



Council is currently working on three constructed saltmarshes at Killarney Vale as part of the implementation of the Tuggerah Lakes Estuary Management Plan. Pictured is Council's catchment crew planting native saltmarsh grasses. The saltmarshes help to break down the dead seagrass leaves (wrack) that washes up on the foreshore as well as provide important habitat for wildlife in and around the lake.

# Business Paper

ORDINARY COUNCIL MEETING

**08 February 2012**



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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber**,  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 8 FEBRUARY 2012** at **5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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**9 QUESTIONS 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

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TRIM REFERENCE: F2012/00026 - D02874443

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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

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

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

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

### RECOMMENDATION

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

## 1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2012/00026 - D02891414

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### SUMMARY

Inspections held on 1 February 2012:

Time	Location	Director
12.00pm-1pm	Fundraiser BBQ	N/A
Depart 1.00pm	Council Chambers	N/A
1.30pm – 1.50pm	DA 733/2011 Demolition of existing structures, remediation of land & construction of a large scale retail establishment (BWS Liquor Store) 447-449 The Entrance Road, LONG JETTY	Environment and Planning Service
2.20pm – 2.40pm	Tour of Hamlyn Terrace community and sports field facilities	Community and Recreation/ Julie Vaughan and Tara Mills to attend
3.00pm	Council Chambers	N/A

Briefings proposed for the 1 February 2012, following above inspections:

Date	Briefing	Description	Time	Presented by
1 February 2012	Land Re-classification		3.00-4.00pm	David Jack/ Garry McLachlan
1 February 2012	Draft DCP 2012	Brief Councillors on changes proposed to DCP 2005 prior to seeking endorsement for exhibition.	4.00-5.00pm	Martin Johnson
1 February 2012	Council Submission on the Planning system review committee	To provide Councillors with background to the review and to seek their input into a Council submission.  Council resolution from 26 October 2011	5.00-6.00pm	Martin Johnson

## 1.2 Proposed Inspections and Briefings (contd)

Briefings proposed for 8 February 2012 to be held in the Wilfred Barrett and Tim Farrell Committee Rooms.

Date	Briefing	Description	Time	Presented by
8 February 2012	Review of Grants Part II	To provide information from the Grants Review	12.30 – 1.00pm	Maxine Kenyon/ Julie Vaughan
8 February 2012	Contract Reporting	To brief Councillors on proposed changes to the Tender Evaluation Report, Contract Variation and Finalisation Report and the General Works in Progress Report. The purpose of the changes is align the reports with legislative requirements and to ensure the confidentiality of commercial information	1.00 – 1.30pm	Greg McDonald/ David Witherdin
8 February 2012	Rehabilitation Program for Closed Landfill Sites	To provide Councillors with a brief on the Rehab program for the Closed Landfill. This will include the visit to Sydney and the development of Council to notify OEHL under the Contaminated Land Management Act (CLM).	1.30- 2.00pm	Greg McDonald/ Stefan Botha/ Norm Yeend
8 February 2012	Joint Regional Waste Strategy	The Joint Regional Waste Strategy with Gosford is still in the beginning stages, this briefing is a follow-up on the earlier decision by CCROC and the two Councils. This presentation will cover feedback on progress and propose process going forward for decision.	2.00 – 2.30pm	Greg McDonald/ Stefan Botha
8 February 2012	Business paper discussion	Business paper discussion	2.30- 3.30pm	N/A
8 February 2012	Councillor Discussion	At the conclusion of the scheduled briefings issues raised by Councillors will be discussed on an informal basis at the discretion of the Mayor	3.30- 4.30pm	Mayor

### RECOMMENDATION

*That Council receive the report on Proposed Inspections and Briefings.*

### ATTACHMENT

1 Attachment - Briefings List for 8 February 2012 Business Paper D02895392

Proposed Quarter	PROPOSED DATE	Briefing Title	Director	STAFF PRESENTING
1st qtr	8th Feb	Review of Grants Prt 2	Community & Recreation Services	Julie Vaughan
1st qtr	8th Feb	Contract Reporting	Infrastructure Management	David Witherdin
1st qtr	8th Feb	Rehabilitation Program for Closed Landfill Sites	Infrastructure Management	Greg McDonald/Stefan Botha
1st qtr	8th Feb	Joint Regional Waste Strategy	Infrastructure Management	Greg McDonald/Stefan Botha
1st qtr	22 February 2012	Affordable Housing Study	Environment and Planning Services	martin Johnson and consultants
1st qtr	22nd Feb	Waste levy	Infrastructure Management	Greg McDonald/Stefan Botha
1st qtr	7th March	response to 2 day Councillor Weekend Workshop	Corporate Services	David Jack/Kerryn Austen-Gray
1st qtr	7th March	Learning Community Strategies (Pt 2)	Community & Recreation Services	Julie Vaughan/Adam Holland
1st qtr	March	Community facilities strategy	Community & Recreation Services	Julie Vaughan
1st qtr	March	Tuggerah Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Lynda Howson
1st qtr	March	Retail Strategy Review	Environment and Planning Services	Martin Johnson
1st qtr	March	Toukley Town centre masterplan	Environment and Planning Services	Paul Bowditch/Jonathan Luke
2nd qtr	April or May	GM's performance Review	Corporate Services	Marie Hanson-Kentwell
2nd qtr	21st March	Enterprise Risk Management Workshop	Corporate Services/L&R jeff Simpson	External Gov members to be invited jeff to arrange
2nd qtr	April	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Chris Ferry
2nd qtr	Late April	The Entrance Sea Wall	Community & Recreation Services	Tara Mills
2nd qtr	late april	Plan of management centralcoast caravan parks	Community & Recreation Services	
2nd qtr		Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services	Karen Douglas
2nd qtr	13 June 2012	13 June, 2012 -- 1 hour briefing on submissions to the draft to the WSC SP	Corporate Services	Kerryn Austen Grey
2nd Qtr	Jun	Biodiversity Management Plan	Environment and Planning Services	Greg White
2nd qtr		Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services	Julie Vaughan
2nd qtr		Comprehensive LEP after exhibition	Environment and Planning Services	Martin Johnson
2nd qtr		Draft Shire-Wide Contributions Plan	Environment and Planning Services	martin Johnson/David Kitson
2nd qtr		Industrial Land and employment Lands study	Environment and Planning Services	Martin Johnson
2nd Qtr		Carbon Management	Environment and Planning Services	
2nd Qtr		Natural Resources Strategy	Environment and Planning Services	Greg White
2nd Qtr		Iconic Development Site No 11 - Council Carpark, Coles, Senior Citizens & Toukley Town Centre	Environment and Planning Services	Paul Bowditch / Jonathan Luke
2nd Qtr		Iconic Development Site No 16 - 216-222 Main Road & Rowland Terrace, Toukley	Environment and Planning Services	Paul Bowditch / Jonathan Luke
2nd Qtr		Iconic Development Site No 13 - Former Shell Service Station, Council carpark & adjoining sites, Main Road, Yaralla Street and Beachcomber Parade, Toukley	Environment and Planning Services	Paul Bowditch / Jonathan Luke



Proposed Quarter	PROPOSED DATE	Briefing Title	Director	STAFF PRESENTING
2nd Qtr		Bushfire Works Plan	Environment and Planning Services	Greg White
2nd qtr	26-Apr	Strategic Plan 2012-2016	corporate services	Kerryn Austen Grey
3rd qtr	August	Progress on the Community Strategic Plan (SSV)	Corporate Services	Kerryn Austen Grey
3rd qtr	oct	RZ/77/2009 Chittaway Point Rezoning	Environment and Planning Services	Martin Johnson/Kathryn Heintz
3rd qtr		Iconic development site No 14 - beach parade Canton Beach	Environment and Planning Services	Paul Bowditch / Jonathan Luke
3rd qtr		Toukley Town centre masterplan	Environment and Planning Services	Paul Bowditch/Jonathan Luke
4th qtr		Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services	Martin Johnson
4th qtr	October	Norah Head Boat ramp	Community & Recreation Services	Tara Mills
		Committee structure	Corporate Services	Lesley Crawley
		Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services	Brian Glendenning/Martin Johnson/Rod Mergan
		Wyong town centre planning proposal and car parking study	Infrastructure Management	Bob Burch
		Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Infrastructure Management	David Irving

### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2011/00027 - D02894401  
MANAGER: Lesley Crawley; Manager Corporate Governance  
AUTHOR: Jacque Elvidge; Councillor Services Officer

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 14 December 2011.

#### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 December 2011.***

#### **ATTACHMENTS**

- 1 Minutes of Council's Ordinary Meeting of 14 December 2011      D02867037
- 2 Minutes of Confidential Session of 14 December 2011  
*(Distributed under separate cover)*

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 14 DECEMBER 2011  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services, General Counsel, Manager Land Use Planning Policy and Manager Place Management.

Contractor Land Use Planning, two Senior Strategic Planners, Strategic Planner and two administration staff.

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

The Mayor acknowledged the presence of Mr Darren Webber MP, Local Member for Wyong, in the public gallery and thanked him for his attendance.

On behalf of Council, the Mayor wished the members of the gallery a Merry Christmas and Happy New Year.

The Mayor acknowledged the tragedy that occurred at Alison Homestead last weekend. Alison Homestead was one of the first buildings built in Wyong Shire and has a history dating back to 1805. The Mayor:

- Thanked Mr David Hannan, owner of Wyong Milk Factory opposite Alison Homestead, who has allowed the Historical Society to use his premises, providing office space, office equipment, toilet and shower facilities, during the repair and salvation of Alison Homestead.
- Thanked Mr Darren Webber MP, Local Member for Wyong, who has pledged on behalf of the State Government to assist with the shortfall in repairing Alison Homestead as it was not fully insured.
- Acknowledged the volunteers who were affected by the tragedy at Alison Homestead and thanked the General Manager who has offered to support to these volunteers if they wish.

Councillor Matthews advised that she attended the official opening of Lakeside Art at The Entrance last Thursday night, 6 December 2011, and commented that it was fabulous to see the community get together. Councillor Matthews also advised that there are 4 artists who were successful in gaining a space within the building and these artists will be conducting workshops for the general public over the next 12 months as well as having their own art on exhibition.

Mr Greg McDonald, Director of Infrastructure Management, presented two awards Council received at the Local Government and Shire's Association of NSW Excellence in Environment Awards in early December 2011:

- Highly commended in division c, in the waste avoidance category for Council's alternative recycling program.
- Joint winner in division c, in the water conservation category for our joint program with other NSW Councils on the water loss management program.

The Mayor advised that he also had the honor of attending the Local Government and Shire's Association of NSW Excellence in Environment Awards and congratulated the staff for their efforts in achieving this marvelous outcome.

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

## **APOLOGIES**

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 1.5, 4.1, 4.2, 4.3, 4.4, 4.5, 2.1, 2.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.9, 3.10, 5.2, 6.3, 6.7, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, 9.1, 10.1, 10.2 and 2.2 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**

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### **2.2 – Mayoral Minute – General Manager's Mid-Year Performance Review**

The General Manager declared a pecuniary interest in the matter for the reason that the matter relates to his employment contract, left the chamber at 10.40 pm, took no part in discussion, did not vote and returned to the chamber at 10.42 pm.

### **3.7 – Fire Safety Report from Fire and Rescue NSW**

Councillor Eaton declared a pecuniary interest in the matter for the reason that the landowner company is owned by family members, left the chamber at 9.16 pm, took no part in discussion, did not vote and returned to the chamber at 9.17 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has parked his small boat at the subject site while repairing his home driveway.

Councillor Best 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."*

**3.10 – Section 96 DA/204-2007/B – 464 Ruttleys Road, Mannering Park**

Councillor Eaton declared a pecuniary interest in the matter for the reason that the landowner company is owned by family members, left the chamber at 9.20 pm, took no part in discussion, did not vote and returned to the chamber at 9.46 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has parked his small boat at the subject site while repairing his home driveway.

Councillor Best 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.”*

**4.4 – Lease to Soldiers Beach Surf Life Saving Club Incorporated**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Soldiers Beach Surf Life Saving Club and his daughter is currently a club Nipper.

Councillor Best 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 because my membership will not affect my view on this motion.”*

**4.5 – Proposed Lease of Soldiers Beach Headland Kiosk, Part of Lot 7338 DP 1157063 at Norah Head**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Soldiers Beach Surf Life Saving Club and his daughter is currently a club Nipper.

Councillor Best 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 because my membership will not affect my view on this motion.”*

**6.4 – Councillors’ Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent 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 because I am not a member of the 1<sup>st</sup> Tuggerah Lakes Scout Group.”*

Councillor Eaton declared a non-pecuniary significant conflict interest in the matter for the reason that his wife is a board member of a donee, left the chamber at 9.55 pm, took no part in discussion, did not vote and returned to the chamber at 9.56 pm.

**8.1 – Notice of Motion – Eraring Power Station Report from EPA**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee in the power industry and participated in consideration of this matter.

Councillor Vincent 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 because I am not an employee of Eraring Energy.”*

**10.2 – Expressions of Interest for Lease of Child Care Centre at Bay Village Road, Bateau Bay**

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a client of all parties concerned and remained in the chamber.

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

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

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

AGAINST: NIL

**1.2 Proposed Inspections and Briefings**

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

***That Council receive the report on Proposed Inspections and Briefings.***

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 November 2011.***

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

AGAINST: NIL

**BUSINESS ARISING**

There was no business arising.

**PROCEDURAL MOTION**

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

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

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

AGAINST: NIL

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

**That with the exception of report numbers 1.4, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.9, 3.10, 4.1, 4.2, 4.3, 4.4, 4.5, 5.2, 6.3, 6.7, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, 9.1, 10.1 and 10.2 Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

**1.4 Notice of Intention to Deal with Matters in Confidential Session**

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

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

**2.2 - Mayoral Minute – General Manager’s Mid Year Performance Review 2011-12**

**10.1 - Iconic Development Site No 16 – Located at 216-222 Main Road and 21 Rowland Terrace, Toukley**

**10.2 - Expressions of Interest for Lease of former Child Care Centre at Bateau Village Road Bateau Bay**

- 2 That Council note its reason for considering:**

**Report 2.2 as it contains information relating to personnel matters concerning a particular individual. (Section 10A(2)(a)).**

**Report 10.1 as it may confer a commercial advantage (Section 10A(2)(c)).**

**Report 10.2 as it may prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

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

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

AGAINST: NIL

**1.5 Address by Invited Speakers**

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**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.**

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

AGAINST: NIL

**2.1 Mayoral Minute - Amenity of the Wyong Town Entrances**

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

**RESOLVED unanimously on the motion of Councillor GRAHAM:**

**1 That Council note the deplorable condition of State Government owned land particularly in the entry way to Wyong township, including Apex Park.**

**2 That Council make representations to the RMS (Roads and Maritime Services) and Rail Corp to undertake vegetation control within the Pacific Highway and Rail corridor respectively to improve the amenity of the Wyong town entrances.**

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

AGAINST: NIL



**2.3 Mayoral Minute - United Way Central Coast Community Chest**

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Councillor McBride left the meeting at 7.04 pm and returned to the meeting at 7.05 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor GRAHAM:**

- 1 That Council note the correspondence received from United Way Central Coast Community Chest.**
- 2 That Council raises no objection to the transfer of United Way Central Coast Community Chest to United Way Australia.**
- 3 That Council authorises the Mayor as Patron of Central Coast Community Chest, to write a letter of consent to United Way Australia advising of its decision.**
- 4 That Council thank the Central Community Chest for their 30 years of charity work on the Central Coast and also thank the outgoing Chair Ron Stevens for his support of the Central Coast Community Chest.**

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

AGAINST: NIL

**3.1 DA/685/2011 - Proposed Telecommunications Facility at Berkeley Vale**

---

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of Council's decision.**
- 3 That Council authorise the General Manager to assess any future applications for telecommunications facilities under normal staff delegations, on the basis that Council has limited legislative ability to influence the approval process.**

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

AGAINST: NIL

**3.2 DA/790/2011 Proposed Telecommunications Tower at Lake Munmorah**

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of Council's decision.**
- 3 That Council request the applicant in consultation with the local community to consider a more appropriate location having regard to the objectives of the Draft North Wyong Structure Plan, also while encouraging co-location of service providers on individual towers.**

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

AGAINST: NIL

**3.3 Coastal Zone Management Plan for the Wyong Shire**

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*It was MOVED by Councillor EATON and SECONDED by Councillor BEST:*

- 1 That Council adopt the Wyong Shire Coastal Zone Management Plan.*
- 2 That Council defer adoption of the 2050 and 2100 hazard planning lines subject to further information on the actual historical data for sea level rise and for confirmation of the current state government's sea level rise policy*
- 3 That Council lobby the NSW and Australian Governments to initiate a property assurance or compensatory scheme to enable a "managed retreat" strategy that financially supports affected landowners.*
- 4 That Council advise those who made written submissions of Council's decision.*

*An AMENDMENT was moved by Councillor WYNN and SECONDED by Councillor VINCENT:*

- 1 That Council adopt the Wyong Shire Coastal Zone Management Plan.*
- 2 That Council lobby the NSW and Australian Governments to initiate a property assurance or compensatory scheme to enable a "managed retreat" strategy that financially supports affected landowners.*
- 3 That Council advise those who made written submissions of Council's decision.*
- 4 That Council review the Coastal Management Plan in 12 months time to take into account updated data or NSW Government policy/ guidelines.*

**The AMENDMENT was put to the vote and declared CARRIED.**

**The AMENDMENT became the MOTION.**

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

**RESOLVED on the motion of Councillor WYNN and seconded by Councillor VINCENT:**

- 1 That Council adopt the Wyong Shire Coastal Zone Management Plan.**
- 2 That Council lobby the NSW and Australian Governments to initiate a property assurance or compensatory scheme to enable a “managed retreat” strategy that financially supports affected landowners.**
- 3 That Council advise those who made written submissions of Council’s decision.**
- 4 That Council review the Coastal Management Plan in 12 months time to take into account updated data or NSW Government policy/ guidelines.**

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

### **3.4 The Entrance Town Centre Masterplan**

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

- 1 That Council endorse The Entrance Town Centre Masterplan.**
- 2 That Council endorse the preparation of an Implementation and Investment Plan to provide guidance on the timing and resources required to implement the proposals presented in the Masterplan.**
- 3 That Council consider the forward funding of some of the short term elements of the Masterplan (to be identified in the Implementation and Investment Plan) as part of its deliberations on the 2012/13 Wyong Shire Strategic Plan.**
- 4 That Council note that significant investigations and studies are required to be carried out prior to some of the suggested structures and improvements being given further consideration as to their feasibility.**
- 5 That Council acknowledge and thank all stakeholders who gave up their valuable time to assist with the preparation of the Masterplan.**
- 6 That Council advise those persons who made submissions of the decision.**
- 7 That Council note relevant Section 149 Certificates.**

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

**3.5 Draft Wyong Local Environmental Plan 2012**

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Councillor Vincent left the meeting at 8.17 pm and Councillor Vincent returned to the meeting at 8.20 pm during consideration of this item.

Councillor Matthews left the meeting at 8.18 pm and Councillor Vincent returned to the meeting at 8.20 pm during consideration of this item.

Councillor Wynn left the meeting at 8.47 pm and returned to the meeting at 8.48 pm during consideration of this item.

**RESOLVED on the motion of Councillor EATON and seconded by Councillor MCNAMARA:**

- 1 That Council authorise the General Manager to lodge a submission, in regard to draft Wyong Local Environmental Plan 2012, to the Department of Planning and Infrastructure under the provisions of Section 64 of the EP&A Act, should no significant objections or amendments to the draft plan be requested by public authorities or agencies during the Section 62 consultation process.**
- 2 That the General Manager be directed to make minor amendments to the DLEP to increase flexibility and employment outcomes generally in accordance with the dots points below:**
  - a allow detached dual occupancies wherever attached ones are allowed**
  - b allow all food premises, seniors housing, residential care and tourist accommodation in RE2 zones (clubs)**
  - c allow tourist accommodation and limited shop top houses in B7**
  - d allow all food and drink premises, childcare, public worship, medical centres and hospitals in all business and employment zones**
  - e allow recreation facilities outdoor in RU1 zone**
  - f to review residential cottage height limits and FSR to allow up to 3 storey reasonable size houses on single small allotments.**
- 3 That Council delegate to the General Manager the authority to review schedule 4 listings and remove lands that are deemed more appropriate as community.**
- 4 That a workshop be held for those interested Councillors on Wednesday 1 February 2012 on the schedule 4 property listings (Group 16, 1 – 93) to ratify the final list to be reclassified as operational.**

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

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

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

### **3.6 Voluntary Planning Agreement - Jennings Pty Ltd**

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

***That Council delegate to the General Manager the authority to endorse the draft VPA with AV Jennings in respect of the 32 lot subdivision approved in DA/1722/2004, which relates to Part Lot 1 DP 180012 and Part Lot 2 DP 1064784, 483 Pacific Highway, Wadalba at the expiration of the public exhibition period.***

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

AGAINST: NIL

### **3.7 Fire Safety Report from Fire and Rescue NSW**

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Councillor Eaton declared a pecuniary interest in the matter for the reason that the landowner company is owned by family members, left the chamber at 9.16 pm, took no part in discussion, did not vote and returned to the chamber at 9.17 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has parked his small boat at the subject site while repairing his home driveway.

Councillor Best 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 WYNN and seconded by Councillor GRAHAM:**

- 1 That Council note the content of the Fire Safety Report tabled before Council on 23 November 2011 and the Order given by Superintendent Isemonger pursuant to s.121B of the Environmental Planning and Assessment Act 1979 attached to that tabled Fire Safety Report.**
- 2 That Council resolve that Council will not exercise its power to give an Order 6 in the Table to s.121B of the Environmental Planning and Assessment Act 1979 that requires similar things to be done as the things that are required by the Order given by Superintendent Isemonger.**
- 3 That Council note that resolution 2 does not prevent Council from giving an Order 6 in the Table to s.121B of the Environmental Planning and Assessment Act 1979 where any such Order 6 requires different things to be done to the things that the order of Superintendent Isemonger requires and/or where the Order of Superintendent Isemonger is or becomes unenforceable or of no effect.**
- 4 That Council direct the General Manager to notify the Commissioner of the NSW Fire Brigades of resolutions 1 – 4 inclusive.**

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

AGAINST: NIL

**3.8 Planting Supply Contract - Estuary Management Plan**

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

- 1 That Council note an increase in the contract value of the Riverdene Nurseries Contract No. CPA/149649 from \$45,488 to \$213,419 (ex GST) due to significantly increased demand for provenance planting and previous costs being allocated to individual projects rather than against Contract CPA/149649.**
- 2 That Council note that a new tender process in accordance with Section 55 of the Local Government Act (1993) is to be initiated immediately for a new contract for survey and provenance seed collection, propagation and supply of plants, for all of Council's future provenance planting requirements including those relevant to the Tuggerah Lakes Estuary Management Plan.**
- 3 That Council approve the extension of the current contract CPA/149649, with Riverdene Nurseries for a further 15 months with an estimated contract value of \$130,000 (ex GST), to ensure continuity of supply to the "Caring for Our Country" program, to enable time for the new contract to be awarded and for seed to be collected and propagated under the new contract.**

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

AGAINST: NIL

**3.9 Draft Contributions Plan for the Warnervale Town Centre**

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

**That Council place the draft Contributions Plan for Warnervale Town Centre on public exhibition for a period of 28 days and the results of the exhibition be reported back to Council for its consideration.**

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

AGAINST: NIL

**3.10 Section 96 DA 204/2007/B - 464 Ruttleys Road, Mannering Park**

Councillor Eaton declared a pecuniary interest in the matter for the reason that the landowner company is owned by family members, left the chamber at 9.20 pm, took no part in discussion, did not vote and returned to the chamber at 9.46 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has parked his small boat at the subject site while repairing his home driveway.

Councillor Best 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 on the motion of Councillor WYNN and seconded by Councillor VINCENT:**

**That Council, having regard to the matters for consideration detailed under Section 96(1A) and in Section 79C of the Environmental Planning and Assessment Act, refuse the application subject to the following reasons for refusal:**

- 1 Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable assessment of the proposed interim intersection arrangements. In this regard, the plan submitted with the application fails to clearly and accurately identify the location and length of the proposed central media, its impact on adjoining lane widths and the approach lane alignment within the Ruttleys Road carriageway.**
- 2 Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable adequate assessment of the traffic and road safety implications created by the proposed interim intersection and road treatment. In this regard, a detailed Design Road Safety Audit (RSA) endorsed by a qualified Level 3 Road Safety Auditor is necessary to address the detailed design plans, safety barriers, associated road works along Ruttleys Road and consideration of the implementation of the proposed route sketch.**
- 3 Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not suitable for the site due to inadequate traffic management measures to address the existing site constraints in terms of vehicular access and egress.**
- 4 Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal does not adequately address potential road safety impacts within a public road and private access and therefore approval of the application would be contrary to the public interest .**

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

AGAINST: COUNCILLOR BEST

**PROCEDURAL MOTION**

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

**That Council allow meeting practice be varied to consider items 4.1, 4.2, 4.3 and 4.4 simultaneously.**

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

AGAINST: NIL

**4.1 Lease to Shelly Beach Surf Life Saving Club Incorporated**

Mr Chad Griffith, CEO of Surf Life Saving Central Coast and speaking in favor of items 4.1 4.2, 4.3, and 4.4, addressed the meeting at 5.22 pm, answered questions and retired at 5.30 pm.

Councillor Vincent left the meeting at 5.22 pm and returned to the meeting at 5.24 pm during consideration of this item.

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

- 1 That Council grant a lease of Part of Crown Reserve R73287, Lot 7012 DP 1021282 at Shelly Beach Road, Shelly Beach to Shelly Beach Surf Life Saving Incorporated subject to the Lessee concurrently entering into a an Operating Agreement with Wyong Shire Council (WSC).**
- 2 That Council authorise a term of ten years plus an option to renew the lease for a further period of ten years (10 + 10).**
- 3 That Council set an annual lease rental of \$8,500.00.**
- 4 That Council exclude from the lease:
  - a the public amenities portion of the building and**
  - b the area (as marked on the Plan – Attachment 1) required by Council Lifeguards for storage of equipment.****
- 5 That Council requires the lessee Surf Club to be responsible for:-
  - a internal maintenance and upkeep of the leased premises and**
  - b minor external maintenance such as cleaning, graffiti and minor window breakage and**
  - c maintaining insurance cover such as for Workcover and public liability or other insurance required by Council to indemnify Council against failure or claims resulting from the lessee's use of the premises.**

**NB Council will be responsible for insuring the building and external maintenance of a material nature.****
- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Shelly Beach Surf Life Saving Incorporated.**



- 7 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.
- 8 That Council notes the General Manager will:-
- a finalise any minor changes to the land footprint covered by the lease and
  - b ensure that building constructions or alterations are completed in accordance with contractual terms and
  - c ensure shared access to Council's defined lifeguard service areas will be negotiated with the Club to WSC's satisfaction and
  - d ensure WSC's makes appropriate provision for access by disabled people to ablution amenities/ first aid room or some other suitable arrangements.

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

AGAINST: NIL

#### **4.2 Lease to The Entrance Surf Life Saving Club Incorporated**

Mr Chad Griffith, CEO of Surf Life Saving Central Coast and speaking in favor of items 4.1, 4.2, 4.3, and 4.4, addressed the meeting at 5.22 pm, answered questions and retired at 5.30 pm.

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

- 1 That Council grant a lease of Part of Crown Reserve R50058, Lot 7035 DP 1074341 and part of Lot 1 DP 348428 at Marine Parade, The Entrance to The Entrance Surf Life Saving Incorporated subject to the Lessee concurrently entering into a an Operating Agreement with Wyong Shire Council (WSC).
- 2 That Council authorise a term of ten years plus an option to renew the lease for a further period of ten years.
- 3 That Council set an annual lease rental of \$1,500.00.
- 4 That Council exclude from the lease:
  - a the public amenities portion of the building and
  - b the area (as marked on the Plan – Attachment 1) required by Council Lifeguards for storage of equipment.
- 5 That Council requires the lessee Surf Club to be responsible for:-
  - a internal maintenance and upkeep of the leased premises and
  - b minor external maintenance such as cleaning, graffiti and minor window breakage and
  - c maintaining insurance cover such as for Workcover and public liability or other insurance required by Council to indemnify Council against failure or claims resulting from the lessee's use of the premises.

**NB Council will be responsible for insuring the building and external maintenance of a material nature.**

- 6 That Council **authorise** the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Surf Life Saving Incorporated.
- 7 That Council **authorise** the Mayor and General Manager to execute all documents relating to the Lease.
- 8 That Council **notes** the General Manager will:-
  - a finalise any minor changes to the land footprint covered by the lease and
  - b ensure that building constructions or alterations are completed in accordance with contractual terms and
  - c ensure shared access to Council's defined lifeguard service areas will be negotiated with the Club to WSC's satisfaction and
  - d ensure WSC's makes appropriate provision for access by disabled people to ablution amenities/ first aid room or some other suitable arrangements.

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

AGAINST: NIL

#### **4.3 Lease to Toowoan Bay Surf Life Saving Club Incorporated**

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Mr Chad Griffith, CEO of Surf Life Saving Central Coast and speaking in favor of items 4.1, 4.2, 4.3, and 4.4, addressed the meeting at 5.22 pm, answered questions and retired at 5.30 pm.

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

- 1 That Council **grant** a lease of Part of Crown Reserve R55566, Lot 197 DP 755263 at Bay Road, Toowoan Bay to Toowoan Bay Surf Lifesaving Club, subject to the Lessee concurrently entering into a an Operating Agreement with Wyong Shire Council (WSC).
- 2 That Council **authorise** a term of ten years plus an option to renew the lease for a further period of ten years (10 + 10).
- 3 That Council **set** an annual lease rental of \$5,000.00.
- 4 That Council **exclude** from the lease:
  - a the public amenities portion of the building and
  - b the area (as marked on the Plan – Attachment 1) required by Council Lifeguards for storage of equipment.
- 5 That Council **requires** the lessee Surf Club to be responsible for:-
  - a internal maintenance and upkeep of the leased premises and
  - b minor external maintenance such as cleaning, graffiti and minor window breakage and
  - c maintaining insurance cover such as for Workcover and public liability or other insurance required by Council to indemnify Council against failure or claims resulting from the lessee's use of the premises.

