



These extraordinary women at Council's Reconciliation Week event: the CEO of The Eleanor Duncan Aboriginal Health Centre, Catherine Sinclair, Aboriginal Education Assistant for Wyong High School, Bronwyn Chambers, and Executive Officer at Bungree Aboriginal Association Beverly Simon personify this year's theme: 'see the person and not the stereotype'

# ORDINARY MEETING

10 June 2009



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# MEETING NOTICE

The **ORDINARY MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber**,  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 10 JUNE 2009** at **5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

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

Kerry Yates  
**GENERAL MANAGER**

## **1.1 Disclosure of Interest**

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TRIM REFERENCE: F2009/00008 - D01917425

AUTHOR: ED

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 Inspections

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TRIM REFERENCE: F2009/00008 - D01917848

AUTHOR: MR

### SUMMARY

Inspections held on 3 June 2009 are listed below.

Date of Inspection	Location	Requested By
3 June 2009	Fisherman's Wharf, The Entrance	Director Shire Services and Shire Planning
3 June 2009	TA/218/2008, Section 82A Removal of Tree at 10 Moronga Street, Bateau Bay	Director Shire Planning
3 June 2009	DA 1009/2008, Aged Care Facility 595-635 Pacific Highway, Kanwal	Director Shire Planning
3 June 2009	Roads and Drainage Rolling Works Program	Director Shire Services

### RECOMMENDATION

*That Council receive the report on Inspections.*

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

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TRIM REFERENCE: F2009/00008 - D01917898

AUTHOR: SW

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 27 May 2009.

#### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 May 2009.***

#### **ATTACHMENTS**

- 1 Minutes of Ordinary Meeting held on 27 May 2009      D01923451

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 27 MAY 2009,  
COMMENCING AT 5.01 PM**

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT AND L D WEBSTER.

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND TWO ADMINISTRATION STAFF.

MANAGER CONTRACTS, MANAGER FINANCE, MANAGER LEGAL AND POLICY, ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, SENIOR TRANSPORTATION ENGINEER, CONTRACTOR CONTRACTS AND CULTURAL PLANNER.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.01 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK DELIVERED THE OPENING PRAYER AND READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR WYNN AS SHE WAS REPRESENTING WYONG COUNCIL IN CANBERRA IN REGARD TO COAL MINING IN THE VALLEYS.

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

***That the apology be accepted and leave of absence from the meeting be granted.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 1.4, 5.1, 2.1, 7.2 AND 6.1 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.



## **1.1 Disclosure of Interest**

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### **4.2 CPA 158914 - MANAGEMENT OF TOUKLEY AQUATIC CENTRE, WYONG OLYMPIC POOL, THE ENTRANCE OCEAN BATHS AND / OR LAKE HAVEN RECREATION CENTRE**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF WYCRA WHO ARE INVOLVED IN BINGO OPERATIONS WITH LEISURECO, ONE OF THE TENDERERS. HE ELECTED TO TAKE NO PART IN THE DISCUSSION OR VOTING AND TO REMOVE HIMSELF FROM THE CHAMBER DURING CONSIDERATION OF THIS ITEM.

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

***That the report on Disclosure of Interest be received and advice of disclosure noted.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

## **1.2 Proposed Inspections**

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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.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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

---

***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 13 May 2009.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

## **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**1.4 Address By Invited Speakers**

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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

---

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

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:**
  - 11.1 Contract CPA 160553 – Supply and Delivery of Drainage Gravel for Bateau Bay Landfill Site**
- 2 That Council note its reason for considering Report No 9.1 as it may confer a commercial advantage (Section 10A(2)(c)) should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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

**That standing orders be varied to enable item 7.2 Minutes – Gosford-Wyong Councils' Water Authority Board Meeting – 20 May 2009 to be considered.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

### **3.1 Wyong Shire Cultural Centre Business Plan and Location**

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

- 1 That Council rescind Points 2 and 5 of its resolution of 26 August 2006 regarding the location of a Performing Arts Centre at River Road and the commencement of a process for the appropriate disposal of the Memorial Hall on a commercial sale.**
- 2 That Council approve the Memorial Hall site and neighbouring property as owned by Council, as the preferred location for the Wyong Shire Cultural Centre.**
- 3 That Council approve the purchase of services by tender in accordance with budget to complete sketch designs and development application for the Wyong Shire Cultural Centre (ie Stage II of the Cultural Centre project). That the design incorporate all potential staging options for the project and the construction value of the initial stage of the project be in order of \$10-\$15m.**
- 4 That Council pursue liaison with Gosford City Council to enable the development of a Central Coast Regional Cultural Strategy during Stage II.**
- 5 That Council adopt amended Option B as the preferred model for a Working Party from the options proposed with the Mayor to Chair and all interested Councillors to participate in the Working Party.**
- 6 That the development of a Central Coast Regional Cultural Strategy be submitted as an agenda item at the next Joint Councils Meeting.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

### **3.2 Request for Nominations - Joint Regional Planning Panels**

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

**That Council nominate the following persons to be members of the Hunter Joint Regional Planning Panel:**

- a Councillor Eaton and alternate Councillor Symington;**
- b Ms Gina Vereker – Director, Shire Planning,**
- c Mr Martin Johnson – Manager, Legal and Policy Unit as Council’s Alternate Nominee.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**4.1 Contract Variations - April 2009**

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

***That Council note the variations to contracts (Attachment 1).***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**4.2 CPA 158914 - Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and/or Lake Haven Recreation Centre**

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COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF WYCRA WHO ARE INVOLVED IN BINGO OPERATIONS WITH LEISURECO, ONE OF THE TENDERERS, LEFT THE CHAMBER AT 6.27 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.28 PM.

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

- 1 That Council accept Tender number 5 from the YMCA of Sydney in the extended Schedule of Rates amount of \$462,882.36 (excl GST) in the first year, and an estimated \$1,261,375.00 (excl GST and CPI increases) over three years.**
- 2 That Council approve an annual contract budget of \$510,000.00 (excl GST and CPI adjustments) that provides for an annual contingency amount of \$47,000.00 (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, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

## **5.1 Shire Strategic Vision (SSV) Community Engagement**

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MR ALLEN ARKINS, CHAIRMAN REPRESENTING SHIRE STRATEGIC VISION COMMUNITY LIAISON COMMITTEE, ADDRESSED THE MEETING AT 5.06 PM, ANSWERED QUESTIONS AND RETIRED AT 5.11 PM.

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

- 1 That Council undertake a comprehensive program of community engagement in respect of the SSV document from 1 June 2009 until 27 July 2009.**
- 2 That the results of the community engagement be reported to Council.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

## **5.2 Temporary Food Stall Fees**

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COUNCILLOR BEST LEFT THE CHAMBER AT 6.30 PM AND RETURNED TO THE CHAMBER AT 6.32 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

**That Council approve the immediate application of a \$70.00 fee for a single event "Approval to Operate" food stall.**

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

## **5.3 Kulnura Pioneer Memorial Hall**

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COUNCILLOR BEST LEFT THE CHAMBER AT 6.30 PM AND RETURNED TO THE CHAMBER AT 6.32 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council appoint a Committee in terms of Section 355 of the Local Government Act, to assume the care, control and management of the Kulnura Pioneer Memorial Hall.**
- 2 That Council invite nominations for appointment to the Kulnura Pioneer Memorial Hall 355 Committee.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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**5.4 Goods and Services Tax Compliance**

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

- 1 That Council authorise the signing of the Goods and Services Tax Compliance Certificate for the period 1 May 2008 to 30 April 2009 by the Mayor, Deputy Mayor, General Manager and Director Corporate Services and submit to NSW Department of Local Government before 1 June 2009.**
- 2 That Council exempt this from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00 am on 28 May 2009.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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**5.5 Determination of Water Supply, Sewerage and Drainage Charges for 2009-10**

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COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.45 PM AND RETURNED TO THE CHAMBER AT 6.47 PM DURING CONSIDERATION OF THIS ITEM.

AT THIS STAGE OF THE MEETING 6.47 PM COUNCIL SUSPENDED CONSIDERATION OF THIS ITEM.

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

- 1 That Council (as the Water Supply Authority) determine the service charges as set out in Attachment 1.**
- 2 That Council determine \$63,583,000 as the estimated amount of money to be raised by way of the services charges set out in Attachment 1.**
- 3 That Council classify land for the purpose of levying services charges set out in Attachment 1 according to the following factors:**
  - a whether the land is residential or non residential;**
  - b where the land is residential, by the intensity of the use of the land; and**
  - c the nature and extent of the water or sewerage services connected to each individual allotment.**
- 4 That Council determine that service charges shall be levied in accordance with the charges set out in Attachment 1.**

FOR: COUNCILLORS GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: COUNCILLORS BEST AND EATON.

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**5.6 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$4,030 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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**5.7 Closed Circuit Television - Toukley**

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

- 1 That Council note the Community Safety Audit Action Plan.**
- 2 That Council prepare a suitable funding application in partnership with key stake holders in anticipation of applying for Federal or State funds when available.**
- 3 That Council staff approach major new developments in the greater Toukley business districts with a view to seeking their assistance in supporting the community CCTV in tandem with their commercial CCTV systems.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

AT THIS STAGE OF THE MEETING 7.07 PM COUNCIL RESUMED CONSIDERATION OF ITEM 5.5 DETERMINATION OF WATER SUPPLY, SEWERAGE AND DRAINAGE CHARGES 2009-10.

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**5.8 Pacific Highway/Burns Road Connection, Ourimbah**

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

- 1 That Council support the RTA proposal for the construction of a connector road linking Burns Road to the "Old" Pacific Highway at Ourimbah.**
- 2 That Council accept the new connector road linking Burns Road to the "Old" Pacific Highway as a "local road" under Council's maintenance responsibility upon completion of the Construction Works.**

- 3 ***That Council not agree to contribute to the works referred to in Recommendation 1 with the exception of a part contribution to the cost of the kerb and gutter works immediately adjacent to the "Big Flower" retail nursery.***
- 4 ***That Council carry out low cost improvement works to the Burns Road/Chittaway Road intersection.***
- 5 ***That Council apply for relevant grants to undertake the improvement works to the Burns Road/Chittaway Road intersection.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

#### **5.9 2008-09 Management Plan - March 2009 Quarter Review**

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

- 1 ***That Council receive and note the report.***
- 2 ***That Council approve and endorse budget amendments proposed in this report in accordance with the March Quarter Review – 2008-09 Management Plan.***
- 3 ***That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

#### **5.10 Remuneration of Independent Members of Governance Committee**

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

***That Council approve the proposed basis for setting the remuneration of the independent members of the Governance Committee with effect from 1 July 2009.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.



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

***That standing orders be varied to enable item 6.1 to be considered.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**6.1 Current Funding Agreement Between Wyong Shire Council and Central Coast Tourism Incorporated (CCTI)**

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

**1 That Council in considering adoption of the 2009-10 Management Plan, consider amending it so that the \$175K allocated to CCTI be reallocated to a program providing for project funding, relating to tourism marketing and promotions, that generates significant employment opportunities.**

**2 That Council staff report on the implementation of this resolution.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**7.1 Minutes - Wyong Shire Governance Committee Meeting - 13 May 2009**

---

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

**1 That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 13 May 2009 and adopt the recommendations contained therein.**

**2 That Council appoint the Mayor and two Councillor Delegates and an Alternate Delegate to the Wyong Shire Governance Committee.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

THE MAYOR CONDUCTED AN ELECTION USING THE OPEN VOTING METHOD TO DETERMINE THE DELEGATES AND ALTERNATE DELEGATE TO THE WYONG SHIRE GOVERNANCE COMMITTEE.

FOLLOWING THE ELECTION THE MAYOR DECLARED COUNCILLOR SYMINGTON AND COUNCILLOR WYNN AS APPOINTED DELEGATES AND COUNCILLOR VINCENT AS AN ALTERNATE DELEGATE TO THE WYONG SHIRE GOVERNANCE COMMITTEE.

**7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 20 May 2009**

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MR DENNIS COELLI, RESIDENT, ADDRESSED THE MEETING AT 5.41 PM, ANSWERED QUESTIONS AND RETIRED AT 5.43 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.27 PM AND RETURNED TO THE CHAMBER AT 5.29 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 20 May 2009 and adopt the recommendations contained therein.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.1 Information Reports**

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

***That with the exception of report number 8.2 the information reports be received and the recommendations adopted.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.2 "E" Coal Poll**

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

- 1 That Council receive the report on "E" Coal Poll.**
- 2 That Council engage a suitably qualified polling organisation to conduct a statistically valid community poll to determine the community's views in regards to the Kores Long Wall Coal mining proposal.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, SYMINGTON AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

**8.3 Activities of the Development Assessment Unit**

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.4 Results of Water Quality Testing for Beaches and Lake Locations**

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.5 General Works in Progress**

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

***That Council receive the report on General Works in Progress.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.6 Annual Water Supply and Sewerage Performance Reporting**

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

***That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.7 Water and Sewerage - Works in Progress**

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**8.8 Outstanding Questions Without Notice and Notices of Motion**

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

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**10.1 Notice of Motion - Support for Council Law Enforcement Officers**

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

- 1 That Council write to all local State Members of Parliament, urging them to support the Crimes (Sentencing Procedure) Amendment (Council Law Enforcement Officers) Bill 2009.**
- 2 That Council conduct a PR campaign in support of the work their members do on behalf of Councils and their communities.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**10.2 Notice of Motion - Planning Agreements Policy**

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COUNCILLOR McNAMARA LEFT THE CHAMBER AT 7.53 PM AND RETURNED TO THE CHAMBER AT 7.54 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council formulate a policy on accepting planning agreements as an alternative to Section 94 Contributions to aid in flexibility for development and economic outcomes in current times.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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**10.3 Notice of Motion - Improved Communication Protocols**

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COUNCILLOR McNAMARA LEFT THE CHAMBER AT 7.53 PM AND RETURNED TO THE CHAMBER AT 7.54 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council amend its Facilities and Expenses Policy for Councillors to include the provision of a wireless portable modem to allow internet / email usage of laptops away from home / Council.**
- 2 That Council publicly exhibit this amendment as required by legislation.**
- 3 That Council offer this modem to senior staff.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

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**10.4 Notice of Motion - Local Employment Preference Policy**

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COUNCILLOR EATON AND GRAHAM WITHDREW THEIR NOTICE OF MOTION.

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**10.5 Notice of Motion - Local Preference Policy**

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COUNCILLOR BEST LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.00 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council adopt a local preference policy to be included in the evaluation of tenders, quotations and Council procurement.**
- 2 That the potential impact of this criteria on stimulating the local economy and creating local jobs be evaluated.**
- 3 That a policy be prepared and submitted to Council for consideration.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**10.6 Notice of Motion - Federal Fast Tracking of Warnervale**

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

- 1 That with the community of the greater Warnervale district now in desperate need of the proposed Warnervale town centre and its supporting community infrastructure, Council through the assistance of Mr Craig Thomson the local Federal Member for Dobell, seek to access the Federal Government's nation building infrastructure funding initiatives with a view to fast tracking the commencement of this much needed new community infrastructure.**
- 2 That Council in partnership with the Federal Member seek a joint delegation to the Federal Minister for Infrastructure to lobby for Federal assistance.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: NIL.

**QUESTIONS WITHOUT NOTICE ASKED****Q034 - Status of the Kanwal Village carpark  
Councillor McBride**

*"Could Council staff please report on the current status of the Kanwal Village carpark in front of the pharmacy and video store? Could staff please indicate when the carpark is likely to be completed to allow safe access to the pharmacy and other businesses for local residents?"*

**Q035 - Organisational Structure  
Councillor Eaton**

*"The Local Government Act requires, I believe, Council to consider its structure within 1 year of the Council election. Can the General Manager advise when he intends to put this matter on the agenda?"*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 8.12 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 8.19 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**11.1 Contract CPA 160553 - Supply and Delivery of Drainage Gravel for Bateau Bay Landfill Site**

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- 1 That Council decline to accept any of the tenders received.**
- 2 That Council authorise the General Manager to enter into negotiations with John E Hogan Pty Ltd, Leckey's Pty Ltd, M Collins & Sons Pty Ltd, and Specialised Sand and Soil Pty Ltd with a view to entering into a contract for the supply and delivery of a fully conforming drainage gravel for the Bateau Bay landfill project.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.20 PM.

.....  
CHAIRPERSON



## **1.4 Address By Invited Speakers**

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TRIM REFERENCE: F2009/00008 - D01917856

AUTHOR: SW

### **SUMMARY**

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

### **RECOMMENDATION**

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

## **2.1 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2009/00008 - D01928286

AUTHOR: SW

### **SUMMARY**

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

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

### **RECOMMENDATION**

**1 That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2)(d)(ii) of the Local Government Act 1993:**

**12.1 CPA 160553 – Supply and Delivery of Drainage Gravel for the Bateau Bay Landfill Site**

**2 That Council note its reason for considering Report No 11.1 as it may confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)) should the discussions be held in a non-confidential environment.**

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

Note: Explanation - Section 10A of the Local Government Act 1993 states:

*"2(d) commercial information of a confidential nature that would, if disclosed:*

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the Council, or*
- (iii) reveal a trade secret,"*

### 3.1 Section 82A Review of Tree Application at 10 Moronga Street, Bateau Bay

TRIM REFERENCE: ta/218/2008 - D01907010

AUTHOR: IH

#### SUMMARY

An application under Section 82A of the Environmental Planning and Assessment Act 1979 (EP&A Act), has been received for removal of one tree from a residential block in East Bateau Bay. The application has been examined having regard to the matters for consideration detailed in section 79C of the EP&A Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Stephen Matthews
<b>Owner</b>	Mr S T Matthews and Mrs A L Matthews
<b>Application No</b>	TA/218/2008
<b>Description of Land</b>	Lot 8 Sec 16 DP 758063 10 Moronga St Bateau Bay
<b>Proposed Development</b>	Remove one tree
<b>Site Area</b>	638.6 m <sup>2</sup>
<b>Zoning</b>	2A residential
<b>Existing Use</b>	Single residential dwelling

#### RECOMMENDATION

- 1** *That Council not support the application under Section 82A and adhere to the previous decision to refuse the application for the reasons attached to the report.*
- 2** *That Council advise the applicant of the appropriate pruning of the tree.*

#### INTRODUCTION

An application for removal of one Blackbutt (*Eucalyptus pilularis*) was received on 5 May 2008 and subsequently refused under delegated authority on 28 May 2008. The reasons for refusal were that the tree was in good health and condition. However, it was recommended by staff that the minor deadwood in the canopy be removed and the weight of the branches, mainly on the southern side of the tree, be reduced. These recommendations were made to address the issues raised by the property owner in regard to the impact of the tree on their property.

A Blackbutt is identified as a culturally significant species in this location as noted in section 7.2.5 of Council's Development Control Plan 2005 (DCP), Chapter No. 14 – Tree Management.

The relevant aims of Chapter 14 Tree Management are:

- To ensure that proper consideration is given to trees and native vegetation in planning, designing and constructing development;*
- To minimise unnecessary injury to or destruction of trees and native vegetation;*
- To retain healthy individual trees of local amenity and aesthetic value; and*
- To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable.*

### 3.1 Section 82A Review of Tree Application at 10 Moronga Street, Bateau Bay (contd)

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The East Bateau Bay area has been recognised as an important example of Coastal Sand Blackbutt - Apple Forest (Bell 2002). It was included as an area under the Chapter 14 as a Tree of Cultural Significance. This is defined as plantings and remnant native trees of these species that are significant features of Wyong Shire's cultural landscape. These trees are seen as a key part of what gives this area character and in some cases a link to their history or location. Other examples of Trees of Cultural Significance include Norfolk Island Pine trees (*Araucaria heterophylla*) within 1km of the coastline. The policy aims to ensure that the overall character of these areas of Wyong Shire is retained and maintained, rather than losing their uniqueness overtime by incremental decision making.

A Section 82A review request was received on 12 February 2009 requesting reconsideration of the refusal of consent. As required by Council the request included an independent Arborist report. The applicant's justification for the request for removal states that the subject tree is too close to the house, the debris it drops is causing a nuisance and the potential of the tree to drop limbs is a safety issue. Chapter 14 Tree Management specifically states that the following will not be considered as adequate reason for tree removal:

Section 2.5 (r) provided that no significant hazard or other safety issues also apply, the following shall not generally be considered as valid reasons to remove a tree:

- i Leaf drop (into gutters and downpipes - pools, lawns and the like);*
- ii To increase natural light;*
- iii To improve street lighting of private property;*
- iv To enhance views;*
- v To reduce shade created by a tree;*
- vi To reduce fruit, resin or bird droppings on cars;*
- vii Minor lifting of driveways and paths by tree roots;*
- viii To erect a fence;*
- ix Bushfire hazard control which has not been verified by Council;*
- x Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main).*

This application is reported to Council as staff do not hold delegations to refuse a Section 82A application.

