports and recreation. Council's termination of the lease in 2016 would remove significant sports and recreation capacity for the local community.

Significant capital improvements are necessary to ensure the playing fields and associated facilities meet the growing needs of the local community.

Council needs the certainty of long term tenure before committing any further capital investment.

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah (contd)

Locality Plan



ATTACHMENTS

Nil.

3.2 Notice to obtain access arrangement on Council land for Mandalang South Exploration Drilling Program

TRIM REFERENCE: F2004/07086 - D02544756

AUTHORS: Bronwyn Rumbel; Manager Economic Property Development

SUMMARY

Report on notice from Centennial Mandalong Pty Limited to obtain an access arrangement in respect of Council land for the Mandalong South Exploration Drilling Program.

RECOMMENDATION

That Council authorise the General Manager to negotiate and execute an agreement with Centennial Mandalong Pty Limited for access to Council land for the Mandalong South Exploration Drilling Program subject to suitable compensation being provided and risks being appropriately managed.

BACKGROUND

On 10 November 2010 Council considered a report 6.1 Access to Council Land for Mandalong South Exploration Drilling Program (included as an Enclosure) and resolved (Wynn/Best):

- 1 *That Council reject the negotiation and execution of agreement with Centennial Coal for access to Council land for the Mandalong South Exploration Drilling Program.*
- 2 *That in the event of any exploration being executed on Council land, that Council request that the Buttonderry Waste Management Facility site be excised from the exploration program by Centennial Coal.*
- 3 *That Council write to the State Member for Wyong, David Harris MP and State Member for Lake Macquarie, The Honourable Greg Piper MP and The Honourable Paul Lynch MP, Minister for Energy concerning this issue.*
- 4 *That Council consider that the Buttonderry Waste Management Facility is a significant improvement for the purpose of Section 31 of the Mining Act 1992.*

Council's letter to The Hon. Paul Lynch MP, Minister for Energy, was referred to The Hon. Steve Whan MP, Minister for Primary Industries and his reply, dated 17 February 2011, is included as Attachment 1.

3.2 Notice to obtain access arrangement on Council land for Mandalong South Exploration Drilling Program (contd)

The Minister thanked Council for setting out its concerns and advised that the next step would be to have an arbitrator determine access arrangements. He also pointed out that this project is for exploration only and any subsequent planning approval would involve an exhaustive environmental assessment process that would include addressing the issues raised by Council.

In a letter dated 21 February 2011 Centennial Mandalong Pty Limited (a subsidiary of Centennial Coal) gave formal notice under Section 142 of the Mining Act 1992 of Centennial Mandalong Pty Limited's intention to obtain an access agreement in respect of the land owned by Wyong Shire Council to undertake exploration drilling of up to five exploration drill sites (refer Attachment 2).

Centennial Mandalong Pty Limited received approval from Industry & Investment NSW on 18 December 2009 to undertake proposed drilling activities following the submission of the Mandalong South Exploration Project Review of Environmental Factors (2009).

The exploration drilling program is currently being undertaken within exploration licence area EL6317 located south-west of the township of Morriset and west of the township of Wyee in the Lake Macquarie and Wyong local government areas.

THE PROPOSAL

The proposed locations of the exploration drill sites on land owned by Wyong Shire Council are shown on page 3 of Attachment 2. There is flexibility in the location of the proposed holes, particularly in the Buttonderry Waste Management Facility, so that Council's operations will not be impacted by the proposed works.

Prior to accessing any land for exploration drilling activities, Centennial Mandalong Pty Limited is required to enter into an access agreement with the landholder. A copy of the Centennial Coal standard access agreement is included on pages 31-42 of Attachment 2. It is proposed by Centennial Mandalong Pty Limited that a site inspection with Council officers be undertaken to identify the actual locations of drill sites and access routes, so that a plan detailing the agreed locations can be included as part of the Access Agreement.

OPTIONS

Option 1 – Negotiate and execute an agreement

By executing an agreement with Centennial Mandalong Pty Limited Council is in a position to negotiate for suitable compensation and ensure that any risks are appropriately managed.

In addition, representatives from Centennial Mandalong Pty Limited have indicated that they are prepared to discuss the provision of the borehole data to Council, which may be of use in the future planning of the Buttonderry Waste Management Facility. The drilling program does not normally core the immediate rock from the surface, but this could be done and has the potential to save Council money in the longer term.

Option 2 – Refuse to negotiate an agreement

Council refusal to negotiate an Access Agreement will trigger the arbitration process set out in Part 8 Division 2 of the *Mining Act 1992*. Council would be required to meet their own costs for proceeding down this path while Centennial Mandalong Pty Limited would be liable for its costs as well as those of the arbitrator.

If the landowner (Council) is aggrieved by an arbitrator's final determination they may apply to the Land and Environment Court for a review of the determination.

STRATEGIC LINKS

Employment - Centennial Coal currently employs 85 Wyong Shire residents in its operations.

During the exploration phase two contracting firms (one from the Hunter Valley and one from the Central Coast) will be engaged to undertake the drilling in conjunction with a geologist from Centennial Mandalong Pty Limited; and a third contractor (from the local area) will be engaged to undertake the earthworks and rehabilitation.

If the results of the exploration drilling program are positive then, the continuation of the Mandalong underground longwall operation will secure 317 direct jobs beyond 2015 plus 1,400 indirect jobs.

Financial Implications

Centennial Mandalong Pty Limited is required by the *Mining Act 1992* to compensate the landholder for the loss of use of their land for the period of drilling.

Discussions with representatives of Centennial Mandalong Pty Limited indicated that the standard agreement provides compensation of \$550 per week per site (with a minimum of \$2,000 per site).

This additional income of, at least \$10,000, was not budgeted for in the 2010-11 Annual Plan.

Principles of Sustainability

The Review of Environmental Factors details a process to locate all exploration drill sites in areas of minimal environmental impact. Each proposed drill site is inspected by a qualified ecologist and archaeologist prior to any surface disturbance occurring to identify any potential impacts or threatened species or items of Aboriginal or European heritage. If any threatened species or items of Aboriginal or European heritage are identified during the site inspections, the drill site is relocated to avoid the impacts.

Each drill site is limited to a maximum disturbance area of 25 metres by 25 metres and existing access tracks are used wherever possible. Each drill site and any access tracks created are rehabilitated at the completion of drilling activities. Each drill site takes approximately four weeks to complete however, this is dependent on the depth of the drill hole, the geological conditions encountered and access constraints due to wet weather.

3.2 Notice to obtain access arrangement on Council land for Mandalang South Exploration Drilling Program (contd)

CONSULTATION

Centennial Mandalong Pty Limited was not required to undertake any stakeholder consultation prior to the preparation of the Review of Environmental Factors (REF).

The Review of Environmental Factors includes a Stakeholder Engagement Plan to consult with landowners.

GOVERNANCE

Centennial Mandalong Pty Limited is required to comply with the conditions of their exploration licence (EL6317) and the conditions in their approval from the Department of Industry and Investment. A breach of these conditions is an offence under the *Mining Act 1992*.

If Centennial Mandalong Pty Limited is unable to negotiate access with the landowner then Part 8 Division 2 of the *Mining Act 1992* provides for conciliation and arbitration. If the landowner is aggrieved by an arbitrator's final determination they may apply to the Land and Environment Court for a review of the determination.

CORPORATE RISKS

For the organisation there is the risk of damage to infrastructure (such as breaking a sediment pond) at the Buttonderry Waste Management Facility. This risk can be reduced by Centennial Mandalong Pty Limited exercising flexibility and moving the eastern borehole to the north of the sediment pond.

If the results of the exploration drilling program are positive then the main impact from future underground longwall mining is the subsidence of the surface. The main concern for Council would be at the Buttonderry Waste Management Facility. Centennial Mandalong Pty Limited would need to discuss with Council officers how the site is currently managed and then assessments would be made as to the likely impacts. The drilling information, in this case, becomes very important to allow those assessments to be undertaken.

Centennial Mandalong Pty Limited advised staff that they had engaged Aurecon to carry out an initial groundwater assessment in mid-2010. This report identified locations for groundwater monitoring and equipment is currently being installed to provide baseline data for future environmental assessments.

The initial assessment also identified a boundary of igneous rocks that would act as a water barrier between the Mandalong South and Wallarah 2 projects.

3.2 Notice to obtain access arrangement on Council land for Mandalong South Exploration Drilling Program (contd)

CONCLUSION

To avoid the costs associated with arbitration, it is recommended that Council authorise the General Manager to negotiate and execute an agreement with Centennial Coal for access to Council land for the Mandalong South Exploration Drilling Program subject to suitable compensation being provided and appropriate risk being managed.

ATTACHMENTS

- | | | | |
|----------|--|-----------|-----------|
| 1 | Reply to Council regarding Mandalong South Drilling Project from the Hon. Steve Whan MP | | D02524882 |
| 2 | Notice under Section 142 of the Mining Act 1992 to obtain an access arrangement for Mandalong South Exploration Drilling Program | Enclosure | D02528140 |
| 3 | Council Report 6.1 Access to Council Land for Mandalong South Exploration Drilling Program - 10 November 2010 | Enclosure | D02400439 |

**The Hon Steve Whan MP**

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

ISW11/104

17 FEB 2011

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Whittaker

I refer to your letter of 22 December 2010 to The Hon. Paul Lynch MP, Minister for Energy concerning access to Council land for the Mandalong South Drilling Project. Minister Lynch has asked me to respond to you direct.

Thank you for setting out your concerns in relation to this Project and I note that Council have rejected the access agreement proposed. Please be aware that where agreement cannot be reached, the next step is to have an arbitrator determine access arrangements. Part 8 Division 2 of the *Mining Act 1992* (the Act) sets out the requirements for access to land for exploration and the access agreement and arbitration process. Information regarding landholder's rights, including frequently asked questions, can be found at: <http://www.dpi.nsw.gov.au/minerals/titles/landholders-rights>.

Section 31 of the Act states that the holder of an EL may not exercise any of the rights conferred by the licence over the surface of land on which is situated any significant improvement, except with the written consent of the owner of the improvement. Further, section 31 allows any party disputing the existence of a significant improvement to apply to the Land and Environment Court for a determination of the matter.

It is my understanding that this Project is for exploration only. Exploration is required not only to assess the resource but to obtain information to address the environmental issues identified in your letter. Should the EL holder wish to develop a mine in the future, approval from the Minister for Planning under the *Environmental Planning and Assessment Act 1979* is required. Planning approval involves an exhaustive environmental assessment process which addresses all aspects and impacts of the proposal, including the issues you have raised, and allows for full community and agency consultation.

Thank you for your interest in this matter.

Yours sincerely

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

Level 33, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Phone: 02 9228 3800
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Parliament House
Room 808, Macquarie Street
Sydney NSW 2000
Phone: 02 9230 2291
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4.1 Review of the Impacts of Council's Local Preference Policy

TRIM REFERENCE: F2007/01410 - D02509045

AUTHOR/S: John McCarthy; Coordinator Purchasing

MANAGER: Mike Long, Contract and Project Manager

SUMMARY

This report reviews the financial and likely business impacts of Council's Local Preference Policy after twelve months of operation.

RECOMMENDATION

- 1 That Council receive the report on the impact of Council's Local Preference Policy.**
- 2 That Council adopt Option 4 for the continuation of the Local Preference Policy with an increased threshold of \$150,000.00.**

BACKGROUND

This report details the financial and likely business impacts of Council's Local Preference Policy (LPP) after twelve months of operation.

At the Ordinary Meeting held on 25 November 2009 it was resolved unanimously on the motion of Councillor McBride and seconded by Councillor Matthews as follows:

- "1 That Council adopt the draft Local Preference Policy - Procurement (as per Attachment 1).*
- 2 That subject to adoption of Recommendation 1, the Local Preference Policy - Procurement commence from 1 March 2010."*

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

AGAINST: NIL"

After twelve months in use and in accordance with both ICAC recommendations and the requirements of Council's Local Preference Policy, a report must be submitted to Council detailing the following:

ICAC requirements (September 2001):

"Council's who have adopted a Local Preference Policy should:

report annually on their use of local preference procurement, including who the beneficiary of the decision was, the number of instances local preference was

4.1 Review of the Impacts of Council's Local Preference Policy (contd)

applied, and the measures taken by council to measure the cost and effectiveness of such a policy”

In addition, Council's Local Preference Policy states:

“On an annual basis, or at shorter intervals as deemed necessary by the General Manager, a report will be prepared for inclusion in a Council business paper detailing the outcomes of applying this Policy, including:

- *The number of times that application of this Policy influenced procurement decisions.*
- *The names of beneficiaries of decisions made through application of this Policy.*
- *The financial implications to Council in applying this Policy.*
- *The effectiveness of this Policy in developing and promoting business and industry within the Local region.*
- *Recommendations for amendments to this Policy”*

The following sections provide details of the first twelve months of operation of Council's Local Preference Policy.

RESULTS

The number of times that application of the Local Preference Policy influenced procurement decisions for the period 1 March 2010 to approximately 1 March 2011:

13

BENEFICIARIES

The following table lists the names of businesses that have benefited from the application of the Local Preference policy over the last twelve months.

Business name of beneficiary	Total value of benefit	Number of times the supplier has received a benefit
The Trustee of CCMG Unit Trust T/as Central Coast Motor Group	\$2,842.36	7
E J & W A BOOTH Pty Ltd T/as Booth's Motor Group	\$1,781.22	5
Brett's Trucks Parts & All Filters Pty Ltd	\$459.04	1

FINANCIAL IMPLICATIONS

a) DIRECT COSTS

The following table details the direct cost to Council in applying the Local Preference Policy for the period 1 March 2010 to approximately 1 March 2011.

Description of Cost	Value of direct incurred costs since Policy inception (excl GST)
The financial implications to Council in applying the Local Preference Policy. This is the lost opportunity cost to Council by favouring Central Coast businesses as a result of applying the Local Preference Policy.	\$5,082.62
Legal costs associated with preparing/reviewing the Local Preference Policy initially.	\$1,989.50
Total direct cost to Council.	\$7,072.12

In addition to the above costs, there is the potential for a further cost of approximately \$8,496.00 to be incurred by Council. This is the result of the Local Preference Policy elevating the ranking order of a local contractor engaged under contract CPA/180792 – Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility. Details are provided below.

The contract ranked a panel of preferred suppliers. In September 2010 the application of the Local Preference Policy elevated R K Talbot Enterprises Pty Ltd from 11th place to 10th place. Although contracted to Council as a preferred supplier, R K Talbot Enterprises Pty Ltd is yet to be engaged by Council as higher ranked contractors currently have the capacity to cater for Council's needs.

This contract expires on the 30 September 2011. At this stage, it is considered unlikely that R K Talbot Enterprises Pty Ltd services will be required. As a consequence, there is only a low possibility that further costs will be incurred by Council as a result of applying the Local Preference Policy provisions to this tender.

b) INDIRECT COSTS

Application of the Local Preference Policy has resulted in additional administrative costs incurred by Council staff. Additional functions that are required to be conducted by Council staff to ensure correct application of the policy include:

4.1 Review of the Impacts of Council's Local Preference Policy (contd)

- Training of Council staff to ensure correct application of the LPP during tender evaluation
- Update Request For Tender and Request For Quotation templates incorporating LPP provisions
- Update tender and quotation evaluation tools
- Conduct additional due diligence on all Council offers over \$20K to ensure LPP claims by suppliers can be substantiated
- Advise and educate suppliers
- Additional reporting requirements for Council staff in obtaining expenditure approval, ensuring the correct application of the LPP
- Additional data collection requirements by Purchasing staff that collate and record all costs associated with applying the LPP.

The most significant impact has been on Purchasing staff. In the past twelve months there have been over 400 orders raised by Council staff with a value exceeding \$20K requiring the correct application of the policy. A conservative estimate of the indirect costs incurred by Council staff in administering the Local Preference Policy would equate to an additional Full Time Equivalent (FTE) staff member at an estimated cost of \$70K per year. This cost is currently absorbed by the existing staff establishment, but has increased processing and evaluation times for procurement functions.

EFFECTIVENESS OF LOCAL PREFERENCE POLICY IN DEVELOPING AND PROMOTING BUSINESS WITHIN THE LOCAL REGION

The major businesses that have benefited from the Policy have been Central Coast car dealerships.

It is noted that while the impact of the Policy itself in supporting local businesses has been minimal, approximately \$76M (64%) of Council discretionary expenditure is already currently spent with suppliers based on the Central Coast. Conversely, approx. \$44M (36%) is spent with suppliers located in other areas.

In considering the effectiveness of the Local Preference Policy it is noted that the policy has only operated for twelve months. In that time no major tendering decisions have hinged on Local Content scoring outcomes. Under the policy a major construction tender involving a local and non-local supplier, equal in price and non price criteria, may well be influenced in favour of the local company.

RECOMMENDATIONS FOR AMENDMENTS TO THE LOCAL PREFERENCE POLICY

Following the review a number of Options were identified for possible amendments to the Policy as detailed below.

OPTION 1

Leave the Policy in its current format and give it more time to impact on future procurement decisions.

Comment:

The current threshold limits require an inordinate amount of staff time for a very small benefit. Some changes to the policy are indicated to provide a better outcome while still maintaining a Preference Policy.

OPTION 2

Withdraw the Policy as it has had no clear and significant impact on generating local employment opportunities. In addition, the cost and additional administrative workload from implementing the policy has outweighed any local employment generating benefit.

Comment:

The Policy has only been in place for twelve months, and a longer period of operation is justified to ascertain the benefits that might accrue.

OPTION 3

Amend the Policy by increasing the preference % or change the threshold limits that apply to the three purchasing categories. This is likely to increase the chances of engaging local businesses. However, this could significantly impact on additional costs to Council through greater "subsidy" of local companies in a competitive environment.

Comment:

The current preference % is considered reasonable in balancing the cost to the community of implementing the policy, and encouraging and supporting local businesses. In a competitive environment extra protection for local businesses should not be a principal focus of the Policy. A general change to the Policy threshold as described in Option 4 is supported.

OPTION 4

Given the main costs associated with the Local Preference Policy are in administration of the Policy by Council staff, this Option recommends increasing the threshold limits that are set by the Policy.

The policy is currently activated for all Council purchases over \$20K. This has occurred on 400 occasions over the last 11 months. If the policy was only to be activated on purchases over \$150K, only major tenders would be impacted. This would significantly decrease the administrative workload associated with applying the policy by Council staff for smaller purchase amounts. Reports to Council on contracts over \$150K already include details of how the Policy is applied.

Comment:

This Option retains the advantages of promoting local businesses for work valued at over \$150K, while reducing the current demands on staff workloads. This is the preferred and recommended Option.

CONCLUSION

A review has been undertaken of the Local Procurement Policy after twelve months of operation. The review has found that while over 400 purchasing decisions have been assessed, only 13 were actually influenced by the Policy. The monetary amounts associated with these decisions were also very low.

The review identified the need for a high level of staff time to ensure the assessment of purchases over \$20K is undertaken under the Policy.

Given the relatively low impact of the Policy on influencing smaller purchasing decisions, it is recommended that the Policy threshold limit be increased to \$150K. This will reduce the impact on limited staff time, but will continue to provide details on the impact of the policy on significant contracts.

ATTACHMENTS

Nil.

4.2 Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011

TRIM REFERENCE: F2004/06257 - D02515123

AUTHOR/S: Luke Sulkowski; Operations Manager
MANAGER: Tara Mills, Manager Sport, Leisure and Recreation

SUMMARY

Council received a report on "Results of Trial Winter Lifeguard Service" on 8 December 2010 and resolved to consider further the need for an extension of the current 2010/2011 lifeguard patrol season to finish 1 May 2011. This report considers the proposal for extension of the 2010/2011 lifeguard season into May as per Council's resolution.

RECOMMENDATION

- 1 That Council receive the report on Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011.**
- 2 That Council extend the 2010/ 2011 Lifeguard patrol season at Soldiers Beach and Shelly Beach to 1 May 2011.**
- 3 That Council note Surf Life Saving Central Coast's offer to provide volunteer lifesavers to patrolled beaches throughout the May 2011 trial on Saturdays and Sundays.**
- 4 That Council collect data on the utilisation of Councils beaches during May 2011 to inform Council when deciding on the date of the 2011/12 season.**

BACKGROUND

At the Ordinary Meeting held on 8 December 2010 Council resolved as follows:

"RESOLVED on the motion of Councillor SYMINGTON and seconded by Councillor MATTHEWS:

- 1 That Council receive the report on Results of Trial Winter Lifeguard Service.*
- 2 That given Council's current financial limitations, and the relatively low numbers of winter beach swimmers and surfers Council not introduce a recurrent lifeguard service at this time.*
- 3 That Council receive a report on a possible Lifeguard Service at Soldiers and Shelly Beaches on Monday to Friday for four weeks after official close of the current season utilising Council's permanent lifeguards and liaise with Surf Life Saving Central Coast to provide a volunteer service on the weekends for that period.*

4.2 Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011 (contd)

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

AGAINST: COUNCILLOR BEST".

This report addresses resolution number 3 above.

Assessment of Need for Extension of Lifeguard Service

The Bureau of Meteorology data shows that on the Central Coast, sea surface temperatures in summer and autumn are on average 2°C warmer than in both winter and spring.

From informal observations of beach usage in the Shire, Council's lifeguards also frequently comment on there still being relatively large numbers of people on the beaches in May compared to September or other unpatrolled months.