**NB Council will be responsible for insuring the building and external maintenance of a material nature.**

- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Toowoan Bay Surf Life Saving Incorporated.**
- 7 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**
- 8 That Council notes the General Manager will:-**
  - a finalise any minor changes to the land footprint covered by the lease and**
  - b ensure that building constructions or alterations are completed in accordance with contractual terms and**
  - c ensure shared access to Council's defined lifeguard service areas will be negotiated with the Club to WSC's satisfaction and**
  - d ensure WSC's makes appropriate provision for access by disabled people to ablution amenities/ first aid room or some other suitable arrangements.**

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

AGAINST: NIL

#### **4.4 Lease to Soldiers Beach Surf Life Saving Club Incorporated**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Soldiers Beach Surf Life Saving Club and his daughter is currently a club Nipper.

Councillor Best 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 because my membership will not affect my view on this motion."*

Mr Chad Griffith, CEO of Surf Life Saving Central Coast and speaking in favor of items 4.1, 4.2, 4.3, and 4.4, addressed the meeting at 5.22 pm, answered questions and retired at 5.30 pm.

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

- 1 That Council grant a lease of Part of Crown Reserve R55798, Lot 7337 DP 1157063 at Soldiers Point Drive, Norah Head to Soldiers Beach Surf Life Saving Club Incorporated subject to the Lessee concurrently entering into a an Operating Agreement with Wyong Shire Council (WSC).**
- 2 That Council authorise a term of ten years plus an option to renew the lease for a further period of ten years (10 + 10).**
- 3 That Council set an annual lease rental of \$8,500.00.**

- 4 That Council **exclude** from the lease:
- a the public amenities portion of the building and
  - b the area (as marked on the Plan – Attachment 1) required by Council Lifeguards for storage of equipment.
- 5 That Council **requires** the lessee Surf Club to be responsible for:-
- a internal maintenance and upkeep of the leased premises and
  - b minor external maintenance such as cleaning, graffiti and minor window breakage and
  - c maintaining insurance cover such as for Workcover and public liability or other insurance required by Council to indemnify Council against failure or claims resulting from the lessee's use of the premises.
- NB Council will be responsible for insuring the building and external maintenance of a material nature.
- 6 That Council **authorise** the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Soldiers Beach Surf Life Saving Incorporated.
- 7 That Council **authorise** the Mayor and General Manager to execute all documents relating to the Lease.
- 8 That Council **notes** the General Manager will:-
- a finalise any minor changes to the land footprint covered by the lease and
  - b ensure that building constructions or alterations are completed in accordance with contractual terms and
  - c ensure shared access to Council's defined lifeguard service areas will be negotiated with the Club to WSC's satisfaction and
  - d ensure WSC's makes appropriate provision for access by disabled people to ablution amenities/ first aid room or some other suitable arrangements.

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

AGAINST: NIL

#### **4.5 Proposed Lease of Soldiers Beach Headland Kiosk, Part of Lot 7338 DP 1157063 at Norah Head**

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Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Soldiers Beach Surf Life Saving Club and his daughter is currently a club Nipper.

Councillor Best 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 because my membership will not affect my view on this motion."*

Mrs Debbie Alexander, current Kiosk Lessee and speaking against the item, addressed the meeting at 5.58 pm, answered questions and retired at 6.09 pm.

Mr Mick Raby, Director of Surf Life Saving Education at Soldiers Beach and speaking in favor of the item, addressed the meeting at 6.17 pm, answered questions and retired at 6.24 pm.

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

- 1 ***That Council seek Expressions of Interest to lease the site known as the Headland Kiosk being Part of Crown Reserve R7713, Lot 7338 DP 1157063 at Soldiers Point Drive, Norah Head.***
- 2 ***That Council authorise the General Manager (or his delegate) to negotiate the terms of the lease with the successful applicant including a tenure of three years plus a further three years right of renewal and a commercial rent at market value.***
- 3 ***That Council grant a new lease of the Headland Kiosk to the successful applicant in the terms agreed in Item 2 above.***
- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and the successful applicant.***
- 5 ***That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.***

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

AGAINST: NIL

At this point in the meeting being 6.45 pm, the Mayor adjourned the meeting for 5 minutes.

The meeting was resumed at 6.50 pm.

- 5.1 ***CPA/147661 - Asphaltic Concrete Heavy Patching Works - Variation to Increase Value.***  
***CPA/147662 - Asphaltic Concrete Works - Variation to Increase Value***

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

- 1 ***That Council endorse an increase in value of Contract CPA/147661 – Asphaltic Concrete Heavy Patching Works from \$2,276,154.00 to \$3,276,154.00.***
- 2 ***That Council endorse an increase in value of Contract CPA/147662 – Asphaltic Concrete Works from \$5,965,248.33.00 to \$7,465,248.33.***

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

AGAINST: NIL

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**5.2 CPA/147664 - Variation to Extend Spray Bituminous Surfacing Works Contract**

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

- 1 That Council accept the variation to extend contract CPA/147664 – for the Spray of Bituminous Surfacing Works with Gosford City Council for 1 year.**
- 2 That Council notes the estimated annual expenditure against this contract is \$1,500,000.00 however actual expenditure may vary with fluctuations in demand.**

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

AGAINST: NIL

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**5.3 Option to extend CPA/163632 - In Situ Stabilisation - Stabilised Pavements Australia for 12 months**

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

- 1 That Council exercise its option to extend CPA/163632 – In Situ Stabilisation for the period 1 November 2011 to 31 October 2012.**
- 2 That Council approve an increase in value for Contract CPA/163632 – In Situ Stabilisation from \$4,741,473.00 to \$7,741,473.00.**

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

AGAINST: NIL

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**5.4 CPA/190437 - Sludge Dewatering of No 2 Sludge Lagoon at Charmhaven STP and No 1, No 2 and No 3 Sludge Lagoons at Mannering Park STP**

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

- 1 That Council accept the tender from Transpacific Industrial Solutions Pty Ltd in the estimated total amount of \$195,252 (excl GST) for Contract CPA/190437 – Sludge Dewatering of No2 Sludge Lagoon at Charmhaven STP and No1, No2 and No3 Sludge Lagoons at Mannering Park STP.**
- 2 That for Contract CPA/190437, Council approve a contract budget of \$214,777 (excl GST) that provides for a contingency amount of \$19,525 (excl 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.**

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

AGAINST: NIL

**5.5 CPA/200173 - Supply and Delivery of Unsealed Road Base Material**

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

**Council decline to accept any of the tenders received for contract CPA/200173 for the Supply and Delivery of Unsealed Road Pavement Base Course materials in accordance with sub-clause 178 (3) (a), of the Local Government (General) Regulation.**

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

AGAINST: NIL

**5.6 CPA/200851 - Supply and Delivery of Traffic Control Equipment and Signage**

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

- 1 That Council accept tender No. 1 from Road Signs and Marking Supplies Pty Ltd for a period of up to three years commencing on the date of letter of acceptance.**
- 2 That Council note the estimated annual expenditure against this contract is \$199,209.21 excluding GST however actual expenditure may vary significantly according to fluctuations in demand.**

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

AGAINST: NIL

**5.7 CPA/201208 - Provision of Cleaning Services 2011**

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

- 1 That Council accept the tender from ADZ Cleaning Services Pty Ltd for an initial period of one year in the estimated schedule of rates amount of \$235,000.00 (excl GST).**
- 2 That Council authorise the General Manager to offer ADZ Cleaning Services Pty Ltd annual extensions to the contract period for up to an additional two years in the approximate schedule of rates amount of \$242,100.00 (excl GST) for year 2 and \$249,300.00 (excl GST) for year 3 subject to ongoing satisfactory performance by the Contractor.**

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

AGAINST: NIL

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**5.8 CPA/201362 - Project Management Services 2011**

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

- 1 That Council approve a primary panel of three preferred Project Management service providers for a period of three years; comprising Australian Water Holdings, Nasr Group and Worley Parsons. Offers of engagement under the contract will generally be made on a specific project or task basis to be agreed between the Principal and the Contractor and in accordance with Council's Procurement Policy.**
- 2 That Council approve a secondary panel comprising all conforming tenders for Project Management service providers. The secondary panel is to be utilised where specific expertise is not available from those service providers on the primary panel.**

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

AGAINST: NIL

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**5.9 CPA/203090 - Supply and Delivery of Various Steel Reinforced Concrete Bases for Goorama Avenue San Remo**

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

**Council accept the tender from BCP Precast Pty Ltd for the schedule of rates amount of \$148,500 (excl GST) for Contract CPA/203090 – Supply and Delivery of Various Steel Reinforced Culverts and Bases for Goorama Ave San Remo.**

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

AGAINST: NIL

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**5.10 IT Contract**

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

- 1 That Council accept the proposed new Schedule Rate contract for Information Technology Services supplied by CapGemini Australia Pty Ltd for a contract period of 57 months.**
- 2 That Council note the estimated total cost of the contract is expected to be \$8.941m (ex GST) over the term of the contract.**
- 3 That Council authorises the General Manager to complete minor contract amendments and execute the contract.**



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

**6.1 Proposed Renaming of Reserve at Dalnott Road, Gorokan to Pipeclay Point Reserve**

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

- 1 That Council support the renaming of the reserve at Lot 1 DP 201849, Lot 50 DP23613, Lot 40 DP 24194, Lot 4 DP 629596 and Lot 5 DP 629596, Dalnott Road, Gorokan as Pipeclay Point Reserve.**
- 2 That Council request the General Manager to apply to the Geographical Names Board (GNB) for the reserve to be named Pipeclay Point Reserve subject to no significant objections being received.**

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

**6.2 Proposed Renaming of Fountaindale Ridge Reserve at Brush Road, Fountaindale to Mark Foster Memorial Reserve**

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

- 1 That Council endorses the renaming of Fountaindale Ridge Reserve at Lots 5, 98 and 99 DP 755263 Brush Road, Fountaindale to Mark Foster Memorial Reserve.**
- 2 That Council publicly notify the proposal for 28 days.**
- 3 That Council apply to the Geographical Names Board (GNB) for the reserve to be named Mark Foster Reserve subject to no significant objections being received.**

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

**6.3 Warnervale Town Centre November/December 2011 Progress Report**

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

- 1 That Council receive the report on Warnervale Town Centre November/December 2011 Progress Report.**
- 2 That Council endorse the Warnervale Town Centre Biodiversity Certification Assessment report**

- 3 That Council **formally request** the Office of Environment and Heritage to Biocertify the Warnervale Town Centre and authorise the General Manager to sign any relevant documentation required to support the application.
- 4 That Council **exhibit** the Biodiversity Certification Application for 28 days upon acceptance of the report by the Office of Environment and Heritage.
- 5 That Council **refer** to the Office of Environment and Heritage requesting the endorsement of the Minister for the Environment, subject to no significant objections being received the Warnervale Town Centre Biodiversity Certification proposal.

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

AGAINST: COUNCILLOR WYNN

#### **6.4 Proposed Councillors' Community Improvement Grants**

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Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent 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 because I am not a member of the 1<sup>st</sup> Tuggerah Lakes Scout Group."*

Councillor Eaton declared a non-pecuniary significant conflict interest in the matter for the reason that his wife is a board member of a donee, left the chamber at 9.55 pm, took no part in discussion, did not vote and returned to the chamber at 9.56 pm.

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

***That Council allocate an amount of \$12,900.00 from the 2011-12 Councillors' Community Improvement Grants as follows:***

Proposed Allocations for 14/12/2011			Declaration of Interest
1st Tuggerah Lakes Scout Group (\$4500) (\$1000 already allocated)	To purchase a safety boat for water activities.	700	
C3 Church Tuggerah (\$2000)	Tuggerah Community Carols	600	
Cancer Council 'Shirley Shuttles' Bus Service (\$1000)	To transport cancer patients in Wyong Shire.	1,000	McBride
Central Coast Multiple Sclerosis & Handicapped Group (\$1300) (\$500 Emergency approved by GM)	Annual Christmas Party	1,300	
China Australia Friendship Association (\$2000) (Emergency payment approved by GM)	Hold a multicultural xmas party at Toukley Seniors on 3 December 2011	2,000	
Cure For Life Foundation (\$2000)	Research in Brain Cancer to assist the residents of Wyong Shire.	1,200	
Killarney Kripples (\$1000)	Supporting Wyong Hospital Paediatric Ambulatory Care and men's Health Initiatives.	500	
Lakes Beach United Dunecare Coastcare Inc (\$2000)	Disability Access Project - disability access walkway and observation deck for those with mobility issues.	1,350	
Men's Interagency Central Coast Inc (\$1000)	Awareness and prevention of violence against women.	1,000	
Northlakes High School P & C (\$5000)	For students to participate in Koolskools, recording project.	1,500	Wynn
Tuggerah Tufts Winter Swimming Club (\$3480)	To build waterproof storage lockers in the storage area at The Entrance pool	1,750	

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

AGAINST: NIL

#### 6.5 Confirmed Minutes of 29 June 2011 (reconvened on 31 August) Governance Committee Meeting and 5 October 2011 Extraordinary Governance Committee Meeting.

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

**1 That Council receive the confirmed minutes of open and confidential sessions of the Wyong Shire Governance Committee Meeting held on 29 June 2011 (reconvened on 31 August 2011) and adopt the recommendations contained therein:**

**1.1 That Council endorse the amended format for reporting of items to the Governance Committee to include the following:**

	Title of Report	Responsible Officer	Indicative Timeframes
1	Disclosure of Interest	Procedural Item	2 mins
2	Confirmation of Previous Minutes	Procedural Item	5 mins
3	Status Report on Outstanding Actions	Chairman	5 mins
4	Enterprise Risk Management Strategy	Project Manager	10 mins

5	<b>Major Projects</b> <ul style="list-style-type: none"> <li>• <b>Probity Reports</b></li> <li>• <b>Major Project Risk Updates</b></li> <li>• <b>Upcoming High Risk Procurement</b></li> </ul>	<b>Manager Major Projects</b>	<b>20 mins</b>
6	<b>Financial Overview</b>	<b>General Manager</b>	<b>15 mins</b>
7	<b>Information Management Status Report</b>	<b>Chief Information Officer</b>	<b>10 mins</b>
8	<b>Special Investigations</b>	<b>Appointed Investigators</b>	<b>10 mins</b>
9	<b>Report from Internal Ombudsman</b>	<b>Internal Ombudsman</b>	<b>10 mins</b>
10	<b>Compliance Reviews</b>	<b>General Counsel</b>	<b>5 mins</b>
11	<b>Legal Matters/Issues Report</b>	<b>General Counsel</b>	<b>10 mins</b>
12	<b>Risk Register Report</b>	<b>Director Corporate Services</b>	<b>10 mins</b>
13	<b>Internal Audit</b> <ul style="list-style-type: none"> <li>• <b>Balanced Score Card</b></li> <li>• <b>Internal Audit Reports Issued</b></li> <li>• <b>Other Matters</b></li> </ul>	<b>Internal Auditor (JS)</b>  <b>Internal Auditor (JS)</b> <b>Senior Internal Auditor (TB)</b>  <b>Internal Auditor (JS)</b>	<b>15 mins</b>
14	<b>Status Report on Outstanding Internal Audit agreed actions</b>	<b>Internal Auditor (JS)</b>	<b>5 mins</b>
15	<b>External Audit Report</b>	<b>External Auditor</b>	<b>5 mins</b>
16	<b>Other Matters</b>	<b>Chairman</b>	<b>5 mins</b>

- 1.2 That Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 16 March 2011 and confirmed by the Committee on 29 June 2011.
- 1.3 That Council endorse the change of Chairperson of the Governance Committee from Mr David Holmes to Mr Bruce Turner.
- 1.4 That Council acknowledge the contributions of the inaugural external member, Mr David Holmes in his role as Chair for the Governance Committee.
- 1.5 That Council recommends to the Governance Committee to alternate the start times of its meetings to allow full time working Councillors to attend.
- 1.6 That Council investigate and report on appropriate technology to allow a voice or video real time participation by Councillors at Committee meetings.

- 1.7 That Council authorise the Mayor and the GM to discuss with Mr Holmes his date of retirement from the Governance Committee.
- 2 That Council receive the confirmed minutes of the Extraordinary Committee Meeting of the Wyong Shire Governance held on 5 October 2011 and adopt the recommendations therein:
- 2.1 That Council note the Committee's advice, whereby upon reviewing the Council's accounts,
- a a number of presentation items, including Note 17, were yet to be agreed with the External Auditor, and
- b that the accounts show a difficult financial position.
- Assuming these outstanding matters are resolved, the Governance Committee's recommendations to Council areas follows:
- 2.2 That Council adopt the draft Wyong Shire Council financial statements for 2010/11.
- 2.3 That Council refer the draft Wyong Shire Council financial statements for 2010/11 to external audit.
- 2.4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.
- 2.5 That Council fix 26 October 2011 as the date for the presentation of the audited 2010/2011 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.
- 2.6 That Council note that whilst there has been an improvement in the financial situation there are still significant financial risks in relation to assets and revenue.
- 2.7 That Council congratulate staff for their significant contribution towards the improved financial position.
- 2.8 That Council request management to continue to advise and recommend strategies to improve the financial position of Wyong Council.
- 2.9 That Council recognise that further work is required to achieve the long term financial goal of a break even operating result 2014-2015.
- 2.10 That Council endorse the Committee's recommendation that Council recognise the excellent contribution and professionalism of the outgoing Chairman, Mr David Holmes, over the past four years and that Council give consideration to formal recognition for his efforts.
- 2.11 That Council appoint Mr Bruce Turner as the Chair of the Governance Committee.

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

AGAINST: NIL

**6.6 Delegates Report - Tidy Towns Sustainable Communities Awards - Lithgow  
2011**

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

**That Council receive the Delegates Report - Tidy Towns Sustainable Communities Awards - Lithgow 2011.**

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

AGAINST: NIL

**6.7 Expression of Interest Process for the Wyong Skills Centre**

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

- 1 That Council receive the report on Expression of Interest Process for the Wyong Skills Centre and note that although no complying expressions of interest were received youthconnections.com.au expressed an interest in developing a Wyong Skills Centre.**
- 2 That Council advise the Federal Government's Community Infrastructure Grants – Youth Commitments Program of the outcome of the Expression of Interest process.**

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

AGAINST: NIL

**6.8 Expressions of Interest for Tender for Lake Haven Service Centre**

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

**That Council authorise the General Manager to endorse the Expression of Interest to be lodged by Stirloch Investments on land known as Lot 11 DP 814394 and Lot 2 DP1084245 Chelmsford Road Lake Haven for the Lake Haven Service Centre.**

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

AGAINST: NIL

**7.1 Information Reports**

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

**That Council receive the report on Information Reports.**

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

**7.2 Mardi to Mangrove Link Project Status**

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

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

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

**7.3 Outstanding Questions without Notice and Notice of Motions**

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

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

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

**8.1 Notice of Motion - Eraring Power Station Report from EPA**

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Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee in the power industry and participated in consideration of this matter.

Councillor Vincent 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 because I am not an employee of Eraring Energy.”*

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

- 1 That Council request a full report, including any recommendations from the Environmental Protection Authority (EPA), on the recent explosion in the transformer and subsequent fire and oil spill at Eraring Power Station on Lake Macquarie.
- 2 That Council request the EPA to include in its report:
  - a The adequacy of the maintenance schedule and testing of the power station's transformer and other equipment.
  - b Whether this maintenance performance is deemed both adequate and appropriate for proper functioning of the power station and protection of the sensitive environment in which the power station is sited.

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

AGAINST: NIL

## **8.2 Notice of Motion - Wildlife Corridor Road Kill**

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

- 1 That Council note that its planned east-west major wildlife corridor is now being formalised.
- 2 That Council confirm that it seeks to provide safe aerial and terrestrial passage through the corridor by addressing safety in the 2 major road networks (the F3 and the Pacific Highway) that cut through the corridor causing major wild life road kill issues.
- 3 That Council seek assistance from the NSW RTA and the Federal Government to address the issue of safer wild life corridor crossings as seen on the NSW mid north coast.
- 4 That Council receive a report on the outcomes with regard to the request for assistance from the NSW RTA and the Federal Government.

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

AGAINST: NIL

## **8.3 Notice of Motion - State of the Shire Studies**

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

- 1 That Council reiterate the significance of the State of the Shire report (now encompassing the State of the Environment report) in providing a meaningful indicator of the health of our environment and our environmental performance.



- 2 That Council **acknowledge** the results of the State of the Shire report outlining a continuing decline in seven out of eleven environmental indicators and utilise these results to inform Council's deliberations in relation to its Strategic and Annual Plan for 2012/2013.
- 3 That Council **consider** the following at the February 2012 Workshop:
- A as part of the Annual Plan deliberations, resourcing specific studies that will provide baseline data to enable more precise reporting and measurement on the health of our environment, in responding to these declining environmental indicators .
- B **give** specific consideration, as part of the 2012/2013 Annual Plan process, to the resourcing of projects that will address current information gaps and enhance Council's ability to assess the decisions it makes in relation to the principle of 'improve and maintain'.

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

AGAINST: NIL

#### 8.4 Notice of Motion - Westfield \$750m Tuggerah Development (JOBS, JOBS, JOBS)

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

- 1 That Council **note** the preparedness of Westfield Group to commence its 750 million dollar Tuggerah Gateway development adjoining the F3 Freeway.
- 2 That Council **note** that the development will be modelled on the highly successful Norwest Business Park concept and will deliver some 2,000 jobs during construction, over 7,000 jobs on completion and delivering a total of 35,000 jobs in the region over the next 20 years.
- 3 That Council **reaffirm** its commitment to local job generation, having regard to this region's unemployment rate of twice the state average and a youth unemployment rate of a massive 32%.
- 4 That Council **seek** to further advocate to have the necessary State Government zonings and approvals expedited, while recognising that it is not the consent authority.
- 5 That Council **request** the General Manager to report on the progress of the development to date and any impediments which are delaying the delivery of this key infrastructure and job generating project.

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

AGAINST: NIL

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**8.5 Notice of Motion - Review 2011-12 Budget Allocations**

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*This item was withdrawn by Councillor Symington*

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**9.1 Rescission Motion - Controlling Cats in Surburbia – Cat Containment DCP**

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

***That the following resolution carried at the Ordinary Meeting of Council held on 23 November 2011 be rescinded:***

- “1 That Council develop a Development Control Plan (DCP) regarding Cat Containment in any new land development releases.***
- 2 That Council exhibit the DCP in conjunction with the Composite Local Environment Plan for Wyong Shire.***
- 3 That Council include in the proposed DCP:***
  - a Measures to prevent any adverse effects of cat ownership on the native fauna and birds in nearby or surrounding bushland.***
  - b Requirements that restrict cats to their owner’s residences or a purpose built cat enclosure on their property”.***

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

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

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

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

- 1 That Council acknowledge the detrimental impact that cats have on Australian native fauna.***
- 2 That Council note that the relevant state legislation, the Companion Animals Act, provides minimal opportunities for councils to proactively manage domestic and feral cats.***
- 3 That Council direct the General Manager to investigate cat management policies and programs currently operating within other NSW councils.***
- 4 That Council receive a report outlining the outcomes of the investigation including recommendations regarding options that Council may consider and the cost and practicality of implementing those options.”***

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

AGAINST: NIL

**QUESTIONS ON NOTICE**

**Q34/11 Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill**  
**Councillor Doug Vincent**  
F2005/00562

*“Could staff please advise on any State or Federal funding schemes that may be available to purchase sections of the remaining undeveloped land at Wadalba Hill for conservation purposes?”*

**Q35/11 Assistance to Wyong Historical Society**  
**Councillor Doug Vincent**  
F2004/07761

*“Could staff please advise on the assistance that can be provided by Council to the Wyong Historical Society in their endeavours to recover from the recent fire at the Alison Homestead?”*

**Q36/11 Environmental and Threatened Species Monitoring Details – Wadalba Wildlife Corridor Management Plan**  
**Councillor Greg Best**  
F2005/00562

*“Could staff make available to Council and the public Environmental and Threatened Species Monitoring Details collected under the Wadalba Wildlife Corridor Management Plan for calendar year 2008?”*

**Q37/11 State of the Lake**

**Councillor Greg Best**  
F2011/00006

*“While Council recognises the efforts of staff and our Lakes Committee in endeavouring to maintain our lakes system, I note in the recently released State of the Shire Report under Environment that many categories/environs such as Coastline and Wallarah Peninsula are declining, wetlands are declining, bio-diversity is declining and numerous other environmental indicators are also declining of which all are intricately linked with our lakes system. However, the SOE indicator for the lakes system itself is identified as ‘stable’ not declining as are the surroundings.*

*Could staff please advise Council as to the methodology that can credibly draw this conclusion and the basis for this determination?”*

**Q38/11 Shire Wide Security Contract - Relocatable Security Cameras**  
**Councillor Bill Symington**  
F2004/07937

*“Can the response to previously asked Q27/11 be reported, including, priority locations, as a matter of urgency?”*

**Q39/11 Future Questions on Notices and Councillor Business Updates**  
**Councillor Bill Symington**  
F2005/01615

*“Can staff ensure when future Questions on Notice are resolved by a Councillor Business Update that the Question on Notice be featured in the title?”*

## **CONFIDENTIAL SESSION**

At this stage of the meeting being 10.34 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

## **OPEN SESSION**

Council resumed in open session at 10.42 pm and the Mayor and General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

### **2.2 Mayoral Minute - General Manager’s Mid Year Performance Review 2011-12**

- 1 That Council endorse the new proposed format for the General Managers performance review.**
- 2 That Council endorse the General Manager’s performance review content for the mid year 2011/12 assessment.**

### **10.1 Iconic Development Site No 16 - Located at 216-222 Main Road and 21 Rowland Terrace, Toukley**

- 1 That Council, subject to agreement being reached with the land owner on alternative options for the achievement of significant public benefit relevant to this development, remove the requirement contained under DCP 2012 (draft) Chapter 115 - Section 3.16 Rustrum Site, which requires the provision of public foreshore access to Lake Budgewoi.**
- 2 That Council, subsequent to the agreement outlined above, insert a new requirement within Section 3.16 Rustrum Site, as follows:**

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*“Public foreshore access should be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CEPTED) principles. Alternatively, should such public foreshore access not be feasible, then alternative options for the achievement of significant public benefit shall be negotiated to the satisfaction of Council and the proponent. Such alternatives should include improved pedestrian and cycle connections to Osborne Park and the embellishment of the foreshore reserve in the locality.*

**10.2 Expressions of Interest for Lease of former Child Care Centre at Bay Village Road Bateau Bay**

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- 1 That Council accept the Expression of Interest for the lease of part of Lot 2 DP 1154356 No.10 Bay Village Road Bateau Bay from the Library Medical Centre and grant a lease to it for rent of \$120,000.00 plus CPI per annum, for a period of 10 years with an option for a further 10 years.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between Wyong Shire Council and the Library Medical Centre.**
- 3 That Council review the progress made on establishing the practice 3 months after the signing of lease to ensure substantial commencement has occurred.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

**THE MEETING** closed at 10.45 pm.

## **1.4 Address by Invited Speakers**

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TRIM REFERENCE: F2012/00026 - D02891440  
MANAGER: Lesley Crawley; Manager Corporate Governance  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **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.*

8 February 2012

To the Ordinary Council Meeting

## 2.1 **Mayoral Minute - Representations to Federal Ministers**

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TRIM REFERENCE: F2004/06497 - D02872751

AUTHOR: Bob Graham; Councillor

*I formally move:*

***That Council receive and note the Mayoral Minute – Representations to Federal Ministers.***

WSC has identified several opportunities to pursue proposals that will provide significant public benefit to the Shire.

In order to progress these proposals I intend to travel with the General Manager to Canberra in February 2012 to discuss each proposal with the relevant Federal Minister. I consider this proactive approach provides the Council with a platform to establish effective relationships in order to realise benefits for our community.

	<b>Minister</b>
Regional Development Australia Funding submission – round 2	Hon Simon Crean MP Minister for Regional Australia, Regional Development and Local Government
F3/M2 connection and High Speed Rail – Central Coast Station, Ourimbah	Hon Simon Crean MP Minister for Regional Australia, Regional Development and Local Government
Funding for redevelopment of Warnervale Airport located in the Wyong Employment Zone	Hon Simon Crean MP Minister for Regional Australia, Regional Development and Local Government
Ourimbah Varsity Town Centre masterplan	Senator the Hon Chris Evans, Minister for Tertiary Education, Skills, Science and Research (Leader of the Government in the Senate)

Council Policy on Facilities and Expenses for Councillors enables reimbursement of travel, accommodation and sustenance for Councillors to undertake Council business, subject to Council approval.

### **3.1 Proposed Exhibition of Draft Development Control Plan 2012**

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TRIM REFERENCE: F2011/00282 - D02806624

MANAGER: Martin Johnson; Manager Land Use Planning and Policy Development

AUTHOR: Peter Kavanagh; Senior Planner

#### **SUMMARY**

This report details changes made to "Development Control Plan (DCP) 2005 – Development Controls for Wyong Shire", to create a new DCP 2012 and seek Council's approval to the public exhibition of the draft plan. The draft plan relates to the whole of the Shire and has been prepared to complement and supplement the controls within the draft Wyong Local Environmental Plan, 2012 (draft CLEP, 2012). It comprises a summary and compilation of the controls and issues within the existing DCP 2005 and incorporates relevant additional Council policy directions and requirements. The plan is proposed to be exhibited for public comment with the draft CLEP in 2012.

#### **RECOMMENDATION**

- 1 That Council place on public exhibition the draft Development Control Plan 2012 in conjunction with the draft Wyong Local Environmental Plan, 2012, for a period of two months for public comment.**
- 2 That Council receive a report detailing the issues and comments raised and amendments proposed to address matters of concern, following completion of the public exhibition period.**

#### **BACKGROUND**

##### **Purpose**

Reforms to the NSW Planning System have required each Council in NSW to prepare a new Local Environmental Plan (LEP) which is consistent with a Standard Instrument issued by the NSW Government. In this regard, Council has undertaken a major review of its existing planning documents. This review has culminated in the preparation of a Shire wide Settlement Strategy; the preparation of Draft LEP 2012; and the preparation of an amended development control plan, DCP 2012.



The DCP fits within a hierarchy of environmental planning documents reflected in the current legislation, the Environmental Planning and Assessment (EP&A) Act. The hierarchy consists of State Environmental Planning Policies (SEPPs) and other State level strategies, Regional Plans and Strategies, including the Central Coast Regional Strategy, and LEPs and DCPs. Strategies and structure plans also have a place within the hierarchy, even if not reflected in the current legislation, for example, the North Wyong Shire Structure Plan (NWSSP) prepared by the State and Council adopted planning strategies, such as The Entrance Peninsula Planning Strategy (TEPPS), the Wyong-Tuggerah Strategy and the Toukley Strategy.