#### **COUNCIL POLICY AND STRATEGIC IMPLICATIONS**

A Blackbutt is identified as a culturally significant species in this location (East Bateau Bay EEC) as noted in section 7.2.5 of Council's DCP 2005 Chapter No. 14 – Tree Management. Therefore, the "3 metre rule" does not apply and, accordingly a development application is required to remove the tree which is then assessed on its merits.

#### **VARIATIONS TO POLICIES**

If the application was to be approved it would be contrary to the aims of DCP Chapter 14 Tree Management particularly objective (d) *To retain healthy individual trees of local amenity and aesthetic value.*

#### **RELEVANT ISSUES**

Having regard to Section 79C of the EP&A Act, it is considered that the following matters require further consideration and are addressed in the following sections:

**Flora and Fauna**

A review of the Arborist's report has been undertaken by both of Council's delegated Tree Assessment Officers. The Arborist report concurs with Council's assessment of the Safe Useful Life Expectancy (SULE) rating of the tree, however Council differs in the conclusion that the tree requires removal. In addition the Resistograph testing undertaken by the Arbores was not conducted to industry standards.

Council's Tree Assessment Officers are satisfied that the pruning works previously recommended adequately address the safety concerns of the applicant and will reduce the nuisance caused by debris dropping from the tree. It is noted that this is specifically excluded from the DCP as a reason for tree removal. This approach to the management of the tree will allow it to be retained for a period of up to 15 years.

The applicant's Arbores report concurs with Council's assessment and gives the tree SULE rating of 3D. This indicates the tree can be retained in the short term (i.e. up to 15 years) after remediation works have been carried out. These works are the pruning works previously recommended by Council. However, the applicant's Arborist recommends removal of the tree which is contrary to Council's assessment of the health of the tree.

Physical testing of trees allows the Arborist to gain a better understanding of the internal structure of the tree, in this case the tree was tested using The IML Resistograph. The Resistograph works by passing a small diameter drill into the tree and measuring the turning resistance of the wood within the trunk. The results are recorded on a wax paper graph which is attached to the machine, a higher level of resistance indicates stronger wood and a lower level indicates wood that may be affected by insect damage or decay.

Council's Tree Assessment Officers carried out Resistograph testing at the base of the tree at a height of 350mm in all four cardinal directions. The results indicated that the tree achieved the T/r ratio of 0.57. T/r is a ratio between the amount of sound wood in the trunk of a tree and the radius of the trunk, where T = thickness of sound wood and r = radius of the trees trunk. A ratio of 0.30 is the industry standard for retention of a tree.

It is noted that the graphs produced varied greatly from those included in the applicant's Arborist report.

The Arborist states that he tested the tree at two sites on the trunk and was able to condemn the tree based on the results. It is accepted that a greater number of tests will provide a more accurate result. It should be noted that a tree of this Diameter at Breast Height (DBH) requires a minimum of three test sites in accordance with the IML Resistograph user's manual.

The tree has only one scaffold branch over the dwelling which would be reduced if Council's Officers recommendations are followed, thus mitigating the hazard from dropping branches and the nuisance caused by falling debris.

The Arborist's report states that the tree has caused the roof plumbing to fail. This could be overcome by removing debris from the gutters regularly and given that there are numerous other trees in the area it would be difficult to determine if the subject tree was solely responsible for the dropping of debris. It is not considered that this issue satisfies removal of the tree.

**3.1 Section 82A Review of Tree Application at 10 Moronga Street, Bateau Bay (contd)**

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The site has been filled as part of the construction of the dwelling, filling can have a detrimental effect on the health of trees by limiting gaseous exchange, and may be the reason for the presence of epicormic growth within the canopy. It is not known whether any roots were removed at the construction stage of the dwelling. However the physical and visual tests done by staff indicate that at this time the tree is in good health, a number of years after the completion of construction on the site.

In accordance with industry practice, Council's Tree Assessment Officers carried out visual assessment of this tree on two occasions and additionally deemed it necessary to carry out physical testing of the tree using The IML Resistograph. The results gained indicated that the tree is suitable for retention. In summary, it cannot be concluded that the tree is in poor health and accordingly there is no justification to overturn Council's decision to refuse consent to remove the tree.

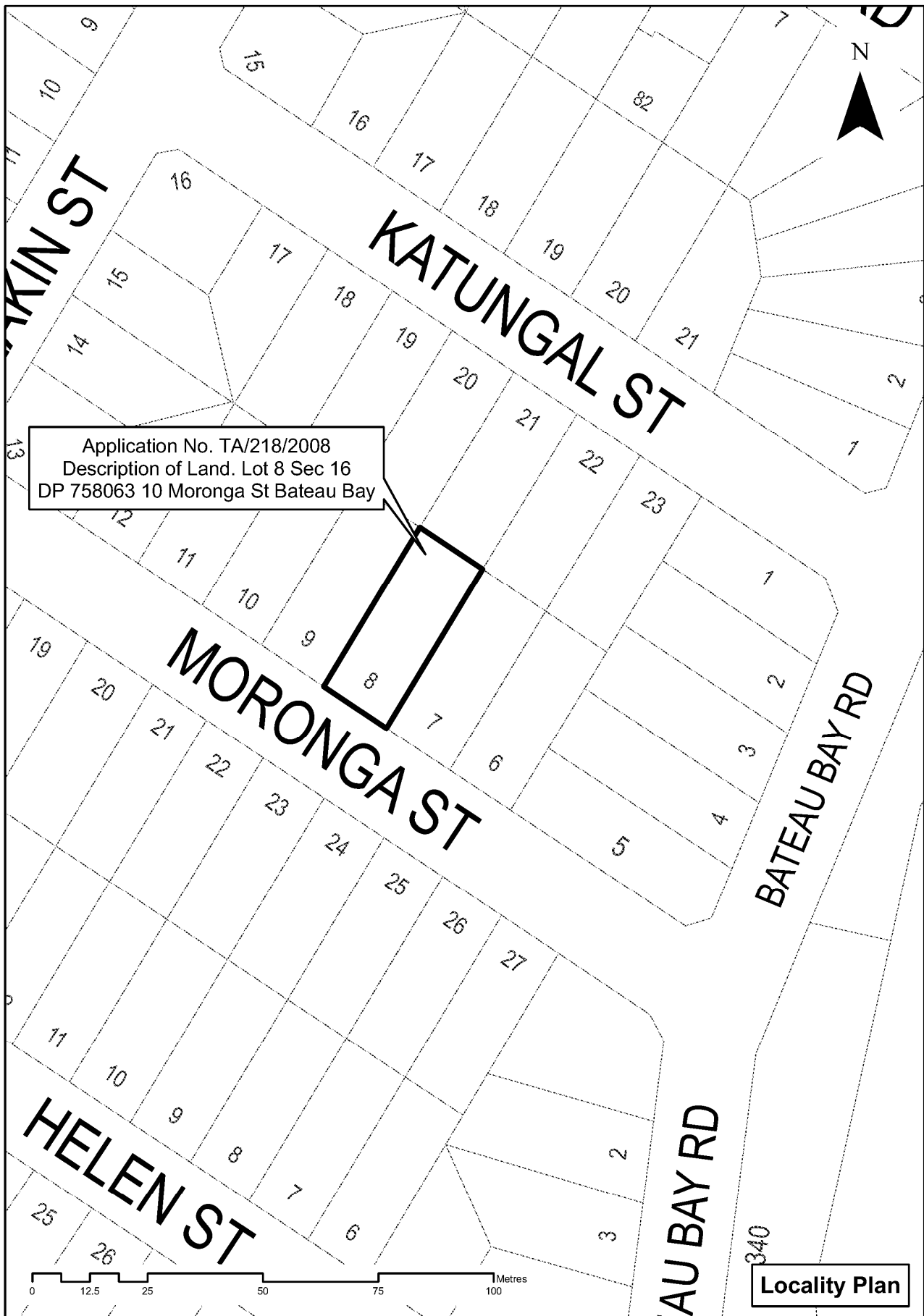
**CONCLUSION**

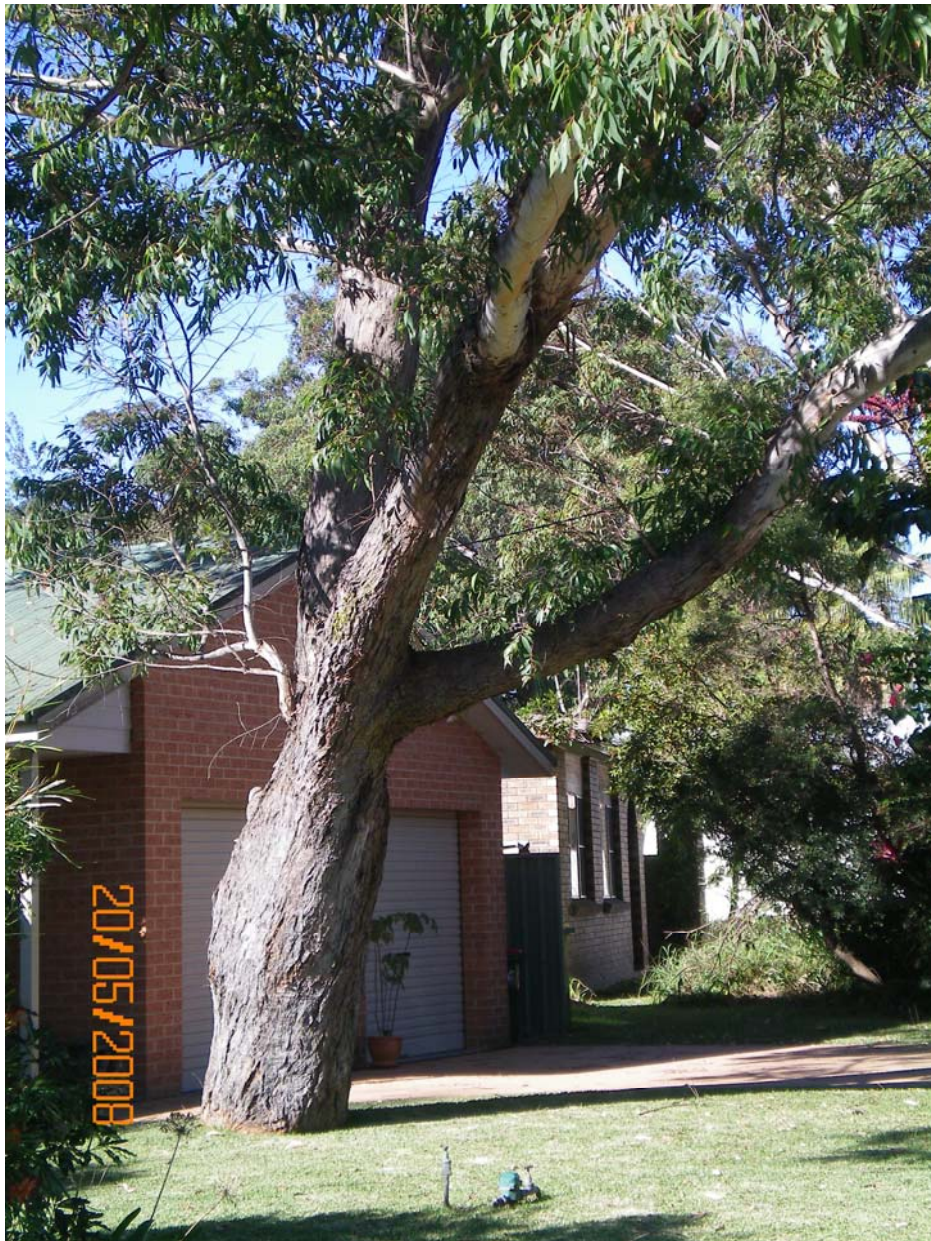
The Arborist report submitted with this Section 82A gives the tree SULE rating of 3D. This indicates the tree can be retained in the short term after remediation works have been carried out. In addition the report does not follow industry standards in relation to Resistograph testing of the tree. Under these circumstances, there is no adequate justification for the removal of the tree.

By retaining the Blackbutt at No 10 Moronga St Bateau Bay Council is working towards achieving its aim which is to protect and enhance the environmental amenity, special landscape characteristics, unique vegetation qualities and ecological values of East Bateau Bay. Council needs to ensure that it maintains the overall character of these areas of Wyong Shire, rather than such areas losing their uniqueness overtime by incremental decision making.

**ATTACHMENTS**

- 1 Locality Plan
- 2 Photos D01889674
- 3 Reasons for Refusal D01916412









- 1 Pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed removal of the *Eucalyptus pilularis* is contrary to the provisions of Wyong Local Environmental Plan 1991 Clause 28 (4)(a), in that the removal of the tree is not ancillary to or necessary to undertake a use permitted on the land.
- 2 Pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, removal of the tree is contrary to the provisions of Wyong Local Environmental Plan 1991 Clause 28 (4)(b), in that the tree is of high value in relation to scenic and environmental amenity.
- 3 Pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 removal of the tree is contrary to Development Control Plan 2005 – Chapter 14 Tree Management, in that the tree has been identified as a culturally significant species within the local context and setting and the tree's removal will be detrimental to the natural and built environments.
- 4 Pursuant to the provisions of Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 removal of the tree is contrary to Development Control Plan 2005 – Chapter 14 Tree Management, in that the application fails to meet the aims and objectives of the plan in providing a framework for the protection of trees and native vegetation in Wyong.
- 5 Pursuant to the provisions of Section 79C 1(e) of the Environmental Planning and Assessment Act 1979, the removal of the tree is not in the public interest as the proposal is contrary to the environmental characteristics of the East Bateau Bay area and would set an undesirable precedent for other properties to remove trees.
- 6 Pursuant to the provisions of Section 79C 1(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 and Development Control Plan 2005 – Chapter 14 Tree Management, Section 2.5, the documentation supporting the application failed to adequately and accurately assess the tree's life expectancy and failed to demonstrate appropriate justification for removal of the tree.

#### **4.1 Lease Renewal of Council Property at 211B The Entrance Road The Entrance**

TRIM REFERENCE: F2004/11288 - D01914049

AUTHOR: SL

##### **SUMMARY**

The Entrance Town Centre Management Corporation has sought to renew its lease of Council premises being office accommodation at 211B The Entrance Road The Entrance.

##### **RECOMMENDATION**

- 1** *That Council lease part of Lot 21 in DP 631996 being 211B The Entrance Road The Entrance to The Entrance Town Centre Management Corporation for 12 months from 19 June 2009 at a commencing rent of \$33,500 per annum.*
- 2** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Town Centre Management Corporation.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.*

##### **BACKGROUND**

Council at its meeting held on 24 May 2006 resolved to lease the premises at 211B The Entrance Road The Entrance to The Entrance Town Centre Management Corporation (TETCM) for a period of three years with an option for a further three years at a commencing rental of \$30,000 per annum on the condition that the tenant pay for all outgoings including user charges.

Council subsequently granted the lease to TETCM which commenced on 19 June 2006 which included the option to renew for a further three years exercisable by the lessee not more than six months and not less than three months before the expiry of the lease.

The leased premises form part of Council's building the other part of which is occupied by The Entrance Branch Library

##### **THE PROPOSAL**

The initial three year and current lease to TETCM expires on 18 June 2009. The lessee has declined to exercise the option for a further three years and has instead requested that Council permit a new lease of the premises for a further 12 months only. TETCM has advised the shorter term is desired on the basis that it is seeking alternative accommodation in the Town Centre and expects to secure this within that period.

The current lease provides for rent to be reviewed annually in accordance with movements in the Consumer Price Index with a market rent review to be undertaken at the exercise of the option.

#### **4.1 Lease Renewal of Council Property at 211B The Entrance Road The Entrance (contd)**

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On the basis that the option has not been exercised there is now no opportunity for a market review of the rent. Council in allowing a further shorter term may choose to apply a market rent however the cost of engaging a valuer to establish the market may negate any increase that could be imposed.

The development of 'Regional Commercial Centres' such as the Tuggerah Business Park and the Erina commercial district have increased accommodation supply and therefore attracted commercial tenants both directly and indirectly through close proximity to related industries.

The expansion of Bay Village, Westfield Tuggerah and Erina Fair over recent times has indirectly cooled rentals in retail strip type areas, as demand to be in large shopping centres increases. That coupled with the current economic downturn would suggest there is not likely to be a substantial increase in the market rent that may be applied.

However in allowing a further term and recognising the short term nature of the proposed new lease a rental increase is justified. It is considered that, in line with annual increases imposed in respect of other commercial leases where Council is the lessor, 5% is appropriate. It is proposed that the new rent for the lease to TETCM of 211B The Entrance Road commencing 19 June 2009 for a period of 12 months be \$33,500 plus GST.

TETCM will continue to be responsible for payment of electricity, water consumption and other user pays charges. Council will be responsible for building insurance and rates charges.

#### **GOVERNANCE**

The land is zoned 3a Business Centre Zone and is classified as Operational Land for the purposes of the Local Government Act 1993. There is no impediment to the lease.

#### **CONCLUSION**

The recommendation supports renewal of the lease to The Entrance Town Centre Management for a period of 12 months at an increased rental of 5% over the current lease that is due to expire on 18 June 2009 ensuring a secure rental income for Council during that period.

Location Plan



**ATTACHMENTS**

*Nil.*

## **4.2 Proposed Public Road Closure known as Glovers Lane at The Entrance**

TRIM REFERENCE: F2008/01751 - D01914631

AUTHOR: PF

### **SUMMARY**

Approval is sought to apply to the Minister for Lands to close public road known as Glovers Lane at The Entrance for the purpose of sale to the adjoining owner for inclusion in redevelopment of the Lakeside Plaza site owned by Dunnet Properties Pty Limited and The Entrance Plaza Pty Limited and to reclassify Council land Lot 2 DP 620550 and Lot 342 DP 703997 from Community Land to Operational land for the same purpose.

### **RECOMMENDATION**

- 1 That Council enter into a Deed of Agreement with Dunnet Pty Limited and The Entrance Plaza Pty Limited in respect of the redevelopment of the Lakeside Plaza site and conditions for the transfer of Council closed road land and Lot 2 DP 620550 and Lot 342 DP 70399.**
- 2 That Council apply to the Minister for Lands to close public road being Glovers Lane at The Entrance.**
- 3 That Council not pre-empt any consultation process or outcome, in respect of the closure of the road. The Deed of Agreement will indemnify Council for any costs incurred, or other loss resulting from a decision by the Minister for Lands in respect of the Road Closure.**
- 4 That Council agree to the land transfer of the closed road to the owner of the adjoining property subject to:**
  - **the successful negotiation of the Deed of Agreement referred to in Item 1 and**
  - **the land to be transferred being consolidated with the adjoining land and**
  - **to alternative public access being provided to Lot 30 DP 10294.**
- 5 That Council include the reclassification of Lot 2 DP 620550 and Lot 342 DP 703997 Glovers Lane, The Entrance from Community Land to Operational Land as part of the draft WLEP 2011.**
- 6 That Council sell Lot 2 DP 620550 and Lot 342 DP703997 to the owner of the adjoining land for a consideration to be agreed subject to:**
  - **The sale price being part of and contained within the Deed of Agreement and**
  - **the land being sold being consolidated with the adjoining land and**
  - **alternative public access being provided to Lot 30 DP 10294.**
- 7 That Council require the applicant to bear all costs associated with:**
  - **the closure of the road referred to in Item 2 and**
  - **the reclassification of the land referred to in Item 4 and**
  - **the transfer and consolidation of that land.**

## 4.2 Proposed Public Road Closure known as Glovers Lane at The Entrance (contd)

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- 8** *That Council authorise the affixing of the Common Seal of Wyong Shire Council to any or all of the documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.*
- 9** *That Council authorise the execution by Mayor and the General Manager, of all documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.*

### **BACKGROUND**

Paradigm Planning and Development Consultants (Paradigm), on behalf of The Entrance Plaza Pty Ltd (TEPP), have requested that Council close Glovers Lane at the Entrance and subsequently sell the land in the road plus Wyong Shire Council (WSC) owned properties Lot 2 DP620550 and Lot 342 DP703997 to Paradigm/TEPP.

The purpose of the on-sale is to facilitate redevelopment of the site owned by The Entrance Plaza Pty Ltd (commonly known as The Lakeside Plaza Site) at The Entrance.

The consultants have also asked that Council enter into a Deed Of Agreement which establishes the undertakings of Council and the developer in advance of lodgement of a Development Application for the redevelopment of the site should Council agree to the closure of the road and sale of the land. The Deed of Agreement will include a provision whereby Council's obligation to transfer the land is conditional upon the Developer obtaining consent for the redevelopment of his property.

Currently, Glovers Lane and Lot 2 DP 620550 provide rear access for delivery and bulky goods pickup purposes to Lot 30 DP 10294, the site of the Mitre 10 Hardware fronting The Entrance Rd. All other properties that benefit from access from Glovers Lane are owned by The Entrance Plaza Pty Ltd, the applicant for the closure of the road.

