



To help improve the natural areas around Tuggerah Lake, works are underway on the foreshore at Killarney Vale as part of the Estuary Management Plan. Pictured is one of three sites under construction.

Business Paper

ORDINARY COUNCIL MEETING

28 March 2012



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6.1 Information Reports

TRIM REFERENCE: F2012/00026 - D02944672

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

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 receive the report on Information Reports.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/06822 - D02898970

MANAGER: Rob Van Hese, Manager Regulation and Compliance AUTHOR: 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 months of February 2012.

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 These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination.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.*
 - 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.*

6.2 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

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 February 2012 (Summer Program)

For the month of February all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all of the sampling days. A definition of the star rating system can be seen in Table 1 below.

Table 1: NHMRC Star Rating Interpretation

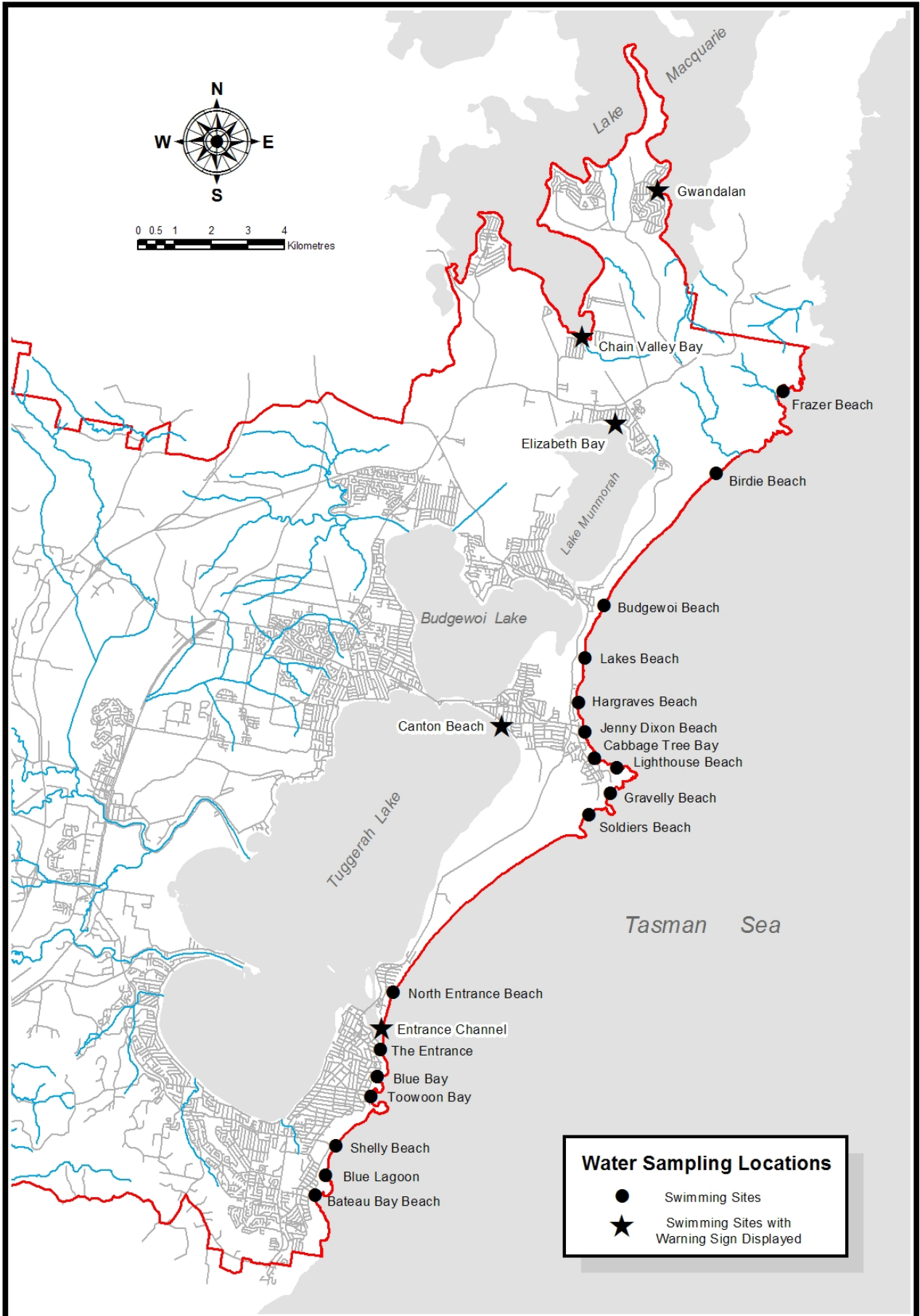
Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming

6.2**Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)**

**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

- 1 Water Sampling Locations D02345961



6.3 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02932230

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

ACTING MANAGER: Daryl Mann; Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for February 2012.

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
Bateau Bay Charmhaven Killarney Vale Ourimbah The Entrance Toukley Tuggerah Watanobbi Wyong	500,000	Jul 2011	35	35	Jun 2012	Ongoing water main, stop valve and hydrant replacement works are underway to improve system supply operations. This work is being funded by the Water and Sewerage Operations and Maintenance Program.
Tonkiss St Tuggerah	40,000	Feb 2012	30	10	Mar 2012	Construction work has commenced to install a 150mm water main and pressure reducing valve in a concrete pit to provide a secondary supply of water to Burbank Drive subdivision. This work is being funded by Water and Sewerage Capital Works Program.

6.3

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Owen Ave Wyong	123,000	Feb 2012	20	20	Mar 2012	<p>Work has commenced to relocate approximately 60m of 150mm AC and 100m of 100mm AC water main in aid of road and drainage upgrade works. The work has been intermittent due to rainfall and also involves the lowering of approximately 20 water services.</p> <p>This work is being partially funded by Roads and Stormwater and Water and Sewerage Capital Works Program.</p>
Mardi Water Treatment Plant	30,000	Dec 2011	95	95	Mar 2012	<p>Work is nearing completion for the installation of the powder activated carbon (PAC) line to improve raw water treatment process and has been intermittent due to staff leave and rainfall.</p> <p>PAC is added to the raw water to assist with odour and taste issues prior to the treatment process.</p> <p>This work is being funded by Water and Sewerage Operations and Maintenance Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Main Road Toukley	200,000	Jan 2011	90	90	Mar 2012	<p>Work is nearing completion for the replacement of approximately 200m of 100mm asbestos cement pipe to operationally improve the water supply system as a result of a number of pipe failures caused by delamination.</p> <p>The work commenced at the intersection of Canton Beach Rd and will cease at Victoria Ave in front of Toukley Hall and has been undertaken after hours to minimise disruption to the water supply to local businesses. Council have been liaising with Greater Toukley Vision throughout this project.</p> <p>Roads and Stormwater have also been assisting with pedestrian access, removal of pavers and short-term relocation of public services including but not limited to street parking, Australia Post and bus services, public seating, bin hutches etc ... There as been minimal disruption to these services which have been restored to their original location as the work has been completed.</p> <p>This work is being funded by Water and Sewerage Capital Works Program.</p>

SEWERAGE

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

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2011	60	68	Jun 2012	Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations. 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. This work is being funded by the Water and Sewerage Operations and Maintenance Program.

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 29 February 2012 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 to 29 February 2012 has met Environmental Protection Authority Licence requirements.

Sewerage Overflows

There were two reported sewage overflows that occurred for the period 1 to 29 February 2012.

The first overflow occurred on 17 February 2012 in Oleander St Canton Beach and resulted from a broken gibault joint on T1 sewage rising main. Although liquid sewage leaked through the broken gibault joint there was no evidence of solids escaping into the adjacent area. This incident had minimal environmental impact.

The second overflow occurred on 22 February 2012 in Elizabeth Bay Dve Lake Munmorah as a result of a longitudinal split on MP6 sewage rising main. Liquid sewage escaped into the adjacent Budgewoi Lake although there was no evidence of solids escaping. As a precautionary measure warning signs were also installed to advise local pedestrians.

The Office of Environment and Heritage (EPA), Department of Health, WorkCover and NSW Fire and Rescue have been advised of these incidences.

WATER STORAGE

Monday, 12 March 2012				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	79,843	42.0	Up 1898 ML
Mardi Dam	7400	5,343	72.2	Down 431 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	89,786	44.4	Up 1467 ML
TOTAL STORAGE:				
* Total stored water volume has increased by 2.3% since last month.				
* This day last year the volume stored as a percentage of total capacity was 13.6% lower.				
MANGROVE CREEK DAM				
* Mardi Dam supplied 260 ML last week to Mangrove Creek Dam.				
* 0 ML were released to Mardi Dam last week.				
* 0 ML were released to Mangrove Creek Weir last week.				
Currently the Mardi to Mangrove Link Project is under the control of the construction contractor and is presently in the commissioning and testing phase.				
HUNTER TRANSFERS:				
* Hunter Water Corporation supplied 0 ML last week keeping this year's supply to 0 ML.				
* Gosford/Wyong supplied 0ML to Hunter Water last week keeping this year's supply to 0ML.				
GROUND WATER BORES:				
* Groundwater Bores supplied 1.8 ML last week, increasing this year's supply to 17.8 ML.				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	441	58	48	46
Previous week	505	80	58	73
Current week last year	573	6	4	27
This year to date	4,979	517	538	376
Same period last year	6,063	142	190	133
<p style="text-align: center;">Week to date consumption was 441 ML, 23.0% less than the same week last year and 12.7% less than the previous week.</p> <p style="text-align: center;">Consumption this year to date is 4,979 ML, 17.9% less than the same period last year.</p> <p style="text-align: center;">Level 2 Water Consumption Target for the week ending Monday, 19 March 2012 is 595 ML</p>				

ATTACHMENTS

Nil.

