



The NAIDOC Week Community Awards were recently presented by Wyong and Gosford Council at the annual NAIDOC Ball. Pictured is Wendy and Alisha Pawley, winners of the Achievement in Art and Culture Awards for female and youth categories.

Business Paper

ORDINARY MEETING
27 July 2011



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 27 JULY 2011 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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10 CONFIDENTIAL ITEMS

10.1	General Manager's Performance Appraisal
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11 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02661925
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 - D02661928

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

SUMMARY

Inspections to be conducted on 3 August 2011 are listed as follows:

Date of Inspection	Location	Requested By
3 August 2011	Mardi closed landfill on McPhersons Road, Mardi	Director Infrastructure Management
3 August 2011	Three Industrial Units 10 Corella Close, Berkeley Vale (To be Determined by the JRPP) DA/526/2011	Director Environment and Planning Services
3 August 2011	Shelley Beach SLSC	Director Infrastructure Management
3 August 2011	Soldiers Beach SLSC	Director Infrastructure Management
3 August 2011	Lakes beach eco tourism	Director Corporate Services
3 August 2011	Shopping Centre, including Supermarket, Speciality Shops and Medical Centre at 275 Pacific Highway, Lake Munmorah (To be Determined by the JRPP) DA/459/2011	Director Environment and Planning Services

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
27 July 2011	Social Enterprise Plan	The Innovation Committee of RDA Central Coast, led by Dr Anton Kriz from the University of Newcastle Ourimbah Campus, has developed a regional innovation plan as part of REDES. The committee would like to brief the Council on how the plan was developed and the four program components. The committee will be seeking Wyong Council's endorsement and support for the plan and its implementation.	12.00-12.30pm	The Innovation Committee of RDA Central Coast & Manager Economic Property Development

27 July 2011	Wyong Civic and Cultural Masterplan	Present the draft Masterplan to Councillors and seek endorsement for public exhibition.	12.30-1.00pm	Manager Place Management & Senior Strategic Planner – Place Management
Date	Briefing	Description	Time	Presented By
27 July 2011	Skills Centre	A further briefing on the Skills Centre providing additional detail on the site valuation and the draft precinct material. Documents requested from last briefing will be issued prior to the briefing.	1.00-1.30pm	Manager Major Projects
27 July 2011	Community Feedback & Complaint Management Policy (Draft)	Discussion on proposed Policy and benefits of having a comprehensive policy document incorporating feedback, service requests and complaint types	1.30-2.00pm	Internal Ombudsman
27 July 2011	Iconic Key Sites DCP	Presenting the draft DCP Chapter for the Iconic Development Sites. The draft Chapter will provide guidance to the community and development industry on the requirements of the site specific DCP/Masterplan to be prepared for each Iconic Development Site. The draft Chapter is proposed to be presented to Council on 10 August 2011 seeking approval for public consultation.	2.00-2.30pm	Manager Place Management
27 July 2011	GM 2011/2012 Performance Plan	To discuss the draft 2011/12 Performance Plan for the GM	2.30-3.00pm	General Manager & Manager Human Resources

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 Updated Briefing Schedule 3rd & 4th Quarters 2011 - 27 July 2011 D02685361

PROPOSED QUARTER	PROPOSED DATE	Briefing Title	Director	STAFF PRESENTING
3rd quarter	27-Jul	Skills Centre	GM's Unit	Danielle Dickson Major Projects
3rd quarter	27-Jul	Social Enterprise Plan for Central Coast	Corporate Services	Garry McLachlan/Graham Baker(Enterprise Connect)
3rd quarter	27-Jul	Wyong Civic & Cultural Masterplan	Environment and Planning Services	Paul bowditch / Gary Hamer
3rd quarter	27-Jul	Community Feedback and Complaints Management Policy (Draft)	Legal And Risk GM's Unit	Belinda Charlton
3rd quarter	27-Jul	iconic key sites DCP	Environment and Planning Services	Paul Bowditch
3rd quarter	27-Jul	GM 2011/2012 Performance Plan	Corporate Services	GM/Marie Hanson-Kentwell
3rd quarter	10-Aug	Local Government Workshop - Destination 2036		
3rd quarter	10-Aug	Aged Living Project	Major Projects	Danielle Dickson/John Pearce
3rd quarter	10-Aug	Plan of Management Central Coast Caravan Parks	Community & Recreation Services	Tara Mills
3rd quarter	10-Aug	Enterprise Risk Management	Legal And Risk	Jeff Simpson
3rd quarter	24-Aug	Q4 Annual Plan and Budget	Corporate Services	Cate Trivers
3rd quarter	24-Aug	Present information on traditional custodians of lands and acknowledgement of country	Community & Recreation Services	Julie Vaughan
3rd quarter	24-Aug	Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services	Julie Vaughan
3rd quarter	24-Aug	Wyong Loyalty card	GM's Unit	GM's Unit
3rd quarter	14-Sep	RTA (Highway upgrade Wyong township)	Infrastructure Management	Craig Leckie, RTA
3rd quarter	14-Sep	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Jenny Mewing
3rd quarter	14-Sep	Ausgrid- 4g	Infrastructure Management	4g TBC
3rd quarter	aug	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management	Bob Burch
3rd quarter	Director to provide proposed date	*Climate Change Adaptation Report - March 2011.	Environment and Planning Services	Karen Douglas
3rd quarter	Director to provide proposed date	Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Environment and Planning Services	David Irving
3rd quarter	Director to provide proposed date	Iconic Development Sites DCP & Current Proposals	Environment and Planning Services	Paul Bowditch
3rd quarter	Director to provide proposed date	RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services	Martin Johnson/Kathryn Heintz
3rd quarter	Director to provide proposed date	Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services	Karen Douglas

3rd quarter	Director to provide proposed date	The Entrance Town Centre Masterplan	Environment and Planning Services	Paul Bowditch/Stephen Ashton
3rd quarter	Director to provide proposed date	Tuggerah Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Lynda Howson
3rd quarter	Director to provide proposed date	Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services	Brian Glendenning
3rd quarter	Director to provide proposed date	Desalination	Infrastructure Management	Garry Casement
3rd quarter	Director to provide proposed date	Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management	Rob Fulcher / Lara Critchley
3rd quarter	Director to provide proposed date	Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
3rd quarter	Director to provide proposed date	Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
4th Quarter	26-Oct	Central Coast Sports field Management Strategy	Community & Recreation Services	Brett Sherar / Keith ollier
4th Quarter	09-Nov	Learning Community Strategies	Community & Recreation Services	Julie Vaughan
4th Quarter	23-Nov	Q1 Annual Plan and Budget	Corporate Services	Cate Trivers
4th Quarter	14-Dec	Community Facilities Strategy	Community & Recreation Services	Julie Vaughan
4th Quarter	Nov	Centennial Coal Mandalong South Exploration drilling program	Corporate Services Environment & Planning Services	Greg Ashe/Paul Forster
4th Quarter	Nov	Review of Grants	Community & Recreation Services	Julie Vaughan
4th Quarter	October	Code of Conduct revision training	Corporate Services	Lesley Crawley/ Jeff Williams
4th Quarter	Director to provide proposed date	Committee structure	Corporate Services	Lesley Crawley
4th Quarter	Director to provide proposed date	Biobanking	Environment and Planning Services	David Lemcke / Tricia Bancroft, Communications Manager, Biobanking Unit
4th Quarter	Director to provide proposed date	Biodiversity Management Plan	Environment and Planning Services	Greg White
4th Quarter	Director to provide proposed date	Comprehensive LEP	Environment and Planning Services	Martin Johnson
4th Quarter	Director to provide proposed date	DCP 113 – Flood prone Land	Environment and Planning Services	Martin Johnson / Rod Mergan
4th Quarter	Director to provide proposed date	DCP 2011	Environment and Planning Services	Martin Johnson
4th Quarter	Director to provide proposed date	DCP 97 - Water Sensitive Urban Design	Environment and Planning Services	Martin Johnson / Peter Kavanagh
4th Quarter	Director to provide proposed date	Development Control Plan 61 – Car parking	Environment and Planning Services	Martin Johnson / Michael Conroy
4th Quarter	Director to provide proposed date	Draft Shire-Wide Contributions Plan	Environment and Planning Services	martin Johnson
4th Quarter	Director to provide proposed date	Draft Wyong Employment Zone contributions plan	Environment and Planning Services	Martin Johnson

4th Quarter	Director to provide proposed date	Natural Resources Strategy	Environment and Planning Services	Greg White / David Lemcke
4th Quarter	Director to provide proposed date	RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services	martin Johnson/Kathryn Heintz
4th Quarter	Director to provide proposed date	Settlement Strategy	Environment and Planning Services	Scott Duncan / Jenny Mewing
4th Quarter	Director to provide proposed date	The Entrance, Wyong and Toukley Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Stephen Asinton
4th Quarter	Director to provide proposed date	Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Bio-certification update, DCP amendment update	Environment and Planning Services	Martin Johnson / Scott Duncan
4th Quarter	Director to provide proposed date	Wyong town centre planning proposal and car parking study	Infrastructure Management	Bob Burch

1.3 Address By Invited Speakers

TRIM REFERENCE: F2011/00027 - D02661931
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02661935

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting held on 13 July 2011.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting held on 13 July 2011.

ATTACHMENTS

1 Minutes of the- Ordinary Council Meeting - 13 July 2011 D02678652

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 13 July 2011
COMMENCING AT 5:00 PM**

PRESENT

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

IN ATTENDANCE

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

Manager Development Assessment, Manager Place Management, Manager Land Use Planning and Policy Development, Senior Planner Land Use Planning, Strategic Planner Place Management, Engineer Contract Project Management and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Graham delivered the opening prayer and Councillor McBride read the acknowledgment of country statement.

Councillor McBride advised that during the first week of the July 2011 school holidays, Wyong District Netball Association competed in the State Championships for Netball where the Under 12's placed 8th, Under 14's 7th, Under 15's 5th and the Under 13's went through undefeated and claimed the State Title. Councillor McBride commented that this is a significant achievement for Wyong District Netball Association and Wyong Shire and also advised that Wyong Netball will be hosting the State Championships next year at Baker Park.

APOLOGIES

At its meeting on 8 June 2011, Council granted leave of absence to Councillor Wynn until 8 August 2011 as she is currently on annual leave and Councillor Matthews for this meeting, 13 July 2011, as she is currently on leave.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 1.5, 2.2, 3.8, 6.2, 3.1 and 6.4 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.2 Wyong Shire-Wide Heritage Review – in relation to Vales Point Power Station

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, which is the owner of one of the properties under discussion, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.57pm.

2.2 Wyong Shire-Wide Heritage Review – in relation to Ruttleys Road Bulk Shed

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is the owner of Ruttleys Road Bulk Shed which is one of the properties under discussion, left the chamber at 5.57pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

6.4 Notice of Motion – Council Calls to Support Local Nurses

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSW Health Central Coast Local Health Division (CCLHD), left the chamber at 6.39pm, took no part in discussion, did not vote and returned to the chamber at 7.36pm.

7.2 Commercial Agreements

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter of the Central Coast Mariners Football Club the Mariners for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 9.48 pm, took no part in discussion, did not vote and did not return to the chamber.

7.2 Commercial Agreements

Councillor Webster declared a non-pecuniary insignificant interest in the matter in relation to the The Entrance town Centre Management Corporation for the reason that she is a member of the Board of Management of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

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

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

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

- 1 That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.**
- 2 That Council schedule an additional briefing session after inspections on an ongoing basis subject to Councillor attendance.**
- 3 That Council report on flexible options for engaging Councillors e.g. online data, after hours briefings and voice conferences.**

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

AGAINST: NIL

1.3 Address By Invited Speakers

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

- 1 That Council receive the amended report on Invited Speakers.**
- 2 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**
- 3 That Council vary meeting practice to allow item 6.4, Notice of Motion – Council Calls to Support Local Nurses, to be considered following item 3.8, to enable Ms Michelle Cashman to speak on this item.**

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting held on 22 June 2011 and the Extraordinary Meeting held on 30 June 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

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

7.1 Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex

7.2 Commercial Agreements

7.3 Contract CPA/115479 – Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill – Status of Court Proceedings and Negotiations

2 That Council note its reasons for considering Items 7.1, 7.2 and 7.3 in confidential session are because items 7.1 and 7.2 contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and item 7.3 contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,.

3 That Council request the General Manager to report on these matters in open session of Council.

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

AGAINST: NIL

PROCEDURAL MOTION**SUSPENSION OF MEETING PRACTICE**

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

1 That Council allow meeting practice to be varied.

2 That Council separate item 2.2, Wyong Shire-wide Heritage Review, to allow for individual discussions relating Vales Point Power Station and Ruttleys Road Bulk Shed.

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

AGAINST: NIL

2.1 Adoption of Development Control Plan 2005, Chapter 14 - Tree Management

Councillor McBride left the meeting at 6.39pm and returned to the meeting at 7:36pm during consideration of this item.

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

- 1 That Council **adopt** revised Draft Development Control Plan 2005: Chapter 14 - Tree Management and **direct** the General Manager to provide appropriate public notice within 28 days that the draft Chapter will come into effect as Chapter 14 within DCP 2005 on 3 August, 2011.
- 2 That Council **direct** the General Manager to provide in the notice advice that the provisions of the adopted Chapter 14 will also be adopted as a Council Policy and will be applied to all new Applications from 3 August, 2011.
- 3 That Council **direct** the General Manager to forward a copy of DCP 2005 containing the amended Chapter 14 to the Director General of the NSW Department of Planning and Infrastructure within 28 days of the making of the Plan on 3 August, 2011.
- 4 That Council **direct** the General Manager to include a notation on Council's Section 149 Certificates as to the adoption of Chapter 14.
- 5 That Council **direct** the General Manager, as part of the review of the tree management provisions of the Wyong DCP 2005 in support of the Comprehensive LEP / DCP, to direct staff to **investigate** the following enhancements, with a view to presenting options to Council, subject to a briefing being held, by end August 2011:
 - A focus on resident safety and preservation of Assets.
 - An acknowledgement of the significance of perceived safety to residents; and
 - Options for streamlining approval procedures.
 - Disputes resolution procedure when there is conflicting advice from experts
 - Replanting of additional trees if trees are removed

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

AGAINST: NIL

PROCEDURAL MOTION**SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council **allow** meeting practice to be varied.

2 That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

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

That with the exception of report numbers 3.2, 3.3, 3.7, 6.1, 6.3, 6.5, 6.6, 6.7, 7.2 and 7.3 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council consider Item no 2.2 - Wyong Shire-wide Heritage Review in three separate parts

2..2.1 Vales Point Power Station**2.2.2 Ruttleys Road Bulk Shed****2.2.3 All other properties excluding Vales Point Power Station and Ruttleys Road Bulk Shed.**

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

AGAINST: NIL

2.2 Wyong Shire-wide Heritage Review

Ms Dawn Rutley, representing Warnervale Uniting Church, addressed the meeting at 5.30pm answered questions and retired at 5.37pm.

Ms Dianne Bell, owner of 54-56 Buff Point Avenue Buff Point, addressed the meeting at 5.44pm answered questions and retired at 5.45pm.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, which is the owner of one of the properties under discussion, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.57pm.

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

That Council adopt that part of the Wyong Shire-wide Heritage Review final report in relation to Vales Point Power Station, as amended via the schedule tabled at the meeting, and final recommendations with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.

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

AGAINST: NIL

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is the owner of Ruttleys Road Bulk Shed which is one of the properties under discussion, left the chamber at 5.57pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

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

That Council adopt that part of the Wyong Shire-wide Heritage Review final report in relation to Ruttleys Road Bulk Shed, as amended via the schedule tabled at the meeting, and final recommendations with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.

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

AGAINST: NIL

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

- 1** ***That Council adopt the Wyong Shire-wide Heritage Review final report as amended via the schedule tabled at the meeting, and final recommendations with the exception of Vales Point Power Station and Ruttleys Road Bulk Shed and with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.***
- 2** ***That Council defer the recommendation to establish conservation areas at South Tacoma and Wyong to enable a Councillor inspection.***
- 3** ***That Council incorporate the final recommendations into Wyong Local Environmental Plan, 2012 and Wyong Development Control Plan, 2012;***
- 4** ***That Council consider the funding of the works on Council assets proposed in the Wyong Shire-wide Heritage Review in conjunction with future budgets.***
- 5** ***That Council accept the NSW Heritage Branch grant offer for the Heritage Advisor Service subject to funding being identified in the 2011/2012 first quarter review of the Strategic Plan.***

6 That Council include the following properties on the proposed Heritage Items List:

- a Ferry Master's Cottage, The Entrance Road, The Entrance;**
- b Edith Ring Rest, overlooking The Entrance Baths, Ocean Parade, The Entrance**

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council allow item 3.1, Deferred Notice of Motion - Council Calls to Support Public Sector Workers, to be subsumed by item 6.4, Notice of Motion - Council Calls to Support Local Nurses.**

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

AGAINST: COUNCILLOR MCBRIDE

3.1 Deferred Notice of Motion - Council Calls to Support Public Sector Workers

This item was subsumed by item 6.4, Notice of Motion - Council Calls to Support Local Nurses.

3.2 Works on Private Land as Part of the Tuggerah lakes Estuary Management Plan

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

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:

- Lots 110 -112 DP 567333, 986 Ourimbah Creek Road, Palm Grove**
- Lot 27, 38, 65, 80 DP 755261, 227 Brush Creek Road, Cedar Brush Creek**

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

AGAINST: NIL

3.3 Wyong Shire Council Graffiti Management Strategy

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

- 1 That Council receive the report on a Wyong Shire Council's Graffiti Management Strategy.
- 2 That Council adopt the Graffiti Management Strategy.
- 3 That consideration is given to ongoing funding for Graffiti Management in future budget planning.
- 4 That Council congratulate the Northern Graffiti Forum for their contribution to developing successful graffiti management pilot programs that can be utilised across the Shire.

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

AGAINST: NIL

3.4 Draft Minutes - Gosford-Wyong Councils' Water Authority Board Meeting held on 16 June 2011

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

- 1 That Council receive the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 16 June 2011.
- 2 That Council adopt the recommendations included in the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 16 June 2011.
- 3 That Council recommend to the Central Coast Regional Organisation of Councils (CCROC):
 - a The dissolution of the Joint Water Authority on the 14 July 2011 followed by the Central Coast Water Corporation's (CCWC) inaugural Board meeting subject to the Director's appointment;
 - b The adoption of the Strategic Project Management Plan as the framework for the implementation of the CCWC; and
 - c That the Plan evolve over the life of the project as issues emerge and decisions are made under a 'best value' approach.
- 4 That Council endorse the preparation of an induction/information package for the CCWC Board of Directors.
- 5 That Council recommend to the CCROC:
 - a Remuneration for the external Director be \$30,000 per annum
 - b Remuneration for the external Chairperson be \$45,000 per annum
- 6 That Council endorse the following:
 - a That a \$10,000 (plus GST) sponsorship contribution be made towards the provision of the Central Coast Waterwatch Program for the 2011-12 financial year

- b** That the sponsorship be provided with a requirement that the recipient submit to the Board an annual report on expenditure and results.
- c** That the Recipient enter into a sponsorship agreement.

7 That Council request the Technical Advisory Group (TAG) provide a report on water restrictions given the recent rains and increase in water storages.

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

AGAINST: NIL

3.5 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$3,757 from the 2011-12 Councillors' Community Improvement Grants as follows:

1st Tumbi Scout Group (\$1,000) (\$500 already allocated)	To assist with purchase of two new tents	200
Bateau Bay Men's Shed Inc (\$1,700) (\$700 already allocated)	Contribution to materials / plants / tools for landscaping / improvements around gardens and carpark of Tuggerah Lakes Community Centre Inc including replacement of rusted fencing and repainting of lines for carparking spaces	200
Berkeley Vale Soccer Club (\$1,500) (\$1,000 already allocated)	To assist with costs of sporting equipment for juniro club members	200
GATS Committee, Northlakes High School (\$500)	Subsidise students for attendance at a Regional High Achievers Camp	200
Greek (Hellenic) Community of Central Coast Inc (\$2,750) (\$650 already allocated)	To assist with funding of works and upgrade of property grounds	250
Gwandalan and Summerland Point Active and Healthy Society (\$1,105)	Purchase of exercise equipment	1,007
Marine Rescue NSW - The Entrance (\$2,400)	To assist with purchase of radar for installation on CP007	250
North Lakes United Junior Rugby Union (\$2,500)	To assist with payment of affiliation fees and insurance for junior teams	250
The Entrance Cricket Club (\$2,000) (\$600 already allocated)	To assist with costs of training equipment and preparation of turf pitch	200
Wyong Drama Group	Assistance with costs associated with hosting Theatrefest - 24 - 26 June 2011	1,000

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

AGAINST: NIL

3.6 Delegates Report - 2011 National General Assembly of Local Government - Canberra

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

That Council receive the Delegates Report – 2011 National General Assembly of Local Government Canberra.

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

AGAINST: NIL

3.7 Ourimbah Enhanced Community, Education and Sporting Hub

Councillor Webster left the meeting at 8.11pm and returned to the meeting at 8.12pm during consideration of this item.

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

That Council receive and note the report on the Ourimbah Enhanced Community, Education and Sporting Hub.

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

AGAINST: NIL

PROCEDURAL MOTION**SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council allow items 3.8, Council's New Automated Parking Fine System, and 6.2, Notice of Motion - Council's New Automated Parking Fine System, to be considered in conjunction with each other.**

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

AGAINST: NIL

3.8 Council's New Automated Parking Fine System

Mr Wes Newman, representing The Entrance Chamber of Commerce, addressed the meeting at 5.58pm and retired at 6.12pm.

Councillor McNamara left the meeting at 6.26pm and Councillor McNamara returned to the meeting at 6.28pm during consideration of this item.

Councillor Vincent left the meeting at 6.36pm and returned to the meeting at 6.37pm during consideration of this item.

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

- 1 That Council receive the report on Council's New Automated Parking Fine System .**
- 2 That Council adopt a "grace period" of 5 minutes for all parking spaces that are fitted with in-ground sensors.**
- 3 That Council recognise the professional efforts of the frontline compliance officers ably led by Mr Jody Hinds, Chief Ranger.**
- 4 That Council support and endorse a thorough consultation and education process with the broader community and key stakeholder groups prior to the go live date of 1 October 2011.**
- 5 That Council display prominent and unique signage to announce the new system, including further signage highlighting Council's free Coral Street and Marine Parade car parks.**
- 6 That Council acknowledge that it does not support the concept of metered parking.**

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

AGAINST: NIL

4.1 Information Reports

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

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

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

AGAINST: NIL

4.2 Investments For May 2011

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

That Council receive the report on Investments For May 2011.

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

AGAINST: NIL

4.3 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - Control of Rabbits with the Shire

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

That Council note the recommendations of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - Control of Rabbits with the Shire being:

- 1 That Council receive the report on Responsibilities Regarding the Control of Rabbits within the Shire.***

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

AGAINST: NIL

4.4 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

4.5 Outstanding Questions without Notice and Notice of Motions

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

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

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

AGAINST: NIL

6.1 Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services

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

That Council lobby the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.

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

AGAINST: NIL

6.2 Notice of Motion - Council's New Automated Parking Fine System

Meeting practice was suspended to allow consideration of this item in conjunction with Item 3.8.

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

That Council adopt the recommendation in Item No 3.8.

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

AGAINST: NIL

6.3 Notice of Motion - Road Works on The Entrance Road Through Long Jetty and the Pacific Highway Through Wyong

Councillor Best left the meeting at 8.27pm and returned to the meeting at 8.28pm during consideration of this item.

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

- 1 *That Council formally approach the Minister for Roads and Ports and the Minister for Transport, seeking continuation of funding for the planning of the Central Coast Highway through Long Jetty in the 2011/12 State Budget, for it to go to the community consultation and determination of the ultimate road boundaries stage.***
- 2 *That Council formally approach the Minister for the Central Coast and Member for The Entrance seeking their support for Council's action in relation to Recommendation 1 above.***
- 3 *That Council formally approach the Minister for Roads and Ports, requesting that the work on the upgrading of the Pacific Highway through Wyong be expedited and that the RTA's preferred option be immediately exhibited for public comment.***

- 4 That Council formally approach the Minister for the Central Coast and Member for Wyong seeking their support for the Council's action in relation to Recommendation 3 above.**

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

AGAINST: NIL

6.4 Notice of Motion - Council Calls to Support Local Nurses

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSW Health Central Coast Local Health Division (CCLHD), left the chamber at 6.39pm, took no part in discussion, did not vote and returned to the chamber at 7.36pm.

Ms Michelle Cashman, a Registered Nurse, addressed the meeting at 6.41pm answered questions and retired at 7.01pm.

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

- 1 That Council note with concern the Industrial Relations Amendment (Public Sector Conditions of Employment Bill 2011), which is likely to severely and negatively impact Nurses and Nursing services to Central Coast residents, with the long term impact being the decline in quality and increase of costs for Nursing services to Central Coast residents.
- 2 That Council, in an advocacy role, support the Central Coast Nurses in their efforts to:
 - a Achieve pay rises in line with increases in the cost of living without slashing jobs and services.
 - b Have an independent arbitrator, such as the NSW Industrial Relations Commission, determine wages and working conditions.
- 3 That Council formally expresses its concern to the Premier, Minister for the Central Coast and all Local Members at the introduction of the legislation and the likely impacts to Nurses and the long term impacts to Nursing services on the Central Coast.
- 4 That Council establish a prominent website link to the Nurses campaign on Council's website homepage.
- 5 That Council applaud the outstanding contributions made by our local Nurses to the healthcare of the Central Coast community.

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

That Council support and applaud the outstanding contributions to our local community made by all hospital workers and acknowledge that they should be paid appropriately by their employer.

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

AGAINST: COUNCILLORS SYMINGTON AND VINCENT

The AMENDMENT was put to the VOTE and declared CARRIED.

The AMENDMENT became the MOTION.

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

That Council support and applaud the outstanding contributions to our local community made by all hospital workers and acknowledge that they should be paid appropriately by their employer.

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

AGAINST: COUNCILLORS SYMINGTON AND VINCENT

The MOTION was put to the VOTE and declared CARRIED.

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

That Wyong Shire's Code of Meeting Practice be amended to allow a Councillor to withdraw a Notice of Motion in writing at any time prior to said motion being put.

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

AGAINST: NIL

6.5 Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head

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

- 1 That Council acknowledge the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.**
- 2 That Council request the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.**
- 3 That Council request the report be prepared in partnership with the appropriate agencies and indigenous community.**
- 4 That, upon consideration of the requested report, the local land council be invited to address the Council meeting.**

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

AGAINST: COUNCILLOR SYMINGTON

6.6 Notice of Motion - Failure to Commence GP Superclinic

Mr Tony Sweetman, Project Manager of Warnervale GP Super Clinic, answered questions at 8.51pm and retired at 9.09pm.

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

- 1 That Council note with concern that despite the undertaking of the applicant to commence the Warnervale GP Super Clinic by "June 2011 end month" that this project has not commenced and is now some four years in the making.**
- 2 That Council request the General Manager to urgently report on the current status of this vital community medical facility. The report should include:**
 - a a chronological history of the initiative/application up until the most recent Section 96 DA Variation request by the applicant (lodged late June).**
 - b likely timelines for completion of all stages of the originally proposed Super Clinic.**
- 3 That Council acknowledge the efforts of staff in facilitating and fast-tracking the numerous applications to assist in delivering this complex.**
- 4 That Council acknowledge the initiatives and support of both State and Federal Governments in their endeavours to facilitate the GP Super Clinic.**

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

AGAINST: NIL

6.7 Notice of Motion - Council Calls to be Classified as a "Regional Area" to Access new \$7,000 Grant

RESOLVED on the motion of Councillor VINCENT and seconded by Councillor MCBRIDE:

That Council call on the NSW Government to classify Wyong Shire as a "Regional Area" to enable access to the \$7,000 Regional Relocation Grant that will boost economic activity in the local building industry. Wyong Shire needs a strong building industry that supports jobs. The new "Regional Relocation Grant", which came into effect on the 1 July 2011, now lists Wyong Shire as a Metropolitan area. Unless Wyong Shire is classified as a "Regional Area" new residents to the Shire will not be eligible for the Regional Relocation Grant. While Wyong Shire Council are determined to progress new development such as Warnervale and the Warnervale Town Centre, the new \$7,000 grant encourages people to bypass or move out of the area to place such as Lake Macquarie and Maitland.