The Shire-wide DCP must be prepared in accordance with and reflect the recommendations and outcomes of all of the above Plans and Strategies.

The DCP must also incorporate the direction and requirements of plans prepared in accordance with other planning relating legislation, for example the Coastal Zone Management Plan (prepared under the Coastal Protection Act and the Tuggerah Lakes Estuary Management Plan (EMP) prepared in accordance with the Estuary Management Manual.

The purpose of the Shire-wide DCP is to reflect all of the abovementioned strategic level documents and provide more detailed requirements, development controls, guidance and performance standards and objectives for a broad range of activities and land uses.

#### **History**

On 25 March 2009, Council resolved to formally commence the preparation of draft Wyong LEP 2012, draft DCP 2012, and in addition, adopted a Rezoning Requests Strategy.

On 12 October 2011 Council resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Wynn:

- 1 *That Council endorse the revised Wyong LEP project schedule and 'composite' content of the new LEP instrument.*
- 2 *That Council place the draft Settlement Strategy on public exhibition concurrently with the exhibition of the draft Wyong LEP and Wyong DCP 2012.*
- 3 *That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister for Local Government under Section 458 of the Local Government Act 1993.*

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

AGAINST: NIL

## CURRENT STATUS

The draft DCP has been prepared in a simplified and consistent style and format, with controls supported by relevant development objectives. The DCP is intended to be a web-based document, which enables relevant provisions to be hyperlinked to more detailed explanations in other relevant sections, thereby reducing repetition and overall bulk. The Chapters are in as final a form as can be provided at this date. Several diagrams and drawings are being redrafted for clarity and potential revisions may result from the public and government consultation processes in relation to the draft LEP.

## THE PROPOSAL

To supplement and provide additional detail to the requirements within the draft LEP 2012, Council has prepared draft *Development Control Plan 2012 – Development Controls for Wyong Shire*, (DCP 2012). The draft DCP has been prepared to address a range of objectives, including to enunciate Council's requirements for sustainable quality development and environmental outcomes whilst incorporating flexibility to encourage economic development and employment within the Wyong Shire.

DCP 2012 contains 49 Chapters within six Parts, which are essentially a summary of relevant provisions from the 115 Chapters of DCP 2005, with unnecessary or outdated material removed. References to zones and land use definitions have been updated in accordance with the NSW Government's Standard Instrument for LEPs, and specific Clauses proposed for draft LEP 2012. The review also introduces new chapters/provisions relating to car parking, engineering design, heritage controls, development on coastal lands, WSUD and development on the floodplain. The Table within Attachment 1 summarises the results of the review of DCP 2005 provisions, and their inclusion into draft DCP 2012.

Part 1 of draft DCP 2012 contains the Table of Contents, and details how the Chapters integrate and relate to other legislation. Part 1 also details a Glossary of Terms used in the DCP, additional to those defined within draft LEP 2012, together with Council's Notification provisions for applications.

### Potential change to Chapter 3.7 Heritage Conservation

Draft DCP 2012 Chapter 3.7 provides for 3 or 4 Heritage Conservation Areas. These are proposed at Oakland Avenue, The Entrance, at South Tacoma and Wyong Town Centre. The consideration of the areas at South Tacoma and Wyong Town Centre was deferred at the Council Meeting held 13 July 2011 and will be reconsidered at the Council Meeting on 8 February 2012. Chapter 3.7 is therefore subject to change in relation to the identified Heritage Conservation Areas at South Tacoma and Wyong depending on the outcome of the Council meeting on 8 February, 2012.

## **OPTIONS**

Current planning legislation in NSW requires that there be one DCP only from any relevant planning authority, the local Council or the Director-General of the Department of Planning & Infrastructure (DoPI) applying to any one site. This can be effected via either a single DCP per site, via precinct DCPs that incorporate all development controls relevant to each site and exclude the operation of other controls, or via an appropriately referenced Shire-wide DCP. The most efficient way to comply with these provisions is to contain all of Council's DCP controls within one DCP, with individual Chapters detailing the relevant controls on the basis of land constraints and capability and the relevant development type proposed. The attached Table details the way in which relevant provisions from the Chapters of DCP 2005 have been incorporated within draft DCP 2012.

Council needs to adopt a new DCP which directly relates to and supplements/clarifies the provisions of the new LEP (refer Material Risks and Issues below). Due to the schedule adopted for the completion of the LEP, the draft DCP has been prepared for exhibition purposes and will be refined having regard for government authority referrals and public consultations.

It is considered important for Council to adhere to the program schedule for exhibition of the DCP, so that clear guidance can be provided to intending developers and the community to facilitate employment generating development, the protection of the natural environment and to maintain residential amenity.

The adoption of a concise and comprehensive DCP will provide clarity in Council's expected standards based on clear objectives, will minimise disputes and encourage superior design quality outcomes.

## **STRATEGIC LINKS**

### **Wyong Shire Council Strategic/ Annual Plan**

The development of DCP 2012 is identified under Principal Activity 6 – Environmental Land Use as a 1 year Annual Plan Activity. The service performance indicator is "Comprehensive DCP reviewed and developed by 30 June 2012".

### **Contribution of Proposal to the Principal Activity**

Nil

### **Link to Community Strategic Plan (2030)**

The draft LEP 2012 and associated reviews (Settlement Strategy and review of DCP 2005) is a key major project for the organisation.

### **Budget Impact**

The development and public exhibition of draft DCP 2012 is contained within and provided from the budget allocation for draft LEP 2012.

## **PUBLIC CONSULTATION**

Draft DCP 2012 has been prepared in support of the draft LEP 2012 as drafted prior to referral to government authorities for consultation. This consultation must be completed and issues resolved prior to requesting the Minister to permit formal public exhibition of the draft LEP 2012. As such, Draft DCP 2012 may be subject to amendment to accord with and support provisions of the version of the draft LEP 2012, which is eventually authorised for public exhibition.

Draft DCP 2012 will be placed on public exhibition with the draft LEP 2012 and Settlement Strategy documents for 2 months in order to allow the public additional opportunities to familiarise themselves with the documents and prepare relevant submissions. This exceeds the statutory 28 days required by Clause 18 of the EP&A Regulation, 2000.

During the public exhibition period it is intended that staff will consult with industry professionals, Precinct Committees and the general public. Details of the public engagement strategy are currently being developed.

## **GOVERNANCE AND POLICY IMPLICATIONS**

Draft DCP 2012 has been prepared having regard to the CCRS, the draft NWSSP, Council's draft Settlement Strategy and draft LEP 2012. As such it updates the information currently contained within some existing Council Policies, Information Sheets and website content. Review of these documents will be programmed as part of the Land Use and Policy Development Unit Work Program over the coming months and following formal adoption by Council.

## **STATUTORY REQUIREMENTS**

Section 74C of the EP&A Act 1979 provides for the preparation of DCPs by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a development control plan are specified in the EP&A Regulation 2000.

As Council has prepared a new draft LEP in accordance with Ministerial Directions, it has been necessary to consolidate and revise Council's DCP controls so that they correctly relate to the provisions of the new LEP.

In accordance with SEPP No. 65 – Design Quality of Residential Development, the Draft DCP was referred to the SEPP 65 Central Coast Design Review Panel for comment on 25 January, 2012. Councillors will be briefed on the comments made by the Panel on 1 February 2012, as opportunity is not available to include those comments prior to the printing of this report.

### **MATERIAL RISKS AND ISSUES**

The EP&A Act provides that where the provisions of a DCP are inconsistent with an LEP, those provisions have no effect. DCP 2005 is inconsistent with draft LEP 2012 as the zone types, definitions and clauses are totally different, due to the Standard Instrument which forms the basis of the LEP. Should Council not prepare, exhibit and adopt a new DCP to support its new LEP, DCP 2005 would continue (unless formally rescinded to apply), but be generally of no effect or use. The intended guidelines, design information and controls the existing DCP provides would be invalid and of no assistance to the development community or Council's assessment staff.

### **CONCLUSION**

Draft *Development Control Plan 2012 – Development Controls for Wyong Shire*, will supplement the draft LEP 2012, and is essentially a summary of material previously existing within DCP 2005, revised to address the Clauses and Zone types within the new instrument (with additional minor amendments). At this stage it is a working draft, which may be subject to amendments following the completion of Section 62 Consultation with NSW Government agencies on the draft LEP.

### **ATTACHMENTS**

- 1 Summary of DCP 2005 Review      D02896622

## Summary of DCP 2005 Review

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
1	Delete		Coleridge Rd	Development of small commercial area	Commercial area is fully developed including car parking & landscaping.
2	Delete		Ourimbah Rural	Control the residential development of rural lots	The WLEP covers minimum lot sizes & all merits based issues are covered by State Legislation or other guidelines introduced since Chapter 2 was adopted.
3	Retain	6.1.3	Ourimbah Commercial	Development of a set of shops between King and Glen	Area yet to be redeveloped by all landowners. Diagrams and text revised to reflect future works
4	Delete		Norah Head	Development of small commercial area	Commercial area is fully developed
5	Delete	5.3	Long Jetty - Pacific St	Laneways to rear of shops	Laneway provisions covered under consolidated The Entrance Chapter
6	Retain	5.4	Main Rd Toukley	Building height restrictions between Dunleigh and Yaralla	Chapter amalgamated into Greater Toukley Chapter. Interim measure pending the adoption of a Toukley Masterplan.
7	Retain/Review	5.2	Wyong TC	Implementation of Wyong/Tuggerah Strategy and LEP Controls for Wyong Town Centre Area	Replaced by new Wyong Town Centre Chapter developed out of adopted Wyong Strategy and the recent revision to Wyong LEP 1991. Significant issues addressed include building heights and heritage preservation
8	Delete		Mardi Urban Release	Subdivision development - Mardi	The Chapter has served its purpose for all areas zoned 2(b) which are now developed.
9			Not in use (NIU) at time of review		
10	NIU				
11	Retain	2.2	B&B's	Controls for bed and breakfast accommodation	Revised to meet Section 5.4 LEP 2012 re size and location of B&Bs. Other provisions updated to be consistent with current standards.
12	Retain	6.4	B/Vale ( Keren Ave)	Subdivision development - lot consolidation requirements	Development yet to be finalised. Revised to indicate future works required.
13	Retain	3.4	Interim Conservation Areas	Preservation of green corridors	Retain, pending the adoption of the North Wyong Structure Plan. Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
14	Retain	3.6	Tree Mmt	Controls for the removal and management of vegetation	Revised to be consistent with LEP 2012. Addition of biodiversity maps ( moved from LEP 2012). Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
15	NIU				
16		5.4	Toukley East	Laneways to rear of shops between Heador and Ray	Chapter amalgamated into Greater Toukley Chapter. Interim measure pending the adoption of a Toukley Masterplans.
17	Delete		Leewood CI	Rural Subdivision - completed	Area developed in accordance with DCP
18	Delete		Gwand. S Land Pt	Contribution plan for works pre-dating s94.	No longer required. Covered under relevant DSP and S 94 Plan

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
19	Delete		Beckingham Rd	Contribution plan for works pre-dating s94.	No longer required works either completed or issues covered under Southern Lakes S 94 Plan
20	NIU				
21	Retain	5.2	Pac. Hwy Wyong	Rear lane access for properties on River Rd	Considered in consolidated Wyong Chapter.
22	Delete		W/Vale Education	Proposed Education precinct to the west of Railway at Warnervale	No longer relevant. This area falls within Precinct 7A Masterplan
23	Retain	2.7	Caravan Pks	Controls for the development of tourist and residential parks	Retained generally as previous.
24	Delete		Clothing Bins	Address amenity issues of Clothing Bins on private land	To be covered in SEPP Exempt and Complying Development
25	Delete		Main Rd/Lakeview Toukley	FSR restrictions and laneway parking	Parking has been provided. Only relevant provision is an FSR requirement that is addressed in LEP 2012 & will be further considered in the Toukley Masterplan.
26	Delete		North Entrance (Magenta)	Magenta Shores Development	A DA consent has been issued for this site which sets boundaries for the resort development. A substantial proportion of the development is complete and further development is reliant on this consent. Any proposal to modify the development must be substantially the same as approved. Any additional or significant variation to development would need to be via a LES & LEP process and require State Government Approval. On this basis the <del>current Chapter can be removed</del>
27	NIU				
28	Retain	6.1	Hue Hue Rd	Controls for rural residential development along Hue Hue Rd and identification of environmentally sensitive land to be dedicated to Council	Retained generally as previous but with updated zoning and lot identification. The contributions in Chapter 28 are now included in the Contributions Plan for Wyong, and the relevant DSP and have therefore been removed from this chapter.
29	Delete		BV Industrial	Restricts minimum lot sizes to relatively large lots to attract and restrict area with dedicated b-double route to large users such as Mars and Sanitarium.	Council decision to eliminate minimum lot sizes for industrial development
30	Retain	3.1	Wetlands	Protect wetland habitat and encourage land use practices to enhance wetland sustainability	Retained. Mapping updated. Consistency with LEP 2012. Future DCP amendment will incorporate these provisions within a Biodiversity Chapter.
31	Delete		Charmhaven Shops	Shopping Centre Development - parking, access etc	Development complete
32	Delete		Kanwal URA	Residential Subdivision	Development complete

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
33	Delete		North Wyong URA	(Wattanobbi) Residential Subdivision	Development complete
34	Delete		Charmhaven Ind	Industrial Subdivision	Estate fully developed as per DCP (and even further developed).
35	Retain	6.6	Buff Pt	Residential Subdivision	Several road extensions and subsequent subdivisions yet to be completed. Any Contributions covered by Budgetwoi DP & DSP
36	Retain	6.11	N Wyong Ind	Controls for the North Wyong Industrial Area.	Recently revised. Updated to be consistent with the LEP. Deletion of minimum lot sizes for subdivision
37	Delete		Mardi URA	Controls for residential subdivision in Mardi.	Chapter developed for release of residential land which has now been developed with all roads, drainage, open space and quarry rehabilitated. Any future app. would be dealt with under Ch64.
38	Retain	6.19	W Vale East Ind.	Subdivision layout and Contributions	Buffer land still to be dedicated as part of subdivision. Contributions now covered under area S94 Plan.
39	NIU				
40	NIU				
41	NIU				
42	NIU				
43	NIU				
44	Delete		San Remo Community C	Site specific DCP to generally facilitate an area of residential dev, a Community Centre & provide separation for other uses from an adjacent hotel/motel.	The redevelopment of the hotel/motel site under existing use rights for a shopping centre and pub (DA/1796/2005) has significantly changed the area & its needs (such as the further subdivision of the land reserved for community facilities to provide for drainage etc). The DCP is complete and dev in the area has moved beyond what was envisaged in the DCP
45	Retain	6.16	Freeway Service Centres	Controls for the development of Freeway Service Centres at Warnervale.	CH 45 is site specific and while the land has been developed some provisions will need to remain to ensure the scale & style of dev. is consistent. The existing provisions in the LEP relating to this site are unlikely to transfer into the new LEP.
46	Delete		Tumbi Valley	Set controls for the release of residential land in the in the Tumbi Valley area	Confirmed that Contributions covered under S Lakes CP and any works remaining to be completed in the area are covered in the CP
47	NIU				
48	NIU				
49	Retain	6.17/6.2	Warnervale Wadalba URA	Controls for residential subdivision in Warnervale- Wadalba	The majority of the residential land in this locality has been developed or is approved for development. Development that has occurred in the Wadalba Town Centre Area is not reflective of the original DCP Plan and has moved beyond the original design. Chapter size has been significantly reduced. The Louisiana Rd Infill Precinct has been separated into its own chapter (6.2).
50	Retain	2.6	Advertising	Controls for Advertising Signage	Updated to reflect SEPP 64 and the provisions of SEPP Exempt and Complying Development
51	NIU				
52	NIU				
53	NIU				



DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
54	Delete		Blue Haven URA	Residential Subdivision	Residential Subdivision generally completed. Any future works can be covered by the generic subdivision chapter. Plan shows prohibitive access to Link Rd/ Blue Haven Way - this will now be covered in LEP
55	NIU				
56	NIU				
57	NIU				
58	Retain	2.3	Dual Occs	Controls for Dual Occupancy Development	Generally retained as is .Updated to reflect LEP definitions and any other Legislative changes.
59	Delete		Hutton Rd	Residential Flat Development at North Entrance on a site located between Hutton Rd and Wilfred Barrett Dr The Entrance North (Paris Apartments)	The provisions are out of date & irrelevant. Development is complete. Site will fall under the consolidated The Entrance Chapter.
60	Retain/NIU	5.3	The Entrance	Implementation of The Entrance Peninsula Strategy.	Significant issues addressed include future character, building heights, scale and setbacks
61	Retain	2.1.1	Parking	Car Parking and Transport Requirements	Revised to reflect car parking requirements for LEP2012 land uses, provide information on design and submission requirements for developments.
62	Retain	2.8	Child Care	Controls for child care centres	Updated to reflect changes to Government Departments, State and Federal Government requirements and to reduce the impact of child care centres on residential area.
63	Retain	2.5	Home Based Employment	Controls for Home Based Employment	Updated to cover areas where SEPP Exempt and Complying does not apply and new LEP 2012 definitions.
64	Retain	2.4	RFBs	Controls for the design and construction of residential flat buildings	Generally retained as is. Updated to reflect LEP definitions and any other Legislative changes.
65	Retain	3.8	On Site Sewer Management	Controls for the installation and maintenance of On Site Sewer Management Systems	Generally retained as is. Updated to reflect LEP definitions and any other Legislative changes.
66	Retain	pt4	Subdivision		Generally retained as is. Updated to reflect LEP definitions, controls and any other Legislative changes. Deletion of minimum lot sizes for industrial lots
67	Delete	manuals	Engineering Rqmts	Engineering Design and Construction requirements for works related to Development Applications	Significantly revised to bring to current standards and converted to Design Manuals to allow greater flexibility in application.
68	NIU				
69	Retain	3.1	Waste Mmt	Controls for site waste management	Generally retained as is .Updated to reflect LEP definitions and any other Legislative changes.
70	Retain	pt 1	Notification	Public Notification Requirements	Updated to reflect LEP definitions and any other Legislative changes. Moved to introductory section of consolidated DCP
71	Retain	2.1.4	Brothels		Revised to meet current accepted standards. Addition of requirements for Home Based Sex Services and Restricted Premises added. Updated to be consistent with LEP 2012 definitions etc.
72	Delete		Farm Dams	Standards for the construction of farm dams.	Chapter is a technical guide for the construction of dams as it does not provide development controls. Existing content potentially conflicts with SEPP E&C, and Council's draft Earthworks Policy re: filling. There is more up to date info available from DPE and DWWE and Council's Engineering Guidelines

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
73	Retain	6.18	Warnervale Business Pk	Development Controls for Industrial and other permissible development in the Warnervale Business Park	Most of the controls in this Chapter relate to works that have already been completed. Will eventually be superseded by a WEZ DCP. This chapter must be maintained to allow development to continue in this locality until the WEZ DCP is adopted. Reference to minimum lot sizes has been removed.
74	Delete		Moala Pde	Controls for residential development and subdivision	Development of this area completed or approved for construction. Controls are outdated with various changes to the original concept being permitted.
75	Retain	2.12	Industrial	General controls for Industrial Development	Updated to reflect LEP definitions and any other Legislative changes.
76	Retain	3.7	Conservation of the Built Environment	Preservation and consideration of buildings of heritage significance	Updated to include provisions consistent with the recent Heritage Review and the LEP controls
77	Retain	3.5	Coastal Hazards	Controls for development on coastal land that are potentially exposed to coastal instability.	Significantly altered document that has been developed out of the recently adopted Coastal Zone Risk Management Plan.
78	Retain	6.9	Manning PK	Area of infill subdivision	The continuation of Mike CI is yet to be completed.
79	Retain	6.13	Lower Tumbi URA	Residential Development Controls for land surrounding the Mingara Complex.	Mostly developed except one portion of R2 land (lot 712) that could sustain approx 40 residential lots. this Ch should be retained until lot 712 is developed.
80	Retain	6.14	Tuggerah	Controls for commercial and industrial development for Tuggerah including Tuggerah Straight, Industrial, Business Park and Westfield	Significant sections of this plan are being dealt with under the Westfield Pt 3A Application. Controls have been maintained for these areas until the 3A Application is finalised and the plan will be reviewed at that time. Updated to consider Mariners site. Updated to reflect LEP changes.
81	Retain	5.1	Retail	Sets hierarchy of and function of retail centres within the Shire.	Reviewed relatively recently and therefore retained generally as is with updates to reflect LEP definitions and any other Legislative changes. There is currently a review of the Retail strategy and chapter being undertaken and amendments may be made once completed.
82	NIU				
83	Retain	3.9	Hydroponics	Framework for the assessment of commercial hydroponic and undercover horticultural development in Wyong Shire	Updated to reflect LEP definitions and any other Legislative changes.
84	NIU				
85	Delete		Exempt	Lists potential Exempt Development (generally no approval required) under Wyong LEP 1991 and the requirements to be met to achieve Exempt Development	Once the next round of amendments to SEPP E&C are complete 99% of CH 85 will be superfluous. There are only a couple of minor uses not covered by the SEPP which are permitted under CH 85 such as amusement devices etc.; however it is not worth retaining for these few uses.
86	Delete		Complying	Lists potential Complying Development (fast track applications) under Wyong LEP 1991 and the requirements or conditions to be met to achieve Complying Development	There are only a few developments permitted as complying dev. Under CH 86 that are not included in SEPP E&C. The latest discussion paper proposes expansion of the SEPP which will close most of the gaps. Therefore its reasonable to repeal Ch 86. See attachment

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
87	Delete		Bateau Bay South URA	Residential area to the west of the Entrance Road and to the south of Cresthaven Ave Bateau Bay	Chapter created with the rezoning of land & related to the residential subdivision which has now been completed .
88	NIU				
89	Delete		Glennings Valley Rural Res	Controls for residential development and subdivision of rural residential land in this locality	Content is outdated or addressed by other planning documents.
90	NIU				
91	NIU				
92	Delete		Lake Haven Centre Support	Shopping Centre Additions to the west of Lake Haven Shopping Centre ( Bunnings etc)	Development Completed
93	NIU				
94	Retain	2.13	Emergency Services Location	Controls to minimise the impact of Emergency Facilities ( e.g. - Fire Stations)	Certain Emergency Services are now permissible with and some without consent under SEPP Infrastructure. Controls are to be maintained where Council is the Consent Authority.
95	NIU		NIU		
96	Retain	6.2	Woodbury PK	Site specific controls for tower development on certain land in Mardi.	DA for tower development recently refused. There is currently a DA under assessment for 3 storey development on this lot. However draft LEP 2012 still maintains the previous height controls of 33 and 37.5 m. Chapter to be maintained until such time as a development is approved on site and construction commenced.
97	New	3.2	WSUD	Controls for the treatment of stormwater emanating from dwellings, subdivisions etc. to meet water quality objectives for discharge to receiving waters.	Draft Chapter is as per approved for Public Exhibition by Council December 2010 excepting updating to reflect LEP 2012 definitions etc.
98	NIU		NIU		
99	Delete		Building Lines	Building line and setback requirements for development	Controls retained and absorbed (or already duplicated) into relevant chapters, the majority being included into the single dwellings chapter.
100	Retain	2.1	Dwellings	Controls for the construction of single dwelling houses	Reformatted to DCP 2012 structure. Building lines added. Updated to reflect LEP definitions and any other Legislative changes.
101	NIU				
102	NIU				
103	NIU				
104	NIU				
105	Delete		Highview - San Remo	Controls for residential subdivision of land on the eastern side of San Remo	Development Complete.

DCP 2005 Chapter	Action	DCP 2012 Chapter	Chapter Name	Summary of Chapter Intent	Comments
106	NIU				
107	NIU				
108	NIU				
109	Retain	6.7	West Wyong	Controls for residential subdivision of land at West Wyong ( back of Chapmans Hill and north of TAFE).	Still relevant for guiding planning /development requirements. Amended to reflect current legislation and conditions on site.
110	Retain	6.3	Bateau Bay - Centre Support	Controls for suitable commercial development on a site located directly to the south of Bay Village.	Yet to be commenced. Updated to reflect LEP 2012
111	Retain	2.10.	Hoardings	Controls for the construction and management of hoardings on building sites	Relatively recent document generally retained as is with Updates to reflect LEP 2012 and other legislation.
112	Retain	2.15	Public Art	Public Art to be provided for developments valued at greater than \$5M	Retained generally as is. Updated to reflect LEP 2012
113	New	3.3	Flood Mgmt	Controls for development on the floodplain	Controls developed from the outcome of the Tuggerah Lakes Flood Risk Management Study and the studies currently being undertaken for other catchments within the Shire.
114	Retain	6.8	Lake Munmorrah Village Centre	Coles Site	Stage 1 is completed. Controls need to be maintained for stage 2. Updated to reflect LEP 2012.
115	New	6.1	Key Sites	Provide guidance in the preparation of concepts, Masterplans and site specific DCP Chapters for Iconic Development of the Key Sites to which this Plan applies.	As previously presented to Council.

### **3.2 Proposal to Establish an Alcohol-Free Zone - Wyong Road, Killarney Vale**

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TRIM REFERENCE: F2004/06067 - D02836278

MANAGER: Paul Bowditch; Manager Place Management

AUTHOR: Rianan Rush; Strategic Planner

#### **SUMMARY**

This report proposes the establishment of an Alcohol-Free Zone at Wyong Road, Killarney Vale as shown in attachment 1.

#### **RECOMMENDATION**

- 1 That Council place the proposal to establish an Alcohol Free Zone at Wyong Road Killarney Vale until 30 June 2013, as described in attachment 1, on public exhibition for a period of 30 days.**
- 2 That Council adopt the Alcohol-Free Zone until 30 June 2013 as described in No.1 above subject to no significant objections being received as a result of the public exhibition period.**
- 3 That Council advise the Bateau Bay/Killarney Vale Community Precinct Committee of this decision.**

#### **BACKGROUND**

An application has been received from the Bateau Bay/Killarney Vale Community Precinct Committee for the establishment of an Alcohol-Free Zone (AFZ) along the Wyong Road footpath adjacent the Killarney Vale shops. The application has been assessed against the Ministerial Guidelines on Alcohol-Free Zones, 2009 and information provided by NSW Police.

#### **THE PROPOSAL**

It is proposed to establish an AFZ along the public road and northern and southern footpaths of Wyong Road from South Street to Brooke Avenue, Killarney Vale. Refer to Attachment 1 for a map of the proposed AFZ location.

Information provided by NSW Police indicates that there have been a significant number of anti-social behaviour incidents in the area in the last 12 months, with alcohol consumption being a key contributor. The majority of this activity is centred around the bus stop adjacent to Coles and heading east up to Brooke Avenue. It is considered that establishing an AFZ in the area would reduce the number of anti-social behaviour incidents that are linked to alcohol consumption. This proposed course of action is supported by NSW Police.

## **STRATEGIC LINKS**

The establishment of an AFZ at Wyong Road, Killarney Vale is consistent with the requirements under s644 of the Local Government Act, 1993 and will provide a public health and safety service to the community.

### **Budget Impact**

Should the AFZ be established, funds are available for the AFZ signage to be located along Wyong Road, Killarney Vale.

## **CONSULTATION**

As per the requirements of s644 of the Local Government Act, 1993 consultation has been undertaken with NSW Police regarding the establishment of an AFZ at Wyong Road, Killarney Vale. NSW Police are in support of establishing the Alcohol-Free Zone. Staff have liaised with the Council Rangers who are aware of the establishment of the Alcohol-Free Zone and have no objections.

Should Council agree to establish the Alcohol-Free Zone along Wyong Road, Killarney Vale the following groups will be notified of the proposal:

- Property and Business owners in the area
- Bateau Bay/Killarney Vale Community Precinct Committee
- Tuggerah Lakes Local Area Command
- Local Liquor Outlets
- Anti-Discrimination Board

The proposal to establish an Alcohol-Free Zone would be publicly exhibited for a period of 30 days as per the requirements of Section 644 of the Local Government Act, 1993.

## **GOVERNANCE AND POLICY IMPLICATIONS**

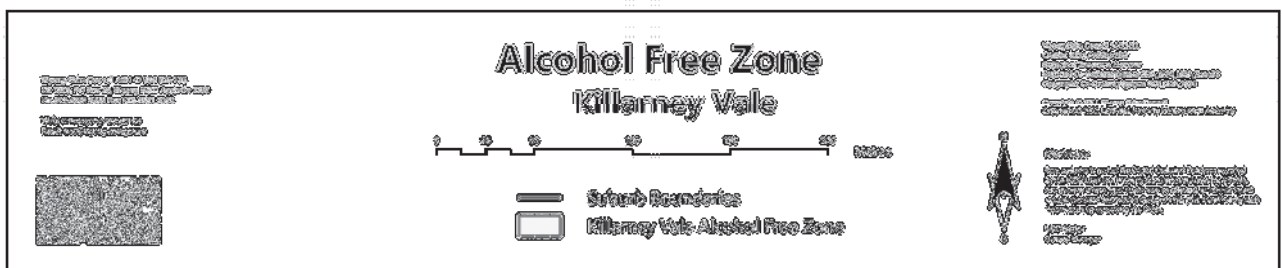
The proposal is consistent with section 644 and 646 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones, 2009.

## **CONCLUSION**

It is recommended that Council publicly exhibit the proposal to establish an Alcohol-Free Zone at Wyong Road, Killarney Vale as shown in attachment 1 and subject to no significant objections being received as a result of the exhibition period, Council proceed to adopt and establish the AFZ in this location.

## **ATTACHMENTS**

- 1 Proposed Alcohol Free Zone Map D02840179



#### **4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report**

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TRIM REFERENCE: CPA/199549 - D02858705

MANAGER: Andrew Pearce, Manager, Roads and Stormwater

AUTHOR: Sue Ralph; Tech Officer Contracts Administrator

#### **SUMMARY**

Evaluation and selection of tenders for Contract No. CPA/199549 - Kerb and Gutter and Associated Works.

#### **RECOMMENDATION**

- 1 That Council accept tender no. 1 from Gotrala Pty Ltd T/A Bolla Contracting in the estimated total amount of \$221,458.60 including GST (\$201,326.40 excluding GST).**
- 2 That Council approve a contingency amount of \$13,750.00 including GST (\$12,500.00 excluding GST) representing approximately 5% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

#### **BACKGROUND**

The contract contains a number of requirements to provide a full range of extruded concrete drainage services in connection with Council road and drainage construction activities. The contract does not include the supply of concrete within its schedule of rates, but rather only includes the provision of services required to construct the concrete works. The concrete is purchased under Council's existing materials contract. All work carried out under this contract is to conform to Wyong Shire Council Specifications.