6.4 Waste Levy Charges - Waste Levy Review

TRIM REFERENCE: F2004/06762 - D02897387

AUTHOR: Stefan Botha; Manager Waste

SUMMARY

Report on responses received from the NSW Minister for the Environment regarding Council's request for changes to the Protection of the Environment Operations (Waste) Regulation 2005 regarding the Waste and Sustainability Levy.

RECOMMENDATION

That Council receive the report on Waste Levy Charges - Waste Levy Review.

BACKGROUND

Council at its meeting held on 28 October 2011 resolved unanimously on the motion of Councillor WEBSTER and seconded by Councillor MCNAMARA as follows:

- "1 *That Council note with concern the continued State Government cost shifting and rate pegging and its effects on the social and economic status of the Shire.*

- 2 *That Council request the General Manager to formally request the NSW Minister for the Environment to amend the Protection of the Environment Operations (Waste) Regulation 2005, or whatever other mechanism is available, to ensure the following:*
 - a *Exemption from the payment of the waste and sustainability levy for the receipt and/or disposal of mixed waste, ENM (Excavated Natural Material) and VENM (Virgin Excavated Natural Material), from Wyong Shire Council's road construction works at its Buttonderry Waste Management Facility.*

 - b *Return of 50% of the total annual Waste Levy paid by Wyong Shire Council for use on local road maintenance and environmental initiatives.*

 - c *Future Waste and Sustainability Levy increases being limited to the official CPI figure.*

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

AGAINST: NIL

6.4 Waste Levy Charges - Waste Levy Review (contd)

On 20 November 2011 a letter was issued to the NSW Minister for the Environment advising of Council's resolution above.

A response was provided by the Director Waste Strategy and Program Delivery, Department of Premier and Cabinet on behalf of the Minister for the Environment (copy attached letter dated 9 January 2012).

Following on from Council's letter to the Minister for the Environment, a media release dated 17 January 2012 was received from the Minister announcing the details of a waste levy review. Consultants KPMG are leading the review and chaired a series of consultation sessions across NSW in February. Council officials attended the meeting and will prepare official response.

A copy of this media release and fact sheet are attached to this report.

The main points of this media release are summarised as follows.

- By 2015/16 the levy will have reached \$122.20 per tonne, in both the Sydney Metropolitan Area and the Extended Regulated Area (of which Wyong belongs) and about \$71.10 per tonne in the Regional Regulated Area. It is projected to generate about \$1.8 billion in revenue over the next four years.
- Approximately two thirds of the funds raised by the levy goes to general revenue to support core services like schools and hospitals. Approximately one third is allocated to waste and other environmental initiatives. - The review is focussing only on the allocation of funding to environmental programs.

The review will focus on:

- (a) the impact on the recycling industry, including the metal recyclers;
- (b) the impact of the levy on households;
- (c) funding arrangement to facilitate greater investment in infrastructure; and
- (d) the impact on illegal dumping, including the proper disposal of asbestos.

The closing date for written submissions is 13 April 2012.

A copy of the Waste and Environment Levy Review Workshop Schedule and submission details are attached.

Management of the broader range of excavated materials generated across Council's operational areas and their diversion away from landfill continues to present challenges as a result of legislative constraints to the beneficial reuse of materials. This is particularly the case for the majority of Council's wastes which are non homogenous and do not meet existing resource recovery exemptions e.g. road pavement materials, road shoulder, table drain and materials from blocked drains etc.

High expenditure is subsequently being incurred in stockpiling, sampling, analytical testing and submitting requests for specific resource recovery exemptions which may not necessarily be granted. In the case of small quantities of material from such activities as local

6.4 Waste Levy Charges - Waste Levy Review (contd)

maintenance, it is not practical or cost effective to stockpile, sample and submit requests for specific exemptions.

Notwithstanding the above, a number of initiatives are being undertaken to minimise the amount of waste going to landfill and thereby reduce the amount of waste levy payable. These initiatives include:

- Waste avoidance through the minimisation of the generation of waste material as a project design objective through such means as route selection, cut and fill neutrality, building upon existing pavements, and choice of pavement rehabilitation technologies.
- Source separation of wastes.
- Seeking specific resource recovery exemptions.
- Resource recovery through reuse on Council projects. Examples of initiatives undertaken by the Roads and Stormwater Unit in 2011/2012 include the stockpiling and testing of 15,000 tonnes of excavated materials for reuse in accordance with both existing or specific Resource Recovery Exemptions sought from the Office of Environment and Heritage. This represents a saving to Council of over \$1.1M in S.88 levy this financial year had the material otherwise gone to landfill.
- Lobbying the state government to implement legislative change to facilitate resource recovery of road construction materials for the past two years. This has included meetings with senior officers from the Department of Environment and Heritage, State members, and the Office of Premier and Cabinet.

Most recently there have been a number of developments to assist resource recovery for roads projects which have the potential to save Council in excess of \$1M pa. These outcomes have been a direct result of the lobbying by a number of Councils, including Wyong Shire Council. These developments include:

- The recent issue of the *Reclaimed Asphalt Resource Recovery Exemption 2012*. Already in early 2012, over 1000 tonne of reclaimed asphalt material from local and state roads has been applied as overlay material to improve the rural road network.
- The recent issue of the *DRAFT Excavated Public Road Material Resource Recovery Exemption 2012*. This state-wide exemption will more readily enable excavated materials from road corridors to be reused within other road corridors of the Shire. It is anticipated that this exemption will be in place this financial year.

ATTACHMENTS

1	Response received - behalf Robyn Parker MP re application funding arrangements Waste Environment Levy dated 9 Jan 2012	D02886042
2	OEH - Waste Levy Review - Media Release and Fact Sheet - 17 January 2012	D02896172
3	Waste and environment levy review workshop schedule and submission details	D02896999
4	Draft excavated public road material resource recovery exemption - ECCW Dept Environment Climate Change Water	D02882739



Office of
Environment
& Heritage

Your reference: D02826043
Our reference: MD11/4117
Contact: Steve Beaman, 9995 6073

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

Dear Mr Whittaker

I refer to your representations received on 1 December 2011 to the Minister for the Environment, the Hon. Robyn Parker MP, regarding the application and funding arrangements of the Waste and Environment Levy ("the waste levy") as they apply to council operations. The Minister has asked that I reply on her behalf.

The waste levy is the key economic instrument used to drive waste avoidance and resource recovery in NSW. Whilst the levy applies to all material that is received at a scheduled waste disposal facility (e.g. a landfill), there are levy refunds for materials that are sent off-site. In this way, the waste levy works to drive waste that is able to be reused out of landfill and back into the productive economy.

Many landfill operators have chosen to excise a part of their licensed waste disposal facilities for storage and recycling operations. Clearly demarcating areas for recycling as opposed to disposal will allow council to minimise potential levy liabilities and the need to claim deductions and increase the resource recovery of bona-fide waste materials such as Virgin Excavated Material ("VENM") and Excavated Natural Material ("ENM"). Officers from the Office of Environment and Heritage ("OEH") waste management section would be happy to assist council further explore these arrangements at the Buttonderry Waste Management Facility.

As you may also be aware, the OEH has released for comment the draft *Excavated public road material exemption 2012*. The exemption has been developed in conjunction with local councils to facilitate the direct reuse of excavated road material in the construction of new public roads and maintenance of existing public roads without triggering the requirement to hold an environment protection licence or pay the Levy. I note that Wyong Council has been involved in the development of this exemption and take this opportunity to thank you for your involvement to date and remind you that comments on the draft exemption are due by 10 February 2012.

In regards to the use of Levy funds and future Levy rates, the Government in *NSW 2021: a plan to make NSW number one* has committed to undertaking a review of the waste levy as a matter of priority. The review is expected to commence shortly and will provide an opportunity for council to raise these and any other issues associated with the operation of the waste levy.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

If you have any further questions or would like to meet with OEH regarding potential licensing amendments to the Buttoderry Waste Management Facility, please contact myself on 9995 6073.

Yours sincerely



9-1-2012

STEVE BEAMAN
Director Waste Strategy and Program Delivery
Department of Premier and Cabinet



The Hon Robyn Parker MP

Minister for the Environment

Minister for Heritage

MEDIA RELEASE

17 January

NSW Environment Minister announces waste levy review

NSW Minister for the Environment Robyn Parker today called for submissions on the review of the NSW Waste and Environment Levy.

Ms Parker said the NSW Government was seeking input from local councils, waste and recycling industries and the wider community on the impacts and operations of the levy imposed on each tonne of waste disposed in landfill.

"The Waste and Environment Levy is an important driver of resource recovery in NSW, and as Minister for the Environment, I am committed to increasing recycling to meet the bold targets laid out in the O'Farrell Government's *NSW 2021: A plan to make NSW number one*", Ms Parker said.

"The Levy is our State's most significant environmental market-based instrument encouraging waste avoidance and resource recovery, and it is crucial to ensure that it achieves precisely that."

Minister Parker said independent consultants KPMG are leading the review and chairing a series of consultation sessions across NSW in February. The consultation period will run until 13 April 2012.

"The waste levy is designed to reduce waste to landfill and increase recycling and there are very strong and diverse opinions among stakeholders about the levy and how it should be spent," Ms Parker said.

"KPMG has been appointed to lead an independent process that will provide an opportunity for the waste industry, local government and the broader community to share their views and contribute to the debate."

Consultation sessions and workshops will be held in Ballina, Port Macquarie, Maitland, Sydney CBD, Parramatta and Kiama during late February. Submissions close on 13 April 2012.

Interested parties are invited to provide written submissions addressing one or more of the terms of reference:

- the impact on the recycling industry
- the impact on households
- funding arrangements to facilitate greater investment in infrastructure with local councils and industry, and;
- the impact on illegal dumping, including the proper disposal of asbestos.