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

AGAINST: COUNCILLOR BEST

QUESTIONS ON NOTICE

Q20/11 The Entrance Visitor Information Centre
Councillor Greg Best
F2004/12356

“ Mr Mayor,

I recently had the pleasure to inspect The Entrance Visitor Information Centre that collocates with Town Centre Management. I would like to take this opportunity, and I believe on behalf of my Council colleagues, to publicly recognise and extend our appreciation for the outstanding revitalisation that this facility has undergone under the current Management. The whole facility and its surrounding elements are representative of the professionalism that Council is aspiring to. Would you please pass on Council’s sincere appreciation of these organisations’ contribution.”

CONFIDENTIAL SESSION

The time being 9.35 pm Council moved into Confidential Session.

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

That Council move into Confidential Session with the members of the press and public excluded.

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

AGAINST: NIL

OPEN SESSION

At 9.58pm the Mayor declared that the meeting was back in Open Session.

The Mayor reported that the recommendations on the items considered in Confidential Session were carried.

The following resolutions are hereby made public in accordance with Regulation 253 of the Local Government (General) Regulation 2005:

Note: Explanation – Regulation 253 of the Local Government (General) Regulations 2005 states:

“253 Resolutions passed at closed meetings to be made public:

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.”

* Note Items below have been listed in order of discussion

7.1 Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex

- 1 *That Council, for the reasons set out in this report, decline to accept any of the tenders received.*
- 2 *That Council, for the reasons set out in this report, decline to invite fresh tenders.*
- 3 *That Council enter into negotiations with Playsafe Fencing Pty Ltd with a view of entering into a contract for the works.*

7.3 Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill - Status of Court Proceedings and Negotiations

- 1 *That Council note the report on Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill - Status of Court Proceedings and Negotiations.*
- 2 *That Council reject the “without prejudice” offer described on Page 9 of the report.*
- 3 *That Council endorse the making of a counter-offer to Neumanns by the General Manager to the following effect:*
 - a *that the 2007 SOP proceedings be resolved by the payment of the following to Council by Neumanns:*
 - (i) *a further sum of \$200,000; and*
 - (ii) *Council’s costs of the proceedings, as agreed or assessed.*
 - b *that the 2009 repudiation proceedings be resolved by the payment of \$350,000 to Neumanns by Council, with Council and Neumanns to bear their own costs of those proceedings.*
 - c *That upon payment of the sums in (a) and (b) above, Council and Neumanns release each other in respect to any matter arising from Contract CPA/115479. This resolution does not affect the ability to recover legal costs payable in respect to the 2007 SOP Proceedings or the 2008 Gravel Proceedings.*

7.2 Commercial Agreements

7.2.1 Town Centre Agreements for Wyong Regional Chamber of Commerce, Greater Toukley Vision and The Entrance Town Centre Management Corporation:

- a *That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.*
- b *That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.*

7.2.2 Business Enterprise Agreement:

- a That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.
- b That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.

7.2.3 Central Coast Tourism Inc Agreement:

- a That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.
- b That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.

7.2.4 Central Coast Mariners Football Club Agreement:

- a That Council endorse funding for the Central Coast Mariners generally as set out in report 7.2 under a formalised commercial agreement and authorise the General Manager to negotiate, complete and execute the proposed agreement.
- b That Council express its support and commitment for our only national and international sporting team representing our region but note its disappointment that Wyong Council's financial support is not reciprocated by Gosford City Council and that our regional team's ability to more fully represent our region is impaired accordingly and that this lack of regional perspective is unfortunately expressed in many other areas to the detriment of our region as a whole.
- c That, in view of the unanimous support of both Wyong and Gosford Councils to consider consolidation as expressed in the two Mayoral Minutes and in light of the CCROC's support for this process, mirrored by Wyong Council's continued support at its extraordinary meeting of 30 June 2011 and noting that the creation and roll out of the Central Coast Water Corporation will significantly further deteriorate Wyong Council's financial sustainability by some \$9m per annum, then Council formally advise Mr Page, the Minister for Local Government, that it proposes an amalgamation with Gosford City Council and this advice is given pursuant to S.218E of the Local Government Act.
- d That, given the significance of this decision, it be implemented immediately by the Mayor advising the Minister with all such supporting documentation as the Mayor believes appropriate but including all relevant Council resolutions.

The Mayor declared the meeting closed at 9.59pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2011/00027 - D02667280

AUTHOR: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

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

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

RECOMMENDATION

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

Item no 10.1 Contract Variations and Finalisation – June 2011

Item no 10.2 General Manager's Performance Appraisal

- 2 That Council note its reason for considering the above Items in confidential session are as follows:**

Item no 10.1 Contract Variations and Finalisation – June 2011 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Item no 10.2 General Manager's Performance Appraisal because it contains information relating to personnel matters concerning a particular individual.

- 3 That Council request the General Manager to report on this matter in open session of Council.**

Note: Explanation - Section 10A of the Local Government Act 1993 states, in part, as follows:

10A Which parts of a meeting can be closed to the public?

(1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

...(2) (a) personnel matters concerning particular individuals (other than Councillors),

(2) (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

2.1 Planning Disputes Mediation Committee Trial

TRIM REFERENCE: F2004/00040 - D02543419

AUTHOR/ DIRECTOR: Gina Vereker; Director Environment and Planning Services

SUMMARY

This report outlines a review undertaken of the implications of establishing a formal mediation committee of Council for Wyong Shire Council and recommends, that an Executive Mediation Panel be established.

RECOMMENDATION

- 1 That Council endorse the establishment of an Executive Mediation Panel consisting of the General Manager, Director Environment and Planning Services and Manager of Client Management for the purpose of dispute resolution in respect to significant planning matters.**
- 2 That Council note that an existing Procedure has been formulated by the Environment and Planning Services Department, and that Council Officers are formally accredited to conduct mediations.**
- 3 That Council acknowledge existing participation in two forms of assisted negotiation to assist the development process:**
 - pre-determination facilitation - between applicants, objectors;**
 - post-determination mediation - with applicants, and / or objectors, Council and applicants to enable appropriate development solutions and in an effort to avoid potentially costly legal proceedings.**
- 4 That Council endorse the amendment of the existing procedure to incorporate the Executive Panel and make the amended Procedure available on Council's Internet site.**

BACKGROUND

Council at its meeting held on 10 February 2010 resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Graham:

- "1 That Council recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.

2.1 Planning Disputes Mediation Committee Trial (contd)

2 That Council receive a report on the establishment of a Mediation process. The report should include the following:

- a A review of “best practice” mediation committees / mediation processes operating elsewhere.
- b A review of practices / procedures / committees operating in adjoining Councils.
- c *The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.”*

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

AGAINST: NIL

DEFINITION

Mediation is formal assisted negotiation between two parties to attempt to find mutually acceptable solutions. The mediator is an impartial facilitator who works with the parties to reduce adversity, clarify issues, explore alternatives and search for solutions. The mediator’s role is not to propose solutions or to give his or her opinion. However, it must be recognised that there is not always a solution to all issues and that not all matters are appropriate for mediation. This is especially the case where a statutory requirement influences the final outcome.

The mediator does not impose solutions and is completely impartial. The mediation process is arranged at a mutually convenient time, to provide an opportunity for the parties to meet and speak on equal terms and without prejudice. The process is completely confidential and is not made public without the written consent of the participants. Any agreement reached will be signed by the participants and subsequently will be enforceable by a Court of law.

OBJECTIVES AND BENEFITS OF FORMAL MEDIATION

All parties have considerable incentive to mediate issues and/or decisions in relation to development proposals, for example:

Applicants:

- Objections may cause considerable and costly delays in the assessment process;
- Objections may cause the application to be refused;
- The applicant is given the opportunity to explain aspects of the design and may suggest modifications to the proposal to overcome objection.

Objectors:

- The objection may have not been well communicated and may therefore not be sustained, leading to Council approval of the proposal;

- The objector has the opportunity to fully discuss concerns with the applicant; and
- The objector has the opportunity to seek concessions from the applicant which deal with the issues raised by the objector.

CURRENT POLICY AND PROCESS

The Environment and Planning Services Department has formulated a procedure for facilitation and mediation of development disputes. A number of Council staff have also undertaken appropriate training to become accredited mediators.

PROCEDURE

The Environment and Planning Services Department of Wyong Shire Council implemented a *Mediation Procedure –Facilitation and Mediation of Development Disputes* on 25 June 2008. See attached copy.

This Procedure explains the different concepts of negotiation, including the facilitation and mediation of disputes. It is designed and employed by staff:

1. To encourage the mediation of disputed issues in relation to development proposals;
2. To define and explain the facilitation and mediation processes;
3. To identify circumstances where each is appropriate;
4. To reduce costs associated with the development approval process; and
5. To provide an alternative to the NSW Land and Environment Court.

Generally, in the course of the assessment of a Development Application, a Council Development Assessment Officer will take carriage of attempting to resolve any issues which arise, to enable a timely determination at the lowest level of delegation permitted.

This involves the application of skills in communication, the identification of emerging issues, negotiation and the facilitation of a timely assessment process. It includes the clarification of information to both applicants and objectors, the communication of relevant issues to be addressed to the applicant, and the proposal of solutions to resolve potential conflicts. The officer will demonstrate these efforts through appropriate records. In some circumstances, notwithstanding the endeavours of the Council Assessing Officer, an impasse is reached.

In warranted circumstances, Council currently participates in two forms of formal assisted negotiation to assist the process:

- pre-determination *facilitation* - between applicants and objectors; and
- post-determination *mediation* - with dissatisfied applicants, and / or objectors

to enable sustainable development solutions and in an effort to avoid potentially costly legal proceedings.

The current Procedure is considered to contain “best practice” principles and processes. Council currently has 5 employees who are trained mediators, available to undertake the required mediation sessions.

THE PROPOSAL

To report on the establishment of a mediation process within Wyong Shire Council. This report reviews best practices operating within other Councils and recommends amendment of the current procedure formulated by the Environment and Planning Services Department to incorporate an Executive Mediation Panel. The Panel would consist of the General Manager, Director, Environment and Planning (or their delegates) and the Manager, Client Manager (who is a formally accredited mediator). The benefits of such a Panel would include:

- a level of independence and transparency noting that the members are unlikely to have had detailed involvement in any matter being mediated;
- the ability of the Manager, Client Management to undertake the formal independent mediator role; and
- the provision of the option of a more senior level of review which may further minimise Land and Environment Court action.

OPTIONS

- 1 Do Nothing;
- 2 Endorse the existing procedure;
- 3 Endorse the existing procedure with the addition of an Executive Mediation Panel
- 4 Establish a separate "mediation" standing Committee of Council.

Best Practice

Best practice involves the implementation of a mediation policy and procedure and the appointment of accredited mediators.

Practices and Policies in Other Councils

Newcastle City Council:

- No relevant Standing Committee.
- "Dispute Resolution Policy" – adopted 20 July 1999.

This Policy details Newcastle Council's Mediation Procedure in relation to all disputes rather than simply planning and development matters, including disputes involving Councillors, management or staff.

It essentially details the steps in a mediation process and defines principles, concepts and terms relating to dispute resolution, similar to Wyong Council's current Mediation Procedure. It is available on Newcastle Council's Internet site.

- "Public Voice Policy" – adopted 20 July 1999.

2.1 Planning Disputes Mediation Committee Trial (contd)

Enables the community to address Council Meetings for the exchange of information – not a decision-making forum. Decisions on matters raised are generally determined at a later meeting. Applications for Public Voice must be lodged within the public exhibition period for the proposal.

Three types of sessions for Public Voice are regularly convened;

- Leading issues sessions – for policy issues of high public importance
- Development sessions – for development related matters
- General sessions – for all other matters.

The Policy recognises that disputes concerning development matters are best resolved by mediation processes. Such processes are outlined in the related *Dispute Resolution Policy 1999*. However, provision is also made for parties to make an address to the Council concerning a development matter where:

- Mediation has been terminated without agreement
- One or more of the parties refuses to enter mediation
- The issues raised are of a general or policy nature.

Lake Macquarie City Council:

- No relevant Standing Committee.
- Public Access Policy – adopted 15 June 2010
- Complaint and Feedback Management Policy – adopted 26 November 2008.
- No Mediation Policy.

Gosford City Council:

- No relevant Standing Committee.
- Legal Services Policy – adopted 1st September 2009.

This Policy identifies that the General Manager is delegated the authority *“to instruct Solicitors to give advice, prosecute, compromise, settle, mediate, conciliate, arbitrate, make application to or seek an Order from any Court or tribunal, defend or resolve any issue or withdraw an instruction whether the matter is before a Court or not.”*

This is not a Mediation Policy as such as it relates to formal mediation before the Court. Our aim is to facilitate post-determination and pre-litigation mediation practices, thereby assisting Council to stay out of Court and minimising costs to the organisation.

GOVERNANCE

Comments from Council’s General Counsel

There are substantial problems having a standing committee of Councillors who "mediate" DAs and related matters. The main problem is that the councillors who participate in the "mediation" express opinions, and if ultimately a DA is determined by a body of councillors that include a councillor who has mediated issues arising from that DA there is a real risk that a person could seek to invalidate the determination of the body of councillors on the basis that there was a "reasonable apprehension of bias" by the mediating councillor.

2.1 Planning Disputes Mediation Committee Trial (contd)

The only way to avoid that potential is for councillors to have no role in the mediation process or to ensure that those councillors who "mediate" a DA issue take no part in the determining that DA. This may create difficulties with quorum *etc.* and internal dynamics within Council. Further, those councillors who have been involved in "mediation" will or are likely to have information about the DA that other non-mediating councillors would not have, and so may be able to exert greater influence through perceived greater knowledge.

There is nothing to suggest the existing policy is not working. Other than the Section 94E contributions cap lead litigation Council has very low levels of planning litigation, and most of the newer litigation that has occurred since Sept 2010 have settled at or just after a Section 34 (mediation) conference.

LEGISLATIVE REQUIREMENTS

Excluding Land and Environment Court matters, there is no legislative requirement for mediation at local government level.

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	Nil Impact	Nil impact
A More Sustainable Economy	Nil Impact	Nil Impact
A More Sustainable Environment	Nil Impact	Nil Impact
Infrastructure	Nil Impact	Nil Impact
Organisation	Community Involvement Fiscal Responsibility	Nil Impact

Contribution of Proposal to the Principal Activity

Utilisation of the mediation of disputes procedure formulated by the Environment and Planning Services Department incorporating the addition of an Executive Mediation Panel, will increase the involvement of the community affected by a particular development and has the potential to significantly reduce Council's legal costs.

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.	Nil Impact

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
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.	Nil Impact
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil Impact
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.	Nil Impact
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil Impact

Financial Implications

Refer to "Contribution of Proposal to the Principle Activity above.

Principles of Sustainability

Nil Impact

CONSULTATION

Nil Impact

CORPORATE RISKS

The risk of not having a procedure in place to mediate and resolve development disputes (as appropriate) is two (2) fold, namely,

- 1 potentially disenfranchised community;
- 2 increase in legal costs.

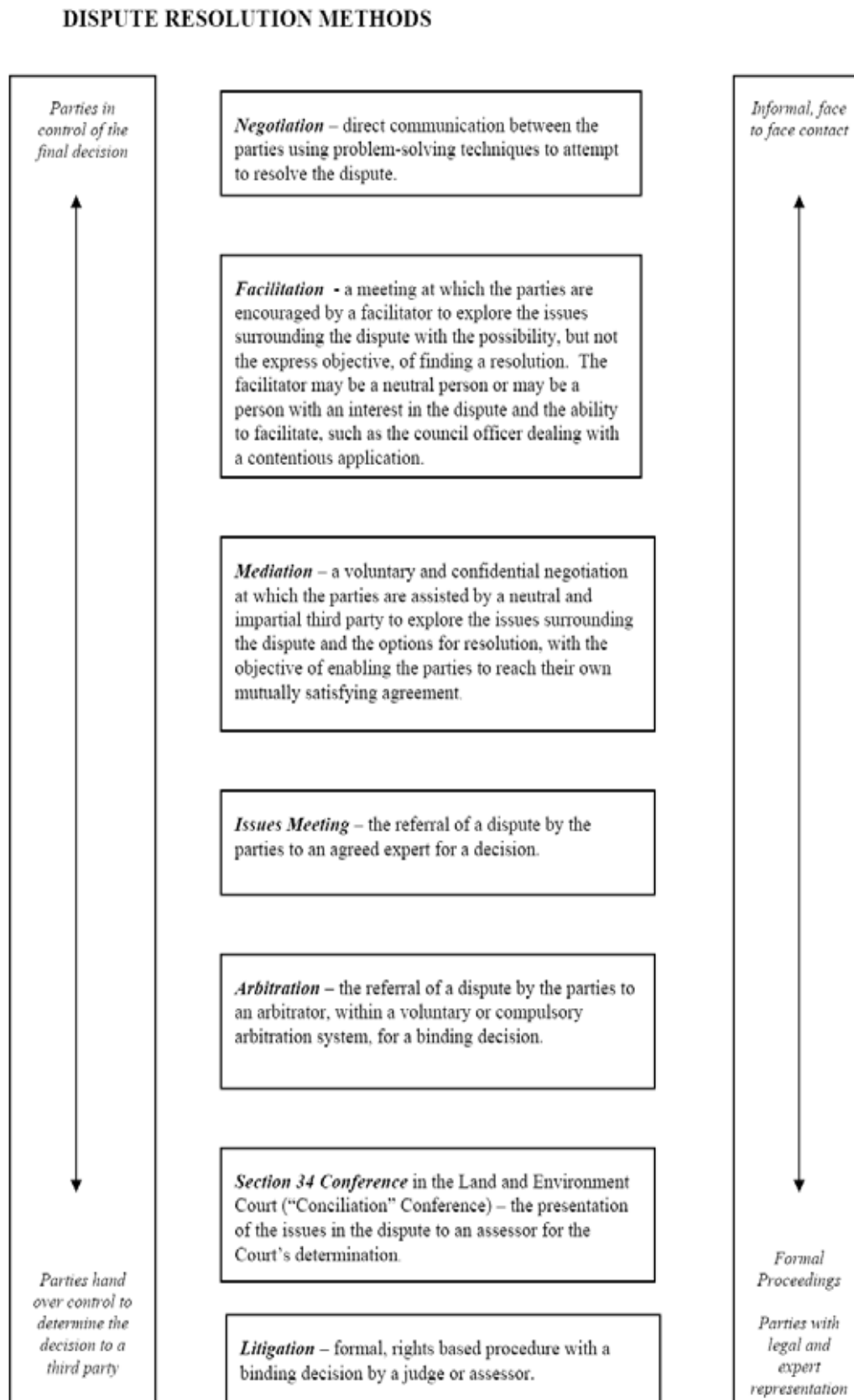
CONCLUSION

The Environment and Planning Services Department has an existing procedure in place whereby development disputes, whether between Council and an applicant, an applicant and objector or all three can be mediated on a case by case basis. Council staff have also been trained as accredited mediators (at a cost to the organisation). The current procedure is relatively new and needs time to be tested (including making the procedure and opportunity known to developers, objectors and the like). A formal Planning Disputes Mediation Committee of Council is not considered appropriate however, the option of the establishment of an Executive Mediation Panel will enable significant planning disputes to be mediated at an appropriate level and is therefore recommended for endorsement.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Dispute Resolution Methods | D02611642 |
| 2 | Procedure for Facilitation and Mediation of Development Disputes | D02611644 |

Figure 1



**SHIRE PLANNING DEPARTMENT PROCEDURE –
FACILITATION AND MEDIATION OF DEVELOPMENT DISPUTES**

Department:	Shire Planning
Unit:	Legal and Policy Unit
Review Details:	New Procedure
Responsible Officer:	Peter Kavanagh
Last Revised: 25 June 2008	

OBJECTIVES

1. To encourage the mediation of disputed issues in relation to development proposals;
2. To define and explain the facilitation and mediation processes;
3. To identify circumstances where each is appropriate;
4. To reduce costs associated with the development approval process; and
5. To provide an alternative to the NSW Land and Environment Court.

PREAMBLE

The development application process:

Generally, in the course of the assessment of a Development Application, a Council Development Assessment Officer will take carriage of attempting to resolve any issues which arise, to enable a timely determination at the lowest level of delegation permitted.

This involves the application of skills in communication, the identification of emerging issues, negotiation and the facilitation of a timely assessment process. It includes the clarification of information to both applicants and objectors, the communication of relevant issues to be addressed to the applicant, and the proposal of solutions to resolve potential conflicts. The officer will demonstrate these efforts through appropriate records.

In warranted circumstances, Council will participate in two forms of formal assisted negotiation to assist the process:

- pre-determination *facilitation* - between applicants and objectors; and
- post-determination *mediation* - with dissatisfied applicants, and / or objectors

to enable environmentally appropriate development solutions and in an effort to avoid potentially costly legal proceedings.

PROCEDURE

1. What is Facilitation?

In some circumstances Council (the Facilitation Panel) may initiate a formal Facilitation Meeting, prior to Council's determination of the application. This meeting is held between Council, the applicant and objector(s), where Council is of the view that:

- There is a significant level of conflict over an application; or
- There is conflict regarding issues related to a significant application; and
- The understanding of the parties can be improved via the process; and
- A solution to the issue(s) raised may be able to be achieved.

Where a significant application is to go before Council for decision, either due to:

- A Councillor's request that the matter be considered by the full Council and it is likely that the application will be refused; or
- The application is to be recommended by staff for refusal;

The Facilitation Panel will review whether a formal Facilitation Meeting is appropriate to attempt to resolve the issues, if such has not already occurred.

The Facilitation Panel comprises staff from Council's Shire Planning Department:

- The Development Assessment Unit Manager;
- The Legal and Policy Unit Manager;
- The Assessing Officer; and
- A selected staff member who is a trained Mediator*.

*The Mediator selected will have had no prior involvement with the matter and no actual or perceived 'conflict of interest'.

The Facilitation Meeting

- The Facilitation Meeting is held at the Council's Administration Office at a mutually convenient time, to provide an opportunity for all parties to meet and speak on equal terms and without prejudice.
- The Facilitation Meeting is not designed to reach a particular decision or recommend a particular outcome. It is intended to clarify information, issues and views, to allow discussions, to suggest solutions and to promote agreements facilitating recommended changes.
- Any agreement reached is put into writing and signed by the parties, at the meeting. Copies are retained by Council and the parties.
- Council will make a decision on the application having regard to the agreement reached. The Facilitation Meeting does not have the necessary delegations to make a particular decision, however, will make a recommendation on the basis of any agreement reached.
- Council will also have regard for related legislation and Council Policies.

The Facilitation Meeting would be attended by:

- Council's trained Mediator (conducts meeting);
- Council's Assessing Officer (advisory role);
- Council's Administration Support Officer;
- The Applicant and any relevant Consultants; and
- The Objector(s).

Council will seek to ensure that the number of persons attending is not excessive and are appropriately balanced between the applicant and objectors. The attendance of legal counsel is not permitted.

2. What is Mediation?

Mediation is formal assisted negotiation between two parties to attempt to find mutually acceptable solutions. The mediator is an impartial facilitator who works with the parties to reduce adversity, clarify issues, explore alternatives and search for solutions. However, it must be recognised that there is not always a solution to all issues and that not all matters are appropriate for mediation. This is especially the case where a statutory requirement influences the final outcome.

The mediator does not impose solutions and is completely impartial. The mediation process is arranged at a mutually convenient time, to provide an opportunity for the parties to meet and speak on equal terms and without prejudice. The process is completely confidential and is not made public without the written consent of the participants. Any agreement reached will be signed by the participants and subsequently will be enforceable by a Court of law.

Why Mediate?

All parties have considerable incentive to mediate issues and/or decisions in relation to development proposals, for example:

Applicants:

- Objections may cause considerable and costly delays in the assessment process;
- Objections may cause the application to be refused;
- The applicant is given the opportunity to explain aspects of the design and may suggest modifications to the proposal to overcome objection.

Objectors:

- The objection may have not been well communicated and may therefore not be sustained, leading to Council approval of the proposal;
- The objector has the opportunity to fully discuss concerns with the applicant; and
- The objector has the opportunity to seek concessions from the applicant which deal with the issues raised by the objector.

Council will not mediate where a Development Application has been refused due to lack of appropriate information submitted or where a concurrence authority has failed to provide 'General Terms of Approval'.

Initiating the Mediation Process:

An applicant or the objector(s) to a development proposal may initiate the mediation process by contacting Council's Development Assessment Unit Manager, who will determine whether a mediation is appropriate, based on the criteria set out below. Council may also invite the applicant and objector(s) to mediate. The service is provided at no cost to the applicant or the objector(s).

Criteria:

- All Class 1 Appeals to the Land and Environment Court will be reviewed in consultation with the Manager, Planning Legal and Policy Unit, to determine if the matter is appropriate for Mediation;
- Other avenues to settle the disputed issues, including negotiation and the facilitation of information exchange with the applicant and objector(s), have been exhausted;
- Council is of the view that a solution to the issue raised may be able to be achieved; and
- The applicant has vacated any hearing dates before the Court, or a minimum of six (6) weeks is available for the mediation to be completed before the hearing.

Preparation:

- Attendees should come prepared with a short statement of their issues, clearly understanding their concerns and preferred solutions.
- Where there are several objectors, a maximum of two (2) representatives should be chosen to attend and communicate the concerns collectively.
- Parties should inform Council as soon as is practicable if they are to be accompanied by an advisor, so that the other parties may be similarly advised.
- Legal representatives are not permitted at the mediation as their presence tends to defeat the open and frank discussions which are a core purpose of mediation.

The Mediation Process:

- The "without prejudice" Mediation Meeting must be attended by persons with authority to discuss and settle the issues.
- The Mediation Meeting would normally be attended by:
 - Council's trained Mediator (conducts meeting);
 - Council's Assessing Officer (advisory role);
 - The Applicant;
 - The Objector(s); and
 - The previously identified and authorised advisors.
- The Council mediators are independent and have no vested interest in the outcome of the mediation.
- Each party sets out their concerns in a joint meeting with the mediator. The mediator will then meet with the parties separately in private sessions and then bring them together and attempt to facilitate an agreement in full or in part.
- The process is entirely confidential. No record or transcript of the process is kept by

Council or the mediator.

- Any offer made, or views expressed, during the course of the mediation cannot be used in any subsequent proceedings.
- The mediation may be terminated at any time by either party or by the mediator.
- Any agreement reached is put into writing and signed by the parties, at the meeting. Copies are retained by Council and the mediating parties.
- Council will make a decision on whether to invite an application to modify the development consent (s.96, EP&AAct, 1979), or to proceed to defend an Appeal before the NSW Land and Environment Court, having regard to any agreement reached during the mediation. Council will also have regard for related legislation and Council Policies.

3.1 Arbitration for access arrangement on Council land for Mandalong South Exploration Drilling Program

TRIM REFERENCE: F2004/07086 - D02637910

AUTHOR: Paul Forster; Services Coordinator Property Administration

MANAGER: Greg Ashe, Manager Economic & Property Development

SUMMARY

Report on proposed arbitration for access arrangement on Council land for Mandalong South Exploration Drilling Program.

RECOMMENDATION

- 1 That Council authorise the General Manager or his delegate to negotiate an appropriate outcome of the dispute at the scheduled arbitration with Centennial Coal in respect of its planned coal exploration drilling activities.**
- 2 That Council require that such an outcome must protect the integrity of the Buttonderry Waste Facility and not unreasonably restrict or impact on potential future uses of that facility.**
- 3 That Council note the properties concerned are Lot 5 DP 755271 Buttonderry Waste Management Facility and Lot 9 DP 262720 Buangi Rd Durren Durren owned by Council.**

BACKGROUND

Centennial Mandalong Pty Limited has sought approval from Wyong Shire Council to access Council land to undertake planned coal exploration drilling activities.

Two Council-owned sites that are impacted:

- Lot 5 DP 755271 Buttonderry Waste Management Facility
- Lot 9 DP 262720 Buangi Rd Durren Durren

On 23 March 2011 Council considered a further report 3.2 Notice to obtain access arrangement on Council land for Mandalong South Exploration Drilling Program (a copy of which is included as an enclosure) and resolved on the motion of Councillor Best seconded by Councillor Wynn as follows:

- "1 That Council defer the decision for Centennial Mandalong Pty to obtain an access arrangement in respect of Council land for the Mandalong South exploration drilling program until after 26 March 2011 State Election.**
- 2 That Council staff then contact the new Minister for Mineral Resources plus the Member for Wyong and Lake Macquarie to inform them of Council's view.**

3.1 Arbitration for access arrangement on Council land for Mandalong South Exploration Drilling Program (contd)

- 3 That Council reject the negotiation and execution of agreement with Centennial Coal for access to Council land for the Mandalong South Exploration Drilling Program.
- 4 That Council request that the Buttonderry Waste Management Facility site be excised from the exploration program by Centennial Coal in the event of any exploration being executed on Council land.
- 5 That Council consider that the Buttonderry Waste Management Facility is a significant improvement for the purpose of Section 31 of the Mining Act 1992.
- 6 That Council request the Director of Environment and Planning obtain the Centennial Mandalong Pty environmental impact Study for the Mandalong South Exploration program and submit a report to Council for consideration.