### **THE PROPOSAL**

It is proposed that Paradigm/TEPP acquire lands from WSC at The Entrance Plaza so they may unify their holdings and redevelop The Entrance Plaza site. The lands entail Glovers Lane as a constructed public road, and two other small lots (properties Lot 2 DP 620550 and Lot 342 DP 703997)

Council can only sell the land currently occupied as a road once the road is closed and the land is declared "fee-simple", vested in WSC.

It is proposed to close the road and sell the land subject to:

- Alternative access arrangements which are satisfactory to all affected properties and do not disadvantage any other property owners including the owner of 112 The Entrance Road.
- The closed road and other Council land being consolidated with the adjoining land upon sale and subject to suitable alternate access being provided to Lot 30 DP 10294 by The Entrance Plaza Pty Limited.

## **4.2 Proposed Public Road Closure known as Glovers Lane at The Entrance (contd)**

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- All matters be provided in a Deed of Agreement between the parties which shall include, but not exclusively so, the closure of the road, the sale of the land, the consolidation of the land, financial obligations, consideration of the exchange and the provision of alternative access.
- The applicant Paradym/TEPP shall pay all costs incurred by Council and themselves for the road closure, any consequent purchase of Council land and any other costs related to these activities.

Draft concept plans, prepared by the owner of The Entrance Plaza site, demonstrate the intent and ability to provide a reasonable alternative access to Lot 30 DP 10294 The Entrance Road (Mitre 10), which will not disadvantage this property.

The applicant has proposed, as part of its redevelopment of the Lakeside Plaza site, to dedicate land as public road in an alternate location and suggests this could be the consideration for any transfer of Council land to them.

The deed of Agreement to be entered into prior to any sale occurring will provide for the agreed consideration for the sale of Council land.

The inclusion of the closed road and Lot 2 DP 620550 and Lot 342 DP 703997 in the proposed redevelopment of the Lakeside Plaza site will add considerable value to the existing site and the Deed of Agreement will provide for the commitments of the developer in relation to costs and responsibilities such as dedicating the new alternative road and amalgamating the closed road with the parent site.

Adjustment of land values between the parties will be prescribed as being determined by Qualified Valuers. The Developer will need to waive claim to compensation relative to any access changes to the development site consequential to the road closures.

If the Deed of Agreement is not executed or if aspects of the Deed are not complied with then the road closure and sale of land will not proceed.

Research to date indicates that the proposed closure of Glovers Lane and the sale of Lot 2 DP620550 and Lot 342 DP703997 would not compromise the future provision of water supply, sewer, gas, electricity or telecommunications infrastructure.

Water supply is currently provided by a water main on the western side of Taylor Avenue. Water Supply infrastructure in the vicinity will be unaffected by the proposed closure of Glovers lane and the sale of Lot 2 DP620550 and Lot 342 DP703997.

Glovers Lane, and Lot 2 DP620550 and Lot 342 DP703997 contains a gravity sewer main which connects to a sewer main in Warrigal Street servicing Lakeside Plaza Shopping Centre and properties in The Entrance Road to the south of the Shopping Centre all of which are owned by Lakeside Plaza Shopping Centre with the exception of Lot 30 DP 10294. This property is however serviced by separate sewer main that also connects to the main in Warrigal Street and would be unaffected by the closure of Glovers Lane and the sale of Lot 2 DP620550 and Lot 342 DP703997.

Lot 2 DP 620550 and Lot 342 DP 703997 adjoining Glovers Lane were transferred to Council for use as future public laneway. For the same reason that Glovers Lane may be closed and sold, these parcels may be used in association with the redevelopment of the Lakeside Plaza site. Alternative public road and service access will be provided as part of that redevelopment.

Lot 2 DP 620550 and Lot 342 DP 703997 are classified as Community Land.



## **GOVERNANCE**

The Roads Act 1993 provides for the closure of Public Roads and the sale of the land therein.

The Local Government Act 1993 provides that reclassification of Council land may be made by a Local Environment Plan.

## **CONCLUSION**

A proposal has been received from Paradigm/TEPP, for Council to provide/sell land to them under a commercial agreement so they may develop the Plaza site for increased commercial advantage.

A successful transaction between the parties is likely to result in a Development Application to expand the activity on the site providing more jobs and retail business. As such, and provided all planning requirements are met, there is a benefit to the community in a manner consistent with Council's strategic thinking and draft SSV.

The acquired land is to be merged with TEPP's existing titles and a significant increase in land value will accrue. It is anticipated that Council on behalf of the community, will share in that advantage through the commercial arrangements (especially the proposed sale) to be agreed between the parties.

The commercial nature of the proposal is an issue for the Proposer and no part of the transaction should result in any costs being attributed to Council.

The recommendation seeks Council's approval to make application to the Minister for Lands for the closure of the public road known as Glovers Lane The Entrance and to prepare a draft Local Environment Plan to reclassify Lot 2 DP 620550 and Lot 342 DP 703997 from Community Land to Operational Land.

Location Plan



ATTACHMENTS

Nil.

## **5.1 CPA 138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry**

---

TRIM REFERENCE: CPA/138816 - D01907508

AUTHOR: JR

### **SUMMARY**

This report seeks approval to proceed with calling tenders for the development of a commercial strategy for Council's Waste Management Site at Buttonderry.

### **RECOMMENDATION**

***That Council proceed to Tender to secure the services of a multidiscipline consultant group with requisite skills in Property, Waste, Legal, Environmental and Finance to facilitate the delivery of a commercial strategy for the Buttonderry Waste Management Site including Council's evaluation criterion as a minimum.***

### **BACKGROUND**

At the Ordinary Meeting of Council held on 27 August 2008 a report on Contract CPA/138816 was considered and it was:

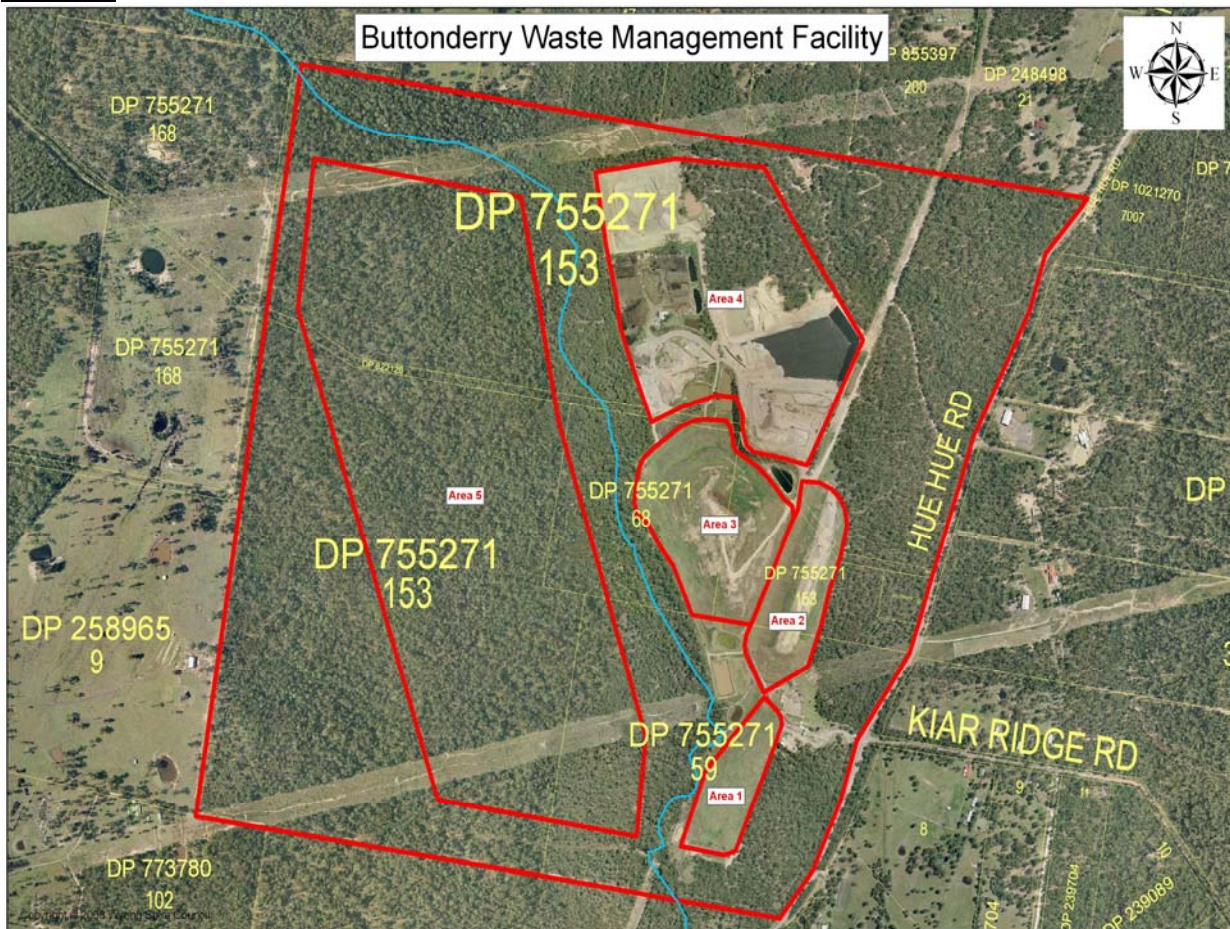
*RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor BEST:*

- 1 That Council decline to accept any tender and postpone the proposal for the contract.*
- 2 That Council staff produce a scoping paper as to possible site uses and commercialisation which should include criteria for measuring outcomes.*

In response to Part 2 of the Resolution a Scoping Paper was tabled and presented at a Councillor Briefing held on 8 April 2009. The Scoping Paper examined in broad terms the site constraints and discussed some potential land use options for the Buttonderry Waste Management site.

The land in question is shown in Figure 1, and covers approximately 270 hectares including the existing Buttonderry Waste Management Facility.

Figure 1



## PROCESS

The process to be followed in procuring the best possible outcome for the Buttonderry Waste Management Site will involve steps as follows.

- 1 This report now seeks Council's approval to call tenders for the further detailed investigation and preparation of a commercial strategy for the future development of the Buttonderry Site.
- 2 Upon receipt and evaluation of these tenders a further report will be submitted to Council seeking approval to engage suitably qualified consultants. These consultants will work with Council to develop an Expression of Interest (EOI) document to seek proposals from the market place based on a shortlist of preferred development options for the site.
- 3 The results of the investigations and EOI document will be provided to Council for approval, before proceeding to advertise the EOI extensively in selected media and via the e-Tender system. The criteria proposed to be used are discussed later in this report.

## **5.1 CPA 138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)**

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- 4 Results of the EOI process will be further reported to Council with a preferred strategy recommended for adoption. It is estimated that this process should be completed during the first quarter of 2010.
- 5 Tenders will be called based upon the adopted strategy from Step 4, and the results reported to Council in the usual manner.

It should be noted that the outcomes from the EOI process may generate a need for further work to facilitate the adoption of options presented. For example, further environmental or geotechnical studies may be required. Council approval will be sought for any additional work required.

### **Tender Process**

Tenders for Step 1 will be invited by way of public invitation.

The invitation documents will call for lump-sum tenders based on a detailed specification and suite of supporting documentation, including the Scoping Paper as presented to the 8 April 2009 Briefing together with attachments.

### **Discussion**

The Consultant to be engaged to assist Council in Step 1 of the process will be required to undertake detailed investigations to develop a commercial strategy for the whole Buttonderry site.

The site is occupied by a Council-operated waste management facility. A key component of the consultancy will deal with strategic management options (lease, contract, Council-operated, etc) for the facility. However, significant portions of the site will potentially be suitable for other complementary commercial uses or even unrelated uses. There may also be opportunities related to adjacent land.

The Consultant will need to deal with the full suite of strategic opportunities for the site, including possibilities that extend beyond waste management and beyond the existing boundaries of the site. A multidisciplinary approach will therefore be critical to success.

The entire engagement is expected to run for approximately 14 weeks, commencing in September 2009. The consultancy contract will be structured on a lump sum basis with progress payments at key deliverable-based milestones.

The estimated cost for this project, including engagement of a suitable consultant, project management costs and a contingency amount is \$290,000.00 (excl. GST). This cost will be funded from the Waste Fund.

The principal objectives of this project are to formulate a strategy that will:

- 1 Maximise the economic value of the Buttonderry site.
- 2 Secure long-term access to waste disposal capacity.
- 3 Engage the Property Industry and local interest groups.

In achieving these objectives the consultant will be required to engage with Council's Staff and Councillors during the entire consultancy period and report at regular predetermined intervals before proceeding to the next milestone.

### **CRITERIA FOR EVALUATION OF SITE OPTIONS**

It is important that the Consultant to be engaged for Step 1 is fully aware of the most important criteria that Council will require to be used when formulating strategies and developing Expressions of Interest documents. The following criteria are proposed and are recommended to Council for evaluation of options.

- 1 Maximise financial returns to Council or the Shire.
- 2 Create a "positive" Nett Present Value.
- 3 Provide employment generating capabilities.
- 4 Maintain waste disposal options across the site.
- 5 Optimise the long term waste disposal capabilities of the site.
- 6 Ensure sustainability objectives are met.
- 7 Consider recreational opportunities.
- 8 Maximise triple bottom line returns to the Shire.
- 9 Environmental outcomes.

### **CONCLUSION**

Council's endorsement to proceed with the invitation of tenders for the development of a commercial strategy for the Waste Management Facility site at Buttonderry is sought (Step 1).

Suggested criteria for use in this process are recommended in the report and will be used in the documentation. Council may wish to amend or add further criteria.

### **ATTACHMENTS**

Nil

## 5.2 CPA 139771 - Provision of Cleaning Services to Various Council Facilities Report

TRIM REFERENCE: CPA/139771 - D01911859

AUTHOR: JV

### SUMMARY

This report recommends that Council exercise its option to extend Contract CPA 139771 with SKG Pty Ltd for a further period of 12 months.

### RECOMMENDATION

***That Council exercise its option to extend for one year the current contract with SKG Pty Ltd for Contract CPA 139771 for Provision of Cleaning Services to Various Council Facilities at an estimated annual cost of \$202,524 (excl GST and including the CPI adjustment). Actual expenditure may vary slightly if the number of facilities to be cleaned changes.***

### BACKGROUND

At the Ordinary Meeting of Council held on 27 August 2008 Council considered a report into the provision of cleaning services for a number of Council facilities. The outcome from that report was as follows:

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

- 1 That Council accept tender no 11 from SKG Pty Ltd for an initial period of one year with an option to extend for a further one year at an estimated annual cost of \$202,525 including GST (\$184,113 excluding GST). Actual expenditure may vary slightly if number of facilities to be cleaned changes.*
- 2 That a further report be brought back to Council at the completion of the one year period with a recommendation to either take up the one year extension or re-tender the contract depending upon performance of the contractor.*
- 3 That Council approve an annual contingency amount of \$30,382 including GST (\$27,620, excluding GST), representing approximately 15% of the contract value for one year, to provide for any unforeseen additional works that may become necessary during the course of the project.”*

The successful tenderer SKG Pty Ltd was awarded this contract on 16 September 2008 and commenced work on 18 October 2008 after allowing the previous contractor All Coast Cleaning Service Pty Ltd a four week contract termination period.

The facilities to be cleaned under contract CPA/139771 include:

- Six childcare centres.
- Five library/customer service centres.
- The Gravity Youth Centre at Lake Haven.

- The Central Coast Lifetime Learning Centre at Palmdale.
- The Blue Haven Community Centre and The Entrance Community Centre, and
- Five Vacation Care Centres (school holidays only).

This report reviews the performance of SKG Pty Ltd to date and discusses the option to extend the contract for a further period of 12 months.

## **DISCUSSION**

During the evaluation of tenders for Contract CPA/139771 referees, including Target and Integral Energy, gave excellent reports on the performance and reliability of the company. These references supported the decision to recommend that SKG Pty Ltd be awarded a one year cleaning contract with an option to extend for a further twelve months.

During the initial few months of the contract this company's performance was found to be far below expectations and caused many non-conformances under the contract. Facility Managers reported issues with lack of attention to detail, missed services and generally sub-standard work.

These issues were strongly pursued with the company's cleaning supervisors, and eventually escalated to the company's senior executives. The company identified poor performance with a cleaning crew and this crew was replaced in mid January 2009. A strict supervision regime was introduced and more frequent reporting from Council's Facility Managers was put in place to closely monitor the cleaning performance of the company.

Council's contract staff and Facility Managers were involved in a tightly controlled review of the company's performance from January 2009 to the present date to identify any further issues of defective performance.

To the company's credit a detailed clean was undertaken of all facilities in January and February 2009 and brought all facilities up to an acceptable standard. To meet better objectives and monitor continued improvements by SKG Pty Ltd a weekly audit form has been obtained from all Facility Managers since January 2009. This has provided confidence that the early problems within the company have now been addressed.

Since January 2009 the majority of Facility Managers provided a satisfactory rating of at least 80% for the delivery of routine cleaning services. A target figure of at least 90% satisfaction will be set for future cleaning services. There was also a 100% rating from Facility Managers for responsiveness to ad hoc requests for resolution of any minor issues.

Cleaning services are being provided to a satisfactory standard and at a competitive price. The company has indicated that it would be prepared to continue the present contract for a further 12 months and would be agreeable to Council exercising its option for a 12 month extension to the contract.

Given the decisive action taken by the company to correct its earlier problems; the satisfactory performance since that corrective action and competitive pricing, a further extension of this contract is supported.



**CONCLUSION**

Based on the nature of the commercial cleaning industry, the history of this matter and SKG Pty Ltd rates and performance in 2009, the current contractor is considered to be providing a reasonable standard of service at a very competitive price. It is therefore recommended that the option for a one year extension of the contract period for CPA/139771 for the provision of cleaning services for various Council facilities be exercised.

**ATTACHMENTS**

*Nil.*

## **6.1 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2009-10**

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TRIM REFERENCE: F2004/06505 - D01906877

AUTHOR: ED

### **SUMMARY**

Report on a Determination made by the Local Government Remuneration Tribunal in respect of Councillor fees for the 2009-10 financial year.

### **RECOMMENDATION**

- 1** *That Council set the annual Mayoral Fee at \$52,410 for the period 1 July 2009 to 30 June 2010 in accordance with the provisions of Section 249 of the Local Government Act 1993.*
- 2** *That Council set the annual Deputy Mayoral fee at \$7,485.58 for the period 1 July 2009 to 30 June 2010 in accordance with Clause 6.2 of Council's Facilities and Expenses Policy.*
- 3** *That Council reduce the paid annual Mayoral Fee by \$7,485.58 to fund the annual Deputy Mayoral fee.*
- 4** *That Council reduce the paid annual Mayoral Fee by \$1,798.13 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.*
- 5** *That Council set the Annual Councillor Fee at \$19,730 for the period 1 July 2009 to 30 June 2010 in accordance with the provisions of Section 248 of the Local Government Act 1993.*

### **BACKGROUND**

The Local Government Remuneration Tribunal has made determinations under Section 239 and 241 of the Local Government Act 1993 for fees payable to the Mayor and Councillors from 1 July 2009 to 30 June 2010. The determination has provided for a fee increase of 2.5% to all Councillors and Mayors throughout New South Wales.

Under Section 239 of the Act, categories of councils must be determined at least once every three years. Categories of councils were last determined by the Tribunal in 2006 and the Tribunal has reviewed the categories of Councils again as part of the 2009 review.

Each financial year the Local Government Remuneration Tribunal sets a minimum / maximum fee for the Mayor and Councillors within each local government category. It is a matter for each Council to fix the fees payable to the Mayor and Councillors within the range set by the Tribunal. Since June 2002, Council has resolved that payments be fixed at the maximum allowable fees for the Mayor and Councillors.

The Tribunal conducted the 2009 annual review between January and April 2009 and had regard to issues raised in submissions received from the Local Government and Shires Associations and individual Councils. The Tribunal also considered the findings of previous reviews and considered the relative merits of a number of alternate models.

## 6.1 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2009-10 (contd)

Wyong Shire Council is included in the category 'metropolitan centres' along with 15 other Councils. Council made a submission to the Tribunal seeking reclassification to a higher category due to the additional responsibilities Councillors faced due to Council's unique standing (along with Gosford Council) as a joint Water and Sewerage.

Gosford, Randwick, Sutherland, The Hills Shire and Willoughby Councils also sought re-categorisation into either Category 1A or S2. Bankstown, Baulkham Hills, Fairfield, Gosford, Hornsby, Lake Macquarie and Sutherland Councils also made a combined submission along the same lines arguing that the nature of changes for Councillors and Mayors has been substantial with greater obligations imposed by legislation, compliance and reporting requirements, community expectations, increased reporting and other complexities attaching to the functions of the council.