During a Winter Trial Lifeguard Service at Park Beach, Coffs Harbour, from May to September 2010, Coffs Harbour Council recorded that 23.6% of all beach users during this period attended during the month of May. This was marginally lower than their recorded percentages for August and September (23.8% and 24.6% respectively) but significantly higher than the percentage of attendees during June and July (12.9% and 15.1% respectively).

Extension Period

The 2010/11 patrol season is currently scheduled to finish on Tuesday 26 April 2011. As this is a public holiday, this day will be staffed by Surf Life Saving volunteers. The last official patrol day for Lifeguards will be Friday 22 April 2011. To extend the season by four weeks at Soldiers Beach and Shelly Beach as per the resolution, it would mean patrols at these two beaches would finish on Sunday 22 May 2011. However it may be better to trial this in 2012 as we are constructing two new Surf Life Saving buildings at these beaches in 2011.

Location

Soldiers Beach and Shelly Beach are the Shires two most popular beaches with estimated numbers of swimmers being on average more than 50% higher than other beaches.

However, due to considerable construction activity at both of these beach reserves in May 2011, there will be some effect on user numbers over the period. Council staff and lifeguards still believe that these are the two most appropriate locations to undertake an extended service as the actual beach areas are not affected by the construction work and there should be still sufficient parking available.

Use of Surf Life Saving Central Coast Volunteers on Weekends During Proposed Extension of Patrol Season at Shelly Beach and Soldiers Beach

After discussions between Council staff and the CEO of Surf Life Saving Central Coast (SLSCC), Mr Chad Griffith, SLSCC have committed that should Council elect to extend the patrol season at these two beaches, that Surf Life Saving volunteers would be able to provide beach safety services on Saturdays and Sundays during the period.

4.2 Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011 (contd)

Patrol Operating Hours

To reduce any chance of further confusion with the public regarding Lifeguard operating hours, it is recommended the existing “flag up, flag down” times that are advertised during the current shoulder periods be continued. This would see beaches officially opened at 8.30 am and closed at 5.00pm. According to attendance and conditions, lifeguards would continue to exercise flexibility in extending operating hours in the best interests of public safety.

These opening/closure times integrate reasonably well with predicted sunrise/sunset/last light times during the period which are summarised in Table 1.

	26 April 2011	20 May 2011
Sunrise	6:24 AM	6:41 AM
Sunset	5:19 PM	5:00 PM
Last Light	5:45 PM	5:26 PM

Table 1: Sunrise/ Sunset/ Last Light Times during proposed extended Lifeguard season.

OPTIONS

Other options that could be considered as part of the service extension are:

- 1 Not undertaking the trial extension throughout May 2011 but extend the season by one week so as to cover the period after Easter.
- 2 Closing the beaches earlier than 5.00pm during the May trial

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	1.1 Expand and support programs that increase participation among all ages. 3.2 Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. 3.4 Promote community facilities to help maximize their benefits and use.	1.7.7 Ocean Beach Management
A More Sustainable Economy	5.9 Source tourist attractions across the Shire.	
A More Sustainable Environment	8.1 Improve and promote public access to Environmental areas.	
Infrastructure	NIL	

4.2 Proposal to Extend Lifeguard Service at Soldiers Beach and Shelly Beach to May 2011 (contd)

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
Organisation	2. Undertake an organisational capacity review.	

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	1.1 Expand and support programs that increase participation among all ages.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	3.2 Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. 3.4 Promote community facilities to help maximize their benefits and use.
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	5.9 Source tourist attractions across the Shire.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	8.1 Improve and promote public access to Environmental areas.

Financial Implications

The proposed extension to Council's lifeguard service to 1 May 2011 will result in additional wages expenditure against Council's lifeguard's operating budget.

The estimated additional cost to Council for this service will be \$6,000.00. Given the trial that was undertaken in 2010 was allocated \$170,000.00 and actual costs of the trial came in at \$140,000.00 leaving a favourable variance of \$29,000.00.

Principles of Sustainability

An expanded Lifeguard Service will enhance services to the community by providing greater access to safe beaches. It will also enhance community engagement with the environment by providing greater opportunities for the community to visit the Shire's beaches.

CONSULTATION

Discussions have been held with SLSCC on their ability to support the extended coverage and they indicated that they were able to provide this assistance.

Discussions have also been held with Council lifeguards in relation to the proposed service. Lifeguards are generally supportive of an extended Lifeguard service.

GOVERNANCE

The proposal is not affected by any policies, procedures, legislation or regulations.

CORPORATE RISKS

This proposal is not linked to any identified Corporate Risks.

CONCLUSION

As Shelly Beach and Soldiers Beach are two of the most popular beaches within Wyong Shire, there is some expectation that there may be utilisation of these beaches by members of the public for any extended season. An extended Lifeguard Service at these locations does therefore have the potential to offer some benefit to the public.

Given support of SLSCC, and the remaining budget from the 2010 Winter Lifeguard Trial, it is recommended that the trial be extended to cover from 26 April 2011 to 1 May 2011 inclusive. Also that a detailed survey of beach goers to these two beaches in May 2011 be undertaken so as to inform Council of what the 2011/12 lifeguard season should be.

ATTACHMENTS

Nil.

4.3 National General Assembly of Local Government 2011

TRIM REFERENCE: F2004/06466 - D02526403

AUTHORS: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

The 2011 National General Assembly of Local Government will be held at the National Convention Centre in Canberra between 19 and 22 June 2011.

RECOMMENDATION

- 1 That Councillors note motions are to be endorsed by Council and submitted to the National General Assembly of Local Government prior to 22 April 2011.**
- 2 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2011 National General Assembly of Local Government between 19 and 22 June 2011.**
- 3 That Council pay expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 4 That Council determine the voting delegate should the Mayor not attend.**

BACKGROUND

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

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

THE PROPOSAL

The National General Assembly of Local Government (NGA) is the largest and most important event on the Local Government calendar. It is convened by the Australian Local Government Association (ALGA) for local councils across Australia to develop and express a united voice on the core issues affecting local government and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the Federal Government, at both the political and departmental levels.

Discussions and debate at the NGA will focus around the three themes of productivity, population and participation. ALGA is inviting councils to submit motions for consideration at the NGA with the release of a discussion paper on the three themes. All councils are encouraged to contribute to the shaping of Local Government's national direction by submitting motions to this year's NGA.

Submission of Motions

The ALGA identified the following three themes, under which motions should be submitted. These themes address key priority areas for the Australian Government to develop policy under and are areas which complement and build on existing ALGA and local government positions:

- * Place;
- * Position; and
- * Partnership.

Motions for the 2011 Assembly are required to fall under one of the above themes, be relevant to the work of local government nationally; and complement or build on the policy objectives of state or territory association in order to be considered eligible for inclusion.

To assist Councils in submitting motions for debate at the Assembly, a Discussion Paper has been prepared. This paper provides background information on the themes and designed to assist Councils when developing motions. A copy of the discussion paper is attached.

Motions that are carried by the National General Assembly become Resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

A delegate of Wyong Shire Council does not need to attend to have a motion put forward. Another Council may put forward a motion on behalf of this Council.

Motions must be endorsed by Council and submitted to the ALGA by 22 April 2011. This would mean that any proposal for a motion should be considered by Council at this meeting.

OPTIONS

Nil impact.

STRATEGIC LINKS

Annual Plan

Nil impact

Contribution of Proposal to the Principal Activity

Nil impact.

Link to Shire Strategic Vision

The Assembly is an opportunity for Councillors to extend their understanding of productivity, population and participation which are all issues effecting this Shire. It therefore has relevance to Councillors of Wyong.

Financial Implications

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

National General Assembly 2011	(\$)
Registration (early bird rate payment prior to 29 April 2011)	\$880
Travel (own vehicle / petrol)	\$600
Travel (flight)	\$400
Accommodation (based on approx \$280 per night for 4 nights)	\$1,120
Other disbursements (meals, taxis etc) say	\$400
Total - estimate	\$3,400

Principles of Sustainability

Nil impact.

CONSULTATION

Nil Impact

GOVERNANCE

Reimbursement of costs is in accordance with the provisions of Council's Facilities and Expenses Policy for Councillors.

Clause D5 of the Policy provides that WSC will reimburse a Councillor for attendance at a maximum of three conferences per year (not including the NSW LGA conference). There is no restriction of the number of Councillors that may attend the National General Assembly.

The Mayor has indicated a desire to attend.

CORPORATE RISKS

Nil impact.

CONCLUSION

The Assembly is an opportunity for Council to ensure issues of concern are debated widely and for Councillors to network with other elected representatives from throughout Australia.

Submission made by Councillors on behalf of Council will ideally require presentation at the Assembly. Attendance by the appropriate Councillor(s) would be necessary if submissions are made.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | 2011 National General Assembly of Local Government - Discussion Paper | D02535871 |
|---|---|-----------|

2011 National General Assembly of Local Government

Discussion Paper

Growing with Our Community - Place, Position and Partnership -

**Prepared by the Australian Local Government Association to help councils develop
motions for the 2011 National General Assembly for Local Government.**

Preamble

The theme for the 2011 National General Assembly for Local Government (NGA) is: 'Growing with our Communities: Places, Position and Partnership'. The issues discussed in this paper aim to assist councils to develop motions for the 2011 NGA. This paper will discuss a limited range of key policy issues that emerge from international literature and are of direct relevance to local governments in Australia. While the topics under the themes are not mutually exclusive, they are discussed separately to help focus attention on specific initiatives that could assist local government to address the challenges of meeting the growing demands of local communities. It is anticipated that motions for the 2011 NGA will outline credible ideas and policy initiatives that will strengthen local government's capacity to respond to the social, economic and environmental challenges facing Australia.

Context

As discussed at last year's NGA, on current trends Australia's population is expected to grow from the current 22 million to 35.9 million by 2050. Population growth will create opportunities and challenges for governments and communities. Meeting the demands of a bigger Australia will require substantial new physical infrastructure as well as the need for the economy to remain internationally competitive, innovative, more inclusive and sustainable. What we as a nation choose to invest in, how we invest and where we invest will have profound impacts on local communities across Australia and influence where and how Australians will live.

At the time of writing, the Australian Government was seeking comment on several important research, discussion and issues papers related to urban policy and the development of an Australian sustainable population strategy. These papers provide interesting background to the theme of the 2011 NGA, and insight into the challenges and opportunities the Australian Government identifies at the current time. The papers are:

1. *Our Cities – Discussion Paper 2010 A national strategy for the future of Australian cities,*
2. *Our Cities – The challenge of change, Background and research paper,* and
3. *A Sustainable Population Strategy for Australia Issues Paper.*

At the national level, reform (and, in particular, micro-economic reform) has been at the forefront of Australia's public policy debate and practice over the past twenty years. Reform has helped transform the Australian economy, and made a significant contribution to preparing the nation to meet the challenges of economic shocks such as the Global Financial Crisis (GFC). Landmark reforms include, but are not limited to: floating of the Australian dollar; national competition policy; the introduction of the Goods and Services Tax (GST); reform to Commonwealth state financial relations; health reforms; business red tape reduction; education; industrial relations; and water.

Further reform is essential if Australia is to continue to be internationally competitive as well as meet the future challenges of job creation, skills shortages, providing adequate and appropriate social support and achieving ecological sustainability.

Managing the local and regional impacts of reform is a significant challenge for governments. All reform has the potential to impact local and regional communities including the concentration of benefits and burdens in localities such as cities, regions, or specific neighbourhoods.

Local governments are at the 'coal-face' of managing change, planning¹, coordination and provision of infrastructure and services for their local communities. It is therefore essential that local governments are consulted, and their policies and plans are taken into account when national reforms are being designed and implemented. This is, in part, achieved through active participation by the Australian Local Government Association (ALGA) at important intergovernmental forums such as the Council of Australian Governments (COAG) and relevant ministerial councils, and through ongoing dialogue with the Australian Government.

At the implementation level, however, local government has for many years strongly advocated the need for new ways for governments to work together to ensure that national programs and services meet local needs and local conditions. Models advocated include the need for greater local control and whole of government collaboration and better processes to jointly develop policy, and plan and implement initiatives at the local and regional level.

The challenge is to achieve effective mechanisms for council plans and projects to be better integrated into the way state and national programs and services are planned and delivered. In summary: achieving more appropriate integration of 'top-down' and 'bottom-up' policy approaches that will shape the future of local communities and thus Australian society.

The theme of the 2011 NGA is 'Growing with our Communities - Places, Position and Partnerships'. The aim is to stimulate ideas about new ways of doing business to meet the infrastructure and service needs of local people in their local communities.

The 'Places' topic recognises that individuals and households live and work in: suburbs, neighbourhoods, farms, cities, towns, and local communities i.e. 'places'. As these places differ geographically, culturally, economically and socially, it is not surprising that services need to be tailored to local circumstances. Under this topic, delegates will be invited to discuss models for improved collaboration between governments and governance models to jointly develop policy, plan, coordinate and deliver better infrastructure and services that will meet the circumstances of a particular 'place'.

The 'Position' topic refers to the need for local government to be seen and treated as an integral part of the Australian federal system. There are more than 560 local governments in Australia, all of them democratically elected, accountable to their communities and charged with the responsibility, under state legislation, to govern in the interests of their local communities. Under this topic delegates will be invited to explore ways of ensuring that local government is properly recognised in all government structures including the Australian Constitution, as well as how local government can be better involved in shaping Commonwealth and state service delivery to better meet local needs.

The third topic is 'Partnership'. This recognises that government service provision, including regulation, is a shared responsibility. While local government provides a wide range of services and infrastructure, many of these are in partnership with other levels of government. At the national level the partnership between local government and the Australian

¹ In NSW for example local governments are required to undertake strategic land-use planning under the *Environment Planning and Assessment Act 1979 (NSW EP&A)* in addition councils are required to prepare corporate plans and monitor 10 year community strategic plan.

Government has delivered benefits to every Australian community including through programs such as the Roads to Recovery Program (R2R) and Community Infrastructure Program (CIP). Under this theme delegates will be encouraged to identify opportunities and challenges to the development of effective partnerships to improve the delivery of services and infrastructure at the local and regional level.

Place

Commentators frequently describe Australia as experiencing a two (2) speed economy observing the rapid growth in the resource-rich states and comparatively slow growth in other jurisdictions. This description is used to highlight the disparity in economic performance and the associated opportunities and challenges in respective jurisdictions. For example, in a general sense, it accounts for relatively lower rates of unemployment, higher average wages, rising house prices and skills shortages in Western Australia and Queensland, and flat or comparatively higher unemployment, less pressure on average wages and flat housing prices in other states.

The annual State of the Regions Report (SOR)², by National Economics for the Australian Local Government Association (ALGA) takes a more sophisticated approach to the analysis of Australia's economic performance. The SOR classification comprises 6 types of regions:

- Core metropolitan regions;
- Dispersed metropolitan regions;
- Lifestyle regions;
- Non-metro city regions;
- Resource regions; and
- Rural regions.

This analysis highlights, with greater granularity, the divergence (and / or convergence) in economic performance of Australia's regions.

There is a large and growing international body of research that shows the growing importance of place-sensitive approaches in public policy.³ This research demonstrate how 'place matters' to the quality of life for all citizens and to the prosperity of nations. Place-based approaches can help to inform the development of policy initiatives to address the population and infrastructure pressures facing Australia's diverse communities. For example the challenges and opportunities of:

- large cities managing population growth; high and growing infrastructure demand; the need for greater connectivity including transport; pressure on urban amenity; concentration of social disadvantage; population diversity; social harmony; affordable and appropriate housing supply; and
- smaller communities facing population and employment decline, difficulty in attracting and retaining skilled labour, ageing infrastructure and environmental degradation.

² State of the Regions (SOR) is in its twelfth edition. The SOR methodology pays attention to internal economic interactions within regions, while drawing upon and adapting Australian Bureau of Statistics data and respecting state and local government boundaries.

³ Much of the literature is expressed in terms of 'Urban Policy' recognising the importance of cities, large and small. However this should not be interpreted as purely city-metro.

Having examined place-based approaches from North America, Europe and the United Kingdom, Bradford (2005) suggests there are two perspectives that need to be integrated into place-based policy development. The first is an 'urban perspective' which he suggests is preoccupied with physical infrastructure, and the powers and resources available to municipalities. The second is a 'community perspective' which focuses on social infrastructure, such as 'civic participation and inclusion networks'.

In Australia it should be noted, local government has a major responsibility for both these perspectives. Local government has a major role in the provision of local physical infrastructure. ALGA in partnership with state and territory local government associations has developed a strong case for additional funding for local roads and community infrastructure. Local government also has a very strong role in facilitating civic participation, community engagement, social cohesion and inclusion. Therefore local government is a critical actor in any place-based approach in Australia.

Bradford (2005)⁴ observes that in Canada a disproportionate burden of responsibility to manage place falls to local government. '[At] present, the problem of ageing infrastructure, insufficient affordable housing, spatially-concentrated poverty, traffic congestion and lowered air quality are piling up at the doorstep of the municipal governments. However, the implications reach well beyond the boundaries of the locality and the powers [fiscally] of the municipal authority'.

This highlights the need for governments at all levels to coordinate their policies and tailor their programs to the conditions prevailing in, and the circumstances of, particular places. Bradford cites the approach by New Labour (1997 – 2000) as being instructive in this regard ... 'While not without its tension and gaps, New Labour's joined up government and partnership approach moved beyond either a 'top-down' impositions of central government priorities and a 'bottom-up' competitive scramble among localities for funds. He also notes that the national government restored some legitimacy and capacity to local government as a partner in local collaboration and integration and rewarded them for working in 'new ways'. [See also position theme in this paper.]

Improved Intergovernmental Relations

ALGA is a member of the Council of Australian Governments (COAG) and other ministerial councils.⁵ Through these forums ALGA is able to fully participate in debate and is involved in meetings of heads of government, ministers and officials representing the Commonwealth and state and territory jurisdictions.

ALGA's participation in these processes is guided by ALGA policy which is determined by the ALGA Board and informed by all state and territory local government associations and the National General Assembly for Local Government.

⁴ Place-based Public Policy: Towards a New Urban and Community Agenda for Canada, Research report F/51 family network, Canadian Policy Research Network. (2005)

⁵ It should be noted that COAG is currently reviewing ministerial council arrangements and by the time of the NGA may have implemented a number of changes. ALGA will remain a member of COAG and will continue to be represented at all ministerial forums that have direct relevance to local government.

This is a unique model of intergovernmental relations internationally where local government can be characterised as ‘...most often suffering from a ‘culture of non-recognition and neglect when it comes to the policy voice,’ Bradford (2005).

Participating at COAG and ministerial councils is very important as it provides ALGA with an opportunity to ensure that local government’s collective interest and concerns are taken into consideration in the development of intergovernmental policy arrangements. But it is important to note that much of the work of the Commonwealth, states and territories in relation to their respective program and policies is still developed and pursued unilaterally by governments. This is not unexpected given jurisdictional autonomy of all governments, constitutional responsibilities and electoral obligations.

In describing the public policy challenge, Bradford (2005) describes the notion of ‘wicked problems’. These are problems that: ‘... cannot be solved through ‘off the shelf solution’. With their inherent complexity, these problems are resistant to traditional sectoral interventions designed and delivered in a top-down fashion by individual government departments. Required instead are place-sensitive modes of policy intervention – strategies constructed with knowledge of the particular circumstances in communities, and delivered through collaborations across functional boundaries and departmental silos.’

Wicked problems frequently require inter-state and intergovernmental collaboration and coordination. It is therefore important that solutions to address wicked problems are developed collaboratively, pragmatically and are capable of achieving mutual goals.

Given local government’s knowledge and understanding of local communities, expertise in community consultation and planning, coordination and provision of infrastructure and services for local communities:

- *Is there a need to improve the level of collaboration between all levels of government at the local level to better coordinate policies and tailor programs to local circumstances?*
- *Are there any changes that could be implemented to improve the coordination and integration of policies and tailor programs to better meet the conditions prevailing and particular places?*
- *How could national funding be allocated to improve the balance between ‘top-down’ impositions of central government priorities and a ‘bottom-up’ competitive scramble among localities for funds?*

Cities

As previously mentioned, in December 2010 the Australian Government released 2 ‘urban policy’ papers:

- Our Cities – The challenge of change, background and research paper, and
- Our Cities – building a productive, sustainable and liveable future 2010, Discussion Paper.

These documents show an appreciation of the value of place-based approaches, in particular in the Government's developing approach to urban policy: ... 'Urban policy is grounded in a geographic consideration of place and the people that interact with that place. It considers how policy settings and investment decisions of governments, businesses and individuals impact on, or are affected by the needs and requirements of places. Urban policy is about understanding and trying to guide the complex systems that make up our cities. The aim of urban policy is to effectively manage change in a way which supports sustainable development: to meet the needs of the current generation without compromising the ability of future generations to have their needs met, (Bruntland 1988)'.

The documents note that '... the five largest city-regions in Australia are home to 70% of the nation's population (15 million people) and this proportion will substantially increase over the next decades'. The corollary of this is that around 30 per cent live outside these regions. Importantly the background paper acknowledges that there is a multi-faceted and wide-ranging interdependence between cities and regional Australia.⁶

A key issue in the context of this year's NGA and the above discussion on place-based policy is that of city governance. The Cities Discussion Paper quoting the 2010 Intergenerational Report suggests: '...The development of Australia's cities will also be central to improving productivity performance. Much of a city's capacity to accommodate population increases while supporting productivity growth is reliant on the efficacy and adequacy of its infrastructure, including its housing stock. The sustainability of Australia's cities will also be dependent on better governance in the planning and organisation of city infrastructure and more efficient use of existing infrastructure'.