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

AGAINST: NIL”

Letters to the Minister for Primary Industries, and the Members for Wyong and Lake Macquarie were despatched in April 2011. A response was received from the Member for Lake Macquarie and a copy is included as Attachment 1.

Council formally requested that Buttonderry Waste Management Facility be excised from the exploration program as it is considered a significant improvement under Section 41 of the Mining Act 1992.

Centennial Coal responded;

“Regarding the Buttonderry Waste Management Facility, Centennial proposes to locate the drill holes outside of areas where lined cells already exist SO as not to damage the integrity of the seal. The exploration holes are nominally 100mm in diameter and fully sealed with cement upon completion of drilling. Centennial does not believe that this poses a risk to the future expansion of the facility.

Centennial relies on the exploration drilling data to undertake detailed subsidence assessments, which helps in determining a final mine design layout. The Buttonderry Waste Management Facility can then be assessed as to whether it will be undermined in the future or not”

The Director of Environment and Planning has considered and commented on the Review of Environmental Factors (REF) for the Mandalong South Exploration Program (Refer to Attachment 1).

The Director concluded that there were three (3) environmental aspects considered necessary for priority management. These were:

- Aboriginal and European Heritage;
- Ecology; and
- Noise

3.1 Arbitration for access arrangement on Council land for Mandalong South Exploration Drilling Program (contd)

The REF indicates that no consultation was undertaken through the preparation of the REF, although a Stakeholder Engagement Plan has been developed, which would be implemented during the exploration drilling program. The DPI is not required to consult with Council as part of its assessment.

Council have recognised the potential risks involved with drilling within the vicinity of the Buttonderry Waste Management Facility and more specifically within a sediment pond. In addition to this, there are potential implications resulting from exploratory drilling. Detail is included in Attachment 1.

Further, to Council's decision (on 23 March 2011), a notice under Section 143(1) of the Mining Act 1992 requesting Council agree to the appointment of an arbitrator was issued to Council by Centennial Coal on 24 May 2011.

Mr Angus Talbot (former retired judge of the NSW Land and Environment Court) has been appointed and arbitration is scheduled to occur during the week ending 4th August 2011

It is recommended that the following matters need to be negotiated at Arbitration with the Applicant:

Aboriginal and European Heritage -

- Agreement that one site has been recognised as having Aboriginal Heritage significance on Council land at Durren Durren (Lot 9 DP 262720),
- The REF states that it is Centennial's preference to move a proposed drill location if an archaeological site is at risk of impact.

Ecology

- Where drilling is proposed within an EEC, a 7 Part Test is to be conducted. If significant impact was likely, then drilling should **not** proceed at that location.
- Constraints and Recommendations included in the REF should be addressed in more detail. For example, the likely presence of Large Forest Owls was identified as a constraint for hollow bearing trees, although hollows are likely to provide habitat for a wide range of threatened fauna species.
- The recommendations for preservation of hollow bearing trees/large forest owls are not precise, stating that ' a suitable buffer should be applied', although there is no discussion in relation to what a suitable buffer would be. An appropriate buffer needs to be determined.
- It would have been beneficial for the recommendations to clearly identify that a seven-part test needs to be applied to all locations where a threatened species are likely to occur and that surveys be undertaken in accordance with the Office of Environment and Heritage and Wyong Shire Council's Flora and Fauna Survey Guidelines.

In regard to Noise

- From the information provided within the REF, it appears that drilling within the Wyong LGA would fall within two identified noise acceptability zones. However, as previously noted in the report, the borehole locations in the REF do not necessarily reflect the borehole locations provided to Council in correspondence from Centennial Coal, dated 22 October 2010 and therefore further assessment of potential noise impacts should be undertaken prior to drilling.

In regard to Lot 9 DP 262720, Durren Durren

- In regard to vehicular access to the site, the fire trail is in need of upgrading to assist in the necessary large scale hazard reduction burn.
- The cost of upgrading the fire trail is estimated at approximately \$43,000. Should discussions be held with Centennial Coal in terms of granting access, there may be an opportunity to negotiate funding to assist in improving access to the site via the fire trail. This could have a beneficial outcome for both Council and Centennial Coal. An opportunity to discuss options for upgrading the fire trail should be pursued at the Arbitration.

THE PROPOSAL

It is proposed that the General Manager be authorised to negotiate on behalf of Council at the arbitration an appropriate outcome of the dispute with Centennial Coal at the scheduled arbitration, such an outcome to protect the integrity of the Buttonderry Waste Facility and not unreasonably impact on potential future uses of that facility

OPTIONS

Option 1 – Authorise the General Manager to negotiate on behalf of Council at the arbitration scheduled for the week ending 4th August 2011.

Option 2 – Abandon the arbitration and authorise the General Manager to negotiate and execute an agreement.

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 long wall 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 represents income to WSC of, circa \$10,000.

CONSULTATION

The General Manager, General Counsel, Manager Economic & Property Development and Property Services Coordinator met with representatives of Centennial Mandalong Pty Limited in June 2011 to discuss the Notice under Section 143(1) of the Mining Act and the process of arbitration.

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 long wall 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.

CONCLUSION

The issue of access to Council land for the Mandalong South Exploration Drilling Program is proceeding to formal arbitration.

Wyong Shire Council needs to provide the General Manager the authority to negotiate and reach agreement to ensure the WSC case is put correctly and robustly in the arbitration.

The Arbitrators decision is binding.

ATTACHMENTS

- 1 Review of Environmental Factors - Mandalong South Exploration Project D02668728

REVIEW OF ENVIRONMENTAL FACTORS - MANDALONG SOUTH EXPLORATION PROJECT

Approval Process

The Department of Primary Industries – Mineral Resources (DPI) is responsible for the granting or renewal of exploration licences, assessment leases and mining leases. As part of this role, DPI has a statutory responsibility under Section 111 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the environmental impacts of activities within titles issued under the *Mining Act 1992* if such activities have not already been approved under Part 3A or Part 4 of the EP&A Act. To assess these impacts, DPI requires the titleholder to prepare a Review of Environmental Factors (REF).

An REF is a document used by approval authorities to make an environmental assessment under Part 5 of the EP&A Act. In terms of mining approvals, it is prepared by the titleholder of a mining activity and provides a means whereby the titleholder considers the potential environmental impacts of a proposed activity, and develops measures to ensure the works avoid or minimise environmental impacts if the activity is carried out. If the activity is likely to have a significant impact on the environment, then an Environmental Impact Statement (EIS) is required. If the activity is likely to significantly affect threatened species, populations, ecological communities, or critical habitat, then a Species Impact Statement (SIS) is required.

The DPI are required to make a determination of whether the activity should be approved, taking into account to the fullest extent possible, all matters likely to affect the environment. The REF for the Mandalong South Exploration Project was prepared in October 2009 by Centennial Coal and was approved in December 2009 by the DPI. An EIS or SIS was not required.

Proposed Activity

The aim of the exploration program is to provide additional information for a feasibility study of the area for the continued long wall mining for the existing Mandalong Mine. The surface exploration boreholes would enable additional information to be obtained in relation to:

- Seam thickness, coal quality and structure;
- Mechanical properties of roof and floor lithologies and overburden to allow completion of geotechnical evaluations for long wall and bord and pillar extraction of the coal resource;
- The location of faults and dykes to facilitate mine layout;
- The extent of a known igneous sill;
- The location of the coal seam split; and
- Provide a means to complete borehole to borehole resistivity surveys.

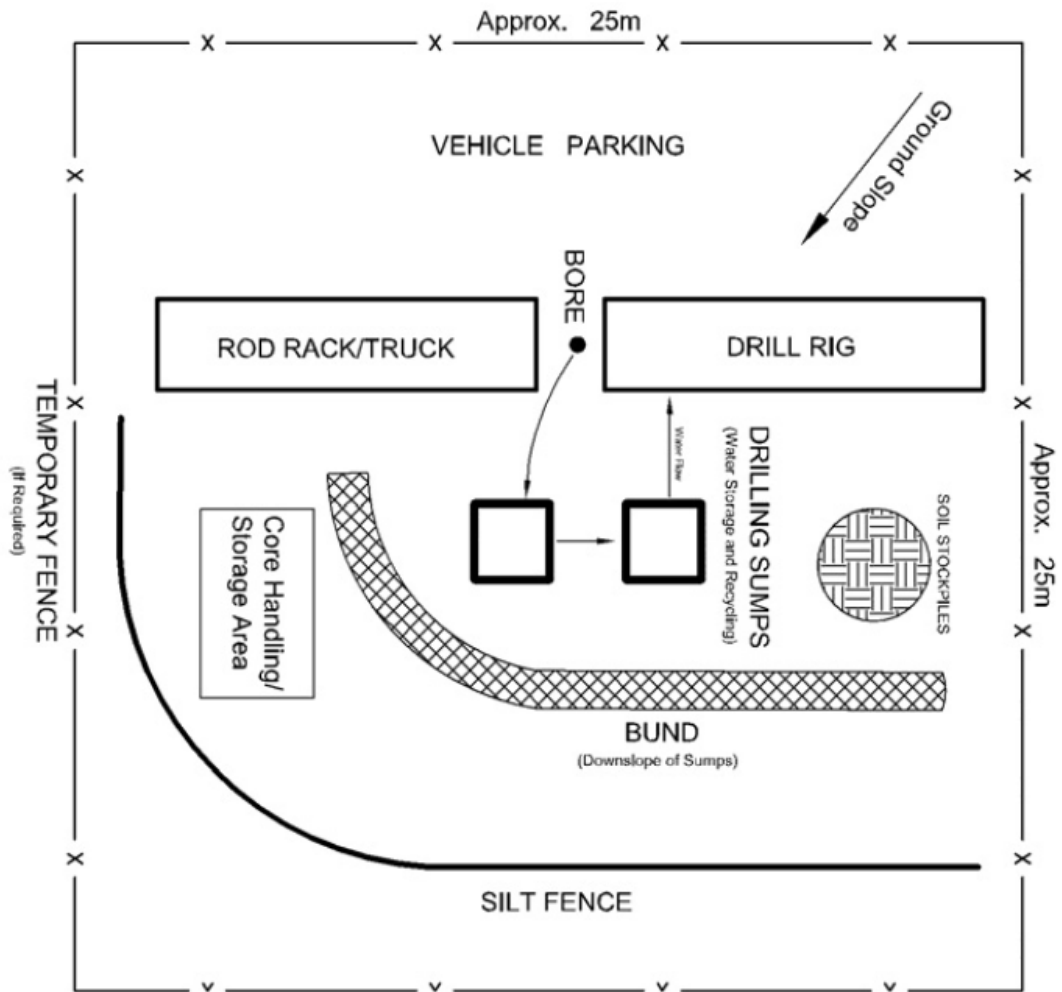
The proposed exploration drilling consists of approximately fifty (50) boreholes. Key equipment used in the project includes drill rigs, support trucks, light vehicles and an air compressor. Site and access preparation would typically require the use of an excavator.

Standard exploration drilling operating hours are between 7 am and 6 pm, Monday to Friday. If and when required, incidental works may also be carried out on Saturday mornings between 8 am – 1 pm. The anticipated duration of drilling at each drill site is approximately two to three weeks depending on borehole depth and site conditions encountered.

Indicative borehole locations shown within the REF identifies seven (7) borehole sites within the Wyong Local Government Area (LGA). However, more recent correspondence from Centennial Coal identifies a total of nine (9) proposed boreholes within the Wyong LGA, including five (5) boreholes on Council owned land. It appears as if the location of the boreholes has been altered since the preparation of the REF in 2009.

Some surface clearance is likely to be required to establish drilling sites and for the clearing and maintenance of access tracks to reach drilling locations in cases where access does not

already exist. The drilling footprint at each exploration hole would require a disturbance area of approximately 25m x 25m. The general layout of a typical drill site is shown below.



Drilling activities require the construction of sumps to collect drill cuttings and to control and recycle drilling fluids down the borehole. One or two sumps, approximately 2m x 2m x 2m in dimension, would be excavated at each drill site. Topsoil would be removed and stockpiled separately. The remaining material excavated from the sumps would be used to construct a bund adjacent to, and down slope from the sumps to control any excess drilling water. Silt fencing would be installed along the down slope perimeter of the drill site as a further control for any surface water runoff from the site. A temporary security fence would be placed around the drill site if required. Water for the drilling process would be sourced from Centennial's nearby Mandalong Mine or from landowners by agreement, and pumped or transported by water truck to the drill site as required.

After completion of the geophysical logging, each borehole would either be fully backfilled with cement grout or be converted to a piezometer for ongoing groundwater monitoring purposes. The borehole locations would be accurately surveyed, rehabilitated and photographed prior to drilling, during drilling, and following rehabilitation.

Environmental Assessment

The Environmental Risk Assessment in the REF considered the following aspects:

- Air
- Soils and Geology
- Surface and Groundwater
- Chemical and Hazardous Substance
- Contaminated Land
- Noise and Vibration
- Heritage
- Flora and Fauna
- Waste Minimisation and Management
- Natural Resource use
- Impact on the community
- Visual amenity
- Land Use
- Cumulative Environmental Impacts

It was concluded that there were three (3) environmental aspects considered necessary for priority management. These were:

- Aboriginal and European Heritage;
- Ecology; and
- Noise

Aboriginal and European Heritage

The Aboriginal Heritage Assessment Report encompassed an archaeological risk based approach to the proposed drilling program. The whole exploration area was examined to provide information as to the possible constraints encountered in the specific placement of the drill locations. The REF states that it is Centennial's preference to move a proposed drill location if an archaeological site is at risk of impact.

A search of registered Aboriginal sites was undertaken using the National Parks and Wildlife Service AHIMS database. This identified eighteen (18) registered sites within the exploration area. Of these, it appears as if one (1) site is located within the Wyong LGA. The site is located on Council owned land at Durren Durren (Lot 9 DP 262720), which is land identified for drilling. Mitigation measures are included in the REF in relation to the protection of Aboriginal sites. Correspondence received from Centennial Coal since the preparation and approval of the REF indicates that further archaeological investigations have commenced within the Exploration Licence area.

The REF did not identify any items of European heritage that would be affected by the proposed drilling.

Ecology

The subject area is known to support five (5) Endangered Ecological Communities (EEC); ten (10) threatened flora species are known to or are likely to occur; and a total of thirty nine (39) threatened fauna species were either recorded or known to occur in the subject area.

Flora constraints and recommendations were provided within the REF. In particular, eight (8) flora constraints across the subject area were identified, which included *Angophora inopina*, *Cryptostylus hunteriana*, *Grevillea parviflora subsp parviflora*, *Melaleuca biconvexa*, *Maundia triglochoides*, *Rutidosis heterogama*, *Syzygium paniculatum* and *Tetratheca juncea*. For all of these species, recommended actions included targeted survey for both the drill and access disturbance sites. Other constraints that were identified included habitat hollows and it was recommended that all trees within a 50m radius of a potential drill site be surveyed for potential breeding of large forest owls.

Endangered Communities were identified as other potential constraints. It was recommended that where drilling is proposed within an EEC that a 7-part test be conducted. If significant impact was likely, then drilling should not proceed at that location.

The Exploration Licence (17 March 2005) also identifies operations in relation to threatened species, populations, ecological communities and their habitats, trees and vegetation, erosion and sediment controls and rehabilitation of land (Sections 13, 15, 18 and 27).

While Council does not have a role in assessing or determining the REF, it would have been preferable for the constraints and recommendations included in the REF to be addressed in more detail. For example, only one species, being Large Forest Owls, was identified as a constraint for hollow bearing trees, although hollows are likely to provide habitat for a wide range of threatened fauna species.

The recommendations for hollow bearing trees/large forest owls are not precise, stating that 'a suitable buffer should be applied', although there is no discussion in relation to what a suitable buffer would be. In addition, it would have been beneficial for the recommendations to clearly identify that seven-part tests need to be applied to all locations where a threatened species is likely to occur and that surveys be undertaken in accordance with the Office of Environment and Heritage and Wyong Shire Council's Flora and Fauna Survey Guidelines.

Correspondence received from Centennial Coal since the preparation and approval of the REF indicates that further ecological investigations have commenced within the Exploration Licence area.

Noise

Global Acoustics were engaged by Centennial to undertake an area-based noise assessment for the proposed exploration drilling programme within the exploration area. The noise assessment has been undertaken by employing an area-based approach. Noise acceptability zones have been determined where:

1. Drilling can occur with no controls required;
2. Drilling can proceed after applying all feasible and reasonable ways to reduce noise and provision of required information to potentially noise affected receptors; and
3. Drilling can only occur after consulting potentially affected nearby receptors and the relevant regulatory authority and reaching agreement with the relevant parties regarding noise limits.

From the information provided within the REF, it appears as though drilling within the Wyong LGA would fall into categories 1 or 2. However, as previously noted in the report, the borehole locations in the REF do not necessarily reflect the borehole locations provided to Council in correspondence from Centennial Coal, dated 22 October 2010 and therefore further assessment of potential noise impacts should be undertaken prior to drilling.

Consultation

The REF indicates that no consultation was undertaken through the preparation of the REF, although a Stakeholder Engagement Plan has been developed, which would be implemented during the exploration drilling program. The DPI is not required to consult with Council as part of its assessment.

Council Land

The previous resolutions of Council have recognised the potential risks involved with drilling within the vicinity of the Buttonderry Waste Management Facility and more specifically within a sediment pond. In addition to this, there are potential implications resulting from exploratory drilling within Lot 9 DP 262720 at Durren Durren as discussed below.

Lot 9 DP 262720, Durren Durren

This property was dedicated to Council as Public Reserve from the subdivision of Portion 65 Parish Wyong and is classified by Council as Community Land. The Plan of Management No 10 – Natural Areas applies and while the Plan does not specifically preclude exploratory drilling; it does seek to minimise the impact on the area. The property remains largely untouched, with the exception of the clearing of a 60 metre wide transmission line easement and a fire trail, which is in poor condition and has limited functionality.

The site has a high conservation value and also contains a registered Aboriginal Site, which is described as a 'shelter with art'. Any agreement for access should be subject to the drill site being located away from any known Aboriginal Sites and located to minimise any need for clearing (e.g. adjacent to existing fire trails).

In terms of vehicular access to the site, the Environment and Planning Services Department is currently preparing to add this site to the fire trail register. The property is a substantial bush fire hazard to the adjoining rural subdivision at Buangi Road and is identified in the Bushfire Management Plan as 1B Extreme Risk (Asset 16). The fire trail is in need of upgrading to assist in the necessary large scale hazard reduction burn.

The cost of upgrading the fire trail is estimated at approximately \$43,000. Should discussions be held with Centennial Coal in terms of granting access, there may be an opportunity to negotiate funding to assist in improving access to the site via the fire trail. This could have a beneficial outcome for both Council and Centennial Coal. In this regard, it is noted that Council has received a request from Centennial Coal to appoint an Arbitrator to resolve the matter and this may be an opportunity to discuss options for upgrading the fire trail.

3.2 Lease of Public Road for Vodafone Telecommunications Facility at Wyong Road, Glenning Valley

TRIM REFERENCE: F2011/00738 - D02652248

AUTHOR: Julie Tattersall; Property Administration Officer

MANAGER: Greg Ashe, Manager Economic and Property Development

SUMMARY

Vodafone Network Pty Limited (Vodafone), has requested that Council, as the land owner, endorse a development application to construct a mobile telecommunications monopole and associated equipment shed.

To accommodate any approval that may be granted to erect the telecommunications facility, Vodafone has requested a lease of Council land.

RECOMMENDATION

- 1 That Council approve a lease of Part of Wyong Road, Glenning Valley to Vodafone Network Pty Limited subject to development consent being granted for the construction of a telecommunications facility.**
- 2 That Council approve the terms of the lease as:**
 - a a period comprising four consecutive five year leases for a period up to 20 years.**
 - b an annual rent commencing at \$25,000 with annual CPI reviews over the period and market reviews (not exceeding 10%) every five years.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between wyong Shire Council and Vodafone Network Pty Limited.**
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the lease.**
- 5 That Council endorse, as owner of the land, a development application by Vodafone Network Pty Limited to construct a telecommunication facility on the land.**

BACKGROUND

Vodafone Network Pty Limited (Vodafone) has requested that Council, as the roads authority and owner of the fee simple of the public road being part of Wyong Road, Glenning Valley, adjacent to Lot 2 DP 48169 and on the south eastern side of the Pindarri Avenue roundabout (the land), endorse a development application for the construction of a mobile telecommunications base station incorporating a 20 metre high monopole, antennas and an equipment shelter with an area of 7.5 m² adjacent to the pole to house electronic equipment.

Vodafone has advised that it is investing in improving its network across Australia. This network development involves the upgrading of its existing sites together with the deployment of new network sites. Vodafone has advised that the current Optus site north west of the roundabout is not suitable for co-location of its equipment. The Optus facility comprises antennas turret mounted on the top of an EnergyAustralia street light and an equipment cabin on the road reserve and the street light could not support the weight of the Vodafone equipment. Vodafone also considered the possibility of locating its equipment on another street light in the vicinity, however these lights failed to give the desired height required to provide the coverage needed to support the surrounding area. The proposed stand alone pole will not require any road closures to be implemented during construction and maintenance.

Vodafone, as a licensed telecommunications carrier, must operate under the provisions of the Telecommunications Act, 1997 and the Telecommunications Code of Practice, 1997. The 1997 Act requires Vodafone to submit a development application in circumstances where the facility is deemed high impact. Vodafone may, however, apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by Council.

Agreement has been reached with Vodafone to accept the standardised lease previously agreed between Council and Vodafone with a base commencement rental of \$25,000 per annum, annual CPI increases and five yearly market reviews for a term up to 20 years, comprising four consecutive five year leases.

THE PROPOSAL

Vodafone will enter into a lease with Council for use of the land as a mobile telecommunication base facility subject to development consent. Under the lease, Vodafone will be responsible for maintenance of the facility and public liability insurance in addition to paying rent commencing at \$25,000 per annum.

Vodafone has agreed to enter into Council's standard lease agreement for telecommunication base facilities. The rent and term are consistent with agreements for other similar sites on Council land.

The lease will only be completed if development consent is granted. An application for development may only be made with the consent of the owner. Council is the owner of the land in this case.

Council's endorsement of the Development Application, as the owner, should not be interpreted as the application being viewed favourably by Council. The development application will require a comprehensive assessment under Section 79C of the Environmental Planning & Assessment Act which will also include public notification.

OPTIONS

Option 1 Authorise a lease for the use of the land and endorse the making of a development application as the owner of the land.

Authorisation of the lease will allow the construction of the mobile telecommunication base facility on terms favourable to Council.

3.2 Lease of Public Road for Vodafone Telecommunications Facility at Wyong Road, Glenning Valley (contd)

Option 2 Not authorise a lease and refuse to grant owner’s consent to the making of a development application.

As Vodafone has the option to apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by Council of the development application, refusal of a lease and or failure to grant owner’s consent to the making of a development application would not prevent the construction of the facility and would mean use of the land would not be governed by a lease with terms favourable to Council.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Economy	Provision of mobile telecommunication base facilities is linked to Council’s objective to provide communication technology to the Shire.	Nil impact.

Contribution of Proposal to the Principal Activity

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>
Telecommunications - Information communication technology will be consistent with world’s best practice and adaptive to technological advances across all sectors.	Council is committed to the development of a National Broadband Network. Mobile telecommunication base facilities are also necessary to be consistent in providing services throughout the Shire.

Financial Implications

The construction of the mobile telecommunications base station will be totally funded by Vodafone. Vodafone will be required to pay rent and will be responsible for maintenance and insurance of the facility.

Principles of Sustainability

Approval of a lease and endorsement of owner’s consent for a development application will enable the development approval process to proceed ensuring an ecologically sustainable development.

3.2 Lease of Public Road for Vodafone Telecommunications Facility at Wyong Road, Glenning Valley (contd)

CONSULTATION

Vodafone has requested a lease of the land if its development application is approved. The development application process will invite public consultation.

GOVERNANCE

The Roads Act 1993 applies.

CORPORATE RISKS

Nil impact.

CONCLUSION

Approval is sought for Council to authorise a lease of part of Wyong Road, Glenning Valley, adjacent to Lot 2 DP 48169 and on the south eastern side of the Pindarri Avenue roundabout subject to development consent being granted for construction of a mobile telecommunication bas station.

Authorisation of the lease will allow the construction of the mobile telecommunication base facility on terms favourable to Council.



ATTACHMENTS

Nil.

3.3 Sale of Council Land at Gorokan

TRIM REFERENCE: F2011/01492 - D02673781
AUTHOR: Paul Forster; Property Services Coordinator
MANAGER: Greg Ashe, Manager Economic & Property Development

SUMMARY

Approval is sought to dispose of Council land Lot 184 DP 29759 Dudley St Gorokan and Lot 9 DP 28759 Vernon Ave Gorokan.

RECOMMENDATION

- 1** *That Council authorise the sale of Lot 184 DP 29759 Dudley St Gorokan and Lot 99 DP 28759 Vernon Ave Gorokan for an amount not less than market value for each parcel as determined by an independent registered valuer.*
- 2** *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the Sale and Transfer of the land.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents*

BACKGROUND

In 1966 Council purchased two parcels of land Lot 184 DP 29759 Dudley St Gorokan and Lot 99 DP 28759 Vernon Ave Gorokan with a view to constructing an access road between Dudley St and Vernon St as an extension to what was then known as Marine Parade and what is now known as Manuka Parade.

In 1997 the then Deputy Shire Clerk wrote;

"I can see no reason why it would be necessary to extend Marine Parade through to Vernon Ave, which would leave Council with two allotments to sell as building blocks or alternatively to develop as a small passive park area."

No action was taken at that time to either sell the parcels or develop the land as a small park.

THE PROPOSAL

Council has no plans to extend Manuka Parade through these lots nor is there any other alteration to the road network in this area proposed.

Access between Dudley St and Vernon Ave via Ocean View Rd is less than 100 metres to the north.

Currently there is a 150mm sewer main at the rear of Lot 99 in DP 28759. There is no need to reserve an easement over the sewer main which services the properties in the area

3.3 Sale of Council Land at Gorokan (contd)

including the subject parcels. There are no other existing or proposed water supply and sewerage infrastructure issues that are likely to impact on the sale of the properties.

Accordingly, as the land is no longer required for the purpose it was acquired and there are no plans or funds to develop the land as a recreation area or as public pedestrian access, the subject land is now surplus to Council's operational needs.

The two parcels of land are vacant and zoned 2(a) Residential, 20 Dudley St having an area of 607m² and 25 Vernon Ave having an area of 461.6m².

Lot 184 DP 29759 is affected by a Right of Way in favour of the property adjoining to the south. The developable area of the Lot however will be the same as Lot 99.

The allotments being zoned 2(a) Residential each have the potential for a single dwelling house on each allotment or a dual occupancy on each allotment subject to compliance with Council's DCP 2005 Chapter 58 - Dual Occupancy.

OPTIONS

1. That Council sell the properties subject to the sale price reaching the value set by an independent valuer with funds from the sale being deposited into council Property Investment Reserve fund.
2. That Council retain the land for future development opportunities as yet unidentified..

FINANCE

The proceeds of this sale will be held in Council's Property Development and Investment Restricted Asset fund for future property investments and the profit on this sale will improve Council's operating result for 2011-12.

CONSULTATION

Council's operational units have been asked for comment on the proposal which has revealed there are no plans for current or future use and that they are surplus to requirements and no objections have been raised to a sale of the parcels.

GOVERNANCE

Lot 184 DP 29759 Dudley St Gorokan and Lot 99 DP 28759 Vernon Ave Gorokan are both classified as Operational land for the purposes of the Local Government Act 1993 and there is no impediment to the disposal of these properties by Council.

CONCLUSION

Infrastructure management advise the property is not currently required for operational purposes nor likely to be in the foreseeable future.

The Economic and Property Development Unit have no current intentions for the land and do not see the properties as having strategic value.

3.3 Sale of Council Land at Gorokan (contd)

The properties do present an opportunity to open up access between Dudley St and Vernon Ave. by the extension of Manuka Prde however there does not appear to be any community interest/ imperative for that expenditure.

The circumstances suggest Council is better placed to re-invest the capital tied up in the two properties, elsewhere.



ATTACHMENTS

Nil.