These services are utilised in the following areas:

- routine maintenance on local roads
- road renewal program
- drainage on state roads as identified under the NSW Roads & Maritime Road Maintenance Council Contract.



## 4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)

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### Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 13 September 2011 and the Central Coast Express Advocate on 14 September 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 13 October 2011.

The invitation documents called for schedule of rate tenders, based on a detailed specification. However, to allow Council to consider cost saving alternatives to the concreting component of the works, tenderers were asked to consider and propose innovative approaches to this component.

A compulsory pre-tender meeting was held at the proposed work site on 4 October 2011 to allow tenderers to become familiar with site conditions.

The following addenda were issued to all prospective tenderers during the invitation period.

- 1 No Addenda were issued for this Tender.

Tenders closed at Council Chambers at 2:00pm on 13 October 2011.

### EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members (one of which was from a unit other than the one managing the procurement process) using the following threshold and weighted criteria:

Threshold Criteria:

1. Compliance with Tender documents, including lodgment of tender by specified time.
2. Ability to manage financial, environmental, operational and safety risk.

Weighted Criteria:

3. Assessed level of Local Content
4. Proposed methodology / construction programme

#### 4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)

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5. The tendered price and structure; as well as any other potential costs to Council that may be identified
6. Experience in the specific field

The evaluation criteria and their weightings were documented in the Contract development Plan and approved by the Director Infrastructure Management prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, and referees.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Detailed weighted evaluation of tenders.
- Due diligence checks on preferred tenderers.
- Independent review of the tender selection process.

#### Assessment of Receipt

The following tenders were received and are listed in numerical order, from lowest to highest.

Tender No	Tender	Estimated Contract Sum (Ex. GST)	Status
1	Gotrala Pty Ltd	\$201,326.40	Submitted on time

\* See Assessment of Conformance below.

Traditionally only one tender is received for this Contract as Gotrala Pty Ltd are the only regionally based company with the specialised skills base and kerb profiling machines required to successfully complete works issued. The rates received in this tender, compared to the existing tender CPA/147666, represent value for money to Council with an increase of approx 10% overall which is comparable to CPI over the previous 3 year period.

#### Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Gotrala Pty Ltd T/A Bolla Contracting) conformed to all requirements and were progressed to the next stage of evaluation.

#### Weighted Evaluation

Evaluation scoring was conducted in two stages i.e:

#### 4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;
2. Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

##### 1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content ), and are listed below in descending order of weighted evaluation.

Tender No.	Tender	Estimated Contract Sum (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
1	Gotrala Pty Ltd	\$201,326.40	90

Tender No 1 was the only tender received. It conforms to all criteria and is the incumbent contractor. There have been no issues with this Contractor under the previous tender

##### 2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Works
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$35,000.00 applicable to this category of contract
Price Component of Most Competitive Offer	\$ nil
Financial Impact Limitation To Be Applied to Preferred Offer	\$10,500.00

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

#### 4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)

Tender No	Tender	Estimated Contract Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
1	Gotrala Pty Ltd	\$201,326.40	90	\$10,500.00	90

Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender no. 1 from Gotrala Pty Ltd was assessed as the Preferred Offer and was therefore progressed to the due diligence of evaluation.

#### Due Diligence

Tender No 1 (from Gotrala Pty Ltd) was subjected to an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer and independent referees, it is considered that Gotrala Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Gotrala Pty Ltd is a Kurri Kurri 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 Gotrala Pty Ltd is within 5% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

#### Process Review

This evaluation process and recommendations have **NOT YET** been endorsed by the Contract Systems Co-ordinator.

#### 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.

#### **4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)**

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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 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: Insert risks which are specific to the subject contract. The following are possible examples, but are to be deleted if not applicable.

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical 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.

#### **4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report (contd)**

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- Brief does not adequately cover all required work and additional investigations are found to be necessary during the consultancy. Mitigated by preparation of comprehensive Brief and peer review of documentation prior to inviting tenders.
- The price of materials may increase significantly which will impact the Contractors price to Council for the finished work. The contract allows for the rise and fall in the price of materials to be passed on to Council.
- 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.

#### **Risk Contingency**

The above risks are considered to be Low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$12,500.00 (excl GST) representing approximately 5% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$262,500.00 (excl GST), which incorporates the contingency allowance, will not be exceeded

#### **BUDGET**

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centers as transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated value of the arrangement is \$250,000, (\$125,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the arrangement. The total amount ordered under this arrangement could therefore vary significantly if demand patterns alter for this product/service

#### **TIME-FRAME**

This Contract is a fixed price Contract for two years and subject to the option of a 12 month extension based on performance.

#### **APPROVALS**

“No approvals are required “.

**CONCLUSION**

Tender No 1 from Gotrala Pty Ltd is the highest scoring tender 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 Tidy Towns Program

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TRIM REFERENCE: F2004/06466 - D02830871

MANAGER: Maxine Kenyon, Director Community and Recreation Services

AUTHOR: Brett Sherar; Manager Open Space

### SUMMARY

Tidy Towns is a not-for-profit volunteer organisation that undertakes beautification works predominantly on Council land. This report identifies opportunities and challenges faced by the three established Tidy Towns groups in the Wyong Shire and the options for Council's involvement in this program in the future.

### RECOMMENDATION

- 1 That Council provide support to Tidy Towns as outlined in Option 3 of this report that is to provide \$15,000.00 for materials and use existing Open Space staff to provide minimal support to the existing Tidy Towns groups.**
- 2 That Council consider resourcing the identified preferred option as part of the 2012/13 financial planning process.**

### BACKGROUND

At the Ordinary meeting of Council on 12 October, 2011, Council:

*"RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor VINCENT:*

- 1 That WSC report to Council on the interface between WSC, the community and Tidy Towns.*
- 2 That WSC look at the current model used with our Landcare volunteers to see if a similarly designed policy would achieve the right outcome for Council and the community.*
- 3 That a cost benefits analysis of supporting this program be considered as part of the report.*

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

AGAINST: NIL"

Tidy Towns (Tidy Towns Sustainable Communities) is an initiative by Keep Australia Beautiful (KAB) which was first established in 1968. KAB is an independent, not-for-profit organisation which aims to;



## 5.1 Tidy Towns Program (contd)

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*'...encourage a state-wide network of grassroots volunteers who work to deliver a cleaner environment, better resource management and community beautification...'*  
(KAB NSW, 2011)

The Tidy Towns program was established in 1981 and continues to be the largest practical environmental program serving regional New South Wales. Tidy Towns aims to support, motivate and celebrate a more sustainable and greener New South Wales. Tidy Towns groups have highly diverse roles within their community which include:

- Garden maintenance
- Graffiti removal
- Litter removal
- Water conservation
- Environmental education
- Habitat conservation.

Each Tidy Towns group has differing objectives and most function independently from KAB. Groups that are more involved with KAB participate in the annual Tidy Towns Sustainable Community Awards program. The awards program recognises the achievements of the Tidy Towns groups on an annual basis. Currently 130 cities, towns, villages and schools throughout Australia participate in these awards. KAB describes the benefits of participating in the awards as:

- Increasing valuable media exposure to your town and community projects
- Linking your town to a network of experienced community volunteers, support and funding resources across NSW
- To provide an independent assessment and report of your towns projects and achievements
- To celebrate your achievements and promote them to relevant stakeholders.

KAB provides written guidance as to how to run an event, however they do not provide insurance coverage, manage promotions or provide funding or other materials to Tidy Towns groups in NSW.

### **CURRENT STATUS**

The Wyong Local Government Area (LGA) has three established Tidy Towns groups. These groups vary greatly due to group objectives, volunteer numbers and environmental constraints. The characteristics of these three Tidy Towns groups are further described below.

#### **Summerland / Gwandalan Tidy Towns**

This group covers both the Summerland Point and Gwandalan suburbs and was established in 1996. The program services 5,000 residents and 2,500 dwellings (2006 census). It is currently funded annually by Delta Electricity (\$5000.00) and intermittently by the Lions Club, First National Real Estate and Federal grants. Current active membership is 12 who attend 'working bees'. Two of these members are continuously active. Centrelink volunteers also take part in the activities to fulfil volunteer requirements. Volunteers spend on average 1200 hours per annum working on the Tidy Towns program.

## 5.1 Tidy Towns Program (contd)

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Works undertaken to date include vegetation maintenance of the intersection of the Pacific Highway and Kanangra Drive, litter collection of Kanangra Drive, garden maintenance on roundabouts, tree planting and weed control.

The current members have identified a future scope to separate the two Tidy Towns sub-groups of Summerland Point and Gwandalan.

The program is highly valued for its sense of community and unity. The members also expressed a feeling of pride and autonomy. Community aesthetics is a major driver behind the program. Consultation and discussion with the Summerland Point / Gwandalan Tidy Towns group identified several future objectives which included:

### *Growth*

- Recruitment and retention of volunteers was a clear area of concern for the future success of the program. Maintaining the current activity level with the prospect of growth was an identified goal. Gaining school involvement in the program was also discussed.

### *Formalisation*

- Defining and clarifying the activities undertaken by the group was also a concern. The relevance of some activities, especially with the prospect of expansion, was discussed. This concern was the driver behind the idea of splitting the two sub-groups. The clarification of a 'common vision' for the group was an idea that could be explored and developed.

### *Tidy Towns Awards*

- The group expressed the importance of the Tidy Towns awards to their members.

## **San Remo / Northlakes Tidy Towns**

The group was founded in 2001 and was initially a self funded project. It covers the San Remo suburb which is boarded by the Pacific Highway to the west and the Central Coast Highway to the east. The program services approximately 4,500 residents and 1,900 dwellings (2006 census). It is currently funded collaboratively by Delta Electricity (\$1,000.00 annually), Raine & Horne Real Estate (\$250.00 annually) and Wyong Shire Councillor Community Improvement Grant (\$500.00 Grant).

This group has lost a lot of members in recent years and functions with approximately four active members. This has reduced the groups' capacity to approximately 280 hours per annum which has resulted in prioritising work activities. Their current work activities include graffiti removal, litter collecting, mowing and small scale garden maintenance.

The San Remo / Northlakes Tidy Towns program is valued by its group members as it allows for the building of friendships and community connections. The program is driven by a sense of pride in the aesthetics of the surrounding community; they just want to make it a better place to live in.

This group's main future objective was:

### *Growth*

- The recruitment of new volunteers with an overall aim to expand current activities.

### **Mannering Park Tidy Towns**

This group covers the suburb of Mannering Park. The program services approximately 6,500 residents and 3,000 dwellings (2006 census). It runs on approximately \$19,000.00 per annum which is largely funded through fundraising activities such as selling donated plants. There is an annual membership fee of \$70.00 for Tidy Towns members. Delta Electricity also provides annual funding of \$1,000.00. Corporations such as Bunnings intermittently supply the group with gardening tools.

The Mannering Park group is the largest of the groups having approximately 27 members (12 regularly actively) with four-five members being Landcare focused. Volunteers contribute approximately 1500 hours per annum. Activities include graffiti removal, litter collecting, mowing, garden establishment and maintenance. The members of the group value the community aesthetics that Tidy Towns activities provide.

Consultation and discussion with the Mannering Park Tidy Towns group identified several future objectives which included:

#### *Autonomy*

- Separation and independence from Landcare.

#### *Mentoring and Training*

- The Mannering Park group wants to mentor and train new and existing Tidy Towns groups.

### **Current Council Support**

Each group has had limited support from Council as there is currently no budget or staff resources allocated to support Tidy Towns. There is also no dedicated staff member, but if requested staff have been providing limited support which includes servicing maintenance equipment and supplying consumable goods such as gloves, garbage bags and litter pickers. This support usually comes from the Landcare resource which has resulted in the two community groups being connected. The majority of consumables that are used by Tidy Towns are funded by either fundraising or from their own pockets.

In addition, support has also included insurance coverage paid for by Council as the groups are currently part of the Landcare program

Currently Councils Landcare support consists of two staff members who manage the outputs of over 400 volunteers who make up 40 groups, with no further capacity for future groups until current numbers reduce or operational efficiencies are found which allow expansion. A review of Landcare operations is in progress. Councils support to Landcare includes insurance, volunteer training, volunteer recruitment, environmental assessment and funding. In many LGA's, a staff member works with each of the groups when undertaking on-ground activities. In Wyong this is only done for the first two years. After this time, if the group is assessed as capable, they will be allowed to work without supervision. Support is still given for all other aspects stated above. This process enables Council staff to continue to work with new groups.

Tidy Towns groups in Wyong LGA focus on the amenity of their areas and undertake works such as building and maintaining garden beds, maintaining grassed areas, removing graffiti, weeding and litter collection. Whereas, Landcare focuses on rehabilitation, maintenance and

## 5.1 Tidy Towns Program (contd)

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conservation of natural areas. Planting for Landcare focuses on endemic local providence species, where Tidy Towns will plant exotics in garden areas for visual effect.

Currently the three Tidy Towns groups in the LGA are combined with the Landcare groups. Each of the groups, when interviewed, referred to the fact that the two initiatives have different drivers which has led to conflict and has caused both Tidy Towns and Landcare to lose members.

All groups stated that if Council had a support structure for Tidy Towns that was equivalent to the Landcare model, the groups would split, allowing the volunteers who want to focus on environmental management to work on Landcare initiatives exclusively. Volunteers who would prefer to work on the amenity of their local area would stay with Tidy Towns and others said that they would be happy to support both groups.

### Future Council Support Wanted

During the discussions between staff and the Tidy Towns groups located in the Wyong LGA, the groups identified that they would like to have a level of support consistent with the Landcare program and identified the following areas where support would be needed:

- *Promotion* - With an aim to promote the activities of the groups to attract new volunteers and retain existing members.
- *Growth* - The recruitment of new volunteers with an overall aim to expand current activities.
- *Waste management* - Development and implementation of a formalised system to dispose of waste generated by the groups activities.
- *Equipment* - Maintenance of the groups existing plant equipment. Some allocation and supply of new equipment and consumables.
- *Funding* - The groups still want to act autonomously but would like some funding from Council. Specifically, funding to attend the Tidy Towns Awards was stated.
- *Insurance* - Creating separate insurance for the Tidy Towns groups to allow the groups to be more independent from the neighbouring Landcare groups.
- *Community consultation* - Guidance and support to inform the community of activities that are being undertaken by Tidy Towns.

The level of support that could be provided for the above varies. Any group in the community can apply for a range of grant funding through Council, if eligible. Promotion of activities to the community can be freely uploaded to Council's website and where possible could be advertised through existing networks. However, more formalised support would require allocated funding and dedicated time from staff.

### THE PROPOSAL

A volunteer program such as Tidy Towns would bring benefit to the community in the beautification works they would undertake to improve the area and the social value being part of group provides for individuals.

The current Tidy Towns groups in Wyong LGA have a combined membership of 46 people. There is nearly 3000 volunteer hours being used to better the amenity of local communities through the current three Tidy Towns groups, who operate with limited Council support. This value is estimated at \$75,000.00 (\$25.00 per hour) over a year, not including the costs incurred by Council.

There are currently no resources allocated to support the Tidy Towns program from Council, previous support has been limited and has been from the Landcare program resources, including funding and staff time. Over the last 12 months, it is estimated that 150 staff hours and \$6,000.00 of funding has been provided.

Although the hours are relatively small in comparison to our long established Landcare program with 400 volunteers, it does have potential to increase if a clear program is developed and promoted appropriately.

There are a number of options regarding the future of Tidy Towns groups in the Wyong LGA, as outlined below:

### Options

1. No formal support
  - Do not formally support Tidy Towns and allow the current groups to self manage.
  - Like other community groups, Council's grants programs would be open to applications from the Tidy Towns groups.
  - The groups will have minimal promotional support through KAB.
  - There would be no cost associated with this option, unless the group is granted Council funding.
2. Maintain the status quo
  - The status quo could be maintained with insurance covered by Landcare, small amounts of consumables supplied and no direction from Council unless there is conflict to be resolved.
  - This is reliant on the groups remaining under the Landcare banner, which has been a key factor in the recent issues with some of the groups.
  - It is estimated that this option will cost \$6,000 for materials plus the same amount of staff time on an annual basis. This will continue to impact the existing Landcare program budget.
3. Provide minimal formal support
  - A small increase in dedicated support could guide the direction of the groups but there would be no recruitment, retention or establishment of new groups, limiting growth.
  - This would require an allocation of staff time, 500 hours, but would be limited to managing the work outcomes of the current groups. It would also require an allocation of funds, \$15,000.00, to provide for materials and other costs.
  - The opportunities for growth would need to be driven from the group and other organisations, such as the Volunteering Central Coast Inc Centre.

## 5.1 Tidy Towns Program (contd)

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- It is estimated that this option would cost \$15,00.00 including staff hours which would either be from existing Landcare staffing, whereby reducing support to Landcare, or through new staff at a cost of \$21,250.00.
  - Would allow staff to manage risk assessments & insurances, approve work plans, manage the relationship with Council and seek approval.
  - This option may increase the expectation on what Council can offer now and in the long term.
4. Dedicated staff member
- Provide a dedicated staff member, in addition to current FTE, to manage the operation of Tidy Towns using the same model as Council's current Landcare operations, including budget allocations for material and plant.
  - This option would include support for community gardens, which currently have no allocation of staff or resources.
  - A position (part time or full time) could be appointed for a trial period of 12 months to drive the growth of Tidy Towns in Wyong Shire. Initially, the appointed person would work with the current groups to establish a charter and set up policies and procedures that ensure the safety of the volunteers, as well as protecting Council and the communities' interests in the areas of work. Once these policies and procedures are in place, the staff member would focus on recruitment and retention for the current groups. If successful, then the establishment of new groups in other areas of Wyong Shire could be explored.
  - As per the Landcare model, one staff member can manage up to 200 volunteers, currently there are approximately 40 volunteers. If the program became successful and volunteer numbers increased towards 200, the officer would reduce their focus on recruitment and dedicate an increasing amount of their time on day to day Tidy Towns operations such as safety management, volunteer training, project support, resource support and attracting corporate sponsorship.
  - The appointment of a staff member would have longer term impacts, particularly relating to building the expectations from the community. This option would cost up to \$90K for a full time staff member and allocated resources including long term costs to Council.

Irrelevant of which option is preferred by Council, Tidy Towns should make connections with Volunteering Central Coast Inc who can also assist in the promotion and recruitment of volunteers. Option 3 and option 4 have real costs attached to them. They impact on resources for existing programs or require a new position above the current FTE.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community Recreation	Open Space	Volunteer management. Increased volunteerism.	No current funds available	Nil

**Contribution of Proposal to the Principal Activity**

Principle activity 1

- Implement programs in line with Year 4 Community Plan priorities for example get to know your neighbour, capacity building programs, adopt a road / park.
- Undertake community connectedness programs

**Long Term Financial Strategy**

Any formalised support will require a financial commitment from Council, depending on what option is preferred that could range from between \$6,000.00 and \$90,000.00.

**Asset Management Strategy**

Any construction works undertaken which are on Council land will require funds to maintain in the long term.

**Workforce Management Strategy**

Dependent on which option is preferred the work undertaken could use existing staff resources or require an additional resource.

**Link to Community Strategic Plan (2030)**

Links to key objectives in the Community Strategic Plan include:

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.
- Communities will have access to a diverse range of affordable and co-ordinated facilities, programs and services.
- There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.

A Tidy Towns program supports volunteerism in the community and provides physical and personal connections to a place and group of people.

### **Budget Impact**

There is currently no specifically identified funding to support a Tidy Towns program in the Wyong LGA, currently it is coming from the Landcare program budget due to the joint approach.

The budget impact of each option is as follows:

1. No formal support - \$0
2. Maintain the status quo - \$6,000.00
3. Providing minimal support through current staff - \$36,750.00 (including additional staff)
4. Dedicated staff member - \$90,000.00 (including additional staff)

This does not incorporate any corporate support that may be provided.

If Council wish to explore options 2, 3 or 4, funding should be considered as part of the 2012/13 financial planning process.

### **CONSULTATION**

Representatives of each of the three Tidy Towns groups were contacted to discuss the previous Council resolution. Consultation was undertaken with three of the current members of the Summerland Point / Gwandalan group; four of the current members of the San Remo / Northlakes group; and two current members from the Mannering Park group. The information gathered through the consultation process was compiled into key findings stated in this report.

### **GOVERNANCE AND POLICY IMPLICATIONS**

Volunteering in the community is an important element of improving social connections, particularly for the elderly in the community. Staff are currently developing a volunteer policy which would need to recognise these volunteers if Council decided to formally support Tidy Towns.

### **MATERIAL RISKS AND ISSUES**

Nil impact

### **CONCLUSION**

The value of volunteering and supporting these types of groups in the community is not questionable. Like any volunteer group, Tidy Towns have the potential to provide enormous benefit to the community, both through the increased amenity of the areas in which they work and with the social and health benefits that come from being an active member of the community.



## **5.1 Tidy Towns Program (contd)**

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If Council decide to allocate resources to Tidy Towns to support existing groups or to establish new groups, this would need to be considered in the 12/13 budget planning process.

### **ATTACHMENTS**

*Nil.*

## **5.2 Conference Attendance - Alternative Futures Conference 2012**

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TRIM REFERENCE: F2004/06517 - D02884397

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Council has received information from the Hunter Central Coast Regional Environmental Strategy Partners that it will be hosting the 2012 Alternative Futures Conference to be held in Newcastle from Monday 21 to Thursday 24 May 2012. Councillor Wynn has indicated interest in attending this Conference.

### **RECOMMENDATION**

- 1 That Council authorise Councillor Wynn, and any other interested Councillor/s, to attend the 2012 Alternative Futures Conference being held in Newcastle from Monday 21 to Thursday 24 May 2012.**
- 2 That Council endorse reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

#### **Conferences or Seminars**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will pay for attendance at a maximum of three conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.

The maximum number of elected members authorised to attend a conference or seminar is three.

#### **Training Courses**

WSC will pay for the attendance at training courses, subject to Council Resolution, for up to three Councillors per course, per year where the total expense for attendance of each councillor is less than \$5000.

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

## THE PROPOSAL

The Conference is being held at Newcastle City Hall and the surrounding precinct from Monday 21 to Thursday 24 May 2012.

Convened over three days in Newcastle NSW the conference will deliver a multidisciplinary event addressing climate change, land use planning, biodiversity conservation, livable communities and urban design featuring some of the leading thinkers and innovators from across Australia and overseas.

Green development is essential to both accommodate population growth and achieve a community vision for sustainability and livability. Municipalities are at the forefront of the green infrastructure movement. To create greener communities, changes will need to be made to existing land use regulations, design guidelines, construction standards, and more.

## OPTIONS

Nil impact.

## STRATEGIC LINKS

### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Key Activity/ Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 6 - Environment & Land Use	Planning for Climate Change & Sustainability	Attendance at this Conference would increase Councillor awareness and knowledge relating to climate change and sustainability. This would then allow for more informed decisions on matters coming to Council relating to Principal Activity 6 – Environment & Land Use.	Councillors Conferences & Training 2011-12 Budget	Nil Impact.

### Contribution of Proposal to the Principal Activity

Nil Impact.

### Long term Financial Strategy

Nil Impact.

**Asset Management Strategy**

Nil Impact.

**Workforce Management Strategy**

Nil Impact.

**Link to Community Strategic Plan (2030)**

This proposal links to, and could potentially assist in achieving; the following priority objective outlined in the Community Strategic Plan (2030):

- Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

**Budget Impact**

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

<b>Hunter Social Enterprise Forum 2011</b>	<b>Councillor Fees</b>
Registration (incl GST)	\$1,400
Travel (by vehicle – approx.)	\$175.00
Accommodation	\$520.00
<b>Total - estimate</b>	<b>\$2,095.00</b>

**CONSULTATION**

This submission complies with Council’s adopted Facilities and Expenses Policy for Councillors.

**GOVERNANCE AND POLICY IMPLICATIONS**

In accordance with the provisions of Council’s Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

**MATERIAL RISKS AND ISSUES**

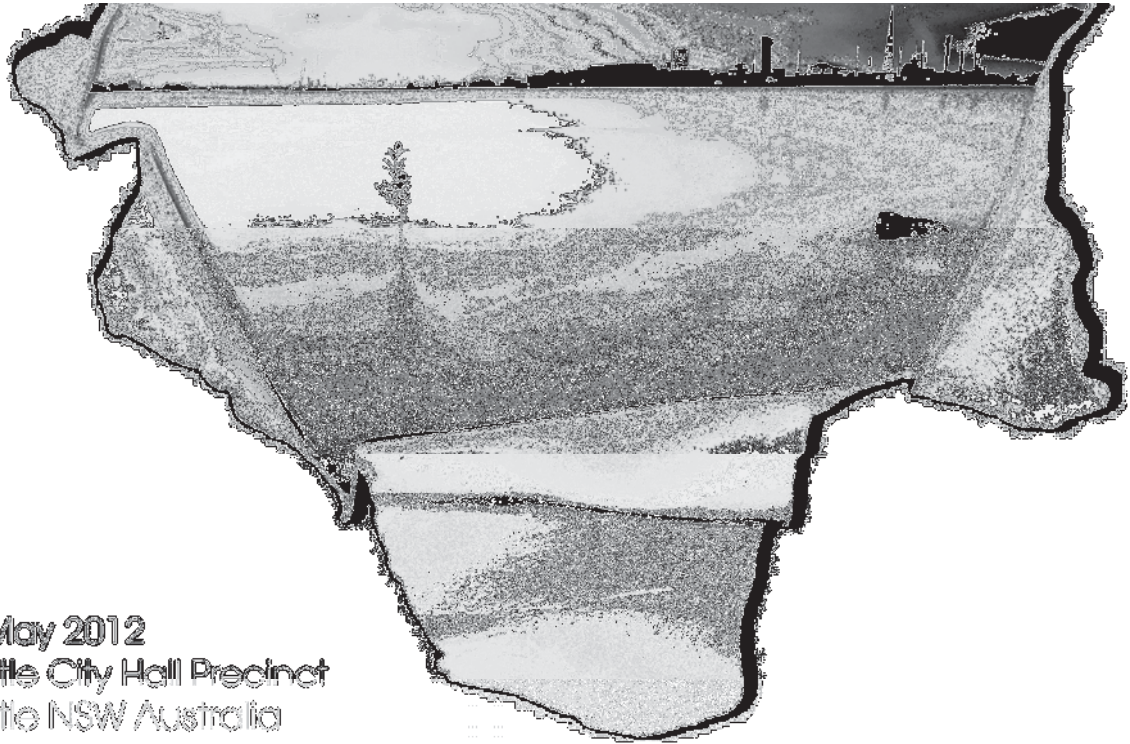
Nil impact.

**CONCLUSION**

The conference listed would be of benefit to the professional development of Councillors and attendance is encouraged.

**ATTACHMENTS**

- 1 2012 Advanced Futures Conference Flyer      D02884451



**21 - 24 May 2012**  
**Newcastle City Hall Precinct**  
**Newcastle NSW Australia**

# ALTERNATIVE FUTURE CONFERENCE MAY 2012

The Alternative Futures 2012 conference provides the opportunity for professionals working or interested in the fields of sustainability, social responsibility and environmental management at a local or regional scale to explore alternative options for a sustainable future.

Local government, in many ways, is at the forefront of shaping the future of regions throughout Australia in terms of sustainable planning and development. The Alternative Futures Conference 2012 will provide an innovative platform for exploring emerging trends, progressive leadership and new pathways towards sustainability.

Delegates will have the opportunity:

- to advance their knowledge of current and emerging issues;
- to enhance their ability to confidently discuss new directions to effect change; and
- demonstrate leadership in developing new models of sustainability.

The conference will be a high profile event, with strong government and industry support. We welcome your participation!

Registration will be open in mid January 2012 (subject to confirmed registration dates on March 2, 2012)

For further information, please visit [www.alternativefutures.com.au](http://www.alternativefutures.com.au) or phone (02) 4924 2524.

Sponsorship opportunities that demonstrate your commitment to a sustainable and prosperous future are now available. For further information, please email: [alternativefutures@pro.com.au](mailto:alternativefutures@pro.com.au)



Image: Newcastle Harbour, West St. ©GSA

### 5.3 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2012/01723 - D02888892

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Lisa Martin; Grants Officer

#### SUMMARY

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

#### RECOMMENDATION

***That Council allocate an amount of \$12,765.50 from the 2011-12 Councillors' Community Improvement Grants as follows:***

<i>Proposed Allocations for 08/02/2012</i>		
<i>C3 Church Tuggerah (\$2000) (\$600 already allocated)</i>	<i>Tuggerah Community Carols</i>	<i>100</i>
<i>Central Coast Dragon Boat Club (\$1020)</i>	<i>For the delivery and pick up of traffic barriers necessary to partition parking areas on regatta day - Sat January 14, 2012.</i>	<i>1,020.00</i>
<i>Central Coast Outreach Services (\$2000)</i>	<i>Create a website that would give the correct information to those who log in and attract funding from philanthropic and other organisations.</i>	<i>2,000</i>
<i>Charmhaven Lions (\$2500)</i>	<i>To assist with the purchase of a galvanised box trailer to assist with Cash-A-Can fundraising.</i>	<i>1,350</i>
<i>Killarney Kripples (\$1000) (\$500 already allocated)</i>	<i>Supporting Wyong Hospital Paediatric Ambulatory Care and men's Health Initiatives.</i>	<i>100</i>
<i>Lake Munmorah Public School (\$2000) (Emergency approved by GM)</i>	<i>Community Carols by Candlelight Thursday 8 December 2011.</i>	<i>1,500</i>
<i>Lakeland Park Fitness Exercise Group (\$300)</i>	<i>To assist with the purchase of a rowing machine to do circuit training in the park as a free service for the over 50's.</i>	<i>300</i>
<i>Lakes Beach United Dunecare Coastcare Inc (\$2000) (\$1350 already allocated)</i>	<i>Disability Access Project - disability access walkway and observation deck for those with mobility issues.</i>	<i>650</i>
<i>Michael Leard (\$2000)</i>	<i>To help participate at the Under 14's National Championships in Perth</i>	<i>450</i>
<i>Razorbacks Rugby Club (Ourimbah) (\$2000)</i>	<i>To purchase a shipping container to prevent vandals stealing stock and equipment.</i>	<i>500</i>

<b>Shelly Beach Surf Life Saving Club (\$2500)</b>	<b>Surf Life Saving Equipment</b>	<b>850</b>
<b>St John Fisher Catholic School (\$337)</b>	<b>To cover the costs of books for the children participating in the program "Experiencing grief and loss through the loss of a parent, sibling or significant other through death, divorce or separation".</b>	<b>337</b>
<b>The Anglican Parish of Gorokan (\$950)</b>	<b>To exhibit works of local artists and award prizes, provide art and craft workshops for children with tuition from an artist.</b>	<b>950</b>
<b>Warnervale Annual Fair Inc.(\$2000)</b>	<b>To pay for stage and sound costs for all day entertainment and payment of entertainers.</b>	<b>2,000</b>
<b>Wyong District Pistol Club (\$508.50)</b>	<b>To control and prevent erosion of banks and area surrounding the site.</b>	<b>508.50</b>
<b>Wyong Regional Chamber of Commerce (\$165) (Emergency Approved by GM)</b>	<b>Community Christmas Carols Event</b>	<b>150</b>

## BACKGROUND

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

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

In accordance with Clause 2.2 of the Councillor's Community Improvement Grants Policy available funding for the 2011/2012 financial year is \$112,500. Clause 2.2 states:

*"In the financial year preceding a Local Government election, the allocation to the individual Councillors will be 75% of the allocation identified in Clause 1.1 and will be available to Councillors from 1 July to 31 May of that year."*

## THE PROPOSAL

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



**OPTIONS**

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

**STRATEGIC LINKS**

**Annual Plan**

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

**Contribution of Proposal to the Principal Activity**

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

**Link to Shire Strategic Vision**

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

**Financial Implications**

Expenditure is approved until the end of the 2011-12 financial year. Unspent approvals lapse 31 May 2012.