### THE PROPOSAL

After considering all submissions and reviews, the Tribunal found that there was no strong case to significantly alter the current categories of Councillor and Mayoral offices or to move individual councils between categories.

While the groups remain unchanged, the Tribunal has applied descriptive titles for each of the categories. The descriptive titles for the categories are as follows:

Previous Category Classification	New Category Title
• 4	Rural
• 3	Regional Rural
• 2	Metropolitan
• 1	Metropolitan Centres
• 1A	Metropolitan Major
• S2	Major City
• S1	Principal City
• S3	County Councils
• S4	County Council - Water

The Tribunal has determined an increase of 2.5% in the fees for Councillors and Mayors for the year 1 July 2009 to 30 June 2010.

	Councillor / Member Annual Fee		Mayor / Chairperson Additional Fee *	
	Minimum	Maximum	Minimum	Maximum
Principal City	21,140	31,000	126,310	170,150
Major City	14,080	23,250	29,940	67,750
Metropolitan Major	14,080	23,250	29,940	67,750
Metropolitan Centre	10,560	19,730	22,460	52,410
Metropolitan	7,040	15,500	14,980	33,840
Regional Rural	7,040	15,500	14,980	33,840
Rural	7,040	9,290	7,480	20,280
County Council – Water	1,400	7,750	3,000	12,730
County Council - Other	1,400	4,640	3,000	8,460

\* This fee must be paid in addition to the fee paid to the Mayor as a Councillor (Section 249(2))

## 6.1 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2009-10 (contd)

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The current Mayoral fee for Wyong Shire Council is \$51,130 and the current Councillor fee is \$19,250.

A copy of the report and determinations made by the Tribunal is available at [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au).

Council's Facilities and Expenses Policy for Councillors provides:

- "6.2 a *Where the Deputy Mayor is required to undertake the role of Mayor the Council may determine a fee to be paid to the Deputy Mayor. The amount paid under this provision is deducted from the Mayor's annual fee.*
- b *The Deputy Mayor will be paid an annual fee set by Council in accordance with Section 249 of the Local Government Act 1993.*
- c *The fee paid to the Deputy Mayor will increase by the same percentage as any increase of the Mayoral Allowance, set in accordance with Clause 5.1 of the Policy."*

The Deputy Mayoral fee for the 2009-10 year will increase from \$7,303 to \$7,485.58 subject to the Mayoral fee increasing by 2.5%.

### OPTIONS

- 1 Pay the fees as outlined above. This increase has been taken into account when preparing the Management Plan for 2009-10.
- 2 Retain the current fee structure resulting in a saving of \$6,080 on forecast maximum level expenditure.
- 3 Pay a fee structure anywhere between the new minimum and maximum levels set by the Tribunal.
- 4 Reduce the fees paid to the minimum (or any amount between that and the maximum) at a corresponding saving of \$121,650.

### Financial considerations

Should Council continue with the previous practice of setting the maximum fee, the cost to Council of the proposed increases in total is \$249,710 and Council's Management Plan includes provision for this increase.

### GOVERNANCE

Sections 248 and 249 of the Local Government Act 1993 requires all Council's to fix annual fees for Councillors and Mayors within the determinations made by the Local Government Remuneration Tribunal.

The fees are paid are in accordance with Council's Facilities and Expenses Policy for Councillors.

**CONCLUSION**

No obligation exists for Council to pass on the determination of 2.5%, provided that the Councillor and Mayoral fees are set within the range determined by the Tribunal.

Council has the opportunity to establish any other level it so chooses for any reason.

Council has historically chosen to set the fees at the maximum allowable rate and the recommendation has been established on that basis.

**ATTACHMENTS**

*Nil.*

## **6.2 Finalisation of Water and Sewerage Authority Accounts for the year ended 30 June 2008**

---

TRIM REFERENCE: F2004/06645 - D01904239

AUTHOR: SG

### **SUMMARY**

The Auditor-General has indicated that the Water Supply Authority accounts for the year ended 30 June 2008 will receive an unqualified audit report. Councillors and Management have been asked to submit a statement endorsing the accounts before the Auditor-General presents the formal Audit Report to State Parliament.

### **RECOMMENDATION**

- 1** *That Council note the finalisation of the 2007-08 Water Supply Authority financial reports.*
- 2** *That Council authorise the Mayor, one Councillor, the General Manager, and the Director Corporate Services to sign a statement endorsing the 2007-08 Water Supply Authority financial reports contained in this document.*

### **BACKGROUND**

Council has been designated a Water Supply Authority under the Water Management Act 2000. Under the Act a separate set of accounts for Council's Water and Sewerage functions is placed before State Parliament each year.

The State Auditor-General is responsible for auditing the accounts. The June accounts were submitted for audit in October 2008 but some discussions of some reporting issues have taken place involving Council staff, the Auditor-General and the Auditor General's agent, Price Waterhouse.

The Auditor-General has indicated their audit of the Water Supply Authority accounts for the year ended 30 June 2008 is complete and Council will receive an unqualified audit report.

An "unqualified" audit is the status sought by Councils. It means the auditors consider that the accounts represent a proper and fair view of the financial affairs of the Water Authority and the report is not "tagged" in any way.

The changes to the accounts agreed with the Council staff are some changes to formats and to the presentation of the profit and loss account ("Income Statement"). However, the changes do not affect the status of the Authority's balance sheet at the end of the financial year, and the Authority remains in a healthy and sustainable financial position going forward into the 2008-09 financial year.

Copies of the updated accounts which supersede all previous versions have been placed on the table for Councillors information.

## Wyong Shire Council Water Supply Authority

### Financial Report for the year ended 30 June 2008

#### Statement by Councillors and Management

Pursuant to Section 41C (1B) and 1(C) of the Public Finance and Audit Act 1983 we state that:

- 1 The financial report presents a true and fair view of the financial position of the Wyong Shire Council Water Supply Authority as at 30 June 2008 and its performance, as represented by the results of its operations and its cash flows for the year ended on that date
- 2 The financial report has been prepared in accordance with Australian Accounting Standards (including Australian Accounting Interpretations), the *Public Finance and Audit Act 1983* and the Public Finance and Audit Regulation 2005
- 3 We are not aware of any circumstances at the date of this statement that would render any particulars included in the financial report to be misleading or inaccurate.

.....  
Robert Graham  
**Mayor**

.....  
John McNamara  
**Councillor**

.....  
Kerry Yates  
**General Manager**

.....  
David Jack  
**Responsible Accounting Officer**

Dated: 10 June 2009

#### ATTACHMENTS

- 1 Wyong Shire Council Water Supply Authority Financial Reports Enclosure D01917988

### **6.3 Re-establishment of Alcohol Free Zones within Wyong Shire for Determination**

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TRIM REFERENCE: f2004/06067 - D01890182

AUTHOR: MW

#### **SUMMARY**

A proposal to re-establish Alcohol Free Zones within Wyong Shire has been advertised and is submitted for approval.

#### **RECOMMENDATION**

***That Council adopt the proposal to re-establish all of the Alcohol Free Zones (AFZ) within Wyong Shire until 30 June 2013 as shown in Attachment 3.***

#### **BACKGROUND**

At its meeting held on 22 April 2009, Council considered a report on re-establishment of Alcohol Free Zones within Wyong Shire and:

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

- “1 That Council propose the renewal of all Alcohol Free Zones within Wyong Shire until 30 June 2013 as outlined in the attachments and complete the required public consultation process.*
- 2 That Council advise the NSW Anti-Discrimination Board of the proposal.*
- 3 That Council determine the renewal of the Alcohol Free Zone Regulations upon receipt of a report at a later date, following the public consultation process.”*

Alcohol Free Zones promote the safe use of roads, footpaths and public car parks without interference from anti-social behaviour caused by public drinkers. The object of alcohol free zones is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime. Established by Regulation the zones may only be set for a period of four years. The current term is due for reconsideration and renewal at Council's option.

#### **THE PROPOSAL**

It is proposed to renew the alcohol free zones in their current configuration – see attached maps.

#### **OPTIONS**

- 1 Approve the renewal of all Alcohol Free Zones within Wyong Shire in accordance with existing authorities. The evidence of social behaviour improvement since the introduction of the practice of AFZs, is clear and has received favourable support from Police. Continuation of the AFZs is desirable if continued improvement in behaviour is to be achieved.



### 6.3 Re-establishment of Alcohol Free Zones within Wyong Shire for Determination (contd)

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- 2 Establish and approve new and/or reclassify existing Alcohol Free Zones. There was no case presented by interested parties following the exhibition period warranting any new or altered zones.
- 3 Dis-establish all Alcohol Free Zones within Wyong Shire. This action would certainly result in an increase in complaints regarding anti-social behaviour in the areas concerned and a return to the social conditions prevalent prior to the introduction of AFZs. A move in this direction would be unpopular with Police.
- 4 Propose the whole of Wyong Shire be declared an Alcohol Free Zone. This option is not supported by the spirit of the Ministerial Guidelines on Alcohol Free Zones. Extract from Ministerial Guidelines 'Location of an Alcohol-Free Zone' below:-

*“Generally, an alcohol-free zone should be as small as is possible and must only extend to areas which can be supported by reasons as set out in point 1 above (Reasons to Support an Alcohol-Free Zone). However, larger alcohol-free zones, sometimes known as ‘whole-town’ alcohol-free zones may be effective in some rural and remote towns where they are supported generally by all stakeholder groups in that community. There are legal issues that need to be considered by councils when such ‘whole-town’ zones are proposed, as some relevant areas of a town will not be public roads, footpaths or public carparks.*

*Large alcohol-free zones need to be established in a way which is complementary with public places signposted under section 632 of the Local Government Act 1993. It is not usually appropriate to establish an entire local government area, or a substantial part of that area, as an alcohol-free zone. Similarly, it would usually be inappropriate to zone the greater part of a town, suburb or urban area as alcohol-free”.*

#### **STRATEGIC LINKS Management Plan**

Principal Activity	Key Issue(s) and Objective (s)	Financial Line Item No and Description
A better community	To contribute to a safe community	1.6

Work in partnership with government, nongovernment agencies and community groups to address crime and safety issues.

Ongoing efforts to reduce the incidence of vandalism across the Shire.

#### **Financial Implications**

Nil

#### **Principles of Sustainability**

The support of social sustainability and the building of partnerships by engaging and listening to the community.

## 6.3 Re-establishment of Alcohol Free Zones within Wyong Shire for Determination (contd)

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### CONSULTATION

The proposal was advertised in the Central Coast Express Advocate on 29 April inviting representations or objections within 30 days. An article was also published in Shirewide on 27 May 2009, promoting the benefits of AFZ's and seeking public support and input.

Representation was received from The Entrance Community Precinct Committee in full support of the initiative for being a deterrent and a positive step to act upon complaints (Attachment 1).

A letter of support was received from the Tuggerah Lakes Local Area Command advising AFZ's are a valuable tool that assists both Police and Council Rangers in reducing incidents of malicious damage and anti-social behaviour in the local area. Police were asked to comment on prosecutions and the attached letter provides details of infringement notices and alcohol related street and "move on" offences over the last 12 months (Attachment 2).

The amendment to the Local Government Act 1993, Part 4 of Chapter 16 referenced in the letter are explained further below:

*"Section 642 – A Police officer or an enforcement officer (employee of a council authorised in writing by the Commissioner of Police) may seize any alcohol in the immediate possession of a person in an alcohol free zone. The previous requirement to issue a warning has been removed. The seized alcohol can be disposed of by immediately tipping it out or in accordance with directions given by the Commissioner of Police or council*

*Sections 647 and 649 – omitted [Penalty notices and fine defaulters – the penalty notice has been removed]. "*

Alcohol Free Zones are an important regulatory tool. They allow Police and authorised Enforcement Officers to confiscate alcohol from those who drink in an AFZ. Enforcement Officers also feel that AFZ's used in conjunction with other regulatory functions can curtail violence and vandalism.

In response to regulatory outcomes the Chief Ranger advised, if the person does not cooperate with a Police officer or authorised Council enforcement officer, they can be charged with obstruction under section 660 of the Local Government Act 1993, which carries a maximum penalty of \$2,200.

Correspondence was also received from the NSW Anti-Discrimination Board indicating they had no objections.

Following the public consultation no submissions have been received in support of extending the existing AFZ or establishing new locations at this time.

### GOVERNANCE

The proposal is in accordance with Section 632 of the Local Government Act. The procedures outlined in the Ministerial Guidelines are addressed.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or car-park and therefore cannot be included within an Alcohol Free Zone. However, under Section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

**6.3 Re-establishment of Alcohol Free Zones within Wyong Shire for Determination (contd)**

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**CONCLUSION**

There is obvious benefit to the community in continuing the existence of Alcohol Free Zones. A renewal by Council of the Regulation for a further four years is warranted and well supported by NSW Police.

**ATTACHMENTS**

- |          |  |                     |
|----------|--|---------------------|
| <b>1</b> | The Entrance Community Precinct Committee Letter Supporting Re-establishment of All Alcohol Free Zones | D01913486           |
| <b>2</b> | Tuggerah Lakes Local Area Command Letter Supporting Re-establishment of All Alcohol Free Zones         | D01913484           |
| <b>3</b> | Alcohol Free Zone List All Wyong Shire 2009  | D01877893           |
| <b>4</b> | Maps of Alcohol Free Zone within Wyong Shire   | Enclosure D01866932 |



THE ENTRANCE COMMUNITY  
**PRECINCT COMMITTEE**

P0 Box 349 The Entrance 2261

7 May, 2009

Kerry Yates  
The General Manager,  
Wyong Shire Council,  
PO Box 20,  
Wyong 2259

Subject: **RE-ESTABLISHMENT OF ALCOHOL FREE ZONES  
WITHIN WYONG SHIRE.**

Dear Sir,

At it's Ordinary Meeting Of Council held on Wednesday, 22 April 2009, Wyong Shire Council resolved unanimously that Council would determine the renewal of the Alcohol Free Zone Regulations upon receipt of a report at a later date, following a public consultation process on the renewal of all Alcohol Free Zones within Wyong Shire until 30 June 2013.

The purpose of this letter is to inform Council that The Entrance Community Precinct Committee fully supports the renewal of the Alcohol Free zone as advertised in the press. The Committee is of the opinion that alcohol abuse is a major problem on The Entrance Peninsula, particularly during holiday time. Any initiative that can act as a deterrent to public consumption of alcohol is seen a positive step and this measure allows Police and Council Rangers to act upon complaints. The Entrance Community Precinct Committee strongly urges Council to support the proposed renewal of the Alcohol Free Zones in Wyong Shire until 30 June 2013.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Douglas Darlington'.

Douglas Darlington  
Secretary  
The Entrance Community Precinct Committee  
Phone/Fax: 4332 5593  
Email: [doug@darlington.id.au](mailto:doug@darlington.id.au)



**TUGGERAH LAKES  
LOCAL AREA COMMAND**

**Licensing Office  
14 Denning Street  
THE ENTRANCE NSW 2261**

**Telephone: (02) 4333-2999 / 67999  
Fax: (02) 4333-2912 / 67912**

*11<sup>th</sup> May 2009*

**Maree WHEELAHAN  
Administration Officer  
WYONG SHIRE COUNCIL**

**RE-ESTABLISHMENT OF ALCOHOL FREE ZONES WITHIN WYONG SHIRE.**

**Dear Maree,**

**Tuggerah Lakes Police support the re-establishment of all Alcohol Free Zones within Wyong Shire.**

**Alcohol Free Zones are an important tool in assisting Police and Council Rangers in reducing incidents of anti-social behaviour and malicious damage.**

**Police can advise that 3 infringement notices were issued in the past 12 months for the offence of Consume Alcohol in Alcohol Free Zone. This can be accounted for by the following;**

- **Until recently when amendments were made to the Local Government Act, Police were required to issue a warning to any person found consuming alcohol in a designated Alcohol Free Zone. If the person complied with the warning, and ceased consuming the alcohol, there is no offence committed. In almost incidents, the person complied with Police warning, and no offence is therefore recorded. The three infringements indicates persons disobeying the warning, and subsequently being issued with an the spot fine.**
- **Police cannot supply accurate statistics as to how many warnings were issued. In most cases where Police issue warnings and the warning is complied with, as no offence is committed, there is no formal record made of the incident. The matter is dealt with and finalised on the spot.**
- **Recent amendment to the Local Government Act removed the offence of Consume Alcohol in an Alcohol Free Zone. It now only provides Police with the power to remove the alcohol. If persons consuming alcohol comply with Police powers, then as no offence is committed, Police would not make a formal record, the matter is dealt with and finalised on the spot. Only if the person refused to comply with police powers, they may commit an offence. There have been no recorded instances of this occurring in the Tuggerah Lakes Local Area Command.**

- In the previous 12 month period, there have been 532 alcohol related street offences, and 1148 alcohol related “move on” offences recorded in the Tuggerah Lakes command. A move on incident is recorded when a person is directed to leave an area due to their behaviour. There is no specific mechanism to record what incidents occur in an Alcohol Free Zone, and due to the large number of incidents, a manual search is not possible, however it would be reasonable to assume that a large number of these incidents occurred in or near Alcohol Free Zones, and Police exercised their appropriate powers.

**Craig Gardiner**  
**Licensing Officer**

## LIST OF ALCOHOL FREE ZONES

<b>ZONE</b>
<p><b>Bateau Bay (1)</b> The zone is bound by Bateau Bay Road, Reserve Drive, Hilltop Street, Malana Avenue, Sierra Avenue from intersection with Malana Avenue, Anne Findlay Place. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Bateau Bay (2)</b> Debra Anne Drive between Rotherham Street and Melissa Close.</p>
<p><b>Bateau Bay (3)</b> The zone is bound by Sherwood Close and Anglers Drive in the North, Fishermans Bend Avenue and Northview Drive in the East, Sir Joseph Banks Drive in the South and Lady Penrhyn Close and Rotherham Street in the West. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Berkeley Vale</b> Entire length of Lakedge Avenue including part of Bluebell Avenue, to Grevilla Close and part of Emerald Place to Kerry Crescent.</p>
<p><b>Budgewoi (1)</b> Ocean Street, Cudgegong Street, Weemaler Street, Lake Street, Boomerang Street and Ouringo Street.</p>
<p><b>Budgewoi (2)</b> The zone is bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Chain Valley Bay (South) - includes Lake Munmorah, Doyalson North, Mannering Park, Kingfisher Shores</b> Tall Timbers Road, Scaysbrook Avenue, Dale Avenue, Bridges Avenue and Lloyd Avenue.</p>
<p><b>Chain Valley Bay (North)</b> Teragalin Drive, Tarwhine Avenue and Trevally Avenue.</p>
<p><b>Gwandalan</b> Gwandlan – Gamban Road from Winbin Crescent to Bowers Lane including Bowers Lane.</p>
<p><b>Kulnura</b> George Downes Drive and Greta Road in the vicinity of the Kulnura Hall and Tennis Courts.</p>
<p><b>Lake Haven</b> Lake Haven - Goobarabah Avenue, Lake Haven Drive, Lake Haven Recreation Centre Carpark.</p>
<p><b>Lake Munmorah</b> Anita Avenue - from Boronia Road to Anthony Street; Dianne Avenue, Adeline Avenue, Viney Lane, Alister Avenue and Arcardia Avenue.</p>

<p><b>Long Jetty</b> That portion of Long Jetty between Tuggerah parade and Watkins Street intersection by Toowoan Bay Road, Thompson Street, Stella Street, Pacific Street and Elseimer Street and the relevant section of The Entrance Road.</p>
<p><b>Mannering Park</b> That portion of Vales Road between Spencer Road and Greenway Avenue.</p>
<p><b>Norah Head</b> Bungary Road from its intersection with Cliff Street, Hargraves Street, Park Street, Henderson Street, Cliff Street, Roslyn Place, Budgewoi Road from intersection with Bungary Road and Elizabeth Drive, Ada Avenue and Elizabeth Drive.</p>
<p><b>Ourimbah</b> Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive, Pacific Highway, King, Station and Ourimbah Streets.</p>
<p><b>Shelly Beach</b> Carpark and road area in vicinity of Life Saving Club and Shelly Beach Cabins.</p>
<p><b>Summerland Point</b> Summerland Point- Cams Boulvarde from Illawong Road and Gurrail Place, Illawong Road from Cams Boulevard to Muraban Road, Muraban Road from Illawong Road and Gurrail Place, Gurrail Place.</p>
<p><b>The Entrance</b> The Entrance Road (Denning Street to The Entrance Bridge) Marine Parade, Beach Street (Marine Parade to Ocean Parade), that Portion of The Entrance Road to Warrigal Street, Victoria Street, Victoria Street, Denning Street. Theatre Lane; the carpark bounded by Theatre Lane, Bayview Avenue, Short Street and Denning Street; Short Street; Bayview Avenue and Ambler Parade.</p>
<p><b>Toowoan Bay</b> Bay Road - Koongara Street, including entire length of Koongara Street.</p>
<p><b>Toukley</b> Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade, Peel Street, Lakeview Street, Holmes Avenue, Victoria Avenue, Canton Beach Road, Yaralla Street, Elden Street, Summerside Street and Sonters Lane.</p>
<p><b>Wyong (1)</b> Cutler Drive between Harvey Street and Casey Drive, Owen Avenue.</p>
<p><b>Wyong (2)</b> Hely Street from intersection with Anzac Avenue to intersection to Pacific Highway, Hardware Lane with Norah Road.</p>



## **6.4 Proposal to Assign a District Name**

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TRIM REFERENCE: F2004/06463 - D01907529

AUTHOR: ED

### **SUMMARY**

Reporting on a proposal to assign a District Name to the suburbs of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Calga, Mount White and Kulnura.