The Background Paper notes that there are 157 local government entities in Australia's 18 major cities and, while acknowledging the roles and expectations of local governments have substantially broadened over time, it suggests '...yet there remains concern that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance'.

The Commonwealth Discussion Paper suggests '... The coming together of communities to form larger and more effective entities, or the grouping of local government into regional coalitions, can be the foundation of planning strategies over wider city areas. Regional groupings can also produce economic benefits for constituent entities, through economies of scale, for purchasing and more effective use of capital equipment'.

■ ***If local government was to accept the premise, that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance:***

- *are there any other preferred governance models that could deliver improved city governance?*

⁶ ALGA supports a broadly based approach to regional development including the 6 types of regions identified in State of the Regional (SOR) ranging from core-metro to remote regions. In this sense urban policy is directly linked to a comprehensive regional policy.

- *are there any preferred models to improve coordination and integration of strategic planning at relevant scales e.g. local government areas; a city or region; state / territory; and national?*

Sustainable Population Policy

As previously mentioned, in late December 2010 the Australian Government released *A Sustainable Population Strategy for Australia Issues Paper*. At the time of writing the Government is seeking submissions on the document by 1 March 2011. ALGA will be making a submission on the issues raised in the paper.

There are a range of important issues in these papers which will not be discussed in this section of the paper. However, it is important to note the Government's intention to link the development of the sustainable population strategy with other major policy initiatives and in particular the development of a National Urban Policy, commitments to regional Australia and meeting the needs of the economy. The Government also recognises the strategy will '...build on other major reforms...tackling climate change and water scarcity, service delivery reform, health reform, training and schools, productivity, infrastructure investment, food security, social inclusion and improving the lives of Indigenous Australians. Some of these issues may be considered under the 'partnership' theme where the delivery mutual objectives of programs and services will be discussed.

The purpose of raising the issues under the theme of 'place' is to consider ideas and or possible mechanisms to ensure local government plans are formally considered in the development of and implementation of a sustainable population strategy.

- *How could council strategic plans be used effectively in the development and implementation of a sustainable population strategy?*
- *What conditions would be required to allow practical implementation of such strategic plans*

Position:

As noted above, Bradford identifies the importance of national [and state / territory] ⁷ governments recognising the legitimacy and capacity of local government in local collaboration and integration in place-based approaches. The 'Position' topic explores the way in which local government can increase the level of recognition and assert its legitimacy more fully in the Australian Federation.

Building on the success of the 2008 Constitutional Summit – A Special General Assembly, considerable progress has been made over less than five years toward a referendum on the recognition of local government.

ALGA and state and territory association have developed a comprehensive constitutional reform campaign to be conducted over the coming years. ALGA welcomes the undertaking

⁷ ALGA insert recognising the Australian Federal system of government.

of the Australian Government during the 2010 election to hold a referendum by 2013 on local government recognition in the Australian Constitution.

ALGA continues to work with the Government to bring this commitment. ALGA also welcomes the funding granted in the 2010-11 Budget towards development of the case in favour of constitutional recognition.

The core of the ALGA campaign is that although the Commonwealth Government has provided direct funding to local government for many years, a recent High Court decision has highlighted its lack of power to do so. The 2009 High Court case of *Pape v Commissioner of Taxation* has found that the Commonwealth does not have power to directly fund areas such as local government. It can only spend money where it has a specific power under the Constitution.

Without Constitutional recognition, direct Commonwealth funding of local government, through programs such as Roads to Recovery, may be technically invalid. Local government needs certainty and security in funding in order to provide the range and level of services expected by the community.

A full report of progress on the campaign will be provided at the NGA.

Working with the Government to ensure that a referendum on local government is achieved in the next term of the Government is only one component of a successful campaign on constitutional recognition. The second, and equally important component, is to ensure that the referendum is successful. This is an area which ALGA is working very closely with state and territory local government associations.

To understand this task it is important to know how the Constitution can be changed. Section 128 of the Australian Constitution sets out the process needed to amend the Constitution. In summary, the Constitution can only be changed through a Bill that is passed through the House of Representatives and the Senate by an absolute majority. An absolute majority is a majority of each chamber, voting separately. So there must be 50%+1 of the membership of the House of Representatives, and 50% +1 of the membership of the Senate. This practically means that there can be no constitutional change without the support of the government of the day, as it controls the business of the parliament.

Within 4 weeks of a referendum question being passed by the Parliament, the Electoral Commissioner must publish a booklet containing the Yes and No Case. This is:

- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “yes” to the proposed referendum question
- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “no” to the proposed referendum question

The question must then go to a referendum. A majority of voters overall must support the measure. A majority of states must also support the measure – that is 4 out of the 6 states must vote yes (the two territories do not count for this purpose).

This is what is called the double majority.

The voter must vote either “yes” or “no” to the question put in the ballot paper. The question is put in a very simple form to the voters along the lines of; do you agree to the Bill which Parliament has passed to amend the Constitution. Voting is compulsory and if the double majority is achieved, the Constitution is amended.

To achieve the double majority every council will need to play their part. In particular, every council must do everything they can to ensure that the electorate will vote yes to the referendum question on local government.

An important strategy to achieve a double majority is the need to strengthen the profile and standing of local government within the broader community. State and territory local government associations in all jurisdictions are working on strategies to achieve this end.

■ ***How can local councils help to increase the standing of local government across the electorate?***

■ ***What is actually required by local government to successfully implement such an initiative?***

Cost Shifting

Currently a key indicator of the legitimacy and level of recognition given to local government is the way local government is treated, by other levels of government in particular, when councils are involved in the delivery of services on behalf of or in partnership with other levels of government.

In April 2006, all levels of government in Australia signed the *Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations of Local Government Matters* (the IGA). The IGA, at the highest level, is an important expression of trust and respect between all levels of governments, and a commitment to deal with each other [fairly] in accordance with the agreement when other levels of government seeks to delegate responsibilities to local government.

Part I outlines the Fundamental principles of the IGA. These are:

- All parties are committed to achieving an open and productive relationship between the three spheres of government.
- All parties acknowledge the need for services and functions to be provided to communities in an efficient and effective manner.
- All parties agree in principle that where local government is asked or required by the Commonwealth Government or a State or Territory Government to provide a service or function to the people of Australia, any consequential financial impact is to be considered within the context of the capacity of local government.

The IGA, which is due for review by 2011, outlines a set of principles designed to establish an ongoing framework to address future cost-shifting.

■ ***Are there any matters that your council believes should be taken up in the review of this high level IGA that would help to address cost shifting?***

Partnerships

In recent years, the Commonwealth and local government have worked together to deliver community infrastructure and services to local and regional communities. Local government has often been a partner in the efficient and effective planning, funding and delivery of national policies and programs – both through the provision of targeted funding for local government, like the Roads to Recovery program, and through local government applying for specific program funding under grants programs such as the Digital Regions Initiative.

One of the most successful partnerships between the Commonwealth and local councils has been the Roads to Recovery program. Since its inception in 2001, this program has delivered on national objectives directly through local government, benefiting local communities and enhancing economic capacity, particularly in rural and regional areas. These partnerships and collaborative arrangements should be maintained whilst working on further partnerships so that:

- policies and programs are designed in a way that directly responds to local and regional community aspirations and diversity;
- policies and programs are more cost effective and avoid duplicating systems;
- policies and programs reflect community feedback and are responsive to present and future community needs; and
- the design and administration of policies and programs is more transparent.

Direct partnership between the Commonwealth and local government can achieve a number of key outcomes:

- Renewal of local infrastructure, including local sporting facilities, cultural and community venues, and roads and transport infrastructure;
- Management of emergencies and recovery, and strengthening community resilience;
- Assessment of the impacts of climate change and the delivery of local mitigation and adaptation programs to achieve national objectives at the local level;
- Implementation of water initiatives at the local level – including infrastructure projects, water conservation programs, and community education;
- Delivery of sustainable regional economic development programs;
- Security and social cohesion;
- Development and enforcement of national food standards;
- Implementation of public and environmental health strategies;
- Delivery of national objectives in the areas of children's and aged care services; and
- Delivery of community cultural development programs and the arts.

Local government seeks to expand and deepen its partnership with the Commonwealth in the delivery of mutually agreed national program and policy outcomes to local and regional communities. Meaningful partnerships between the levels of government can only improve the quality of government decision-making for all Australians, and confidence in elected representatives.

- *How can the partnership between local government and the Australian Government be expanded and deepened to delivery of mutually agreed national program and policy outcomes to local and regional communities?*

- *What are some of the priority areas for stronger partnerships between local government and the Australian Government?*

4.4 Financial Recognition of Local Government in the Australian Constitution

TRIM REFERENCE: F2009/01343 - D02525692

AUTHORS: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

The Assembly of Local Government Association (ALGA) is currently campaigning for a referendum on the constitutional recognition of Local Government in order to highlight the importance of Local Government to local communities and the inability of the Federal Government to fund Local Government directly.

The ALGA is seeking support of this referendum from Wyong Shire Council and councils throughout Australia.

RECOMMENDATION

- 1** *That Council strongly endorses ALGA proposals for the financial recognition of Local Government in the Australian Constitution.*
- 2** *That Council requests the Federal Government to have the power to fund local government directly and to include Local Government in any new "Preamble" to the Constitution.*
- 3** *That Council calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*
- 4** *That Council formally advise the Prime Minister, Leader of the Opposition and Local Federal Members of Parliament, of Council's support for the financial recognition of Local Government in the Australian Constitution.*

BACKGROUND

The ALGA has devoted considerable effort over the past three years to developing a case for constitutional reform of Local Government.

The need for reform was highlighted in start terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation* when the Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund Local Government directly.

Prime Minister Gillard has committed to holding a dual referendum on the constitutional recognition on Local Government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election.

THE PROPOSAL

The challenge for Local Government is now three fold:

- to ensure the referendum is held;
- to ensure that the type of recognition sought meets Council's and the Community's needs and
- to ensure a positive result in the referendum itself.

ALGA has requested that all councils pass a resolution endorsing that a referendum be held by 2013 to change the Constitution to allowing direct funding of Local Government Authorities by the Commonwealth Government and also to include Local Government in any new Preamble, should one be proposed.

The ALGA has further requested that national political leaders are left in no doubt about the commitment of Local Government to constitutional recognition by all councils formally advising (in writing) the Prime Minister, the Leader of the Opposition and the Leader and their local members of Parliament, of Council's commitment and support of the changes proposed.

STRATEGIC LINKS

Financial Implications

Currently Financial Assistance Grants are covered by Federal legislation that requires that this money is passed onto the States to be paid as unconditional grants to local government. The recent Federal Cost Shifting Inquiry examined the distribution of financial assistance grants and it was decided to retain the State Grants Commissions as the most efficient method of distributing these monies. It does not appear that constitutional recognition would impact the existing arrangements.

The ALGA's approach will not impact on the existing relationship between Councils and State Governments, however will enable the Federal Government to have the capacity to fund Councils directly to achieve national objectives at a local level.

CONSULTATION

Nil impact.

GOVERNANCE

Nil impact.

CORPORATE RISKS

Nil

CONCLUSION

The ALGA has requested the support of all councils to achieve constitutional reform. It proposes that all councils pass a resolution in support of the proposal and write to the Prime Minister, the Leader of the Opposition and the local Federal Members.

It is recommended that Council support the ALGA's proposal for financial recognition of local government in the Australian Constitution, and also the inclusion of local government in any new Preamble to the Constitution if one is proposed, so that the Federal Government has the power to fund local government directly. Direct federal funding will bring about a more sustainable and secure future for councils and local government communities throughout Australia.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Letter from Australian Local Government Association - Constitutional Recognition of Local Government | D02549631 |
|----------|--|-----------|

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



Cr Doug Eaton
Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mayor Eaton,

Constitutional Recognition of Local Government – A role for Councils

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association's (ALGA's) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.


I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it is also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely



Cr Genia McCaffery
President

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

TRIM REFERENCE: F2007/01471 - D02534169

AUTHORS: David Ryan; Manager Estuary Management

SUMMARY

Section 67 of the Local Government Act (LGA) requires Council approval for works to be undertaken on private property. The works detailed in this report are being funded through the Tuggerah Lakes Estuary Management Plan (TLEMP).

RECOMMENDATION

That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan at no cost to the property owner:

- ***Lot 8 DP 543157 Cedar Brush Creek***
- ***Lot 9 DP 543157 Cedar Brush Creek***
- ***Lot 44 DP 755224 Palm Grove***

BACKGROUND

The TLEMP has been developed to improve water quality, ecology, general amenity and the foreshore areas of Tuggerah Lake, Budgewoi Lake and Lake Munmorah. The plan provides for a range of projects to be carried out over a five year period. A number of these projects relate to reducing the amount of sediment entering the Lakes as a result of bank erosion in the various streams, creeks and rivers that discharge into the lakes. The works under this plan are being fully funded through a Federal Government grant. In 2008, Consultant Engineers, Cardno Lawson Treloar undertook an assessment of Wyong River and Ourimbah Creek to identify areas of streambank degradation and prioritise areas for rehabilitation. That assessment is documented in the Streambank Management Plans for Wyong River and Ourimbah Creek. A significant number of the sites identified within these plans are on private property. The prioritisation of sites within these plans forms the basis for funding under the Federal grant.

This report identifies three private properties that have been prioritised for improvement works in the 2010 / 2011 financial year under the TLEMP. Council's approval is required for the expenditure of these funds on private property.

PROPOSAL**Works on Private Property**

Section 67 of the Local Government Act (LGA) relates to Council undertaking works on private property. This Section outlines procedures for circumstances where Council expends public money to undertake works on private lands, and those works improve the land/provide the private landowner with a benefit (as compared to where Council expends public moneys on public infrastructure/public benefit). Examples of such work referenced under this Section, which are relevant to works being undertaken under the TLEMP, include fencing, tree planting, tree maintenance, excavation, land clearing and tree felling.

Where Council is undertaking these types of works on private property and does not have an approved fee, or is charging less than an approved fee, Council must, by resolution, approve the works before they are carried out. Funding for these works may be from various sources and are not necessarily revenue funds.

Where it is proposed to undertake works on private property, an agreement is entered into with the property owner relating to the sharing of costs. Agreements are based on the following principles:

- Council, through TLEMP funding, will provide all rehabilitation works.
- If, as a result of the rehabilitation works, off-stream stock watering is required, this is to be provided by the land owner.
- Council, through TLEMP funding, will provide initial maintenance (up to 12 months) to establish tube stock planted as part of the works.
- The property owner will provide for the ongoing maintenance of any fencing and maintenance of revegetated areas after the initial maintenance period.

Should a major flood event occur that results in damage to rehabilitated areas, beyond that which could be carried out as part of normal maintenance, any remedial works would be subject to a separate round of assessment under the TLEMP.

Causes of Erosion and Rehabilitation Methods

The 2008 Cardno Lawson Treloar consultant engineers report identified that areas of significant erosion within Wyong River and Ourimbah Creek are a result of causes such as excessive clearing of trees close to the streambank, uncontrolled stock access to the stream, intrusion of weeds such as privet and lantana (that do not have root systems capable of holding the soil in flood events) and gradual erosion resulting in over-steepening of the bank, which has the potential for significant slippage when saturated.

The typical rehabilitation methods detailed within the report, and which form the basis for works to be carried out at individual sites, include:

- Revegetation of the riparian zone.
- Fencing to prevent stock access to the stream and revegetated areas.

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan (contd)

- Clearing of weeds/undesirable vegetation.
- Excavation of the streambank to provide a batter that will support revegetation.
- The provision of toe protection to eroding streambanks by either hard engineering works such as the placement of sandstone rock work/construction of retaining walls or softer works such as the placement of local materials for example, tree trunks to protect the eroding bank until such time as native vegetation is re established.

The Streambank Management Plans independently developed for Council investigate every section of all waterways that eventually report to the Tuggerah Lakes system. These plans prioritise all 'hotspots' for potential sediment and nutrient input into each creek or river, irrespective of the ownership of the adjacent land. These works are for important environmental outcomes only, greatly reducing the amount of sediment/nutrient entering the waterways and eventually clogging river/creek mouths and the Tuggerah Lakes. In other words, they treat the long-term cause and not the effect – continual dredging of river mouths and the lakes for this purpose is a totally unsustainable practice.

OPTIONS

Not all property owners consider that these works will benefit them directly. Concerns raised include that where their stock water currently comes directly from the stream, fencing will mean that they may have to install off-stream watering if access is to be restricted. Revegetation of streambanks, which are then fenced to prevent stock access to the new plants, may be viewed as a loss of pasture. Similarly, battering of the streambank that is to be revegetated and fenced is also seen as a loss of pasture.

While it may be considered that the works outlined above provide long term assets such as fences and riparian vegetation for the properties concerned, many owners have indicated that they will not consent to the works being undertaken if they are required to make any significant monetary contribution. There are therefore no viable alternative options if Council is to pursue the desired environmental and water quality outcomes.

PROPOSED WORKS

As part of the 2010/11 works program for the TLEMP it is proposed to undertake construction work on three properties as detailed in Table A. These works will provide significant environmental benefits through stabilising and controlling areas identified as having high erosion risk, and providing appropriate revegetation and fencing to assist in the long term sustainability of these works.

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan (contd)

Table A Proposed Work on Private Property as Part of the Tuggerah Lakes Estuary Management Plan

Property Description	Extent of Proposed Work	Approximate Cost of Work (excl GST)
<i>Lot 8 DP 543157 Cedar Brush Creek</i>	<ul style="list-style-type: none"> • Batter 240 metres of streambank • Provide toe protection to 240 metres of streambank • Remove weeds / undesirable vegetation from 1,000 square metres of streambank • Revegetate 4,560 square metres of streambank and riparian zone • Install 300 metres of stock fence 	\$360,000
<i>Lot 9 DP 543157 Cedar Brush Creek</i>	<ul style="list-style-type: none"> • Batter 240 metres of streambank • Provide toe protection to 240 metres of streambank • Remove weeds / undesirable vegetation from 1,000 square metres of streambank • Revegetate 5,040 square metres of streambank and riparian zone • Install 950 metres of stock fence 	\$360,000
<i>Lot 44 DP 755224 Palm Grove</i>	<ul style="list-style-type: none"> • Batter 55 metres of streambank • Provide toe protection to 55 metres of streambank • Remove weeds / undesirable vegetation from 1,040 square metres of streambank • Revegetate 880 square metres of streambank and riparian zone • Install 100 metres of stock fence 	\$164,000

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Not applicable	
A More Sustainable Economy	Not applicable	
A More Sustainable Environment	Implementation of Estuary Management Plan.	3.2.8
Infrastructure	Not applicable	
Organisation	Not applicable	

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan (contd)

Contribution of Proposal to the Principal Activity

The proposed works are one of the identified projects under the TLEMP, and will provide ongoing improvements to water quality on the affected streams and for water entering Tuggerah Lake.

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.	Nil Impact.
Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Nil Impact.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	The landholders within the Shire's water catchment areas will see this environmental project as an example of land use best practice.
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	As with the EMP works, the community education program will describe the benefits these works will have for the environment.
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Temporary bush regeneration employees will be working on these projects.
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact.

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan (contd)

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	The health of the Shire's waterways will be enhanced by the restoration of degenerated streams and the education of land holders.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	As part of the Tuggerah Lakes Estuary Management Plans implementation of these projects will contribute to the community's ownership and understanding of the importance of the Shire's waterways.

Financial Implications

The works are fully funded through the TLEMP using Federal Government grant funds.

Principles of Sustainability

The works, when established, will provide a natural long term solution to stream degradation and erosion issues.

CONSULTATION

Where rehabilitation works are proposed to be undertaken on private land, extensive discussions are held with owners to obtain their permission to undertake the works. This is a requirement under Section 67 of the LGA, together with consideration of possible cost sharing arrangements. Extensive consultation has occurred with landholders, and also between the Estuary Management Unit with Roads and Drainage Unit and Open Space and Recreation Unit.

GOVERNANCE

The works have been approved by the Federal Government under its Caring for Our Country initiative.

4.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan (contd)

CORPORATE RISKS

Risk	Possible Outcome	Mitigation Method
Risk of non-compliance with Section 67 of Local Government Act	Loss of Council reputation. Penalties from non-compliance	Obtain Council approval prior to expenditure of funds
Fraud and corruption allegations from favouring certain land-owners	Loss of Council reputation. Investigations into Council practices and possible penalties	Works identified in independently prepared Streambank Management Plan on behalf of Council for determining priority sites. Obtain Council approval prior to expenditure of funds

CONCLUSION

It is proposed to undertake the described rehabilitation works on private property to achieve the objectives of the TLEMP through the use of Federal Funding. The works listed in Table A (above) are scheduled for completion in early 2011 as part of the TLEMP. Council approval is therefore recommended to the undertaking of these works on private property at no cost to the property owner.

ATTACHMENTS

Nil.

4.6 Feasibility of Establishing a Community Panel

TRIM REFERENCE: F2010/00458 - D02537396

AUTHORS: Sue Ledingham; Manager Community Engagement

SUMMARY

Report on the feasibility of establishing a community panel to enhance consultation.

RECOMMENDATION

- 1 That Council receive the report on the Feasibility of Establishing a Community Panel.**
- 2 That Council review the establishment of a community panel as part of the overall online engagement methodology to be included in the Engagement Strategy.**

BACKGROUND

At the 27 October 2010 Council meeting, Council resolved as follows:

“RESOLVED unanimously on the motion of Councillor Eaton and seconded by Councillor Wynn;

- 1 That Council support, in principle, the establishment of a community panel to enhance consultation via electronic means.*
- 2 That Council receive a report based on a staff investigation into the establishment of statistically valid email data base to provide for community consultation via email on a regular basis.*

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

AGAINST: NIL”

On 27 October 2010 Council called for Expressions of Interest from residents interested in participating through a Community Engagement Panel. Advertising was done through a media release, Council's website and the Central Coast Express Advocate. Currently 18 people have registered interest in participating as panel members.