4.1 Report on the Outcome of negotiations with Playsafe Fencing Pty Ltd in respect to Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex

TRIM REFERENCE: CPA/194920 - D02680190

MANAGER:

John Tennant; Engineer

SUMMARY

Results of negotiations with Playsafe Fencing Pty Ltd in respect to entering into a contract for Contract No. CPA/194920 – Construction of Two Chain Wire Mesh Softball Cages and other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex.

RECOMMENDATION

- 1 That Council accept the negotiated offer of Playsafe Fencing Pty Ltd for contract no. CPA/194920 in the estimated total amount of \$246,972.00 including GST (\$224,520.00 excluding GST).**
- 2 That Council approve a contingency amount of \$25,000.00 including GST (\$22,727.27 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

A report on the evaluation of tenders received for CPA/194920 was considered by Council in confidential session at the Ordinary meeting of Wednesday, 13 July 2011. Upon consideration of that report Council:

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

- 1 That Council, for the reasons set out in this report, decline to accept any of the tenders received.*
- 2 That Council, for the reasons set out in this report, decline to invite fresh tenders.*
- 3 That Council enter into negotiations with Playsafe Fencing Pty Ltd with a view of entering into a contract for the works.*

THE NEGOTIATIONS

The negotiations with Playsafe Fencing Pty Ltd were concluded on 18 July 2011. Playsafe has offered to enter into a contract with Council to undertake the contract works for an

4.1 Report on the Outcome of negotiations with Playsafe Fencing Pty Ltd in respect to Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex (contd)

amount of \$224,520.00, excluding GST. This compares with the lowest, fully conforming, offer previously received in response to the original request for tenders, of \$321,111.42, excluding GST and represents a saving to Council of \$96,591.42.

The negotiated offer is the same as that offered by Playsafe Fencing when it adjusted its original non-conforming tender price in an attempt to bring the tender into full conformance with the contract.

EVALUATION OF THE NEGOTIATED OFFER

The tender of Playsafe Fencing and those of the other five tenderers were evaluated by a panel of three staff members (one of which was from a unit other than the one managing the procurement process) for the purposes of the report considered by Council at its meeting of 13 July 2011. That evaluation was undertaken using the adjusted tender price of Playsafe Fencing of \$224,520.00, (excl GST). The evaluation concluded that at the adjusted tender price, the tender of Playsafe Fencing was both the most competitive tender prior to application of the Local Preference Policy and the preferred tender after application of the policy. A copy of the Confidential Report considered by Council at the Ordinary Meeting of 13 July 2011 is attached to the file.

Due Diligence

Playsafe Fencing Pty Ltd has been subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor, Kingsway Financial Assessments, and independent referees, it is considered that Playsafe Fencing Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Playsafe Fencing Pty Ltd is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Playsafe Fencing Pty Ltd is within 25% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

RISK ASSESSMENT

General

When letting a contract, various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather

4.1 Report on the Outcome of negotiations with Playsafe Fencing Pty Ltd in respect to Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex (contd)

than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

The following are the major risks that Council bears in relation to this contract:

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical peer reviews by others to ensure design meets requirements.
- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.
- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Mitigated through the tender process by requiring specified rates for each work item under a Schedule of Rates arrangement with upper and lower control limits. Contract payments are then calculated by multiplying the actual quantity for each work item by the tendered rate. Actual quantities are confirmed by Council through measurement / survey prior to payment.

4.1 Report on the Outcome of negotiations with Playsafe Fencing Pty Ltd in respect to Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex (contd)

Risk Contingency

The above risks are considered to be medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$22,727.27 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is considered that the contract budget of \$247,247.27 (excl GST), which incorporates the contingency allowance, will be exceeded.

BUDGET

Project funds of \$247, 248.00 are available from the Tip Rehabilitation Budget.

TIME-FRAME

The specified contract completion period is 12 weeks, however, Playsafe Fencing has indicated that it expects to complete the works within a shorter period of time. It is therefore anticipated that, subject to any unforeseen delays, the works will be completed in time for the commencement of the 2011/2012 softball season which commences in mid October 2011.

APPROVALS

No approvals are required.

CONCLUSION

The negotiated tender of Playsafe Fencing Pty Ltd is the highest scoring of all the tenders received and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that: the tender be accepted.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2010/01252 - D02647253

AUTHORS: David Ryan; Manager Estuary Management

SUMMARY

Section 67 of the Local Government Act 1993 (LGA) requires Council approval for works to be undertaken on private property. The works detailed in this report are in relation to the delivery of the Tuggerah Lakes Estuary Management Plan (TLEMP) and are funded through the Federal Government's "Caring for our Country" grant (CFoC).

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 funded by the Federal Government's "Caring for our Country" grant :

- ***Lot 49 DP2244, 700 Ourimbah Creek Rd, Palm Grove***
- ***Lot 122 DP755249, 351 Ourimbah Creek Rd, Ourimbah***
- ***Lot 212 DP 1015281, 12 Wombats End, Palm Grove***
- ***Lot 3 DP 843548, 730 Ourimbah Creek Road, Palm Grove***
- ***Lot 34 DP123970, 304 Ourimbah Creek Road, Ourimbah***
- ***Lot 1 DP 609571, 12 Lyrebird Lane, 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 the CFoC 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.

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

This report identifies six (6) private properties that have been prioritised for improvement works under the TLEMP implementation. Council's approval is required for the expenditure of the CFoC funds on private property.

PROPOSAL

Works on Private Property

Section 67 of the 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 (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 excavation, fencing, tree planting, tree maintenance, 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 CFoC funding, will provide all rehabilitation works.
- Council, through CFoC funding, will provide initial maintenance (up to 12 months) to establish tube stock planted as part of the works.
- If, as a result of the rehabilitation works, off-stream stock watering is required, this is to be provided by the land owner at his/her cost.
- The property owner will provide for the ongoing maintenance of any fencing and maintenance of revegetated areas after the initial maintenance period, including removal of reoccurring Weeds of National Significance (WoNS) and other environmental weeds for a minimum of five (5) years.
- On properties where the removal of aquatic weed occurs, the follow up maintenance programs will also be provided by the property owner for a minimum of five (5) years.

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 resulting remedial works would be subject to a separate round of assessment under the TLEMP.

Causes of Erosion and Rehabilitation Methods

The 2008 report prepared by Cardno Lawson Treloar, Consultant Engineers identified areas of significant erosion within Wyong River and Ourimbah Creek. The large amounts of sediment that erode from these stream banks are a result of 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:

- Excavation of the streambank to provide a batter that will support revegetation.
- Revegetation of the riparian zone to further stabilise the bank.
- Fencing to prevent stock access to the stream and revegetated areas.
- Clearing of weeds/undesirable vegetation.
- 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 (eg. tree trunks) to protect the eroding bank until such time as native vegetation is re established.

The Streambank Management Plans independently prepared for Council, investigate every section of all waterways that eventually end up in 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 designed to achieve important environmental outcomes by greatly reducing the amount of sediment/nutrient entering the waterways, eventually clogging river/creek mouths and the Tuggerah Lakes. That is, the works are designed to treat the long term cause rather than simply treating the resultant effect by using methods such as the continual dredging of river mouths and the lakes, which is a highly unsustainable practice.

OPTIONS

Not all property owners consider that these works will benefit them directly. Concerns raised include fencing off stock from the river resulting in owners having to install off-stream watering. In addition, revegetation of streambanks which are fenced to prevent stock access to new plants may be viewed as a loss of pasture. Similarly, battering of the streambank 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. Therefore there are no viable alternative options if Council is to pursue the desired environmental and water quality outcomes for the Tuggerah Lakes.

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

PROPOSED WORKS

As part of the ongoing works for the 2011/12 works program for the TLEMP it is proposed to undertake construction work on six (6) properties as detailed in Table A. These works will provide significant environmental benefits by 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.

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)
Lot 49 DP2244, 700 Ourimbah Creek Rd, Palm Grove	Removal of Weeds of National Significance (WoNS) (blackberry and lantana) and other environmental weeds from 900m ² , 750m ² of supplementary planting, stabilisation using soft engineering approaches including ecologs and brushing to stabilise 50m of streambank.	\$22,250
Lot 122 DP755249, 351 Ourimbah Creek Rd, Ourimbah	Removal of WoNS (blackberry and lantana) and other environmental weeds from 400m ² , 160m ² of supplementary planting, stabilisation using soft engineering approaches including ecologs and brushing to stabilise 50m of streambank.	\$11,270
Lot 212 DP 1015281, 12 Wombats End, Palm Grove	Weed removal including bamboo from 1300m ² of bank, 675m ² supplementary planting, stabilisation using soft engineering approaches including ecologs to stabilise 50m of streambank.	\$31,010
Lot 3 DP 843548, 730 Ourimbah Creek Road, Palm Grove	WoNS removal including lantana from 2000m ² of bank 1100m ² of supplementary planting, stabilisation using soft engineering approaches including ecologs and planting to stabilise 400m of streambank.	\$22,170
Lot 34, DP123970 304 Ourimbah Creek Road, Ourimbah	WoNS removal including lantana from 3000m ² of bank 660 m ² of supplementary planting, stabilisation using soft engineering approaches including ecologs or woody debris to toe secured by piling, jute mesh, and brushing and planting to stabilise 230m of streambank.	\$85,200

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

Lot 1, DP609571 Lyrebird Lane, Palm Grove	Removal of environmental weeds from 6800m ² , 1115m ² of supplementary planting, stabilisation using soft engineering approaches including ecologs and brushing and realignment of suspended woody debris to stabilise 680m of streambank.	\$98,365
--	--	----------

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	The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	
A More Sustainable Economy	Not applicable	
A More Sustainable Environment	Implementation of Tuggerah Lakes Estuary Management Plan.	3.2.8
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 provide ongoing improvements to water quality in the affected streams and for water entering Tuggerah Lake.

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.	Community awareness of these types of initiatives should foster a sense of belonging and pride and enable the community to recognise it's contribution to protection of the environment.
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.	In accordance with the TLEMP works, the community education programs 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.
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 landholders.
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 TLEMP, 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 funding.

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

Principles of Sustainability

The works, when established, will provide a natural long term solution to stream degradation and erosion issues, as well as protection for the rivers and estuary.

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, relevant Council authorities, the Hunter Central Rivers CMA, the Office of Environment and Heritage, and the local community - particularly through the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.

GOVERNANCE

The works have been approved by the Federal Government under its CFoC initiative.

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 utilising funding through the Federal Government's CFoC grant. The works listed in Table A (above) are scheduled for completion in the 2011/12 financial year as part of the TLEMP. Council approval is therefore recommended for the undertaking of these works on private property at no direct cost to the property owner.

ATTACHMENTS

Nil.

5.2 Payment of Industrial Special Risk Insurance Policy

TRIM REFERENCE: F2011/00670 - D02661917
Michelle McKenzie; Insurance Claims Administration Officer
MANAGER: Marie Hanson-Kentwell, Manager Human Resources

SUMMARY

Approval is required to renew Council's Property (Industrial Special Risk) insurance with Statewide Property Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Council's Property insurance policy with Statewide Mutual for the period 30 June 2011 to 30 June 2012.**
- 2 That Council approve the premium payment of \$563,764.62 ex GST.**

BACKGROUND

Council's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of Council's Property insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual, for the period 30 June 2011 to 30 June 2012.

Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Council & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by Councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits Councils require.

The ceiling limits for both Property and Public/Professional Indemnity insurance are currently unobtainable in the Australian insurance market. In order for JLT to seek alternative terms for these risks an approach to Lloyd's and London insurance market would be required and such an exercise would be costly and time consuming.

WSC has been a contributor to this scheme for many years. To withdraw, Council is required to give at least three months written notice prior to the end of the financial year.

THE PROPOSAL

The premium applicable to Wyong Shire Council (WSC) for this insurance renewal is \$563,764.62 ex GST which is an increase of 4.08% on last year's premium. The reason for the increase is due to additional properties built for the Mardi Suite of Works valued at \$19,090,000. Limits of protection under this policy are direct physical loss or damage, as

5.2 Payment of Industrial Special Risk Insurance Policy (contd)

defined and limited in the wording, on Real Property, Personal Property, Business Interruption, including the Extensions of Coverage applying at the locations provided on Council's Assets Schedule.

Council shall bear the first \$10,000 as a result of any one occurrence.

OPTIONS

There is no advantage for Council to pursue its own tender process as there are no available competitive insurers within Australia offering this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW Councils.

STRATEGIC LINKS

Annual Plan

Insurance is a statutory requirement and prudent business practice given the risk profile of Wyong Shire Council.

Financial Implications

No additional impact to budget

Principles of Sustainability

Not Applicable

CONSULTATION

Consultation was carried out with internal asset owners to update Council's Assets Schedule.

GOVERNANCE

Not Applicable

CORPORATE RISKS

Potential theft or damage caused to Council assets.

CONCLUSION

Adequate insurance cover is mandatory, prudent and best practice.

Prospecting for international suppliers will be costly and difficult for WSC with a very low chance of success.

Cover is only available from a single Australian supplier and combining WSC buying power with NSW Councils provides the best value possible.

ATTACHMENTS

- 1 Statewide Mutual Tax Invoice - Property ISR Insurance Renewal D02676669

Statewide Mutual



1 July 2011

Wyong Shire Council
DX 7306
Wyong NSW 2259

ABN 51 644 247 443
Managed by
Jardine Lloyd Thompson Pty Ltd
ACN 009 098 864
Level 11, 66 Clarence Street
SYDNEY NSW 2000
PO Box H25, Australia Square
SYDNEY NSW 1215
DX 13032 Market Street
Tel +61 (0)2 9320 2700
www.jlta.com.au

Tax Invoice

YOUR SERVICE CONTACTS ARE GEORGE MURDOCCA (+61 2 9320 2782) & GARETH CARPENTER (+61 2 9320 2746)

Invoice #	099 - 124927	Client ID	WYONG
Our Ref	000694		
Class	Property		
Member	Wyong Shire Council		
Situation	Commonwealth of Australia		
Scheme	Statewide Mutual Sydney NSW		
Inception	30/06/2011	To	30/06/2012
			Renewal

Contribution	563,764.62
GST	56,376.46

Insurance has been arranged subject to payment and to the policy terms and conditions. Please read the important information included with this invoice and ensure that you review your sums insured at least annually.

Remittance Advice

Please forward your payment to:

STATEWIDE MUTUAL

Level 11, 66 Clarence St, SYDNEY NSW 2000
PO Box H25, Australia Square SYDNEY NSW 1215

Payment Options

Pay by direct credit into the following AUD account:

Bank: ANZ Banking Group
Branch: 68 Pitt Street, SYDNEY 2000
Account Name: Statewide Mutual
BSB No: 012-003
Account No: 8370 64305
Quoting bank transfer reference number: 099 - 124927

Pay by cheque for AUD payments only.

THE PREMIUM IS NOW DUE AND PAYABLE, PLEASE DETACH THIS SLIP AND SEND WITH YOUR PAYMENT.

[Internal Use Only: PERRJ SATPC]

Invoice #	099 - 124927
Client ID	WYONG
Payment Due	15/07/2011

Ref	000694	Team	06
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5.3 Sponsorship Request - "Coastal Paradise Revealed" photographic competition and book concept

TRIM REFERENCE: F2004/06631 - D02676774

MANAGER:

Maxine Kenyon; Director

SUMMARY

Panographs Publishing Pty Ltd has requested sponsorship for a photographic competition and book concept highlighting the Central Coast from both Gosford and Wyong councils. Alongside professional photographers amateurs photographers, will be able to submit their entries for inclusion in the book "*Coastal Paradise Revealed*" due for launch on 1 August 2011.

RECOMMENDATION

That Council consider sponsorship of the Ken Duncan Photo Awards competition and "Coastal Paradise Revealed" book.

THE PROPOSAL

Panographs Publishing Pty Ltd wrote to Council (see attached email from Cr Laurie Maher, Mayor of Gosford to Ken Duncan and letter from Panographs Publishing Pty Ltd to Cr Laurie Maher) requesting support for their Ken Duncan Photo Awards competition and the subsequent book "*Coastal Paradise Revealed*". The competition and book are expected to act as a tool for promoting tourism on the Central Coast.

The Ken Duncan Photo Awards competition will seek entries from all over Australia, and the first area being highlighted is the Central Coast. The competition offers the opportunity for amateur photographers to have their work published alongside professionals in a book to be titled "*Coastal Paradise Revealed*". The book will be a 96 page, full colour coffee table book, featuring 118 images.

Since receiving the attachment, Mr Duncan has advised that the competition is now due for launch in September 2011. It will be open for three months with the intent to launch the book in April / May 2012.

In seeking sponsorship for the competition and subsequent publishing of the book, (initial print run is estimated at 6000 copies and reprints as required) Panographs Publishing Pty Ltd outlined the following benefits gained from a \$10,000.00 investment:

- Usage of images from Ken Duncan's vast library for marketing purposes up to the full value of your sponsorship investment, over a three year period from the sponsorship

agreement. The use of the images is based on the cost of the photos up to the value of the sponsorship provided.

- Council's logo and an endorsement placed prominently in the front of the book for the life of the book (including all reprints).
- 40 free copies of the book, plus the right to purchase additional copies at 70% off recommended retail price, if ordered as run-ons.
- The option of having the covers of all Council's books personalised with Council logo at the run on price, which is much cheaper than after production.
- Council's logo displayed on all promotional material for the gala book launch and during the exhibition, on the website with links to Council's site, at the book launch and competition.
- Acknowledgment of Council's support for the project in Panographs Publishing Pty Ltd email newsletter.
- The right to use the promotional audio visual presentation on Council's website for up to three years.
- Acknowledgment of Council's sponsorship in all media advertisement for the competition;
- Mentioned, wherever possible, in media interviews relating to the photo competition and book launch.

A selection of images will be printed and framed and on exhibition for three weeks following the launch at the Ken Duncan gallery at Erina Heights. Through discussion with Mr Ken Duncan OAM, if Council supported this request he has agreed to an exhibition at The Entrance Gallery following the Erina exhibition. Any exhibition at The Entrance Gallery requires a person to be in attendance at all times, although we do not have the staff to support this exhibition, if Council do sponsor this book, staff will aim to source volunteers to be on site for the duration of the exhibition. This exhibition will build on Council's existing photographic competition held in May this year (300 entries received) and bring the exhibition to the north of the Central Coast.

In addition, Mr Duncan is proposing to gain package deals to encourage photographers to come to the Coast. This also provides another opportunity for Central Coast Holiday Parks to provide package deals for entrants of the competition to stay at one of our four holiday parks.

If Council resolve to provide sponsorship for "Coastal Paradise Revealed", Council could advertise the competition element to our residents through existing networks, website and media etc.

Gosford City Council also has this item going to their Council meeting on 26 July 2011 recommending \$10,000.00 sponsorship, if Wyong Shire Council also commits the same.

OPTIONS

Council can:

- Sponsor the development of this book, "Coastal Paradise Revealed" for any amount.
- Not sponsor the development of this book, "Coastal Paradise Revealed".

STRATEGIC LINKS

Annual Plan

Council's Annual Plan highlights activities to support tourism in the Shire. This would be another way to support this and provide an opportunity to residents to actively contribute to a book about their region.

Link to Shire Strategic Vision

This book will photographically document the natural areas of the Central Coast and highlight these areas and the natural beauty of the Coast to a wider audience.

Financial Implications

Funding is not allocated in the 11/12 budget. If Council wish to sponsor the development of this book funds will need to be sourced through the first quarter review.

Principles of Sustainability

This initiative highlights the diverse nature of the Central Coast community and encourages local residents to get involved and highlight the areas in their community to reveal the beauty and diversity of the region.

GOVERNANCE

This request for sponsorship is provided for Council's consideration as the Grants and Sponsorships (Outward from WSC) policy highlights the following:

- WSC will not provide grant recipients/sponsored organisations with commercial endorsements.
- WSC will not accept applications from commercial organisations operating on an actual or expected/intended profit basis.

CONCLUSION

This request for sponsorship has the potential to raise the profile of the region both nationally and potentially internationally through the development of the "Coastal Paradise Revealed" coffee table book.

The involvement of both professional and amateur photographers will provide a further connection to the Coast and providing an exhibition of these works at The Entrance Gallery will provide an opportunity for locals to see the works and enhance an existing community facility.

ATTACHMENTS

- 1 Request Support Book Sponsorship D02682880

Laurie Maher

From: Ken Duncan [kd@kenduncan.com]
Sent: Thursday, 16 June 2011 9:37 PM
To: laurie@coastshelter.org.au
Subject: Thank You Laurie
Attachments: CC Book Sponsorship Invite Council.docx

Hi Laurie,

Thanks for taking my call the other day about an exciting new photo competition and book concept for the Central Coast. My apologies for the delay in getting this to you, but it took me a little longer than I expected to put this proposal together, as I really wanted to ensure I gave you all the details.

To really make this project work we really need the support of Gosford and Wyong Councils. It was their support almost 18 years ago that made the book, "Forest to Sea" one of the most successful Central Coast promotions ever done. We believe this new project is going to be huge in promoting the Central Coast, nationally and it is some thing our area needs. This new concept book "Coastal Paradise Revealed" will make anything that has gone before promotion wise look average. This will be the most stunning book ever done on the Central Coast. It really will bring thousands of visitors to our paradise. The more that come the greater benefits to the whole community. Also, I think the buzz of this competition and book will really inspire people. It will give them something positive to focus on and remind them of what a wonderful place to call home.

Thank you, Laurie for taking this proposal to the joint council meeting and presenting it to the Mayor of Wyong Doug Eaton it would be good if we could all work in unity on this project.

I've attached a comprehensive document that will give you all the details of the project. Please note there is a degree of urgency about this proposal. We are planning to launch the photo competition on August 1st and run it for 3 months through to the end of October. If we can secure the commitment of a few key sponsors in time for the August call for competition entries, we will be able to launch the book at the beginning of April 2012, to coincide with the Easter long weekend. It would be great if I could have your response by the end of this month so we can proceed with getting the website up in time for the August 1st competition launch.

Thanks for taking the time to consider this proposal and if you have any queries at all, please don't hesitate to call me.

Thanks and regards,

Ken Duncan OAM



GROUP

PO BOX 3015 WAMBERAL NSW 2260 Office: +61 2 4367 6777 Mobile: +61 418 433 213 Fax: +61 2 4367 7744

Have you joined our VIP Club? It's free at <http://www.kenduncan.com/>
 Join my adventures on Facebook <https://www.facebook.com/kenduncanphotographer>

Jenny
 Please refer
 to GML and to
 Mayor Doug Eaton
 Laurie

Information from ESET Smart Security, version of virus signature database 6212 (20110615)

The message was checked by ESET Smart Security.

<http://www.eset.com>



June 16th, 2011

Cr Laurie Maher
Mayor of Gosford
0408 439 179 mb

Email: laurie@coastshelter.org.au

Hi Laurie,

Thank you for talking to me recently about an exciting new photo competition and book concept. To follow up our conversation, I'll start with a brief overview of the project.

Overview:

In August this year, we are launching the Ken Duncan Photo Awards - a photographic competition that will attract entries from all over Australia - and the first area we are highlighting is our beautiful Central Coast. The competition will offer attractive prizes and the opportunity for amateur photographers to have their work published alongside professionals in a brilliant new book.

What makes this concept unique is that it will culminate in a book that features the work of leading local photographers (including myself) as well as photos of the Central Coast submitted by amateurs from far and wide. Some people will come here and take photos just so they can be involved in the book.

The current working title for the book is *Coastal Paradise Revealed* and that's what it will do for the area – reveal the beauty and diversity of our region and get people's hearts pumping with excitement and pride. It will be a 96 page, full colour, hard cover, coffee table book, measuring 288mm x 308mm, featuring approximately 118 images in total, with a recommended retail price of \$39.95. About 50% of the photos will be from the invited professionals and the balance will be selected from images submitted via an online photo competition from entrants all over Australia. The book will be distributed nationally and many will be purchased and sent overseas as gifts for family members, clients, colleagues and friends.

Your Sponsorship Opportunity:

We are offering a limited number of key players on the Central Coast the chance to be involved in a wonderful marketing initiative that will culminate in the most stunning coffee table book ever produced on our region. To become a major sponsor of this exciting project, your total investment will be \$10,000 in cash (plus GST). In return, you will receive:

- Usage of images from Ken Duncan's vast library for marketing purposes up to the full value of your sponsorship investment over a 3 year period;
- Your logo and an endorsement placed prominently in the front of the book for the life of the book (including all reprints);
- Forty (40) free copies of the book (exceptional gifts for your valued clients, colleagues or staff) plus the right to purchase additional copies at 70% off RRP, if ordered as run-ons;
- The option of having the covers of all your books personalized with your logo. This can be done for you very economically, especially if done at the time of printing.
- Your Company logo displayed on all promotional material for the gala book launch and during the exhibition;
- Your logo and an acknowledgement on the competition website with links to your site;

- Acknowledgement of your support for the project in our email newsletter which goes to over 30,000 highly qualified clients, and in other online promotions;
- The right to use the promotional HD Audio Visual presentation on your website for up to 3 years as evidence of your love for our region and your support of the project. This inspiring presentation has the potential to go viral and draw unprecedented interest to our region and to your website.
- Mention in any media advertisements for the competition;
- Mention wherever possible in media interviews relating to the photo competition and book launch;
- Your logo displayed at the book launch and exhibition.

These options are presented as a guideline which we hope will serve you well. Should you have any specific requests we would be happy to discuss them and try to work with you, as we greatly appreciate the support of our sponsors and want to ensure you derive benefit from your involvement with the project.

The Book:

Coastal Paradise Revealed will be underpinned by photographs from myself and other prominent local landscape photographers. This great collection of images will form a solid backbone for the book, which will not only have breathtaking pictures but great heart. All the professional photographers will share their local knowledge, favourite places and photo tips to give the book a distinct personality.

The balance of the images will be selected from the entries submitted via an online photo competition from entrants all over Australia. From past experience, we are expecting thousands of entries, from which around 55-60 will be selected for inclusion in the book, so it will be a powerful collection.

Why coffee table books are such a powerful marketing tool:

With many forms of promotion or advertising, such as TV or radio, your message is only as good as the length of time on air. People soon forget what they see on TV or hear on the radio. And today's newspaper will become tomorrow's fish and chips wrapping. But coffee table books have a great lifespan – they are not thrown away like magazines. People tend to keep them in prime places in their homes and workplaces. Ken Duncan books historically remain in print for many years and thus your promotion is guaranteed a tremendous shelf life. Plus, every pictorial book purchased is viewed by an average of 10 to 20 different people during its lifetime, so your exposure is huge.

Why this concept will work:

When it comes to books, the Ken Duncan brand has a great track record. Our Central Coast based publishing company, Panographs Publishing, is one of Australia's leading pictorial book publishers, with distribution network through Woodslane to reach the whole of Australia. Panographs Publishing is a publishing pioneer, both in Australia and internationally, having produced more than 50 major titles and received numerous national and international awards for book design and production. Such are the reputations of Ken Duncan and Panographs Publishing that we were granted the rights to produce official books for the Sydney 2000 Olympic Games and the Melbourne 2006 Commonwealth Games. Not many publishing companies can boast of such achievements.

Coastal Paradise Revealed will replace the much loved "From Forest to Sea" book which was in print for over 15 years and sold almost 30,000 copies nationally. This new book is destined to be even more popular. We anticipate the initial print run will be 6,000 copies and it will then be reprinted as required. Therefore, this new book has the potential to put your brand (or message) in front of 600,000 people during the course of its long life.

Why and how people will enter the competition:

Photographers from all over Australia will be keen to enter a competition that gives them a chance at having their photos published alongside Ken Duncan and other prominent local professional photographers

in a book that will be distributed nationally. This will be a big deal for aspiring photographers. Major competition prizes from Panasonic, Crowne Plaza and Worthington BMW will give the competition great prestige and be an added drawcard for entrants.

A dedicated website will be designed, launched and monitored by Erina based company, CFL Print Studio, one of the most advanced photo labs in the world. CFL Print Studio staff will be available to answer any queries the entrants might have. Entries will be evaluated as they are received and a panel of judges, led by Ken Duncan, will award a monthly prize to keep the momentum up as the collection grows. The winning photos each month will automatically go into the draw for the final prizes and will be guaranteed inclusion in the book. Winners will be announced via the competition website, the Ken Duncan website and local media.

Everyone who gets a photo in the book will receive a free copy of the book, signed by the featured photographers, and have the opportunity to purchase additional books at 50% off the retail price.

How the project will be marketed:

The photo competition (and resulting book) will be promoted locally by Prime Television, Star 104.5 FM Radio and the Central Coast Express Advocate. It will be advertised to over 30,000 people through the Ken Duncan database, through Ken Duncan Galleries in Erina, Sydney and Melbourne, through Facebook and other social media, online through photographic sites, through camera clubs nationally and in Australian photographic magazines. We believe the competition will capture the imagination of photographers everywhere, prompting many to visit the Central Coast over the 3 month duration of the competition specifically to obtain photos they can enter into the competition.