"Ultimately, I want to ensure that the levy is maximising opportunities to recycle and that we have a strong and robust recycling industry in NSW," Ms Parker said.

Full details, including a web based community engagement forum for people unable to attend a stakeholder event, visit the OEH website at www.environment.nsw.gov.au/waste/levyreview.htm

Media contact: Steve Warnock 0428 968 499

Waste and Environment Levy fact sheet

- Achieving the 2014 recycling targets and reviewing the levy have been identified as priority actions for Government under Goal 23 in *NSW 2021: A plan to make NSW number one*.
- The Waste and Environment Levy is the NSW Government's key market-based instrument for driving waste avoidance and resource recovery in NSW.
- The review of the levy is to ensure that the levy fully supports and complements the initiatives to meet the recycling targets.
- Some form of waste levy has been in place in NSW since 1971. Similar instruments are used by jurisdictions around the world.
- Recycling rates in NSW have increased from 45% in 2003 to 60% today.
- Of the 152 councils in NSW, six are currently achieving more than the 66% recycling target for household waste. 16 councils are recycling more than 55%. 88 councils are below the current State average of 44%.
- The levy was extended beyond Sydney into the Extended Regulated Area (ERA) in 1996 and the Regional Regulated Area (RRA) in 2009. It covers 72 local government areas
- The waste levy does not apply to waste that is recycled.
- Municipal (household) waste accounts for 32% of all waste landfilled in the levy paying areas. Commercial and Industrial sources accounts for 36% and Construction and Demolition waste, 32%.
- The more waste that is recycled, the less needs to go to landfill and the less levy needs to be paid.
- The levy is scheduled to increase annually by \$10/tonne plus CPI adjustments for the next five years.
- By 2015/16 it will have reached \$122.20 per tonne, in today's dollars, in the Sydney Metropolitan Area and the Extended Regulated Area and about \$71.10 per tonne, in today's dollars, in the Regional Regulated Area. It is projected to generate about \$1.8 billion in revenue over the next four years.
- Approximately two thirds of the funds raised by the levy goes to general revenue to support core services like schools and hospitals. Approximately one third is allocated to waste and other environmental initiatives.
- The review is focussing only on the allocation of funding to environmental programs.



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Waste and environment levy review

About the review

On 17 January 2012, the Minister for the Environment Robyn Parker announced an independent review of the waste and environment levy ('waste levy'). The review was identified as a priority action under Goal 23 in NSW 2021: A plan to make NSW number one.

The waste levy has been effective in increasing recycling in New South Wales by making the recovery of waste more financially attractive than sending it to landfill.

The review is canvassing stakeholder views on how the levy operates as well as ensuring that it continues to increase recycling and reduce the waste that goes to landfill.

Contributions are invited across four key areas:

1. the impact of the waste levy on the recycling industry
2. the impact of the waste levy on households
3. funding arrangements to facilitate greater investment in infrastructure with local councils and industry
4. the impact of the waste levy on illegal dumping, including the proper disposal of asbestos.

The independent review is being conducted by the internationally recognised consultancy firm KPMG.

The Terms of Reference for the waste levy review are also available.

Consultation process

The consultation period for the review includes opportunities for written submissions by stakeholders, as well as their participation at open stakeholder forums and stakeholder meetings.

Notes from all forums and meetings will be published on the stakeholder meeting notes webpage along with any related documents and supporting materials presented at the meetings.

Open stakeholder forums

A series of stakeholder forums on the waste levy review will be held during the consultation period. Everyone is welcome to attend to share ideas and suggestions. Please confirm your attendance by emailing your name, session, date and time of the session you wish to attend to wastelevy.review@environment.nsw.gov.au.

Session	Date	Start	End	Stakeholders	Venue	Address
Ballina Session 1	Monday 20/2/2012	10am	12pm	Local government	Ballina RSL Riverside Function Centre	240 River Street Ballina
Ballina Session 2	Monday 20/2/2012	1:30pm	3pm	Industry/ community	Ballina RSL Riverside Function Centre	240 River Street Ballina
Port Macquarie Session 1	Wednesday 22/2/2012	10:30am	12:30pm	Local government	Panthers Port Macquarie	1 Bay Street Port Macquarie
Port Macquarie	Wednesday 22/2/2012	2pm	3:30pm	Industry/ community	Panthers Port Macquarie	1 Bay Street Port

Session 2						Macquarie
Maitland Session 1	Friday 24/2/2012	10am	12pm	Local government	Maitland Town Hall	285-287 High Street Maitland
Maitland Session 2	Friday 24/2/2012	1:30pm	3pm	Industry/ community	Maitland Town Hall	285-287 High Street Maitland
Sydney CBD Session 1	Monday 27/2/2012	10am	12pm	Local government	Vibe Hotel	111 Goulburn Street Sydney
Sydney CBD Session 2	Monday 27/2/2012	1:30pm	3pm	Industry/ community	Vibe Hotel	111 Goulburn Street Sydney
Parramatta Session 1	Tuesday 28/2/2012	10am	12pm	Local government	Northcott Conference and Function Centre	1 Fennell Street North Parramatta
Parramatta Session 2	Tuesday 28/2/2012	1:30pm	3pm	Industry/ community	Northcott Conference and Function Centre	1 Fennell Street North Parramatta
Kiama Session 1	Thursday 1/3/2012	10am	12pm	Local government	The Pavilion	2 Bong Bong Street Kiama
Kiama Session 2	Thursday 1/3/2012	1:30pm	3pm	Industry/ community	The Pavilion	2 Bong Bong Street Kiama

Stakeholder meetings

Meetings will be held with a wide spectrum of key stakeholder groups and individuals. Notes of all meetings will be published on the stakeholder meeting notes webpage as will any documents provided to the review during the meetings.

Written submissions

Submissions are welcomed on the waste levy review. All comments and submissions will be made public unless you indicate that all, or a particular part of, your comments are confidential.

You can participate in the consultation process using the web-based engagement forum⁹.

You can also send in your views and comments in a number of ways:

Written submissions can be sent to:
Waste Levy Review
Office of Environment and Heritage
PO Box A290
Sydney South NSW 1232

Email your submission to: wastelevy.review@environment.nsw.gov.au

Fax your submission to: (02) 9995 5999.

Please forward written submissions by **5pm on 13 April 2012**.

Page last updated: 19 January 2012



Environment,
Climate Change
& Water

Our reference: DOC11/47143
Contact: Helen Prifti, 9995 5717

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

STANDARD POST

6 January 2012

Dear Mr Whittaker

Re: Draft excavated public road material resource recovery exemption for comment

I am writing regarding the development of a resource recovery exemption for the land application of recovered road materials for reuse in public roads.

As you are aware, the application of waste to land in NSW is subject to the requirements contained within the *Protection of the Environment Operations Act 1997* ("the POEO Act") and the *Protection of the Environment Operations (Waste) Regulation 2005* ("the Regulation"). These requirements may include the need to hold an environment protection licence and pay the waste and environment levy on the land application of waste. Where waste is land applied in compliance with a resource recovery exemption, the occupier of that site would not be required to hold an environment protection licence or pay the levy.

The construction and maintenance of roads generates a range of waste materials. Some of the excavated material generated by road making activities can be reused elsewhere within the public road corridor, or under an existing general resource recovery exemption for off-site reuse. From late 2009 to date, the Environment Protection Authority ("EPA") has been working with councils and the Roads and Maritime Services ("RMS"), formerly the RTA, to develop an appropriate resource recovery exemption to facilitate the direct reuse of excavated road material in the construction of new public roads and in the maintenance of existing public roads. The EPA would like to thank the RMS and the councils that have provided information during this process.

To ensure that the reuse of excavated road materials poses minimal risk of harm to the environment and is conducted in accordance with the requirements of the POEO Act, the EPA has developed the attached draft General Exemption for excavated public road materials. The EPA is seeking feedback from stakeholders to ensure that the exemption is appropriate. Please provide any comments to the EPA in writing by **Friday 10 February 2012**.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

Please mail all correspondence to:

Manager Waste Management
Environment Protection Authority
PO BOX A290
SYDNEY SOUTH NSW 1232

Alternatively, electronic information can be emailed to helen.prifti@environment.nsw.gov.au. If you have additional questions or comments, please contact Helen Prifti on (02) 9995 5717.

Yours sincerely



CHRISTOPHER MCELWAIN
Manager Waste Management
Environment Protection Authority

Enclosure

**Protection of the Environment Operations (Waste) Regulation
2005 – General Exemption Under Part 6, Clause 51 and 51A****The excavated public road material exemption 2012****Name**

1. This exemption is to be known as 'The excavated public road material exemption 2012'.

Commencement

2. This exemption commences on xx 2012.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) in writing by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):

- 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
- 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:

- 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only:
 - in relation to activities involving the relevant waste, and
 - where the responsible person complies with the conditions referred to in Column 3 of the table, and
 - in the case of a consumer, in relation to the premises where the waste is applied to land as permitted by clause 7.1.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 of this Notice of Exemption

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Coal tar means the by-product of the thermal processing of coal and means material that has or reasonably is suspected to have present volatile organic contaminants, such as phenols, as well as other toxic materials such as polycyclic aromatic hydrocarbons (PAHs).

Council means the council of a local government area.

Consumer means a person who applies, causes, or permits the application to land of excavated public road material within the definitions of "application to land" in accordance with the Act.

Excavated public road material means any of the following waste materials, being rock, soil, sand, bitumen, reclaimed asphalt pavement, gravel, slag from iron and steel manufacturing, fly and bottom ash, concrete, brick and ceramics excavated during the construction and maintenance of council and RMS public roads and road public infrastructure facilities. This does not include any waste that contains coal tar or asbestos, or any waste that is classified as hazardous, restricted solid, special or liquid waste as defined in the Act.