### **RECOMMENDATION**

- 1** *That subject to agreement by resolution of Gosford City Council, Council advertise the proposal to assign the District Name "Central Coast Plateau" to the suburbs of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Calga, Mount White and Kulnura.*
- 2** *That subject to no significant objections being received, Council submit the proposal to the Geographical Names Board for formal approval.*

### **BACKGROUND**

The Central Coast Plateau Chamber of Commerce has suggested that the mountain area of the Central Coast needs to be identified collectively. Whilst the districts of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Calga, Mount White and Kulnura are all entities in their own right, they are often referred to as "the mountain".

### **THE PROPOSAL**

The Chamber has identified a need to have a collective identifying name whilst giving reference to the Central Coast region and believes that the *Central Coast Plateau* would be a suitable and acceptable collective name as it puts a bond between the mountain districts and the coast. The Chamber also believes it would assist in giving recognition to the contribution that these districts have made to the Central Coast.

Any proposal to assign a district name requires the support of both Gosford and Wyong Shire Councils as the area affected by the proposal is contained within the boundaries of both Councils. Informal discussion with the General Manager at Gosford City Council has indicated Gosford City's support for the proposal.

### **OPTIONS**

- 1** Adopt the proposal to name the areas listed as *Central Coast Plateau*. Giving the districts of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Calga, Mount White and Kulnura an official name recognised by the Geographical Names Board means that they can be identified collectively on locality maps.
- 2** Take no action. This may negate the enthusiasm of the Central Coast Plateau Chamber of Commerce and its endeavours to promote the local area's economy.

**Financial Implications**

It is not envisaged that Council would incur any costs as a result of the allocation of the district name unless it was decided to erect locality signs on main access roads to the area.

**CONSULTATION**

The proposal requires advertising and consultation with the community. Any significant objections would be reported back to Council.

**GOVERNANCE**

Council is able to submit suggested District names to the Geographical Names Board for consideration.

**CONCLUSION**

Provided Gosford City Council formally supports the proposal, it is recommended that the proposal be advertised and should no significant objections be received, that it be submitted to the Geographical Names Board for adoption.

**ATTACHMENTS**

*Nil.*

## 6.5 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2009/01723 - D01915554

AUTHOR: SG

### SUMMARY

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

### RECOMMENDATION

*That Council allocate an amount of \$6,206 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.*

### BACKGROUND

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

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

### THE PROPOSAL

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

### STRATEGIC LINKS

#### Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A better 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.

## **6.5 Proposed Councillors' Community Improvement Grants (contd)**

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### **Financial Implications**

Expenditure is approved until the end of the current financial year. Unspent approvals lapse 30 June 2009.

### **CONSULTATION**

Applications that met the criteria were distributed to Councillors for their consideration. Applications received directly from Councillors were not distributed to other Councillors.

### **GOVERNANCE**

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

### **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.

## 6.5 Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Mathews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/12/2008 - 30/06/2009		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 27/05/2009		2,005	2,600	5,864	5,155	2,631	5,650	1,250	7,500	4,690	4,600	41,945
Available allocation as at 10/06/2009		5,495	4,900	1,636	2,345	4,869	1,850	6,250	0	2,810	2,900	33,055
Proposed Allocations for 10 June 2009												
Brackets & Jam Central Coast - North	Assist to purchase a shipping container for community storage of equipment				250							250
Budgewoi / Buff Point Community Precinct Committee	Assist to recover costs and associated visits, workshops by a public facilitator held in February, March 2009	20										20
Cancer Council NSW (payment in advance)	Assist with fundrasing for Biggest Morning Tea			396								396
Central Coast Chinese Association	Assist with costumes, training travel, room hire, stationery for running of association		2,500									2,500
Future Achievement Australia Foundation	Provide funds for a community coach, participant to Mingara Max Potential Youth leadership program	200										200
Gwandalan Lioness Club	Assist with recovery of rent for holding of 5th Annual Art Show 22-26 Jan 2009							350				350
Northlakes High School	Assist with Career and Transition Excellence Award (CATE)	500						500				1,000
Spirited Communities	Assist with providing support to host an event for families focussed at connecting families with fun and educational activities			750								750
The Entrance Amateur Swimming Club	Purchase of a wireless public address system			490								490
Toowoan Bay Surf Life Saving Club	Assist with new motor for IRB rescue craft	250										250
<b>Total Proposed Allocations for 10/06/2009</b>		<b>970</b>	<b>2,500</b>	<b>1,636</b>	<b>250</b>	<b>0</b>	<b>0</b>	<b>850</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,206</b>
<b>Total Accumulated Allocations as at 10/06/2009</b>		<b>2,975</b>	<b>5,100</b>	<b>7,500</b>	<b>5,405</b>	<b>2,631</b>	<b>5,650</b>	<b>2,100</b>	<b>7,500</b>	<b>4,690</b>	<b>4,600</b>	<b>48,151</b>
<b>Pending Allocations to next meeting or requiring further information</b>		<b>0</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>250</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>750</b>
<b>Balance Uncommitted as at 10/06/2009</b>		<b>4,525</b>	<b>1,900</b>	<b>0</b>	<b>2,095</b>	<b>4,619</b>	<b>1,850</b>	<b>5,400</b>	<b>0</b>	<b>2,810</b>	<b>2,900</b>	<b>26,099</b>

## ATTACHMENTS

Nil.

## **6.6 Wyong Shire Council's Asset and Risk Management Strategies to Manage the risk of Occurrence of Unexpected Asset Failures**

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TRIM REFERENCE: F2004/06475 - D01910412

AUTHOR: RF

### **SUMMARY**

The following is a report on the results of a review of Wyong Shire Council's Asset Management and Records Management Systems and processes, with reference to the report entitled "Review of Gosford City Council's Asset Management and Records Management Systems, December 2008" for the Minister for Local Government, as a result of a fatal accident after the collapse of a culvert at Piles Creek in 2007.

### **RECOMMENDATION**

***That Council note this report on the systems and processes used by Wyong Shire Council to manage the risks of occurrence of unexpected asset failures and the proposals to improve those processes.***

### **BACKGROUND**

Following a fatal accident at Piles Creek, in Gosford City Council area in 2007, the Minister for Local Government requested a review of that Council's Asset Management and Records Management Systems.

The terms of reference focused on whether Gosford City Council had established –

- An effective inspection regime
- Identification of risks
- Timely response to the risks
- Oversight of the systems

The report of the review (the report) was issued in December 2008.

At the ordinary meeting of Council held on 22 April 2009, it was resolved unanimously on the motion of Councillor BEST and seconded by Councillor EATON:

*"That due to the failure of Piles Creek Culvert, Council take a proactive approach to the findings and recommendation of the Ministers investigation into this event through receiving and considering a report from staff at their earliest convenience on this important issue as tabled by Mr Dick Persson and Mr Alan Griffin appointed to investigate."*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL."

**1 ASSET MANAGEMENT SYSTEMS**

**a *The results from the report for Gosford City Council***

In August 2002, Gosford City Council initiated its "Integrated Total Asset Management Project".

The review found that the Asset Management System at Gosford City Council "at the time of the accident was poor". It found that "the system's lack of regular inspections, formal recording or feedback on the actions identified by the inspections and the lack of a proper exception reporting/management information system was problematic".

Since the accident, Gosford City Council has commenced the implementation of a new system.

The review found that the new system currently in place "is very sound and is in line with industry best practice". It found that "the system now in place is leading edge", but "the only criticism that might be levelled at Council is the time being taken to complete this (Integrated Total Asset Management) Project".

It advised that "it would be prudent for the Council to report to the Department of Local Government about implementation of the Asset Management System and its completion".

**b *The relative position between Gosford City Council's and Wyong Shire Council's  
Asset Management programs and systems***

A detailed comparison of Gosford City Council's and Wyong Shire Council's Asset Management systems has been carried out, based on information for Gosford City Council that is taken from the report and some discussions with colleagues at that Council. The comparison is available on Council's files.

That analysis can be summarised as follows:

- i Wyong Shire Council's progress in completing a comprehensive asset register, that is linked to the financial Fixed Asset Register, is ahead of that of Gosford City Council.
- ii Wyong Shire Council completed Asset Management plans, for all five asset classes, to "core" level, in December 2008. This achievement was confirmed by external audit. Gosford City Council has completed Asset Management plans only for Water and Sewerage. Gosford City Council's Asset Management plan for Roads is in a first draft stage.
- iii Wyong Shire Council has an adopted program to progressively advance its Asset Management practices.
- iv Gosford City Council uses the "Hansen" Asset Management System. Wyong Shire Council uses the "Councils on Line" (COL) suite of programs. Both systems have similar capacity and both could be described as "very sound" and "leading edge". Both involve resourcing needs to allow for advanced implementation and high level integration with other systems. Wyong Shire Council's progress in implementing its systems is in advance of that at Gosford City Council.

- v Both councils need to enhance the integration of their asset inspection processes with systems that can better monitor progress in dealing with identified asset defects that require attention. Wyong Shire Council has identified this task in its Asset Management Improvement Program, as part of the continuous improvement process. Its target is to design the process to deliver such a result by July 2009. The first stage of rolling out the new processes will result in an effective monitoring and risk management system being operational by October 2009.
- vi Wyong Shire Council has a strong Asset Management framework in place and has established the positions of "asset managers", or equivalent, in each asset class (not all of these positions are currently filled).
- vii Wyong Shire Council's progress in Asset Management compares favourably with that of Gosford City Council.

It should be noted that Wyong Shire Council does not have any corrugated steel culverts (such as the one that was at Piles Creek) in its infrastructure portfolio.

**c Risk management processes**

Council has a very large infrastructure portfolio, with a replacement value of over \$2B. Councils are not expected to maintain all of their assets in perfect condition at all times. What is important is that they understand their exposure to risk in relation to the condition of those assets and have plans in place to manage that risk to acceptable levels.

Council has a sound risk management policy and framework. It is included in its Asset Management Policy.

Its Asset Management plans identify "critical" assets. These are defined in the International Infrastructure Management Manual as "those which have a high consequence of failure (not necessarily a high probability of failure)". Risk analysis is the process of balancing the consequence of failure and the probability of failure and establishing a risk rating. Advanced risk management involves the weighing of the costs of avoiding risks against those incurred by accepting risk and making "optimal" decisions.

Wyong Shire Council has a sound process of regularly inspecting its assets for defect identification. Its Asset Management plans have identified the need to progressively enhance our risk management strategies.

Wyong Shire Council has already been proactive in working to improve our processes to reduce the risk of an incident similar to that at Piles Creek.

Council has in place a number of effective systems of inspections and various processes to monitor progress in acting on recognised defects. The processes are sound but could be improved by establishing more consistency in criteria for setting priorities for remedial action, recording of inspection reports, monitoring progress in remedial action and enabling managerial oversight of the process.

Through the Asset Management Working Group and the Business Improvement Team, as part of the Asset Management Improvement Plan, the Manager of Asset Management Systems is working on a risk management project. Its target is to further improve the current processes involved in the inspection and recognition of defects in assets and those involved



in monitoring the completion of any associated repair work. Its Asset Management Improvement Program proposes to design the improved processes by July 2009, test those processes and provide appropriate training during July 2009 and roll out the first stage of the new system by October 2009. Further improvements to the system to ensure consistent inspection formats, improved risk assessment, fully integrated processes and comprehensive training are planned for completion and full operation across all asset classes by December 2010.

The target product is a more consistent, rigorous, integrated process to record inspection results, rank the priority of repair of any defect, have a decision made on the timing and funding of approved work, issue a work order and track progress through until completion. The process will include an effective system of escalating any outstanding urgent works to the Managers and Directors and then to the General Manager.

A whole of Council solution is proposed. It will be user friendly. Its implementation will involve good training and a sound understanding, by the users, of the reasons for the processes. We aim to use the capacity of our current software tools, where possible, and have a system that links with the asset register.

The timetable to develop the system is urgent (by the end of June). Then it will be rolled out as described above. By the end of 2010, the target is for Wyong Shire Council's enhanced system of risk management for its assets to be fully operational and for Wyong Shire Council to continue to apply appropriate improved Asset Management practice.

## **2 RECORDS MANAGEMENT SYSTEMS**

Gosford City Council in June 2002 implemented the DataWorks Electronic Document Management System (EDMS). As part of the Councils Online (COL) project Wyong Shire Council implemented the Tower Record Information Management System (TRIM). Whilst these systems are dissimilar in relation to functionality, they do perform similar functions in regard to document management.

Since the Piles Creek accident and the ensuing Coroner's Inquiry, Gosford City Council implemented a program to strengthen compliance with their record management policies and procedures. The key elements of this program listed in the report and Wyong Shire Council's response are as follows:

***a Implementation of a continuous audit on compliance with record keeping policies and procedures;***

Following the release of the report, Wyong Shire Council approached State Records Authority to find out whether they could undertake a similar audit to that undertaken at Gosford City Council. State Records Authority advised that they normally did not undertake audits like the one carried out at Gosford City Council. They provided Wyong Shire Council a tool for undertaking self audits. The audit has already commenced and should be completed by the end of June. In addition it will be carried out on a regular basis.

***b An internal audit to identify all documents not stored in DataWorks. This had identified 800,000 documents stored on various computer drives other than DataWorks. These documents are currently being assessed to ascertain if they are official records;***

Following a review by the Internal Audit Bureau (IAB), of Wyong Shire Council's Information Technology systems, a project named Information Management Methodology (IMM) was commenced in February 2008. One of the modules associated with this project is a review of the data stored in the network drives of all Wyong Shire Council staff across the organisation. This review is to ensure that corporate records are stored in Wyong Shire Council's corporate records system, Trim. At this stage the review is concentrating on sections identified as high risk and is due for completion by December 2009.

***c Compulsory attendance by staff at refresher record management courses;***

Wyong Shire Council has a Records Management Policy for staff and one for Councillors. Various procedures are in place to guide staff on record keeping such as when to register a document. They interpret and identify a corporate record and what needs to be captured and actioned. The documents are available on Wyong Shire Council's Intranet.

All users have been trained in Records Management requirements for capture and how to use the system. They are encouraged to seek further assistance if they still have difficulty after training. Several refresher training sessions have also been held and staff encouraged to attend.

***d Assigning record management responsibilities in all position descriptions;***

A process has now been put into place for record management responsibilities to be included in job descriptions for positions across the organisation that have this requirement.

These responsibilities are associated with Wyong Shire Council's record keeping requirements including capture of records and e-mails in the corporate record system and the correct disposal of documents.

It is anticipated that this process will be finalised by the end of August 2009.

***e Commencing a review of all hard copy records still maintained on live projects across Council. The first stage of the review will focus on the road maintenance areas;***

Towards the end of last year, Wyong Shire Council commenced a project to review the storage of hard copy records and investigate where and how these records should be stored in the future. In addition, this review also identified what records are stored in Wyong Shire Council's archive storage areas and what records are stored in various work units. The report on this review is currently being finalised.

***f Requiring all follow up actions resulting from road/bridge/culvert inspections to be recorded on DataWorks;***

To be determined as part of the Asset Maintenance Improvement Plan as detailed earlier.

***g There could be some further work undertaken to ensure staff understand what constitutes an official record. For example, a concise set of 'recordkeeping rules' tailored to each Directorate (with specific examples) could be developed and distributed in pamphlet or flyer form (including Induction Packs) and also placed on the Intranet;***

## 6.6 Wyong Shire Council's Asset and Risk Management Strategies to Manage the risk of Occurrence of Unexpected Asset Failures (contd)

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This matter is dealt with in item 'c' above.

- h The work to go through documents stored on network / personal drives and email inboxes and either delete or save these to DataWorks should be continued as a priority and steps should be taken to avoid another build up to the levels found in the recent audit;***

This matter is dealt with in item 'b' above.

- i Council should prepare a mapping from DataWorks to the metadata requirements of the Standard on digital recordkeeping, including confirming how all process metadata will be created/captured;***

Wyong Shire Council has implemented TRIM as its Corporate Records and Information Management System. Trim has integration with Pathway (Property System), Oracle Custom Request System (CRM), Matman (Asset Management System) and Oracle Human Resource Systems (HR) where documents are automatically captured into TRIM with relevant metadata to identify the documents.

Metadata enables records to be located easily and describes activities that have happened to a record such as but not limited to:

Date of document, title, author, addressee, creator, date registered, action taken, access controls, notes, related records, audit events (who viewed, changed etc), location and disposal action if required.

In many areas integrated business systems such as Pathway and Trim have been implemented, which enables documents to be automatically captured with the required metadata as part of the creation of the document. The officer undertaking this role does not need to do any manual creation in these systems. For example when a Development Consent is generated in Pathway it is automatically captured into Trim with relevant metadata. From Pathway you can view the document or indeed the whole folder in Trim with all the documents concerning the Development Application. The system has workflows for actions and good reporting functionality to determine if action is not taking place. Staff are encouraged to insert a note of the action taken before completing actions. The system also has appropriate security controls in place.

When implementing TRIM, care was taken to ensure that the system complied with all of state records requirements for recordkeeping including ensuring that appropriate metadata fields were available and, where necessary, mandatory.

State Records have recently implemented their Standard on Digital Record Keeping (March 2009) and over the next couple of months Wyong Shire Council will be examining this Standard and reviewing practices to ensure compliance.

### ATTACHMENTS

*Nil.*

## **7.1 Adoption of Management Plan 2009-10**

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TRIM REFERENCE: F2004/07006 - D01916195

AUTHOR: BR

### **SUMMARY**

Section 406 of the *Local Government Act 1993* requires Council to adopt a Management Plan prior to 30 June each year.

### **RECOMMENDATION**

- 1** *That Council adopt the Draft 2009-10 Management Plan and the estimates of income and expenditure inclusive of the changes outlined in this report for the year 2009-10.*
- 2** *That Council set the rate and charge rebates to pensioners for the year 2009-10 in accordance with relevant legislation and Council policy.*
- 3** *That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management as detailed in Attachment 1:*
  - a** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.*
  - b** *All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoona Bay, Shelly Beach, Bateau Bay and Magenta.*
  - c** *All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoona Bay.*
- 4** *That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Greater Toukley Vision as detailed in Attachment 2:*

*All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.*
- 5** *That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong-Tuggerah Chamber of Commerce as detailed in Attachment 3:*
  - a** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.*

***b All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:***

- ***North of the Wyong River from Tacoma in the east to the F3 Freeway in the west;***
- ***East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;***
- ***South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway; and***
- ***The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.***

***6 That Council set the fees and charges for 2009-10 as detailed in the Revenue Policy and incorporating the changes outlined in this report.***

***7 That Council direct the General Manager to borrow up to a total of \$50,923,000 from financial institutions with an Australian banking licence and \$1,000,000 from the Department of Lands in accordance with the Management Plan.***

## **BACKGROUND**

Council has recently exhibited the Draft 2009-10 Management Plan in accordance with the provisions of Section 405 of the Local Government Act 1993:

The Draft Management Plan was prepared in accordance with the Local Government Act 1993 and outlines Council's activities for the next three years and the Revenue Policy for the next 12 months.

The Draft Management Plan was placed on public exhibition from Wednesday, 15 April 2009 to Wednesday, 13 May 2009. Copies of the plan were available for viewing at the Civic Centre in Wyong, at Council's Library and Information Centres, and on Council's website. In addition Council staff conducted a community briefing session on Thursday, 30 April 2009 to explain the Draft Management Plan and answer questions.

In accordance with Section 406 of the Local Government Act 1993 Council must adopt a Management Plan after a draft has been prepared and exhibited. In deciding on the final plan to be adopted Council must take into consideration any submissions that have been made concerning the Draft Management Plan.

Council received fifty submissions on the Draft 2009-10 Management Plan (thirty-five were received on time and, as at 21 May 2009, there were fifteen late submissions). Forty-five of the submissions were from non-residents requesting the continuation of the 70-night storage van option in Council's Holiday Parks. The other five submissions raised issues including:

- additional works in the Norah Head area;
- the ongoing maintenance of Council's infrastructure;
- the relocation of Wyong Drama Group and/or upgrade works at Wyong Memorial Hall;
- incorporating fiscal and ecological sustainability principles; and more emphasis on culture.