The book will be launched at a gala event at the Ken Duncan Gallery, Erina Heights, with prominent Central Coast business people, local dignitaries, celebrities and key stakeholders invited. It will be a night to remember, showcasing the greatest collection of Central Coast images ever assembled, which will guarantee coverage by local media. We will aim for national media exposure as well to maximise the promotion of our region. The main contributing photographers will be in attendance for media interviews and to sign books.

A selection of images from the book – from both professional and amateur photographers – will be printed and framed for an exhibition that will open at the book launch and continue in the Ken Duncan Gallery at Erina Heights for 3 weeks. We will also consider travelling the exhibition to our Sydney and Melbourne Galleries to create additional exposure.

We will also create an outstanding audiovisual presentation to be shown in our state-of-the-art theatre on the launch night and for the duration of the exhibition.

How the book will be distributed:

The book will be warehoused and distributed by Woodslane book distributors in Sydney, one of the best independent distributors in Australia. They already deal with all the national bookstores and different book outlets and are keen to sell into local tourist outlets and specialty stores. This makes it possible for local retailers and tourist outlets to get behind the project and make a good margin on books they sell. Retailers will be able to order books on a sale or return basis, thereby having the opportunity to make good sales without having to tie up capital in stock.

Why we need partners:

We are seeking financial partners for this exciting project to help offset some of the costs of establishing the photo competition website and other costs associated with the pre-production phase of the book, so we can bring the book to market at a price that is competitive for the retail book trade. It costs money to

do things well. With support from sponsors we will be able to give the photo competition and the book the promotion they deserve and make them both a huge success, which will benefit everyone involved. Our "Forest to Sea" book was a phenomenal success and has certainly been one of the main contributing factors to increased awareness of our beautiful region. That book may not have become a reality without the support of local businesses and Councils.

Why other great photographers will want to be involved:

Being involved with such a prestigious publication will give local photographers great exposure. For some, this will be their first opportunity to have their work published and they will jump at the privilege. They are colleagues of mine who love the vision of the project and want to help promote the beautiful area we all call home. Invited photographers will also be invited to display images from the book at the official launch of the book. Each invited photographer will receive 2 free copies of the book and a 50% discount on additional copies they wish to purchase.

Laurie, I am very passionate about this concept, which is why I have personally taken over the running of the project. There has never been a better time to do this book, *Coastal Paradise Revealed*, to get people excited about how fortunate we are to live in such a paradise.

I hope you will join us on this adventure as we create a fresh, new marketing tool for the Central Coast. I believe if we simply show people how good the place is, they will come.

Regards

Ken Duncan OAM

5.4 Draft Minutes - Wyong Shire Grants Committee Meetings - 21 July 2011

TRIM REFERENCE: F2008/02110 - D02661910

AUTHOR: Susanna Gardiner, Administration Assistant

MANAGER: Lesley Crawley, Manager Corporate Governance

SUMMARY

A meeting of the Wyong Shire Grants Committee was held on 21 July 2011.

RECOMMENDATION

That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting held on 21 July 2011 and adopt the recommendations contained therein.

BACKGROUND

A meeting of the Wyong Shire Grants Committee was held on 21 July 2011. The draft minutes of this meeting will be provided under separate cover.

ATTACHMENTS

Nil

5.5 Draft Minutes - Gosford-Wyong Councils' Water Authority Board Meeting held on 14 July 2011

TRIM REFERENCE: F2004/06808 - D02682566

AUTHOR: Jacquie Elvidge; Administration Assistant Sonia Witt, Team Leader Governance & Councillor Services
MANAGER: Lesley Crawley; Manager Governance & Administration

SUMMARY

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 14 July 2011.

RECOMMENDATION

- 1 That Council receive the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 14 July 2011.**
- 2 That Council adopt the recommendations included in the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 14 July 2011.**
- 3 That Council, in regards to Water Restrictions, endorse the following:**
 - a That no action be taken at this time to change the current restriction levels and the new Central Coast Water Corporation Board consider the proposed water restriction triggers and restriction rules at its first meeting.**
 - b That, following consideration by the Central Coast Water Corporation Board of the triggers and rules, a report be presented to both Gosford and Wyong Councils advising of their considerations.**
- 4 That Council enter into a MoU for the Porters Creek Catchment Stormwater Harvesting Scheme.**
- 5 That Council, in regards to the Mardi to Mangrove Link Project, endorse the following:**
 - a That the Board recognise the efforts of existing and previous Board members, Councillors and staff involved in this project and thank them for their efforts in bringing this major piece of infrastructure to completion.**
 - b That the Board recognise the Yarramalong Valley community for their involvement, patience, and tolerance and support for Project while the works were being undertaken.**
 - c That the Board recognise the Federal Government for its financial support.**

A meeting of the Gosford-Wyong Councils' Water Authority Board Meeting was held on 14 July 2011 and the minutes of this meeting are supplied below:

WYONG SHIRE COUNCIL

**MINUTES OF THE
EXTRAORDINARY GOSFORD / WYONG COUNCILS' WATER
AUTHORITY BOARD MEETING OF COUNCIL**

**HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 14 July 2011
COMMENCING AT 8:00AM**

PRESENT:

CR EATON *

CHAIRPERSON

WYONG

CR GRAHAM*

GOSFORD

CR MACFADYEN*

CR MAHER*

MR M WHITTAKER*

MR G MCDONALD*

MR P WILSON*

MR R WILLIAMS*

WYONG SHIRE COUNCIL STAFF

MR D MANN

MS S PEPPERALL

MS M REDMOND

GOSFORD CITY COUNCIL STAFF

MR B SMITH

MS L KNIGHT

MS M LOW

** BOARD MEMBERS WITH VOTING RIGHTS AT THIS MEETING.*

AUTHORITY STAFF

MR G CASEMENT

MR B BAKER

APOLOGIES

CR SYMINGTON

MS PAM MCCANN

VISITORS

MS MARGARET HASELTINE

MR JOHN READ

DR THERESE FLAPPER

1.1 Disclosure of Interest

RESOLVED unanimously on the motion of Councillor GRHAM and seconded by Councillor MACFADYEN

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

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

AGAINST: NIL

1.2 Confirmation of Minutes of Previous Meeting

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

That the Board confirm the minutes of the previous Gosford/Wyong Councils' Water Authority Board meeting held on 16 June 2011.

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

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

2.1 Water Restrictions

It was MOVED by Councillor EATON and SECONDED by Mr WILLIAMS:

That the Board recommend to the General Managers to vary water restrictions in line with restriction guidelines to be implemented on 1 September 2011.

FOR: CR EATON.

AGAINST: CR GRAHAM, CR MAHER, CR MACFADYEN, MR WHITTAKER, MR WILSON MR MCDONALD
AND MR WILLAIMS.

The MOTION was put to the vote and declared LOST.

An AMENDMENT was MOVED by Mr WILSON and SECONDED by Councillor GRAHAM:

- 1 That the Board receive and note the report on Water Restrictions.
- 2 That no action be taken, at this time, to change the current restriction levels and the new Central Coast Water Corporation Board consider the proposed water restriction triggers and restriction rules at its first meeting.
- 3 That, following consideration by the Central Coast Water Corporation Board of the triggers and rules, a report be presented to both Gosford and Wyong Councils advising of their considerations.

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

AGAINST: NIL

The AMENDMENT was put to the vote and declared CARRIED

The AMENDMENT became the MOTION.

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

- 1 That the Board receive and note the report on Water Restrictions.
- 2 That no action be taken at this time to change the current restriction levels and the new Central Coast Water Corporation Board consider the proposed water restriction triggers and restriction rules at its first meeting.
- 3 That, following consideration by the Central Coast Water Corporation Board of the triggers and rules, a report be presented to both Gosford and Wyong Councils advising of their considerations.

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

AGAINST: NIL

2.2 Memorandum of Understanding for Porters Creek Stormwater Harvesting Scheme

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

- 1 That the Board receive and note the report on the Memorandum of understanding for the Porters Creek Catchment Stormwater Harvesting Scheme.
- 2 That the Board endorse the draft MoU and recommend to the two Councils that they enter into a MoU for the Porters Creek Catchment Stormwater Harvesting Scheme.

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

AGAINST: NIL

3.1 Mardi to Mangrove Link Project - Progress Report

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

- 1 That the Board receive the report on Mardi to Mangrove Link Project - Progress Report.
- 2 That the Board recognise the efforts of existing and previous Board members, Councillors and staff involved in this project and thank them for their efforts in bringing this major piece of infrastructure to completion.
- 3 That the Board recognise the Yarramalong Valley community for their involvement, patience, and tolerance and support for Project while the works were being undertaken.
- 4 That the Board recognise the Federal Government for its financial support.

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

AGAINST: NIL

THE MEETING closed at 8.44am.

ATTACHMENTS

Nil

5.6 Minutes of Wyong Shire Governance Committee of Council - 29 June 2011

TRIM REFERENCE: F2004/07245 - D02686865

MANAGER:

Monica Redmond; Administration Assistant

SUMMARY

To submit Minutes of Wyong Shire Governance Committee Meeting held on 29 June 2011.

RECOMMENDATION

That the Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 29 June 2011.

BACKGROUND

A meeting of the Wyong Shire Governance Committee Meeting was held on 29 June 2011 however due to lack of a quorum the items listed on the Agenda for this meeting were not resolved see copy of minutes attached.

The agenda items previously listed for 29 June 2011 meeting have now be deferred for consideration at a meeting scheduled for Wednesday 31 August, 2011 from 7.30am to 10.30am.

ATTACHMENTS

1 MINUTES - Governance Committee Meeting - 29 June 2011 D02662460

WYONG SHIRE COUNCIL

**MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 29 June 2011
COMMENCING AT 9:30:00 AM**

PRESENT

Mr David Holmes (Chairperson), Councillor B Symington, Mr Jason Masters (independent member).

IN ATTENDANCE

General Manager, Internal Auditor, Senior Internal Auditor, Internal Ombudsman, General Counsel, and one administration staff member.

The Chairperson, Mr David Holmes, declared the meeting open at 9.39am.

APOLOGIES

Apologies were received on behalf of Councillor Wynn and Mr Bruce Turner (independent member) who are currently on Annual Leave.

Apologies were received from Councillors Eaton and Vincent who are unable to attend this meeting.

LACK OF QUORUM

The Chairman advised that:

- due lack of a quorum, the meeting would now close
- items listed on the agenda would now be deferred for consideration at a meeting scheduled for Wednesday 31 August, 2011 from 7.30am to 10.30am.

THE MEETING closed at 9.45am.

27 July 2011

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

6.1 Minutes - Central Coast Regional Organisation of Councils Meeting Minutes - 30 June 2011

TRIM REFERENCE: F2004/06390 - D02684144

AUTHOR: Susanna Gardiner, Administration Assistant

MANAGER: Lesley Crawley, Manager Governance & Administration

SUMMARY

Minutes of the Central Coast Regional Organisation of Councils meeting held on 30 June 2011.

RECOMMENDATION

That Council note the minutes of the Central Coast Regional Organisation of Councils Meeting held on 30 June 2011.

BACKGROUND

A meeting of the Central Coast Regional Organisation of Councils was held on 30 June 2011. The minutes of that meeting are attached.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of Central Coast Regional Organisation of Councils (CCROC)
Meeting held 30 June 2011 | D02684151 |
|---|---|-----------|

TITLE Central Coast Regional Organisation of Councils Meeting held on 30 June 2011 (IR 9969728).

Directorate: General Manager
Business Unit: General Manager

MEETING NUMBER

Meeting No RO/11/02 commenced at 5.30 pm.

ATTENDANCE

Present: Clr Laurie Maher (Mayor GCC & Chair)
Clr Jeff Strickson (GCC)
Clr Chris Holstein (GCC)
Clr Vicki Scott (GCC)
Clr Jim Macfadyen (GCC)
Clr Craig Doyle (GCC)
Mr Peter Wilson (General Manager GCC)
Mr Michael Whittaker (General Manager WSC)
Clr Doug Eaton (Mayor WSC)
Clr Bob Graham (Deputy Mayor WSC)
Clr Doug Vincent (WSC)
Clr John McNamara (WSC)
Clr Lisa Matthews (WSC)
Clr Lynne Webster (WSC)
Clr Emma McBride
Clr Bill Symmington (WSC arrived 5.36 pm)
Clr Greg Best (WSC arrived at 6.06 pm)

Guests: Mr Nic Pasternatsky (GCC)
Mr Stephen Glen (GCC)
Mr Terry Thirlwell (GCC)
Mr Rod Williams (GCC)
Ms Colleen Worthy-Jennings (GCC)
Mr Brett Koizumi-Smith (GCC)
Mr Nathan Slade (GCC)
Ms Megan Low (GCC)
Ms Liz Knight (GCC)
Ms Maxine Kenyon (WSC)
Ms Danielle Dickson (WSC)
Mr Greg McDonald (WSC)
Mr Gary Casement (WSC)
Gina Vereker (WSC)

Apologies: Councillors Freewater, Burke, Houston & Wynn

COMMITTEE CHANGES

Nil

DECLARATION OF PECUNIARY INTEREST

The Chairperson invited Committee members to declare any pecuniary interest they might have, in accordance with Section 451 of the Local Government Amendment Act 2000, in respect to the agenda for this meeting.

No declarations were received.

DECLARATION OF NON-PECUNIARY INTEREST

The Chairperson invited Committee members to declare any non-pecuniary interest they might have, in accordance with Section 440 of the Local Government Act 1993 and Council's Code of Conduct, in respect to the business of this meeting.

No declarations were received.

CONFIRMATION OF PREVIOUS MINUTES

Minutes of meeting No RO/11/01 were confirmed (Macfadyen/Graham)

AGENDA ITEMS**RO.001 CENTRAL COAST WATER CORPORATION - RECRUITMENT OF DIRECTORS**

THE COMMITTEE RECOMMENDS that the Councils approve:

- A The following nominees for recommendation to the NSW Governor for proclamation as Directors of the Central Coast Water Corporation for the terms specified.

Role	Nominee	Term
Chairperson	Mr John Read	3 years
Director	Ms Margaret Haseltine	2 years
Director	Dr Therese Flapper	2 years
Director	Mr Michael Whittaker	18 months
Director	Mr Peter Wilson	18 months

- B Remuneration for the external Directors be set as follows:

External Directors	\$30,000 per annum
External Chairperson	\$45,000 per annum

- C For future Director appointments, local applicants be given a greater weighting.
- D Council be asked to develop a matrix to give appropriate weighting to local representation and gender equity.

(Eaton/Graham)

RO.002 CENTRAL COAST WATER CORPORATION - STRATEGIC PROJECT MANAGEMENT PLAN

THE COMMITTEE RECOMMENDS to both Councils that:

- A The Gosford Wyong Water Authority be dissolved on 14 July followed by the inaugural Board meeting of the Central Coast Water Corporation subject to appointment of the Directors.
- B The Strategic Project Management Plan be adopted as the framework for the implementation of the Central Coast Water Corporation
- C The Strategic Project Management Plan referred to in B above evolve over the life of the project as issues emerge and decisions are made under a 'best value' approach.

(Macfadyen/Vincent)

RO.003 CENTRAL COAST WATER CORPORATION - SERVICE LEVEL AND FUNDING AGREEMENT

THE COMMITTEE RECOMMENDS that Central Coast Regional Organisation of Councils approve and recommend to the Councils the execution of the Service Level and Funding Agreement with the Central Coast Water Corporation.

(Latella/Vincent)

RO.004 CONSOLIDATIONS RESOLUTIONS REPORT

THE COMMITTEE RECOMMENDS to both Councils that:

- A Councils note that this resolution seeks information only and does not commit Council to any course of action.
- B Council receive the report on the Response to the Mayoral Minutes – Consideration of Wyong Shire and Gosford City Councils consolidation.
- C Both Councils call for a joint tender for the engagement of an independent consultant in accordance with the Local Government Act to undertake the brief of works being Attachment 1 as amended to Central Coast Regional Organisation of Councils report RO.004.
- D Councils endorse this brief to also fulfil the requirements of the cost benefit analysis in the establishment of the Water Corporation.
- E Councils approach the Minister for Local Government for funding assistance towards this initiative of obtaining a report.
- F At or prior to the consideration of the tender report staff also report on the outcomes of the approach in paragraph E, and the likely contribution of the Water Corporation towards costs.

(Eaton/McNamara)

Councillors Macfadyen, Doyle and Vincent rose and demanded a division.

On division the following votes were recorded:

For the Motion: Councillors Maher, Holstein, Strickson, Best, McNamara, Webster, Symington and Eaton.

Against the Motion: Councillors Doyle, Latella, Macfadyen, Scott, McBride, Matthews, Vincent and Graham.

On being put to the meeting the MOTION WAS CARRIED on the casting vote of the Mayor (GCC).

RO.005 CENTRAL COAST AIRPORT - VERBAL UPDATE

Discussion on this matter took place.

RO.006 REGIONAL WASTE MANAGEMENT ARRANGEMENT

THE COMMITTEE RECOMMENDS to both Councils that:

- A Council receive the report on the establishment of a Regional Waste Management Arrangement between Gosford City Council and Wyong Shire Council and as presented at the Central Coast Regional Organisation of Councils meeting of 30 June 2011.
- B Council continue to investigate the most appropriate model for a Regional Waste Management Arrangement between Gosford City Council and Wyong Shire Council and that further reports be prepared for the consideration of both Councils.
- C Council prepare a framework upon which the Regional Waste Strategy can be developed and that a report be prepared for Council's consideration once the framework for the Regional Waste Strategy has been completed.

(Latella/Holstein)

NEXT MEETING

To be advised.

CLOSE OF BUSINESS

The meeting closed at 7.25 pm.

RECOMMENDATION

- A The Minutes of the Central Coast Regional Organisation of Councils be received and noted.
- B RO.001 CENTRAL COAST WATER CORPORATION - RECRUITMENT OF DIRECTORS

- A The following nominees for recommendation to the NSW Governor for proclamation as Directors of the Central Coast Water Corporation for the terms specified.

Role	Nominee	Term
Chairperson	Mr John Read	3 years
Director	Ms Margaret Haseltine	2 years
Director	Dr Therese Flapper	2 years
Director	Mr Michael Whittaker	18 months
Director	Mr Peter Wilson	18 months

- B Remuneration for the external Directors be set as follows:

External Directors	\$30,000 per annum
External Chairperson	\$45,000 per annum

- C For future Director appointments, local applicants be given a greater weighting.

- D Council be asked to develop a matrix to give appropriate weighting to local representation and gender equity.

C RO.002 CENTRAL COAST WATER CORPORATION - STRATEGIC PROJECT MANAGEMENT PLAN

- A The Gosford Wyong Water Authority be dissolved on 14 July followed by the inaugural Board meeting of the Central Coast Water Corporation subject to appointment of the Directors.

- B The Strategic Project Management Plan be adopted as the framework for the implementation of the Central Coast Water Corporation

- C The Strategic Project Management Plan referred to in B above evolve over the life of the project as issues emerge and decisions are made under a 'best value' approach.

D RO.003 CENTRAL COAST WATER CORPORATION - SERVICE LEVEL AND FUNDING AGREEMENT

Central Coast Regional Organisation of Councils approve and recommend to the Councils the execution of the Service Level and Funding Agreement with the Central Coast Water Corporation.

E RO.004 CONSOLIDATIONS RESOLUTIONS REPORT

- A Councils note that this resolution seeks information only and does not commit Council to any course of action.

- B Council receive the report on the Response to the Mayoral Minutes – Consideration of Wyong Shire and Gosford City Councils consolidation.

- C Both Councils call for a joint tender for the engagement of an independent consultant in accordance with the Local Government Act to undertake the brief of works being Attachment 1 as amended to Central Coast Regional Organisation of Councils report RO.004.

- D Councils endorse this brief to also fulfil the requirements of the cost benefit analysis in the establishment of the Water Corporation.
 - E Councils approach the Minister for Local Government for funding assistance towards this initiative of obtaining a report.
 - F At or prior to the consideration of the tender report staff also report on the outcomes of the approach in paragraph E, and the likely contribution of the Water Corporation towards costs.
- F RO.006 REGIONAL WASTE MANAGEMENT ARRANGEMENT
- A Council receive the report on the establishment of a Regional Waste Management Arrangement between Gosford City Council and Wyong Shire Council and as presented at the Central Coast Regional Organisation of Councils meeting of 30 June 2011.
 - B Council continue to investigate the most appropriate model for a Regional Waste Management Arrangement between Gosford City Council and Wyong Shire Council and that further reports be prepared for the consideration of both Councils.
 - C Council prepare a framework upon which the Regional Waste Strategy can be developed and that a report be prepared for Council's consideration once the framework for the Regional Waste Strategy has been completed.

7.1 Information Reports

TRIM REFERENCE: F2011/00027 - D02676414

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.

7.2 Disclosure of Interest Returns - 1 April to 30 June 2011

TRIM REFERENCE: F2010/01312 - D02631137

AUTHOR: Sonia Witt; TL Governance and Councillor Services
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns - 1 April to 30 June 2011.

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 April to 30 June 2011 are now tabled.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM
Section 450A(1) - register required of the Disclosure of Interest Returns lodged.
Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

ATTACHMENTS

- 1 List of Disclosures of Interest 1 April to 30 June 2011 D02631129

**Disclosures of Interest
1 April to 30 June 2011**

Councillors

-

Staff

Rumbel B (resignation)

7.3 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02645062

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 June 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
Hely St, Wyong Pacific Hwy, Wyong Werrina Pde, The Entrance Pacific Hwy, Lake Munmorah	34,000	Jul 2011	20	25	Sept 2011	Work has commenced at various locations to install 100mm fire services, 50mm domestic water and sprinkler services to provide potable water supply to industrial businesses developing on the Central Coast. This work is being funded by the Developer.
Soldiers Beach SLSC	10,000	Jul 2011	80	80	Aug 2011	Work is nearing completion to install approximately 18m of 100mm PVC water pipe to provide potable water supply to the newly constructed surf life saving club. The work also includes the installation of 100mm fire service and 40mm domestic water service and associated fittings. This work is being funded by Contracts and Special Projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Dudley St, Lake Haven	120,000	May 2011	65	60	Jul 2011	<p>Initial scope of works to relocate approximately 80m of 100mm MPVC water pipe and 375mm polyethylene pipe at the intersection of Dudley St and Chelmsford Rd East Lake Haven has altered with an additional 50m of pipe required to be constructed. This is due to a conflict with the invert levels of an existing drainage pipe at the intersection of Dudley St, Chelmsford Rd and Panorama Ave, Lake Haven.</p> <p>Consequently, the length of directional boring has increased by 23m and the construction of the water main in Dudley St has also increased by approximately 27m. Pressure testing of the bored water main has been completed and complied with Development Control Plan 67 (DCP 67).</p> <p>Subsequently the estimated cost of the work has increased from \$80k to approximately \$120k. This work forms part of the Roads and Drainage upgrade work and is being partially funded by Water & Sewerage and Roads and Drainage Capital Works Program.</p>
Bateau Bay Killarney Vale Ourimbah The Entrance Tuggerah Watanobbi Wyong	500,000	Jul 2011	5	10	Jun 2012	<p>Ongoing water main, stop valve and hydrant replacement works are underway to improve system supply operations.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Gavenlock Rd, Tuggerah	240,000	May 2011	80	50	Sept 2011	<p>Collar inspections are underway on the 600mm mild steel cement lined water trunk main in Gavenlock Rd Tuggerah. This is preventive maintenance work in aid of the proposed future subdivision development work in Tuggerah.</p> <p>This trunk main forms an integral part of the water supply infrastructure transferring potable water from Mardi Water Treatment Plant to Kanwal Reservoir, thus supplying potable water to the residents north of Kanwal.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance 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 Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2011	5	10	Jun 2012	<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 being funded by the Water and Sewerage Operations and Maintenance Program.</p>
Neville Cl, Bateau Bay	25,000	June 2011	25	25	Jul 2011	<p>Work is underway to construct 3 manholes and 6 sewer junctions on the existing 150mm UPVC sewer main to support the residential subdivision development at Lots 700, 706, 715 and 722 DP 801739.</p> <p>This work is being funded by The Developer.</p>

PROCESS**Water Treatment**

All water produced by Mardi Water Treatment Plant, for the period 1 to 30 June 2011 has met National Health and Medical Research Council Guidelines.

Sewage Treatment

On the 12 and 14 June respectively the volume discharged at Toukley Sewage Treatment Plant exceeded the licence allowance. This constituted a breach of the licence conditions.

All effluent that was discharged through the outfall was fully treated in accordance with the Licence and as such there was no pollution event. The volume exceedance was caused by a long period of heavy rainfall within the Wyong local government area over that weekend associated with an East Coast low weather pattern. The volume exceedance was caused by localised flooding on 12 June 2011 and associated high levels within Budgewoi Lake on 14 June 2011 that resulted in the submergence of residential drainage systems allowing the ingress of storm and lake water into the sewerage system.

Council is undertaking further work around the foreshore to identify and repair any damaged or dislodged sewage manholes and faulty or low residential drainage systems around the lake foreshore areas.

The Office of Environment and Heritage has been advised of the breaches.

Sewer Overflows

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

WATER STORAGE

Monday, 11 July 2011				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	61,597	32.4	Unchanged
Mardi Dam	7400	6,092	82.3	Down 175 ML
Mooney Dam	4600	4,598	100.0	Down 2 ML
Total	202000	72,287	35.8	Down 177 ML
STORAGE:				
<ul style="list-style-type: none"> Total stored water volume has increased by 3.4% since last month. This day last year the volume stored as a percentage of total capacity was 6.8% 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 ML to Hunter Water last week keeping this year's supply to 0 ML. 				
GROUND WATER BORES:				
<ul style="list-style-type: none"> Groundwater Bores supplied 1.3 ML last week, increasing this years supply to 104.8 ML 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	446	1	0	0
Previous week	449	20	31	23
Current week last year	446	25	27	7
This year to date	14,232	1,052	935	634
Same period last year	13,664	700	670	572
<p style="text-align: center;">Week to date consumption was 446 ML, equal to the same week last year and 0.7% less than the previous week.</p> <p style="text-align: center;">Consumption this year to date is 14,232 ML, 4.2% more than the same period last year.</p> <p style="text-align: center;">Level 3 Water Consumption Target for the week ending Monday, 18 July 2011 is 520 ML</p>				

ATTACHMENTS

Nil.

7.4 Changes to Solar Bonus Schemes

TRIM REFERENCE: F2009/01592 - D02646971

AUTHOR: David Irving; Electrical Services Engineer

MANAGER: Daryl Mann, Acting Manager Water and Sewerage

SUMMARY

This report reviews the ramifications of the reductions of the various solar bonus schemes.

RECOMMENDATION

That Council receive the report on Changes to Solar Bonus Schemes.

At its meeting held on 25 May 2011, Council adopted the following resolution moved by Councillor Eaton and seconded by Councillor Graham:

"1 That Council receive an urgent report on the ramifications of the reductions in the various solar bonus schemes.

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

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

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

In accordance with this resolution, a review has been undertaken relating to subsidies available if solar panels are installed. These changes apply to the general public as well as Council. The results are detailed in Attachment 1 and are summarised as follows.

Federal Government:

- a) Subsidies still exist from the Federal Government however the formula used to calculate the subsidy has been amended. In 2010/11 the "solar credits" were calculated using a multiplier of 5. This multiplier is now reduced to 3 in 2011/12, to 2 in 2012/13 and to 1 in 2013/14.
- b) The effect of this is to reduce the amount of subsidy for the capital cost of the solar panels. For a 1.5kW system, the subsidy would have been approximately \$6,200 in 2010/11. In 2011/12 it will be \$3,720, in 2012/13 it will be \$2,480 and in 2013/14 it will be \$1,240 and remain at this level thereafter.
- c) The Federal Government has not made any other changes to the basic entitlement for the subsidy however there is clearly an incentive to install solar panels sooner rather than later.

7.4 Changes to Solar Bonus Schemes (contd)

NSW State Government:

- d) The NSW Solar Bonus Scheme has been suspended and no new applications have been accepted since 28 April 2011. There is currently a review of the Scheme to consider having it restored in a different format.

- e) Council was not entitled to participate in the Scheme when it was in operation. However, if a community group paid the electricity bill on a Council owned site, the community group may have been admitted under the previous Scheme. Until the review of the scheme is concluded it is not known if this arrangement will still apply.

Budget Implications

Funding for the installation of solar panels is available from two sources:

- a) The operational funds that would have been used to purchase green energy and are now available for green projects; and

- b) Grant funding.