Relevant waste means excavated public road material that meets the requirements of Section 7.

Road corridor means land that is used for the purposes of a road or road infrastructure facilities or for maintaining or constructing a road or road infrastructure facilities and that is owned by the RMS or council.

Road infrastructure facilities means:

(a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas (within the meaning of the *Road Transport (General) Act 2005*), and

(a1) associated public transport facilities for roads used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*, and

(a2) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*), and

(b) traffic control facilities (as defined by the *Transport Administration Act 1988*), RMS road safety training facilities and safety works.

RMS means the Roads and Maritime Services of New South Wales.

General conditions

7. This Notice of Exemption is subject to the following conditions:

- 7.1. The excavated public road material can only be applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities. This exemption does not apply to the land application of excavated public road material on any land outside the road corridor.
- 7.2. The consumer must land apply the relevant waste within a reasonable period of time.

Exemption Granted

**Christopher McElwain
Manager Waste Management
Environment Protection Authority
by delegation**

DRAFT

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the responsible person to ensure that they comply with this exemption.

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

6.5 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02933777

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

MANAGER: David Witherdin; Manager Contract and Project Management

SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of February 2012. 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
Berkeley Road, Berkeley Vale Roads & Drainage Upgrade	\$1.250M	21/11/11	65	65	Mar 2012	Drainage completed. Roadworks commenced.
Owen Ave, Wyong. Roads & Drainage Upgrade	\$686K	17/2/12	25	25	Apr 2012	Drainage & Roadworks complete. Road sealed. Started on drainage works.
Palmdale Road Bridge No. 2 - Reconstruction	\$415K	3/1/12	70	70	Mar 2012	Temporary bridge constructed. Pipes placed. Head walls under construction.
Alison Road, Wyong. Roads & Drainage Upgrade	\$843K	16/1/12	70	70	Mar 2012	Roadworks completed. V drains being constructed.

General Maintenance Work

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

	North	South
Drainage Maintenance	Tuggerawong Noraville Budgewoi	Long Jetty Berkeley Vale Bateau Bay The Entrance
Replacement of Damaged Foot paving	Toukley Wyong	Bateau Bay Killarney Vale
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	Summerland Point	Nil
Heavy Patching	Gorokan Summerland Point Warnervale	Nil
Table Drain Maintenance	Charmhaven Halekulani Buff Point San Remo Toukley Noraville	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance Ourimbah Glennings Valley
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale Tuggerah
Carpark Maintenance	Nil	Nil
Fencing	Nil	Nil

	North	South
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Manning 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/136020 (complete) CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations only	\$290K	Nov 2007	98	98	May 2012 (Final RAP)	Addendum to RAP to be prepared for alternative site end uses. RAP then to be Audited. Design tenders to be invited in 2012. Acquisition negotiations for Darkinjung property to proceed through 2012/2013.
CPA/136021 (complete) CPA/168802 (complete) and CPA/201857 Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	75	75	Sept 2012 (RAP & concept design)	Preliminary and detailed site investigations completed. Tenders for RAP closed in February, to be awarded in March 2012.
CPA/142750 (complete) CPA/173290 (complete) and CPA/201858 Shelly Beach Landfill Remediation – Investigations only	\$140K	Nov 2007	80	80	July 2012 (RAP & concept design)	Preliminary and detailed site investigation completed. Contract for RAP awarded to SMEC. RAP scheduled for completion July 2012.

6.5

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	85	85	Mar 2013	Hunter Land Management achieved Practical Completion in March 2010. Bush regeneration and maintenance works will continue until March 2013.
CPA/196356 - Remedial Action Plan and Concept Design for former Toukley Landfill	\$105K	May 2011	90	90	March 2012	Golder Associates provided the draft Remedial Action Plan (RAP) and Concept Design Report (CDR) for review in November 2011. Auditor completed review in February 2012. Final reports due in March 2012.
CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	Jun 2011	25	25	June 2012 (Master Plan design)	Consultant SMEC finalising design concept options received. Master Plan preparation to follow. EPA has advised that remediation will not be regulated. Director General's Requirements for EIS received. Development application lodgement programmed for July 2012.
CPA/188535 & 201709 – Lifeguard towers to Lakes & Shelly Beaches	\$230k	March 2012	1	5	June 2012	Tender documents are ready for release.

6.5 General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttonderry Waste Management Facility	\$160K	Nov 2010	65	65	April 2013	Subsurface landfill gas encountered around active landfill area. Regular ongoing monitoring of this gas continues. Tenders for gas management strategy to be invited in 2012.
CPA/189210 CPA/194091 CPA/201014 New Cell 4.3 at Buttonderry Waste Management Facility. Investigation and design only	\$430K	Nov 2010	15	15	June 2012	Contract for detailed design for Cell 4.3 awarded to GHD. Design commenced & programmed for completion Sept 2012.
F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities	\$200K	Dec 2010	100	100	June 2012	All facility upgrade works complete. Foreshore stabilisation work to be undertaken under separate project
CPA/179981 B9 Sewage Rising Main Extension – Long Jetty	\$2,338K	Sept 2011	90	99	March 2012	Construction works 95% complete. Sewage diverted to new rising main on 29/2/12.
CPA/200301 Replacement of air conditioning chillers to Council Building A	Est \$500k	June 2012	5	20	Oct 2012	Norman Disney Young are preparing a report on the condition of the AC system and making recommendations on a suitable chiller(s) to replace existing.
CPA/204444 Norah Head Boat Ramp Upgrade Project – Design & Investigation, Construction QA/QC	\$64K	Dec 2011	5	10	May 2012 – Design June 2013 – QA/QC	Cardno engaged to carry out work. Survey & Geotech completed Dec 2011.

6.5

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/204828 Entrance Foreshore - Design Options Study	\$43K	Jan 2012	5	25	April 2012	WorleyParsons engaged to investigate short & long term options for degraded seawall west of Ent. bridge
CPA/182007 Upgrade of SPS T22 and Associated Work - Construction	\$2.2M	Mar 2012	2	2	Oct 2012	Tender Evaluation report to be considered at 22 March 2012 Council meeting.
CPA/203516 Installation of Sub-soil Drainage at EDSACC South Sports Fields	\$133K	Dec 2011	5	95	March 2012	Turf Drain Australia has completed all sub-soil drainage works. Site restoration to be completed by early March 2012.
CPA/204515 Construction of Shared Pathway at Colongra Bay, Lake Munmorah	\$100K	Jan 2012	0	0	July 2012	Contract awarded to Hard Yards Outdoor Constructions P/L.
CPA/208147 Scadden's Ridge solar tower	\$300k	June 2012	1	5	Aug 2012	Tender documents are prepared and due for release.
F2009/02299 Construction of Shared Pathway at Osborne Park, Toukley	\$180K	Dec 2011	50%	50%	March 2012	Works being constructed by Day Labour crew.

CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS

Contract No.	Contract Description	Date of Practical Completion
CPA/194920	Softball Cages and Fencing at Bateau Bay Sports Complex	31 January 2012
CPA/172612	Hamlyn Terrace Community CC&SF	24 February 2012

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD		
Contract No	Contract Description	Contract Status
CPA/184901	Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan as part of the Estuary Management Plan.	Practical Completion on 10 June 2011
CPA/184904	Construction of Stormwater Treatment Works, Catalina Rd & Liamena Av San Remo	Practical Completion on 20 July 2011
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	Practical Completion on 31 May 2011
CPA/160794	Construction of the Northern Section of the Link Road	Practical Completion Separable Portion 1 – 16 Mar 2010 Separable Portion 2 – 1 Sept 2010 Separable Portion 3 – 15 Nov 2010
CPA/173205	Sewer main rehabilitation, various locations in Wyong Shire	Practical completion achieved on 31 May 2011
CPA/158359	Ourimbah Rural Fire Station Building	Defects Liability extended to 23 September 2012 for some items
CPA/144547	Construction of Stormwater Treatment Works Colongra Bay Rd, Lake Munmorah	Practical completion on 17 August 2011

ATTACHMENTS*Nil.*

6.6 Investment Report for February 2012

TRIM REFERENCE: F2004/06604 - D02939000

MANAGER: David Jack, Director Corporate Services

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 29 February 2012.

RECOMMENDATION

That Council receive the report on Investment Report for February 2012.

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. The remaining WSC investments are held in the Blackrock Care and Maintenance Fund continue to be wound up progressively and are expected to be finalised by 2016.

CURRENT STATUS

Managed Funds

Blackrock Care and Maintenance Fund \$5.80m – "grandfathered" investment under the Ministers Investment Order, this is the residual balance of the fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold.

The return for January \$0.12m was a 2.00% upward revaluation (unrealised) and has been recorded in February, due to it not being available at the time of publishing the January Financial results.

The BlackRock fund provided a capital distribution in early Feb 2012 of \$1.00m, comprising entirely of capital (close to 15% of the remaining portfolio). Distributions will continue to be dependent on a combination of maturing assets, coupons received from the underlying securities in the portfolio, fluctuations in the value of the currency (fund is fully hedged back into Australian dollars) and most of all, the volatility in financial markets.

The fund returned +1.75% (actual) in February, comfortably outperforming the UBSA Bank Bill Index return of +0.33%. The outperformance was aided by the strong rally in credit and equity markets as spreads narrowed on positive sentiment from the US and Europe drove markets higher. The fund has not suffered any underlying defaults and continues to perform

well over the longer-term period returning over +23% over the past 3 years and over +6% since inception.

Cash and Term Deposit Funds

Cash flows in February were managed through investment maturities with a net in-flow of \$6.01m (ref Table 1).

Return on cash and term deposits for February 2012 was \$0.59m.