A summary of the submissions is included as Attachment 4.

## MANAGEMENT PLAN OVERVIEW

The 2009-10 Management Plan includes an expenditure budget of \$406 million. The features of the 2009-10 Management Plan include:

### *Community Pride*

The 2009-10 Management continues Council's commitment to a Community Pride Program. Community pride is evidenced by people taking part in community life, having a strong sense of place and taking an active interest in what is happening around them.

Council can have a significant influence on community pride by improving the appearance of the Shire (via programs that enhance our physical surroundings such as mowing and litter collection).

Volunteering will be encouraged (i.e. Council and the community working in partnership) to assist in the beautification and maintenance of community assets. This approach will enable residents to work collectively to tackle issues of common concern and opportunity.

### *Tuggerah Lakes Estuary Management Plan*

The 2009-10 Management Plan includes \$7.6m for the continuing implementation of the Tuggerah Lakes Estuary Management Plan to help improve the quality of the Shire's waterways and revitalise the recreational, social, environmental and economic values of the lakes and their foreshores. This budget is funded from the Waterways Environmental Levy (\$1.7m), a Federal Government grant (\$5m), and a \$0.9m contribution from the surpluses from Holiday Park operations

### *Mardi-Mangrove Link*

The major capital project in the 2009-10 Management Plan is the construction of the Mardi-Mangrove Link pipeline as part of the Central Coast's long-term water supply strategy, WaterPlan 2050. This project will enhance the region's water supply system and help secure it into the future. This, in turn, will give greater support to the Shire's social fabric, economic base and local environment. Work has already begun on the project and completion is expected in late 2011.

### *20-Year Shire Strategic Vision*

Another key project to be finalised during 2009-10 is the Shire Strategic Vision. This community strategic plan was formulated in partnership with local community members, business representatives and others and identifies the priorities for the Shire for the next twenty years. Looking ahead, the 2010-11 Management Plan will outline the first steps to be taken to achieve the outcomes in the Shire Strategic Vision.

## MANAGEMENT PLAN CHANGES – VOLUME I

Along with minor typographical amendments, improved wording and minor budget corrections, the following significant changes to the Draft Management Plan, as exhibited, are proposed:

**PRINCIPAL ACTIVITY 1 – A More Sustainable Community****1.1.7 Community Buildings Construction**

A review of the proposed Rolling Works Program has resulted in part of the funds for the construction of the Hamlyn Terrace Community Centre (\$963,000) being moved from 2009-10 to 2010-11. Construction on this project is expected to commence in April 2010 and continue into the following financial year. In addition, an additional project to develop the detailed concept plans for the design of the Bateau Bay Library (\$200,000) has been included in 2009-10. As both of these projects are funded from developer contributions these changes have no net impact on the bottom line.

**1.1.21 Cemeteries**

The budgeted salary for the Bereavement Officer (\$42,000) has been transferred from Shire Services Salaries (line 5.1.6) to the Cemeteries Program (line 1.1.21). There is no net impact on the bottom line.

**1.7.2 Open Space Maintenance**

An additional amount of \$224,000 has been included in line 1.7.2. This includes \$124,000 to undertake increased litter collection over a growing asset base (funded from the contribution to General Fund from the Waste program). It also includes \$100,000 for fire protection works funded from an additional Local Government Fire Mitigation Grant from the Rural Fire Service.

**1.7.5 Cycleway Improvements**

The Roads & Traffic Authority has discontinued annual grant funding for cycleways (\$125,000). In 2009-10 this will be partially offset by an additional Metropolitan Green Space grant (\$25,000) for work at Buff Point (to complement the Federal Infrastructure funding). In addition, a grant application has been submitted for the Australian Government Jobs Fund for 50% funding of a \$250,000 shared pathway project. As these changed expenditures are funded from grants, there is no net impact on the bottom line.

**1.7.6 Open Space Improvements**

A review of the proposed Rolling Works Program has resulted in part of the funds for the construction of the Hamlyn Terrace fields and courts (\$2,159,000) being moved from 2009-10 to 2010-11. Construction on this project is expected to commence in April 2010 and continue into the following financial year. In addition, the small park/drainage corridor at Wadalba (\$225,000) is being moved from 2009-10 to 2010-11 as the land has yet to be released and, when it is, it is likely that this facility will be constructed by the developer. As both of these projects are funded from developer contributions these changes have no net impact on the bottom line.

**1.7.13 Leisure & Pool Facilities**

It is proposed to combine lines 1.7.13 Swimming Pool Operations and 1.7.14 Swimming Pool Improvements into a new line 1.7.13 Leisure & Pool Facilities.

This new line will incorporate the operations and improvements of the Shire's swimming pools (at Wyong, Toukley and The Entrance) and leisure centres (Lake Haven and EDSACC). An amount of \$98,000 has been transferred from Community Buildings Maintenance (line 1.1.6) for the maintenance costs associated with the leisure centres. There is no net impact on the bottom line.

In addition the Strategic Target 1.8.4.2 (on page 67) to be amended to "Develop measures for quarterly reporting on the utilisation of EDSACC Leisure Centre, Lake Haven Recreation Centre, and Wyong, Toukley and The Entrance Swimming Pools.

### **1.7.15 Public Toilets Maintenance & Upgrades**

Following a preliminary review of this program it is proposed to reallocate \$88,000 from capital projects (new partitions and tiling at Village Green Toukley, tiling at Soldiers Beach and disabled toilet at Blue Lagoon Bateau Bay) to operating costs (to cover the costs of minor maintenance, graffiti, vandalism and operations). The next phase of this review during 2009-10 will focus on improved work practices to save funds that could, in future years, be allocated to upgrade works. There is no proposed change to the total expenditure allocated to line 1.7.15.

### **1.8.4 By-Laws**

As a result of Council losing the security contract with The Entrance Town Centre, the income (\$240,000) and corresponding expenditure on Rangers has been reduced. There is no net impact on the bottom line.

### **Other**

An additional Strategic Target (or Action) to finalise the Bushfire Risk Management Plan has been included on page 43 under Community Support.

The target for Kilometres of Shared Pathways Constructed (on page 69) has been increased from 1.6km to 2.0km to align with the planned work at Mannering Park, Buff Point and North Entrance.

The target for the Net Median Time to Process Development Applications (on page 72) has been revised from <30 working days to <25 working days. Due to the recent downturn in the building industry (leading to a reduced number of development applications) the existing target has been easily met. Whilst it is anticipated that the new target is achievable in the current climate, should development activity escalate substantially, the target may need to be reviewed.

## **PRINCIPAL ACTIVITY 2 – A More Sustainable Economy**

The target for the Net Median Time to Process Development Applications (on page 72) has been revised from <35 working days to <30 working days. Due to the recent downturn in the building industry (leading to a reduced number of priority development applications) the existing target has been easily met. Whilst it is anticipated that the new target is achievable in the current climate, should development activity escalate substantially, the target may need to be reviewed.

Following a review of the Policy Development Program, Strategic Direction 2.1.1.2 (on page 84) to review Chapter 75 of DCP 2005 has been removed.

## **PRINCIPAL ACTIVITY 3 – A More Sustainable Environment**

### **3.1.1 LandCare**

The Catchment Management Authority has advised that the grant for the LandCare program (\$78,000) will be discontinued in 2009-10. After removing the grant, an additional \$19,000 has been included in line 3.1.1 to maintain the program's expenditure at the original 2008-09 level.

### **3.2.2 Dredging and Foreshore Nourishment**

A review of the works to be funded from the Holiday Park surpluses (the Cluster Plan) has resulted in \$180,000 being transferred to dredging (line 3.2.2) from Coastal Area Improvements (line 2.1.11) due to the deferment of the Soldiers Point foreshore improvement works. There is no net impact on the bottom line.



**Other**

An additional Strategic Target (or Action) to commence preparation of a Natural Resources Strategy has been included on page 101 under Biodiversity.

Also in the Biodiversity Section, on page 102 work will commence on the Long-Term Target to develop a Biodiversity Management Plan to guide planning and conservation decisions.

**PRINCIPAL ACTIVITY 4 – Infrastructure****4.2.1 Drainage Maintenance**

The allocation for Drainage Maintenance has been revised from \$2.203m to \$1.290m as the amount in the Draft Management plan was incorrectly based on the revised 2008-09 budget (that included significant one-off expenses), instead of the original 2008-09 figure. As this is funded from Transfers from Reserves there is no impact on the forecast result.

**4.3.10 Water Capital and Refurbishment Works**

An additional \$1.4m has been included in line 4.3.10 for the design, construction and commissioning of infrastructure for the cleaning of the Gosford-Wyong Western Transfer Main. This will be 50% funded by a contribution from Gosford City Council. There is no impact on the forecast result.

**4.5.3 and 4.5.16 Tip Rehabilitation**

A review of the tip rehabilitation program has resulted in an additional \$500,000 in expenditure in lines 4.5.3 and 4.5.16 to establish Halekulani Quarry to receive virgin excavated natural material (VENM). These works are funded from the Waste Program's Reserves and there is no net impact on the bottom line.

**Other**

The target for the Proportion of the Drainage System Inspected and Returned to Original Design Capacity (on page 125) has been reduced from 20% to 10%. This reduction is a reflection of the increased emphasis of the program on the piped drainage network (as opposed to open drains, inlet pits, gross pollutant traps, etc.) which requires higher cost specialist closed circuit television (CCTV) inspections and the use of water jetting and other mechanical means of removing obstructions to restore design capacity. In addition the lifecycle management cost of the drainage infrastructure is minimised through the asset management system which will program the renewal and drainage upgrades.

**PRINCIPAL ACTIVITY 5 – Organisation****5.3.1 and 5.3.2 Plant and Fleet**

A review of the plant and fleet operation has resulted in changes to their income and expenditure forecasts - in particular revised trade-in figures and additional plant purchases. There is no net impact on the bottom line.

**5.4.6 Sustainability**

Due to a change in staffing arrangements, \$40,000 has been transferred from Shire Planning Salaries (line 5.1.7) to the Sustainability Program (line 5.4.6). There is no net impact on the bottom line.

**Other**

An additional Strategic Target (or Action) to develop and implement Stage 1 of the Culture Change project to deliver improved environmental outcomes in all operational activities has been included on page 159 under Governance.

## SOURCE OF FUNDS CHANGES

### **9.4 Contributions from Land Owners (Rezoning)**

The budgeted contribution from land owners for rezonings has been increased by \$70,000 to \$730,000. The major contributor to Source of Funds line 9.4 is the owner of significant land holdings within the Precinct 7A urban release area. Council has entered into a deed of agreement with this landowner to fund the completion of studies associated with the rezoning of the precinct together with the staff salaries required to process these studies and carry out the overall rezoning process. The forecast from the Draft Management Plan has been revised in line with a more refined scope of works associated with the rezoning.

### **13.4 Transfer to Reserves**

It is proposed to transfer the remaining surplus funds (\$232,000) to the Employee Leave Entitlements Reserve because funds from this reserve were utilised for other purposes during 2008-09 with the intention of building the reserve back up in future years.

## 2008-09 REVISED BUDGETS

The financial forecasts in the Draft 2009-10 Management Plan showed, for comparative purposes, revised budget figures for 2008-09 in line with those adopted in the December Quarterly Budget Review.

During the exhibition period Council adopted revised figures for the 2008-09 budget (in the March Quarterly Review) and it is proposed to update the Management Plan in line with the most current estimates.

## REVENUE POLICY CHANGES – VOLUME II

### **Water and Sewer Charges**

Being a Water Supply Authority under the *Water Management Act 2000* all of Council's water and sewerage charges are subject to approval by the Minister for Water following determination by the Independent Pricing and Regulatory Tribunal (IPART). On 15 May 2009, IPART made a four-year determination concerning Council's water and sewerage charges.

The charges in IPART's final determination differed from those in the Draft Management Plan. These changes were outlined in a report to Council on 27 May 2009 where, in accordance with Section 315 of the *Water Management Act 2000* Council determined the water and sewerage charges for 2009-10 in line with the IPART Determination No.2 2009. It is proposed to update the Revenue Policy accordingly.

### **Average Residential Ratepayer**

Table 1 shows the impact on an average residential ratepayer (based on an average property values) with water usage of 153Kl per annum (which is the average residential demand for all residences).

As noted in the report to adopt the Draft Management Plan for exhibition, the overall increase of 9.6% for the average residential ratepayer is the result of price increases that are beyond Council's control – in particular the EPA Waste Levy (a charge levied by the State Government that has increased by 28% in 2009-10) and water, sewerage and drainage charges (approved by the Minister for Water, following determination by IPART).

Table 1: Average Residential Ratepayer

<i>Type of Rate/Annual Charge</i>	<i>2008-09 (\$)</i>	<i>2009-10 (\$)</i>	<i>Increase in \$</i>	<i>Increase as a %</i>	<i>Figures in exhibited Draft Management Plan (\$)</i>
<i>Average Property Valuation</i>	228,000	200,000			
General Rates	775.98	807.70	31.72	4.1%	807.70
Water Availability	112.16	117.46	)	)	116.72
Sewerage	412.67	429.11	) 104.86	) 20.0%	425.19
Drainage Service	0.00	83.12	)	)	82.40
Domestic Waste	295.00	321.15	26.15	8.9%	321.15
Waterways Environmental Levy	25.00	25.00	0	0	25.00
<b>Sub-Total</b>	<b>1,620.81</b>	<b>1,783.54</b>	<b>162.73</b>	<b>10.0%</b>	<b>1,778.16</b>
Water Usage (153KI)	255.20	272.34	17.14	6.7%	269.28
<b>Total</b>	<b>1,876.01</b>	<b>2,055.88</b>	<b>179.87</b>	<b>9.6%</b>	<b>2,047.44</b>

## FEES AND CHARGES

The following changes are recommended to Council's Fees and Charges for 2009-10:

### *Interest on Overdue Rates and Charges*

The Minister for Local Government has specified that the maximum interest to be charged on overdue rates and charges levied under the Local Government Act 1993 is 9.0% (compared to 10% in the Draft Management Plan). The maximum interest rate applicable to overdue charges levied under the Water Management Act 2000 is the rate that applies to Supreme Court judgement debts and that rate is also currently 9%.

### *Other Fees and Charges*

Table 2 summarises the recommended changes to fees exhibited in the Draft Management Plan:

Table 2: Changes to Fees

<i>Ref</i>	<i>Fee</i>	<i>Fee in exhibited Draft Mgt Plan</i>	<i>Proposed New Fee</i>
9.20	Assessment of Construction Certificate Application and Complying Development Certificate Applications for development costing \$1m or greater – Class 1 & 10	<ul style="list-style-type: none"> <li>\$1,350 plus 0.15% of development value over \$0.5m or,</li> <li>by negotiation</li> </ul>	<ul style="list-style-type: none"> <li>\$2,100 plus 0.15% of development value over \$1m or,</li> <li>by negotiation</li> </ul>
<i>Reason: An error was made in the completion of the table of fees. The amended text provides better clarity to the customer of the minimum fees applicable to an application with a value of greater than \$1m, when read in conjunction with the rest of the fee schedule.</i>			
9.21	Assessment of Construction Certificate Application and Complying Development Certificate Applications for development costing \$1m or greater - Class 2 & 9	<ul style="list-style-type: none"> <li>\$1,850 plus 0.15% of development value over \$0.5m or,</li> <li>by negotiation</li> </ul>	<ul style="list-style-type: none"> <li>\$2,600 plus 0.15% of development value over \$1m or,</li> <li>by negotiation</li> </ul>
<i>Reason: An error was made in the completion of the table of fees. The amended text provides better clarity to the customer of the minimum fees applicable to an application with</i>			

<b>Ref</b>	<b>Fee</b>	<b>Fee in exhibited Draft Mgt Plan</b>	<b>Proposed New Fee</b>
	<i>a value of greater than \$1m, when read in conjunction with the rest of the fee schedule.</i>		
10.04	The extension of a development consent	\$321.25	\$265.00
	<i>Reason: Fee revised to cover Council's direct costs (in line with Pricing Category A).</i>		
10.28	Application for a Certificate of Completion and the inspection of a manufactured home and associated structure.	\$68.25	\$65.00
	<i>Reason: Fee in Draft Management Plan incorrect. The fee is set by the Department of Local Government and cannot be altered by Council.</i>		
10.30	Place of Public Entertainment Annual Inspection - Major licensed Entertainment Venues – over 700 persons	\$250.00	\$500.00
	<i>Reason: To correct an error in the fee table in the Draft Management Plan.</i>		
13.05	Temporary Food Businesses - Approval to Operate at a Single Event	New Fee	\$70.00
	<i>Reason: The Draft Management Plan only included an Annual Approval to Operate a Temporary Food Business (\$147). This is a new fee for the operation of a temporary food stall at a single event.</i>		
19.01	Events/Functions (such as weddings, receptions, birthday parties on Parks, Beaches, etc.) - Private Functions Event Fee	\$175.00	\$180.00
	<i>Reason: To make the fee double the rate charged for not-for-profit groups.</i>		
19.06	Commercial use of Parks, Playing Fields, Beaches and Ovals: - Commercial Business – Day Fee – < 20 persons - Commercial Business – Bond – < 20 persons	\$270.00 \$550.00	Combined with fee for > 20 persons \$450.00 \$550.00
	<i>Reason: To simplify the fee structure there will only be one fee for commercial use of parks, playing fields, beaches and ovals. It is proposed to delete the fee for less than 20 persons and only charge the fee that is currently being proposed for groups of greater than 20 persons as a flat rate (i.e. \$450 per day and \$550 bond).</i>		
19.13	Netball Courts – Baker Park Complex - Seasonal Training Fee – Baker Park – per night	\$733.33	\$733.40
	<i>Reason: Rounding.</i>		

### *Water and Sewerage Charges*

Adjustments have been made to water and sewerage charges in line with the IPART Determination No.2 2009 reported to Council on 27 May 2009.

### *Review of Council Facility Fees*

During the development of the 2009-10 Draft Management Plan all of the fees for open space, recreation and community facilities were reviewed to ensure equity across Council's different facilities and with the fees charged in other jurisdictions. Fees have been kept to a minimum in order to reduce the financial impact on sports and community groups and to facilitate increased activity and development of social capital in Wyong Shire. In addition, bonds for community groups engaged in developing social capital are minimal.

The details of the review of Council facility fees are included in Attachment 5.

## **BUDGET RESULT**

The changes to the Management Plan (including the Revenue Policy) that impact the bottom line result are detailed in Table 3. The result is a balanced budget for 2009-10.

## 7.1 Adoption of Management Plan 2009-10 (contd)

Table 3: Changes to 2009-10 Budget

	<i>Result</i>
	\$
<b>2009-10 Draft Management Plan</b>	<b>279,000</b>
Impacts:	
Litter Collection	(124,000)
LandCare	(19,000)
Contribution from Landowners (for Rezonings)	70,000
Miscellaneous	26,000
Transfer to Reserve	(232,000)
<b>2009-10 Adopted Management Plan</b>	<b>0</b>

### SPECIAL RATES

As part of the adoption of the 2009-10 Management Plan, it is necessary for Council to identify properties that will be subject to each special rate and to form an opinion that those properties will benefit from the works, services, facilities or activities provided by each special rate.

#### SPECIAL RATE - THE ENTRANCE TOWN CENTRE

As detailed in Council's 2009-10 Revenue Policy, Council identified the following properties as receiving a benefit from the operations of The Entrance Town Centre:

- All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.
- All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.
- All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993, which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.

All of the properties identified will gain a benefit from the business-related costs of The Entrance Town Centre Management as detailed in Attachment 1.

All properties identified have a component of their business reliant on tourist visitation to The Entrance and surrounding areas. It is anticipated that the activities of The Entrance Town Centre Management will attract more tourists to the area resulting in these properties obtaining a financial benefit.

#### SPECIAL RATE - NON RESIDENTIAL PROPERTIES – TOUKLEY AREA

This rate applies to properties that have been categorised as business in accordance with Section 518 of the Local Government Act 1993 in the retail and commercial suburbs known as Toukley, Canton Beach, Noraville and Norah Head.

All of the properties identified will gain a benefit from the business-related costs of Greater Toukley Vision as detailed in Attachment 2.

The funds generated will be utilised on marketing and promotion of Toukley and surrounding areas so as to increase retail and commercial activity. As all of the properties identified are of a retail or commercial nature, an increase in this type of activity should result in a financial benefit to these properties.

### **SPECIAL RATE - NON RESIDENTIAL PROPERTIES – WYONG AREA**

This rate applies to properties that have been categorised as business in accordance with Section 518 of the Local Government Act 1993 in the retail and commercial areas of the suburbs known as Wyong and Watanobbi.