**Principles of Sustainability**

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

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

**CONSULTATION**

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

**GOVERNANCE**

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

**CORPORATE RISKS**

Nil impact.

**CONCLUSION**

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

## Councillors' Community Improvement Grants 2011-12

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2011 - 31/05/2012		11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	112,500
Expenditure up to and including Ordinary Council Meeting of 14 December 2011		6,414	5,700	5,428	5,792	2,350	5,090	4,357	3,035	4,407	7,208	49,781
Available allocation as at 14 December 2011		4,836	5,550	5,822	5,458	8,900	6,160	6,893	8,215	6,843	4,042	62,719
<b>Proposed Allocations for 08/02/2012</b>												
C3 Church Tuggerah (\$2000) (\$600 already allocated)	Tuggerah Community Carols	100										100
Central Coast Dragon Boat Club (\$1020)	For the delivery and pick up of traffic barriers necessary to partition parking areas on regatta day - Sat January 14, 2012.	192.50	142.50						542.50		142.50	1,020.00
Central Coast Outreach Services (\$2000)	Create a website that would give the correct information to those who log in and attract funding from philanthropic and other organisations.	200			1,000	100				500	200	2,000
Charmhaven Lions (\$2500)	To assist with the purchase of a galvanised box trailer to assist with Cash-A-Can fundraising.	250							800		300	1,350
Killarney Kripples (\$1000) (\$500 already allocated)	Supporting Wyong Hospital Paediatric Ambulatory Care and men's Health Initiatives.	100										100
Lake Munmorah Public School (\$2000) (Emergency approved by GM)	Community Carols by Candlelight Thursday 8 December 2011.	250						450	800			1,500
Lakeland Park Fitness Exercise Group (\$300)	To assist with the purchase of a rowing machine to do circuit training in the park as a free service for the over 50's.	50						100			150	300
Lakes Beach United Dunecare Coastcare Inc (\$2000) (\$1350 already allocated)	Disability Access Project - disability access walkway and observation deck for those with mobility issues.								650			650
Michael Leard (\$2000)	To help participate at the Under 14's National Championships in Perth	200						250				450
Razorbacks Rugby Club (Ourimbah) (\$2000)	To purchase a shipping container to prevent vandals stealing stock and equipment.		250								250	500
Shelly Beach Surf Life Saving Club (\$2500)	Surf Life Saving Equipment	100		500		250						850
St John Fisher Catholic School (\$337)	To cover the costs of books for the children participating in the program "Experiencing grief and loss through the loss of a parent, sibling or significant other through death, divorce or separation".	200			137							337
The Anglican Parish of Gorokan (\$950)	To exhibit works of local artists and award prizes, provide art and craft workshops for children with tuition from an artist.	100				50			800			950
Warnervale Annual Fair Inc. (\$2000)	To pay for stage and sound costs for all day entertainment and payment of entertainers.	200			500	500			600		200	2,000
Wyong District Pistol Club (\$508.50)	To control and prevent erosion of banks and area surrounding the site.							508.50				508.50
Wyong Regional Chamber of Commerce (\$165) (Emergency Approved by GM)	Community Christmas Carols Event				150							150
<b>Total Proposed Allocations for 8 February 2012</b>		<b>1,942.50</b>	<b>392.50</b>	<b>500</b>	<b>1,787</b>	<b>400</b>	<b>500</b>	<b>1,308.50</b>	<b>4,192.50</b>	<b>500</b>	<b>1,242.50</b>	<b>12,765.50</b>
<b>Total Accumulated Allocations as at 8 February 2012</b>		<b>8,356.50</b>	<b>6,092.50</b>	<b>5,928</b>	<b>7,579</b>	<b>2,750</b>	<b>5,590</b>	<b>5,665.50</b>	<b>7,227.50</b>	<b>4,907</b>	<b>8,450.50</b>	<b>62,546.50</b>
<b>Balance Uncommitted as at 8 February 2012</b>		<b>2,893.50</b>	<b>5,157.50</b>	<b>5,322</b>	<b>3,671</b>	<b>8,500</b>	<b>5,660</b>	<b>5,584.50</b>	<b>4,022.50</b>	<b>6,343</b>	<b>2,799.50</b>	<b>49,953.50</b>

## ATTACHMENTS

Nil.

## **5.4 Draft Minutes - 30 November 2011 Governance Committee Meeting**

TRIM REFERENCE: F2004/07245 - D02892850

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

### **SUMMARY**

A meeting of the Wyong Shire Governance Committee was held on 30 November 2011, draft minutes are now submitted to Council for consideration.

### **RECOMMENDATION**

- 1 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 30 November 2011 and adopt the recommendations contained therein.**
- 2 That Council endorse the title of Critical Path Reporting on Major Projects for future reporting to the Committee regarding Major and Significant Project Updates.**
- 3 That Council endorse that in future all Committee members are to receive copies of any individual internal audit reports when they are issued.**
- 4 That Council adopt the following schedule of meeting dates for 2012, which now includes an Extraordinary Meeting scheduled for 15 February 2012 and note alternative start times and standard agenda items for the Governance Committee.**

<b>Governance Committee Date</b>	<b>Required Agenda Items</b>	<b>Ordinary Meeting Date</b>
<b>Wed 15 February 2012 * Extraordinary Meeting</b>	<b>Discussions on appointment of External Auditor</b>	<b>22 February 2012</b>
<b>Wed 21 March 2012 (9.30am – 12.30pm)</b>	<b>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</b>	<b>26 April 2012</b>
<b>Wed 20 June 2012 (5.00pm – 8.00pm)</b>	<b>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</b>	<b>25 July 2012</b>
<b>Wed 19 September 2012 (9.30am – 12.30pm)</b>	<b>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</b>	<b>22 August 2012</b>
<b>Wed 3 October 2012 (tentative) (5.00pm – 8.00pm)</b>	<b>Extraordinary Meeting subject to Audit timetable.</b>	<b>Next available meeting</b>

	<ul style="list-style-type: none"><li>• <i>Annual Financial Statements</i></li></ul>	
<i>Wed 5 December 2012 (9.30am – 12.30pm)</i>	<i>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</i>	<i>First meeting in 2013</i>

## **BACKGROUND**

The dates and agenda items and amended start times put forward have been agreed by the all the external members of the Governance Committee.

The draft minutes of that meeting are set out in full below.

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## **WYONG SHIRE COUNCIL**

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

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## **PRESENT**

Mr Bruce Turner (Chairperson), Mr David Holmes and Mr Jason Masters (external members), Councillor B Graham (Mayor) and Councillor S Wynn(arrived at 9.45 am).

## **IN ATTENDANCE**

General Manager, The Director Corporate Services, Internal Auditor, Senior Internal Auditor, External Auditor, Mr Dennis Banicevic, and an administration staff member.

The chairperson, Mr Bruce Turner, declared the meeting open at 9.34 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded. He also confirmed the existence of a quorum, which was maintained throughout the meeting.

## **APOLOGIES**

Apologies were received from The Internal Ombudsman, Ms Belinda Charlton, who is currently on maternity leave and the General Counsel, Mr Brian Glendenning, who was unable to attend this meeting.

**1.1 Disclosure of Interest**

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Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for of the Audit and Risk Committee for the Department of Premier and Cabinet which includes the DLG, and remained in the meeting.

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption and the NSW Ombudsman and remained in the meeting.

Mr David Holmes, Independent Member, declared a pecuniary interest for the reason that he has a small shareholding in Cap Gemini and remained in the meeting.

**2.1 Enterprise Risk Management Strategy**

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the matter for the reason that his firm Price Waterhouse Coopers (PWC) is a tenderer for the Enterprise Risk Management Strategy, left the meeting at 10.57 pm, took no part in discussion, and returned to the meeting at 11.06 pm.

**3 Information Reports (which relate to the Central Coast Water Corporation)**

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the information reports for the reason that his firm Price Waterhouse Coopers (PWC) is currently engaged as the External Auditor for Wyong Council, left the meeting at 11.50 pm, took no part in discussion, and returned to the meeting at 12.13 pm.

**RECOMMENDATION**

*That Members now disclose any conflicts of interest in matters under consideration at this meeting.*

**1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 29 June 2011 and Extraordinary Meeting 5 October 2011**

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**RECOMMENDATION**

- 1** *That the Committee confirm the amended minutes of the meeting of the Wyong Shire Governance Committee Meeting held 29 June 2011 (reconvened on 31 August) which were adopted at Council's Ordinary meeting of 12 October 2011 with the following inclusions:*
  - a** *That Council endorse the change of Chairperson of the Governance Committee from Mr David Holmes to Mr Bruce Turner.*
  - b** *That Council acknowledge the contributions of the inaugural external member, Mr David Holmes in his role as Chair for the Governance Committee.*

- c *That Council recommends to the Governance Committee to alternate the start times of its meetings to allow full time working Councillors to attend.*
  - d *That Council investigate and report on appropriate technology to allow a voice or video real time participation by Councillors at Committee meetings.*
  - e *That Council authorise the Mayor and the GM to discuss with Mr Holmes his date of retirement from the Governance Committee.*
- 2 *That the Committee confirm the minutes of the meeting of the Extraordinary Wyong Shire Governance Committee Meeting held 5 October 2011 which were adopted at Council's Ordinary meeting of 26 October.*
- 3 *That the Committee confirm the minutes of the extraordinary meeting of the Wyong Shire Governance Committee Meeting held 5 October 2011 which were adopted at Council's Ordinary meeting of 26 October 2011.*

#### **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

#### **1.3 Status Report on Outstanding Actions**

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##### **RECOMMENDATION**

*That the Committee confirm the Status Report on Outstanding Actions for the Wyong Shire Governance Committee.*

#### **2.1 Enterprise Risk Management Strategy**

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Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the matter for the reason that his firm Price Waterhouse Coopers (PWC) is a tenderer for the Enterprise Risk Management Strategy, left the meeting at 10.57 pm, took no part in discussion, and returned to the meeting at 11.06 pm when discussions had concluded on this item.

##### **RECOMMENDATION**

*That the Governance Committee receive the Enterprise Risk Management Strategy report.*

5.4 Draft Minutes - 30 November 2011 Governance Committee Meeting  
(contd)

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2.2 Compliance Reviews

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RECOMMENDATION

*That the Governance Committee note the Report on Compliance Reviews.*

2.3 Information Management Report

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RECOMMENDATION

*That the Committee receive the report on Council's Information Management status.*

2.4 Legal Matters/issues

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RECOMMENDATION

*That the Committee note the report on Legal Matters/Issues*

2.5 Risk Register Report

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RECOMMENDATION

*That the Committee note the development and enhancements that are being incorporated into the Corporate Risk Register.*

2.6 2011 - 15 Strategic Plan - September Quarter Review (Q1)

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RECOMMENDATION

*That the Committee note the first Quarterly Review (Q1) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 23 November 2011.*

Mr Dennis Banicevic, the External Auditor, left the meeting at 11.50 pm, prior to commencement of discussions on Information Reports, and returned to the meeting at 12.13 pm.



5.4 Draft Minutes - 30 November 2011 Governance Committee Meeting  
(contd)

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3.1 Major and Significant Project Update

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RECOMMENDATION

*That the Committee receive the report on Major and Significant Project Update and endorse the title of Critical Path Reporting on Major Projects for future reports to the Committee on this issue.*

3.2 Office of the Internal Ombudsman

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COMMITTEE RECOMMENDATION

*That the Committee note that a Report from the Office of the Internal Ombudsman will be tabled at the next Governance Committee Meeting.*

3.3 Internal Audit Report

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RECOMMENDATION

*That the Committee receive the Internal Audit Report and in future all Committee members to receive copies of any individual internal audit reports when they are issued.*

3.4 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010

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RECOMMENDATION

*That the Committee receive the report on Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010 which was considered by Council on 12 October 2011.*

5.4 Draft Minutes - 30 November 2011 Governance Committee Meeting  
(contd)

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3.5 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests

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**RECOMMENDATION**

*That the Committee receive the report on Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests which was adopted by Council on 12 October 2011.*

3.6 Review of Dates and times of Governance Committee Meetings - 2012

---

**RECOMMENDATION**

*That the Committee adopt the following schedule of meeting dates for 2012, alternative start times and standard agenda items for the Governance Committee.*

<b>Governance Committee Date</b>	<b>Required Agenda Items</b>	<b>Ordinary Meeting Date</b>
<i>Wed 21 March (9.30am – 12.30pm)</i>	<i>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</i>	<i>26 April</i>
<i>Wed 20 June (5.00pm – 8.00pm)</i>	<i>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</i>	<i>25 July</i>
<i>Wed 19 September (9.30am – 12.30pm)</i>	<i>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</i>	<i>22 August</i>
<i>Wed 3 October (tentative) (5.00pm – 8.00pm)</i>	<i>Extraordinary Meeting subject to Audit timetable.</i>  <i>• Annual Financial Statements</i>	<i>Next available meeting</i>
<i>Wed 5 December (9.30am – 12.30pm)</i>	<i>Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)</i>	<i>First meeting in 2013</i>

**Information Reports (which relate to the Central Coast Water Corporation)**

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the information reports for the reason that his firm Price Waterhouse Coopers (PWC) is currently engaged as the External Auditor for Wyong Council, left the meeting at 11.50 pm, took no part in discussion, and returned to the meeting at 12.13 pm.

3.7 Other Matters

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**COMMITTEE RECOMMENDATION**

*That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.*

**CONFIDENTIAL SESSION**

**CONFIDENTIAL ITEMS**

**4.1 ICAC Investigations**

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**RECOMMENDATION**

*That the Governance Committee receive the report on the ICAC Investigations.*

**THE MEETING** terminated at 12.36 pm.

**ATTACHMENTS**

- 1 Standard Agenda Items required for Gov Committee Agenda adopted 12 Oct 2011 D02893045

**Standard Agenda Items for Governance Committee Agenda  
(as approved by Council 12 October 2011)**

	<b><i>Title of Report</i></b>	<b><i>Responsible Officer</i></b>
<b>1</b>	<b><i>Disclosure of Interest</i></b>	<b><i>Procedural Item</i></b>
<b>2</b>	<b><i>Confirmation of Previous Minutes</i></b>	<b><i>Procedural Item</i></b>
<b>3</b>	<b><i>Status Report on Outstanding Actions</i></b>	<b><i>Chairman</i></b>
<b>4</b>	<b><i>Enterprise Risk Management Strategy</i></b>	<b><i>Project Manager</i></b>
<b>5</b>	<b><i>*Critical Path Reporting on Major Projects</i></b> <ul style="list-style-type: none"> <li>• <b><i>Probity Reports</i></b></li> <li>• <b><i>Major Project Risk Updates</i></b></li> <li>• <b><i>Upcoming High Risk Procurement</i></b></li> </ul>	<b><i>Manager Major Projects</i></b>
<b>6</b>	<b><i>Financial Overview</i></b>	<b><i>General Manager</i></b>
<b>7</b>	<b><i>Information Management Status Report</i></b>	<b><i>Chief Information Officer</i></b>
<b>8</b>	<b><i>Special Investigations</i></b>	<b><i>Appointed Investigators</i></b>
<b>9</b>	<b><i>Report from Internal Ombudsman</i></b>	<b><i>Internal Ombudsman</i></b>
<b>10</b>	<b><i>Compliance Reviews</i></b>	<b><i>General Counsel</i></b>
<b>11</b>	<b><i>Legal Matters/Issues Report</i></b>	<b><i>General Counsel</i></b>
<b>12</b>	<b><i>Risk Register Report</i></b>	<b><i>Director Corporate Services</i></b>
<b>13</b>	<b><i>Internal Audit</i></b> <ul style="list-style-type: none"> <li>• <b><i>Balanced Score Card</i></b></li> <li>• <b><i>Internal Audit Reports Issued</i></b></li> <li>• <b><i>Other Matters</i></b></li> </ul>	<b><i>Internal Auditor Internal Auditor &amp; Senior Internal Auditor Internal Auditor</i></b>
<b>14</b>	<b><i>Status Report on Outstanding Internal Audit agreed actions</i></b>	<b><i>Internal Auditor</i></b>
<b>15</b>	<b><i>External Audit Report (Annual)</i></b>	<b><i>External Auditor</i></b>
<b>16</b>	<b><i>Other Matters</i></b>	<b><i>Chairman</i></b>

\*Report title changed at 30/11/11 Gov Committee Meeting.

## **5.5 Joint Regional Waste Strategy between Gosford and Wyong Council's**

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TRIM REFERENCE: F2011/01422 - D02893909

MANAGER: Greg McDonald; Director Infrastructure Management

AUTHOR: Stefan Botha; Manager Waste

### **SUMMARY**

Information on the progress of the establishment of a Regional Waste Management Arrangement and Regional Waste Strategy between Gosford City Council and Wyong Shire Council.

### **RECOMMENDATION**

- 1** *That Council note the information.*
- 2** *That the Regional Waste Strategy be developed and a report be prepared for the consideration of both Council's on the draft Regional Waste Strategy.*

### **BACKGROUND**

Council at its meeting held on 30 June 2011 considered a report titled "CCROC Regional Waste Management Arrangement". This report provided information on the establishment of a Regional Waste Management Arrangement and Regional Waste Strategy between Gosford City Council and Wyong Shire Council.

Council resolved in part that:

- 2** *That Council continue to investigate the most appropriate model for a Regional Waste Management Arrangement between Wyong Shire Council and Gosford City Council and that further reports be prepared for the consideration of both Councils.*
- 3** *That 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.*

The purpose of this report is to provide an update on the above resolutions.

### **CURRENT STATUS**

The following actions have been taken in relation to the Council resolutions.

- 2** *That Council continue to investigate the most appropriate model for a Regional Waste Management Arrangement between Wyong Shire Council and Gosford City Council and that further reports be prepared for the consideration of both Councils.*

## 5.5 Joint Regional Waste Strategy between Gosford and Wyong Council's (contd)

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The development of the Regional Waste Management Arrangement is on-going, with continued collaboration between Gosford City Council (GCC) and Wyong Shire Council (WSC), with further joint reports to be presented for the consideration of both Councils. It should be noted that the Waste Management Units of WSC have undergone significant staff changes during the previous few months, in particular with the appointment of a new Waste Manager.

3 That 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.

Gosford City Council (GCC) and Wyong Shire Council (WSC) Waste Units have been working closely on the development of a framework for the Regional Waste Strategy. Specifically, the objectives of the Regional Waste Strategy will;

- identify opportunities to provide uniform and consistent waste services and programs to all residents across the Central Coast in the short, medium and long term;
- identify opportunities to provide waste services more efficiently through economies of scale and eliminating duplication in the short, medium and long term;
- identify opportunities for GCC and WSC to share or jointly utilise waste assets and resources in the most efficient manner;
- identify opportunities for GCC and WSC to develop new waste assets;
- identify opportunities to reduce waste to landfill through the development of an Alternative Waste Technology facility and other resource recovery facilities;
- identify opportunities for collaboration between Waste Management Units of GCC and WSC and ensure close working relationships.

The development of a Regional Waste Strategy is a key step to ensure that the Central Coast will be well placed to implement the on-going and future waste management challenges.

### FINANCIAL IMPACT STATEMENT

The preparation of the Regional Waste Strategy can be resourced from within existing budgets on a 50:50 basis between the two Councils.

### CONCLUSION

A brief will be developed for the engagement of an appropriately experienced and qualified consultant to develop the Regional Waste Strategy, in consultation with key stakeholders including community, industry, government and both Councils.

### ATTACHMENTS

*Nil.*

## **5.6 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Eco-Tourism Park Proposal**

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TRIM REFERENCE: CPA/169320 - D02895667  
MANAGER: Gina Vereker; Director Environment and Planning Services  
AUTHOR: Kim Warrant; Administration Officer

### **SUMMARY**

To submit a recommendation, adopted by the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC) at its meeting on 1 December 2012, for consideration by Council.

### **RECOMMENDATION**

- 1 That Council request the General Manager to direct the Director Environment and Planning Services to investigate the implications of the Darkinjung and future land claims.**
- 2 That Council request the General Manager to submit a report detailing the outcome of the above investigations for its consideration.**

### **BACKGROUND**

Council at its meeting held on 9 November 2011 considered a report on the Lakes Beach Eco-Tourism Proposal. At that meeting it was resolved as follows:

*"RESOLVED on the motion of Councillor WYNN and seconded by Councillor VINCENT:*

- 1 That Council resolve not to support any development, including an eco resort on this Crown land as a result of the findings of the ecological studies undertaken by Conacher Environmental Group at Lakes Beach.*
- 2 That Council refer the final Ecological Report be referred to Council's Environment and Natural Resource Section for consideration and appropriate action.*
- 3 That Council request the Director of Environment and Planning to seek out investigate and report back to Council on other areas in Wyong Shire that would support Eco-Tourism developments including the possibility of a joint venture with the Darkinjung Local Aboriginal Land Council.*
- 4 That Council re-endorse the unanimous Council resolution from August 2009, supporting that the area between Werepi St Noraville and the Munmorah State Recreation park be placed under E2 (Environmental Conservation) in the current LEP review.*

**5.6 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee  
- Eco-Tourism Park Proposal (contd)**

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- 5 *That Council thank Hargraves Beach Dunecare, Budgewoi Beach Dunecare, & Lakes Beach Dunecare for their many hours of dune rehabilitation work on the Lakes Beach site and acknowledge objections and outrage of many local community groups to the Eco Tourism resort proposal on the established Lakes Beach Dunecare site.*
- 6 *That Council request that the Land and Property Management revoke the license to investigate the development of Lot 7318 DP 1148096 from Werepi St Norville to the Munmorah State Recreation park.*
- 7 *That Council refer the final Ecological Report to be distributed to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.*

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

AGAINST: COUNCILLOR EATON"

On 1 December 2011 a report which contained the report and resolution from Council's meeting of 9 November 2011 (copy attached) was provided to the TLECFMC for consideration. At that meeting it was resolved as follows:

- "1 *That the Committee note the report and resolution relating to the Lakes Beach Eco-Tourism Proposal.*
- 2 *That the Committee request Council direct the Planning Department to seek out the implications of the Darkinjung and future land claims and report back to the Committee on this matter."*

**ATTACHMENTS**

- |   |   |           |           |
|---|---|-----------|-----------|
| 1 | Report on Lakes Beach Eco-Tourism Proposal submitted to TLECM Committee meeting on 1 Dec 2011 | Enclosure | D02840833 |
| 2 | Report on Lakes Beach Eco-Tourism Proposal submitted to Council on 9 November 2011            | Enclosure | D02828182 |



**5.7 Councillors' attendance at Retirement function for Leoni Baldwin, Central Coast Coordinator for the NSW Department of Premier and Cabinet.**

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TRIM REFERENCE: F2004/06517 - D02896854

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

**SUMMARY**

Council has received notification of a retirement dinner being held on 25 February 2012 in honour of Leoni Baldwin, Central Coast Coordinator for the NSW Department of Premier and Cabinet.

**RECOMMENDATION**

- 1 That Council authorise any interested Councillor/s and their partners the Retirement Dinner in honour of Leoni Baldwin to be held on Saturday, 25 February 2012.**
- 2 That Council meet any reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

**BACKGROUND**

The Central Coast Regional Coordinator for the NSW Department of Premier and Cabinet, Leoni Baldwin has announced her retirement, effective from early the end of January 2012.

Ms Baldwin has had a long and highly distinguished career within the NSW Public Service. She was the very first Regional Coordinator for the Coast in 1999, her appointment coinciding with John Della Bosca's appointment as the first Regional Minister for the Central Coast.

The role of Regional Coordinator was established to attend to regional issues that were significant to Government, particularly where the coordination of a number of issues came into play.

Prior to her current role, Ms Baldwin was Director of Operations for the Department of Sport and Recreation, where she had worked her way up the ranks over a 26-year period.

**5.7 Councillors' attendance at Retirement function for Leoni Baldwin, Central Coast Coordinator for the NSW Department of Premier and Cabinet.  
(contd)**

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**THE PROPOSAL**

In recognition of Ms Baldwin's 38-year career in the Public Service, an evening of dinner and dancing has been organised for Saturday, 25 February, 2012 at the Crowne Plaza, Terrigal. Due to the timeframe required for RSVP the invitation (copy attached) has been distributed via email to all Councillors requesting submission of Expressions of Interest regarding attendance.

It is proposed that Council authorise any interested Councillors to attend the dinner and also meet any reasonable expenses incurred by Councillors and their partners.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

Nil impact.

**Contribution of Proposal to the Principal Activity**

Nil impact.

**Long term Financial Strategy**

Nil impact.

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil impact.

**Link to Community Strategic Plan (2030)**

It should be noted that as a result of a review undertaken earlier this year, all regional coordinator positions statewide have been reclassified with an aim to better align regional work with the (then) new Government's priorities.

A key change, resulting from the outcome of the review, included the enhancement of the ability for Regional Coordinators to escalate issues that require attention at a senior level of Government for resolution. To assist this process, Regional Coordinator positions were reclassified to Senior Executive Service positions.

**5.7 Councillors' attendance at Retirement function for Leoni Baldwin, Central Coast Coordinator for the NSW Department of Premier and Cabinet. (contd)**

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Attendance at this Dinner will provide Councillors with an opportunity to:

- network with staff from the NSW Department of Premier and Cabinet and
- establish liaisons which will assist Councillors in performing their public duties.

**Budget Impact**

The table below indicates the cost for attendance at the function per Councillor:

<b>Tuggerah Lakes Mardi Gras Black Tie Ball</b>	<b>Partner Fees</b>	<b>Councillor Fees</b>
Tickets (incl GST)	\$85	\$85
Travel (by vehicle approx)	Nil	\$20
<b>Total estimate per Councillor</b>		<b>\$190</b>

**CONSULTATION**

Nil.

**GOVERNANCE AND POLICY IMPLICATIONS**

In accordance with Clause D17 of WSC Policy on Facilities and Expenses for Councillors, WSC will pay for attendance/ticket costs for spouses or partners if accompanied by a Councillor at events officially sanctioned by the Council. This report seeks Council's authorisation for attendance at this function.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

Attendance at this Dinner will provide Councillors with an opportunity to network with staff from the NSW Department of Premier and Cabinet and establish liaisons which will assist Councillors in performing their public duties.

It will also provide an opportunity for Councillors to acknowledge Ms Baldwin's many achievements over the years, including the assistance she has given to Wyong Council, while she has been the Central Coast Regional Coordinator for the NSW Department of Premier and Cabinet.

**ATTACHMENTS**

- 1 OM 08-02-12 Attachment Invitation to attend Leoni Baldwin's retirement Dinner - 25 Feb 2012 D02897002

*Retirement Dinner  
in Honour of  
Leoni Baldwin*

*Please Celebrate with us at an  
Evening of Dinner & Dancing*

*When: Saturday 25th February, 2012*

*Time: 6.30pm*

*Where: Grand Ballroom  
Crowne Plaza Terrigal  
Pine Tree Lane  
Terrigal*

*Cost: \$85.00 per person  
Includes: Drinks on Arrival, Canapés  
Two Course Dinner & Live Entertainment  
provided by Saxanova*

*RSVP: Monday 6th February, 2012*

*Rochelle Romero*

*Ph: 4337 2311*

*Email: rochelle.romero@dpc.nsw.gov.au*

## **6.1 Information Reports**

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TRIM REFERENCE: F2012/00026 - D02891447

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Jacquie Elvidge; 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 Investment Report for November 2011**

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TRIM REFERENCE: F2004/06604 - D02874571  
MANAGER: Cate Trivers, Chief Financial Officer  
AUTHOR: Devini Susindran; Financial Accountant

### **SUMMARY**

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

### **RECOMMENDATION**

*That Council receive the report on Investment Report for November 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. 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 \$6.62m – "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 November return of \$0.05m was a 0.69% downward revaluation (unrealised). Ongoing European sovereign concerns and a widening of credit continued to drive the fund's underperformance over the past 6 months. The fund continues to perform well over the longer-term, throughout the course of the GFC – over 3 years it has returned around +9.7% p.a., or around +530bps over bank bills.

#### **Cash and Term Deposit Funds**

Cash flows in November were managed through investment maturities with funds of \$20.0m invested in term deposits (ref Table 1). A further \$5.0m was invested on 1 December 2011.

Return on cash and term deposits for November 2011 was \$0.66m.

Table 1 Movement of Funds

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
ANZ	4	6.00%	Nov 2011	(\$5,000,000)
IMB	4	6.10%	Nov 2011	(\$5,000,000)
CBA	4	5.80%	Nov 2011	(\$2,500,000)
T'Corp	1	4.70%	Nov 2011	(\$10,243,519)
CBA	1	5.60%	Dec 2011	\$10,140,000
Bank west	5	5.88%	May 2012	\$5,000,000
Bendigo Bank	3	5.87%	Mar 2012	\$5,000,000

### Total Funds

Total net return for November 2011 was \$0.61m consisting of \$0.66m interest earnings and \$0.05m capital losses.

Table 2 Investment Portfolio by Risk Category

	November 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	16,123	6.15	289
Term Deposits	119,197	6.00	2,974
Cash Management Funds	6,624	(8.51)	(261)
Enhanced Income			(1)
<b>Total Investments</b>	<b>141,944</b>	<b>5.18</b>	<b>3,001</b>

Year to date returns in November of 5.18% is favourable when comparing with the benchmark UBSA YTD Bank Bill Index of 4.99%. The year to date return excluding the capital losses on managed funds of \$0.42m is 5.90% 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 these investments offering the best rates selected for the investment time frame.