Solar panels installed at sites where Council pays the electricity bill could be funded by both sources, whereas community facilities would normally be funded by grant funding. The sources of funds are fixed for 2011/12 (unless additional grant funding becomes available), so the reduction in the Federal Government subsidy means that individual installations will be more expensive and fewer installations can be carried out. This also assumes that the installation of solar panels represents a worthwhile use of funding in comparison to other projects that can reduce greenhouse gas emissions.

ATTACHMENTS

- 1 solar panels - technical review D02205857

WYONG SHIRE COUNCIL - SOLAR PANELS TECHNICAL REVIEW as at 14 June 2011

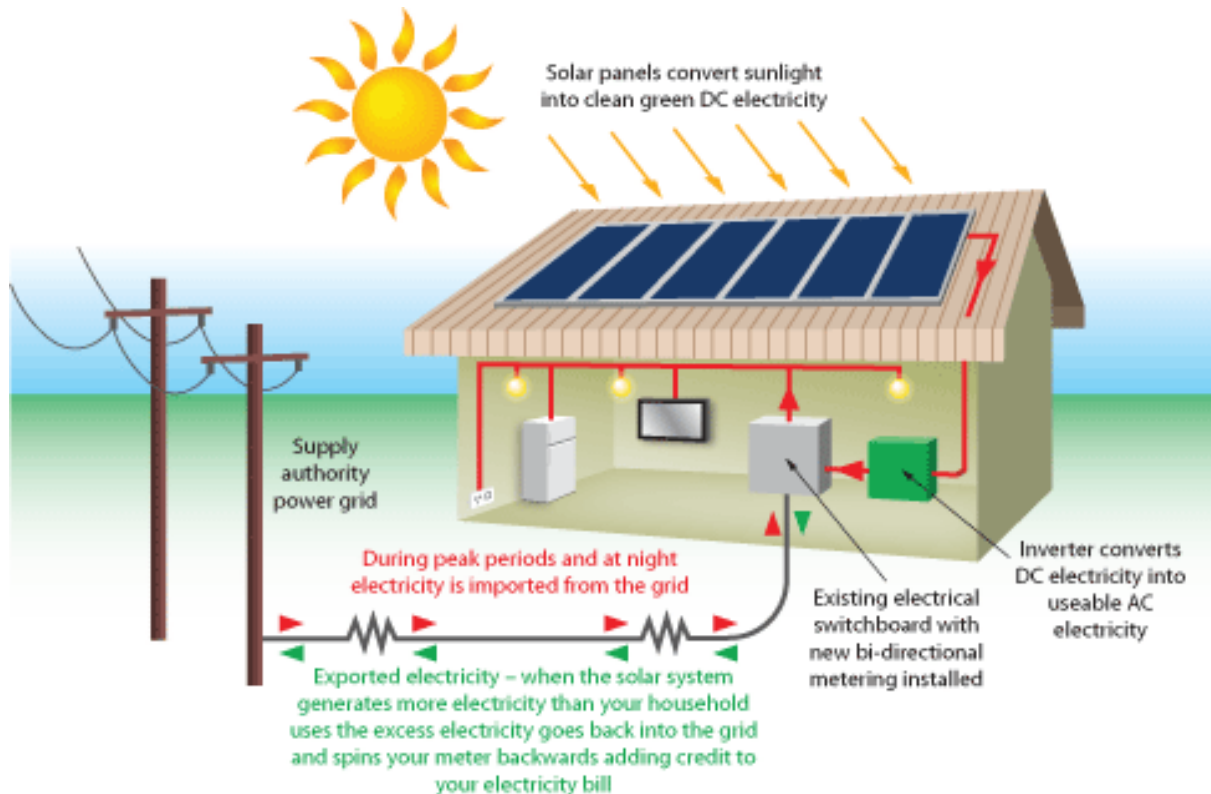
What is a PV Solar Cell / Panel?

A PV (Photo-Voltaic) Solar *cell* converts about 15% of the energy of sunlight to electricity. By connecting a number of cells together a solar *panel* can be used to increase the amount of electricity generated. The strength of the system is measured in kilowatts (kW) and the quantity of energy it can produce is measured in kilowatt-hours (kWh). The Clean Energy Council (cleanenergycouncil.org.au) has estimated that a 1.5kW system located in Sydney will generate on average 5.85 kWh per day which is about 2,135 kWh per annum.

Applications of PV Solar Panels

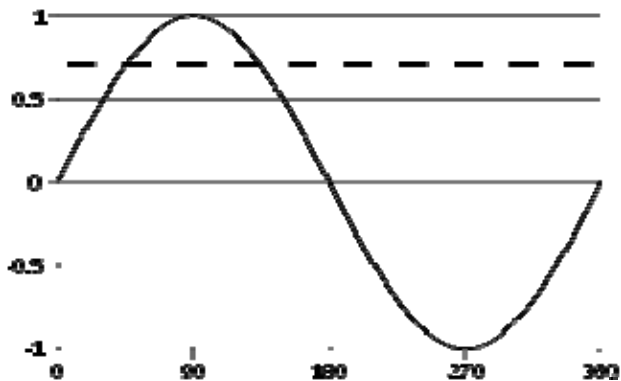
PV Solar Panels are either used to recharge a battery-based system or to feed electricity directly into the grid.

- a) Battery-based Systems: The size of the solar cells and the batteries depends on the electrical load. Small devices such as watches and calculators use a small PV cell and a single rechargeable battery, medium sized devices such as School Zone warning signs use a solar panel about 600mm square and a more substantial battery, large installations such as communications towers at remote sites will have an array of solar panels and a bank of high-powered batteries.
- b) Grid connected Systems: On the website of Global Environmental Services Pty Ltd (GES) there is an excellent diagram showing how a grid connected solar panel system works:



Electricity is described in terms of voltage, current and frequency. A solar panel produces electricity at about 40 volts, with direct current (DC) and a frequency of 0 (ie: an unchanging level of voltage similar to a battery).

Electricity supplied from the grid is at about 240 volts, with alternating current and a frequency of 50 Hz (cycles per second). This is shown in the following diagram:



240 volts refers to the “root mean square” value of the curve, which is about 0.707 times the peak value of about 340VAC.

To feed the output of the solar panel into the grid it is necessary to convert the voltage to the above waveform at the correct voltage level and the correct frequency and then add it to the grid supply at exactly the right time so that the waves are in sync with each other. Otherwise, one supply will be competing with the other and in the worst case (180 degrees out of sync) one supply will cancel out the other. The process of conversion and addition is carried out by the *inverter*. This device converts the solar panel output to about 240V AC (RMS), monitors the grid supply and then adds in the converted solar panel supply so that it is in sync. Consequently the inverter is an extremely important part of the system and energy suppliers such as Energy Australia only allow accredited inverters to be connected to their network. They also rate the size of the system by the capacity of the inverter, not the capacity of the panels. Consequently it is essential that the inverter be rated the same *or above* the capacity of the panels (in kilowatts, kW).

The installer will usually include this item in the quotation, together with the metering required. This is important because there may be hidden costs in the installation of meters that the customer would not be aware of until they are ready to connect up the system. For example, the meter box may have no room for the extra meter or new cabling may need to be laid, which can be very expensive if the meter box is a long way from the property where the solar panels are installed (eg: rural installations).

Net and Gross Feed-in Tariffs

In the above diagram GES show bi-directional metering (for a Net Tariff system). The meter records the consumption from the grid in one direction and the consumption from the panels in the opposite direction. There can be three scenarios:

1. Consumption by the site & no supply from the panels (eg: the situation at night) > the meter goes forward.
2. Consumption by the site & supply by the panels that is less than the consumption by the site > the meter goes forward but is slowed down since it only recording the *net difference* between the consumption by the site and the supply by the panels.
3. Consumption by the site (or no consumption) & supply by the panels that exceeds the consumption by the site > the meter goes backwards.

Consequently, the panels are used to reduce the amount of consumption recorded and thereby reduce the electricity bill.

With a gross feed-in tariff system the customer is paid for the total amount of solar-based electricity generated, regardless of how much energy they consume. However, this assumes that a feed-in tariff is available. The NSW Dept of Industry & Investment website now advises the following:

Following an announcement by the Minister for Energy on Friday 29th April 2011, applications to the NSW Solar Bonus Scheme have been placed on hold for a period of two months. During that period the government is holding a Solar Summit to investigate options to limit costs by restructuring the Scheme and ensure the further development of solar energy in NSW. No new applications to the Scheme will be considered from midnight 28 April 2011 pending the results of the Solar Summit.

Consequently, a feed-in tariff is not available to new applicants while the NSW Solar Bonus Scheme is on hold. Existing applicants, who were admitted to the Solar Bonus Scheme prior to 28 April 2011 or meet the transition guidelines will still receive payments from a feed-in tariff.

The Use of Solar Panels as a Primary Energy Source

At a remote site mains power may not be available and solar panels with battery backup may be used to provide the electrical power required. The economic viability of this depends on the amount of energy the site uses.

For a small site such as a toilet block a review of Council's electricity bills shows consumption varies between 240kWh and about 6000 kWh per annum. The sites consuming large amounts usually have local floodlighting off the same supply. For a load of 1400kWh the energy cost of electricity from the grid is about \$200. To generate 1400 kWh from a solar panel / battery system the estimated cost is about \$5,000 using a 1kW unit. Consequently, the investment would not pay for itself in less than 25 years. If the grid supply is completely disconnected the saving increases by a further \$200 per annum (due to no service charges) but this would mean that there is no backup for the solar panel / battery system and the investment would still not provide a return in less than 12-13 years.

For a medium-sized load such as a Community Centre the annual consumption is about 45,000 kWh. Based on 1,425 kWh per annum per kW of solar panel an installation to replace this supply would need to be rated at about 32kW. This would be very expensive, given that the subsidy for solar panel installations stops at 10kW. The cost of electricity from the grid for a load of 45,000 kWh is about \$8,000 including about \$100 in service charges.

Consequently, a solar panel and battery-based system would need to cost less than \$50,000 to be a viable proposition. It is likely that a suitable system would cost considerably more than this, especially when the maintenance costs of such a large system are also taken into account.

One example where a solar cell / battery system is intended to be used is Council's communications tower at Scadden's Ridge, Ourimbah State Forest. There is no mains supply to the site and the cost of installing one is prohibitive due to the isolated location. There are already batteries in place that are charged by a diesel generator but this presents operational difficulties (to supply fuel on a continuous basis) and there is a risk of the generator breaking down when it runs 24 hours a day 7 days a week. For this site solar panels offer the only secure solution over the longer term. The current proposal is to install 18 solar panels rated at 80W each. These will provide the main source of power to charge the batteries but the existing generator will also be used as an emergency backup. A quote obtained in 2005 estimated about \$14k for the solar panels but in addition to this there was an estimate of \$74k for the batteries and auxiliary equipment. This shows that the use of solar panels to replace the mains supply can be very expensive when all the costs are taken into account.

In conclusion, it is not economically viable to install solar panels to replace the grid supply unless it is remote site and the use of the grid supply is not an option. However, solar panels *can* be used to generate power and reduce the cost of using an existing grid supply.

Federal Funding to Offset the Installation Cost

STCs

Small-scale Technology Certificates, or STCs, are a tradeable commodity attached to eligible installations of renewable energy systems (including solar panels, solar water heaters and heat pumps). Under the Federal Government's Small-scale Renewable Energy Scheme, when you install an eligible system, you may claim a set number of these STCs. This number is based on the amount of electricity in megawatt hours (MWh):

- generated by your small-scale solar panel, wind or hydro system over the course of its lifetime of up to 15 years; or
- displaced by your solar water heater or heat pump over the course of its lifetime of up to 10 years.

A new solar water heater or heat pump is eligible if it is listed in the Register of Solar Water Heaters. A new solar panel system is eligible if its components are listed in the Clean Energy Council list of accredited components, and it is installed correctly by a Clean Energy Council accredited installer.

The number of certificates you can claim may vary depending on your geographic location, what you're installing, whether your installation is eligible for *Solar Credits*, and/or the size and capacity of the installed system. For example, a 1.5kW solar panel system in Melbourne might be eligible for a minimum 21 STCs, while a solar water heater in Hobart might be eligible for a minimum of 20 STCs. The approximate value of an STC is \$40. They are usually transferred from the customer to the supplier to reduce the cost of the equipment.

Solar Credits

- Solar Credits is a mechanism which increases the number of STCs able to be created for eligible installations of SGUs through the use of a multiplier.
- Solar Credits are not means tested.
- Solar Credits apply to the first 1.5 kilowatts (kW) of capacity installed in an eligible premises (see below)
- Generation from capacity above 1.5 kW, either on the original unit or on any additional capacity installed at a later date, will still be eligible for the standard 1:1 rate of REC creation.
- Solar Credits apply to the first 1.5kW of all SGUs, including solar, wind, and hydro installations.
- If you are installing an off-grid SGU your system may be eligible for Solar Credits over and above those applicable to grid-connected systems.
- The current SRES Legislation multiplier is as follows.

Installation Period	Multiplier
9 June 2009 - 30 June 2010	5 x [number of eligible STCs]
1 July 2010 - 30 June 2011	5 x [number of eligible STCs]
1 July 2011 - 30 June 2012	3 x [number of eligible STCs] *

1 July 2012 - 30 June 2013	2 x [number of eligible STCs]
1 July 2013 - onwards	1 x [number of eligible STCs] (ie no multiplier)

* unless contracts made on the basis of a multiplier of 4 were signed and a deposit paid prior to 5 May 2011, in which case the multiplier of four (4) does apply.

Eligibility criteria for Solar Credits

The SGU must comply with all eligibility criteria before it is entitled to Solar Credits.

- The unit is installed at eligible premises between 9 June 2009 and 30 June 2013;
- At the time the unit is installed, there is no pre-approval or funding agreement in force under the Solar Homes and Communities Plan (SHCP), the Renewable Remote Power Generation (RRPGP), or the National Solar Schools Program (NSSP) and no financial assistance has been provided in respect of the unit under the SHCP, the RRPGP or the NSSP;
- At the time the unit is installed, financial assistance under the SHCP, the Photovoltaic Rebate Programme (PVRP), the RRPGP or the NSSP has not been approved or provided in respect of any *other* SGU at the same location;
- The SGU is a new and complete unit. A unit is complete if:
 - it is capable of generating electricity in a form that is usable at the eligible premises where it is installed without the need for an additional part or parts to be added to or incorporated into the unit.
 - it is wired directly to the premises where it is installed, so that its output is capable of being metered at the premises or the unit includes a meter that is dedicated to measuring its electricity output.;
- At the time of STC creation in the Registry, Solar Credits have not been claimed on any previous set of STCs created for the same unit – for eg, on STCs submitted for previous deeming periods (only applicable if you have chosen 1 or 5 year deeming periods). STCs for subsequent deeming periods are created at 1:1 value;
- If the STCs are being claimed on the first 1.5 kW of the rated power output of the unit (on-grid) or the first 20kW of the rated power output of the unit (off-grid).
- STCs for power above these amounts and under 100 kW are created at 1:1 value. (Higher-rated units may be classified as Power Stations.

Council could qualify for solar credits at an eligible premise in one or more of the following categories:

- Business premises (eg factories and offices)
- Specific types of premises (eg: caravan park).
- Community and educational buildings

The ORER website advises that “If you would like clarification regarding the eligibility of a particular premises, please contact the [Small Units Team](#) at ORER. Include in your email as much detail as possible including location, address, boundaries, road access, title information, access to electrical connection and metering, ownership, occupancy, nature of business, maps and other information you may wish to provide.”

You can calculate the number of STCs claimable by a system by using the calculators on the ORER website. In Wyong Shire, the entitlement is given by (31 x multiplier) for the first 1.5kW + (31 per 1.5kW) for the remainder. Consequently, the following calculations apply:

2011/12							
SIZE	Multiplier	First 1.5kW	Remainder	Total	credit\$	base\$	net\$
1.5	3	93	0	93	3720	9500	5780
3	3	93	46.5	140	5580	23750	18170
4.5	3	93	93	186	7440	38000	30560
6	3	93	139.5	233	9300	47500	38200
7.5	3	93	186	279	11160	57000	45840
9	3	93	232.5	326	13020	66500	53480
2012/13							
SIZE	Multiplier	First 1.5kW	Remainder	Total	credit\$	base\$	net\$
1.5	2	62	0	62	2480	9500	7020
3	2	62	46.5	109	4340	23750	19410
4.5	2	62	93	155	6200	38000	31800
6	2	62	139.5	202	8060	47500	39440
7.5	2	62	186	248	9920	57000	47080
9	2	62	232.5	295	11780	66500	54720
2013/14							
SIZE	Multiplier	First 1.5kW	Remainder	Total	credit\$	base\$	net\$
1.5	1	31	0	31	1240	9500	8260
3	1	31	46.5	77.5	3100	23750	20650
4.5	1	31	93	124	4960	38000	33040
6	1	31	139.5	171	6820	47500	40680
7.5	1	31	186	217	8680	57000	48320
9	1	31	232.5	264	10540	66500	55960

This table shows the reducing subsidy and the increasing net cost of solar panel installations. The estimated starting price (base\$) is based on the price of a 1.5kW unit in 2011, taking into account that a system that is twice as big is more than twice the cost. The subsidy (credit\$) also has a diminishing impact as the size of the system increases. From an economic point of view the optimum size is 1.5kW.

The Economics of Solar Panels

Prior to July 2011 the net cost of a 1.5kW system was about \$3,500. With the change in the Federal Government subsidy it is now likely to be about \$5,800. Council is not allowed to participate in a Solar Bonus Scheme so a feed-in tariff will not be available even if the scheme is resurrected after the period of review. Consequently, for sites where Council pays the electricity bill the financial benefit is determined by the savings in electricity costs based with a net metering arrangement. For sites where the community group pays the bill a feed in tariff may be available but this is subject to the outcome of the review.

Assume that a typical site where Council pays the bill is a Tom Stone Child Care Centre. In 2009/10 the cost of electricity at this site was \$6,534 with consumption of 31,640 kWh. This makes the effective rate about 20.6 c/kWh. In 2010/11 the rates increased by 15% and in 2011/12 will increase further by about 18% so the applicable rate in 2011/12 should be about 28 c/kWh. A 1.5kW panel should cost about \$5,800 and will generate about 2,135 kWh per annum. This is a saving of about \$600 per annum. A simple calculation shows that the cost of the panel will be retrieved in about 10 years. Assuming a 10% increase in electricity costs per annum an NPV analysis reduces this payback period to about 9 years (Trim doc D02205861). In both cases the payback period is beyond the preferred limit of 5 years.

A further consideration, which applies to Council sites where the community group pays the electricity bill, is the requirement to adopt "Time of Use" metering. This tariff has different rates for peak, shoulder and off-peak periods. The Time of Use (TOU) tariff has lower rates for Shoulder and Off Peak but substantially higher rates for Peak. An analysis would need to be made of the site's time of consumption to check that any benefits obtained from the Solar Bonus Scheme are not offset by increased electricity costs for the grid supply (assuming that the site is not already Time of Use).

Conclusion

This analysis has shown the following key points:

- Solar panels should not be seen as a replacement for the normal mains supply unless there is a remote site where the mains supply is not available and the expenditure can be justified.
- Solar panel installations rated up to 1.5kW with the energy fed back into the grid are marginally economically viable with a payback period of about 9 years. Other factors may need to be considered to go ahead with the installation (eg: source of funds, non-economic factors etc.)
- The capital cost of solar panel installations over 1.5kW can be so high that even with the subsidies the investment will not provide a return in a reasonable time frame.
- To comply with subsidy requirements Council would need to install the panels at "small sites" that are "public" buildings. Examples are libraries, and child care centres. Large sites such as treatment plants do not qualify for the subsidy, nor do operational sites such as small pumping stations which are not as visible to the public.
- Sites need to be chosen with the risk of theft and vandalism taken into account.

7.5 Activities of the Building Certification and Health Unit and Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02658475

AUTHOR: Jane Doyle; Senior Administration Support Officer, Environment and Planning

MANAGER: Lynn Littlefield, Team Coordinator Environment and Planning

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of June 2011.152.

RECOMMENDATION

That Council receive the report on Activities of the Building Certification and Health Unit and Development Assessment Unit.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	10	2,930,490	6	862,744
Industrial	3	12,300,000	3	788,000
Residential	69	7,636,706	70	23,435,957
Other	2	3,000	1	6,800
Total	84	22,870,196	80	25,093,501

Note: Included in the number of development applications received in the "Industrial" category was three Industrial Units at Berkeley Vale, valued at \$10.5M to be determined by the JRPP. Included in the number of development applications determined in the "Residential" category was a Residential Flat Building at The Entrance valued at \$15M determined by the JRPP.

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	1	-	-
Residential	4	6	11	29
Rural	1	2	-	-
Total	6	9	11	29

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **18** days.

The net median turn-around time in working days for priority applications determined during the month was **35** days. There were two priority applications which included a Drive Through take-away restaurant and five attached restaurants, carparking and signage at Tuggerah and combining 2 retail tenancies into one and additional storage at Bay Village Shopping Centre at Bateau Bay.

Other Approvals and Certificates

Type:	Number Determined:
Trees	44
Section 149 D Certificates (<i>Building Certificates</i>)	12
Construction Certificates	47
Complying Development Certificates	15

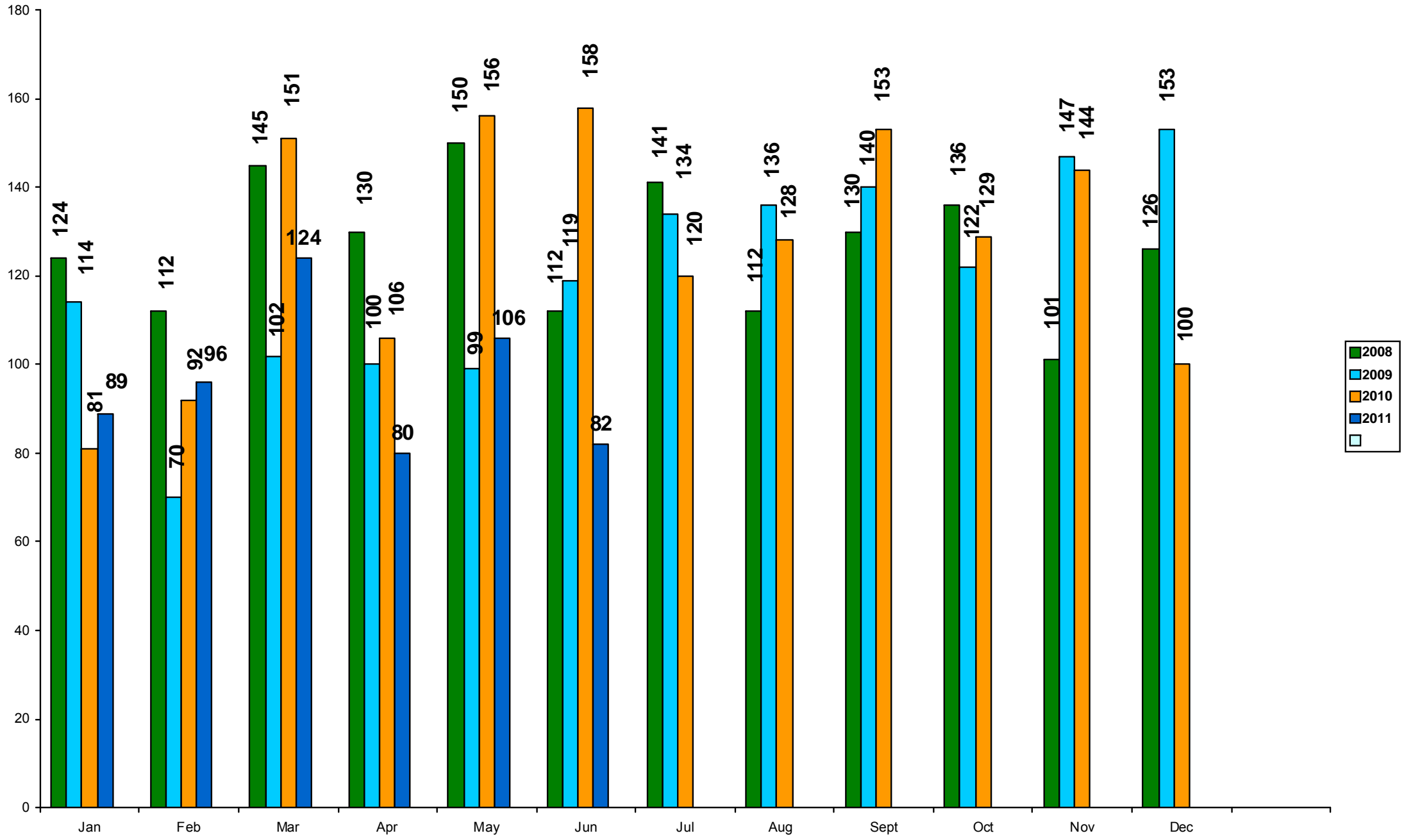
State Environmental Planning Policy No 1

There were no applications that relied on SEPP 1 variations for the month of June that were in excess of a 10% variation.