All of the properties identified will gain a benefit from the business related costs of Wyong-Tuggerah Chamber of Commerce as detailed in Attachment 3.

The funds generated will be utilised on promotions and maintenance so as to increase retail and commercial activity and improve the appearance of the town centre. As all of the properties identified are of a retail or commercial nature, an increase in this type of activity should result in a financial benefit to these properties.

### **ATTACHMENTS**

1	Budget - The Entrance Town Centre Management 2009-10	D01918153
2	Budget - Greater Toukley Vision 2009-10	D01918159
3	Budget - Wyong Tuggerah Chamber of Commerce 2009-10	D01918164
4	Summary of Submissions	D01918190
5	Review of Council Facility Fees	D01924055

**The Entrance Town Centre Management 2009/10 Budget**

<b>Expenditure</b>	<b>\$</b>
Events	214,185
Promotions	63,560
Entertainment	46,200
Pelican Feeding	32,000
Special Promotions	49,895
Administration	36,400
Property	
Cleaning	469,456
Security	180,250
Landscaping	120,120
Maintenance	60,100
Refuse	59,104
Fountains	34,000
Electricity Plaza	23,192
Pest Control	3,796
Other Contracts	25,000
Salaries	275,228
Motor Vehicles	35,000
Capital Expenditure	15,964
Transfer to Sinking Funds	72,000
<b>Total Expenditure</b>	<b>1,815,450</b>
<b>Income</b>	
Events	161,796
Outdoor Dining Licences	107,120
Park Income	58,136
Pelican Feeding	39,364
Corporation Income	9,464
Special Promotions	28,450
Advertising Sign Licences	1,664
Street Vending Licences	1,456
<b>Total Income</b>	<b>407,450</b>
<b>Estimated Net Expenditure</b>	<b>1,408,000</b>
Council Contribution	1,408,000

### Greater Toukley Vision 2009/10 Budget

<b>Expenditure</b>	<b>\$</b>
Administration Expenses	
Salaries – Marketing and Office	40,000
Office Rent & Utilities	12,000
Other – Insurance, Advertising	12,000
Marketing and Promotions	45,000
Contracts for Services	
Cleaning Maintenance	25,000
Security Services	20,000
Beautification/ Flags, signage	10,000
<b>Total Expenditure</b>	<b>164,000</b>
 <b>Income</b>	
Sponsorships and Fundraising	15,000
<b>Total Income</b>	<b>15,000</b>
<b>Estimated Net Expenditure</b>	<b>149,000</b>
Council Contribution	139,000
Estimated loss for 2009/10	(\$10,000)
Note: This loss is to be funded from reserves	



### Wyong/Tuggerah Chamber of Commerce 2009/10 Budget

<b>Expenditure</b>	<b>\$</b>
Town Coordinator	55,000
Advertising (in kind)	42,800
Events and Functions	27,200
Office Management & Training	32,600
Rent	14,400
Insurance	7,000
Telephone/Office Equipment	6,000
Charitable Donations	5,000
Vehicle Mileage	3,000
Paper & Stationery	2,700
Bookkeeping & Auditing	2,500
Conference Expenses	2,000
Board Meetings	1,000
<b>Total Expenditure</b>	<b>201,200</b>
<b>Income</b>	
Advertising (in kind)	42,800
Membership fees	29,400
Sponsorship (Council)	5,000
Sponsorship (Other)	16,500
Work for the Dole Trainees	8,500
Event Income	22,000
Fund raising	15,000
<b>Total Income</b>	<b>139,200</b>
<b>Estimated Net Expenditure</b>	<b>62,000</b>
Council Contribution	62,000

## Summary of Submissions

<i>Doc No.</i>	<i>Issues</i>	<i>Response</i>
D01906885 D01906946 D01907332 D01907622 D01908238 D01908257 D01909241 D01909295 D01909410 D01909514 D01909654 D01909957 D01910455 D01910516 D01910541 D01910674 D01910738 D01910886 D01911096 D01911104 D01911562 D01911565 D01911776 D01911786 D01911871* D01911923 D01913094 D01913096 D01913103 D01913197 D01913666* D01914181* D01914217* D01914428* D01915051* D01915725* D01915745* D01916151* D01916184 D01916243* D01916286* D01916420* D01916716 D01917245*	<p><b>Fees &amp; Charges Item 2.9 Holiday Park fees</b></p> <p><b>Object to the proposed change to the Holiday Park fee structure for storage van owners, to eliminate the 70-night option.</b></p> <ul style="list-style-type: none"> <li>Not possible to use van for 110 nights.</li> <li>Not getting anything additional for the extra money we have to pay.</li> <li>The 110-night option equates to a fee increase of 13% (over the previously offered 70-night option) and this is considered unreasonable in the current economic circumstances.</li> <li>There is no pensioner discount for storage van owners.</li> <li>Unable to sell storage vans.</li> <li>The main income in Council's Holiday Parks is from casual storage van owners.</li> </ul>	<p>This change has been made to increase the patronage of the parks in line with the adopted Business Strategy.</p> <p>The Business Strategy is seeking to improve the balance of short-term tourist sites (as a proportion of total sites) so that more community members can enjoy these Crown Reserves and create a vibrant, holiday atmosphere.</p> <p>Storage van owners are encouraged to have family members utilise their on-site holiday van (consistent with the objective of increasing patronage of the parks).</p> <p>In one year there are 11 public holidays in NSW (one on a weekend), 104 weekend days, plus annual leave and school holiday periods.</p> <p>The Business Strategy identifies a comprehensive range of improvements to the Holiday Parks and work has commenced to enhance facilities and improve the amenity of the parks.</p> <p>It is proposed to retain the fee for the 110-night option at the same level as charged in 2008/09.</p> <p>By eliminating the 70-night option Council is moving its operation more in line with industry standards.</p> <p>No pensioner discount is proposed for storage van owners.</p> <p>In 2006 Council reached an agreement with the Department of Lands to work towards a ratio of 70% storage van sites to 30% tourist van sites over 5 years (with a longer-term target of a ratio of 50-50).</p> <p>The strategy to increase the ratio of short-term tourist sites to storage vans includes a prohibition of on-site sales to external purchasers.</p> <p>The potential income from holiday cabins is much greater than the income from storage van sites. In addition, the more tourist sites that a park has – the better the amenity and vibrancy of the area which, in turn leads to increased utilisation of the parks.</p>
D01909522	<p><b>Consider the following projects for inclusion in Council's 2009-10 Works Program:</b></p> <ul style="list-style-type: none"> <li>Investigate and construct a shared pedestrian cycle path along Bungary Road Norah Head between Wilfred Barrett Drive and the Norah Head Holiday Park.</li> </ul>	<p>Council has previously acknowledged in principle support for a shared pathway to extend from Wilfred Barrett Drive and connect to Soldiers Beach. This path is proposed to form part of the North Entrance to Toukley Shared Pathway project. The requested section of pathway is not programmed in the short-term. In 2009/10, construction is proposed to continue along the lake foreshore, approximately 100m into the Crown</p>

Doc No.	Issues	Response
	<ul style="list-style-type: none"> <li data-bbox="395 304 818 439">• Investigate and report (with recommendations) on the stability of the cliff face of Cabbage Tree Harbour at Norah Head between Mitchell Street and the boat ramp.</li> <li data-bbox="395 1077 818 1178">• Develop and implement a plan of improvements for Mazlin Reserve, Norah Head in consultation with the local community.</li> <li data-bbox="395 1267 818 1402">• Adopt and commence implementation of the recommendations of the 'local area traffic management plan' for Norah Head'.</li> <li data-bbox="395 1603 818 1704">• Continue to enhance the facilities at Jenny Dixon Reserve, Norah Head including additional barbecues.</li> <li data-bbox="395 1738 818 1839">• Congratulate Council on this ambitious program for 2009-10, with an estimated budget of \$405m.</li> <li data-bbox="395 1872 818 1973">• Noted that Norah Head has been identified for a number of small maintenance or capital improvement projects.</li> </ul>	<p data-bbox="850 136 1455 271">Reserve, immediately north of Terilbah Place. The ultimate objective of this next stage is to link the existing shared pathway to Magenta Shores, which, subject to sufficient grant funding, is estimated to be completed over the next 3-5 years.</p> <p data-bbox="850 304 1455 495">Council acknowledges that the Cabbage Tree Harbour area is part of a naturally eroding coastline. The proposed Council works below the houses in Bungary Road are intended to replace the existing drainage structure. This structure will also help slow the erosion process at the toe of the cliff face and provide short to medium term security for the houses.</p> <p data-bbox="850 528 1455 853">The whole cliff area up to the boat ramp has been well studied by Council's Geotechnical consultants as part of the preparation for the Coastline Hazard Assessment and the current Coastline Management Plan. Development along the coast is controlled by Council's DCP 2005 Chapter 77 - Coastal Hazards which is based on previous hazard assessments undertaken over many years. The current Coastline Management Plan is being developed by revisiting these studies and updating the hazard lines with current information, especially that associated with predicted climate change impacts, such as sea level rise and increased storm intensity.</p> <p data-bbox="850 887 1455 1043">The Coastline Management Plan will go to Council for adoption early in 2010 following public consultation and a call for submissions on the Draft Plan. The Draft Plan will contain options and recommendations to manage all identified coastal issues including erosion and slope failure at Cabbage Tree Harbour.</p> <p data-bbox="850 1077 1455 1234">Some minor improvement works will be undertaken in Mazlin Reserve in during the Winter months of 2009/10 (when resources can be re-directed from mowing). Until the issues regarding Cabbage Tree Harbour have been resolved no major improvement works will be scheduled.</p> <p data-bbox="850 1267 1455 1570">Council has a program for the development of Local Area Traffic Management (LATM) Plans throughout the Shire. These are completed in priority order based on criteria including traffic volumes and accident history. In 2008-09 Council engaged a consultant to carry out traffic surveys of the Norah Head area for the purpose of completing a LATM Plan. Council will utilise the data collected to develop a plan during 2010. The public consultation process is anticipated to commence in late 2010. Council is currently completing LATM schemes for Chittaway, Kanwal, Gorokan and Bateau Bay East.</p> <p data-bbox="850 1603 1455 1682">Major upgrades at Jenny Dixon Reserve were completed in 2008-09. There are no additional upgrades scheduled in the current Rolling Works Program.</p> <p data-bbox="850 1738 922 1771">Noted.</p> <p data-bbox="850 1872 922 1906">Noted.</p>

Doc No.	Issues	Response
D01907054	<p><b>Not possible to ascertain from the Draft Management Plan whether or not Council is able to provide sufficient funds to maintain its existing infrastructure</b></p> <ul style="list-style-type: none"> <li>• When will Council be able to address its infrastructure maintenance backlog of \$150m?</li> <li>• With its available funding how will Council be able to implement the (idealistic) Vision Statement and The Entrance Peninsular Planning Strategy?</li> <li>• Acknowledge that as a result of rate pegging, NSW local government has experienced the lowest increases in municipal rates of any State.</li> <li>• The Management Plan should clearly state Council's funding limitations.</li> </ul>	<p>The value of Council's assets is over \$2billion and they required careful management as they age and their condition deteriorates.</p> <p>The level of use and the chosen standard of maintenance have a direct consequence on the cost managing an asset over its life.</p> <p>The development of Council's Asset Management Plans will determine if and when Council will address its "infrastructure maintenance backlog". Community consultation will be undertaken in late 2009 to clarify the community's expectations of the level of service provided by Council's assets. If a higher level of service is expected, then the community will also be consulted on their willingness to pay for this service.</p> <p>This information will then be incorporated into a Long-Term Financial Strategy to ensure that there are sufficient resources to meet both ongoing commitments and undertake new projects (identified in the Shire Strategic Vision and other plans and strategies).</p> <p>As there is little in the way of discretionary funds any new initiatives or enhanced service levels will only be possible by cutting existing services or programs or finding additional sources of funds. A special rates variation is one option for additional funding.</p> <p>Some additional words describing Council's financial constraints (and challenges) will be incorporated into the final document.</p>
D01911637	<p><b>Propose relocation of the Wyong Drama Group or additional maintenance of Wyong Memorial Hall.</b></p> <ul style="list-style-type: none"> <li>• Fully support the Key Focus Area to build a Performing Arts Centre (PAC) on the preferred site of the Wyong Memorial Hall.</li> <li>• There is an inequity in expenditure between "the arts" and "the sports": (e.g. there is \$5m being allocated to a sports facility at Wadalba in addition to the existing \$2m soccer venue and skate park).</li> </ul> <p><b>Relocation of Wyong Drama Group</b></p> <ul style="list-style-type: none"> <li>• Would like Council to provide a performance facility of suitable standard in the interim period until the PAC reaches fruition.</li> <li>• Suggest two options:</li> </ul> <p>Option A: Council to provide an interest-free loan to Wyong Drama Group (of \$750,000 over 30 years with repayments of \$25,000 per year) to enable purchase of its own modest premises.</p>	<p>Noted.</p> <p>Most of the funding for major sports facilities (such as Wadalba) is from developer contributions. By contrast, much smaller amounts are collected from developers for "the arts".</p> <p><b>Council is considering a report on the next stage of the Performing Arts Centre (now known as the Wyong Cultural Centre) in May 2009. If a decision is made to proceed in the short-term, then a range of options for providing alternative facilities for existing users of Wyong Memorial Hall will be considered during the development of the project plan for the development of the Performing Arts Centre.</b></p>

Doc No.	Issues	Response
	<p>Advantages:</p> <ol style="list-style-type: none"> <li>1. Net cost to Council \$5,000 per year.</li> <li>2. Save Council the cost of urgent repairs needed for Wyong Memorial Hall.</li> <li>3. Will provide a suitable alternative performance space for users of Wyong Memorial Hall while the PAC is being built.</li> <li>4. The Drama Group's lighting and sound equipment would be available to other users.</li> </ol> <p>or</p> <p>Option B: Council to take out a long-term lease on a suitable property at a cost of \$50,000 per year (plus annual increases).</p> <p><b>Request maintenance and upgrade works for Wyong Memorial Hall</b> in the interim period until the PAC reaches fruition.</p> <p>Noted that in the Rolling Works Program there is no allocation Wyong Memorial Hall.</p> <p>Requested Works – approximate total cost \$70,000:</p> <p><i>Acoustics</i> Microphones \$25,000-\$30,000 or Sound absorbing material \$5,000</p> <p><i>Heating/Cooling</i> Fully reverse-cycled air conditioning or Two split reverse-cycle air conditioners \$10,000</p> <p><i>Seating</i> Replace 300 seats \$21,000 or Replace 150 seats \$10,000</p> <p><i>Lighting &amp; wiring</i> Install a permanent high lighting bar \$40,000 Mend leaking roof</p> <p><i>Signage</i> Signage at North and South entrances to the Wyong township \$2,000.</p>	<p><b>Council is considering a report on the next stage of the Performing Arts Centre (now known as the Wyong Cultural Centre) in May 2009. The decision at that meeting will determine whether consideration should be given, in the short-term, to additional upgrade works at Wyong Memorial Hall.</b></p>
D01914097*	<p><b>Incorporation of Ecological and Fiscal Sustainability principles:</b></p> <ul style="list-style-type: none"> <li>• Expenditure is significantly skewed to infrastructure.</li> <li>• There are significant community development needs (particularly in the northern end of the Shire) that need to be addressed.</li> <li>• The amount allocated to “A More Sustainable Economy” appears too</li> </ul>	<p>Due to significant water supply works (particularly the Mardi-Mangrove Link project) the 2009-10 budget shows a significant increase in infrastructure expenditure.</p> <p>There are many competing demands on Council's limited resources. Later in 2009 Council will adopt a Long-Term Financial Strategy – where consideration will be given to incorporating the priorities from the community's twenty-year plan (the Shire Strategic Vision) and the outcomes of the Asset Management Plans.</p> <p>There are many competing demands on Council's limited resources. In the second half of 2009 Council will</p>

Doc No.	Issues	Response
	<p>small. Consider employment generation via environmental improvement projects.</p> <ul style="list-style-type: none"> <li>• Major decrease in environmental budget (from 2008/09) is inconsistent with need to meet environmental programs – with State of the Environment indicators showing continued decline.</li> <li>• A greater State and Federal contribution is required for infrastructure.</li> <li>• Consider savings so that Rates and Annual Charges do not need to increase by 7.8%.</li> <li>• Commend Council for increasing State and Federal Grants however, most are allocated to infrastructure – would be good to see more for environmental improvements.</li> <li>• Increased contributions mainly represent State and Federal sources for infrastructure.</li> <li>• Council needs to look closely at asset sales to generate funds in the key areas outline above.</li> </ul>	<p>be adopting the community's twenty-year plan (the Shire Strategic Vision) and this, in conjunction with the Long-Term Financial Strategy, will determine Council's expenditure priorities.</p> <p>Excluding the one-off amount (of \$1.3m) allocated to Cabbage Tree Harbour works in 2008-09, there has been an increase in the amount allocated to Principal Activity 3 – A More Sustainable Environment. (i.e. From \$13.4m to \$14.2m).</p> <p>Council has had some success in procuring State and Federal grants to fund infrastructure however, the challenge is finding sources of ongoing funding to operate and maintain these additional assets.</p> <p>The overall increase of 9.6% for the average residential ratepayer (up from 7.8% in the Draft) is the result of price increases that are beyond Council's control – in particular the EPA Waste Levy (a charge levied by the State Government that has increased by 28% in 2009-10) and water, sewerage and drainage charges (approved by the Minister for Water, following determination by the Independent Pricing &amp; Regulatory Tribunal).</p> <p>Of the \$44m in specific purpose grants just over \$5m are for environmental improvements. While Council has had some success in procuring State and Federal grants, the challenge is finding sources of ongoing funding to operate and maintain the additional built and natural assets created.</p> <p>The Contributions in Council's Management Plan are not sourced from State and Federal Government but from developers, Council's Holiday Parks and Gosford City Council (as a partner in the Joint Water Authority).</p> <p>Later in 2009 Council will adopt a Long-Term Financial Strategy – where consideration will be given to incorporating the priorities from the community's twenty-year plan (the Shire Strategic Vision) and the outcomes of the Asset Management Plans.</p> <p>As there is little in the way of discretionary funds any new initiatives or enhanced service levels will only be possible by cutting existing services or programs or finding additional sources of funds. The sale of Council assets is one option for additional funding.</p>
D01915799*	<p><b>More emphasis on culture:</b></p> <ul style="list-style-type: none"> <li>• Implementation of the Cultural Plan.</li> <li>• Appointment of a Cultural Officer.</li> <li>• Appointment of an Events Coordinator.</li> </ul>	<p>Line item 5.3.5 (page 146) of the budget in the Draft Management Plan includes \$110,000 for the implementation of the Cultural Plan – comprising \$60,000 for Public Art, \$30,000 for Cultural Grants and \$20,000 for other Cultural Plan initiatives.</p> <p>Council employs a Cultural Planner. His salary is included in line item 5.1.7 (page 145) in the budget in the Draft Management Plan.</p> <p>The concept of an Events Coordinator has been included in the role of the Communications team who are actively working to ensure coordination of the Wyong Shire Council presence at events and to ensure</p>

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
		<p>consistency and quality of presentation. This approach enables the Communications Unit to achieve consistency with other elements of Council's public image.</p> <p>Council is currently involved in over twenty community events each year. Council's support includes traffic management, administration, publicity and promotional materials and venue preparation.</p>

\* Denotes a late submission.

## Review of Council Facility Fees

### Background

During the development of the 2009-10 Draft Management Plan all of the fees for open space, recreation and community facilities were reviewed to ensure equity across Council's different facilities and with the fees charged in other jurisdictions. Fees have been kept to a minimum in order to reduce the financial impact on sports and community groups and to facilitate increased activity and development of social capital in Wyong Shire. In addition, bonds for community groups engaged in developing social capital are minimal.

The outcomes of this review are detailed below in response to a resolution of Council at its Ordinary Meeting held 8 April 2009:

- 1 *That Council staff investigate and report on the fees, including bonds levied on community groups, NGOs and sporting associations for the use of Council facilities including open space.*
- 2 *That staff conduct a comprehensive audit of the fee structure with a view to minimising the financial impact on community groups working within the Wyong Shire to achieve social engagement.*

This review covered Council's open space, recreation and community facilities.

### Open Space and Recreation Overview

The Draft 2009-10 Management Plan restructured the open space and recreation fees to improve the logic and clarity of sports ground and court fees.

In general terms the fee structure for open space and recreation aims to be specific enough to give clear guidance and consistency and, at the same time, general enough to satisfy all manner of booking types (from individuals, sports groups, not-for-profit community groups and commercial enterprises.)