Current world financial market volatility did not negatively impact on the portfolio in November, apart from the minor revaluation of Blackrock securities, however as these are held to maturity this loss will not be realised in the long term. Interest rates are also trending downwards.

**Table 3 – Portfolio Credit Framework**

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation Short Term	Comments
A1	10.0%	77.7%	
A2	75.0%	16.9%	
A3	10.0%		
Unrated	15.0%	5.4%	Includes Managed Funds
<b>TOTAL</b>	<b>110%</b>	<b>100.0%</b>	

Investment transactions and earnings during November 2011 are shown in Table 4 - Portfolio Performance.

**Table 4 Portfolio Performance**

	Full Year 2010-11 \$m	Qtr to Sept 2011 \$m	October 2011 \$m	November 2011 \$m	Year to Date 2011-12 \$m
<b>Movement in Assets</b>					
<b>Opening Balance</b>	<b>126.39</b>	<b>136.86</b>	<b>150.81</b>	<b>136.62</b>	<b>136.86</b>
Capital Gain/(Loss) – (see below)	1.90	(0.47)	0.09	(0.05)	(0.42)
Net Cash/Investments(Withdrawals)	8.57	14.42	(14.28)	5.36	5.50
<b>Closing Balance</b>	<b>136.86</b>	<b>150.81</b>	<b>136.62</b>	<b>141.94</b>	<b>141.94</b>
<b>Trading Position</b>					
Capital Gain/(Loss) Realised	-	-	-		-
Capital Gain/(Loss) Unrealised	1.90	(0.47)	0.09	(0.05)	(0.42)
Interest Earnings	5.33	2.13	0.64	0.66	3.43
<b>Total Return for Period</b>	<b>7.23</b>	<b>1.66</b>	<b>0.73</b>	<b>0.61</b>	<b>3.01</b>

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	0.02	
	Net movement	Investment	7.94	7.96
Term deposits	As detailed in Table 1	Redemptions	(22.74)	
		Investments	20.14	(2.60)
Managed Funds	Black Rock	Capital Distribution	-	
		Capital Gain / ( Losses)	(0.05)	(0.05)
<b>TOTAL</b>				<b>5.31</b>

### Interest and Investment Returns

Returns as at 30 November 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a \$0.38m favourable variance when compared to the year to date budget.

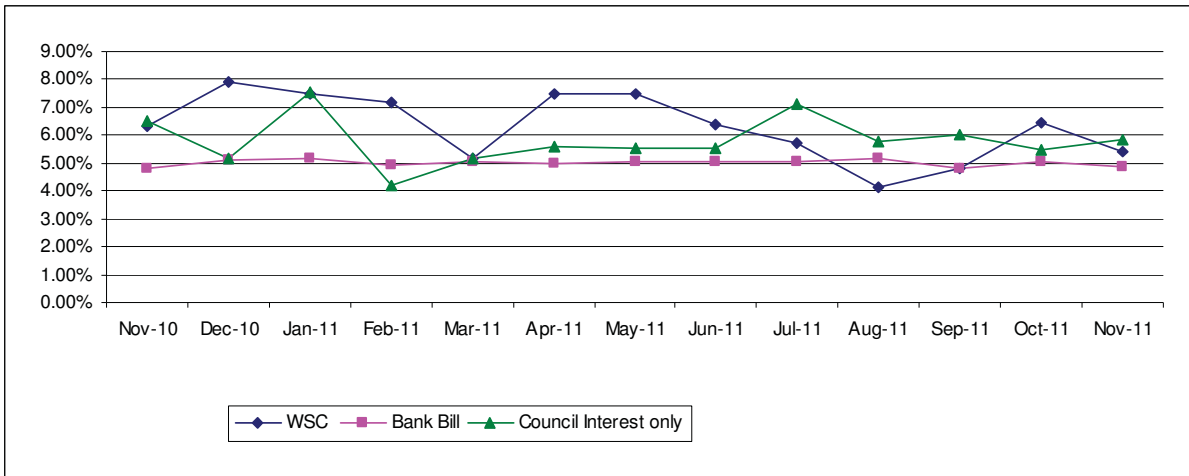
Table 6 Annual Investment Portfolio Performance as at 30 November 2011

Investment Source	FYR Original Budget \$ '000	YTD Budget \$'000	YTD Interest Actual \$'000	YTD Change in valuation Actual \$'000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,365	<b>1,402</b>	1,693	(178)	1,515	<b>113</b>
Water	1,082	<b>576</b>	1,322	(150)	1,172	<b>596</b>
Sewerage	1,653	<b>689</b>	407	(48)	359	<b>(330)</b>
<b>Total</b>	<b>6,100</b>	<b>2,667</b>	<b>3,422</b>	<b>(376)</b>	<b>3,046</b>	<b>379</b>

Interest rates in the month, on term deposits other than the statutory \$10.2m deposit for Work Cover, ranged from 5.57% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for November of 4.88%.

### 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:



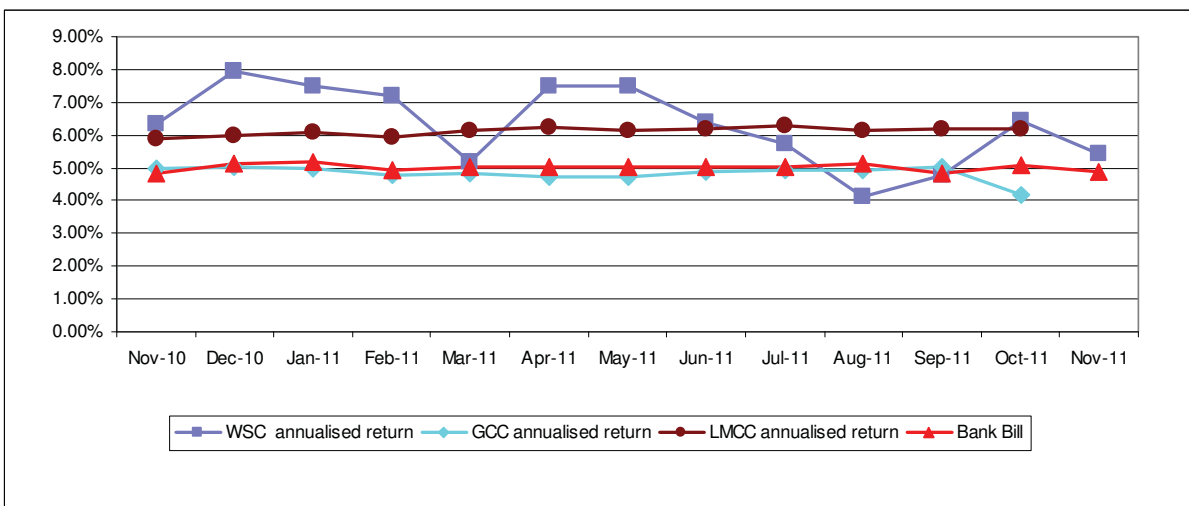
Council: *Council Total Return (Interest and Investments)*  
 Bank Bill: *UBSA Bank Bill Index*  
 Council Interest Only: *Council Interest Earnings*

**Comparison to Similar Councils**

Council’s annualised returns 6.44% for October and 5.41% for November compare to similar councils in the area, Lake Macquarie City Council (6.19% - October) and Gosford City Council (4.19% - October). Returns for November has been impacted by capital losses on Black Rock managed Fund with returns for October reflecting a Capital Gain. First Quarter losses will be recouped as markets recover as these investments are being held to maturity (or par). Capital gains in October are reflected in the increased return for October.

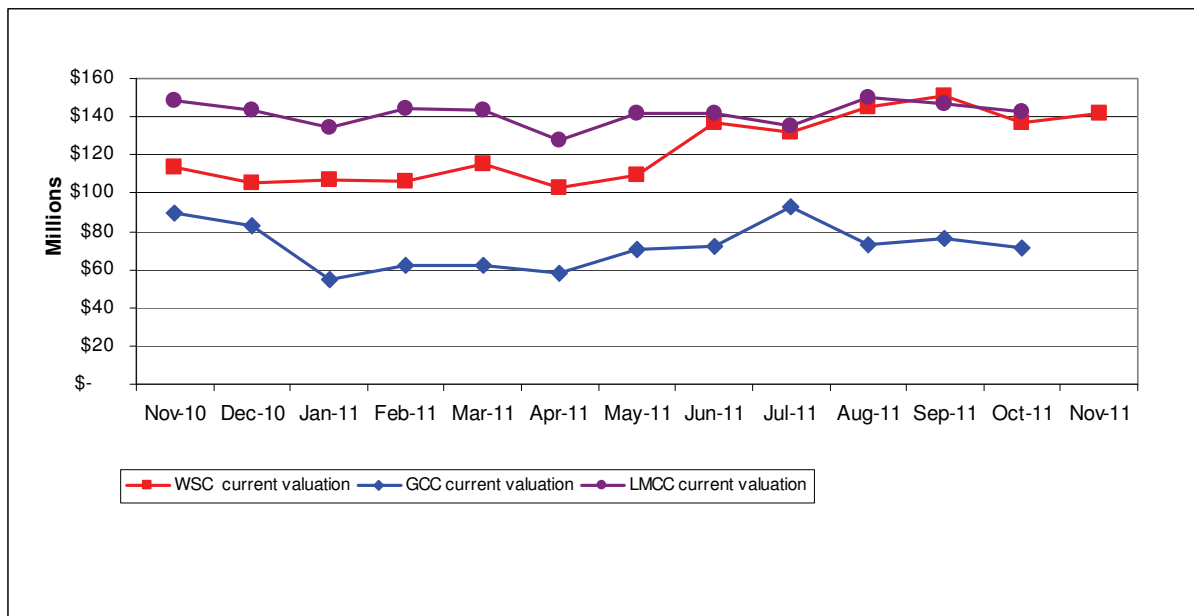
There is a one month lag in the information available and Lake Macquarie City Council’s investment reports for November have not been published at the time of writing this report.

**Table 8 Portfolio Return - Comparison to Neighbouring Councils**



WSC’s investment portfolio at the end of November was \$141.94m, 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 30 November 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 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 - November 2011 D02874574

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

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.10.11 \$	PORTFOLIO BALANCE 30.11.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
Westpac Corporate Investment Account (AA)	Daily	6,766,431	14,739,701	33,271	4.50
UBS Cash Account (AA)	Daily	1,383,860	1,383,371	0	
<b>Total Cash At Call</b>		<b>8,150,291</b>	<b>16,123,072</b>	<b>33,271</b>	
<b>TERM DEPOSITS &amp; BONDS</b>					
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
NAB Term Deposit	27/03/2012	10,000,000	10,000,000	51,370	6.25
Bendigo/Adelaide Term Deposit	26/06/2012	4,000,000	4,000,000	21,041	6.40
IMB Term Deposit	04/07/2012	5,000,000	5,000,000	25,890	6.30
SunCorp Term Deposit	28/12/2011	10,000,000	10,000,000	51,781	6.30
NAB Term Deposit	28/12/2012	5,000,000	5,000,000	25,562	6.22
ANZ Bank	27/11/2011	5,000,000		20,548	6.00
SunCorp Term Deposit	27/01/2012	10,000,000	10,000,000	51,041	6.21
IMB Term Deposit	27/11/2011	5,000,000		20,890	6.10
Commonwealth bank Term deposit	07/01/2012	5,000,000	5,000,000	23,836	5.80
Commonwealth bank Term deposit	07/11/2011	2,500,000		2,379	5.79
Bankwest Term Deposit	01/05/2012		5,000,000	1,526	5.57
ANZ Bank	29/11/2011	5,000,000	5,000,000	23,240	5.85
Bankwest Term Deposit	27/02/2012	5,000,000	5,000,000	24,041	5.85
ANZ Bank	26/12/2011	5,000,000	5,000,000	23,630	5.75
Bankwest Term Deposit	25/01/2012	5,000,000	5,000,000	23,836	5.80
Commonwealth bank Term deposit	25/01/2012	5,000,000	5,000,000	23,219	5.65
Bendigo/Adelaide Term Deposit	24/02/2012	5,000,000	5,000,000	23,425	5.70
Wyong Credit Union Term deposit	25/03/2012	1,000,000	1,000,000	4,685	5.70
T-Corp (WorkCover NSW)	04/11/2011	10,243,519		40,890	4.70
Commonwealth bank Term deposit	07/12/2011		10,140,000	35,782	5.60
Bendigo/Adelaide Term Deposit	05/03/2012	-	5,000,000	1,608	5.87
Westpac Deposit Bond	24/09/2012	4,063,546	4,057,391	23,770	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>121,807,065</b>	<b>119,197,391</b>	<b>619,565</b>	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	2016 (Estimate)	6,669,883	6,624,112	(45,771)	
<b>Total Cash Management Funds</b>		<b>6,669,883</b>	<b>6,624,112</b>	<b>(45,771)</b>	
<b>TOTAL</b>		<b>136,627,239</b>	<b>141,944,575</b>	<b>607,065</b>	

## **6.3 Investment Report for December 2011**

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TRIM REFERENCE: F2004/06604 - D02888015  
MANAGER: Cate Trivers, Chief Financial Officer  
AUTHOR: Devini Susindran; Financial Accountant

### **SUMMARY**

This report details Council's investments as at 31 December 2011.

### **RECOMMENDATION**

***That Council receive the report on Investment Report for December 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. 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 \$6.68m – "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 December return of \$0.06m was a 0.88% upward revaluation (unrealised). A rally in credit (narrowing of spreads) contributed to the fund's outperformance during the month. The fund continues to perform well over the long-term, returning around +10.6% p.a. over the past 3 years (which includes the GFC period). The running yield as at the end of December was 9.43% or around 500bps over swap.

#### **Cash and Term Deposit Funds**

Cash flows in December were managed through investment maturities with a net out flow of \$2.73m (ref Table 1).

Return on cash and term deposits for December 2011 was \$0.67m.

Table 1 Movement of Funds

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in cash on call		4.30%		(\$7,725,000)
NAB	6	6.22%	Dec 2011	(\$5,000,000)
NAB	4	6.10%	Apr 2012	\$5,000,000
ANZ	3	5.85%	Nov 2011	(\$5,000,000)
Bendigo Bank	3	5.87%	Mar 2012	\$5,000,000
Suncorp	5	5.60%	May 2012	\$5,000,000
Suncorp	6	6.30%	Dec 2011	(\$10,000,000)
Suncorp	3	6.00%	Mar 2012	\$10,000,000
CBA	1	5.60%	Dec 2011	(\$10,140,000)
CBA	1	5.38%	Jan 2012	\$10,140,000
<b>TOTAL</b>				<b>(\$2,725,000)</b>

**Total Funds**

Total net return for December 2011 was \$0.73m consisting of \$0.67m interest earnings and \$0.06m unrealised capital gains.

Table 2 Investment Portfolio by Risk Category

	December 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	8,461	6.47	351
Term Deposits	124,191	5.98	3,577
Cash Management Funds	6,683	(5.63)	(203)
Enhanced Income			(1)
<b>Total Investments</b>	<b>139,335</b>	<b>5.35</b>	<b>3,724</b>

Year to date returns in December of 5.35% is favourable when comparing with the benchmark UBSA YTD Bank Bill Index of 4.96%. The year to date return excluding the capital losses on managed funds of \$0.36m is 5.86% 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.

### 6.3 Investment Report for December 2011 (contd)

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 these investments offering the best rates selected for the investment time frame.

Current world financial market volatility did not negatively impact on the portfolio in November, apart from the minor revaluation of Blackrock securities, however as these are held to maturity this loss will not be realised in the long term. Interest rates are also trending downwards.

**Table 3 – Portfolio Credit Framework**

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation Short Term	Comments
A1	10.0%	77.3%	
A2	75.0%	17.2%	
A3	10.0%		
Unrated	15.0%	5.5%	Includes Managed Funds
<b>TOTAL</b>	<b>110%</b>	<b>100.0%</b>	

Investment transactions and earnings during December 2011 are shown in Table 4 - Portfolio Performance.

**Table 4 Portfolio Performance**

	Full Year 2010-11 \$m	Qtr to Sept 2011 \$m	October 2011 \$m	November 2011 \$m	December 2011 \$m	Year to Date 2011-12 \$m
<b>Movement in Assets</b>						
<b>Opening Balance</b>	<b>126.39</b>	<b>136.86</b>	<b>150.81</b>	<b>136.62</b>	<b>141.93</b>	<b>136.86</b>
Capital Gain/(Loss) – (see below)	1.90	(0.47)	0.09	(0.05)	0.06	(0.37)
Net Cash/Investments( Withdrawals)	8.57	14.42	(14.28)	5.36	(2.66)	2.84
<b>Closing Balance</b>	<b>136.86</b>	<b>150.81</b>	<b>136.62</b>	<b>141.93</b>	<b>139.33</b>	<b>139.33</b>
<b>Trading Position</b>						
Capital Gain/(Loss) Realised	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.90	(0.47)	0.09	(0.05)	0.06	(0.37)
Interest Earnings	5.33	2.13	0.64	0.66	0.67	4.10
<b>Total Return for Period</b>	<b>7.23</b>	<b>1.66</b>	<b>0.73</b>	<b>0.61</b>	<b>0.73</b>	<b>3.73</b>

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	0.06	
	Net movement	Redemption	(7.72)	(7.66)
Term deposits	As detailed in Table 1	Redemptions	(30.14)	
		Investments	35.14	5.00
Managed Funds	Black Rock	Capital Distribution	-	
		Capital Gain / ( Losses)	0.06	0.06
<b>TOTAL</b>				<b>(2.60)</b>

### Interest and Investment Returns

Returns as at 31 December 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a \$0.38m favourable variance when compared to the year to date budget.

Table 6 Annual Investment Portfolio Performance as at 31 December 2011

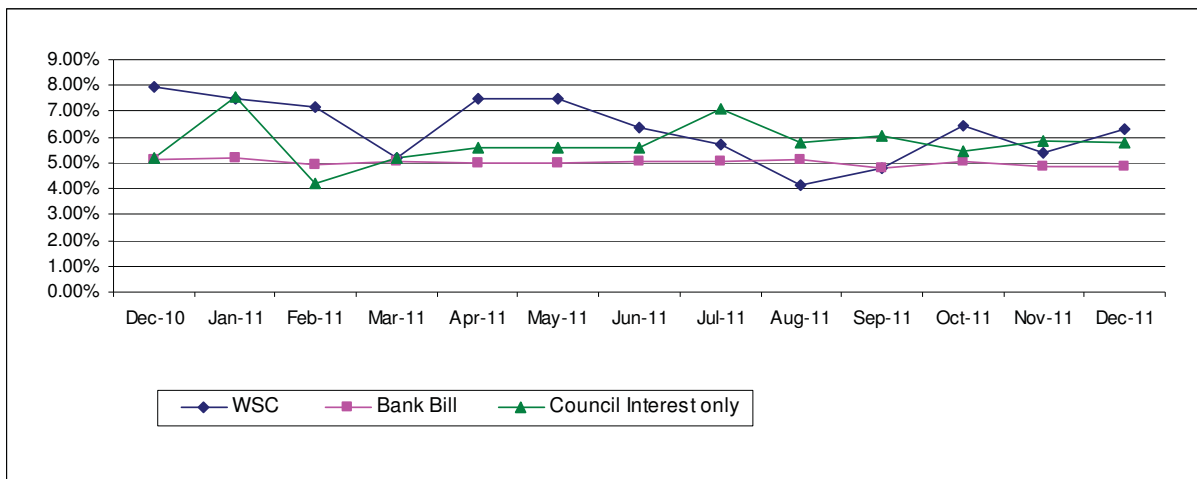
Investment Source	FYR Original Budget \$ '000	YTD Budget \$ '000	YTD Interest Actual \$ '000	YTD Change in valuation Actual \$ '000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,365	<b>1,682</b>	2,093	(169)	1,924	<b>242</b>
Water	1,382	<b>690</b>	1,493	(147)	1,346	<b>656</b>
Sewerage	1,653	<b>827</b>	501	(46)	455	<b>(372)</b>
<b>Total</b>	<b>6,400</b>	<b>3,199</b>	<b>4,087</b>	<b>(362)</b>	<b>3,725</b>	<b>526</b>

Interest rates in the month, on term deposits ranged from 5.38% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for December of 4.85%.

### 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:





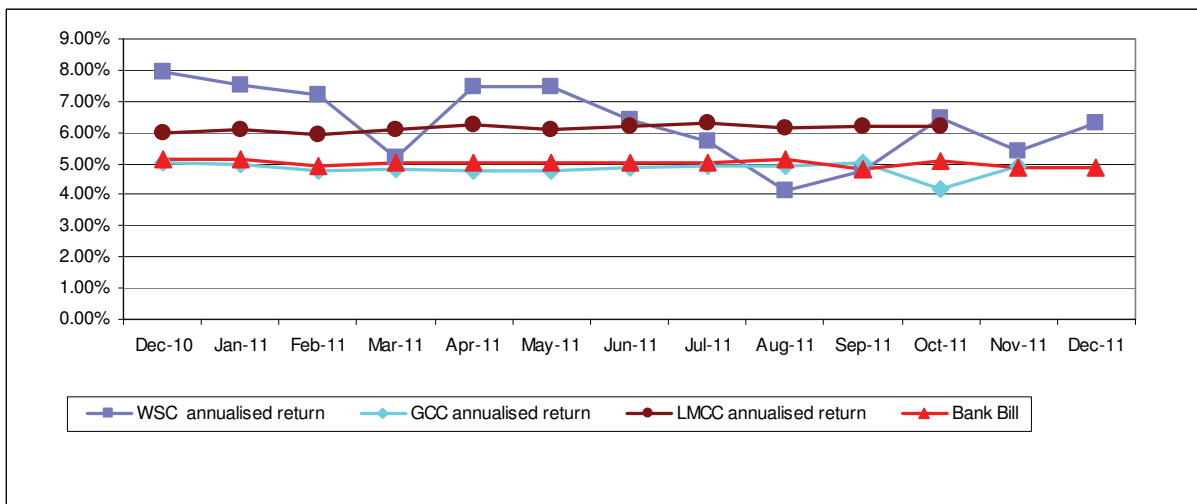
Council: *Council Total Return (Interest and Investments)*  
 Bank Bill: *UBSA Bank Bill Index*  
 Council Interest Only: *Council Interest Earnings*

**Comparison to Similar Councils**

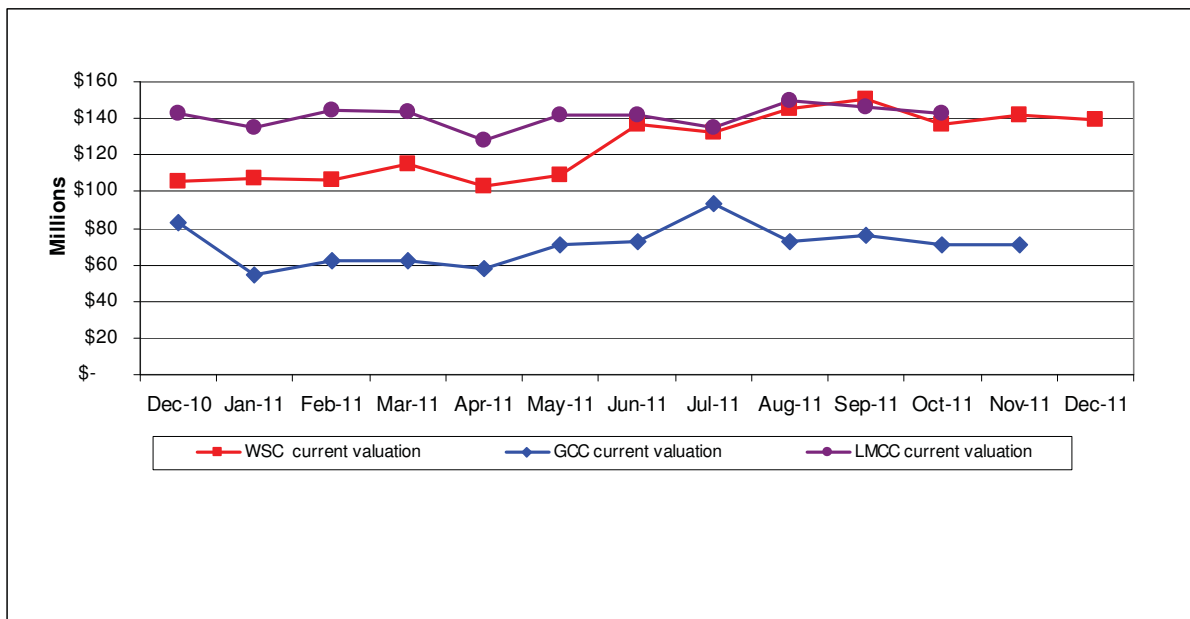
Council’s annualised returns 5.41% for November and 6.31% for December compare to similar councils in the area, Lake Macquarie City Council (6.19% - October) and Gosford City Council (4.19% - October and 4.94% - November). Returns for December reflect a Capital Gain on Black Rock managed Fund with Returns for November impacted by capital losses. First Quarter losses will be recouped as markets recover as these investments are being held to maturity (or par).

There is a one month lag in the information available and Lake Macquarie City Council’s investment reports for November have not been published at the time of writing this report.

**Table 8 Portfolio Return - Comparison to Neighbouring Councils**



WSC’s investment portfolio at the end of December was \$139.33m, 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 31 December 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 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 - December 2011      D02889735

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 December 2011**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 30.11.11 \$	PORTFOLIO BALANCE 31.12.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
Westpac Corporate Investment Account (AA)	Daily	14,739,701	7,065,308	50,607	4.30
UBS Cash Account (AA)	Daily	1,383,371	1,395,475	12,104	
<b>Total Cash At Call</b>		<b>16,123,072</b>	<b>8,460,783</b>	<b>62,711</b>	
<b>TERM DEPOSITS &amp; BONDS</b>					
NAB Term Deposit	19/01/2012	5,000,000	5,000,000	25,649	6.04
Bankwest Term Deposit	18/04/2012	5,000,000	5,000,000	25,692	6.05
Bendigo/Adelaide Term Deposit	18/04/2012	5,000,000	5,000,000	26,753	6.30
NAB Term Deposit	27/03/2012	10,000,000	10,000,000	53,082	6.25
Bendigo/Adelaide Term Deposit	26/06/2012	4,000,000	4,000,000	21,742	6.40
IMB Term Deposit	04/07/2012	5,000,000	5,000,000	26,753	6.30
SunCorp Term Deposit	28/12/2011	10,000,000		48,329	6.30
NAB Term Deposit	28/12/2012	5,000,000		23,858	6.22
SunCorp Term Deposit	27/01/2012	10,000,000	10,000,000	52,742	6.21
Commonwealth bank Term deposit	07/01/2012	5,000,000	5,000,000	24,631	5.80
Bankwest Term Deposit	01/05/2012	5,000,000	5,000,000	23,653	5.57
ANZ Bank	29/11/2011	5,000,000			5.85
Bankwest Term Deposit	27/02/2012	5,000,000	5,000,000	24,843	5.85
ANZ Bank	04/01/2012	5,000,000	5,000,000	24,418	5.75
Bankwest Term Deposit	25/01/2012	5,000,000	5,000,000	24,630	5.80
Commonwealth bank Term deposit	25/01/2012	5,000,000	5,000,000	23,993	5.65
Bendigo/Adelaide Term Deposit	24/02/2012	5,000,000	5,000,000	24,205	5.70
Wyong Credit Union Term deposit	25/03/2012	1,000,000	1,000,000	4,841	5.70
Commonwealth bank Term deposit	07/12/2011	10,140,000		4,667	5.60
Commonwealth bank Term deposit	07/12/2011		10,140,000	37,365	5.38
Bendigo/Adelaide Term Deposit	05/03/2012		5,000,000	24,927	5.87
NAB Term Deposit	29/04/2012		5,000,000	2,507	6.10
SunCorp Term Deposit	02/05/2012	5,000,000	5,000,000	21,254	5.35
SunCorp Term Deposit	28/05/2012		5,000,000	2,301	5.60
SunCorp Term Deposit	28/03/2012		10,000,000	4,932	6.00
Westpac Deposit Bond	24/09/2012	4,057,391	4,051,030	24,563	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>119,197,391</b>	<b>124,191,030</b>	<b>602,330</b>	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	2016 (Estimate)	6,624,112	6,682,598	58,486	
<b>Total Cash Management Funds</b>		<b>6,624,112</b>	<b>6,682,598</b>	<b>58,486</b>	
<b>TOTAL</b>		<b>141,944,575</b>	<b>139,334,411</b>	<b>723,527</b>	

## 6.4 Enforcement Policy for Control of Vehicles and Parking Around Schools

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TRIM REFERENCE: F2004/00445 - D02840091

MANAGER: Gina Vereker; Director of Environment and Planning Services

AUTHOR: Rob Van Hese; Manager Regulation and Compliance

### SUMMARY

This report deals with Wyong Shire Council's Enforcement Policy for the control of vehicles and parking around schools in the Shire.

### RECOMMENDATION

***That Council receive the report on Enforcement Policy for Control of Vehicles and Parking Around Schools***

### BACKGROUND

Council at its meeting held on 9 November 2011, resolved unanimously on the motion of Councillor Symington and seconded by Councillor Matthews:

- "1 *That Council request the General Manager to report on Wyong Shire Council's enforcement policy for the control of vehicles and parking around schools in Wyong Shire.*
- 2 *That Council request the General Manager to include in the report:*
  - a *Information including the guidelines, training and management directions provided to staff to ensure the balance between education of drivers, safety of children, and the issuing of Personal Infringement Notices.*
  - b *Details in relation to the frequency of Wyong Shire Council staff being present at schools for enforcement purposes and the management triggers to allocate staff resources to undertake enforcement operations at a particular school.*

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

AGAINST: NIL"

## **BACKGROUND**

Council's parking enforcement strategy for schools was developed several years ago as part of an overall parking enforcement strategy. The purpose of the strategy was to ensure that whilst parking enforcement needed to meet budget with respect to both income and expenditure, it should be undertaken with risk management in mind. Therefore, the parking enforcement program was prioritised on a risk assessment basis. As a result (and taking into account a number of requests received at the time from School P&C groups), parking enforcement around schools emerged as a high priority.