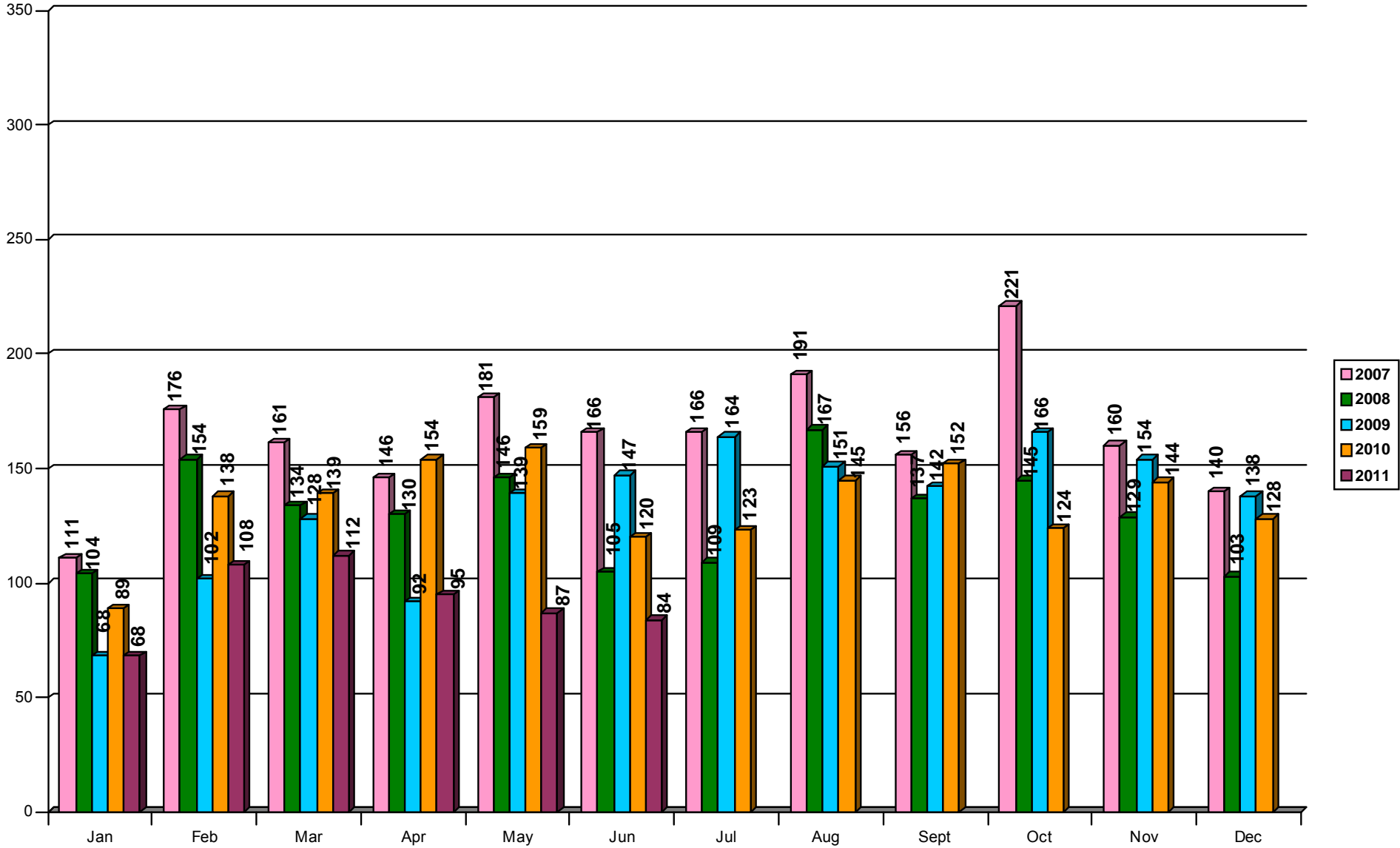
ATTACHMENTS

- 1 Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined. D02669700

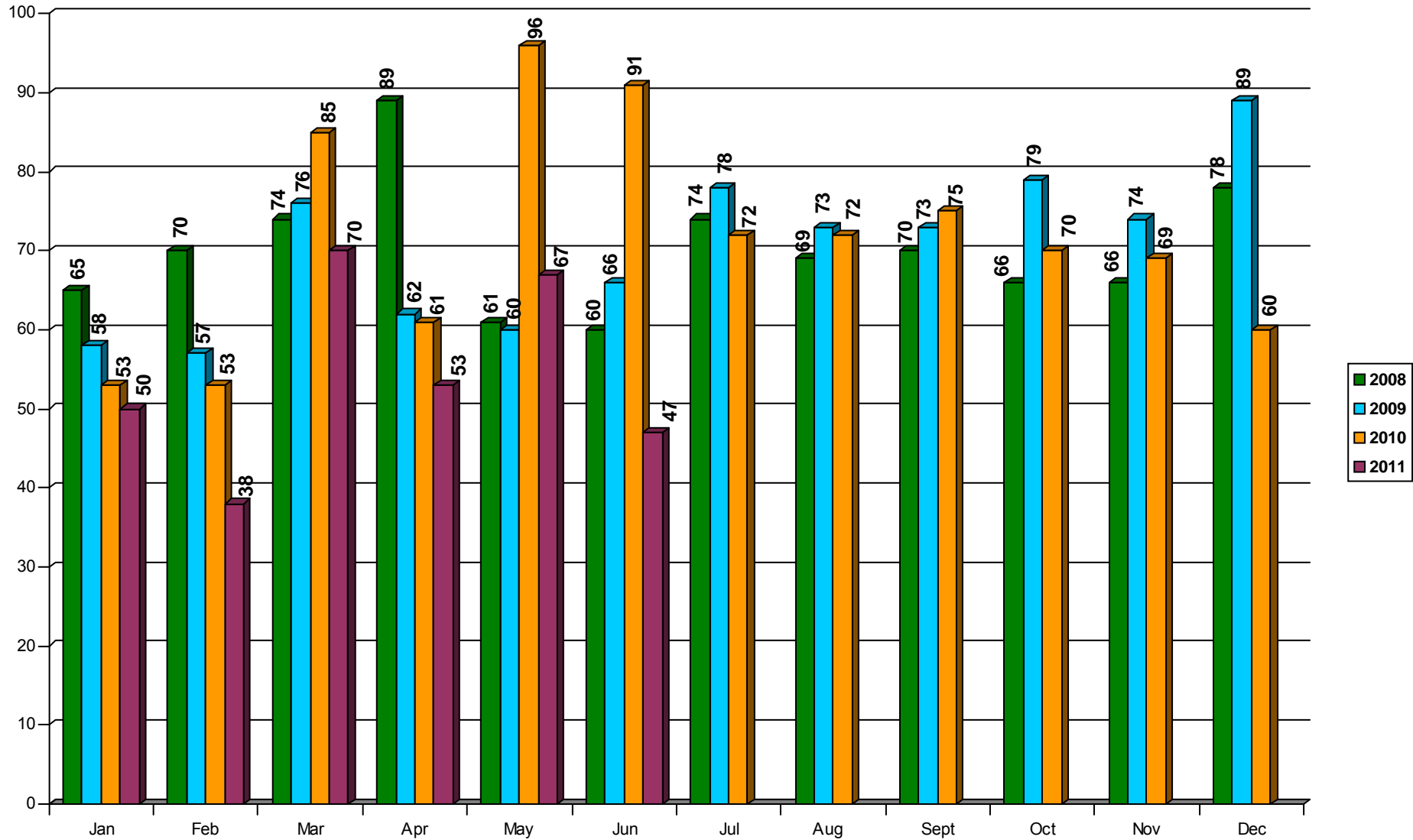
DAs DETERMINED



DAs LODGED



CCs DETERMINED



7.6 Results Of Water Quality Testing for Beaches and Lake Swimming Locations

TRIM REFERENCE: F2004/06822 - D02658500

MANAGER:

Jon Scorgie; Senior Environmental Health Officer

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 June 2011.

RECOMMENDATION

That Council receive the report on Results Of 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 Office of Environment and Heritage (OEH) 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.*

7.6 Results Of 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"

Although the Office of Environment and Heritage's Beachwatch program becomes inactive during the winter season, Council continues to sample 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. For our winter program, Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

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 OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

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

Summary of results for June 2011 (Winter Program)

For the month of June 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.

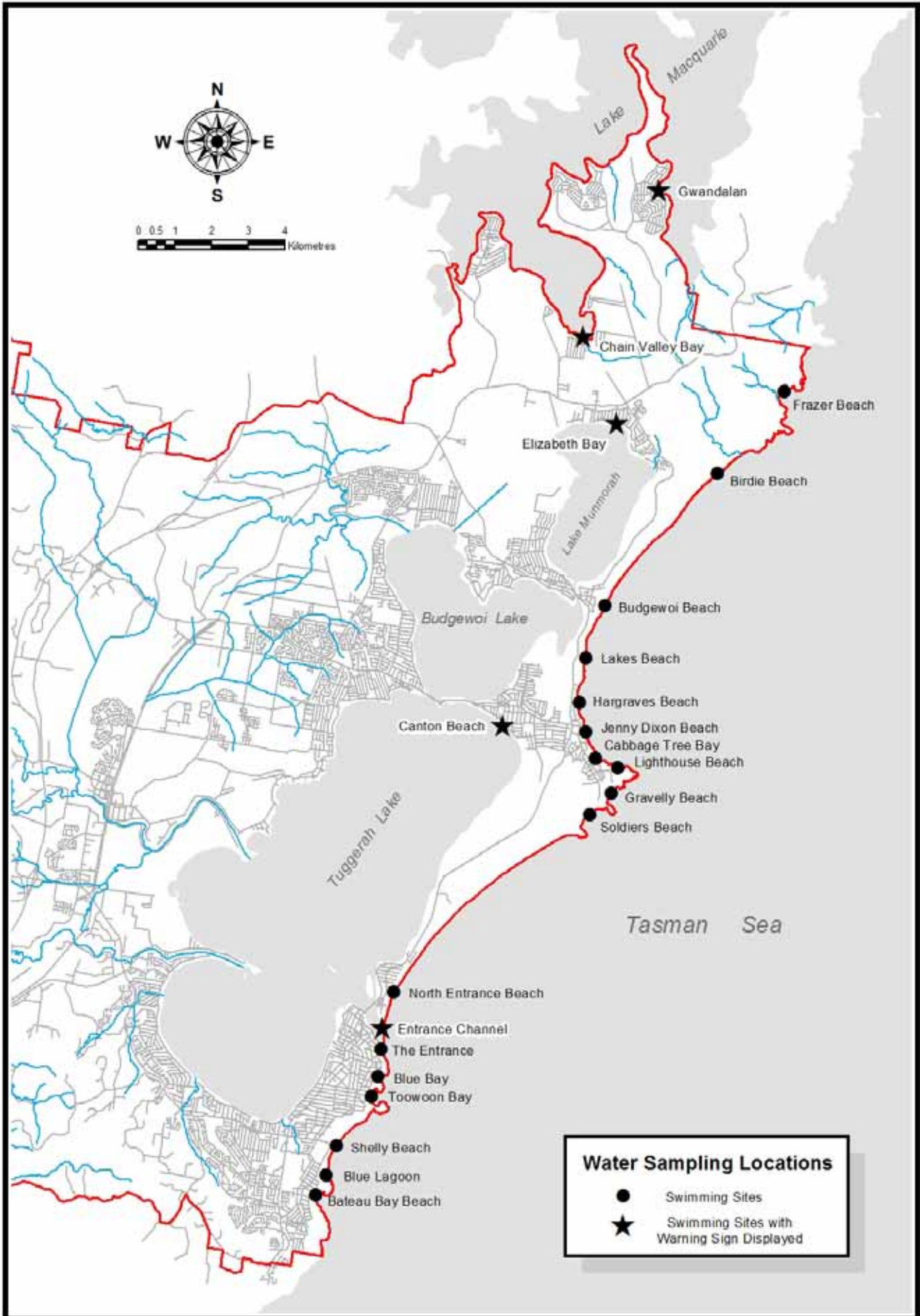
A definition of the star rating system can be seen in Table 1 below.

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



7.7 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02661799

AUTHOR/S: Peter Sheath; Manager Design and Projects & Josette Matthews; PA to Manager, IM Support

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 June 2011. General Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND STORMWATER 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
Mataram Road Culverts, Woongarra	\$1.49M	15/11/10	83	100	Complete	Project savings due to incorporation of landscaping on site to reduce spoil disposal costs.
Lindsay St, between Shelly Beach Rd and Bonnieview St, Long Jetty	\$1.88M	23/03/10	90	100	Complete	Project completed
Donald Ave, Kanwal Drainage Upgrade	\$37K	25/5/11	67	99	July 2011	Completion pending the supply of turf from turf farm
Oleander St/Evans Road Shared Path, Canton Beach	\$367K	20/6/11	70	99	July 2011	Completion pending the supply of turf from turf farm

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Horns Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah	\$232K	6/12/10	92	95	Spring 2011	Road sealing to be completed. Vegetation restoration to be completed early Spring.
Hidden Valley Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah	\$286K	30/3/11	90	95	Spring 2011	Road sealing to be completed. Vegetation restoration to be completed in early spring
Wilfred Barrett Drive Road (South of Magenta) Shoulder widening for bicycle lane (for RTA)	\$540K	4/5/11	70	99	July 2011	Line marking outstanding. Savings due to use of specialist local paving machinery, which enabled day works rather than costly night works.
Wilfred Barrett Drive Road (North of Magenta) Shoulder widening for bicycle lane (for RTA)	\$251K	26/5/11	40%	99	July 2011	Line marking outstanding.
Wyuna Ave Pedestrian Refuge on Wilfred Barrett Drive (for RTA)	\$201K	19/5/11	42%	50	July 2011	Awaiting finalisation by asphalt contractor.

General Maintenance Work

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

	North	South
Drainage Maintenance	Wyong San Remo Gwandalan Chain Valley Bay Nth	Long Jetty Berkeley Vale Bateau Bay The Entrance Tumbi Umbi Mardi
Replacement of Damaged Foot paving	Toukley	Berkeley Vale Bateau Bay

	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	Yarramalong Wyong Creek Warnervale	Nil
Heavy Patching	Yarramalong Wyong Creek Lake Haven Charmhaven Hamlyn Terrace	The Entrance North
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah Chain Valley Bay Nth	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah
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	Southern Softball Diamonds due for completion October 2011.	Construction works proceeding under Council's direct management. Turf completed to all fields. The Entrance AFL Club has relocated to the new AFL field. Tenders have closed for the construction of the southern softball cages and remaining site fencing.
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	98	98	August 2011 (RAP & concept design)	Preliminary and detailed site investigations completed. Draft Remedial Action Plan (RAP) report received. Referred to Site Auditor for review and comment. RAP then to be finalised
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	75	75	Feb 2012 (RAP & concept design)	Preliminary and detailed site investigations completed. Tenders for Remedial Action Plan (RAP) to be invited in August 2011.
CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	75	75	Feb 2012 (RAP & concept design)	Preliminary and detailed site investigation completed. Tenders for Remedial Action Plan (RAP) to be invited in August 2011.
CPA/144547 Construction of Stormwater Treatment Works, Colongra Bay Rd, Lake Munmorah	\$270K	Jan 2010	80	95	August 2011	All work completed except for grates to stormwater pits due to be completed by August.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$171K	Mar 2008	95	95	August 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	\$150K	Jun 2008	95	95	August 2011	Contract awarded to Cardno (NSW) Pty Ltd. 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	\$163K	Dec 2008	92	90	August 2011	Contract awarded to SMEC Australia Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	85	85	Mar 2013	Hunter Land Management achieved Practical Completion in March 2010. Bush regeneration and maintenance works will continue for two years. Further de-silting work to be undertaken in July.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale.	\$170K	Mar 2009	70	96	August 2011	Council day labour started bulk earthworks on site end of March 2011. Estimated timeframe for completion end August 2011 subject to weather.

7.7

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/164637 Preliminary Investigation (complete)	\$250K (three contracts)	Dec 2009	100	100	Complete (Preliminary Investigation)	
CPA/185467 Detailed Investigation Toukley Landfill (Sewage Treatment Plant and Transfer site)		Nov 2010	100	100	Complete (Detailed site investigation)	Detailed site investigation completed in June 2011 by Douglas Partners P/L.
CPA/196356 - Remedial Action Plan and Concept Design for former Toukley Landfill		May 2011	10	10	August 2011 Remedial Action Plan (RAP)	Engagement of Golder & Assoc. for completion of the Remedial Action Plan (RAP) by the end of August 2011.
CPA/164957 – Tuggerah Lakes Saltmarsh Rehabilitation (TL19 & TL20 – Berkeley Vale)	\$500K	Feb 2011	67	67	September 2011	The high lake level is preventing completion of work. Project work suspended until situation improves.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$7.53m	Apr 2010	61	72	End August 2011 for Community Centre. Sports fields use possibly early 2012.	The Community Centre and northern car park (Portion 2) will be complete by mid August; laying of the turf (Portion 1) to the playing field has been delayed until Spring to maximise growth potential; the balance of the works (Portion 3) will be completed by end of August.
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	10	10	April 2012 (Detailed design)	Detailed design contract awarded to SMEC. Design work commenced in June and currently in progress.
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	100	100	June 2011	Work completed.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/184446 – Shelly Beach SLSC Construction	\$3.23M	Oct 2010	53	78	Building 30 July 2011, Roadwork 31 August 2011	Projected Contract completion date end July 2011. Roadworks will commence mid July for completion by end August 2011. Federal Government has extended date for completion to end July 2011.
CPA/184454 – Soldiers Beach SLSC Construction	\$3.2M	Oct 2010	65	96	Building 13/7/11; Roadworks 30/7/11	Project is nearing completion with final painting and fitout underway. Roadworks have commenced and programmed for completion end July 2011.
CPA/184901 Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan	\$308K	Nov 2010	100	100	August 2011	Works completed. Practical Completion granted 10/6/11.
CPA/184904 Construction of Stormwater Treatment Works, Catalina Rd & Liamena Av San Remo	\$415K	Nov 2010	60	80	August 2011	Both precast gross pollutant traps have been installed and remaining works are progressing well but impacted by inclement weather.
CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttonderry Waste Management Facility	\$160K	Nov 2010	60	60	April 2012	Subsurface landfill gas encountered around active landfill area. Ongoing monitoring proceeding. Tenders for gas management strategy to be invited in September 2011.
CPA/189210 CPA/194091 Investigation & Design Only, for New Cell 4.3 at Buttonderry Waste Management Facility	\$430K	Nov 2010	10	10	June 2012	Site survey and geotechnical investigations finalised. Contract for Area 4 Development Strategy awarded in June 2011 and currently in progress. Design tenders for cell 4.3 to follow finalisation of Development Strategy.

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities	\$200K	Dec 2010	20	35	June 2012	Part 5 Application for foreshore stabilisation works was withdrawn due to lack of funding. Painting works completed. Landscaping and playground upgrade works expected to be completed September 2011.

CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS

Contract No.	Contract Description	Date of Practical Completion
CPA/184901	Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan as part of the Estuary Management Plan.	10 June 2011
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	31 May 2011

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 until the defects identified are completed.	98
CPA/127662	Mardi Suite of Works Mardi Transfer System, High Lift Pump Station and Intake Tower (Boulderstone)	Practical Completion Separable Portion 1 - 26 November 2010 Separable Portion 2A - 26 November 2010 Separable Portion 2B - 26 November 2010 Separable Portion 3 - 26 November 2010	58
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/142295	Mardi Suite of Works High Voltage Upgrade to Mardi Dam site (Poles and Underground)	Practical Completion Separable Portion 1 - 10 August 2010 Separable Portion 2 - 10 August 2010 Separable Portion 3 - 27 August 2010	92 92 75
CPA/153228	Construction of Woongarra Sports Facility	Practical Completion 4 June 2010 Defects being repaired by Contractor	97

7.7

General Works in Progress (contd)

CPA/160794	Construction of the Northern Section of the Link Road	Practical Completion Separable Portion 1 – 16 March 2010 Separable Portion 2 - 1 September 2010 Separable Portion 3 - 15 November 2010	100 80 65
CPA/154562	Toukley Sewage Treatment Plant Inlet Works Upgrade	Practical Completion 10 December 2010 Defective step screen is being repaired. Other step screen is in operation. WAE Drawings and O&M manuals received. Attending to further faults.	60
CPA/160330	Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	Practical Completion 1 October 2010	80
CPA/160331	Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	Practical Completion 30 August 2010	90
CPA/164633	Excavation & lining of Cell 4.2B Buttonderry Waste Management Facility	Practical Completion 28 August 2010.	90
CPA/171026	Installation of Subsoil drainage at Halekulani Oval, Kurraba Oval and Killarney Vale Oval	Practical Completion 1 December 2010	60
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	Practical completion achieved on 31 May 2011	99
CPA/174474	Stormwater Treatment Works Project #6, Parkside Dr Charmhaven	Practical Completion 29 October 2010	75
CPA/177219	Amenities Block at Tenth Avenue, Budgewoi	Practical Completion 30 September 2010	80
CPA/184901	Construction of Stormwater Treatment Works, Gascoigne Road, Gorokan	Practical Completion granted 10 June 2011	100

ATTACHMENTS

Nil.

7.8 Warnervale Town Centre June 2011 Progress Report

TRIM REFERENCE: F2004/00535-08 - D02668332

AUTHOR/ MANAGER: John Pearce; Senior Development Manager

SUMMARY

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

RECOMMENDATION

- 1 That Council receive the report on Warnervale Town Centre June 2011 Progress Report.**

KEY PROGRESS ITEMS

Ministers Meeting

A Warnervale Town Centre (WTC) meeting was convened by the Central Coast Minister, The Hon. Chris Hartcher MP on the 14th July 2011 to discuss issues surrounding the progress of WTC.

Wyong Shire Council was represented by the Mayor, the General Manager and the Major Projects Unit. Other stakeholders included the Department of Planning and Infrastructure (DoPI), Department of Premiers & Cabinet, Transport for NSW (formally RTA) Woolworths, Landcom and Yeramba Estates.

From the meeting, the main issue is the unfunded Sparks Rd and Intersection upgrade. The spokesperson for Transport for NSW (TNSW) reiterated the former RTA unwritten policy of the developers being responsible for infrastructure required for their development. In this case the developers being Landcom, Woolworths and Council. Therefore, RTA has not to date provided any resources to commence design documentation towards the project, nor does the agency have funding to commit to the project. Discussion during the meeting centred on the contribution the intersection played in providing access to the Railway Station and the contribution by the three developing parties in funding the access road. It is expected that the railway station will be utilised by 40000 residents, therefore much larger than the town centre itself. The RTA estimated they would require \$300,000 to finalise design and approvals. No funds are presently allocated to this purpose.

Once the funding for the detailed design can be allocated more accurate costing and time scheduling can be completed. Landcom has offered to forward commit \$100,000 of their required SIC contribution to TNSW to commence the road upgrade design works. Woolworths is also considering the same.

Two other issues were raised during the meeting, the first being the completion the revised DCP by the Department of Planning in which DoPI gave an undertaking to revised density targets by July end and to finalise the DCP by the end of August. Council advised the

meeting that that Council has revised Section 94 Plan but cannot finalise the Plan until the revised densities and DCP are finalised by DoPI.

The second issue is the concern of the Lower Hunter Spotted Gum Ironbark Forest being adopted within Wyong Shire. The location of the Spotted Gum impacts mainly on the DoPI land west of the railway line, with a small portion located along the proposed Access Rd north of Landcom land. Council will continue in an advocacy role to achieve a resolution of this issue.

CURRENT STATUS

Deliverable Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1: DCP Amendments			
Revert B2 (local centres) to R1 (residential) & B4 (mixed use)	November 2010	May 2011	100%
Department of Planning amending SEPP	May 2011	June end 2011	100%
Internal roads rationalization; Objective of rationalization; <ul style="list-style-type: none"> • Reduce roads and intersections • Create larger development parcels • Reduce infrastructure costs 	February 2010	May 2011	100%
Hill Top Park Review of height relationships between the town centre and park and location of community facilities. Objective; Integrated with rezoning and roads rationalization.	February 2010	May 2011	100%
Milestone 2: Entry Road;			
Negotiating Deed of Agreements and budgets with adjoining landowners.	January 2011	May 2011	60%
Milestone 3: Biocertification			
Council, DECCW, DoP & Department of Premiers and Cabinet met to discuss the adopted methodology and next steps for WTC	March 2011	March 2011	100%
Council to draft Bio-certification Agreement with DECCW	April 2011	Dependant on DECCW	
Biocertification Strategy placed on public exhibition	May 2011		
Milestone 4: Sparks Rd Intersection			
Council continuing ongoing dialogue with RTA requesting actual extent of intersection scope and cost.	March 2011	On going	
Milestone 5: Railway Station			
Railcorp and Woolworths agreed on design	March 2011	March 2011	complete

Deliverable Status

	Scheduled Start	Scheduled Completion	% Work Complete
integration, rail concourse and road levels			
Railcorp finalizing Plan of management	May 2011		
Railcorp is preparing a response to outstanding issues such as stormwater management, non compliance with the DCP and integration with services on site for submission to council together revised Statement of Environmental Effects.	April 2011	June 2011	100%
WSC to respond		May 2011	10%
Milestone 6: S94 Contribution Plan			
Contribution Plan is continually updated with changing amendments to the DCP. The following tasks are dependant on the DoP.			
Adjust Contribution Plan upon 1. receipt of asset managers confirmation of infrastructure costing , 2. deletions of infrastructure items and 3. additional revenue from DCP amendments	April to May 2011	June 2011	90%
Briefing of Council seeking approval to exhibit.	May 2011	June	Delayed Awaiting DoPI to finalise DCP
Forward to DoP seeking approval to exhibit	May 2011	June	
Exhibit plan for public comment.	June 2011	July	
Report to Council on results of exhibition.	July 2011	July end	
Notify Department of Planning of adoption of the plan.	July 2011	July end	
New Ministerial Direction given.	August 2011	August end	
Contributions Plan comes into force.	August 2011	August end	

Stakeholder Liaison

PSG Meetings continue on a monthly basis.

Council sent a Warnervale Update newsletter to over 7,000 residents around the WTC. Residents have acknowledged the letter with Council receiving overwhelming positive feedback from local residents.

A WTC update was presented to the Watanobbi / Warnervale Precinct Committee and around 40 local residence on Tuesday evening 5th July 2011. The presentation went for around 2 hours and was well received.

ATTACHMENTS

Nil

7.9 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02676102
AUTHOR: Daniel Kemp; Engineer
MANAGER: Daryl Mann; Acting Manager Water and Sewerage

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

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

CURRENT STATUS

Expenditure to date	End June 2011	\$101.2m
Value of works Complete	July 2011 (est)	\$113.5m
Approved Budget		\$120.6m
Overall Construction Status (excluding Commissioning)	Completion Date: <u>29 July 2011</u>	% Work Complete: <u>98%</u>

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		15 August 2011	98%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		99%
Work Package 2 – Wyong River Pump Station	19 February 2010		99%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%

7.9 Mardi to Mangrove Link Project Status (contd)

Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		98%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		100%

Milestone 2:		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
Milestone 3:		24 Oct 2011*	35%
Commissioning	1 August 2011		

*(Dates as per JH latest program C19) * excl 2 week contractor's float*

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	4 April 2011	<input checked="" type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- Pipe laying has been completed on 55/56 properties.
- 46/56 properties have been restored (excluding minor outstanding works).
- Works have been 100% completed by John Holland on 40/56 properties (assuming hydro testing is satisfactory and valves have been completed).
- 24/56 landholders have signed releases.

- Easement Plans have been prepared for 55/56 properties.
 - Key property and landholder issues at present include:
 - Key focus is on meetings with landholders to close out restoration issues – progressing well
 - Slow progress in getting JHG to complete minor outstanding restoration work and to properly repair driveways damaged during construction.
-

Stakeholder Liaison**Media**

- A story was featured in the Central Coast Express Advocate on the planned completion of the road works.
- A story was featured in the Rural and Village Grapevine about the opening of Bunning Creek Bridge as a legacy benefit.
- Traffic updates, including details of restoration works, continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.

Resident communication

- Weekly traffic emails continue to be sent to more than 30 households who have sought direct updates. The focus of these updates has changed from construction to restoration.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

Other

- Planning has started for a series of project completion events.
 - An afternoon tea to thank staff and contractors is planned for 8 August. Invitations will be distributed on Monday 18 July.
 - A turning on of the system event is planned for 31 August. Further information will be available in the coming weeks.
-

Incidents

- No significant safety incidents occurred in the last period.

Major Achievements / Issues

- Work Package 1: Structural work for the Wyong River off-take structure has been completed. The recent rain saw the River level rise causing localized damage to the bank stabilization works. The Contractor has repaired the damage and completed installation of the remainder of the gabion mattress. Landscaping is due to commence shortly of the area between the top of the rock mattresses and the top of the bank.
- Work Package 2: Structural work on the Wyong River Pump Station has also been completed. The “demonstration” and “commissioning” phases are underway. Site restoration works are well advanced.
- Work Package 3: Work on this package has been completed
- Work Package 4: Construction of the Mardi Dam Discharge Structure has been completed.
- Work Package 6: Construction of the Mardi to Mangrove Transfer Pump Station has been completed. Commissioning of the transfer pump station cannot commence until Work Package WP07 has been completed. (See below). The alternate pressure differential switches for the strainers are expected to be on site in 3 to 6 weeks. However, this will not delay commissioning as commissioning can proceed with the existing pressure differential switches.
- Work Package 7: The “final” connection of the HDD into the Mardi-Mangrove WP07 pipeline is complete. The last thrust blocks on either side of the HDD were completed on 13 July 2011 (on Pyke’s property). The Concrete Work on the rectification of the rotational joints located on the pipe bridges, has also commenced. The modified expansion joints are expected to be on site on 15 July 2011. It is anticipated that the construction and testing of the “full length” of the Mardi-Mangrove pipeline should be completed by late-July 2011. Commissioning of the pipeline cannot commence until the above work has been completed.
- Work Package 18: Work associated with the modification of the existing Wyong River weir has now been completed.



Installation of the HDD thrust block.
(Work Package 7)

ATTACHMENTS

Nil.

7.10 Investments For June 2011

TRIM REFERENCE: F2004/06604 - D02676191
AUTHOR: Devini Susindran; Financial Accountant
MANAGER: Cate Trivers, Chief Financial Officer:

SUMMARY

This report details Council's investments as at 30 June 2011.

RECOMMENDATION

That Council receive the report on Investments For June 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, Ministerial Investment Order issued 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. These investments are being wound up. Investments held in the Blackrock Care and Maintenance Fund continue to be wound up progressively and are now expected to be finalised by 2016.

CURRENT STATUS

Managed Funds

WSC has \$13.11m invested in managed funds which are "grandfathered" investments under the Ministers Order. These investments in June incurred a minor revaluation adjustment (0.2%). The creditworthiness of these investments remains satisfactory.

- Blackrock Care and Maintenance Fund \$7.90m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. Revaluation capital loss for June was \$19,071.34.
- Macquarie Global Income Opportunity \$5.20m – Net income for the month of June was \$16,311.15. Council is in a process of redeeming this investment which will be completed in August 2011.

Cash Deposit Funds

Total net return for June 2011 was \$0.50m consisting of \$0.49m interest earnings and \$0.01m capital gain.

Table 1 Investment Portfolio by Risk Category

	June 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	14,415	6.20	1,093
Term Deposits	109,332	6.54	3,862
Cash Plus Funds		-11.52	-1
Cash Management Funds	7,903	12.24	1,129
Enhanced Income Funds	5,204	9.17	1,155
Total Investments	136,854	7.61	7,238

Fully year to date returns in June of 7.61% compares favourably with the benchmark UBSA Bank Bill Index of 5.03%.