Table 1 Movement of Funds

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in cash on call		4.30%		\$1,007,000
Bankwest	4	5.85%	Feb 2012	(\$5,000,000)
Bendigo Bank	6	5.70%	Feb 2012	(\$5,000,000)
Suncorp	3	5.82%	May 2012	\$5,000,000
Bendigo Bank	6	5.88%	Aug 2012	\$10,000,000
CBA	1	5.37%	Feb 2012	(\$10,140,000)
CBA	2	5.20%	Apr 2012	\$10,140,000
TOTAL				\$6,007,000

Total Funds

Total net return for February 2012 was \$0.71m consisting of \$0.59m interest earnings. Blackrock Care and Maintenance Fund earnings of a further \$0.12m unrealised capital gains from January was recorded in February. Results for February were not being available at the time of publishing these financial results.

Table 2 Investment Portfolio by Risk Category

Investment Class	January 2012 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	14,270	425	5.52
Term Deposits	122,179	4,720	5.90
Managed Funds	5,804	(80)	(1.72)
Enhanced Income		(1)	
Total Investments	142,253	5,064	5.43

Year to date returns in February of 5.43% is favourable when comparing with the benchmark UBSA YTD Bank Bill Index of 4.84%. The year to date return excluding the capital losses on managed funds of \$0.24m is 5.68% and compares favourably to the benchmark.

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB Long term or above) and time horizon of the investment concerned.

The target maximum limit in each category and the current spread of investments is as listed in Table 3. Portfolio is currently over-weight in A1 but is a positive position due to these investments offering the best rates selected for the investment time frame.

Table 3 – Portfolio Credit Framework

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation February 2012	Comments
A1	10.0%	71.3%	
A2	75.0%	23.9%	
A3	10.0%		
Unrated	15.0%	4.8%	Includes Managed Funds
TOTAL	110%	100.0%	

Investment transactions and earnings during February 2012 are shown in Table 4 - Portfolio Performance.

Table 4 – Portfolio Performance

	Full Year 2010-11	Q1 Sept 2011	Q2 Dec. 2011	Jan. 2012	Feb. 2012	Year to Date 2011-12
	\$m	\$m	\$m	\$m	\$m	\$m
Movement in Assets						
Opening Balance	126.39	136.86	150.81	139.33	137.13	136.86
Capital Gain/(Loss) – (see below)	1.90	(0.47)	0.10	(0.00)	0.12	(0.25)
Net Cash/Investments(Withdrawals)	8.57	14.42	(11.58)	(2.20)	5.00	5.64
Closing Balance	136.86	150.81	139.33	137.13	142.25	142.25
Trading Position						
Capital Gain/(Loss) Realised	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.90	(0.47)	0.10	(0.00)	0.12	(0.25)
Interest Earnings	5.33	2.13	1.97	0.63	0.59	5.32
Total Return for Period	7.23	1.66	2.07	0.63	0.71	5.07

Net cash and Investment movements for February include the capital distribution made of \$1.0m by Black Rock Care and Maintenance Fund in February 2012.

Movements in investments comprised the changes in, valuation, new investments and redemptions during November shown in Table 5 – Changes in valuation and redemptions.

Table 5 Changes in valuation, new investments and redemptions.

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.03	
		Net movement	Investment / (Redemption)	1.00
Term deposits	Ref. Table 1	Redemptions	(20.14)	
		Investments	25.14	5.00
Managed Funds	Black Rock	Capital Distribution	(1.00)	
		Capital Gain /(Loss)	0.12	(0.88)
TOTAL				(5.12)

Interest and Investment Returns

Returns as at 29 February 2012 on the council investment portfolio of deposit accounts, term deposits and managed funds show a \$1.00m favourable variance when compared to the year to date budget.

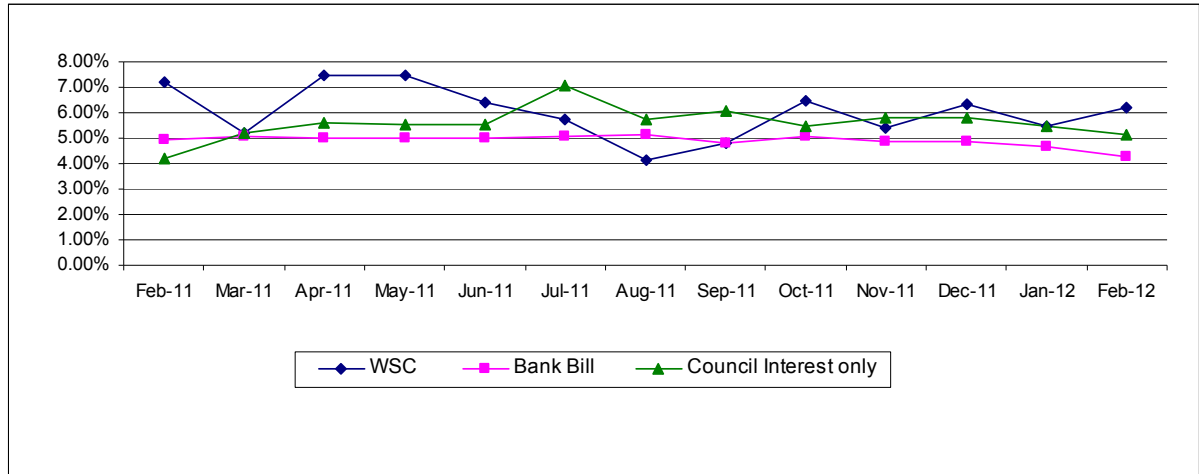
Table 6 Annual Investment Portfolio Performance as at 29 February 2012

Investment Source	FYR Original Budget \$ '000	YTD Revised Budget \$ '000	YTD Interest Actual \$ '000	YTD Change in valuation Actual \$ '000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,365	2,362	3,102	(91)	3,011	649
Water	1,082	962	1,062	(127)	935	(27)
Sewerage	1,653	1,142	1,138	(21)	1,117	(25)
Total	6,100	4,466	5,302	(239)	5,064	597

Interest rates in the month, on term deposits ranged from 5.20% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for January of 4.27%.

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:



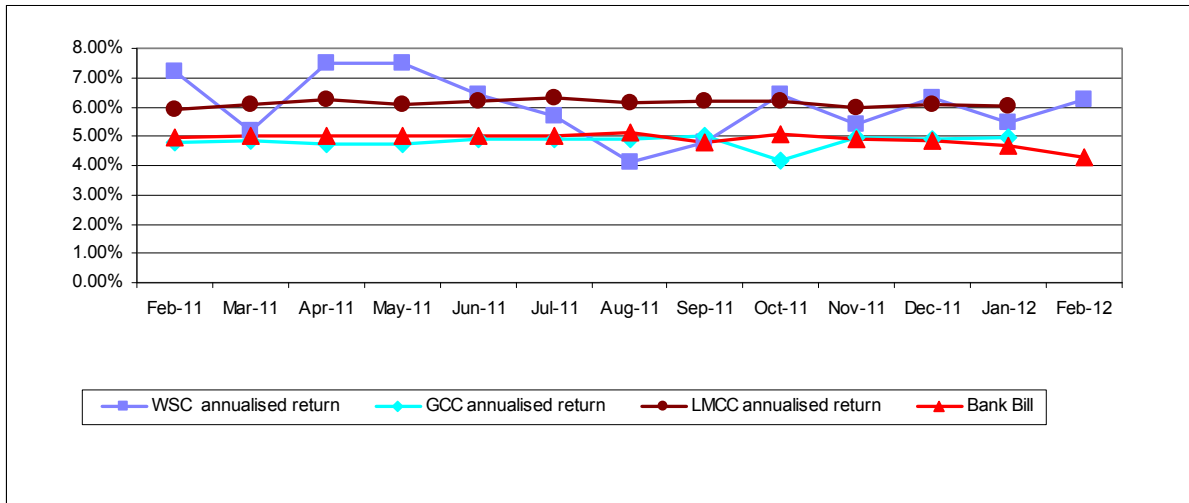
Council: *Council Total Return (Interest and Investments)*
 Bank Bill: *UBSA Bank Bill Index*
 Council Interest Only: *Council Interest Earnings*

Comparison to Similar Councils

Council's annualised returns 5.44% for January and 6.23% for February compare to similar councils in the area, Lake Macquarie City Council (6.02% - January) and Gosford City Council (4.96% - January). Returns for February reflect Capital Gain on Black Rock managed Fund for January only.

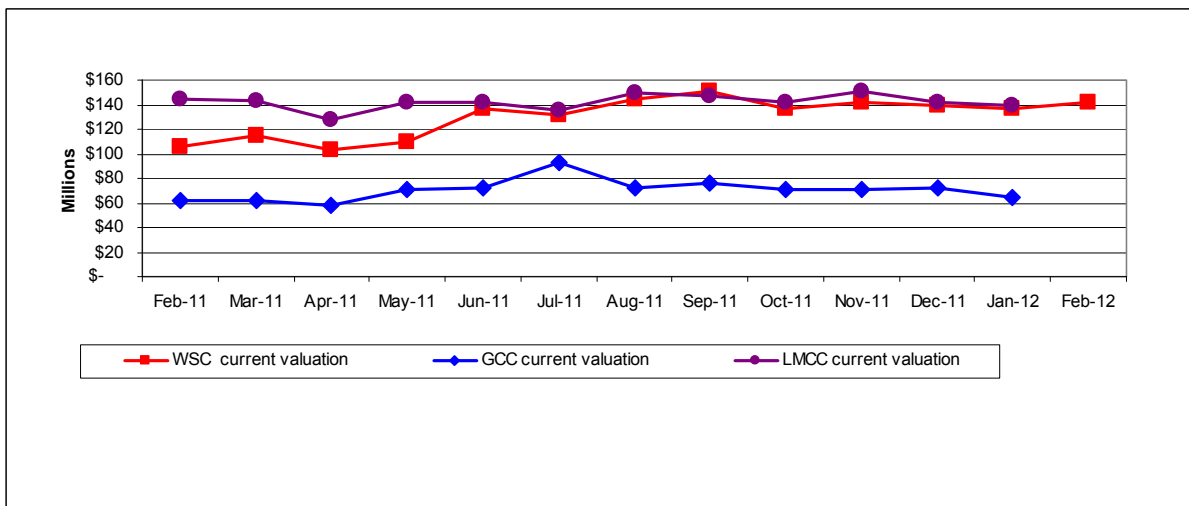
There is a one month lag in the information available for similar Councils and reports for February were not available at the time of writing this report.