REPORT

What is a community or resident panel?

A community panel or resident's panel is a register of randomly selected people who live in a particular area or whole of local government area. They can be created by small community groups or by a local council to obtain feedback about services and priorities. Panel members are usually residents who are interested in their local area, however they are not a committee and do not have decision making power, they are often utilised by councils to inform and consult on a particular matter or initiative.

Participants agree to make themselves available for a period of time, however some panel memberships run without a timeframe and members can remain for as long as the panel exists. Participants provide feedback through surveys, focus groups or through other consultation methods. This will depend on how the panel has been set up.

Research

Community or resident panels, whilst not relatively new to local government in Australia, have started to increase in numbers over the past three to five years. They have been widely used in the United Kingdom where they are set up by both communities and local government authorities.

Research for this report was obtained through interviews with the following councils and various reports, studies and online research on community and resident panels:

- Parramatta Council, New South Wales
- Newcastle Council, New South Wales
- Onkaparinga Council, South Australia
- Ku-ring-gai Council, New South Wales

Research has demonstrated a range of approaches to community or resident panels and the varying consistency in success as well as application illustrates a range of possible models for Council to consider. Some of these are based around online only approaches and others that have used a variety of methodologies and strategies with the larger ones set up to provide a multi-disciplined approach, rather than just used as a panel for emailing.

Case study research which has been used to inform this report and provides some valuable lessons learnt from the experiences of other councils that can be critically assessed and adapted to the WSC context. Some of these lessons and opportunities include:

- Self nominated does not always mean a broad representation across a community profile, therefore it is important to take a robust approach to recruitment
- Process is important. Be clear about the vision for the panel at the start – choose whether you are just having an online approach or providing various channels
- Survey fatigue can occur. It is important to recognise that the community or resident panel is just one avenue for engagement and should not be relied upon as the only process used
- The ability to collect a representative snapshot of community sentiment on issues in a timely manner was seen as a key benefit of an online panel approach

- Responsibility for decisions still rests with council managers and elected members. Panels are used to seek input or feedback from the community which is then incorporated into their planning and decision-making
- There can be a tendency for a percentage to respond from the same group, therefore the larger number of registered users helps to ensure equal representation
- Longer term participants who are on the panel gained an increased awareness of council so tended to have a better understanding of the business but were no longer as representative. It is important to have maximum of two years for participation
- Challenges in capturing young people to actively participate were common. Providing an alternative “attraction” to capturing this audience is important
- Do not presume older people are not interested in online engagement
- Ensure you have strong advocates internally to help gain understanding and alleviate concerns about representative views
- Opportunity to broaden responses to consultations beyond the “usual suspects” helps capture the silent majority
- Importance of providing feedback on outcomes of consultations for motivating participants and keeping them engaged
- Involving partners in development provides benefits in sharing survey infrastructure costs, capacity and expertise.

An excellent example of cost effective partnership approach is the model undertaken in South Australia which involved local government partnering with a university to establish an online panel of citizens. The Community Panel is a joint venture of numerous city councils in South Australia and the [Ehrenberg-Bass Institute](#), a research unit at the University of Adelaide.

The model was evaluated across an 18-month pilot with each council running its own panel, but the university supporting with market research experience and systems (Attachment 2). Panels were used for consultations and research on a range of local government issues over time. The pilot was completed in 2009 and since then the project has grown to include seven councils and almost 2500 citizens across all councils.

The research from this project indicates that *“online panels have definite advantages for local government in terms of their ability to engage large numbers of citizens over an extended period of time, in a fairly cost-effective way”*.

These panels tend to only allow for the ‘inform and consult’ level to be reached, but not collaboration which is often the perception people have when considering involvement. Community or resident panels are often very resource intensive, sometimes requiring a small team of staff to manage, conduct the research, collate and analyse the information. This is particularly the case with Parramatta Council’s Residents Panel, who had a team of three staff. The approach taken by Newcastle Council’s Community Reference Panel and Ku-ring-gai Council’s Residents Feedback Register are similar in approach and staffing.

Onkaparinga Council in South Australia manage a Resident E-Panel, this panel runs similar to an email database with random recruitment of about 500 residents who reflect the Onkaparinga adult population in terms of age, gender and geographical location.

They engage a market research company to support recruitment as this has proven a more cost effective approach than doing it internally as well as ensuring they have a statistically valid representation. Participation is entirely voluntary and membership is a maximum period of two years. They have a fulltime engagement officer whose role is to support the panel and advise of engagement activities. It costs approximately \$10,000 per annum which is primarily used to support recruitment; this does not include reporting results or the cost of the engagement officer.

Of the councils interviewed, all reported they had considerable cost savings through the co-ordination of surveys, activities and consistency in approach using their panels. Comparably the cost to conduct statistically valid surveys, through market research companies, can cost upwards of \$20,000.00 per survey.

What is statistically valid?

Statistically valid is a terminology for a set of data that includes accurate collection and sampling methods and a period of reference. For example it is applied when determining the number of results you need to ensure you have a good representation of a community or group that you are surveying.

When setting up a community or resident panel you need to ensure you have a representative group from your community.

Sampling is the statistical process to determine how many units of information are required to reliably represent the population being surveyed. Statistical confidence in the survey results depends on how well the data represents the population surveyed. Too small a sample makes the results questionable. But equally, too large a sample is wasteful and unnecessarily expensive. The best balance can be achieved by good sample design. Our community consists of approximately 149,382 as at 30 June 2009 (Source: Australian Bureau of Statistics), a statistically valid sample would be approximately 600. This is based on a confidence level of 95% (standard used by most market researchers) and a confidence interval (margin of error) of four.

There are two options available for achieving a representative or statistically valid group. This can be either through self-nomination via general invitation through a number of different channels or through random selection via direct invitation to people from the electoral roll or random phone listing (similar to that used when using telephone surveys).

There are advantages and disadvantages to both approaches and of the council's interviewed, random selection seemed the preferred approach and appeared in the lessons learnt for two of the council's interviewed.

4.6 Feasibility of Establishing a Community Panel (contd)

Below is a table outlining both approaches to recruitment.

Self-nomination	Random selection
<p>Advantages</p> <p>Can be associated with publicity about the purpose of the need for a panel</p> <p>Easy and cheap to administer</p> <p>Will attract people who are most willing and able to participate.</p>	<p>Advantages</p> <p>Much more representative (although some self-selection is involved)</p> <p>Easier to match social profile</p> <p>Means that any person has the potential to be invited onto the register</p> <p>More credible results</p>
<p>Disadvantages</p> <p>Much less representative and more difficult to match social profile of LGAs.</p> <p>May not receive a strong response.</p> <p>Will often attract people who already participate in consultation processes.</p> <p>Will reduce credibility of data gathered from surveys.</p>	<p>Disadvantages</p> <p>May be challenging, or costly for some councils to do.</p> <p>May be difficult to gain the numbers required for the register.</p> <p>May recruit some people who are unreliable and somewhat apathetic.</p>

Source: *Consult Your Community: A guide to using The Residents' Feedback Register (2001)*

Research has demonstrated that the development of a formalised community panel, depending on the approach taken, can offer Council an affordable and representative way to obtain input and feedback concerning a broad range of issues and concerns.

Proposal

Managing a community or resident panel can have its limitations. When managed well they can provide a cost effective alternative to having disparate approaches to engagement, however they should be teamed with a suite of other engagement strategies to be truly representative.

Council already has a range of processes where residents can provide input into decision making; we conduct surveys, focus groups, exhibitions, community meetings, 11 precinct committees and 33 Section 355 committees. Council also conducts various engagement processes for projects, development and programs where community can provide feedback through written submissions, email and letters.

There is at present no clear understanding how representative the voice has been through these consultation avenues to support decision making. Council also spends a large amount of money in obtaining this feedback without consistency in approach, quality and a co-ordination of activities. Much of the information, when received, is then contained within the projects and is not widely shared across the business, which often results in duplication and frustration for the community.

Developing a community panel should be linked to other online engagement approaches that Council currently undertakes such as Twitter and Facebook. It takes time to develop an online community environment and it is important to recognise and respect the culture of the community that you are managing online and understand that you are engaging on a more personal level.

The benefit in using social media provides opportunities to include those that are perhaps just on the sidelines (listening in) as well as those participating in the discussion when posting comments. There is an opportunity for Council to develop an innovative approach for online engagement that supports a similar approach to a community or resident e-panel. Using social media tools would provide a feasible option which would support a range of engagement strategies and provide some cost and efficiency coordination.

Council has limited resources to support proper resident panels and currently only has a small resource to support the precinct committees structure and as such, if a community or resident e-panel was established, Council would need to consider how we could fund and support this initiative or alternatively look for a partnership approach such as that developed in South Australia.

In addition, good processes need to be in place to support recruitment/selection and management of panel members, how feedback will be used, what types of consultations it can be used for and how it is evaluated on a regular basis, as well as being consistent in providing feedback and communication to the registered users.

It is also important to note that before allocating resources to a community or resident e-panel, Council should focus attention on improving the current mechanisms and those that will be outlined within the new engagement strategy which is due to be finalised by June 2011, which will include innovative approaches to online engagement..

Options

1. Council can proceed with the development and advertising of an e-panel now. This is not the preferred option as it is not linked to a broader Council Engagement Strategy and could be resource intensive, lack co-ordination and linkages to decision making.
2. Council can not proceed with an e-panel. This is not the preferred option, as there is value in creating some sort of e-panel, if it is connected to a broader strategy which includes social media.
3. Council can incorporate an e-panel within the Council Engagement Strategy, due for completion in June 2011. This is the preferred option as it will provide a more comprehensive approach to engaging with the community and utilise innovative and existing strategies in a more co-ordinated and consistent way across Council.

STRATEGIC LINKS

The development of a community or resident panel should be part of the overall development of Council's Engagement Strategy. This strategy is to be developed as a recommendation from the Service Delivery Review conducted in 2010 which is due to be completed by June 2011.

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Expand and support programs that increase participation among all ages	Does not currently appear in the annual plan

Contribution of Proposal to the Principal Activity

Through an improved and consistent approach to community engagement, the community will have an increased understanding of Council, its decisions and opportunity to be involved in Council projects and decision making processes. This will result in more informed decisions made by Council that meet the needs of the community and will assist in developing a community that has trust in Council and its processes.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	A key outcome of this type of engagement process is to involve and improve community understanding on the role and processes of local government, its capacity and limitations.

Financial Implications

Research has indicated that the cost to set up and develop a community panel or resident panel can vary from \$10,000.00 to \$150,000.00 per annum dependent on the approach taken and the supporting resources and software to manage it. There is however an opportunity to make some considerable cost savings through a co-ordinated approach to surveying residents.

It is proposed that funding to support the development of a community or resident e-panel be considered as part of the overall engagement strategy and that investigations be undertaken to seek partners to provide an alternative which would provide benefits that would include the technology to support the use of social media.

Principles of Sustainability

This initiative will increase opportunities for the community and stakeholders to share their voice in a meaningful way.

CONSULTATION

The following Council's were interviewed about their experience with community or resident panels:

Parramatta Council, New South Wales
Newcastle Council, New South Wales
Onkaparinga Council, South Australia
Ku-ring-gai Council, New South Wales

Internal consultation with Manager Communications and Manager Community and Cultural Development.

GOVERNANCE

There is not a requirement to vary or amend a current policy or procedure.

CORPORATE RISKS

Opportunity to support the risks associated with communicating and involving residents in Council's decision-making processes and improving the communities understanding of issues.

CONCLUSION

It is important to have an overall engagement strategy in mind before developing an online community or resident e-panel.

Council should certainly investigate the development of an engagement strategy that supports a statistically valid representation of the whole of the community. It is important however to recognise the resources and costs required to set up a community or resident e-panel and to ensure that any approach taken aligns to the strategic objectives and complements the broader strategy.

Council could consider the development of an online approach which provides an innovative solution that includes the benefits of a community or resident e-panel combined with the use of Council's current social media engagement processes and supports the cost efficiencies in having a coordinated approach to engagement.

As Council has already advertised the potential development of this type of engagement approach, it is suggested that Council contact those who have expressed an interest in membership for the Community Engagement Panel and advise them of Council's recommendation and be included in the next phase following the development of a strategy.

Before embarking on one individual approach, it is recommended that a broad Engagement Strategy be developed which has a range of ways to engage the community which are co-ordinated, consistently applied across the organisation and enable the results to be used and inform decision making.

ATTACHMENTS

- | | | |
|---|--|---------------------|
| 1 | Case Study Research Community or Resident Panels in Australia | D02534447 |
| 2 | Online citizen panels as an advance in research and consultation: A Review of Pilot results - University of South Australia's Ehrenberg-Bass Institute | Enclosure D02537474 |

CASE STUDY RESEARCH – COMMUNITY OR RESIDENT PANELS IN LOCAL GOVERNMENT

Council	Purpose	Join Method	Date	Number of members	Comments
Brisbane City Council QLD	Residents Panel - Your City Your Say	Self-nominate	1998		Quarterly newsletter with poll related themes. Focus groups
Marrickville Council NSW	Citizens Panel	Self-nominate	2002	?	Complete online form to register
Bankstown Council NSW	Resident Panel – Let's Talk	Self-nominated	2009	500	500 panel members, using automated randomised computer software that accurately reflects the demographics of the area. Confusing as webpage shows anyone can access
Ku-ring-Gai Council NSW	Resident Feedback Register – email consultation panel	Random – RFR Self nominate – online surveys	2006	RFR – 250	Panel populated from other consultations Register is retained as representative. Multi-disciplined approach Everyone can participate. Surveys contained on the Council webpage. These are referred to as 'opt-in' surveys, whereby residents who are interested in a topic can voluntarily provide feedback via the survey or questionnaire.
Newcastle Council NSW	Community Reference Panel - Newcastle Voice	Self nominate	2009	2400+	Two year process to build Credibility with Councillors Cost savings on surveying Includes online discussion forums Multi-disciplined approach Representation from businesses, community organisations and residents

Council	Purpose	Join Method	Date	Number of members	Comments
					Supported by market research software.
Parramatta Council NSW	Residents Panel	Random selected from self nominated	2004	3000+	Large panel size allows for targeted sub-sampling Multi-disciplined approach Used for survey, discussion and focus groups Use SPSS software
Wyndham Council VIC	Residents Panel	Self nominated	2001	700+	Supported by research unit 4 polls per year
Boorandara Council VIC	Community Voice	Random selected	2005	700+	Some polling targeted at subgroups on list 4-8 surveys per yr
Nillumbik VIC	Community Panel – Talkback	Self nominated	2006	500+	4-5 surveys per year Managed through community services
Onkaparinga Council SA	Resident ePanel	Random recruit – two year maximum	2008	600+	Initially recruited through customer service but involved market research company in second year – more cost effective Online survey supported by software
Partnership with Ehrenberg-Bass Institute - University of Adelaide and City of Burnside City of Unley City of Campbelltown City of Holdfast Bay City of Prospect City of Tea Tree Gully City of West Torrens	Community Panels	Self nominate	2008	2500 Average 300+ registered users per council	Managed by the university but hosted on each Council's website. Smaller councils

4.7 Expansion of the Tuggerah Lakes Ecological Response Project

TRIM REFERENCE: F2011/00501 - D02538978

AUTHORS: David Ryan; Manager Estuary Management

SUMMARY

This report seeks approval for the engagement of the NSW Department of Environment, Climate Change and Water (DECCW) to undertake further study into the Tuggerah Lakes Ecological Response Project. The further study is in accordance with Council's funding agreement with the Federal Government in relation to the Restoration of Tuggerah Lakes Estuarine System through Improved Water Quality Management.

RECOMMENDATION

That Council approve the engagement of the NSW Department of Environment, Climate Change and Water to undertake further study into the Tuggerah Lakes Ecological Response Project, under contract, for an amount totalling \$450,000.00 excl GST.

BACKGROUND

History of Tuggerah Lakes Hydrodynamic Modelling

In 1996, prior to the establishment of Tuggerah Lakes Estuary Management Plan (TLEMP), Council undertook the Adaptive Environmental Assessment and Management Program for the Tuggerah Lakes system and associated catchments (AEAM). A major component of this study was the development of a model that described the hydrodynamics of the Tuggerah Lakes estuary.

The hydrodynamics (circulation, mixing and flushing) of an estuary is a function of its physical characteristics such as shape, width, depth, and tidal movements. The AEAM found that the tidal flushing (ocean water entering through the entrance) of the Tuggerah Lakes estuary contributed very little to the circulation and mixing patterns within the lakes. Other lakes' "flushing" studies (such as *Tuggerah Lakes, Entrance Training Walls: Technical Discussion*; Patterson, Britton and Partners) have shown that the current daily "flushing" (water moving in and out through the entrance) of Tuggerah Lakes is about 1% of the total lakes' volume.

These studies have shown that if a more permanent entrance was constructed (i.e. twin breakwalls), the volume of water being "flushed" would only improve by 1%. Similar investigations have been done for construction of a second entrance at Budgewoi, similar to the Dawesville Channel on the Peel-Harvey estuary in Western Australia. It has been shown that similar to a permanent entrance, "flushing" for the Tuggerah Lakes estuary would only improve by 1% and the effects would be limited to the small area surrounding the channel. Unfortunately for the Peel Harvey estuary, a second entrance did not produce the perceived benefits to the entire estuary because like the Tuggerah Lakes estuary, significant flushing

comes from its large catchment, pushing water out through the lakes entrance ie from the river and creeks. Therefore the Tuggerah Lakes are more sensitive to the quality of the water entering from the catchment than from the ocean, and the only significant flushing that occurs is due to water entering from the creeks and rivers and then exiting through the entrance.

The process of lake water mixing within an estuary occurs when separate water bodies within the lakes join and dilute each other. In the Tuggerah Lakes estuary, moderate to strong winds are more important in this mixing process than are tidal flows from the ocean. The surface area of the Tuggerah Lakes estuary is large and its depth is relatively shallow (average 1.7m), which can at times result in waves and turbulence. Mixing within the open water of the lakes is primarily driven by wind action. However the amount of mixing that occurs between the shallow seagrass habitats (edges of the lakes) and the deeper open waters (middle of the lakes) of the estuary was assumed during the AEAM process to be minimal. Other evidence suggests that this is an incorrect assumption and therefore should be re-examined as it has direct implications for the way in which Council invests in stormwater treatment.

The hydrodynamic modelling undertaken during the AEAM study stated that the shallow water was directly affected by the quality of the stormwater draining immediately into the lake system from the catchment that surrounds the edges of the lakes. The deeper sections of the lakes were directly affected by the stormwater that drains into the creeks before entering the deeper zones of the lakes.

Currently, Council commits substantial funds in improving the stormwater quality from the catchments that drain directly to the shallow edges of the lakes based on the AEAM statement that stormwater affects the water quality of the shallow edges of the lakes. It was assumed that this relationship was responsible for the large algal blooms that occurred around the lakes' foreshores during the late 1980's and early 1990's. The TLEMP suggests that this assumption may not be entirely correct and that the deeper water may mix with the shallow water more efficiently than previously assumed. To ensure that Council invests in stormwater improvement in the most appropriate locations, this assumption needs to be tested. The outcome would be a shift in emphasis of investment from the catchments that drain directly to the edges of the lake to the catchments that drain into the rivers.

Development of the Hydrodynamic Model

On 10 December 2008, Council signed the initial funding agreement with the Federal Government (the Government) for the implementation of the TLEMP.

The TLEMP, when funded through the "*Caring for our Country*" initiative, is limited to the funding of works considered to be "environmental" in nature that improve the water quality of the Tuggerah Lakes estuary. This contract is being managed by the Federal Department of the Sustainability, Environment, Water, Population and Communities (SEWPC).

Within the initial contract, SEWPC included a condition that Council engage DECCW to develop a hydrodynamic model for the Tuggerah Lakes. This was a significantly more sophisticated model than the one developed for the AEAM project. This modelling work:

- Refined existing model/s (AEAM) of the Tuggerah Lakes catchment to ensure that they are able to describe what actually happens during rainfall events. For the model to be a realistic representation of what actually occurs in the lakes' system, it is crucial that

water samples are collected during storms so that the results can be used to check that the model predicts the same outcome as that which actually occurs during a rainfall event;

- Developed a hydrodynamic (water flow) model for Tuggerah Lakes and the creeks entering the lakes to assess impact of sediments and nutrients on the lake system;
- Established an ecological response model that predicts the impact on the plants and animals from the sediments and nutrients that come from the catchment;
- Used the hydrodynamic and ecological response models, to assess the impact of changes to land use and impact of climate change on the lakes;
- Developed sediment and nutrient run off levels considered acceptable to protect the Tuggerah Lakes estuary. This would ensure that development in the catchment did not negatively impact the Tuggerah Lakes estuary;
- Established planning guidelines to guide development in relation to sediment and nutrient run off ensuring the protection of the Tuggerah Lakes estuary.

The initial contract covered works for the financial years 2008/2009 and 2009/2010 totalling \$8.6 million. Savings (\$2M) made in the initial contract means that Council can now undertake include further Ecological Response modelling originally scoped for Stage 2 of the Federal contract to value add to the investigations undertaken to date. These works - through DECCW - are part of an original funding agreement between Council and the Federal Government.