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

Table 2: Portfolio Performance

	July – Sept. 2010 \$m	Oct – Dec. 2010 \$m	January- March 2011 \$m	April - June 2011 \$m	Year to Date 2010-11 \$m
<i>Movement in Assets</i>					
Opening Balance	126.39	84.26	105.60	114.9	126.39
Capital Gain/Loss – (see below)	0.92	0.52	0.23	0.23	1.90
Net Cash/Investments(Withdrawals)	(43.05)	20.82	9.07	21.73	8.57
Closing Balance	84.26	105.60	114.9	136.86	136.86
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	-	-	-	-	-
Capital Gain/(Loss) Unrealised	0.92	0.52	0.23	0.23	1.90
Interest Earnings	1.32	1.17	1.45	1.39	5.33
Total Return for Period	2.24	1.69	1.68	1.62	7.23

June

Council invested \$60m in June 2011, which included \$26.0m of funds from the drawdown of Council's loan borrowings to fund Water and Sewer operations. Investments were phased

7.10 Investments For June 2011 (contd)

over the twelve months based on current cash flow projections, a balanced spread across investment institutions, and based on best rates available for the term of the investment. The following summarises investments made in June by institution:

Wyong Council Credit Union*	\$ 1.0m
IMB	\$ 5.0m
Bendigo Bank	\$ 9.0m
Suncorp	\$10.0m
NAB	\$15.0m
CBA	\$20.0m

* Investment backed by Federal Guarantee

Interest and Investment Returns

Council's investment earnings for the year at \$7.24m show a minor unfavourable variance of \$60,000 in comparison to the revised budget of \$7.30m.

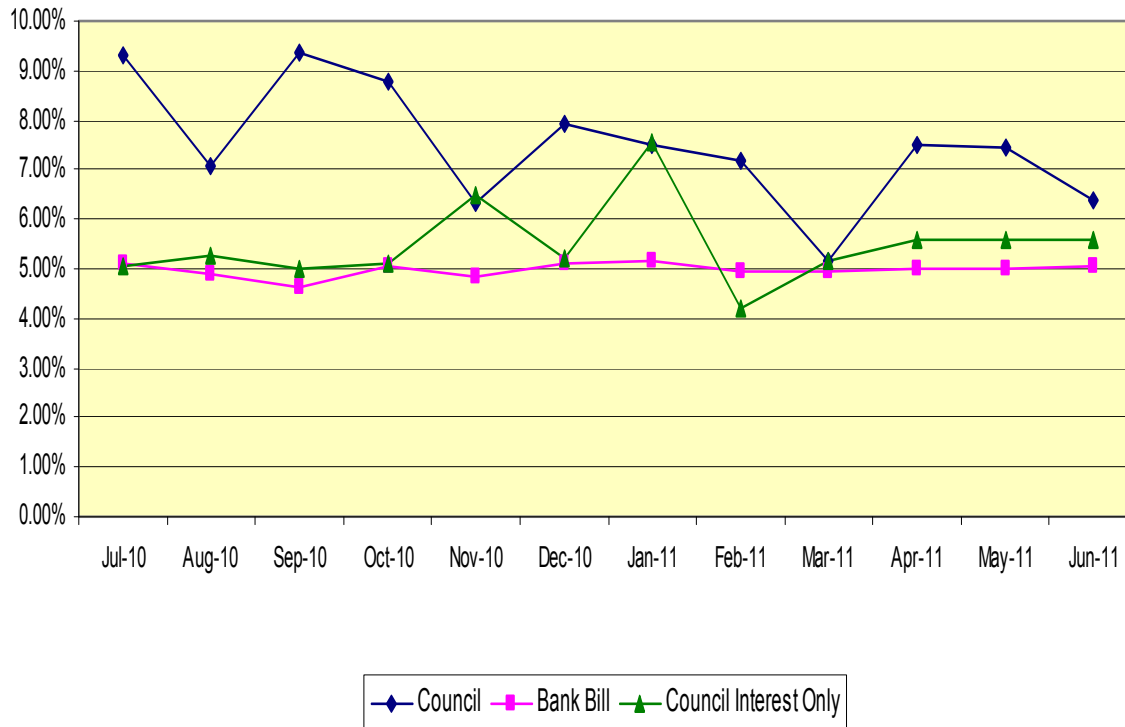
Table 3 Annual Investment Portfolio Performance as at 30 June 2011

Investment Source	FYR Original Budget \$ '000	FYR Approved Budget	YTD Actual \$ '000	Variation Approved Budget \$ '000
General Fund	3,630	3,630	3,126	(504)
Water	2,741	2,241	1,840	(401)
Sewerage	1,429	1,429	2,274	845
Total	7,800	7,300	7,240	(60)

Interest rates in the month on term deposits, other than a statutory \$10.2m deposit for WorkCover, ranged from 5.13% to 6.40% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for June of 5.03%.

Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the UBSA Bank Bill Index which is a cash index and therefore determines 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 30 June 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.

The full year investment earnings result of \$7.20m reflects a sound year performance in investment returns.

ATTACHMENTS

1 Summary of Investment by Type June 2011 D02676405

Wyong Shire Council
Summary of Investments - By Type
As at 30 June 2011

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.05.11 \$	PORTFOLIO BALANCE 30.06.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:					
Westpac Corporate Investment Account (AA)	Daily	31,464,616	14,052,878	163,262	
LGFS Overnight Call Account (A2)	Daily	-	-		
UBS Cash Account (AA)	Daily	5,388,795	361,672	25,377	
Total Cash At Call		36,853,410	14,414,550	188,640	
TERM DEPOSITS & BONDS					
IMB Term Deposit	08/06/2011	5,000,000		16,575	6.23
SunCorp Term Deposit	22/06/2011	5,000,000		19,137	6.35
NAB Term Deposit	07/07/2011	5,000,000	5,000,000	25,562	6.22
IMB Term Deposit	18/07/2011	5,000,000	5,000,000	25,274	6.15
T-Corp (WorkCover NSW)	02/09/2011	10,243,519	10,243,519	41,928	4.98
Bankwest Term Deposit	05/10/2011	5,000,000	5,000,000	24,658	6.00
Westpac Term Deposit	05/10/2011	5,000,000	5,000,000	24,164	5.88
NAB Term Deposit	19/01/2012	5,000,000	5,000,000	24,822	6.04
Bankwest Term Deposit	18/04/2012	5,000,000	5,000,000	24,863	6.05
Bendigo/Adelaide Term Deposit	18/04/2012	5,000,000	5,000,000	25,890	6.30
Commonwealth bank Term deposit	29/07/2011		5,000,000	1,608	5.87
Commonwealth bank Term deposit	29/08/2011		10,000,000	3,222	5.88
Commonwealth bank Term deposit	27/09/2011		5,000,000	1,630	5.95
NAB Term Deposit	27/03/2012		10,000,000	6,849	6.25
Bendigo/Adelaide Term Deposit	26/09/2011		5,000,000	3,370	6.15
Bendigo/Adelaide Term Deposit	26/06/2012		4,000,000	2,805	6.40
IMB Term Deposit	26/06/2012		5,000,000	3,452	6.30
SunCorp Term Deposit	04/07/2012		10,000,000	5,178	6.30
NAB Term Deposit	28/12/2012		5,000,000	3,408	6.22
Wyong Credit Union Term deposit	28/12/2011		1,000,000	160	5.85
Westpac Deposit Bond	24/09/2012	4,094,940	4,094,940	24,033	5.13
Total Term Deposit & Bonds:		59,338,459	109,338,459	308,589	
CASH PLUS:					
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	-			
Total Cash Plus		-	0	-	
CASH MANAGEMENT FUNDS:					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,922,235	7,903,163	-19,071	
Total Cash Management Funds		7,922,235	7,903,163	(19,071)	
ENHANCED INCOME:					
Macquarie Global Income Opportunity	Open Ended	5,187,934	5,204,246	16,311	
Total Enhanced Income		5,187,934	5,204,246	16,311	
TOTAL		109,302,038	136,860,418	494,469	

7.11 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2011/00027 - D02657077
AUTHOR: Susanna Gardiner; 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 and Notices of Motion -
27 July 2011 | D02675715 |
|---|---|-----------|

No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Environment and Planning Services	<p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee</p> <p><i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p> <ul style="list-style-type: none"> • <i>The Terms of Reference (charter, roles, responsibilities and function);</i> • <i>Possible membership</i> • <i>Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</i> 	9 September 2009 Cr Wynn / Cr Best	A report will be submitted to Council on 10 August 2011.
2	Environment and Planning Services	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <p>1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i></p> <p>2 <i>Text of the letter be endorsed by Council.</i></p>	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified. Council's Senior Counsel to submit additional information for inclusion in the August 2011 round of Council meetings.
3	General Manager's Department - Major Projects	<p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p><i>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i></p>	12 May 2010 Cr Eaton / Cr Best	<p>Department of Planning (DOP) agree to design amendments and road rationalisation drawing referred to as "Proposed Amended Road Layout" dated 13 May 2011. The road rationalisation plan reduces overall road lengths by approximately 700 lineal metres (a cost saving of approximately \$2.8M) and deletes roads through the contaminated tree fill tip.</p> <ul style="list-style-type: none"> * DOP has now introduced B4 zoning on council land. B4 zoning allows for greater permissible land use than the previous B2 and R1 zones. * DOP is reviewing proposed amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) submitted by various landholders. * DOP advised Council amendments to the SEPP should be completed by end of May 2011 followed by amendments to the DCP mid June 2011. <p>A feasibility report should be compiled by an external independent consultant in regards to the viability of the project.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
4	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Eaton	A briefing was held on 11 May 2011. A report is being prepared for the August 2011 round of meetings.
5	Community and Recreation Services	10.2 – Notice of Motion – San Remo Xtreme Sports Park <i>1 Consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport.</i> <i>2 Following initial community consultation conduct an on-site meeting.</i> <i>3 Consider a report on the outcome of the above, including the financial and recourse implications to Council.</i>	25 August 2010 Cr McBride / Wynn	A report will be submitted to Council in September 2011 to allow for comprehensive engagement and development of options.
6	Community and Recreation Services	8.2 - Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i>	27 October 2010 Cr Graham / Cr Eaton	A Councillor briefing has been planned for 24 August 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
7	General Manager's Department - Major Projects	<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><i>a Establish a register of sites appropriate for development of aged housing.</i></p> <p><i>b 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><i>c Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i></p> <p><i>d In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i></p> <p><i>e Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i></p> <p><i>f Work with local registered clubs to encourage their participation.</i></p> <p><i>g 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. Council is preparing expressions of interest to form an expert panel.</p> <p>Council is also preparing a comprehensive business case.</p>
8	Corporate Services	<p>9.1 - Notice of Motion – Women's Committee</p> <p><i>1 Include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</i></p> <p><i>2 Consider participation / membership to include Councillors, staff and community reps.</i></p>	10 November 2010 Cr Matthews / Cr Webster	A report will be submitted to Council on 10 August 2011.
9	Infrastructure Management	<p>11.2 - Notice of Motion – Improved Taxi Services</p> <p><i>Council invite NSW Taxi Council and Central Coast Taxis to brief Council on their service delivery model and plans for future improvement.</i></p>	23 February 2011 Cr Best / Cr Webster	This item has been included in the draft briefing schedule for 10 August 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
10	Community and Recreation Services	<p>Q114/11 – Memorandum of Understanding with Department of Housing</p> <p><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></p>	23 February 2011 Cr Best	MOU has been drafted and forwarded to Housing NSW further discussions are underway.
11	Infrastructure Management	<p>Q2/11 – Odour in Water at Chain Valley Bay North</p> <p><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 <u>link</u> between the recently reported manganese levels in the water and the fishy smell. If no <u>link</u> exists, could staff please advise what might be causing the fishy smell?</i></p>	9 March 2011 Cr Vincent	Investigation to take place after locations determined and response will be provided to a future Council meeting.
12	Community and Recreation Services	<p>10.1 - Notice of Motion - Storage of Dinghies on Foreshore in Wyong Shire</p> <ol style="list-style-type: none"> 1 <i>That Council consult with the community and potential stakeholders to develop a policy for the storage of dinghies on foreshores in Wyong Shire.</i> 2 <i>That following community consultation a policy is developed and reported to council for adoption.</i> 3 <i>That the report includes the cost/return/savings of implementing the policy.</i> 4 <i>That, if the policy is adopted it be communicated thoroughly to the broader community prior to any implementation.</i> 	27 April 2011 Cr Wynn	A report will be submitted to Council at its meeting on September 2011 round of meetings.

No	Department	Question Asked / Councillor	Meeting Asked	Status
13	Infrastructure Management	<p>7.1 - Notice of Motion - Regional Push to Reinstate F3 Link</p> <p>1 That Council <u>form</u> a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</p> <p>2 That Council <u>urge</u> the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</p>	25 May 2011 Cr Best / Cr Eaton	A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received.
14	Community and Recreation Services	<p>Q13/11 - Disabled Mini Train Tourist Project</p> <p>Could staff please provide an update on the issues surrounding the proposed sites identified in the North of the Shire for the Disabled Mini Train Tourism Project?</p>	25 May 2011 Cr Vincent	Background information is currently being gathered on this matter.
15	Community and Recreation Services	<p>Q14/11 - Suggested sites for Disabled Mini Train Tourist Project</p> <p>Could staff also suggest any additional sites that may be suitable in the North of the Shire for the Disabled Mini Train Tourism Project?"</p>	25 May 2011 Cr Vincent	Background information is currently being gathered on this matter.
16	Environment and Planning Services	<p>7.1 – Notice of Motion – Closure of Coal Fired Power Station at Lake Munmorah</p> <p>That Council <u>reiterate</u> its position requesting the closure of the coal fired power station at Lake Munmorah as soon as practicably possible.</p>	8 June 2011 Cr Wynn / Cr Best	Letter being drafted for General Manager's approval.

No	Department	Question Asked / Councillor	Meeting Asked	Status
17	Environment and Planning Services	<p>7.2 – Notice of Motion – Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission</p> <p>1 That Council <u>write</u> to the NSW Premier and the Minister for Planning and Infrastructure with regard to the recent approval under Part 3A of the developments at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission:</p> <p>a Condemning the decision of the previous government to approve the development.</p> <p>b Requesting a meeting with the Member for Swansea Gary Edwards MP and the Member for Lake Macquarie Greg Piper MP to ask for their assistance in returning the development to the relevant Councils for determination of implementation of the decision.</p> <p>c Outlining its concerns regarding the number of lots retained and the fact that the approval was issued prior to the finalisation of the relevant Development Control Plan.</p> <p>2 That Council <u>be advised</u> of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.</p>	8 June 2011 Cr Wynn / Cr Vincent	Letters issued on Tuesday 19 July 2011
18	Community and Recreation Services	<p>Q16/11 – Status Report on Delay in Purchasing Relocatable Security Cameras</p> <p>“Can staff provide a status report on the delay in purchasing the relocatable security cameras, previously approved by Council resolution, in the ongoing fight against graffiti?”</p>	8 June 2011 Cr Symington	A Councillor Business Update to be provided.
19	Environment and Planning Services	<p>Q17/11 – Warnervale Road Upgrade</p> <p>“Could staff please advise when Warnervale Road will be upgraded to allow traffic to traverse the road during heavy rain periods.”</p>	8 June 2011 Cr Vincent	A response to this question is being prepared for the August 2011 round of Council meetings.

No	Department	Question Asked / Councillor	Meeting Asked	Status
20	Community and Recreation Services	<p>8.1 – Notice of Motion – Rose Street Carpark</p> <p>1 <i>That further to recent media reports regarding the former State Government's \$5.9 million Commuter Carpark, Council as a matter of urgency <u>embark</u> on a communications program in partnership with the new State Member to inform the community of parking options in and around the Wyong rail head promoting the use.</i></p> <p>2 <i>That Council <u>conduct</u> any community communication program through current communications activities, including the mayoral column.</i></p>	<p>22 June 2011</p> <p>Cr Best / Cr McNamara</p>	<p>The community have been informed with articles in the Express Advocate - Mayor's column on 29 June 2011 and a full page article on Friday 1 July 2011.</p> <p>Also future Shirewide articles and radio grabs are planned over the coming weeks.</p>
21	Community and Recreation Services	<p>6.1 - Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services</p> <p><i>That Council <u>lobby</u> the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.</i></p>	<p>13 July 2011</p> <p>Cr Graham / Cr Webster</p>	<p>To be undertaken.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
22	Infrastructure Management	<p>6.3 - Notice of Motion - Road Works on The Entrance Road Through Long Jetty and the Pacific Highway Through Wyong</p> <p>1 That Council <u>formally approach</u> the Minister for Roads and Ports and the Minister for Transport, seeking continuation of funding for the planning of the Central Coast Highway through Long Jetty in the 2011/12 State Budget, for it to go to the community consultation and determination of the ultimate road boundaries stage.</p> <p>2 That Council <u>formally approach</u> the Minister for the Central Coast and Member for The Entrance seeking their support for Council's action in relation to Recommendation 1 above.</p> <p>3 That Council <u>formally approach</u> the Minister for Roads and Ports, requesting that the work on the upgrading of the Pacific Highway through Wyong be expedited and that the RTA's preferred option be immediately exhibited for public comment.</p> <p>4 That Council <u>formally approach</u> the Minister for the Central Coast and Member for Wyong seeking their support for the Council's action in relation to Recommendation 3 above.</p>	<p>13 July 2011 Cr Graham / Cr McNamara</p>	<p>Letters are currently being prepared.</p>
23	Corporate Services	<p>6.4 Notice of Motion - Council Calls to Support Local Nurses</p> <p>That Council <u>support</u> and <u>applaud</u> the outstanding contributions to our local community made by all hospital workers and <u>acknowledge</u> that they should be paid appropriately by their employer.</p>	<p>13 July 2011 Cr McNamara / Cr Webster</p>	<p>A letter has been sent to Northern Sydney Central Coast Area Health in support of hospital workers.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
24	Environment and Planning Services	<p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <p>1 That Council <u>acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</p> <p>2 That Council <u>request</u> the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</p> <p>3 That Council <u>request</u> the report be prepared in partnership with the appropriate agencies and indigenous community.</p> <p>4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting.</p>	13 July 2011 Cr Best / Cr Vincent	This NOM has been put on the Environment and Natural Resources Work Programme and timing will depend on the availability within the works programme to undertake unallocated projects unlikely to occur prior to the 2nd quarter.

No	Department	Question Asked / Councillor	Meeting Asked	Status
25	Environment and Planning Services	<p>6.6 - Notice of Motion - Failure to Commence GP Superclinic</p> <p>1 <i>That Council <u>note with concern</u> that despite the undertaking of the applicant to commence the Warnervale GP Super Clinic by "June 2011 end month" that this project has not commenced and is now some four years in the making.</i></p> <p>2 <i>That Council <u>request</u> the General Manager to urgently report on the current status of this vital community medical facility. The report should include:</i></p> <p style="padding-left: 20px;"><i>a chronological history of the initiative/application up until the most recent Section 96 DA Variation request by the applicant (lodged late June).</i></p> <p style="padding-left: 20px;"><i>b likely timelines for completion of all stages of the originally proposed Super Clinic.</i></p> <p>3 <i>That Council <u>acknowledge</u> the efforts of staff in facilitating and fast-tracking the numerous applications to assist in delivering this complex.</i></p> <p>4 <i>That Council <u>acknowledge</u> the initiatives and support of both State and Federal Governments in their endeavours to facilitate the GP Super Clinic.</i></p>	<p>13 July 2011</p> <p>Cr Best /</p> <p>Cr McNamara</p>	<p>The answer to this NOM will be prepared at the same time to co-incide with the the Section 96 Application that will be reported to Council.</p>

No	Department	Question Asked / Councillor	Meeting Asked	Status
26	Corporate Services	<p>6.7 - Notice of Motion - Council Calls to be Classified as a "Regional Area" to Access new \$7,000 Grant</p> <p><i>That Council call on the NSW Government to classify Wyong Shire as a "Regional Area" to enable access to the \$7,000 Regional Relocation Grant that will boost economic activity in the local building industry. Wyong Shire needs a strong building industry that supports jobs. The new "Regional Relocation Grant", which came into effect on the 1 July 2011, now lists Wyong Shire as a Metropolitan area. Unless Wyong Shire is classified as a "Regional Area" new residents to the Shire will not be eligible for the Regional Relocation Grant. While Wyong Shire Council are determined to progress new development such as Warnervale and the Warnervale Town Centre, the new \$7,000 grant encourages people to bypass or move out of the area to place such as Lake Macquarie and Maitland.</i></p>	13 July 2011	A letter has been sent to the relevant Department.
27	Corporate Services	<p>Q20/11 - The Entrance Visitor Information Centre</p> <p><i>"Mr Mayor,</i></p> <p><i>I recently had the pleasure to inspect The Entrance Visitor Information Centre that collocates with Town Centre Management. I would like to take this opportunity, and I believe on behalf of my Council colleagues, to publicly recognise and extend our appreciation for the outstanding revitalisation that this facility has undergone under the current Management. The whole facility and its surrounding elements are representative of the professionalism that Council is aspiring to. Would you please pass on Council's sincere appreciation of these organisations' contribution."</i></p>	13 July 2011	A letter has been sent to The Entrance Visitor Information Centre.

QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE 13 JULY 2011

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Environment and Planning Services	5.1 - Notice of Motion – Planning Disputes Mediation Process Trial	9 February 2010 Cr Eaton / Cr Graham	A report is included in this business paper for 27 July 2011.
	Corporate Services	Q6/11 - Carbon Tax	27 April 2011 Cr Best	A response is included in this business paper.
3	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes	14 July 2010 Cr Wynn / Eaton	A report is included in this business paper for 27 July 2011.
	Community and Recreation Services	7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)	12 May 2010 Cr Wynn / Cr Vincent	A report is included in this business paper for 27 July 2011.
6	Environment and Planning Services	U24/11 - Motion of Urgency - Changes to State Solar Rebate Scheme	25 May 2011 Cr Wynn / Cr Vincent	A report is included in this business paper for 27 July 2011.
7	Community and Recreation Services	Q15/11 – Apex Park at Wyong	25 May 2011 Cr Matthews	A Councillor Business Update was provided on 1 July 2011.
9	Infrastructure Management	Q18/11 – Weight Limits for Trucks at Virginia, Minnesota and Warnervale Roads	8 June 2011 Cr Vincent	A response is included in this business paper.
10	Environment and Planning	6.2 - Notice of Motion - Council's New Automated Parking Fine System	13 July 2011	This item was subsumed in conjunction with 3.8 - Council's New Automated Parking Fine System.

8.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06579 - D02676723

AUTHOR: Melissa McKee, Corporate Planning Executive.

MANAGER: Cater Trivers, Chief Financial Officer

8.1 Q6/11 - Carbon Tax Update

The following question was asked by Councillor Best at the Ordinary Meeting on 27 April 2011:

"Mr General Manager, if the Federal Government introduces a carbon tax what will be the cost to Council?"

The information provided by the Federal Government following the announcement of the Carbon Price Mechanism (CPM) on July 17th 2011 does not define the methodology for calculating liabilities under the scheme.

The draft legislation is being issued by the 31 July 2011 and a further update will be provided to Council once the methodology is confirmed.

Waste activities:- The potential cost to Council cannot be reliably determined at this stage however the best case scenario is zero direct cost, if Council falls under the threshold of 25,000 tonnes per annum.

The application of the threshold is unclear on whether it's per facility or for the total organisation. Based on recent estimates of Council's emissions for Buttonderry Waste Management Facility (BWMF) when taken as a single facility, it would appear to be slightly under the threshold, however if the scheme was to include wastewater and apply the threshold to the total organisation, then this may change.

If Council had not established a methane capture facility at BWMF that emissions would exceed the threshold and could result in potential costs under the new scheme of up to \$1.8 million. If WSC were to exceed the 25,000 tonnes the following table shows the potential financial costs based on various emission scenarios:

CO ₂ Tonnes	Potential Cost in 2012-13
0-25,000	\$0
25,001 to 30,000	Up to \$690,000
30,001 to 50,000	Up to \$1,150,000
50,001 to 80,000	Up to \$1,840,000
80,001 to 100,000	Up to \$2,300,000

Imported costs from Council's high use of energy and the consumption of materials made by process where carbon emissions are high are likely to be of significance but cannot be calculated yet. The Federal treasury have indicated an estimated CPI rise of 0.7% which when added to anecdotal energy increase estimates, could add approx. \$2.4m costs to Council's operating expenses annually.

ATTACHMENTS

Nil.

8.2 Answers to Question Without Notice

TRIM REFERENCE: F2007/00343 - D02647061
AUTHOR: Matt Ball, Geotechnical Officer
MANAGER: Andrew Pearce, Manager Roads and Stormwater

8.2 Q18/11 - Load Limits for Trucks at Virginia, Minnesota and Warnervale Roads

The following question was asked by Councillor Vincent at the Ordinary Meeting on 8 June 2011:

“Could staff please advise what actions can be taken to limit heavy and overweight trucks from using Virginia Road, Minnesota Road and Warnervale Road as there is a 3.6 tonne limit on these roads?”.

At present there are load limits of 4.5 tonne on Virginia, Minnesota and Warnervale Roads. Also, there are load limits of 4.5 tonne on Louisiana, Dundonald and Coral Gum Roads. Signs have been in place for a number of years stating this on all the above mentioned roads.

These weight restrictions make it illegal for any vehicles over 4.5 tonne from using these roads unless they are conducting business in the area and/or there is no alternative route that can be used.

Following deterioration of the existing signs and subsequent changes to the relevant sign standards, it is proposed to install new updated truck prohibition signage for vehicles over 4.5t Gross Vehicle Mass. Installation will be undertaken in the first quarter.



There has been an observed increase in the number of heavy vehicles using Minnesota, Louisiana and Warnervale Roads. In response to this, Council's Rangers conducted an enforcement blitz in the month of June. It was identified that many of the heavy vehicles using the roads were legally accessing developments in the area presently under construction, including the Hamlyn Terrace Sporting fields. Four trucks were issued with penalty notices during the month of June.

ATTACHMENTS

Nil.

27 July 2011

Councillor

To the Ordinary Meeting

9.1 Notice of Motion - Registered Clubs

TRIM REFERENCE: F2004/11827 - D02682421

AUTHORS: Bob Graham; Councillor
Doug Eaton; Councillor

Councillors Graham and Eaton have given notice that at the Ordinary Meeting to be held on 27 July 2011 they will move the following Motion:

- "1 That Council support the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.*
- 2 That Council provide a letter of support which outlines the important role played by clubs in our community*
- 3 That Council formally advise the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms."*

9.2 Notice of Motion - Council Calls to Support Local Fire Fighters

TRIM REFERENCE: F2004/07706 - D02682535

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Meeting to be held on he will move the following Motion:

- "1 That Council note with concern the Industrial Relations Amendment (Public Sector Conditions of Employment Bill 2011), which is likely to severely and negatively impact local Fire Fighters and Fire Fighting services to Central Coast residents.*
- 2 That Council, in an advocacy role, support the Central Coast Fire Fighters in their efforts to:*
 - a) Achieve pay rises in line with increases in the cost of living without slashing jobs and services*
 - b) Have an independent arbitrator, such as NSW Industrial Relations Commission, determine wages and working conditions.*
- 3 That Council formally express its concern to the Premier, Minister for the Central Coast and all Local Members at the introduction of the legislation and the likely impacts to Fire Fighters and the long term impacts to Fire Fighting services on the Central Coast.*
- 4 That Council applaud the outstanding contributions made by our local Fire Fighters to the Central Coast community."*

COUNCILLORS NOTE

The NSW Government has introduced laws that are worse than WorkChoices and will cut the wages and conditions of Fire Fighters. These laws mean that NSW Fire Fighters will have the worst workplace laws in the country. The NSW Government is also taking away the power of the Independent Umpire to settle disputes about Fire Fighters wages and conditions. These laws represent the most radical change to workplace laws in more than a century. NSW Fire Fighters are now banned from negotiating their rights at work.

The Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011 has:

- Limited Fire Fighters pay rises to 2.5 per cent,
- Reduced the power of the NSW Industrial Relations Commission to resolve Fire Fighters pay and condition disputes, and
- Require Fire Fighters to cut jobs and/or services before receiving a pay rise above 2.5 per cent and equal to the cost of living.

This removes the right of Fire Fighters to receive a fair pay rise equal to inflation. The Bill has also limited the Industrial Relations Commission to act as an independent umpire for workplace disputes involving Fire Fighters pay and conditions, and 'good faith bargaining'.

No other employer would have the right or power to unilaterally cut annual holidays or increase the working week, yet the NSW Government will have that power over Fire Fighters.

Fire Fighters deserve the same rights as any other worker in the country.

To the Ordinary Meeting

9.3 Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys

TRIM REFERENCE: F2004/07706 - D02682543

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Meeting to be held on 27 July 2011 he will move the following Motion:

- "1 That Council call on the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 2 That Council support residents on the Central Coast by requesting the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 3 That Council direct the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 4 That Council commend the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys."*