Table 8 Portfolio Return - Comparison to Neighbouring Councils



WSC’s investment portfolio at the end of February was \$142.25m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City councils (refer Table 9).

Table 9 Total Investment – Comparison to Neighbouring Councils



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 29 February 2012 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 in accordance with the provisions of the ministerial investment order.

Investments are being conservatively managed to ensure that value is added to the fixed interest portfolio and Council will be re-developing its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investments by Type - February 2012 D02941092

Wyong Shire Council
Summary of Investments - By Type
As at 29 February 2012

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.01.12 \$	PORTFOLIO BALANCE 29.02.12 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:					
Westpac Corproate Investment Account (AA)	Daily	11,867,529	14,262,972	35,443	4.30
UBS Cash Account (AA)	Daily	1,395,475	6,671		
Total Cash At Call		13,263,005	14,269,643	35,443	
TERM DEPOSITS & BONDS					
Bankwest Term Deposit	18/04/12	5,000,000	5,000,000	24,034	6.05
Bendigo/Adelaide Term Deposit	18/04/12	5,000,000	5,000,000	25,027	6.30
NAB Term Deposit	27/03/12	10,000,000	10,000,000	49,658	6.25
Bendigo/Adelaide Term Deposit	26/06/12	4,000,000	4,000,000	20,340	6.40
IMB Term Deposit	04/07/12	5,000,000	5,000,000	25,027	6.30
Bankwest Term Deposit	01/05/12	5,000,000	5,000,000	21,333	5.57
Bankwest Term Deposit	27/02/12	5,000,000		20,836	5.85
Bendigo/Adelaide Term Deposit	24/02/12	5,000,000		20,301	5.70
Wyong Credit Union Term deposit	25/03/12	1,000,000	1,000,000	4,529	5.70
Commonwealth bank Term deposit	06/02/12	10,140,000		8,951	5.37
Bendigo/Adelaide Term Deposit	05/03/12	5,000,000	5,000,000	23,319	5.87
NAB Term Deposit	29/04/12	5,000,000	5,000,000	24,312	6.10
SunCorp Term Deposit	02/05/12	5,000,000	5,000,000	21,253	5.35
SunCorp Term Deposit	28/05/12	5,000,000	5,000,000	20,521	5.60
SunCorp Term Deposit	28/03/12	10,000,000	10,000,000	47,671	6.00
NAB Term Deposit	19/07/12	5,000,000	5,000,000	23,240	5.85
Bendigo/Adelaide Term Deposit	17/07/12	5,000,000	5,000,000	23,240	5.85
NAB Term Deposit	28/05/12	5,000,000	5,000,000	23,359	5.88
Bankwest Term Deposit	24/04/12	5,000,000	5,000,000	23,438	5.90
SunCorp Term Deposit	01/03/12	3,000,000	3,000,000	13,038	5.47
Bankwest Term Deposit	01/05/12	5,000,000	5,000,000	23,240	5.85
Commonwealth bank Term deposit			10,140,000	33,226	5.20
SunCorp Term Deposit	21/05/12		5,000,000	7,175	5.82
Bendigo/Adelaide Term Deposit	27/08/12		10,000,000	4,833	5.88
Westpac Deposit Bond	24/09/12	4,044,669	4,038,719	22,978	5.13
Total Term Deposit & Bonds:		117,184,669	122,178,719	554,879	
CASH MANAGEMENT FUNDS:					
BlackRock Care & Maintenance Fund	2016 (Estimate)	6,682,598	5,804,246	123,328	
Total Cash Management Funds		6,682,598	5,804,246	123,328	
TOTAL		137,130,271	142,252,608	713,651	

6.7 Activities of the Development Assessment and Building Certification and Health Units.

TRIM REFERENCE: F2004/07830 - D02939626

MANAGER: Gina Vereker, Director

AUTHOR: Jane Doyle; Senior Administration Support Officer

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 February 2012.

RECOMMENDATION

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

Development Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	9	1,100,000	7	873,123
Industrial	1	-	5	3,157,492
Residential (Multiple Dwellings/Dual Occupancy)	2	2,447,716	3	540,000
Other – Section 96 Applications	16	-	9	-
Total	28	3,547,716	23	4,570,615

Note: Included in the number of development applications lodged in the "Residential" Category was a Residential flat development consisting of 26 Senior's Living units located at Wadalba valued at \$2M. Included in the number of development applications determined in the "Industrial" Category was a Vehicle Repair Station valued at \$1.4M.

Subdivision Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	1	-	-
Residential	2	1	1	1
Rural	1	1	-	-
Total	4	3	1	1

Development Applications Received and Determined – Building Certification and Health Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential (Dwellings)	23	5,556,783	17	4,666,534
Residential (Alterations and Additions)	32	1,408,307	29	1,463,487
Other – Section 96 Applications	11	-	4	-
Total	66	6,965,090	50	6,130,021

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **21** days. There was no priority applications determined in the month.

Other Approvals and Certificates

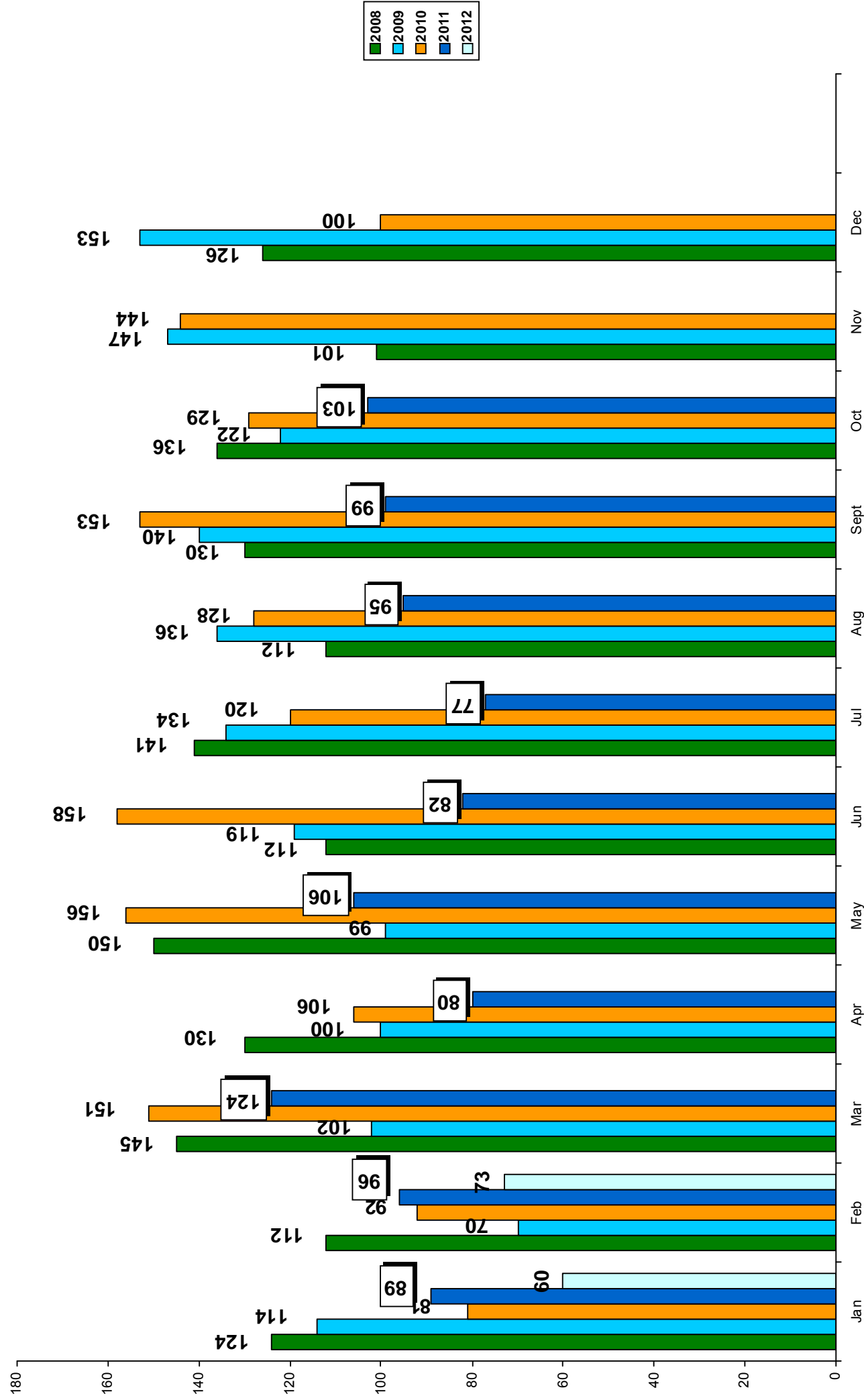
Type:	Number Determined:
Trees	36
Section 149 D Certificates (<i>Building Certificates</i>)	10
Construction Certificates	40
Complying Development Certificates	14