The remainder of the \$20 million will be incorporated in the following contract currently being negotiated with the Federal Government.

Expansion of the Tuggerah Lakes Ecological Response Model

Tuggerah is an urbanised coastal lake that supports significant areas of seagrass and a large recreational fishery. Anthropogenic (human) pressures on the lake are predicted to greatly increase over coming years, threatening its ecological values and the industries they support. Wyong Council requires a decision support tool that is capable of describing the linkages between catchment pressures and their impacts on key ecosystem attributes.

DECCW has already developed a tool which predicts changes in primary production and seagrass distribution linked with changes in catchment landuse. This model, and all other currently available ecological response models, are not sufficient to provide the necessary level of analysis to allow the prediction of anthropogenic impacts on seagrass health and associated ecosystems, including fish. Further, very little is known about the foodweb dynamics in these systems, and the linkages between catchment disturbances, primary producers (microalgae and seagrasses) and fisheries production. The proposed project will carry out high-level research into these areas in Tuggerah Lakes and integrate the results into the existing ecological response modelling package. The project will link catchment management to environmental outcomes which are highly valued by the community and are key priorities listed in the Estuary Management Plan.

The modelling package will be used to test the effects of various land use/management scenarios on how much nutrient and sediment would be released into the waterways, and the flow on impacts on the system's ecology. This will include an assessment of a range of different sized sediment/nutrient loads to determine where the system exceeds upper limits. Anything above these limits means key estuarine processes could potentially suffer irreversible changes. An understanding of these limits is fundamental to setting appropriate targets to manage pollutant loads. Priority programs 9, 12, 17, 23 and 24 of the *Tuggerah Lakes Estuary Management Plan* all express the importance of a decision support tool to generate outcomes based on scientific evidence to assist management.

The way in which Council will utilise the results of the study:

1. To inform future estuary management planning (that fits within and/or assists with any future revision of the TLEMP)
2. To assist Council in determining relevant environmental criteria (such as water quality standards) for inclusion in its relevant planning controls (ie, LEP, DCP etc).
3. To aid Council in making strategic planning decisions concerning land-use within the Lake catchment.
4. To assist in quantifying water quality and aquatic ecology impacts associated with larger development proposals.
5. To provide a tool for prioritising environmental rehabilitation and water quality improvement works within the catchment.
6. To inform future water quality and aquatic monitoring programs for Tuggerah Lakes
7. To provide tools (such as conceptual models) to assist Council in its community education programs.

Secondary benefits may include:

8. To assist other agencies by informing relevant Lake and catchment strategies.
9. To assist other agencies in better incorporating Lake ecosystem response in decisions. Examples include Water Pollution Licenses (DECCW), Pt3A Development Planning (Dept of Planning) or decisions regarding distribution of rehabilitation funding (HCRCMA and DECCW).

LGA Requirements

In this instance, Council receives an exemption from the normal tender process under Section 55 of the Local Government Act 1993 as Council is engaging a government entity. This section of the Act explains the requirements for tendering, and subsection 3 explains the type of contracts to which Section 55 does not apply. The engagement of DECCW classifies as an exemption under this subclause.

“(3) This section does not apply to the following contracts:

a contract entered into by a Council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown “

It should be noted that this study does not intend to investigate lakes flushing dynamics (i.e. how well the ocean water entering through the lakes entrance “flushes” the lakes) as this has been the subject of numerous studies and has shown to be minimal. Given that these studies have shown that any intervention at the lakes entrance would not produce the perceived water quality benefits to the lakes, it is not the intention of the TLEMP to pursue interventions such as breakwalls at The Entrance, second entrances or temporary seawalls and in fact, these structures are prohibited by the TLEMP, which is a statutory document.

Further to this a federally funded project is currently looking at the interactions of sedimentary processes operating at the entrance to Tuggerah Lakes and on adjacent beaches; as well as how structural controls at The Entrance (such as a northern training wall) would impact on sediment dynamics and the stability of North Entrance beach and the sand shoals in the Entrance. It would be prudent to await the findings from this study to allow this information to be included in any future management decisions.

DETAILS OF THE PROJECT

Project Tasks and Budget

Table 1 summarises the main tasks of the project and the budget assigned for its development:

Summary of Main Project Tasks

Deliverable	Description of Tasks Included in the New Variation Variation No 5	Date
Deliverable 1	Recruit staff and commence Rapid Riparian Assessment	April 2011
Deliverable 2	Model the effectiveness of the Streambank Rehabilitation Program	April 2011
Deliverable 3	Report on results of rapid assessment and evaluation of management options.	April 2011
Deliverable 4	Investigate and describe the trophic linkages within Tuggerah Lakes	May 2011
Deliverable 5	Integrate seagrass model and foodweb model into Ecological Response Model	May-June 2011
Deliverable 6	Produce final report on ecological processes in Tuggerah lake and effectiveness of potential catchment management actions in meeting the ecological condition targets of the receiving waters	30 June 2011

Budget

Component	Amount (excl GST)
Data Review	\$10 800
Riparian Assessment Tool	\$5 600
Foreshore Rehabilitation Gains	\$3 600
Foodweb model	\$187 000
Seagrass model	\$202 000
Ecological Process Measures	\$41 000
Grand Total	\$450 000

Payment Schedule

	Amount	Milestone	Date
Payment 1	\$1500,000	Deliverables 1 & 2	30 April 2011
Payment 2	\$200,000	Deliverables 3 and progress on 4 -6	30 May 2011
Payment 3	\$100,000	Deliverable 6	30 June 2011

STRATEGIC LINKS**Annual Plan**

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Not applicable	
A More Sustainable Economy	Not applicable	
A More Sustainable Environment	Implementation of Estuary Management Plan: 8.2.2 Learn more about key processes in the estuary (under Priority Program 23)	
Infrastructure	Not applicable	
Organisation	Not applicable	

Contribution of Proposal to the Principal Activity

The proposed works are one of the identified projects under the TLEMP, and will fill key data gaps and apply targeted managerial actions resulting in more efficient use of public funds and less disturbance to an already pressured system.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Strategy 1.1: Expand and support programs that increase participation among all ages.
Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Nil Impact.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Strategy 3.2: Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues.

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Strategy 4.1: Generate community awareness and behavioural change
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil Impact
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact.
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	Strategy 7.1: Preserve threatened and endangered species as well as ecological communities and biodiversity. Strategy 7.2: Expand and continue programs focussed on restoring degraded natural areas in our community.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Ongoing Services: Council provides a range of services to protect and enhance the Shire's natural qualities and move towards a sustainable future.

Financial Implications

The works are fully funded through the TLEMP using Federal Government Caring for our Country grant funds.

Principles of Sustainability

The project will provide long term management options concerning protection of estuarine health through land-use planning, water quality and aquatic ecology impacts and the prioritisation of environmental rehabilitation works. This will result in better use of public funds while providing tools (such as conceptual models) to assist Council in its community education programs.

CONSULTATION

As with the first contract, the Federal Government has directed Council to engage DECCW to further develop a the Ecological Response model for the Tuggerah Lakes estuary.

GOVERNANCE

The works have been directed and approved by the Federal Government under its Caring for Our Country initiative.

CORPORATE RISKS

Risk	Possible Outcome	Mitigation Method
Inability of DECCW to deliver the works on-time and on-budget.	Loss of Council reputation. Penalties from non-compliance	Prepare an Agreement that includes the scope of works, and relevant milestones for that work and payments, and appropriate dispute resolution clauses.
Fraud and corruption allegations from favouring DECCW over other providers	Loss of Council reputation. Investigations into Council practices and possible penalties	Council is not required to invite tenders for the contract where the contract is with "a statutory body representing the Crown" (s.55(3) of the <i>Local Government Act 1993</i>).

CONCLUSION

The establishment of a contract between DECCW and Council for the development of a Hydrodynamic and Ecological Response Model for the Tuggerah Lakes is a condition of the original funding agreement between Council and the Federal Government. It is therefore recommended that Council approve the engagement of DECCW to undertake the project under contract for an amount totalling \$450,000.00 (excl GST) as discussed in this report.

ATTACHMENTS

Nil.

4.8 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2011/01723 - D02541959

AUTHOR: Evelyn Duncan; TL Governance and Councillor Services

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$2,275 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

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

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

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS**Annual Plan**

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

Contribution of Proposal to the Principal Activity

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

Link to Shire Strategic Vision

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

Financial Implications

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

Principles of Sustainability

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

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

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

Nil impact.

CONCLUSION

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

Councillors' Community Improvement Grants 2010-11

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 09/03/2011	5,575	6,783	7,050	9,209	5,176	2,750	1,650	7,557	6,650	6,050	58,450
Available allocation as at 09/03/2011	9,425	8,217	7,950	5,791	9,824	12,250	13,350	7,443	8,350	8,950	91,550
Proposed Allocations for 23 March 2011											
Central Coast Junior Rugby Union (\$2000)	200				250	1,000					1,450
Warnervale Family and Community Centre (\$825)	200				312	313					825
Total Proposed Allocations for 23/03/2011	400	0	0	0	562	1,313	0	0	0	0	2,275
Total Accumulated Allocations as at 23/03/2011	5,975	6,783	7,050	9,209	5,738	4,063	1,650	7,557	6,650	6,050	60,725
Balance Uncommitted as at 23/03/2011	9,025	8,217	7,950	5,791	9,262	10,937	13,350	7,443	8,350	8,950	89,275

ATTACHMENTS

Nil.

4.9 QLD Disaster Relief Appeal - Funds Raised by WSC Staff

TRIM REFERENCE: F2004/06289 - D02543443

AUTHORS: Lesley Crawley; Manager Corporate Governance

SUMMARY

Reporting the completion of the fundraising efforts of the WSC staff and seeking matching funding from the Council.

RECOMMENDATION

- 1 That Council note that the WSC staff raised a total of \$11,573 to assist the communities affected by the disaster in Qld.**
- 2 That Council donate an amount of \$12,427 to match the funds raised by staff, rounded up to the nearest thousand.**
- 3 That Council allocate the funding from the Councillor Community Improvement Grant program.**
- 4 That Council note that the total amount of \$24,000 will be forwarded to the QLD Government Premier's Disaster Relief Appeal, the Salvation Army QLD and NSW Flood Appeal and the Salvation Army Victorian Flood Appeal.**
- 5 That Council congratulate the WSC staff for their fundraising efforts.**

BACKGROUND

After the devastation caused by the natural disasters occurring in QLD, NSW and Victoria in January 2011, the staff of WSC undertook several fundraising activities with the intention of donating the raised funds to the communities of the affected areas.

The Mayor, on behalf of the Council agreed that Council would match any funds raised by the WSC staff. WSC also offered assistance direct to many councils in Qld in the form of qualified staff and plant and equipment. To date none of those offers have been accepted.

The WSC staff with the assistance of the Indoor Salaried Staff Social Club (ISSSC) conducted the following activities:

Activity	Description	Amount
BBQ Wednesday 19 January 2011	Staff lunch sausage sizzle Meat, bread and condiments donated by the Indoor Staff Social Club Soft drinks donated by Council	\$620.55
Casual Wear Day Wednesday	Staff made a gold coin donation	\$1,667.10

Activity	Description	Amount
19 January 2011		
Cake Stall Tuesday 1 February 2011	Cakes and various biscuits, slices and fruit donated by staff	\$1,620.30
Auction Wednesday 16 February 2011	Goods and services donated by businesses and staff	\$4,365.00
Total		\$8,272.95

Written certification of the funds has been received from the ISSC.

Staff with the assistance of The Entrance Town Centre Management conducted a concert at The Entrance. Details are as follows:

Activity	Description	Amount
Family Concert The Entrance	Concert and stalls at The Entrance Memorial Park	\$3,300
Total		\$3,300.00

The total funds raised by the staff were: **\$11, 573.**

The funds for the concert have already been distributed as follows:

- 40% QLD Government Premier's Disaster Relief Appeal
- 40% Salvation Army QLD and NSW Flood Appeal
- 20% Salvation Army Victorian Flood Appeal.

THE PROPOSAL

It is proposed to match the funds raised by the WSC staff, rounded up to the nearest thousand by donating an amount of \$12,427.

The funds will then be forwarded to the QLD Government Premier's Disaster Relief Appeal.

It was initially anticipated that the funds may further be increased by forwarding the combined donation through other Appeals that offered a matching option (eg Woolworths). None of these appeals are still operating, with most closing at the end of January 2011. The staff fundraising activities were designed to occur when the majority of staff had returned from the summer holiday break and therefore extended past the closing date for any appeals offering matching funds.

QLD Government Premier's Disaster Relief Appeal

On 29 December 2010, the Premier launched a disaster relief appeal to help those affected by wide spread flooding in Queensland.

The Disaster Relief Appeal has been extended to include people affected by Tropical Cyclone Yasi.

The Premier's Disaster Relief Appeal is a Trust Fund established to assist those who have suffered a loss due to natural disaster. All money raised by the fund will be directed to address the greatest need. The Premier's Disaster Relief Appeal Fund is audited by the Queensland Auditor-General.

The Premier has announced the establishment of a Distribution Committee, a committee including representatives from the Australian Red Cross, to manage the disbursement of the donated funds. None of the appointed representatives will receive remuneration for their service, and none of the funds raised will be used to administer the fund with the costs being met by the government.

Any donation over \$10,000 are displayed on the Appeal website at http://www.thepremier.qld.gov.au/initiatives/disaster_recovery/donations.aspx

OPTIONS

Council has the following options:

- 1 Donate a matching amount and rounded up to the nearest thousand.
- 2 Donate another amount.
- 3 Not provide any funding.

STRATEGIC LINKS

Nil Impact

Financial Implications

There are no unallocated funds available from the 2010/2011 budget.

It is recommended that the funding be sourced from the Councillor Community Improvement Grant funds (CCIG). This would mean each individual Councillor allocation for 2010/2011 would reduce by \$1,242.70. There are sufficient funds available at this time to accommodate the amount. The proposal meets the requirements of the CCIG policy.

Principles of Sustainability

Nil Impact

CONSULTATION

Nil Impact

GOVERNANCE

Nil Impact

CORPORATE RISKS

Nil Impact

CONCLUSION

Council has informally indicated its intention to provide a cash donation to assist the communities affected by the disasters which occurred in Qld in January 2011, in the form of matching the total amount of funds raised by staff.

Staff have undertaken several fundraising projects and recorded a total of \$11,573.

It is recommended that Council match funds to a combined total of \$24,000. The funds not already donated will be forwarded to the Qld Government Premier's Disaster Relief Appeal. The Appeal has appropriate governance procedures in place and it is considered that it will distribute the monies in an equitable manner to the communities in most need.

ATTACHMENTS

Nil.

4.10 Transfer of Unexpended WaSIP 2010/11 Funds

TRIM REFERENCE: CPA/190698 - D02531057

AUTHORS: Michael Neville; Project Officer Waste and Sustainability

Manager: Elfie Blackburn, Co-ordinator, Waste Management

SUMMARY

At the Ordinary Meeting of 10 November 2010, Council resolved unanimously to endorse and support 16 high priority waste and sustainability projects totalling \$741,525 through the 2010/11 Waste and Sustainability Improvement Payment (WaSIP) program. This report outlines a proposed transfer of underspent funds between projects.

RECOMMENDATION

- 1 That Council receive the report on the transfer of unexpended WaSIP 2010/11 funds.**
- 2 That Council endorse the transfer of these unexpended funds.**

BACKGROUND

Council resolved unanimously on 10 November 2010 to endorse and support 16 high priority waste and sustainability projects totalling \$741,525 through the 2010/11 WaSIP program.

The resolution reads (in part) as follows:

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

A That Council endorse and support the following high priority projects to be submitted for consideration of funding through the 2010/11 WaSIP program:

2 Domestic waste audit (\$80,000.00 excl GST).

11 Recycled organics workshops (\$12,100.00 excl GST).

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

AGAINST: NIL”

This proposal was subsequently signed off by the General Manager and submitted to the Department of Climate Change and Water (DECCW) for formal approval, which was granted.

The 16 high priority projects are now in the process of implementation. Project number 2 – Domestic Waste Audit (\$80,000 excl GST) has been completed below budget. Approximately \$30,000 funds remain in the budget for this project.

Project number 11 – Recycled Organics Workshops (\$12,100 excl GST) has also commenced. Due to an enormous public response, the entire monthly workshop series titled *Composting, Worm Farming and Chook Care* and conducted at the Buttonderry Waste Management Facility has been booked out until June 2011. Over 200 local residents have registered to participate and significant local media coverage has been received on this project. Many more residents had to be turned away as all workshops were fully booked. A waiting list of 80 residents has been created in the event of further workshops being delivered.

To respond to this strong demand, it is proposed to divert the remaining funds (\$30,000) from the Waste audit project to the Recycled Organics Workshop project with the aim of conducting a minimum of ten additional workshops. It is proposed to deliver these monthly workshops at various venues throughout the Shire until the end of December 2011. Appropriately skilled workshop facilitators will be used to deliver the additional workshops.

This proposed transfer of funds was discussed with DECCW who provided in principal support. However, as it involves a budget variation of greater than 5% for the two affected projects, DECCW requested the submission of an amended action table report signed by the General Manager.

ATTACHMENTS

Nil.

4.11 Transfer of Hitchcock's Lane Bridge to Private Ownership

TRIM REFERENCE: PL/16/2009 - D02515215

AUTHOR: Stephen Dignam; Assets and Planning Manager Roads and Drainage

MANAGER: Andrew Pearce, Manager Roads and Stormwater

SUMMARY

Report on the proposed transfer of Hitchcock Lane timber road bridge from Council to private ownership.

RECOMMENDATION

- 1** *That Council receive the report on the Transfer of Hitchcock's Lane Bridge to Private Ownership.*
- 2** *That Council prepare all acts necessary to reflect that transfer.*

BACKGROUND

Application has been received by the owner of 60 Hitchcock Lane to accept ownership of the single lane timber road bridge that traverses Jilliby Creek, Jilliby. Access to the property and associated residence is via Council public road to Hitchcock's Bridge, over Hitchcock's Bridge and then via a section of Crown road to the property boundary. There are no other properties presently benefitting from accessing the bridge and Crown Road.

Crown roads are owned by the State Government and administered by the NSW Land & Property Management Authority ("LPMA"). Council does not maintain Crown roads. Council has however maintained the bridge at the point of transition from the public road to a Crown road for a number of years and therefore it is considered arguable that Council has some legal interest in the bridge.

The applicant has indicated a willingness to take control of both the bridge asset and Crown road and has applied to the LPMA for closure and transfer of ownership of the section of Crown road to the applicant given no other properties currently use the Crown Road for access.

The bridge has reached the end of its serviceable life and was identified in Council's recent "Priority Works Programme" for replacement as the structure failed recent independent load testing. The applicant has reviewed a consultant's report on the poor condition of the structure and is willing to accept the bridge in its current state.

Due to the poor condition of the asset it is intended to transfer any interest that Council may have in the asset to the applicant free of charge.

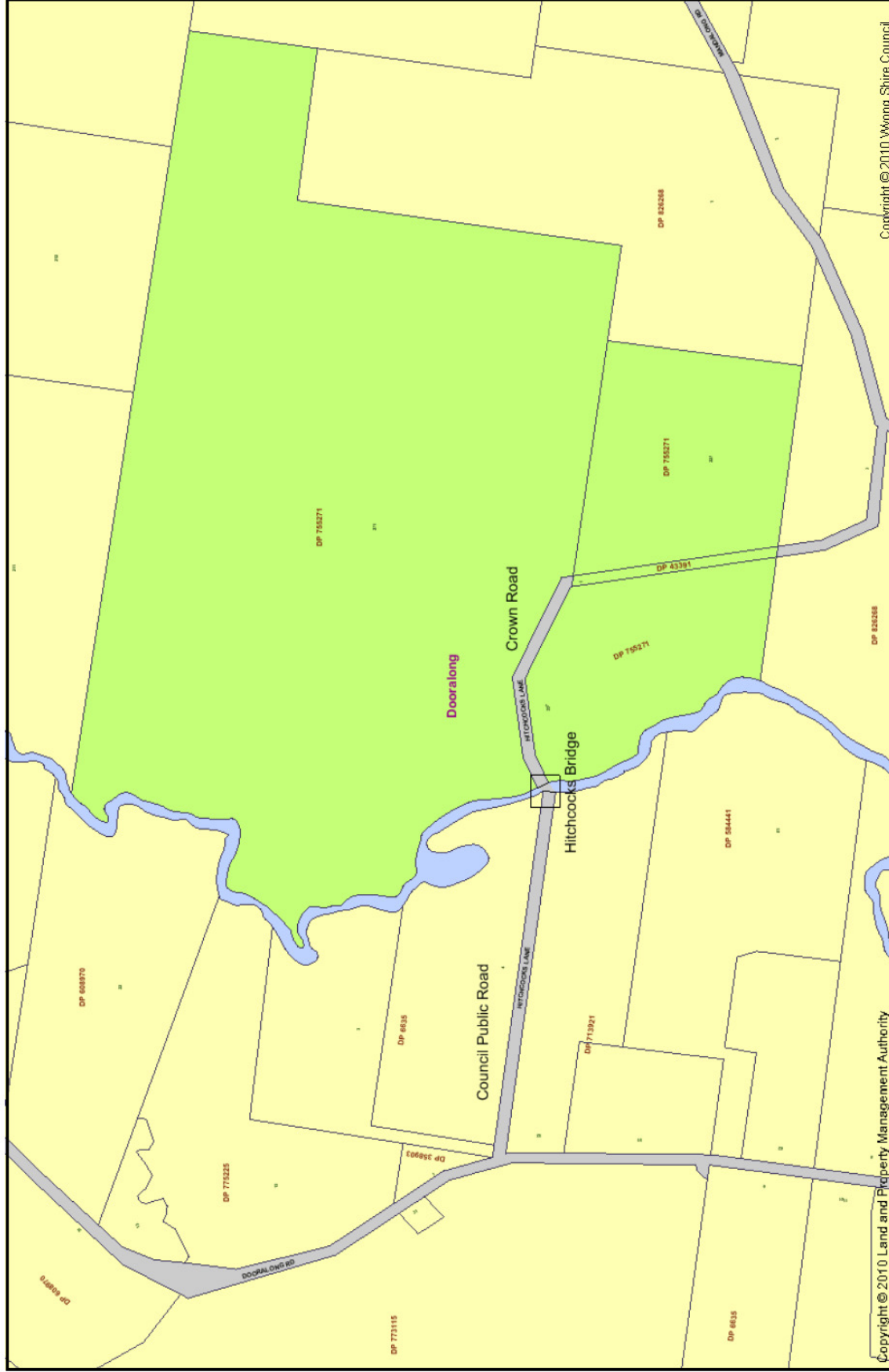
4.11 Transfer of Hitchcock's Lane Bridge to Private Ownership (contd)

A deed will be executed by Council and the applicant that has the effect of transferring to the applicant Council's interest in the bridge, and secure appropriate releases and indemnities from the applicant.