In June 2006, following a spate of accidents and severe injury involving children in school zones or on pedestrian crossings, the then Minister for Local Government wrote to all NSW councils about the important issue of road safety, particularly around schools. He reminded councils and their authorised officers of their responsibility to understand and enforce the applicable provisions of the Australian Road Rules. In particular he encouraged councils to focus their efforts on patrolling school zones on school days to enhance road safety and the safety of children, particularly near schools.

The Minister stated that the routine issuing of warnings for offences was unacceptable and contrary to the ultimate aim of ensuring pedestrian safety. The Minister asked councils to review priorities and ensure this message was made clear to the management and authorised officers of the council.

The government's message about the significance of road safety around schools was reiterated with the inclusion of parking offences around schools into the Demerit Points Scheme in July 2007. This resulted in increased fines and demerit points for certain traffic and parking offences within operating school zones. School zone fines are generally at least 50% higher and incur at least one additional demerit point than normal zones.

A subsequent review by Wyong Shire Council management confirmed the principal purpose of parking enforcement undertaken by WSC was to:

- (a) *Assist in ensuring the safety of pedestrians especially around schools, drivers of motor vehicles and other road users;*
- (b) *Ensure the equitable use of available parking spaces in a situation where demand exceeds supply;*
- (c) *Enforce the disability and mobility parking scheme; and*
- (d) *Ensure effective traffic flow within the Wyong Shire through enforcement of bus lanes, clearways, no stopping, school and other zones as necessary*

### **Auditor General's Report – Improving Road Safety: School Zones – February 2010**

In February 2010 the NSW Auditor General released a report on whether school zone initiatives have made a difference to safety around schools. The report acknowledges that the Roads & Maritime Services (RMS) (then RTA) has progressively introduced a range of measures to improve school zone effectiveness. School zones commenced with the blanket application of a 40km/h speed limit, however they have evolved over time with layers of additional improvements added to enhance safety around schools. These improvements have included: improved signage and delineation; pedestrian facilities such as crossing points, overhead structures, adjusted traffic signal phasing, pedestrian refuges and fencing to control flow etc; additional crossing supervisor locations; flashing lights; speed cameras; **increased penalties for driving and parking offences in school zones**; and public education to students, parents and the general motoring public.

The report referred to Staysafe's 1998 report *Pedestrian Safety* which emphasised the hazard which parked vehicles represented: Research undertaken in European countries revealed that 30 to 50 per cent of child pedestrian crashes involved visual obstacles - usually parked cars ... *Near side collisions where [the] child emerges from in front of a parked vehicle [represent] 22 per cent of fatal collisions ... Of the 93 pedestrian deaths ... 71 occurred as the child darted out or attempted to cross the road. Of these 71, ten emerged from behind parked cars, and four from behind stationary buses.*

The Auditor General's Report concluded that unsafe parking may also contribute to the hazards around schools, and illegal and unsafe parking can be routinely observed in many school zones. "Most council's do little or no enforcement of parking restrictions in NSW school zones."

### **Outline of the schools road safety education program**

In 2008/09 and 2009/10 Council conducted a Parking Restrictions Around Schools (PRAS) program that intensely targeted one school per term for education and enforcement in conjunction with the Rangers. This involved:

- selecting schools based on risk assessment
- taking measures of parent behaviour prior to conducting education. This involved RSO's on-site, observing traffic movement and tallying the type and number of parking related offences.
- having a 2 week intensive education program that included the Rangers assisting the Road Safety Officer (RSO) with on the ground education each morning and afternoon at the selected school.
- following the 2 week education period Rangers then targeted the selected school morning and afternoon for issuing infringements.
- measures were again taken following the education and enforcement to determine the effectiveness of the program and again after a further 4 weeks to measure longer term behaviour change.

## **6.4 Enforcement Policy for Control of Vehicles and Parking Around Schools (contd)**

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- reminder education continued at the school via a sign erected in the No Parking zone and ongoing inserts in the school newsletter.

The limited Ranger resources required the 2010/11 program to be adjusted so that the Ranger focus was strictly directed to enforcement and to therefore build capacity within the schools and remain sustainable long-term. It offered all schools in the Shire the opportunity to participate, receive education materials and resources including parent hand outs, vinyl banners for school fences, electronic flyer for use in school newsletters, posters etc. This allows the school to continue the education with parents and students throughout 2011/12 and beyond. The RSO is available to provide support and advice to schools relating to this program upon request.

### **Specific actions taken under the schools road safety education program 2011/12**

- Full page newspaper advertisements have been placed in the Express Advocate and radio ads with consistent messages programmed following the distribution of the materials and resources to schools.
- At the beginning of each school term we undertake return to school education through Shirewide and local media focusing on speed and parking;
- Each year an article is composed for the Kids on the Coast magazine which addresses the issues relating to parking around schools and safety around schools. This is generally scheduled for the February/March edition but is dependant on what other Road Safety issues are prominent at the time;
- The RSO is involved in the Traffic Assessment Panel meeting each fortnight and Traffic Committee every 3 months and provide advice and direct educational material to schools and the community as needed/requested;
- Regular liaison with the Department of Education and Training (DET) Road Safety Consultant - The DET Road Safety Consultant is responsible for assisting schools in the area with the development and delivery of in-class education by teachers in line with the curriculum. Our liaison ensures that consistent road safety messages are then delivered to the parents and the community (the students and teachers are the responsibility of the Road Safety Consultant and the community/parent education falls within the role of the RSO). The RMS does not provide funding support to Council's RSO's undertaking education directly to the students, nor do they currently contribute any funds to the PRAS program in favour of drink driving and speed related education projects".;
- Regular liaison with the RMS Safety Around Schools project officer who is responsible for school zones and children's crossings. Much of this liaison involves the RSO making recommendations for changes based on safety issues that arise from meetings with schools and DET and are referred to the RMS for further investigation/action;
- Attending meetings as requested for the planning and review of parking facilities and restrictions in conjunction with Council's Transport Engineer; and
- Responding to requests from local schools for all road safety matters ranging from replacement of children's crossing flags to resources and information for school programs such Kindergarten Orientation Days.

## 6.4 Enforcement Policy for Control of Vehicles and Parking Around Schools (contd)

### Wyong Council's School Parking Enforcement Strategy

All schools within the Shire were subject to risk assessment by a panel consisting of Council's RSO, Rangers and Manager Compliance and Regulation. Assessment criteria included whether the school was primary or secondary, number of students, location of school and local road conditions, provision of no parking zones and on-street parking, the provision of supervised children's crossings and local knowledge.

Ten (10) schools were determined to be of high risk, nine (9) schools medium risk and the remainder low risk (see table 1).

Table 1

<b>High Risk Schools</b>	<b>Medium Risk Schools</b>
Tuggerah Primary School – Pacific Highway, Tuggerah	Berkeley Vale Primary School – Pindarri Avenue, Berkeley Vale
Gwandalan Primary School – Kanagra Drive, Gwandalan	Blue Haven Primary School – Colorado Drive, Blue Haven
Lake Munmorah Public School – Cnr Pacific Highway and Carters Roads, Lake Munmorah	Brooke Avenue Primary School – Brooke Avenue, Killarney Vale
Our Lady of the Rosary Primary School – Shelley Beach Road, Long Jetty	Kanwal Primary School – Craigie Avenue, Kanwal
St Brendans Primary School – Carters Road, Lake Munmorah	Woongarra Primary School – Mataram Road, Woongarra
The Entrance Primary School – Oakland Avenue, The Entrance	Wyong Christian Community School – Alison Road, Wyong
Toukley Primary School – Evans Road, Toukley	Wyong Primary School, Cutler Drive, Wyong
Lake Munmorah High School – Carters Road, Lake Munmorah	Gorokan High School – Goobarabah Road, Gorokan
Tuggerah Lakes Secondary College – The Entrance Road, Long Jetty	Wyong High School – Alison Road, Wyong
Wadalba Community School – Orchid Way, Wadalba	

School patrols are scheduled within the Rangers roster to ensure the regular monitoring of each high and medium risk school. Each school is patrolled fortnightly and that occurs in the morning or afternoon depending on the individual ranger's roster for that day. Rangers do have the discretion to increase frequency of patrols at any school if they are concerned about on-going non compliance.

Although parking enforcement focuses on the high and medium risk schools a ranger presence at low risk schools does occur from time to time in response to complaints or observations of non compliance by rangers on routine patrols.

Since 1 July 2011 Rangers have responded to no less than fourteen (14) complaints from concerned parents and school bodies about illegal parking around schools at Bateau Bay Primary, Wyong Primary, Berkeley Vale Primary, Brooke Avenue Primary, Toukley Primary and The Entrance Primary.



## **6.4 Enforcement Policy for Control of Vehicles and Parking Around Schools (contd)**

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Council's 2011/12 annual budgeted income of \$450K from parking fines requires rangers to commit about one third (5,763 hours) of the total ranger capacity towards parking enforcement. About half (2,575 hours) of that effort is directed specifically to school patrols.

For the period 1 July – 31 October 2011, 1434 parking related penalty infringement notices were issued by Council rangers of which 21% (299) were for offences in school zones. The most common offence was for 'stopping in a bus zone' (220) followed by disobeying a 'No Stopping' sign (63). Rangers regularly exercise their discretion on a case by case basis when considering their response to breach detection. Since July 2011 Council has had the capability to issue formal warnings through the new electronic hand held devices. Fifty-eight (58) such warnings have been issued however none have applied to offences within school zones as they are considered too serious to be dealt with in that way.

Rangers patrol of school zones are generally overt, consisting of officers in uniform, parked stationary in a fully marked ranger vehicle in the immediate vicinity of the school. Where it is considered more appropriate, rangers adopt a mobile patrol of the school zone also in fully marked vehicles. On some occasions Rangers have stood on the footpath in full view of approaching vehicles. Only on extremely rare occasions have Rangers undertaken covert operations in unmarked vehicles but that strategy should remain as an option where illegal parking is at epidemic proportions.

### **CONCLUSION**

Children are inherently unpredictable road users: The most common cause of pedestrian trauma in three to nine year olds is not seeing, or misjudging, a gap in traffic. Pedestrians aged under ten years are particularly vulnerable because of their small physical size and underdeveloped abilities for dealing with traffic situations and are considered by road safety experts to not have the ability to cross roads without adult help.

It follows, then, that parents and carers have an important role in ensuring their children's safety on and near roads. Whether they realise it or not, parents and carers are role models for safe behaviour, and provide much of the child's training and practice in crossing roads.

It is quite evident to enforcement officers that many parents, carers and motorists generally risk children's lives by stopping in pedestrian zones, bus zones, No stopping zones or who double-park or park on footpaths. It is a common notion that illegally parking for only a few seconds will cause no harm.

Council has an opportunity to show its unequivocal support for road safety around schools by endorsing the current parking enforcement strategy and adopting a zero tolerance for parking offences around schools.

### **ATTACHMENTS**

Nil

## **6.5 Review of Fees Charged for School Usage of Sports Grounds**

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TRIM REFERENCE: F2004/06255 - D02775408

MANAGER: Tara Mills; Manager Sport, Leisure and Recreation

AUTHOR: Tracy Southern; Sport and Recreation Development Manager

### **SUMMARY**

This report provides a response to questions 1, 2 and 4 of Councils Resolution of 14 September 2011 in relation to fees charged for school usage of sports grounds.

### **RECOMMENDATION**

***That Council note the information provided in this report for fees and charges for school usage of Council's sports grounds.***

### **BACKGROUND**

At its meeting on 14 September 2011 Council:

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

- 1 That Council undertake a review of the fees and charges currently being paid by local schools to utilise the Shire's community sporting grounds.*
- 2 That Staff consult with and prepare a report, in conjunction with local schools, to better understand the need for schools to regularly utilise the Shire's community sporting grounds.*
- 3 That Council applaud the outstanding contributions made by our local schools in the area of Personal Development Health Physical Education (PDHPE).*
- 4 That Council meet with the Regional Council of Parents and Citizens Association as soon as practicable.*

FOR: COUNILLORS BEST, EATON, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, WESTER AND WYNN

AGAINST: NIL."

Council maintains 36 multi use sporting complexes with multiple sporting ovals across the Shire. These grounds are used for a variety of purposes by various groups including volunteer sporting groups, commercial operators, schools and the broader community. It is recognised that these open space areas are important to the community and support residents to participate in active and healthy lifestyles that contribute to improved quality of life.

Over the past five years Council has spent \$50M on major upgrades including but not limited to floodlighting, sub soil drainage and infrastructure such as amenity buildings. Council continues to invest in these facilities with sub-soil drainage at The Entrance District Sporting and Community Centre (EDSACC) South and the completion of Hamlyn Terrace Sports Facility being a priority for 2011-12.

The operational cost associated with maintaining the sports ovals is \$2.7M per year without major upgrades. As a result, Council imposes fees and charges for groups utilising these grounds to contribute to the operating costs. This contribution is highly subsidised and is less than 10% of the costs for maintenance.

### **Review of fees and charges**

The fees and charges for use of Council facilities were exhibited in Council's Strategic Plan 2011-15 as per the Local Government Act 1993 for 28 days. This closed on 1<sup>st</sup> June 2011. During the exhibition of this plan no feedback relating to hire charges for 'parks, playing fields, ovals and beaches' was received. However, since this time Council has received feedback from the schools and the community relating to school usage of sports grounds and fees. As a result an additional review has been undertaken in order to further clarify the fees and charges to schools.

Prior to 2011-12 Council had not previously charged schools fees to access sports ground amenities (change rooms and toilets), for inter-school competitions where both schools are from outside of the Shire, for regional competition, or for sports development days involving participants from schools. The Council Strategic Plan 2011-15 set fees for school usage of this nature to come into relative parity with our neighbouring Local Government Areas (LGAs).

The rate for 'school usage – ground only' indicates that sportsground hire remains free to schools using Council sportsgrounds for the activities listed below, where there is ground hire use only and no requirements for amenities. Council has clarified the specific activities that will remain free by undertaking a number of workshops and meetings with schools and school sport representatives.

Free (*but the school does require Council approval through the booking process*):

- Weekly sport
- Physical Development, Health and Physical Education (PDHPE) 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

Community sport fees will be charged for the following school activities:

- Any 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.

*\* If the school wishes to access public toilets the school can apply to Council for a key. If the school group have a key, Council staff will not be required to open or close the amenities, and the school usage will not attract a fee, subject to satisfying all other conditions. Key bonds are available for seasonal users, event holders and sports groups. The bond is refundable in part or in full after deducting any sum required for key(s) and lock(s) replacement and other costs incurred, plus GST, on forfeiture of bonds. The refundable bond is between \$264.00-\$605.00 depending on the number of sets of keys required. All key holders are responsible for ensuring that the facilities and surrounding areas remain functional and clean.*

Fees will be charged for sundry items and/or requests. These include fees for activities such as provision of additional bins, line marking, repainting of lines, and special mowing requests.

Should the school activity attract a fee, the school or sports association will be charged community sport daily fees which are between \$49.00 and \$70.00 per day, depending on the type of field booked. This fee is comparable to neighbouring LGAs.

Many schools do have their own sports fields and facilities. However, numerous schools regularly use Council's fields and facilities as the grounds more adequately meet the requirements for school sports and sporting competition.

Schools throughout the Shire use Council's sportsgrounds and facilities on an average of 975 hours each term. More than 80% of these sessions will remain free to schools under these arrangements. It is important that schools continue to book the sportsgrounds in advance as all usage needs to be coordinated for the ongoing maintenance requirements of the sportsgrounds, in particular the mowing schedules. Council officers will collate the number of charges and free hours booked by schools this term and evaluate any changes.

### **Consultation with schools**

Council has consulted with each school that books and uses Council's sports grounds in order to further understand usage requirements, clarify which school sport activities remain free, and further understand how Council can support school sport participation. Council has attended and led two workshops with representatives from local PSSA groups, and held another two workshops for representatives from all other school groups – these included representatives from independent and Catholic schools, high schools, and sports groups and associations that operate school sport.

Council's Manager of Sport, Leisure and Recreation has attended the regional Parents and Citizens' (P&C) meeting on November 28th to gather feedback and answer questions. School fees and charges were clarified and a discussion regarding how schools can work together with Council to raise sports participation for the community followed. Schools have noted that usage of school grounds by the community is subject to further negotiations, but that they are willing to share grounds, though in some cases they do want to charge fees to cover maintenance.

Schools have requested that Council give more information regarding facilities and amenities at each sportsground, possibly on Council's website, to ensure that the sportsground meets the requirements for school sport (ie. line markings, posts amenities access, change room facilities etc.). Council's 'Parks, Sports and Recreation finder' on Council's website does detail all facilities and amenities at each sportsground. This information is also available at the time of booking from Council's Sports Liaison Officer.

Responses from attendees to the consultation sessions were very positive.

Further, a school sports ex-officio membership category has been approved by the Wyong Shire Sports Committee, to represent all levels and types of schools and their needs on Council's Sports Committee. A permanent ex-officio school sport representative membership position on the Sports Committee is subject to Council approval of the proposed Sports Committee Charter. A report for an Ordinary Meeting of Council is currently being drafted. The President of Wyong PSSA attended the Sports Committee's last meeting on 15<sup>th</sup> December 2011.

As a result of this consultation, school sport representatives have reported that they are satisfied that the categories for free school sport and categories where community sport charges are levied are clear and fair.

Some schools are satisfied that the issue of amenities access can be solved through having their own access via the key bond system. However others are concerned about allocating funds required for the key bond. Council is able to solve this issue by making a set of keys available from the depots or from Chambers that teachers/organisers are able to pick up and return the same day of hire. This procedure will be available for school sport bookings only.

### **Conclusion**

If adopted by Council these guidelines will be provided to the schools and clearly identified on Council's website. This will aim to ensure that the bookings team are consistent and clear with their approach, and that schools have full, clear and concise information that outlines what activities will remain free and which activities now attract a charge.

### **ATTACHMENTS**

Nil

## **6.6 Responses to Coal Mining in Wyong Valley Letter**

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TRIM REFERENCE: F2004/07086 - D02865853  
MANAGER: Lesley Crawley; Manager Corporate Governance  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Council considered a Mayoral Minute at the 26 October 2011 Ordinary Meeting regarding KORES and responses have now been received from Mr Chris Spence MP – Member for The Entrance, Mr Craig Thomson MP – Federal Member for Dobell and Mr Sam Haddad – Director General of the NSW Department of Planning and Infrastructure.

### **RECOMMENDATION**

***That Council receive the report on Responses to Coal Mining in Wyong Valley Letter.***

### **BACKGROUND**

At the 26 October 2011 Ordinary Council meeting, Council considered a Mayoral Minute regarding KORES and resolved the following:

*“RESOLVED unanimously on the motion of Councillor GRAHAM:*

*I formally move:*

- 1 That Council request the General Manager write to the NSW Premier seeking the introduction of 'special legislation' to protect the Wyong Shire water catchment and valleys from mining.*
- 2 That Council request the General Manager to include, in Council's response to the Director-General of the DoP & I, a request that the Director-General's Requirements not be issued and the application by the Wyong Areas Coal Joint Venture for State Significant Development be refused.*
- 3 That taking into account the previous commitment by Gosford City Council in opposing the earlier application by KORES, Council request the General Manager write to Gosford City Council, the Central Coast Water Corporation and Lake Macquarie City Council requesting their support for the matters outlined in 1& 2 above.*
- 4 That Council request the General Manager write to the Federal Member for Dobell, Minister for the Central Coast and State Members for Wyong, The Entrance, Gosford and Lake Macquarie calling on their support in opposing this new application for coal mining in our valleys and water catchment.*
- 5 That Council direct the General Manager to also write to the Federal Member for Dobell on the status of his Private Members Bill.*

- 6 That Council direct the General Manager write to the Minister for Primary Industries requesting that the current exploration licence for Kores P/L not be renewed.

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

AGAINST: NIL"

In response to letters sent, letters were received from Mr Chris Spence MP – Member for The Entrance, Mr Craig Thomson MP – Federal Member for Dobell and Mr Sam Haddad – Director General of the NSW Department of Planning and Infrastructure.

Copies of these letters are attached to this report for information.

### ATTACHMENTS

- |   |  |           |
|---|--|-----------|
| 1 | Response council motion 26 October 2011 - coal mining Wyong valleys - Chris Spence MP  | D02857265 |
| 2 | Response council resolution 26 October 2011 re DGR director general requirement for Wallarah 2 coal project - advise all requirements will be considered - Planning Infrastructure | D02857176 |
| 3 | Response council letter 4 November 2011 - advise position not changed re coal mining Wyong valleys - Craig Thomson MP  | D02857274 |



Tuesday, 29 November 2011

Mr. Michael Whittaker  
General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2257

Dear Mr. Whittaker,

I write in response to your letter of 4 November 2011 regarding the Council motion of 26 October 2011 on Coal Mining under Wyong Valleys.

Part 4 of the motion requests my *"support in opposing this application for coal mining in our valleys and water catchment."*

No such application for coal mining has been made.

Along with other Central Coast residents, I was shocked and appalled with the news that the former Labor Government misled us over Wallarah 2. The former Member for Wyong, David Harris, took credit and claimed to have 'stopped the coal mine'.

This is clearly not the case. Rather, these actions now appear to have been an election stunt at the expense of the people of the Central Coast. The exploration license remained in force.

Craig Thomson, Member for Dobeil, unequivocally stated to Business Insider that: *"...I will stick to my promise to stop this coal mine."*<sup>1</sup>

I urge you to write to Mr Thomson and insist he act promptly on his promise.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Chris Spence".

**CHRIS SPENCE MP**  
Member for The Entrance

<sup>1</sup><http://businessinsider.net.au/stories/environment/coal-mine-544116>





Planning &  
Infrastructure

Office of the Director General

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

11/20/24

Dear Mr Whittaker

I refer to your letter of 4 November 2011 concerning Wyong Shire Council's resolution, dated 26 October 2011, requesting that I withhold issuing Director-General's requirements (DGRs) for the Wallarah 2 Coal Project.

As you may be aware, under Part 4 of the *Environmental Planning and Assessment Act 1979* I have a statutory obligation to issue DGRs where a valid request has been made.

Notwithstanding, the Department is fully aware of Wyong Council's previously expressed concerns regarding the proposal, in particular, concerns relating to potential impacts on the Central Coast's drinking water supplies.

I can assure you that this issue and all other relevant environmental, social and economic issues will be fully considered in both preparing the DGRs and during the ensuing assessment process.

Yours sincerely

  
Sam Haddad  
Director General

30/11/2011



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Yours sincerely,

[Redacted]



**Craig Thomson MP - Fighting for our community**  
**Member of Parliament, Eastern Pyrenees, Tasmania**  
 Phone: 075 342 1234 Email: craig.thomson@mp.parliament.tas.gov.au

## **6.7 Response to Conduct of the 2012 Local Government Election**

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TRIM REFERENCE: F2011/01766 - D02891217

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Council considered a report at the 9 November 2011 Ordinary Meeting regarding the conduct of the 2012 Local Government Election and a response has now been received from Mr Ross Woodward, Chief Executive from the Department of Premier and Cabinet.

### **RECOMMENDATION**

***That Council receive the report on Response to Conduct of the 2012 Local Government Election.***

At the 9 November 2011 Ordinary Council meeting, Council considered a report regarding Conduct of the 2012 Local Government Election and resolved the following:

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

- 1 That Council engage the NSW Electoral Commission to conduct the Local Government Election and any referendums or polls for Wyong Shire up to and including 2012.*
- 2 That Council minimise the cost of the election by working cooperatively with Gosford City Council and other savings as outlined in this report.*
- 3 That Council reaffirm its previous decision to provide our residents and ratepayers the opportunity at the upcoming Council elections to also vote on whether they support a popularly elected mayor or not.*
- 4 That Council request the General Manager to report on any progress to date with regard to this issue and what further processes and time frames are required to achieve this outcome.*
- 5 That Council retain its current wards and Councillor numbers, such that a popularly elected Mayor becomes the eleventh Councillor and forms Wyong Shire Council, subject to constitutional referendum being passed.*
- 6 That Council conduct a constitutional referendum on a popularly elected Mayor and 11 Councillors; being the number to form Wyong Shire Council, be held in conjunction with the 2012 Wyong Shire Council Local Government Elections.*

- 7 *That Council request the NSW State Government return on a equitable basis to Councils across the state the amount collected in the form of fines imposed on the population that didn't vote to defray the cost of the Council election on ratepayers.*
- 8 *That the General Manager approach Gosford City Council to seek an agreement to share costs on common matters for the Central Coast region in the lead up to the 2012 Wyong Shire Council Local Government Elections.*

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

AGAINST: NIL"

A letter was forwarded to The Hon Don Page MP, Minister for Local Government on 23 November 2011 advising that Wyong Shire Council selected the NSW Electoral Commission to conduct the 2012 Local Government elections and referendum and requesting the return of monies collected in the form of fines imposed on ratepayers.

A response was received from Mr Ross Woodward – Chief Executive, Local Government. A copy of the letter is attached for information.

#### **ATTACHMENTS**

- 1 Response from Department of Premier and Cabinet D02882719



**Premier & Cabinet**  
Division of Local Government

5-9 Keele Avenue NSWRA NSW 2511  
Locked Mail 3015 NSWRA NSW 2511

Our Reference  
Your Reference  
Contact  
Phone

A266284  
F201101766  
Helen Darmaschin  
02 4428 4212

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

Dear Mr Whittaker

I am writing in reply to your letter of 23 November 2011 to the Minister for Local Government, the Hon Don Page MP, regarding the conduct of the September 2012 Wyong Shire Council election. The Minister has asked that I reply to you on his behalf.

I have noted Council's resolution to appoint the NSW Electoral Commission (NSWEC) to conduct Council's ordinary election and a constitutional referendum regarding the introduction of a popularly elected mayor.

I have also noted Council's request that revenue received from the failure to vote penalty notices be returned to councils. In this regard, Council may be aware that all roll related functions and infrastructure, including the maintenance of the roll, the enforcement of compulsory voting and other associated processes, are funded by the NSW Government. This is because an accurate electoral roll is essential for maintaining a healthy democratic system and for ensuring that those eligible to vote are able to do so. However, this particular expenditure is not recoverable from councils and is not included in councils' individual itemised invoices charged by the NSWEC.

For these reasons, it is considered appropriate that the non-voter revenue is forwarded to the Government's Consolidated Fund.

I trust this information is of assistance.

Yours sincerely

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet



## **6.8 Operational Activities and Trends Associated with the Animal Care Facility**

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TRIM REFERENCE: F2006/01779 - D02883353

AUTHOR/MANAGER: Rob Van Hese; Manager Regulation and Compliance

### **SUMMARY**

At its meeting held on 12 August 2009, Council resolved that a quarterly trend analysis of operational activities at the Animal Care Facility be undertaken and be reported to Council on a regular basis. This report provides an end of financial year analysis for 2011/2012.

### **RECOMMENDATION**

*That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2011/2012.*

### **BACKGROUND**

Council at its meeting held 12 August, 2009, resolved, inter alia, unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

*"7 That Staff provide a quarterly trend analysis and operational activities report to Council."*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL"

This report addresses the abovementioned resolution in regard to Council's Animal Care Facility (ACF) operations for the 2010/2011 financial year.

### **WYONG SHIRE COMPANION ANIMALS STRATEGY**

Council's Companion Animals Strategy has 5 key objectives;

#### **1 To have fewer animals arrive at the ACF.**

Result: The actual number of animals arriving at the animal care facility has fallen by 17% (174) from a high of 1015 for the corresponding period in 2009/10. To satisfy new reporting requirements to the Department of Local Government this section of the activity report now includes the number of cats and dogs in the facility at the start of each month of the reporting period. Consequently, the December activity report provides for the actual new arrivals as well as the total number of animals in the ACF at the end of each reporting period. The latter will be used in future activity and trend reports.

**6.8 Operational Activities and Trends Associated with the Animal Care Facility (contd)**

<b>Comparison of 2nd Quarter Activities – July to December 2011</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Animals 'Arriving' at the ACF</b>	<b>669</b>	<b>657</b>	<b>557</b>	<b>985</b>	<b>1015</b>	<b>918</b>	<b>841 (1220*)</b>
<b>*Total in facility at start of month</b> • Cats • Dogs	Not available	Not available	Not available	Not available	Not available	Not available	117 262 <b>379*</b>
<b>Seized animals transferred to Council's ACF</b> • Cats • Dogs	0 335 <b>335</b>	2 302 <b>304</b>	0 308 <b>308</b>	3 229 <b>332</b>	16 217 <b>233</b>	2 196 <b>198</b>	0 151 <b>151</b>
<b>Dumped</b> • Cats • Dogs	50 157 <b>207</b>	41 194 <b>235</b>	8 164 <b>172</b>	150 351 <b>501</b>	230 457 <b>687</b>	226 409 <b>635</b>	139 484 <b>623</b>
<b>Surrendered by owners</b> • Cats • Dogs	1 126 <b>127</b>	18 100 <b>118</b>	0 77 <b>77</b>	8 144 <b>152</b>	13 82 <b>95</b>	11 74 <b>85</b>	5 62 <b>67</b>

**2 To increase the number of animals released to their owners (expressed as a % of total animals arriving)**

Result: The number of seized animals released to their owners is at its highest level for the corresponding periods since 2005/06. This may be an indicator of the success of the ongoing Council campaign to improve the rate of animal registration within Wyong Shire, thereby enabling the owners of seized dogs to be identified and contacted when their animal is seized.

<b>Comparison of 1<sup>st</sup> Quarter Activities – July to September</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Released to owner (from the ACF)</b> • Cats • Dogs	0 149 <b>149</b>	0 158 <b>158</b>	0 158 <b>158</b>	7 279 <b>286</b>	18 386 <b>404</b>	9 314 <b>323</b>	23 390 <b>413</b>

### 3 To increase the number of animals sold (expressed as a % of total animals arriving)

Result: Although the number of cats and dogs sold from the facility has fallen 21% (57) from a high of 276 for the corresponding period in 2010/11 the total number of animals saved year to date expressed as a % of the total number of animals at the facility is at 91%. Efforts to promote the sale of cats and dogs from the animal care facility will continue.

<b>Comparison of 1<sup>st</sup> Quarter Activities – July to September</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Sold</b>							
• Cats	1	1	0	4	71	106	81
• Dogs	36	48	26	130	130	170	138
	<b>37</b>	<b>49</b>	<b>26</b>	<b>134</b>	<b>201</b>	<b>276</b>	<b>219</b>

### 4 To increase the number of animals released to re-homing organizations

Result: The number of animals released to community volunteer companion animal re-homing organisations is 64% (163) less than the high of 253 for the corresponding period in 2008/09. Efforts are continuing to establish a Wyong Shire based community volunteer companion animal rescue and foster care group with the aim of saving every healthy and suitable cat and dog.