ATTACHMENTS

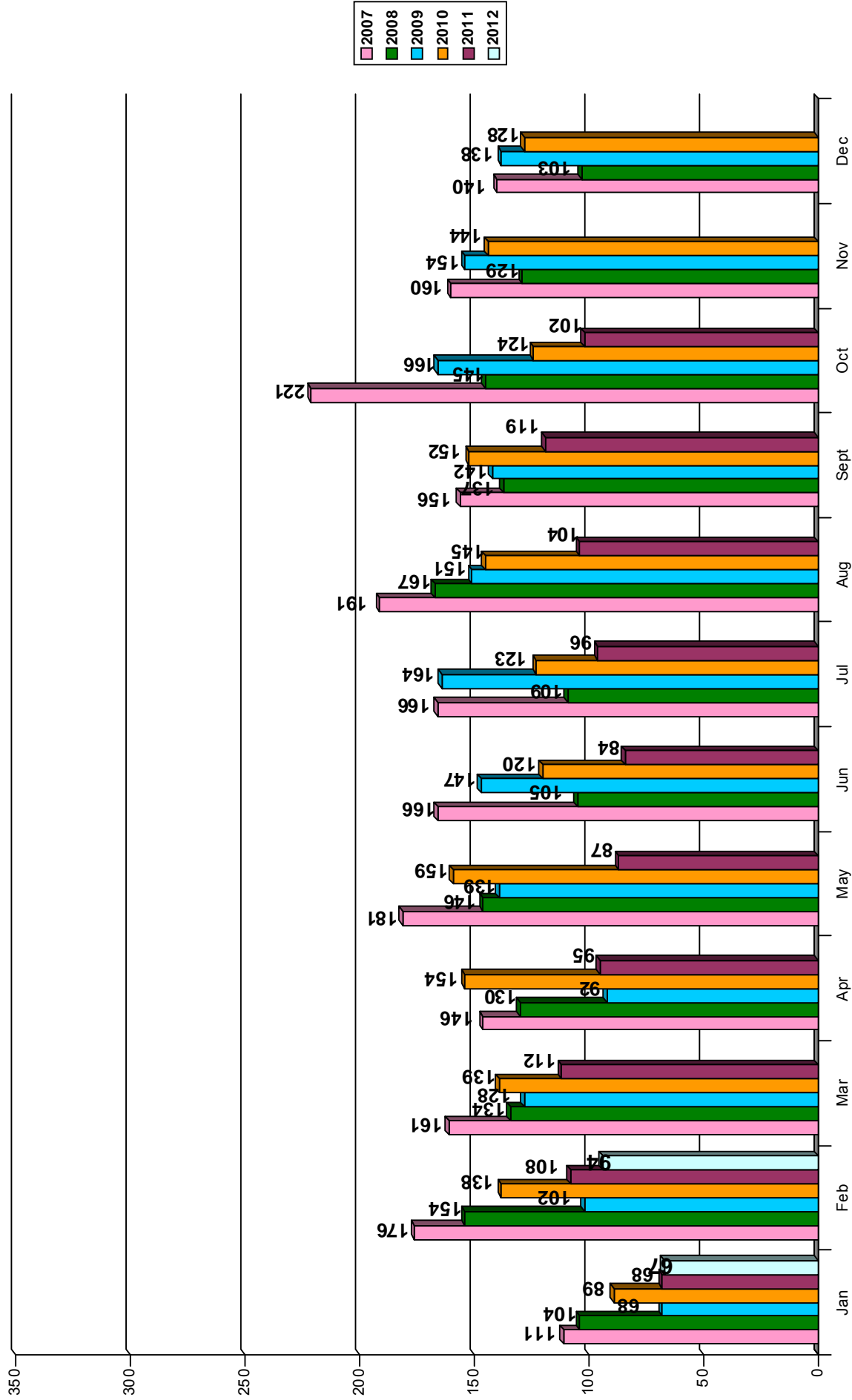
- 1 Graphs - Development Applications Determined, Lodged and Construction Certificates Determined

D02939660

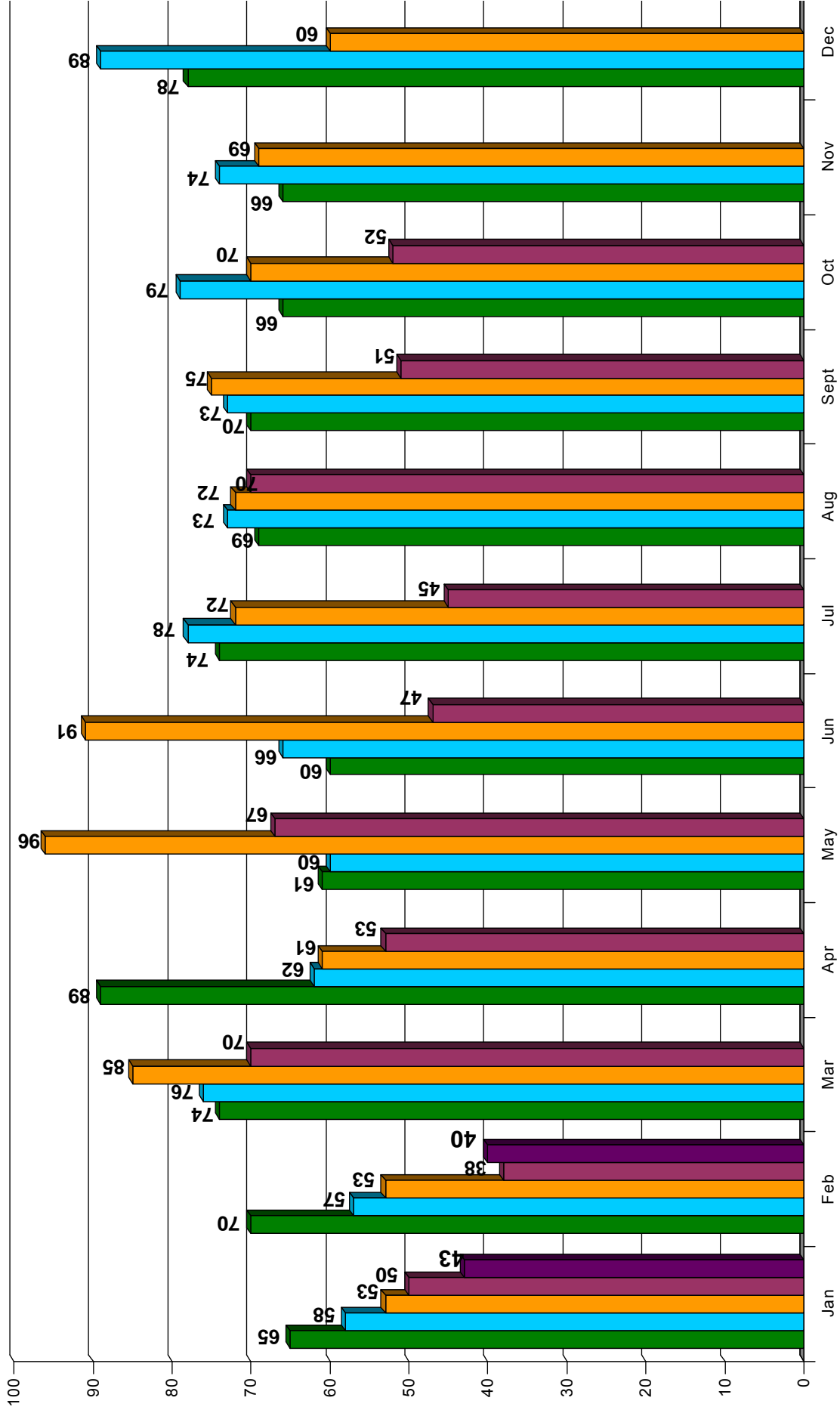
DAs DETERMINED



DAs LODGED



CCs DETERMINED



6.8 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01127 - D02940955
MANAGER: Daryl Mann; Acting Manager Water and Sewer
AUTHOR: Daniel Kemp; Engineer

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	March 2012	\$109.3m
Value of works Complete	March 2012	\$115.5m
Approved Budget		\$120.6m
Overall Construction Status (excluding Commissioning)	Completion Date: <u>March 2012</u>	% Work Complete: <u>99%</u>

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		February 2012	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%
Work Package 2 – Wyong River Pump Station	19 February 2010		99%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		100%
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:		27 February 2012 *	85%
Commissioning	1 August 2011		

*(Dates as per JH latest program C25) * 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	25 September 2011	<input checked="" 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 all properties.
- 54/56 properties have been restored (excluding minor outstanding works).
- Works have been 100% completed by John Holland on 54/56 properties.
- 45/56 landholders have signed releases.
- Easement Plans have been prepared for all properties and have been sent to the Office of Water.

Stakeholder Liaison

Media

- No media releases this week.

Resident communication

- Direct liaison with affected landholders is ongoing via the Project Team.

Incidents

- No significant Environmental or safety incidents occurred in the last period.

Major Achievements / Issues

- Work Package 1: All construction work has been completed including commissioning. An issue with the pressure rating of the inlet mains is still to be resolved
- Work Package 2: All work has been completed including commissioning
- Work Package 3: Work on this package has been completed. JH have attempted to pig WP03
- 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 has now commenced.

- Commissioning is 85% complete
- Testing the pumps at 55% Mardi Dam level has commenced
- Work Package 7: Construction of the pipeline is now completed.
- Work Package 18: Wyong River weir has now been completed.
- Intergraded commissioning will take place after testing the pumps at 55% (late March)

ATTACHMENTS

Nil.

6.9 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2012/00026 - D02944409

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Susanna Gardiner; Councillor Services Officer

SUMMARY

Report on outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 14 March 2012 | Enclosure | D02944404 |
|---|--|-----------|-----------|

7.1 Answers to Question on Notice

TRIM REFERENCE: F2004/07006 - D02940982 AUTHOR: MM

Q23/11 - Projected Additional Revenue Raised by Charging Schools to Utilise Sports Grounds

The following question was asked by Councillor Vincent at the Ordinary Meeting on 24 August 2011:

“Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council’s sports grounds and facilities”.