The asset when transferred will continue to provide access to the property as do many other private structures across the Shire. Council intends to install signage at the end of the public road near the bridge highlighting the road is a private road.

ATTACHMENTS

- 1** Hitchcocks Lane Bridge Plan D02535539



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23 March 2011

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

5.1 Minutes - Wyong Shire Grants Committee Meetings - 16 March 2011

TRIM REFERENCE: F2008/02110 - D02543123

AUTHOR: Susanna Gardiner, Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

A meeting of the Wyong Shire Grants Committee was held on 16 March 2011.

RECOMMENDATION

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 16 March 2011 and adopt the recommendations contained therein.

BACKGROUND

A meeting of the Wyong Shire Grants Committee was held on 16 March 2011. The minutes of this meeting will be provided under separate cover.

ATTACHMENTS

- 1 Wyong Shire Grants Committee was held on 16 March 2011 (distributed under separate cover) Enclosure

6.1 Information Reports

TRIM REFERENCE: F2011/00027 - D02542286
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

Nil.

6.2 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02519097

AUTHOR/S: Daniel Kemp; Engineer

MANAGER: Daryl Mann, Acting Manager Water and Sewerage

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

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

CURRENT STATUS

Expenditure to date \$90.4m

Project Estimate \$120.6m

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		17 May 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		93%
Work Package 2 – Wyong River Pump Station	19 February 2010		93%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		96%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		99%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		92%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		98%

Milestone 2:		14 March 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		94%
Milestone 3:		6 May 2011	
Commissioning	1 August 2011		5%

Key Dates

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

Land Matters

- Pipe laying has been completed on 50/56 properties.
- 13/56 properties have been restored (no increase since last 2 reports).
- Final landholder release negotiations have commenced - 4 landholders have signed releases.
- Council's surveyors have commenced preparation of final Easement Plans. These will need to be signed off by landholders and registered prior to lodging the application for the compulsory acquisition of easements (by consent) for the pipeline.

- The timing and quality of restoration of private properties continues to be a key issue. NSWPW advise that JHG's focus over the last 2 months has been to complete pipelaying. Now that pipelaying is almost complete, JHG advise there will be a significant increase in the number of properties restored over the next 2 weeks.
- Key property and landholder issues at present include:
 - Timing and quality of restoration
 - traffic delays
 - complaints of noise from the HDD site – property team is working with affected landholders to try to manage the impact

Stakeholder Liaison

Media

- A story on the completion of the Fishway was featured in the Rural and Village Grapevine and Shirewide. The story outlined the environmental benefits by increasing fish stocks.
- A traffic update was included in Shirewide to remind the Wyong Shire community about the traffic impacts along Yarramalong road.
- Traffic updates continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- A monthly project update was sent to feature in the industry publication Pipeline, Plant and Offshore.

Advertising

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

Resident communication

- Weekly traffic emails are sent to more than 30 households who have sought direct updates. Residents are encouraged in all articles and letters to join this list to receive direct updates from the team.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

Incidents

- A potentially serious incident occurred on-site on 3/3/11, when a workman inexplicably decided to retrieve a loose item in the trench just as a dump truck was tipping bedding material into the pipeline trench. The workman was buried up to his knees in the material and had to be freed by his fellow workers. The workman did not suffer any injury from the incident.
-

Major Achievements / Issues

- Work Package 1: Poured the suspended concrete slab located over the twin inlet mains and commenced installation of the off-take structure metalwork. Commenced bank stabilisation and restoration Works
- Work Package 2: Poured the hobs located around the openings in the pump station roof slab. Installation of the pumping equipment has commenced and the installation of the High Voltage Connection (HVC) plinth and equipment now completed.
- Work Package 3: Commenced the "Stage 4" pipework connection into the existing system. Work on this package is nearing completion.
- Work Package 4: Installed the roof structure to protect the electrical control panel. Access roads have now been constructed and final restoration works is well advanced. Pre-commissioning works have also commenced. Anticipate that power will be connected to the WP04 site on 13 March 2011.
- Work Package 6: The pumps and strainers have now been installed. The installation of the inlet and discharge pipework is nearing completion as has the construction of the access roads and associated drainage.
- Work Package 7: Approximately 18 kms (of 19 kms) of the Mardi to Mangrove Transfer pipeline has now been constructed. Progress on the surge tank at Ch 16,100 is occurring with the valve pit now completed and work has started on the surge tank ring beam. The HDD work has encountered some problems with the drilling "rods" shearing on two separate occasions. Despite the set-backs the HDD sub-contractor, UEA, is confident that the installation of the HDPE pipe will be completed by mid to late-March. The precast planks for the Bunning Creek Road bridge were lifted into position on 1 March 2011.
- Work Package 18: Work on the Lower Wyong River Weir upgrade is nearing completion. Monitoring of weir flows by Manly Hydraulics Laboratory is still occurring.



Bunning Creek road bridge with Mardi to Mangrove Transfer main fitted into position.
(Work Package 7)

ATTACHMENTS

Nil.

6.3 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02525498

AUTHOR: Serge Kornev, Construction Manager;

MANAGER: Mike Long, Manager Contract and Project Management

SUMMARY

This report shows the current status of significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of February 2011. General Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

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

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Oakland and Ashton Avenue, The Entrance Drainage upgrade – Stage 5.	\$1.2M	21/10/2010	75	75	March 2011	Major trunk drainage system upgrade to alleviate flooding. Construction of outlet structure and drainage and road restoration works completed in Tuggerah Parade. Works in Lakeside Parade are progressing.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Lindsay St, between Shelly Beach Rd and Bonnieview St, Long Jetty road and drainage upgrade	\$1.75 M	23/03/10	70	70	March 2011	Road pavement and stormwater drainage renewal and upgrade works proceeding. Works to include the construction of raised intersection at Bonnieview St for traffic calming. Drainage and pavement works in Lindsay St complete. Drainage and roadworks in Bonnieview St are progressing.
Mataram Road Culverts, Woongarra	\$1.49 M	15/11/2010	80	85	March 2011	Installation of new culverts to widen road, increase flow capacity to reduce flooding of Mataram Road, and allow upstream constructed wetlands to function. Works also include pedestrian footpath and refuge to complete missing pedestrian link. Culverts and all drainage structures constructed and road opened. Pavement works and footpath outstanding.
Marks Rd, Gorokan drainage	\$200 K	5/01/2011	70	100	March 2011	Extension of open stormwater channel within drainage reserve to prevent erosion and loss of private land. All works completed, fencing outstanding

6.3 General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Horns Bridge Reconstruction, approximately 8.8km west of the Pacific Hwy intersection Ourimbah Creek Rd, Ourimbah	\$232 K	6/12/10	85	95	March 2011	Deteriorated state of existing aged timber bridge identified for replacement in Council's long-term asset maintenance programme. Replace timber bridge with concrete culvert structure to ensure safe road access is maintained. All works have been completed, asphalt placement outstanding
Yates Rd and Cambridge Ct, Ourimbah road pavement renewal.	\$250 K	18/10/10	85	85	March 2011	Road pavement renewal works incorporating some new kerb and gutter to alleviate stormwater issues. Asphalt placement outstanding.

General Maintenance Work

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	San Remo Noraville Gorokan Watanobbi	Killarney Vale Long Jetty Berkeley Vale Bateau Bay The Entrance
Replacement of Damaged Foot paving	San Remo Wyong Toukley	Berkeley Vale Killarney Vale

	North	South
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Wyong Creek	Long Jetty
Heavy Patching	Yarramalong	Bateau Bay
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale Tuggerah
Carpark Maintenance	Nil	Nil
Fencing	Nil	Nil
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah The Entrance Killarney Vale Long Jetty Tumbi Umbi

CONTRACTS AND PROJECT MANAGEMENT SECTION

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

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	Dec 2006	98	98	New soccer and AFL fields available for commencement in 2011 winter season.	Construction works proceeding under Council's direct management. Turf completed to all fields. Softball games have started.
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour, Norah Head	\$464K	Aug 2007	85	95	June 2011 for this consultancy	Council briefing 9 February 2011 confirmed construction of Low Cost Option (\$1.1M structure) by day labour resources to proceed in second quarter 2011. Scope of work for SCE moving forward will be significantly reduced
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	95	95	April 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Remedial action plan (RAP) & concept design commenced in September (cost \$90K). Associated field investigations for RAP delayed due to wet conditions in Dec. / Jan. Anticipated receipt of draft RAP in April 2011
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	75	75	Aug 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Further site investigations were undertaken following detailed investigation on recommendation from EPA Site Auditor. This work now finalised. Tenders for Remedial Action Plan (RAP) to be invited in May 2011.

6.3 General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	75	75	Sept 2011 (RAP & concept design)	Preliminary and detailed site investigation completed. Tenders for Remedial Action Plan (RAP) to be invited in May 2011.
CPA/144547 Construction of Stormwater Treatment Works, Colongra Bay Rd, Lake Munmorah	\$270K	Jan 2010	80	80	Mar 2011	Work due for completion by end of March 2011.
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$122K	Mar 2008	90	90	Mar 2011	Contract awarded to Cardno (NSW) Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$2.43M.
CPA/147230 - Consultancy for Investigation and Design of T8 Sewer Pump Station upgrade – Norah Head	\$139K	Jun 2008	71	80	Mar 2011	Contract awarded to Cardno (NSW) Pty Ltd. Delays due to coastal hazard investigations requiring relocation of pump station. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven	\$190K	Dec 2008	80	85	Mar 2011	Contract awarded to SMEC Australia Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/157337 – Pre-Construction Documentation and Construction of 150mm diameter Water main Upgrade along Pollock Avenue	\$366K	Apr 2010	10	15	June 2011	Documentation preparation in hand to seek approvals and for construction tenders to be called.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	80	80	Mar 2013	Hunter Land Management has achieved Practical Completion in March 2010. Bush regeneration and maintenance works continue. Further de-silting work planned during March 2011.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$138K	Mar 2009	60	92	June 2011	Tender documents being finalised. Construction works anticipated to commence June 2011.
CPA/160794 Construction of the Northern Section of the Link Road	Construction contract \$9.5M	Mar 2009	90	99	April 2011	Southern section to the senior school opened 21 February. Minor landscaping works to be completed.
CPA/164637 (complete) CPA/185467 Detailed Investigation Toukley Landfill (Sewage Treatment Plant and Transfer site)	\$250K (three contracts)	Dec 2009 Aug 2010 Jan 2011	100 0 0	100 70 0	Complete (Preliminary Investigation works) Mar 2011 (Detailed site investigation) June 2011 Remedial Action Plan (RAP)	Detailed site investigation field work completed by Douglas Partners P/L. Engagement of consultant in hand for completion of the Remedial Action Plan (RAP) by the end of June 2011.
CPA/171824 Land Clearing of Council Subdivision Land at Warnervale	\$167K	July 2010	81	99	April 2011	Clearing and mulching works completed. Works were delayed due to wet weather. Finalising contract

6.3

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$7.5m	Apr 2010	25	65	Jun 2011	Wet weather during 2010 has delayed the project 4 months, extending completion out to June 2011. The playing fields are prepared up to underside of growing medium. Turf is programmed for laying at the end of March. Structural steel to the Community Centre has been erected with roofing and external walls due to commence.
CPA/173205 Sewer main rehabilitation, various locations in Wyong Shire	\$920K	Sep 2010	65	65	April 2011	Works are proceeding in accordance with program
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	5	5	Dec 2011 (Detailed design)	A panel of consultants for detailed design was selected from the Expression of Interest (EOI) undertaken in 2010 (CPA/173286). Selective tenders for design (CPA/181554) have been invited and close in March 2011. Expect to report to Council in May 2011 for determination.
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	54	65	April 2011	Work proceeding on variations to work for the original 6 new air conditioners for Building C

6.3

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/184446 – Shelly Beach SLSC Construction	\$3.2M	Oct 2010	8	33	Jun 2011	Existing club house has been demolished and the grout injected piles have been completed. The ground floor slab has been placed. Work proceeding off-site on structural steelwork and precast panels. Work behind program. Likely completion end June 2011.
CPA/184454 – Soldiers Beach SLSC Construction	\$3.2	Oct 2010	10	33	Jun 2011	The ground floor slab has been poured; external stormwater and sewer drainage is 75% complete. Precast panels installed. On program to complete by beginning of June 2011.
CPA/184901 Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan	\$308K	Nov 2010	0	5	May 2011	Work progressing.
CPA/184904 Construction of Stormwater Treatment Works, Catalina Rd & Liarena Av San Remo	\$415K	Nov 2010	0	5	May 2011	Work progressing.
CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttonderry Waste Management Facility	\$150K	Nov 2010	80	80	April 2011	Field work complete. Initial rounds of gas monitoring discovered unexpected subsurface landfill gas. Further investigation will be required. Interim report to DECCW in March 2011.

6.3

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/189210 CPA/194091 Investigation & Design Only, for New Cell 4.3 at Buttonderry Waste Management Facility	\$430K	Nov 2010	7	7	June 2012	Site survey (CPA/189210) in progress. Geotechnical investigations finalised. Tender documents for Area 4 Development Strategy (CPA/194091) under preparation, to be invited in March 2011. Design tenders to follow.
F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities	\$200K	Dec 2010	2	5	April 2011	Geotechnical investigations, tree assessment and environmental reports in progress.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009. Defects Liability Period extended to 25 February 2011. More defects identified to be attended by the Contractor.	90
CPA/127662	Mardi Suite of Works Mardi Transfer System, High Lift Pump Station and Intake Tower (Boulderstone)	Practical Completion 26 November 2010	25
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor	100
CPA/14229	Mardi Suite of Works High Voltage Upgrade to Mardi Dam site (Poles and Underground)	Practical Completion 27 August 2010	50
CPA/142295	Construction of High Voltage Power Supply to Mardi	Practical Completion 10 August 2010	50
CPA/153228	Construction of Woongarra Sports Facility	Practical Completion 4 June 2010	65
CPA/154562	Toukley Sewage Treatment Plant Inlet Works Upgrade	Practical Completion 10 December 2010	25
CPA/158359	Ourimbah RFS Building Construction	Practical Completion 21 May 2010	70
CPA/159880	Construction of Mannering Park Sewage Treatment Plant Inlet Works	Practical Completion 17 June 2010	60

Contract No	Contract Description	Contract Status	% Completed
CPA/159848	Reservoir Lining – Tuggerah 1 and Ridgeway	Practical Completion 6 November 2010	40
CPA/160330	Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	Practical Completion 1 October 2010	50
CPA/160331	Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	Practical Completion 30 August 2010	60
CPA/164633	Excavation & lining of Cell 4.2B Buttonderry Waste Management Facility	Practical Completion 28 August 2010.	60
CPA/171026	Installation of Subsoil drainage at Halekulani Oval, Kurraba Oval and Killarney Vale Oval	Practical Completion 1 December 2010	25
CPA/174474	Stormwater Treatment Works Project #6, Parkside Dr Charmhaven	Practical Completion 29 October 2010	40
CPA/177219	Amenities Block at Tenth Avenue, Budgewoi	Practical Completion 30 September 2010	50

ATTACHMENTS

Nil.

6.4 Investments For February 2011

TRIM REFERENCE: F2004/06604 - D02543260
AUTHORS: Devini Susindran; Financial Accountant

SUMMARY

The following report details Council's investments as at 28 February 2011.

RECOMMENDATION

That Council receive the report on Investments For February 2011.

BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, the Ministerial Investment Order issued in February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in managed funds which were permitted under the previous Minister's order, however are now held under the "grandfather" provisions of the current Ministers Order. The investment held in the Blackrock Care and Maintenance Fund will be wound up progressively by 2015 and it is anticipated that the investment in the Macquarie Global Income Opportunity fund will be fully redeemed by 31 March 2011.

In February 2011, the total net return was \$0.62m consisting of interest earnings \$0.37m and capital gain of \$0.25m.

Table 1 Investment Portfolio by Risk Category

	February 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	23,948	5.93	521
Term Deposits	59,234	5.98	2,677
Cash Plus Funds		-11.93	-1
Cash Management Funds	7,775	15.65	1,000
Enhanced Income Funds	15,281	10.12	981
Total Investments	106,238	7.77	5,178

6.4 Investments For February 2011 (contd)

Year to date returns in February of 7.77% reflects WSC's capital recovery and compares favourably with the year-to-date UBSA Bank Bill Index of 4.96%.

Investment transactions and earnings during February 2011 are shown in Table 2 - Portfolio Performance.

Table 2 Portfolio Performance

	July - September 2010 \$m	October - December 2010 \$m	January- 2011 \$m	February 2011 \$m	Year to Date 2010-11 \$m
<i>Movement in Assets</i>					
Opening Balance	126.39	84.26	105.60	107.28	126.39
Capital Gain/Loss – (see below)	0.92	0.52	(0.01)	0.24	1.67
Net Cash/Investments(Withdrawals)	(43.05)	20.82	1.69	(1.28)	(21.82)
Closing Balance	84.26	105.60	107.28	106.24	106.24
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	-	-	-	-	-
Capital Gain/(Loss) Unrealised	0.92	0.52	(0.01)	0.25	1.68
Interest Earnings	1.32	1.17	0.64	0.37	3.50
Total Return for Period	2.24	1.69	0.63	0.62	5.18

Table 2a Draw-downs

Month	Amount \$m	Funding Need	Placement
July	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	20.0	General operational cash	Current a/c
September	2.2	Mardi-Mangrove/Mardi Suite	Water a/c
September	2.0	Link Road Warnervale	Current a/c
September	15.0	General operational cash	Current a/c
October	(10.7)	Re-investment	Current a/c
November	(18.4)	Re-investment	Current a/c
December	8.4	Mardi-Mangrove/Mardi suite	Water a/c
January	(1.7)	Reinvestment	Current a/c
February	(1.37)	Mardi-Mangrove/Mardi suite	Water a/c

Interest and Investment Returns

Returns as at 28 February 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a minor unfavourable variance overall compared to the original budget.

Table 3 Performance at 28 February 2011

Investment Source	YTD Budget \$ '000	YTD Actual \$ '000	Var. \$ '000
General Fund	2,420	2,334	(86)
Water	1,827	1,274	(553)
Sewerage	952	1,571	619
Total	5,199	5,179	(20)

Interest rates in the month on term deposits, other than a statutory \$10.1m deposit for WorkCover, ranged from 5.95% to 6.40% and these rates exceeded the Union of Switzerland Australia (UBSA) bank bill index for February of 4.96%.

Managed Funds

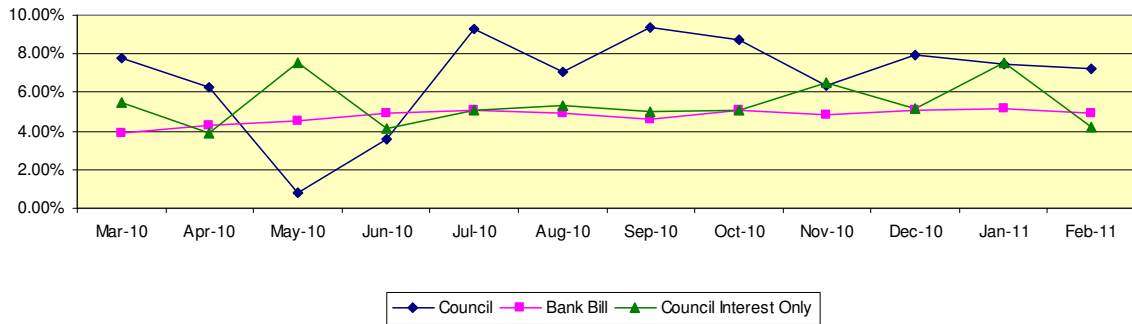
WSC has \$23.06m invested in managed funds which are “grandfathered” investments under the Ministers Order. These investments in February made a capital gain of \$0.25m.

The creditworthiness of these investments remains satisfactory.

- Blackrock Care and Maintenance Fund \$7.77m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. Income for February was \$101,713.81.
- Macquarie Global Income Opportunity \$15.28m – net income for the month of February \$147,142.27.