<b>Comparison of 1<sup>st</sup> Quarter Activities – July to September</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
<b>Released to organisations for rehoming</b>							
• Cats	21	16	0	92	29	14	10
• Dogs	71	93	24	161	82	66	80
	<b>92</b>	<b>109</b>	<b>24</b>	<b>253</b>	<b>111</b>	<b>80</b>	<b>90</b>

### 5 To increase the number of animals saved – (expressed as a % of total animals arriving at the ACF)

Result: The total number of animals euthanased, expressed as a % of total animals at the ACF was 9%. This included 32 dogs that had displayed vicious or unacceptable aggressive behaviour, 26 cats and dogs destroyed on the recommendation of Council's contracted vet due to illness, disease or injury and 53 cats and dogs deemed by staff and volunteer temperament assessors as unsuitable for re-homing. Excluding vicious, ill and diseased cats and dogs the euthanasia rate of healthy animals was at 4%.

The ultimate aim of the ACF is to develop and implement a dog behaviour intervention program. This is aimed at those dogs that display behaviour making them unsuitable for re-homing (not including vicious dogs) in order to improve the chances of potentially re-homing these animals.



6.8 Operational Activities and Trends Associated with the Animal Care Facility (contd)

Comparison of 1 <sup>st</sup> Quarter Activities – July to September	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Animals 'Euthanased' (* - category 1<sup>st</sup> introduced in 2008/09 reporting period)</b>	<b>390</b>	<b>324</b>	<b>353</b>	<b>318</b>	<b>181</b>	<b>110</b>	<b>111</b>
<b>Euthanased (only category used prior to 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	28 362 <b>390</b>	41 283 <b>324</b>	7 346 <b>353</b>	NA	NA	NA	NA
<b>Euthanased Restricted Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Dogs only</li> </ul>	NA	NA	6	8	0	6	14
<b>Euthanased Dangerous Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> <ul style="list-style-type: none"> <li>• Dogs only</li> </ul>	NA	NA	1	7	30	14	18
<b>* Euthanased – Owners Request (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	0	0	0	0
<b>* Euthanased – Unsuited for re-homing (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats (incl. feral)</li> <li>• Dogs</li> </ul>	NA	NA	NA	NA	NA	12 42 <b>54</b>	21 32 <b>53</b>
<b>* Euthanased – Unable to re-home (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	131 136 <b>267</b>	65 42 <b>107</b>	0	0
<b>* Euthanased – Due to illness/disease/injury (Does not include dangerous or restricted dogs)</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>	NA	NA	NA	14 22 <b>36</b>	27 17 <b>44</b>	26 10 <b>36</b>	12 14 <b>26</b>
Total animals euthanased as a % of animals arriving at the ACF over the period (including Restricted, Dangerous, Ill, Diseased)	<b>390/669 = 58%</b>	<b>324/657 = 49%</b>	<b>353/557 = 63%</b>	<b>318/985 = 32%</b>	<b>181/1015 = 18%</b>	<b>110/918 = 12%</b>	<b>111/1220* = 9%</b>
Animals euthanased (not including Restricted, Dangerous, Ill, Diseased)	NA	NA	346/557 = 62%	267/985 = 27%	107/1015 = 11%	54/918 = 6%	53/1220* = 4%

**6.8 Operational Activities and Trends Associated with the Animal Care Facility (contd)**

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<b>Animals died at ACF</b> <ul style="list-style-type: none"> <li>• Cats</li> <li>• Dogs</li> </ul>			5	11	4	5	1
			5	9	3	5	3
			<b>10</b>	<b>20</b>	<b>7</b>	<b>10</b>	<b>4</b>

**ATTACHMENTS**

*Nil.*

## **6.9 Central Coast Tourism Inc - Update**

---

TRIM REFERENCE: F2004/07096 - D02889964

AUTHOR/MANAGER: Garry McLachlan; Manager Business Development

### **SUMMARY**

Reporting on the July to September 2011 quarterly report on Central Coast Tourism Inc.

### **RECOMMENDATION**

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

On 1 September 2010 a Memorandum of Understanding between Wyong Shire Council and Central Coast Tourism was signed by the Chief Executive officers of both organisations.

Central Coast Tourism has now provided a report for the October 2011 quarter of progress against actions in the destination Management Plan and the deliverables in the MOU.

The July to September report identified that the deliverable to provide a commitment to the tourism strategy for the Northern part of the Shire required further attention. Over the past quarter CCTI has been an active working partner on the Disability Tourism Precinct and recently produced a brochure promoting the concept. CCTI has also had a closer working relation with Greater Toukley Vision, supporting that group on a number of projects undertaken.

During this quarter CCTI have also assisted with securing the N.S.W. Country Rugby Union Championships and the SEGRA conference to be held at Terrigal.

### **ATTACHMENTS**

- 1 Central Coast Tourism Inc. October to December 2011 Wyong Council Report Enclosure D02889988

## 6.10 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02897712

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** \*January 2012 \$109m

**Value of works Complete** \*January 2012 \$115.3m

**Approved Budget** \$120.6m

<b>Overall Construction Status (excluding Commissioning)</b>	<b>Completion Date:</b> February 2012	<b>% Work Complete:</b> 99%
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\*December/January accruals not finalised,

### Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
<b>Milestone 1:</b>		February 2012	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%

## 6.10 Mardi to Mangrove Link Project Status (contd)

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%

<b>Milestone 2:</b>		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
<b>Milestone 3:</b>		27 February 2012 *	75%
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.
  - 42/56 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.
  - Ongoing monitoring of siltation controls at Ingram property.
- 

### **Major Achievements / Issues**

Note: Minor Wyong river extractions during commissioning of WP02.

- Work Package 1: Work on this package has been completed.
- Work Package 2: Work on the Wyong River Pump Station has also been effectively completed. During the commissioning / testing process there have been identified issues with the Knife gate valves and intake mains. JH have rectified the Knife gate valves however the intake mains still require treatment. JH have advised that they are working to resolve this issue; any rectification will be completed after commissioning. Commissioning of WP02 is in the process of being completed.
- Work Package 3: Work on this package has been completed. JH have attempted to pig WP03. JH have failed to complete 100% of the required main length. The pig was retrieved approx 98% from the end of the main where it entered the break tank. MMLP are instructing JH to re-pig the main until 100% of the main has been pigged.

## 6.10 Mardi to Mangrove Link Project Status (contd)

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- 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 has identified issues with pumps and valves which are being rectified by the contractor/supplier. These issues are still ongoing.
- Work Package 7: Construction of the pipeline is now completed. All the hydrostatic pressure testing is complete, commissioning has now commenced.
  - Pigging of the main successfully completed.
- Work Package 18: Wyong River weir has now been completed.



WP 02 knife gate valves prior to installation  
(Work Package 2)

### ATTACHMENTS

*Nil.*

## **6.11 Outstanding Questions On Notice and Notice of Motions**

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TRIM REFERENCE: F2011/00027 - D02869823  
MANAGER: Lesley Crawley; Manager Corporate Governance  
AUTHOR: Susanna Gardiner; Councillor Services Officer

### **SUMMARY**

Report on outstanding Questions without Notice and Notices of Motion.

### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions On Notice and Notice of Motions.*

### **ATTACHMENTS**

- |   |  |           |           |
|---|--|-----------|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 8 February 2012 | Enclosure | D02872226 |
|---|--|-----------|-----------|



## **7.1 Answers to Question on Notice**

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TRIM REFERENCE: P2008/00677 - D02884073

MANAGER: Rob Fulcher; Manager Asset Management

AUTHOR: Steven McDonald; Transportation Engineer

### **7.1 Q28/11 - Dangerous Driveway on Ruttleys Road**

The following question was asked by Councillor Best at the Ordinary Meeting on 9 November 2011.

*“Mr General Manager, my question is to you. You will recall I raised a safety issue on another property on the same road at our last meeting, it has now been drawn to my attention that there is another even more dangerous driveway on this road. The site in question is at the model aero club, I am particularly concerned as I understand this land may be owned by Council. Please advise what Council can do with this gravel driveway, on an almost blind corner, to assist the safety of club members and the community at large?”*

The Central Coast Model Aero Club (CCMAC) is located on Reserve Trust land, of which Council is the trustee, at Doyalson North, opposite the Eatons Building Materials (EBM) site and adjacent to Centennial Mannering Colliery (CMC).

The access to the Club is located on the eastern side of Ruttleys Road, 110 metres north of the access into EBM and 45 metres south of the access into CMC. The access is located on the outside of a curve in the roadway and has unobstructed sight distance to the north. Sight distance to the south is obstructed by vegetation. Removal of an area of vegetation would facilitate unobstructed sight distance to the south. Drivers travelling north on Ruttleys Road have unlimited sight distance to stationary vehicles waiting to turn right into the model aero club.

Traffic volumes entering and exiting CCMAC are extremely low and there are few, if any, heavy vehicles accessing the site. The access to the site is gated and only opened on days when club members are flying. By comparison the EBM site is a commercial premises which attracts significantly more traffic and is serviced daily by articulated vehicles.

The access to EBM is located on the inside of a curve and has limited sight distance compared with the CCMAC access.

Crash data supplied by NSW Roads and Maritime Services indicates that there have been no crashes associated with the access into the CCMAC in the last 5 years.

Council has recently approved a detailed design for the upgrading of the access to CMC as recommended in a Road Safety Audit Report submitted with its recent development application for the continuation of mining. The design includes a channelised protected right turn lane, which has been extended to include the access to the CCMAC.

## **ATTACHMENTS**

*Nil.*

## **7.2 Answers to Question on Notice**

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TRIM REFERENCE: F2005/01615 - D02871751  
AUTHOR/MANAGER: Lesley Crawley; Manager Corporate Governance

### **7.2 Q39/11 - Future Questions on Notice and Councillor Business Updates**

The following question was asked by Councillor Symington at the Ordinary Meeting on 14 December, 2011:

*“Can staff ensure when future Questions on Notice are resolved by a Councillor Business Update that the Question on Notice be featured in the title?”.*

All staff involved with preparing and authorising Councillor Business Updates have been advised of the protocol.

## **ATTACHMENTS**

*Nil.*

8 February 2012

To the Ordinary Council Meeting

Councillor

## **8.1 Notice of Motion - Shared Pathways Strategy**

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TRIM REFERENCE: F2008/02128 - D02882039

AUTHOR: Sue Wynn; Councillor

Councillor Sue Wynn has given notice that at the Ordinary Council Meeting to be held on 8 February 2011 she will move the following Motion:

- "1 That Council devote ten per cent of its total operational road budget to the implementation of the Shared Pathways Strategy or other specific shared pathway projects, as determined by Wyong Shire Councillors.*
- 2 That Council devote ten per cent of the ten per cent to the maintenance of these Shared Pathways."*

### **RESOURCES**

Should Council resolve to devote 10% of the roads budget to the construction and maintenance of new shared paths then there will be a number of direct resource implications.

The current staff draft 2012/2013 roads budget inclusive of operational and capital expenditure and incorporating all sources of funds including capital grants and S94 funding is approximately \$41M (\$25M operational & \$16M Capital). This incorporates products including local roads, kerb and gutter, table drains, car parks, bridges, shared pathways, landscape maintenance, footpaths, and street lighting.

The construction of shared pathways comes from Councils capital works budget. The current staff draft 2012/13 roads capital budget is \$16M. The staff draft shared pathway capital budget in 2012/2013 is \$500K. In addition to this it is proposed to rollover the \$600K allocated within the 2011/2012 budget to 2012/2013 to renew the Saltwater Creek shared pathway bridge to take advantage of funding from NSW Roads and Maritime. This will effectively provide for \$1.1M in revenue funding towards shared pathway infrastructure in 2012/2013 or 6.9% of the draft roads capital works budget.

NSW Roads & Maritime annually offer grants towards the provision of shared pathways on a 50/50 funding arrangement. Council has been very successful over the years accessing these grants however funds are limited and may not match any corresponding revenue funding increase from Council. This was highlighted this current financial year when Council increased the shared pathway budget but was not successful in receiving matching funding for the replacement of two shared pathways timber bridges. This resulted in the proposed deferment, under the guidance of NSW Roads & Maritime, of the Saltwater Creek shared pathway bridge to 2012/2013 to take advantage of future grant funding opportunities.

The anticipated budget for shared pathways in 2012/2013 inclusive of revenue and anticipated grant funding to \$1.6M or 10% of the roads related capital works budget.

## **8.1 Notice of Motion - Shared Pathways Strategy (contd)**

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Councils Shared Pathway Strategy Action Plan identified 10 priority projects. To complete all 10 projects a budget allocation of \$1.5M is estimated. Allocation of \$1M in 2012/2013 towards the construction of new shared pathways will therefore enable the 2012/2013 completion of a large proportion of the priority projects identified in Councils Shared Pathway Strategy Action Plan.

It should be noted that the allocation of significant funding towards the construction of new shared pathways is not consistent with Council's adopted asset management strategy of:

- giving priority to asset renewals over new work
- setting an asset sustainability ratio and asset renewal funding ratio of not less than 50% and 100% respectively to ensure our asset portfolio is affordable and sustainable
- considering future whole of life costs before committing to build new assets
- maintaining a balance between Council operations, new assets and existing assets

8 February 2012

To the Ordinary Council Meeting

Councillor

## **8.2 Notice of Motion - Shirewide Wildlife Corridor System**

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TRIM REFERENCE: F2005/00562 - D02890310

AUTHOR: Sue Wynn; Councillor

Councillor Sue Wynn has given notice that at the Ordinary Council Meeting to be held on 8 February 2012 she will move the following Motion:

- "1 That Council develop a wildlife corridor strategy for Wyong Shire to protect significant wildlife corridors and linkages from the ocean to the mountains.*
- 2 That the outcome of this strategy is to establish a Shire wide system of contiguous corridors for wildlife from the ocean to the mountains. A significant portion of which is already identified in the NSW State Government's draft North Wyong Shire Structure Plan.*
- 3 That Council examine the best suite of conservation incentives to secure conservation outcomes across different land tenures where major wildlife corridors occur.*
- 4 That Council also advocate for and seek cooperation with other levels of Government in this quest.*
- 5 That, in conjunction with the development of a wildlife corridor strategy for Wyong Shire, Council embark on an education programme to inform the Shire's residents of the importance of these corridors and the positive outcomes for all that will be achieved by creating them."*

### **RESOURCES**

It is considered that the implementation of recommendations 1 and 3 form part of the completion of the Natural Resources Sustainability Strategy (Recommendation 3) and the development of the Biodiversity Management Plan which is included in the Environment and Natural Resources Business Plan for 2012/2013 (Recommendation 1). Therefore, the implementation of Recommendations 1 and 2 of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. This is based on the reallocation of two existing Fte's from other business units within Environment and Planning Services Department.

In relation to recommendation 5, the Communications team can inform residents of these corridors through existing strategies, such as Shirewide and the website, however there are no existing resources available to implement an education program on this issue.

8 February 2012

To the Ordinary Council Meeting

Councillor

### **8.3 Notice of Motion - Mayoral Invitations Procedures**

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TRIM REFERENCE: F2004/00542 - D02898334

AUTHOR: Sue Wynn; Councillor

Councillor Sue Wynn has given notice that at the Ordinary Council Meeting to be held on 8 February 2012 she will move the following Motion:

*“That Council include in its policy of Mayoral functions and procedures, the following;*

- a When the Mayor is either unable or unwilling to attend a function or any event to which they have been invited that the Deputy Mayor be offered the first refusal for the function or event.*
- b In the event the Deputy Mayor is also unable or unwilling to attend then the Mayor distribute the functions or events to the remaining Councillors in an open, fair and equitable manner.”*

#### **RESOURCES**

This protocol would be managed by the Mayor’s office.

## **8.4 Notice of Motion - Fast Tracking Warnervale Road**

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TRIM REFERENCE: F2004/07773 - D02883218

AUTHORS: Greg Best; Councillor

Doug Eaton; Councillor

Councillors Greg Best and Doug Eaton have given notice that at the Ordinary Council Meeting to be held on 8 February 2012 they will move the following Motion:

- "1 That Council note its current commitment of \$2.08M commitment to the reconstruction of Minnesota Road and the upgrade of Louisiana Road.*
- 2 That Council consider as a matter of urgency, all options to fast track the total reconstruction of the former rural road, now urban highway, known as Warnervale Road.*
- 3 That Council support in principle and encourage staff to thoroughly investigate the recently announced state government "infrastructure renewal scheme" which seeks to assist councils to fast track critical infrastructure projects.*
- 4 That Council list this important strategic infrastructure program as a matter of urgency for discussion and consideration at Council's upcoming annual budgetary and strategic planning workshop."*

### **RESOURCES**

- The estimated cost of works committed in 2011/2012 for the design and construction of stage 1 of Minnesota Road (\$1.8M) and the completion of pavement works on Louisiana Road (\$280K) is \$2.08M. The completion of Stage 2 of Minnesota Road, at an estimated cost of \$4M, will be subject to approval as part of the 2012/2013 budget process.
- The design for Warnervale Road is completed, signed and approved. It aims to provide 1 in 100 year flood free access along Warnervale Road for cars and school children. It includes 400m of roadwork, cycleway and associated flood levees between Ebony Drive and Monarch Drive. The waterway structure is 19m wide and 30m long structure made up of 7 box culverts. The road levels are to be raised by up to 1m and is designed to act as a weir in extreme floods in excess of 1 in 100 year average recurrence interval.
- Construction duration is estimated at 30 weeks at a cost of \$3.2M.
- Relocation of public utilities (water mains, gas mains, power poles, underground power, telecommunications) is likely to take 6 months to complete (by others) before construction work can commence.

#### **8.4 Notice of Motion - Fast Tracking Warnervale Road (contd)**

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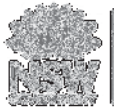
- The Review of Environmental Factors is presently being assessed by the Planning Section.
- If confirmed by Council by March 2012 then the project could be at or near completion by the end of the 2012/13 financial year, subject to the \$3.2M funding being made available by Council.

#### **COUNCILLOR NOTE:**

Attached is Minister Pages media releases background to assist Councillors in their consideration of this matter.

1 DLG Circular 12-01 - Local Infrastructure Renewal Scheme Guidelines D02899180





Premier & Cabinet  
Division of Local Government

# Circular to Councils

Circular No. 12-01  
Date 6 January 2012  
Doc ID: A26246

Contact LIRS Project Manager  
02 4433 4100  
[lir@dlg.nsw.gov.au](mailto:lir@dlg.nsw.gov.au)

## LOCAL INFRASTRUCTURE RENEWAL SCHEME GUIDELINES

I am pleased to advise that the NSW Government's Local Infrastructure Renewal Scheme (LIRS) Guidelines have been released and are now available for download from the 'Publications' page of the Division of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

The NSW Government's NSW 2021 State Plan has a goal to invest in critical infrastructure. To achieve this, the NSW Government has committed to implementing a Local Infrastructure Backlog Policy, which comprises the following elements:

### 1. Council by council audit of local infrastructure backlog

The Division of Local Government is undertaking an audit of each council's local infrastructure backlog to provide better information on investment needs.

The infrastructure backlog audit is based on councils' 10-year Asset Management Plans, prepared under the Integrated Planning and Reporting (IP&R) framework, and data included in councils' annual financial reports. The audit is being undertaken in stages from 2011 to 2014 as councils commence under the IP&R Framework.

### 2. Local Infrastructure Renewal Scheme

The Local Infrastructure Renewal Scheme (LIRS) provides the opportunity for councils to access interest subsidies for the purpose of funding legitimate infrastructure backlogs.

The LIRS will provide a 4% interest subsidy to assist councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

The LIRS is being administered by the Division. Applications will be assessed by an Assessment Panel comprising an Independent Chair and representatives from the Division, NSW Treasury and the Department of Planning and Infrastructure.

Division of Local Government  
5 O'Keefe Avenue NCNRA NSW 2541  
Locked Bag 9013 NCNRA NSW 2541  
T 02 4433 4100 F 02 4433 4100 TTY 02 4433 4205  
e [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) w [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) au 02 937 828 135

2

The Guidelines provide detailed information on the eligibility requirements and the assessment criteria for projects to enable councils to consider these before deciding whether to apply for LIRS assistance. Further information to assist councils to make an application will be provided to those councils that notify the Division that they intend to apply, in line with the following timetable.

Item	Date
Pre-notification by councils of their intention to lodge an application	10 February 2012
Application closing date	30 March 2012

### 3. NSW Treasury Corporation financial assessment and benchmarking

NSW Treasury Corporation (TCorp) is establishing a system for financial assessment and benchmarking of NSW councils' financial position. The purpose of the assessment is to assist councils' asset acquisition and investment management strategies, including providing advice on their capacity to utilize debt when appropriate.

Councils that apply for assistance under the LIRS will be required to have a TCorp assessment completed. However, all councils are encouraged to undergo an assessment.

Further information on the TCorp process can be obtained by contacting Mr Kevin Pugh, Senior Manager Corporate Finance, NSW Treasury Corporation, by email to [kevin.pugh@tcornsw.gov.au](mailto:kevin.pugh@tcornsw.gov.au) or by telephone on (02) 9225 9257.

Councils are encouraged to take advantage of the opportunity to receive financial support from the NSW Government to assist them to invest in infrastructure backlog projects that have been identified in their long-term community, asset management and financial planning to improve the services provided to the community.

For further information on LIRS, please contact the Division's LIRS Project Manager on telephone 4422 4100.



Rose Woodward  
 Chief Executive, Local Government  
 A Division of the Department of Premier and Cabinet

## **8.5 Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver**

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TRIM REFERENCE: F2004/00552 - D02898458

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHORS: Greg Best; Councillor

Lynne Webster; Councillor

Councillors Greg Best and Lynne Webster have given notice that at the Ordinary Council Meeting to be held on 8 February 2012 they will move the following Motion:

- “1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of section 94 contributions for secondary dwellings, (i.e. granny flats).
- 3 That Council support in principle this initiative thereby establishing a regional approach to affordable housing.
- 4 That Council direct the General Manager to provide a report on the initiative including a detailed analysis of key issues and in particular, budgetary impacts.
- 5 That Council receive the report in a timeframe for inclusion in the 2012/13 Annual Plan.”

### **DIRECTOR, ENVIRONMENT AND PLANNING SERVICES - BACKGROUND INFORMATION**

#### **1 Gosford City Council Policy**

- Gosford Council made the decision on 6 September 2011 to waive Section 94 contributions for secondary dwellings with a floor space of less than 60 m<sup>2</sup>. This decision appears to have been made on a trial basis. The report to Council indicated that:

*“This position (the waiving of Section 94 contributions on secondary dwellings), however, should be monitored and if it is found that the data supports either the community benefit of collecting income towards community infrastructure or the community benefit of an increase in this type of housing due to not having to pay the levy this should be considered in the broader review of the CP's and brought back to Council for consideration and determination.”*

## 8.5 Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver (contd)

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Clearly, there remains unanswered questions in relation to the decision Gosford Council has made, which is reflected in its report:

*“Secondary dwellings may also impact on the rationale and basis for levying s94 contributions as they have the potential to result in land not being developed to the anticipated population density within the contributions plan resulting in a shortfall in the expected contributions to be received. If this is the case Council may have to fund the difference to ensure the infrastructure outlined in the contributions plans is delivered to the community and consider alternative options to meet the population targets set out in the Central Coast Regional Strategy. There is insufficient data at this time to quantify the likely impact on s94 contributions and anticipated population within the contributions plans. However this can be monitored and analysed in the future review of the contributions plans.”*

It should be noted that Gosford Council still requires water and sewer contributions to be paid in respect of secondary dwelling proposals, as does Wyong, which generally constitute about 30% of total development contributions.

### 2 **Section 94, and Imposition of Contributions on Applications for Granny Flats**

- Council policy currently does not distinguish between dual occupancy developments, granny flats, secondary dwellings etc when assessing development contributions.
- The quantum of contributions is determined on the number of rooms capable of being used as bedrooms. This methodology attempts to relate contributions to the net population increase, which determines demand for community infrastructure.
- Section 94 contributions are generally applied to development applications lodged for granny flats in all parts of the Shire.

### 3 **SEPP (Affordable Housing)**

- SEPP (Affordable Rental Housing) 2009 provides a fast track process for the approval of secondary dwellings. Clause 23 of SEPP (Affordable Housing) 2009 provides that a secondary dwelling is complying development where it meets the requirements of the SEPP including, that it is located in residential zone, the floor area is not greater than 60m<sup>2</sup> and the lot size is greater than 450m<sup>2</sup>:
- There are no exemptions provided for Section 94 contributions under the SEPP. The Dept of Planning & Infrastructure Fact Sheet for the SEPP titled "*Supporting secondary dwellings (granny flats)*" specifically states:

*"The AHSEPP does not affect the levying of development contributions under section 94 of the Environmental Planning and Assessment Act 1979."*

## 8.5 Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver (contd)

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- However, (and this is part of the complexity), Section 94 contributions are not imposed on complying development certificates for secondary dwellings in the Warnervale, Toukley, The Entrance and the Wyong Contributions Plan areas. This is because:

*“Section 94EC of the EP&A Act requires contributions plans to specify whether or not an accredited certifier must impose a section 94 or 94A contribution. The required provision has not yet been inserted into the above mentioned plans.”*

### 4 **Section 94A Contributions**

- The Section **94A** (separate to S94) Plan applies to all development where a Section 94 plan does not apply. Thus, a complying development certificate for a secondary dwelling in the Warnervale, Toukley, The Entrance and the Wyong Contributions plan areas will be subject to a Section 94A contribution.
- Legislation prevents S94A being levied on development where the previous/original subdivision paid S94 contributions. In the case of Wyong Shire, this means that Section 94A contributions cannot be applied to developments in residential areas subdivided after 1981.
- Section 94A does not apply to modest dwelling extensions, only those in excess of \$100k in value. Section 94A is intended to partially redress the current imbalance between those developments that have and will pay for community infrastructure through Section 94 and the existing residents that benefit from such infrastructure without making a contribution. Section 94A permits Council to redress this inequity in a small way.

### **SUMMARY**

The legislation and different provisions applying to S94 and S94A are therefore very complex and of course confusing to the public. There are also some complexities and anomalies which are programmed to be reviewed by the Contributions Team over the next 12 months. The issues relevant to secondary dwellings and granny flats are intended to be addressed in conjunction with the Affordable Housing Strategy, the preparation of which has recently commenced. As part of this review, Council will need to consider:

- The equity of allowing one form of residential development an exemption over other forms;
- The ability of Council to subsidise such development;
- The equity of waived contributions being capitalised into the value of land that can be realised by the owner at the time the subject property is sold;
- The impact on the optimisation of land to accommodate projected growth

If the review recommends changes to the way secondary dwellings are treated in terms of contributions, the relevant Contributions Plan will need to be amended, following a statutory process including public consultation and approval from IPART.

**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.

8 February 2012

To the Ordinary Council Meeting

Councillor

## **8.6 Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works**

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TRIM REFERENCE: F2004/07773 - D02898351

AUTHOR: Bill Symington; Councillor

Councillor Bill Symington has given notice that at the Ordinary Council Meeting to be held on 8 February 2012 he will move the following Motion:

- "1 That Council request staff from the appropriate State Government department(s), ongoing approval for part five assessments which fall into the category of repeat or regular maintenance works."*
- 2 That Council direct the General Manager to provide a report, to accompany the above request, indicating the costs and resources utilised in the preparation of these submissions and the unnecessary waste of ratepayer funds."*

### **COUNCILLORS NOTE**

Staff currently have to submit an individual part five assessment application for several ongoing maintenance item works that are conducted on a regular basis, such as placing new sand each season to the foreshore of lakeside swimming locations and for the ongoing removal of accumulated weed, as required from allocated swimming areas adjacent to designated foreshore recreation areas.

This not only is a costly exercise, where in some instances the submission is more expensive than the actual works, but creates unnecessary delays and creates a residents perception that Council are either unable or unwilling to respond to legitimate community requests.

### **RESOURCES**

There are a number of pieces of related legislation involved as concurrence and licensing authorities for the types of works mentioned above. The Part 5 approval process for these types of activities therefore involves obtaining approvals from authorities, including Fisheries, Maritime Services, Office of Environment and Heritage and others.

Advice from Council's General Counsel is that the relevant legislation contains no provisions to enable the ongoing approval referred to in Recommendation 1.

It is therefore difficult to assess the resource required to implement the NOM. Whilst a series of letters could be written to each relevant authority (and this process could be undertaken by existing staff) any additional intervention and follow up in an effort to obtain the ongoing approvals mentioned above, could involve a significant resource allocation which is unlikely to achieve a positive outcome.

8 February 2012

To the Ordinary Council Meeting

Councillor

## **8.7 Notice of Motion - Tree Vandalism Norah Head**

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TRIM REFERENCE: F2012/00194 - D02898704

AUTHOR: Bill Symington; Councillor

Councillor Bill Symington has given notice that at the Ordinary Council Meeting to be held on 8 February 2012 he will move the following Motion:

- "1 That Council note with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.*
- 2 That Council direct the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.*
- 3 That Council direct the General Manager to include in the report the possibility and capacity of Council to erect and maintain, a "view blocking" barrier to stay in place until such time as new trees reach the height of those poisoned."*

### **RESOURCES**

A range of staff across the organisation are already involved in following up and investigating the vandalism that has occurred at Norah Head. The actions referred to in Recommendation 2 are already being implemented and Recommendation 3 is being investigated. The resources involved in this implementation are as follows:

- Legal advice being provided by the General Counsel (and potential future involvement should a prosecution proceed).
- Co-ordination of the investigation by Compliance and Regulation Unit.
- Expert technical advice being provided by Council's Arborist.
- Advice from the Open Space Unit as "owner of the reserve" (and responsibility for the erection of any future barrier and/or the replacement of the damaged trees).
- Co-ordination by the Director, Environment and Planning Services.

In summary, the resources required to manage this single occurrence is significant.



8 February 2012

To the Ordinary Council Meeting

Councillor

## **8.8 Notice of Motion - Criminalisation of the Act of Burning the Australian Flag**

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TRIM REFERENCE: F2012/00189 - D02898473

AUTHORS: Greg Best; Councillor  
Doug Eaton; Councillor

Councillors Greg Best and Doug Eaton have given notice that at the Ordinary Council Meeting to be held on 8 February 2012 they will move the following Motion:

*“That Council seek the support of the National Assembly of Local Government by way of a formal notice of motion to its forthcoming June Congress calling on the Federal government to urgently legislate against the disgraceful and unpatriotic act of burning or desecration of the Australian flag.”*

### **RESOURCES**

The submission will be managed within existing staff resources.