Prior to 2011-12 Council had not previously charged schools fees to access sports grounds or their associated amenities for the following school activities:

- School usage that requires the opening of amenities (change rooms and toilets)
- Inter-school competition and tournaments where both schools are from outside of Wyong Shire
- Regional competition – for school competition where Wyong Shire schools are competing as the Sydney North School Sports Association representative team against another state association AND there are more than 100 competitors
- Sports development days involving school participants operated by sports associations and commercial entities.

The 2011-15 Strategic Plan set fees for school usage of this nature to achieve relative parity with Council’s neighbouring Local Government Areas.

The Community Sport fees are between \$49.00 and \$70.00 per day, depending on the type of field booked and recover no more than 15% of the actual cost of providing the service.

Fees are also to be charged for sundry items and/or requests including the provision of additional bins, line marking, repainting of lines, and special mowing requests.

The following items will remain free to Wyong Shire schools; though do require Council approval through the booking process:

- Weekly sport
- PDHPE/PE lessons
- Playground duty
- School carnivals
- Knockout competition and finals (local – Sydney North Region inter-school competition)
- Trials for regional teams (local – Sydney North Region inter-school competition)
- Team training
- Local Management Group (LMG) sport initiatives

It is estimated that the Community Sport fees will be charged on five to ten occasions per year and revenue will be minimal.

7.1 Q23/11 - Projected Additional Revenue Raised by Charging Schools to Utilise Sports Grounds (contd)

As at the end of February 2012 revenue received from these fees was approximately \$500. It is difficult to predict the ongoing amount of revenue to be raised from these fees as it depends on the number of bookings, which for example, can be reliant on a school winning the right to host a regional event.

Revenue of \$1,000 has been included in Council's draft 2012/13 budget.

ATTACHMENTS

Nil.

7.2 Answers to Question on Notice

TRIM REFERENCE: F2009/00193 - D02944677 AUTHOR: GW

Q26/11 - Pioneer Dairy

The following question was asked by Councillor McBride at the Ordinary Meeting on 14 September 2011 :

“Could staff provide a ‘Councillor Update’ on the current status of Wyong Shire Council in relation to the Pioneer Dairy Trust (community access / progress of site)?”

Tuggerah Lakes Reserve, or Pioneer Dairy Wetlands, was gazetted as Crown Land for environmental protection and public recreation and is presently under the care of the Tuggerah Lakes Reserve Trust. The Trust has prepared a Plan of Management (PoM) for the Reserve which it is currently implementing,

A broad range of works are currently being carried out to ensure the viability of recreation and education activities and to enhance the public amenity and usage of the site. These works, funded under various Federal, State and Council grant schemes, include the restoration of the Dairy Cottage and associated buildings to be used for administration and tea house, restoration of the large shed to be used for functions and storage for landcare groups, construction of trails, erection of interpretative signage, toilet facilities, picnic and shelter facilities and the construction of a multi-function centre that will house heritage displays and a wetland educational centre. An enormous amount of environmental restoration has accompanied this development enhancing the flora and fauna around the site.

Work has progressed well with the opening of the Dairy Cottage by the Minister for Environment and Heritage Robyn Parker MP held recently. The opening was also accompanied by re-branding of the Reserve as Central Coast Wetlands – Pioneer Dairy in partnership with Central Coast Tourism and the State Government. Significant support has been given to the Trust through the Local Member for Wyong Darren Webber MP.

The Trust is also working in partnership with other organisations including Council, the Hunter Central River Catchment Management Authority (HCRCMA), Community Environment Network (CEN), local businesses and many sporting and recreational clubs. The Reserve currently caters for approximately 4000 visitors each year for many organised activities such as Breakfast with the Birds and cross country running. Opening of the Reserve to the public on a full time basis is scheduled for late this year and to coincide with the completion of the sewer connection and the appointment of a site manager.

ATTACHMENTS

Nil.

7.3 Answers to Question on Notice

TRIM REFERENCE: SCC/61/2011 - D02935309 AUTHOR: PF

7.3 Q33/11 - Powerful Owl

The following question was asked by Councillor Wynn at the Ordinary Meeting on 23 November 2011:

"Who is responsible for the protection of a species listed in the National Parks and Wildlife Service Atlas and who could have had this land on Wadalba Hill excised and added to the wildlife corridor when it has been known that the Powerful Owl existed and rested in this tree since 2008?"

The responsibility of protection and management of protected and threatened species is vested in the Director-General of the NSW DECC/OEH/EPA. The NSW Government has adopted a Priority Action Statement, Recovery Plans and Threat Abatement Plans, prepared by DECC/OEH/EPA which detail specific actions to promote the protection and recovery of threatened species and identify the responsible stakeholders, such as DECC/OEH/EPA, DPI, Local Government and private landholders. There are no specific actions in these plans that relate to Powerful Owls in the Wyong Shire.

When the location of the Powerful Owl nest tree was confirmed on Wadalba Hill in 2011, Council wrote to the private landholders and offered to purchase the land supporting the tree (including an appropriate buffer) at market rate to incorporate into the adjoining wildlife corridor. The private landholders rejected Council's offer to purchase the land. Without the land owner's consent, the only remaining option would have been for Council to pursue compulsory acquisition. This option was likely to result in significant legal and compensation costs. Alternatively, DECC/OEH/EPA or the CMA could have pursued acquisition.

It should be noted that the landowner at the time a purchase offer was made, had a valid consent applying to the land for subdivision which included the clearing of the site. The tree which contained the hollow used as a nest by the Powerful Owl had been assessed by an Arborist as being in a poor state of health and likely to completely fail within a few years.

ATTACHMENTS

Nil.

7.4 Q1/12 - Culvert Erosion of Creek at Bruce Crescent, Wallarah

TRIM REFERENCE: M2012/01919 - D02943550

MANAGER: Greg McDonald, Director Infrastructure Management

AUTHOR: Andrew Pearce, Manager, Roads and Stormwater

Q1/12 – Culvert Erosion of Creek at Bruce Crescent, Wallarah

The following question was raised by Councillor Doug Eaton at the Ordinary Meeting on 8 February 2012:

“Could staff confirm:

- a) *That Council previously gave a written undertaking to Ms Kylie Albanese of Bruce Crescent, Wallarah to rock stabilise the creek from Council's road culvert at the front of her property for some 30 metres.*
- b) *That this work would be performed in the 2011/12 financial year.*
- c) *That this work has not been performed, and can I be advised when this work will be performed?”*

Council has been in receipt of representations from the landowner of 380 Bruce Crescent, Wallarah requesting Council's assistance in relation to bank erosion along a minor tributary of Wallarah Creek located within private property.

Prior to any works being undertaken by Council it would be necessary to complete an engineering design to the satisfaction of property owners, state regulatory authorities, and Council. The works would then need to be programmed for inclusion in a future years capital works program and approval sought from Council under S. 67 of the Local Government Act 1993 for the completion of works on private property.

The necessary engineering design work, landowner agreement and Council resolutions allocating both budget and approval for works on private property are yet to be attained and the works have accordingly not been programmed.

ATTACHMENTS

Nil.

7.5 Answers to Question on Notice

TRIM REFERENCE: F2005/03091 - D02933577 AUTHOR: MJ

7.5 Q9/12 Contributions Raised from Section 94A Fees

The following question was asked by Councillor Symington at the Ordinary Meeting held on 22 February 2012 :

“Can staff please report on the level of contributions raised by the implementation of Section 94A fees?”

The current S94A Contributions Plan commenced on 10 August 2011. The contributions collected under the Plan go toward funding for The Art House and the cycleway network across the Shire. To date \$76, 818.00 has been collected under the Plan.

ATTACHMENTS

Nil.

28 March 2012

To the Ordinary Council Meeting

Councillor

8.1 Notice of Motion - Toukley Taj Mahal Saga

TRIM REFERENCE: DA/627/2004 - D02951646

AUTHOR: Greg Best; Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 28 March 2012 he will move the following Motion:

- "1. That Council note the widespread community concern over the now 7 year saga to gain completion of the eye sore site known as the 'Toukley Taj Mahal.'*
- 2. That Council direct the General Manager to provide a report to Council on any progress to date with bringing into compliance this site, located on the gateway to Toukley."*

RESOURCES

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. It is not envisaged that any additional resources would be required.

9.1 Notice of Rescission - CPA/205510 Wyong River Catchments Flood Study

TRIM REFERENCE: CPA/205510 - D02951608

AUTHORS: Doug Eaton; Councillor

Greg Best; Councillor

John McNamara; Councillor

Council, at the Ordinary Meeting held on 14 March 2012 gave consideration to a report regarding Item 3.4 CPA/205510 – Wyong River Catchments Flood Study

At that meeting, Council resolved as follows:

- “1 That Council accept tender no. 3 from BMT WBM Pty Ltd in the lump sum amount of \$156,260.00 excluding GST.
- 2 That Council approve a contingency amount of \$15,600 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.”

A Rescission Motion has been received from Councillors Eaton, Best and McNamara to be moved at the Ordinary Council Meeting of Council to be held on Wednesday, 28 March 2012, as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 28 March 2012 be rescinded:

- 1 That Council accept tender no. 3 from BMT WBM Pty Ltd in the lump sum amount of \$156,260.00 excluding GST.
- 2 That Council approve a contingency amount of \$15,600 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.”

Should the above Rescission Motion be carried, further notice is given that Councillors Eaton, Best and McNamara will move the following motion:

“That Council defer this matter pending advice on the effect on insurances and land values of including theoretical but disproven sea level rise into the study.”