Benchmark - Monthly Returns (Annualised)

Council’s overall investment return is compared to the UBSA Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:



Council: *Council Total Return (Interest and Investments)*
Bank Bill: *UBSA Bank Bill Index*
Council Interest Only: *Council Interest Earnings*

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 28 February 2011 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits as required under the provisions of the ministerial investment order.

Investments are being carefully managed to ensure that value is added to the considerable fixed interest portfolio.

ATTACHMENTS

- 1 Summary of investments by Type February 2011 D02547104

Wyong Shire Council
Summary of Investments - By Type
As at 28 February 2011

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.01.11 \$	PORTFOLIO BALANCE 28.02.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:					
Westpac Corproate Investment Account (AA)	Daily	16,012,529	14,701,326	58,797	
LGFS Overnight Call Account (A2)	Daily	9,063,173	9,099,670	36,497	
UBS Cash Account (AA)	Daily	149,713	147,895	519	
Total Cash At Call		25,225,415	23,948,892	95,813	
TERM DEPOSITS & BONDS					
T-Corp (WorkCover NSW)	03/03/2011	10,120,000	10,120,000	38,428	4.95
Westpac Term Deposit	08/03/2011	5,000,000	5,000,000	23,014	6.00
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	5,000,000	24,548	6.40
NAB Term Deposit	18/04/2011	10,000,000	10,000,000	46,488	6.06
IMB Term Deposit	09/05/2011	5,000,000	5,000,000	23,896	6.23
LGFS Term Deposit	17/05/2011	5,000,000	5,000,000	23,627	6.16
SunCorp Term Deposit	22/06/2011	5,000,000	5,000,000	24,356	6.35
NAB Term Deposit	07/07/2011	5,000,000	5,000,000	23,858	6.22
IMB Term Deposit	18/07/2011	5,000,000	5,000,000	23,589	6.15
Westpac Deposit Bond	24/09/2012	4,119,562	4,113,817	22,431	5.13
Total Term Deposit & Bonds:		59,239,562	59,233,817	274,235	
CASH PLUS:					
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	293	304	12	
Total Cash Plus		293	304	12	
CASH MANAGEMENT FUNDS:					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,673,036	7,774,750	101,714	
Total Cash Management Funds		7,673,036	7,774,750	101,714	
ENHANCED INCOME:					
Macquarie Global Income Opportunity	Open Ended	15,133,583	15,280,725	147,142	
Total Enhanced Income		15,133,583	15,280,725	147,142	
TOTAL		107,271,889	106,238,488	618,915	

6.5 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02533516

AUTHOR: Vanessa Trzcinka, Technical Operations Engineer Water and Sewerage Operations

ACTING MANAGER: Daryl Mann, Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for February 2011.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Lindsay St & Bonnieview St Long Jetty	305,132	Oct 2010	50	80	March 2011	<p>Work is nearing completion to relocate approximately 500m of 150mm UPVC water distribution main.</p> <p>The relocation of the water main forms part of the Roads & Drainage upgrade work which includes the reconstruction of the kerb and gutter and construction of traffic islands, pedestrian refuges and a road hump.</p> <p>The works have been extended for completion by March 2011 due to conflict with other service utilities (e.g. Telstra, gas and groundwater).</p> <p>This work is being funded by Roads & Drainage Capital Works Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Oakland and Ashton Ave, The Entrance	52,000	Jan 2011	70	70	Mar 2011	<p>This work involves the upgrade and relocation of approximately 80m of 225mm AC water pipe to a 250mm PVC pipe.</p> <p>This work forms part of the Roads & Drainage Stage 5 upgrade work which includes the construction of an outlet structure, drainage system and road works.</p> <p>The upgrade work is being funded by Water & Sewerage Capital Works Program.</p>
Burnett Rd, Warnervale	190,000	Feb 2011	58	60	Apr 2011	<p>Work is underway to install approximately 180m of 375mm MPVC water main including an underground bore to connect to the 750mm PVC Wyong to Hunter Transfer Main. This work is to maintain water security/supply to Burnett Rd industrial area.</p> <p>This work is being funded by Water & Sewerage Capital Works Program.</p>
Dudley St, Lake Haven	68,000	Mar 2011	5	5	Apr 2011	<p>Work has commenced to relocate approximately 80m of 100mm PVC water pipe at the intersection of Dudley St and Chelmsford Rd East Lake Haven</p> <p>This work forms part of the up coming Roads and Drainage upgrade work.</p> <p>This work is being partially funded by Water & Sewerage and Roads and Drainage Capital Works Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Mataram Rd, Woongarra	42,000	Mar 2011	5	5	Apr 2011	<p>Work has commenced to relocate approximately 60m of 200mm MPVC water pipe in Mataram Rd Woongarra.</p> <p>This work forms part of the Roads and Drainage upgrade work and the construction of new culverts to widen the road to reduce localised flooding by installing an upstream wetland.</p> <p>The water relocation work is being partially funded by Water & Sewerage and Roads and Drainage Capital Works Program.</p>

SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Berkeley Vale Blue Haven Budgewoi Gorokan Killarney Vale Long Jetty Watanobbi Wyong	150,000	Jul 2010	70	75	Jun 2011	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>

PROCESS**Water Treatment**

All water produced by Mardi Water Treatment Plant, for the period 1 to 28 February 2011 has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 to 28 February 2011 has met Environmental Protection Authority Licence requirements.

Sewer Overflows

There were no reported sewer overflow incidents for the month of February 2011.

WATER STORAGE

Monday, 28 February 2011				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	53,806	28.3	Down 170 ML
Mardi Dam	7400	5,786	78.2	Down 6 ML
Mooney Dam	4600	3,533	76.8	Down 166 ML
Total	202000	63,125	31.2	Down 342 ML
STORAGE:				
<ul style="list-style-type: none"> Total stored water volume fell by 0.9% since last month. This day last year the volume stored as a percentage of total capacity was 1.9% lower. 				
HUNTER TRANSFERS:				
<ul style="list-style-type: none"> Hunter Water Corporation supplied 0 ML last week keeping this year's supply to 12 ML. Gosford/Wyong supplied 0.0 ML to Hunter Water last week keeping this year's supply to 0ML. 				
GROUND WATER BORES:				
<ul style="list-style-type: none"> Groundwater Bores supplied 1.3 ML last week, increasing this years supply to 15.5 ML 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	544	11	6	2
Previous week	531	2	35	6
Current week last year	534	13	15	7
This year to date	5,009	131	16	99
Same period last year	4,488	228	23	26
			9	6
<p>Week to date consumption was 544 ML, 1.9% more than the same week last year and 2.4% more than the previous week.</p> <p>Consumption this year to date is 5,009 ML, 11.6% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 7 March 2011 is 548 ML</p>				

ATTACHMENTS

Nil.

6.6 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02538361

AUTHORS: Jane Doyle; Senior Administration Support Officer

MANAGER: Lynn Littlefield, Coordinator Environment and Planning

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of February 2011.

RECOMMENDATION

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

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	10	1,558,559	4	321,172
Industrial	2	928,272	3	172,000
Residential	81	8,830,961	67	10,887,167
Other	15-	2,120,750	22	12,172,750
Total	108	13,438,542	96	23,553,417

Note: Included in the number of development applications lodged in the "Other" category was an application for St John Fisher Catholic School valued at \$1.9M. Included in the number of development applications determined in the "Other" category were two Section 96 applications for the Wyong Police Station valued at \$9M and a Residential Flat Building at The Entrance valued at \$2M.

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	2	1	6	164
Rural	-	-	-	-
Total	2	1	6	164

Note: Included in the number of Subdivision applications determined in the "Residential" category were two applications for a 109 Lot subdivision at Blue Haven and a 44 Lot Subdivision at Woongarra.

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **23** days.

Two priority applications were determined during the month. The net median turn-around time in working days for priority applications was **25** days. The applications included a Section 96 Application for a Health Services Facility at Woongarah and an Electricity Turbine Maintenance Facility at Berkeley Vale.

Other Approvals and Certificates

Type:	Number Determined:
Trees	39
Section 149 D Certificates (<i>Building Certificates</i>)	11
Construction Certificates	38
Complying Development Certificates	6

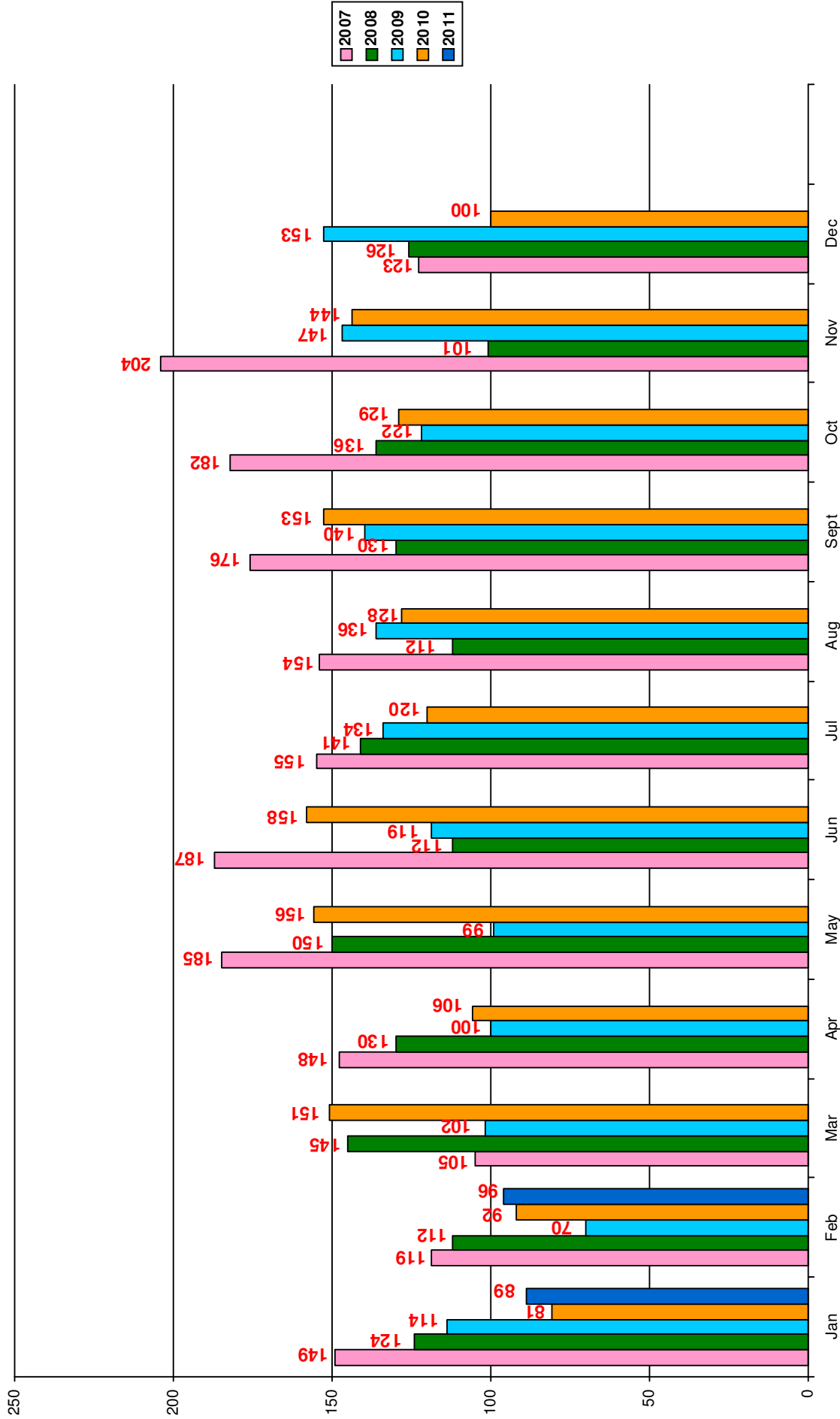
State Environmental Planning Policy No 1

There were no applications that relied on SEPP 1 variations for the month of February 2011.

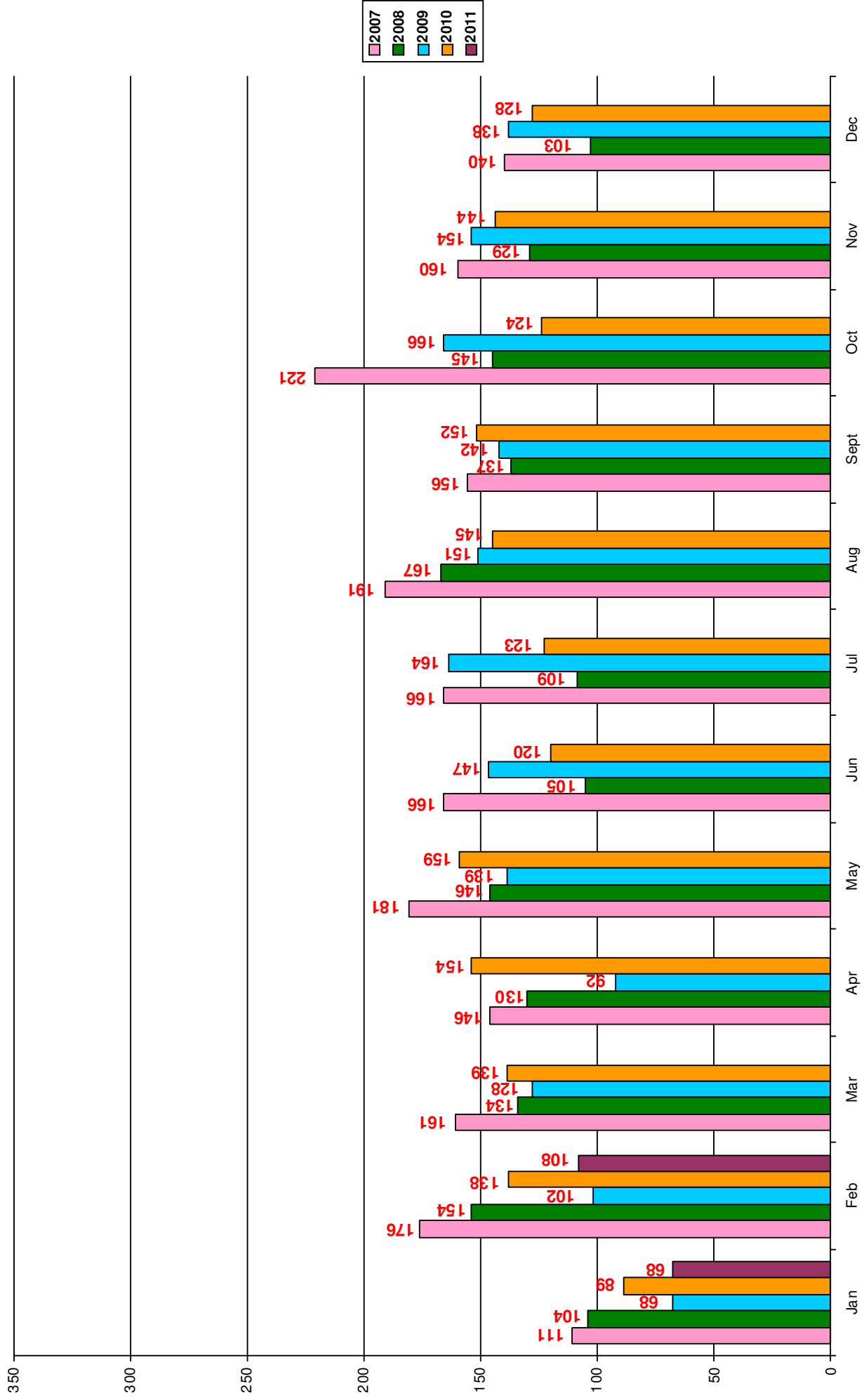
ATTACHMENTS

- 1 Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined. (A4 Colour) D02538422

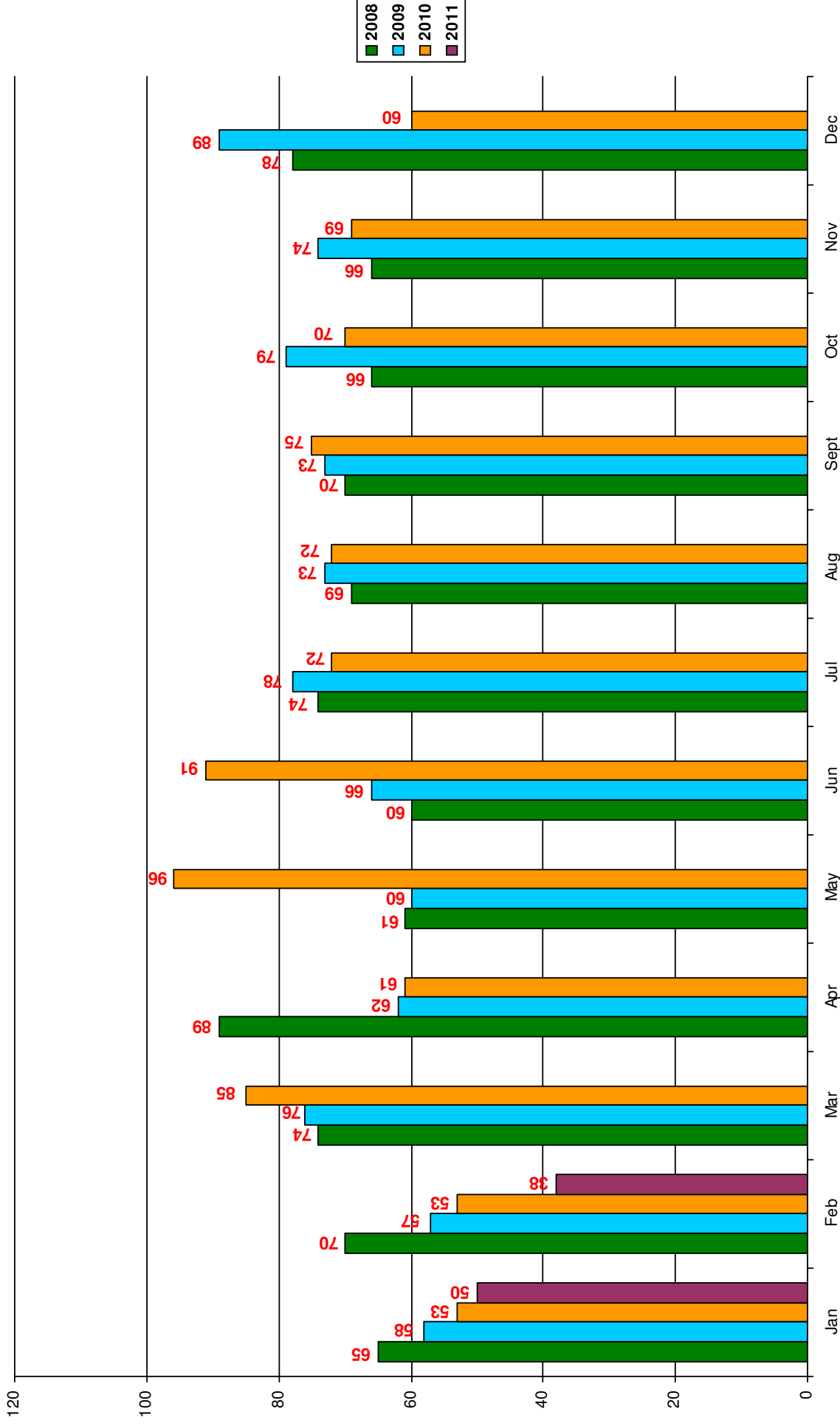
DAS DETERMINED



DAs LODGED



CCs DETERMINED



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

TRIM REFERENCE: F2004/06822 - D02540774

AUTHORS: Jon Scorgie; Senior Environmental Health Officer
MANAGER; Rob Van Hese, Manager Compliance and Regulation

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of February 2011.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

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

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

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

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

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

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

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

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

AGAINST: COUNCILLORS BEST AND EATON"

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

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

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

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

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

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

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

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

Summary of results for February 2011

For the month of February all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all of the sampling days.

A definition of the star rating system can be seen in Table 1 below.

Table 1: NHMRC Star Rating Interpretation

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

ATTACHMENTS

- 1 Water Sampling Locations D02345961

6.8 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2011/00027 - D02542290
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table of Outstanding Questions without notice & Notices of Motion - 23 March 2011 | D02541748 |
|---|---|-----------|

No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Environment and Planning Services	<p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee Provide a report that outlines the possibilities for establishment of an Environment Committee.</p> <ul style="list-style-type: none"> • The Terms of Reference (charter, roles, responsibilities and function); • Possible membership • Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements 	9 September 2009 Cr Wynn / Cr Best	This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors - date of workshop to be determined.
2	Environment and Planning Services	<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <ol style="list-style-type: none"> 1 Staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005. 2 Draft policy be written to apply to major residential, commercial and industrial development. 3 That the provisions of the policy include: <ol style="list-style-type: none"> a objectives relating to ensuring visual amenity is maintained; b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and c a focus on buildings located within town centres and on major roads within the Shire. 4 Draft policy be reported back for consideration. 	11 November 2009 Cr Best / Cr Webster	Further consultation is required for the formulation of the Draft Policy. To be reported to Council's 27 April 2011 meeting.
3	Environment and Planning Services	<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <ol style="list-style-type: none"> 1 Recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in cases. 2 Report required on the establishment of a Mediation process/planning disputes. 	10 February 2010 Cr Eaton / Cr Graham	Report being prepared for Council on 27 April 2011.
4	Environment and Planning Services	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <ol style="list-style-type: none"> 1 Write to all property owners affected by the State Governments sea level rise policies. 2 Text of the letter be endorsed by Council. 	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified. Information being reviewed by Council's Legal Counsel. Report to Council to be provided for the meeting of 27 April 2011.

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

No	Department	Question Asked / Councillor	Meeting Asked	Status
9	Infrastructure Management	<p>8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling</p> <p>1 <i>Introduce a fluorescent light globe and battery recycling program for a 1 year trial and report is to come back outlining the success or otherwise of the program and its cost.</i></p> <p>2 <i>Enable this recycling to occur by providing suitable collection sites</i></p>	8 September 2010 Cr Wynn/ Vincent	<p>The project is part of the Waste and Sustainability Improvement Payment (WaSIP) program. Implementation of this collection service is planned to commence during February 2011. It is part of a larger high-risk waste collection and recycling project that will also include electronic waste.</p> <p>A report will be submitted to Council once the feasibility of this program has been investigated.</p> <p>Trial started on 14 March 2011.</p>
10	Community and Recreation Services	<p>8.2 Notice of Motion – Acknowledgement of the Darkinjung People</p> <p><i>Defer this item to allow time to further consider this matter and receive further information.</i></p>	27 October 2010 Cr Graham / Cr Eaton	<p>Information on traditional custodians of lands and acknowledgment of country to be presented at a Councillor Briefing that is scheduled for March - June 2011.</p>
11	Environment and Planning Services	<p>2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age</p> <p><i>Adopt a strategic target of creating 5,000 local jobs over 10 years. The following strategies would be involved in reaching this target:</i></p> <p>a <i>Establish a register of sites appropriate for development of aged housing.</i></p> <p>b <i>Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</i></p> <p>c <i>Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i></p> <p>d <i>In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i></p> <p>e <i>Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i></p> <p>f <i>Work with local registered clubs to encourage their participation.</i></p> <p>g <i>Call for expressions of interest to form an expert panel to advise Council on this initiative.</i></p>	10 November 2010 Cr Eaton	<p>Landuse Planning and Policy are working with Environmental and Planning Services/ Major Projects Section to develop a project outline. Resolutions (b) and (c) to be implemented as part of the Comprehensive LEP and DCP 2011 process.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
12	Corporate Services	<p>9.1 - Notice of Motion – Women’s Committee</p> <ol style="list-style-type: none"> 1 <u>Include</u> consideration of a Status of Women Committee during their deliberations on the whole committee structure. 2 <u>Consider</u> participation / membership to include Councillors, staff and community reps. 	10 November 2010 Cr Matthews / Cr Webster	This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors - date of workshop to be determined.
13	Environment and Planning Services	<p>9.2 - Notice of Motion – Lot 1 DP 450166 Main Road, Toukley</p> <ol style="list-style-type: none"> 1 Council reiterate on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally know as the Toukley Taj Mahal on Lot 1 DP 450166, Main Road, Toukley at the bridge. 2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development: <ol style="list-style-type: none"> a Council <u>proceed</u> to issue a formal Order for completion. b Council’s legal counsel <u>investigate</u> any other avenues to achieve completion. c <u>Should</u> the owners not comply with the terms of the Order upon its expiry, Council commence legal action in the Land and Environment Court. 	10 November 2010 Cr Best / Cr McNamara	<p>The owner of the property, Evensay Pty Ltd, has commenced appeal proceedings in the Land and Environment Court of NSW. The proceedings are first listed before the Court on 21 March 2011. Evensay Pty Ltd seeks an Order that the S.121B Order be revoked, or, in the alternative, modified.</p> <p>Confidential Council briefing to be held on 23 March 2011.</p>
14	Infrastructure Management	<p>11.2 – Notice of Motion – Drains along Long Jetty Foreshore</p> <ol style="list-style-type: none"> 1 <u>Research</u> the potential to develop a program similar to “Adopt a Road” within the Shire. 2 <u>Refer</u> the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration. 3 <u>Express</u> its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme. 	24 November 2010 Cr Graham / Cr Webster	<p>Council to investigate the environmental, social, governance & economic potential for a program to provide maintenance responsibility for specific stormwater drains within the Shire.</p> <p>Report submitted to Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration on 3 March 2011 meeting.</p> <p>Further notice of motion considered at 9 March 2011 meeting.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
15	Community and Recreation Services	<p>8.2 – Notice of Motion – Graffiti Outrage</p> <ol style="list-style-type: none"> 1 <u>Recognise</u> the significant efforts to date by staff, business and the broader community. 2 Concludes that further and fresh initiatives be considered in response to this vandalous behaviour. 3 Urgently <u>make representation</u> to our respective State Members highlighting this Community's utter frustration. 4 <u>Endeavour</u> to take a whole of community approach to this social assault through formally tabling an appropriate resolution at the upcoming LGSA Annual Conference. 5 <u>Recognise</u> the significant efforts by staff and the Northern Wyong Graffiti Forum. 6 Continue to support the initiatives of the community "Draft" Graffiti Strategy" and relevant forums in community education, youth engagement and provision of graffiti removal materials. 7 Support the implementation of the forums' initiative for provision of two pilot relocatable CCTV across the Shire. 8 Note that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representative to programs to combat graffiti such as: *Graffiti trailer, *Posters *Supply of removal kits for residents, * Development of Council Shirewide strategy, *National Graffiti Action Day, * Rapid removal program 	9 February 2011 Best / McNamara	<ol style="list-style-type: none"> 1 Staff and community members have been sent a letter of recognition. 2 Issue to be raised at next Northern Wyong Graffiti Forum to be held Tuesday 24 February 2011. 3 Correspondence has been sent to State members asking them to assist with law enforcement. A councillor update will be provided when a response is received. 4 This item has been listed as a Motion proposed for submission to the upcoming LGSA Annual Conference 5 A letter has been forwarded to the Northern Wyong Graffiti Forum. 6 Support will be ongoing on the initiatives of the "Draft" Graffiti Strategy. 7 Staff to investigate a pilot program of relocatable CCTV cameras to combat graffiti. 8 Noted and included in correspondence to acknowledge community members and forums for their involvement.
16	Environment and Planning Services	<p>8.3 – Notice of Motion – Myrtle Rust Epidemic</p> <ol style="list-style-type: none"> 1 <u>Receive a report</u> on what steps have been taken to date to combat the pending epidemic of Myrtle Rust, that could result in devastating our local flora and associated industries and their supporting employment. 2 <u>Seek advice</u> from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy to ensure the survival of these iconic Australian species. 	9 February 2011 Best / Wynn	<p>A timeline of Councils involvement in the Myrtle Rust issue has been developed. This report is scheduled to go to the Tuggerah Lakes Estuary Management Committee on 8 April 2011 then to the full Council Meeting on 27 April 2011.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
17	Environment and Planning Services	Q113/10 - Policing Resources <i>As you would be aware, many residents have highlighted the urgent need for further Police. Unquestionably, our local Police are doing a good job with limited resources. Could you please advise in the most recent graduation and distribution of new police officers across NSW, how many were allocated to the Central Coast and in particular to the northern command?</i>	8 December 2010 Cr Best	Response to be provided for a meeting in April 2011.
18	Environment and Planning Services	11.1 – Notice of Motion – Change of LEP Zonings for Schools, Hospitals and Public Facilities <i>Council express its concern regarding the State Government's policy to force Councils to change the zoning of schools, hospitals and public facilities.</i>	23 February 2011 Eaton / Wynn	Letter to be prepared, as soon as a response is received it will be reported to Council.
19	Infrastructure Management	11.2 - Notice of Motion – Improved Taxi Services <i>Council invite NSW Taxi Council and Central Coast Taxicab to brief Council on their service delivery model and plans for future improvement.</i>	23 February 2011 Best / Webster	Initial discussions have been undertaken with NSW Taxi Council and Central Coast Taxicab – date of briefing yet to be determined.
20	Community and Recreation Services	Q114/11 – Memorandum of Understanding with Department of Housing <i>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</i>	23 February 2011 Cr Best	A draft Memorandum of Understanding has been developed and circulated for staff comment. Anticipate final draft by the end of March.
21	Community and Recreation Services	8.1 – Notice of Motion – Drains along Long Jetty Foreshore <i>1 Acknowledge the potential environment and social benefits of establishing an "Adopt a Drain" program. 2 Acknowledge the safety, insurance and resourcing issues of establishing such a program and recommend consideration be given to establishing program under the auspices of its existing Landcare model. 3 Recommend that a report be provided outlining the additional resource required within the Landcare section to enable it to establish an 'Adopt a Drain' program and options for funding the required resource.</i>	9 March 2011 Cr Graham / Cr Webster	A report will be submitted to 11 May 2011 Council meeting after consultation with Landcare staff.

No	Department	Question Asked / Councillor	Meeting Asked	Status
22	Infrastructure Management	<p>8.2 – Notice of Motion – New Dredge purchased by the State Government for use in Lake Macquarie</p> <p>1 <i>Confirm with Mr Robert Coombs MP, Member for Swansea, if the new dredge has been purchased for use in Lake Macquarie will also be available for use by Wyong Shire Council.</i></p> <p>2 <i>Negotiate with Lake Macquarie Council to ensure dredging works in Boat Harbour channel and other locations where Wyong Shire has frontage to Lake Macquarie as appropriate.</i></p>	9 March 2011 Cr Symington / Cr Wynn	Council staff to confirm use of the dredge and negotiations with Lake Macquarie Council on its usage.
23	Environment and Planning Services	<p>8.3 – Notice of Motion – Closure of Warnervale Rail Station</p> <p>1 <i>That, further to recent community concerns regarding the State Government's possible closure of the current Warnervale Rail Station on or prior to the completion of the Town Centre Station, 1.55 km north of the existing station, Council make urgent representation to the new State Minister seeking clarity on the retention or closure of this economically vital transport and business infrastructure.</i></p> <p>2 <i>That Council seek State funding assistance to provide an appropriate road overpass to the existing dangerous road/rail crossing at the current Warnervale Station (the only road/rail crossing in the Shire).</i></p>	9 March 2011 Cr Best / Cr McNamara	Letter issued to relevant Minister. Meeting arranged with State Rail Authority to discuss the matter.
24	Infrastructure Management	<p>Q1/11 – Cleaning The Entrance Baths</p> <p><i>Mr General Manager, I have been approached by a local resident Ms Field, who regularly attends our Ocean Baths and is concerned that it would appear Council is choosing to regularly clean the pool with liquid chlorine. I understand Newcastle City Council uses an alternative cleaning product than may be more environmentally friendly. Could Council staff please report on the current situation and what options are available and in doing so, reply to Ms Field's here attached letter of concern (D02531169)?</i></p>	9 March 2011 Cr Best	A Councillor Business Update is currently being prepared.

No	Department	Question Asked / Councillor	Meeting Asked	Status
25	Infrastructure Management	Q2/11 – Odour in Water at Chain Valley Bay North <i>Residents in the Chain Valley Bay North area have reported that their town water smells "fishy". Could Council staff please advise if there is any link between the recently reported manganese levels in the water and the fishy smell. If no link exists, could staff please advise what might be causing the fishy smell?</i>	9 March 2011 Cr Vincent	Investigation to take place after locations determined and response will be provided to a future Council meeting.

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

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
<p>10.1 Notice of Motion - Efficiencies and Power Pricing Options</p> <p>1 Note with great concerns the alarming escalation of electricity pricing and the financial impact.</p> <p>2 As a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia.</p> <p>3 Seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.</p> <p>4 Staff report to Council on options, initiatives and recommendations arising from the above.</p> <p>5 Staff report to Council on the affect on energy bills of installation of smart meters. .</p>	13 October 2010 Cr Best/ Wynn	Letters written to the Minister for Energy re Items 1 and 3 and to Energy Australia seeking a meeting re items 2, 4 and 5. No replies have yet been received. Reports to Council will follow after replies are received and requested meetings have been held.
<p>Q115/11 – Increase in Traffic due to Disability Facility on Louisiana Road</p> <p><i>Clarity to how the construction of Casurina Grove (Disability Facility) occurred with little to no road improvements to Louisiana Road nor any upgrade to Pacific Highway intersection. As safety is a priority why have no upgrades occurred?</i></p>	23 February 2011 Cr Best	Response included in this business paper.

7.1 Answers to Question Without Notice

TRIM REFERENCE: DA/953/2008/A - D02534246
AUTHOR: Peter Fryar, Manager Development Assessment

7.1 Q115/11 - Increase in Traffic Due to Disability Facility on Louisiana Road

The following Question without Notice was asked by Councillor Best at the Ordinary Meeting on 23 February 2011:

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

Development Consent No 953/2008 was granted on 11 February 2008 for a 100 Bed Aged Care Facility for People with Disabilities under State Environmental Planning Policy (Housing for Seniors Or People With A Disability) 2004 (SEPP Seniors). The proponent was the Department of Ageing, Disability and Home Care (DADHC). As the development application was submitted by the Crown, Council is bound by the provisions of Section 89(1) of the Environmental Planning and Assessment Act, 1979, (EP&A Act) which states:

"89(1) A Consent authority (other than the Minister) must not:

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister".*

The Executive Director of DADHC in correspondence received on 6th February 2009, granted concurrence to the draft consent conditions prepared by Council for DA 953/2008.

A Section 96(1A) Application to modify Development Consent No 953/2008 was approved by Council on 1st June 2010 seeking amongst other matters, the removal of the requirement to construct the internal access roadway for the full length of the site to the eastern property boundary.

A number of conditions were imposed on the amended Development Consent requiring internal and external roadworks to be undertaken in association with the SEPP Seniors development. In particular, the following conditions were agreed to by DADHC namely:-

7.1 Q115/11 - Increase in Traffic Due to Disability Facility on Louisiana Road (contd)

- “9 The construction of an internal access road to the facility as show in Drawing 09077/CC-CC001/E being a road with a carriageway width of 6 metres, a 2.5 metre wide shared footpath and 1.5metre truck overrun surface inclusive of kerb and guttering and associated stormwater systems in accordance with Council’s Development Control Plan 2005, Chapter No 67 – Engineering Requirements for Development. Detailed design plans shall be approved by Council as the Roads Authority prior to the commencement of works.”
- “10 The provision at no cost to Council of a Type BAR intersection under “AUSTROADS Part 5 – Intersections at Grade” on Louisiana Road at the intersection with the new road. All other details are to be in accordance with RTA standards and Council’s Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development. The design must be approved by Council prior to commencement of works.
- “54 The dedication to Council of new road, intersection (the land required for a roundabout) and associated road widening for intersection and footpath, at no cost to Council, prior to occupation of the development.”

Condition 10 above requires the construction of a right turn type BAR intersection at Louisiana Road providing access to the future DADHC public road recently constructed on the site accessing the development. The future public road includes kerb and guttering on both sides. DADHC also paid \$615,805.81 towards road construction under Council’s Section 94 Contribution Plan.

There are a number of constraints associated with reconstructing Louisiana Road due to the significant level difference between the existing and future road surface as a consequence of the drainage requirements for the area. There are also problems integrating the works with adjoining developments on either side of Louisiana Road due to the difference in road surface levels for the future road profile. Council is currently working on design plans with a number of developers in the locality who have requirements for the upgrade of Louisiana Road and the Pacific Highway intersection under a number of development consents.

DADHC paid the following s94 contributions for development:

Contribution Type	NDA/Beds	Rate/Ha/Bed	Amount
Warnervale/Wadalba Roads (Precinct 8B)	4.67	131,864.20	615,805.81
Warnervale/Wadalba Water Quality Land (D)	4.67	26,250.00	122,587.50
Warnervale/Wadalba Water Quality Works (D)	4.67	30,722.07	143,472.07
Warnervale/Wadalba Drainage Land (D)	4.67	12,724.00	59,421.08
Warnervale/Wadalba Drainage Works (D)	4.67	33,634.39	157,072.60
Warnervale/Wadalba Studies & Co-ordinator	4.67	1,426.65	6,662.46
Warnervale/Wadalba Area 2 Sewer DSP	100	891.27	89,127.00
Warnervale/Wadalba Water NW DSP	100	1,004.54	100,454.00
Total			1,294,602.52

ATTACHMENTS

Nil.

23 March 2011

To the Ordinary Meeting

Councillor

8.1 Notice of Motion - Coal Gas Seam Strategy

TRIM REFERENCE: F2004/11916 - D02546016

AUTHORS: Sue Wynn; Councillor

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 23 March 2011 she will move the following Motion:

“That Council write a submission on the proposed Coal and Coal Gas Seam Strategy being prepared by the Department of Planning, given Wyong Shire Council’s clear opposition to further coal mining in our Shire.”

23 March 2011

To the Ordinary Meeting

Councillor

8.2 Notice of Motion - Doubling and Promoting Council's \$10,000 Vandalism Reward

TRIM REFERENCE: F2004/07706 - D02547290

AUTHORS: Greg Best; Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on 23 March 2011 he will move the following Motion:

- "1 That with ratepayers now funding \$1,474,825.00 for vandalism repairs over the term of a Council, Council support the good work of the community and Police through a public awareness campaign promoting the existing \$10,000.00 Council Vandalism Reward Program.*
- 2 That for selected major and repeat malicious damage attacks Council now double the vandalism reward to \$20,000.00 for a conviction.*
- 3 That any such reward also be available where repeat offences compromise public safety such as the current deliberate glassing of The Entrance Baths.*
- 4 That having regard to the above, staff report to Council where necessary, vandalism events for Council's consideration and inclusion in the Vandalism Rewards Program."*

COUNCILLORS NOTE

Attached to this Notice of Motion is staff's reply to Question Without Notice 10.1 on the 23 February 2011 outlining the annual outrageous expenditure on vandalism. Further attached is Express Advocate 9 March 2011 The Entrance Baths Vandalism article for Councilor's information.

- 1** WSC reply to Question without Notice of 23 February 2011 and Central Coast Express Advocate-Call to beef up security as pool vandals return D02547288

23 February 2011

To the Ordinary Meeting

Corporate Services Department

10.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06508 - D02473146

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10.1 Q112/10 - Vandalism Cost to Ratepayers

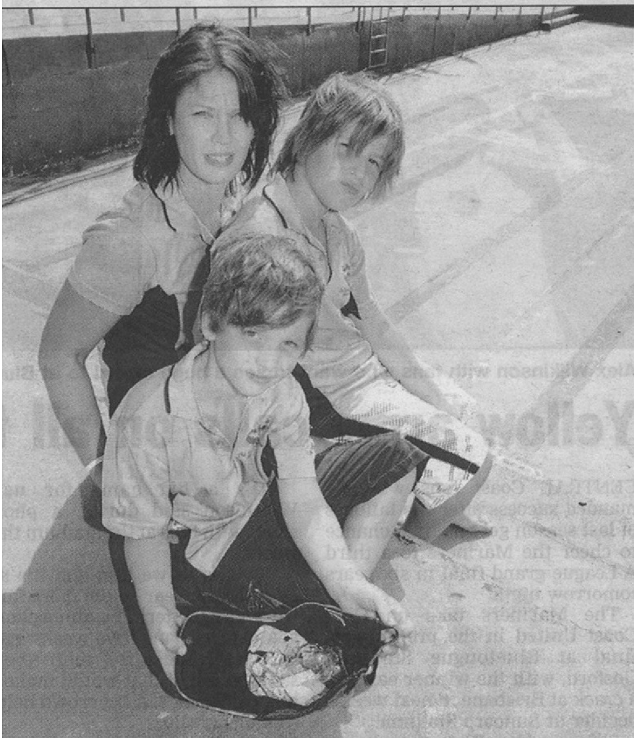
The following question was asked by Councillor Best at the Ordinary Meeting on 8 December 2010.

"The continuing escalation of anti social behaviour, malicious damage and graffiti spraying is taking a heavy toll on our residents and indeed our public property. Could you please advise our residents and ratepayers an indicative cost to them over the last four years to clean, repair and replace public property damaged by these vandals?"

The cost to Council over the last 4 years to clean, repair and replace public property damaged by vandals has been: -

- 2006/7 financial year \$ 397,691
- 2007/8 financial year \$ 375,531
- 2008/9 financial year \$ 336,282
- 2009/10 financial year \$ 365,321

Call to beef up security as pool vandals return



Amy Koutrodimos with children Zane and Jesse and the glass which forced the council to empty the pool. Picture: WAIDE MAGUIRE

DENICE BARNES

FOR the second time this summer, The Entrance ocean baths have been closed due to vandalism and regular users are fed up.

Barbara Elkins, of Bateau Bay, first raised concerns about security at the pool late last year after the 50m pool was closed to remove broken glass.

The pool was closed and emptied again last Friday after cleaners found glass around the edges and inside the pool. It remained closed at least until Tuesday.

Ms Elkins demanded action including security cameras and more patrols. After last week's efforts, Amy Koutrodimos, of The Entrance Amateur Swim Club, echoed those calls.

The club has met at The Entrance ocean baths every Friday night for more than 50 years. With about 100 registered members, it is popular with children and adults, but last Friday night swimmers arrived to find the pool a no-go zone.

"These things do affect our meetings," Ms Koutrodimos said.

She said members discovered the pool had been closed after vandals went berserk on Thursday night. On the Tuesday before that, teenagers broke a

Second closure

A WYONG Council spokesman said there had been two reported incidents of vandalism at the baths when the pools had to be closed this season.

He said rangers would look at stepping up patrols on Friday nights. Under the Local Government Act, breaking glass in a public place carries an \$1100 fine.

fence around the pool after performing backflips from the fence into the smaller pool.

"There was smashed glass everywhere on Friday and it's lucky the cleaners found it around the sides and under the grandstand, otherwise they might not have looked in the pool," Ms Koutrodimos said. "I definitely support calls for tighter security. That might be a big ask, but it's such an amazing facility and it's not cared for enough."

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Should the council do more to stop vandalism?

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