The objectives of the fee structure are:

- To facilitate active recreation and positive usage by providing quality facilities at a fee to the community that represents no more than 15% of the cost to maintain that space. Fees are set in order to make a small contribution to the large budget required to keep the areas at the level of service expected and demanded by our community.
- To effectively manage and conserve open space areas, by knowing who, what when and how the space will be used.
- To provide a clear management framework for administrating the process. Fees are charged in order to make a small contribution to the large budget required to keep the areas to the level of service expected and demanded by our community.

### Open Space and Recreation Findings

Events functions:

An event/function administration fee will be charged to all groups to give consistency to the administration process for all bookings. In previous years there had been several categories that could have been interpreted as an event fee – this has now been consolidated into one category (\$315).



**Circus fees:**

Circus fees have been reviewed and deemed appropriate. Charges for this commercial user have been increased in line with inflation.

**Electrical inspections:**

Electrical inspections are required for events that are using electrical equipment to ensure the health and safety of all attendees at events on Council land. These have been reviewed and deemed appropriate. All electrical inspection fees are waived for not-for-profit organisations.

**Filming/photography:**

These fees are organised and charged through Screen Hunter Central Coast.

**Key bonds:**

Key bonds are charged for all seasonal users, including sports groups and event holders. The bond is refundable in full or in part after deducting any sum required for cleaning, damages, other costs incurred plus GST. The bond is capped for three or more sets of keys to ensure affordability for sports groups that tend to require multiple sets of keys.

**Fitness:**

Personal fitness training is one of the strongest growth segments in the fitness industry. Increasing numbers of commercial fitness trainers using public reserves have raised a number of issues including:

- Equity of access issues.
  - E.g. Potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators.
- Impact on the asset.
  - E.g. Fitness trainers (especially of large groups) are causing wear-and-tear to recreational facilities.
- Public liability concerns.
  - E.g. Fitness trainers with insufficient qualifications, registration and insurance. Council has a duty of care if training takes place on its land with its permission.

The need to regulate use of public reserves by organised or commercial fitness groups and personal fitness trainers has been identified. The administration process supporting the process has been internally reviewed and improved to support the more effective collection of the fee.

The 2009-10 fees will, in effect, give the commercial fitness users a licence to operate on Council's open space within given parameters. It includes a bond, an administration charge and a fee per season, per time slot, per day for either use of the space for personal training, or use of the space for group fitness. This represents best practice from the industry and for equity of access and impact on Council's open space assets, and it also addresses public liability concerns.

**Surf schools:**

Commercial use of the beaches raises similar issues to those raised in the fitness category, in that we need to ensure equity of access for all user groups, including potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators.

Consideration should be given to the impact on the asset and potential public liability concerns that may arise from surf schools with inappropriately qualified staff.

A new administration process has been implemented to ensure that the fees are consistently charged to commercial surf schools. In 2009-10 each surf school will be issued with a licence (to use the space on the beach and in the water) to operate their business within given parameters.

#### Sports grounds:

There are a number of different charges for our sports grounds which cover levels 1, 2 and 3 of sports ground quality. The charges differ for a club/community group, school or commercial group for a full day or half day booking, for training and for seasonal competition hire. There are separate charges for out-of-season competition hire and for floodlights.

All grounds in Wyong Shire are subject to the Sports Field Management Strategy, which follows a guideline where all club/community use of the ground is not to exceed more than 25 hours per week. This has been established as best practice for continued care and integrity of the sportsgrounds, and has been adopted and endorsed by all codes/sports and clubs across the Central Coast. The fees and charges have been analysed and restructured to provide a more equitable balance. In most cases they remain the same or are lower than the 2008-2009 season.

Changes and adaptations include seasonal charges for night competition and seasonal charges for training. These seasonal charges have been added to extend the community/club group the same advantage and cost savings for their seasonal night and training bookings, as they currently have for their weekend competition bookings. The process will also significantly reduce the administration process for Council's Sports Liaison Team, who make all the bookings, and for the sports administrators at Central Coast Football, Rugby League, Rugby Union, Cricket and Athletics.

The season is classed as 24 weeks. The charge for the season has been calculated at the rate of one full day's hire for 20 weeks, giving four weeks free.

Schools are required to make bookings, so the ground usage levels can be monitored and assessed, though all fees are waived.

#### Sports courts:

Council owns and operates a number of netball courts, small netball complexes and the Baker Park netball complex. For reasons of consistency, the logic applied to the sports ground fee structure has now been applied to netball courts, such as seasonal hire rates. Previously this had not been applied.

The biggest change for netball is the court hire fees per netball complex (1-4 courts) per day, per season and for training. This will change from \$72.40 a day to \$25 a day. Baker Park fees per day will also be reduced from \$167 to \$110 per day. There will be no increase in fees when the six new courts are completed.

The seasonal cost to hire the netball complexes for competition and/or training, including Baker Park, is calculated at the rate of one full day's hire for 20 weeks, giving four weeks free (as with sports grounds). This will considerably reduce the training cost for netball clubs utilising local complexes across Wyong Shire. It also brings court hire fees in line with sports ground hire fees.

#### Basketball courts:

Fees have been reduced and for reasons of consistency the logic of netball court hire rates applied.

**Tennis courts:**

The fees and charges for tennis courts represent the maximum rates that Council recommend. All tennis lessees are required to ensure that their fees do not exceed these rates. These fees have not been amended.

**Special requests:**

Special requests include mowing requests, line marking, key/padlock replacement and sports ground/amenities cleaning fees. These fees have been increased in line with inflation; with the exception of cleaning, which has been reduced so it covers costs only.

**Community Halls and Community Centre Findings**

To cater for the diverse range of community organisations and other not-for-profit groups which use Council facilities, Council at its Ordinary Meeting of Council on 27 July 2005 adopted a range of fees applicable from 10 October 2005. Council also resolved at that meeting to increase the fees and charges in line with CPI increases each year (plus a growth percentage). The fees included:

**'Honeymoon' Rate:**

(\$4 p/hr in 2005-06) – (\$4.90 p/hr proposed for 2009-10). This rate was introduced primarily for new groups that are uncertain if the activity will succeed, consequently constituting them a long term hirer. The maximum period a 'Honeymoon' rate is offered will not exceed one school term. It also encourages new groups to establish.

**Low Rate:**

(\$6 p/hr in 2005-06 – \$7.30 p/hr proposed for 2009-10). This rate is offered to groups that receive no funding other than the subscriptions from their members. Groups in this category may include playgroups, garden clubs, craft groups, etc.

**Standard Rate:**

(\$7.20 p/hr in 2005-06 – \$8.60 p/hr proposed for 2009-10). This rate is chargeable to all other non-profit groups and includes church groups, funded organisations, sporting groups, etc.

In preparing the report for Council on 27 July 2005, an extensive study was undertaken by staff to assess the total area occupied by the hiring group, the current affordability for permanent groups using Council facilities and what the groups were paying at other facilities. The study only extended to include those facilities managed by Council staff and not those managed by Section 355 Committees. The fees introduced for those permanent groups were:

**Chittaway Bay Hall:**

Exclusively used by The Hellenic Community of the Central Coast. (\$20 per week in 2005-06 – \$24.40 per week proposed in 2009-10)

**De L'Isle Drive Community Centre:**

Used in part by Benevolent Society (\$85 per week in 2005-06) now used exclusively by them (\$157 per week proposed in 2009-10)

**Boomerang Cottage:**

Exclusively used by Workwise (\$36 per week in 2005-06 – \$46 per week proposed in 2009-10)

**The Cottage Community Centre:**

Samaritans Youth Service Offices (\$65 per week in 2005-06 – \$74 per week proposed in 2009-10). Samaritans Active Linking Initiative (\$48.50 per week in 2005-06 – \$59.20 per week in 2009-10)

**Beryl Street Community Centre:**

Tuggerah Lakes Potters (\$38 per week in 2005-06 – (\$46.40 proposed in 2009-10). Community Transport Central Coast (\$132 per week in 2005-06 – \$161 per week proposed in 2009-10)

Since July 2005 a number of other facilities have come under the management of Council staff. The facilities, the hiring group and the proposed 2009-10 fees are as follows:

**The Entrance Community Centre:**

Horizons Central Coast Family Centre - \$276 per week

**Tuggerah Lakes Community Centre:**

Northern Settlement Services - \$128 per week.  
Central Coast Community Council - \$119 per week.  
Wyong Shire Food Services - \$230 per week.  
Samaritans Disability Services - \$177 per week.  
Central Coast Italian Friendship - \$35 per week

Watanobbi Community Centre - Wyong Neighbourhood Centre: \$49 per week

**Conclusion**

In the Draft 2009-10 Management Plan fees have been kept to a minimum in order to reduce the financial impact on sports and community groups and to facilitate increased activity and development of social capital in Wyong Shire.

## 7.2 Making and Fixing of Rates and Charges for 2009-10

TRIM REFERENCE: F2004/07006 - D01915013

AUTHOR: DT

### SUMMARY

Subject to the adoption by Council of the 2009-10 Management Plan including Estimates of Income and Expenditure, Council is to formally make the 2009-10 rates and charges for the period 1 July 2009 to 30 June 2010.

### RECOMMENDATION

- 1 ***That Council make the following ordinary rates for 2009-10 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492-494, 497-500, 535-537 of the Local Government Act 1993:***

<b>Ordinary Rate Category Under Section 493</b>	<b>Base Amount</b>	<b>% revenue sourced from base amount for each category</b>	<b>Ad Valorem Amount (cents in the \$)</b>
<i>Farmland</i>	\$154.00	7.60%	0.1897
<i>Residential</i>	\$154.00	19.07%	0.3266
<i>Mining</i>	\$154.00	0.33%	3.6358
<i>Business</i>	\$154.00	5.64%	0.5952

- 2 ***That Council make the following special rates and amounts for 2009-10 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492, 495, 497-500, 535-538 of the Local Government Act 1993:***

<b>Special Rate</b>	<b>Base Amount</b>	<b>% revenue sourced from base amount for each category</b>	<b>Ad Valorem Amount (cents in the \$)</b>
<i>The Entrance Town Centre</i>	\$69.00	13.41%	0.2195
<i>Non Residential Properties Toukley Area</i>	\$69.00	10.24%	0.2035
<i>Non Residential Properties Wyong Area</i>	\$69.00	18.09%	0.0836

- 3 ***That Council adopt the following descriptions of rateable land to which each special rate will apply for 2009-10, pursuant to Section 495 of the Local Government Act 1993:***

- a ***The Entrance Town Centre Special Rate will apply to the following rateable land:***

i ***All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.***

ii ***All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.***

- iii All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoon Bay.**
- b The Non Residential Properties Toukley Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.**
- c The Non Residential Properties Wyong Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:**
- i The suburb known as Watanobbi.**
- ii The suburb known as Wyong, bounded by the following:**
- North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.
  - East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.
  - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway).
  - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.
- 4 That Council make the following schedule of annual charges for stormwater management services for 2009-10, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993:**

<b>Waterways Environmental Levy</b>	<b>Unit of Charge</b>	<b>Charge</b>
<i>Residential</i>	<i>Per property</i>	<i>\$25.00</i>
<i>Residential Strata</i>	<i>Per lot</i>	<i>\$12.50</i>
<i>Residential Company Title</i>	<i>Per Company Title complex apportioned according to the number of shares in the company owned by each shareholder</i>	<i>\$25.00</i>
<i>Business</i>	<i>Per 850 square metres or part thereof to a maximum of \$5,000 per property</i>	<i>\$25.00</i>
<i>Business Strata</i>	<i>Per 850 square metres or part thereof of the land area of the strata complex to a maximum of \$5,000 per strata complex, apportioned equally to each lot within the strata complex</i>	<i>\$25.00</i>
<i>Business Company Title</i>	<i>Per 850 square metres or part thereof to a maximum of \$5,000 per Company Title complex, apportioned according to the number of shares in the company owned by each shareholder</i>	<i>\$25.00</i>

- 5 **That Council make the following Domestic Waste Management Charges for 2009-10, pursuant to Section 496 of the Local Government Act 1993:**

<b>Description</b>	<b>Charge each</b>
<i>Domestic Waste Management Charge</i>	\$321.15
<i>Domestic Waste Management Availability Charge</i>	\$ 50.00
<i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i>	\$ 73.50
<i>Domestic Waste Management Charge – 240 litre Waste Upgrade</i>	\$ 63.10
<i>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</i>	\$268.40
<i>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</i>	\$167.80
<i>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</i>	\$ 61.50
<i>Domestic Waste Management Charge – West of F3 Freeway</i>	\$258.45
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</i>	\$ 12.90
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</i>	\$ 13.55
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</i>	\$ 12.00
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</i>	\$ 12.60

- 6 **That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.**
- 7 **That Council make the following Waste Management Charges for 2009-10, pursuant to Section 501 of the Local Government Act 1993:**

<b>Description</b>	<b>Charge each</b>
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	\$ 190.75
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	\$ 61.50
<i>Waste Management Charge – 240 litre Vegetation Bin Service</i>	\$ 73.50
<i>Waste Management Charge – Litter Bin Service</i>	\$ 214.00
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	\$ 290.50
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	\$1,067.30
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	\$1,586.85
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	\$2,146.45
<i>Waste Management Charge - 3.0 cubic metre Waste Bin Service</i>	\$3,761.00

- 8 **That Council apply a proportional charge adjustment, calculated on a weekly basis, where Domestic Waste Management or Waste Management services commence or cease during the year.**
- 9 **That Council charge the maximum interest rate as specified by the Minister for Local Government and published in the Government Gazette in respect of overdue rates and charges levied under the Local Government Act 1993 and this interest be calculated on a daily basis using the simple interest method in accordance with Section 566 of the Local Government Act 1993, for the period of 1 July 2009 to 30 June 2010.**

**10 Incentive Scheme**

- a** *That Council offer an incentive scheme for those eligible ratepayers who elect to pay, their 2009-10 Rates and Charges in full by 31 August 2009 and for those ratepayers who elect to pay by direct debit.*
- b** *That the incentive scheme be in accordance with the rules detailed in Attachment 1.*
- c** *That a report be presented to Council detailing the success or otherwise of the scheme following the scheme period.*

**BACKGROUND****Ordinary Rates**

The Annual Statement of Revenue Policy, contained in the 2009-10 Management Plan proposes that Council levy Ordinary Rates in accordance with the Ad Valorem method (land value x rate in the \$) with a base amount of \$154.00 for each category.

In accordance with State Government Rate-Pegging Legislation, rate revenue has been increased by 3.5% in 2009-10 from that raised in 2008-09.

In 2009-10 Council will be using the latest valuations from the Valuer General's Department for the calculation of ordinary rates and, where applicable, special rates. These valuations have a base date of 1 July 2008, as a general revaluation of land was undertaken in Wyong Shire for the 2009-10 rating year.

Revaluations usually occur every three years for local government rating purposes.

A revaluation does not increase the total amount of rates that Council can raise; instead it results in a redistribution of the amount of rates levied across properties. This means that excluding the impact of the rate pegging increase, properties that have decreased in value by more than the average decrease in valuations across the Shire will pay proportionally less, and properties that have decreased by less than the average decrease (or increased) in value will pay proportionally more in ordinary rates. The land valuation process is controlled by the Valuer General. In considering the 2009-10 Management Plan and determining the rating structure extensive review and modelling of the impacts of the revaluation were considered by Council.

**Special Rates**

Following approval by the Minister for Local Government, Council has previously adopted the following special rates:

- \* Special Rate - The Entrance Town Centre
- \* Special Rate - Non Residential Properties Toukley Area
- \* Special Rate - Non Residential Properties Wyong Area

When reviewing these special rates, a number of scenarios on the make-up of the rates were examined, with a base charge and an ad valorem component being adopted. This achieved an equitable distribution of rates compared to the benefit derived from expenditure of revenue raised by the respective special rates.

In terms of Section 536 of the Local Government Act 1993, it is proposed that for 2009-10 Council again levy a base charge with an ad valorem component on the above special rates.



## 7.2 Making and Fixing of Rates and Charges for 2009-10 (contd)

This will achieve a similar equitable distribution of the rating burden compared to the benefit derived from expenditure of revenue raised by the respective special rate.

The proposed base rate for the above special rates is to be set at \$69.00.

### Waterways Environmental Levy

The State Government during 2005-06, approved the provision of a new funding mechanism to improve the management of urban stormwater in NSW. The Local Government Amendment (Stormwater) Act 2005 amended the Local Government Act 1993 to allow councils the option to make a charge for the provision of stormwater management services outside their capped rate arrangements.

In accordance with the Local Government Amendment (Stormwater) Act (under Section 496(a) of the Local Government Act 1993) Council introduced a Stormwater Levy Charge in 2006-07 to provide funds towards the implementation of the Tuggerah Lakes Estuary Management Plan, as well as undertake works on the Shire's other waterways. The stormwater management works have been developed in reference to the objectives of the Hunter Central Rivers Catchment Management Authority's Draft Catchment Action Plan.

Council, in partnership with the State Government, has been studying and planning ways to maintain, improve and protect our lakes and waterways. The Shire's waterways are an integral part of our community's lifestyle and are the focus of many recreational activities including fishing, boating, cycling, walking and picnicking. Their long-term protection will ensure that they are there for current and future generations to enjoy.

Previously identified as a Stormwater Levy, so as to better reflect its purpose, this charge will now be identified as the Waterways Environmental Levy and will apply to the urban area of the Shire – defined as the area to the east of the F3 Freeway plus the Highway Service Centre and any industrial-zoned land to the west of the Freeway. Vacant properties (ie those without impervious surfaces) are not subject to this levy.

Council can only spend the Waterways Environmental Levy on specific works relating to the management of stormwater, and not on its other areas of responsibility.

The works to be funded from the Waterways Environmental Levy and other funding sources are detailed in the table below:

Project
Construction, planning and maintenance of stormwater treatment measures in urban areas <ul style="list-style-type: none"><li>• Construction of gross pollutant traps, constructed wetlands and grassed swales</li><li>• Removing sediment and nutrients from urban stormwater to improve the water quality of Tuggerah Lakes</li><li>• Creating open space recreation areas along stream banks in suburbs</li><li>• Improving the visual appearance of urban streams and adjacent lands</li></ul>
Construction, planning and maintenance of stormwater treatment measures around the lake edges <ul style="list-style-type: none"><li>• Improving access along the foreshore</li><li>• Regrading the foreshore</li><li>• Replanting saltmarsh</li><li>• Re-establishing natural processes to halt ooze accumulation</li><li>• Building boardwalks linking natural and recreational parts of the foreshores</li><li>• Interpretive signage</li><li>• Improving fish habitat and fishing</li></ul>

<b>Project</b>
Planning and undertaking community stormwater pollution education campaigns <ul style="list-style-type: none"> <li>• School education programs</li> <li>• School competitions</li> <li>• Community consultation and education</li> <li>• Linking to University programs, Discovery Centres, and Pioneer Dairy Centre</li> </ul>
Planning, construction and maintenance of drainage systems in coastal areas <ul style="list-style-type: none"> <li>• Formalising stormwater drainage systems</li> <li>• Halting coastal erosion related to stormwater</li> <li>• Protecting ocean water quality</li> </ul>
Planning, construction and maintenance of stormwater treatment measures around Lake Macquarie <ul style="list-style-type: none"> <li>• Construction of gross pollutant traps, constructed wetlands and grassed swales</li> <li>• Removing sediment and nutrients from urban stormwater to improve the water quality of Lake Macquarie</li> <li>• Creating open space recreation areas along stream banks in suburbs</li> <li>• Improving the visual appearance of urban streams and adjacent lands</li> </ul>
Works to redress the impacts of stormwater on bushland and natural wetlands <ul style="list-style-type: none"> <li>• Rehabilitation of key habitats from stormwater impacts</li> </ul>
Restoring rivers and creeks <ul style="list-style-type: none"> <li>• Replanting of trees along rivers and creeks</li> <li>• Increasing fish numbers by improving habitat and fish passage</li> <li>• Protection of public assets (such as roads)</li> <li>• Preventing stream banks eroding into creeks</li> </ul>
Improving boat access to rivers <ul style="list-style-type: none"> <li>• Dredging river mouths</li> <li>• Improve river flushing</li> <li>• Improve boat access to creeks and rivers</li> </ul>
Improving lakeside recreation facilities and visual appearance <ul style="list-style-type: none"> <li>• Creating beach areas</li> <li>• Beach cleaning</li> <li>• Turfing recreational areas</li> <li>• Shady tree planting</li> <li>• Providing barbecues and playground equipment</li> <li>• Providing showers, toilets and car parking facilities</li> <li>• Extending cycleways</li> <li>• Boat ramps/boat storage areas</li> <li>• Dredging adjacent to boat ramps</li> <li>• Improving the ability to boat on Tuggerah Lakes</li> <li>• Reliability lake foreshores</li> </ul>

### **Rate Payment Incentive Scheme**

For 2009-10 it is proposed that Council again offer a shopping voucher to the value of \$5,000 as the prize for the 2009-10 rate payment incentive scheme. The voucher will only be valid in the Wyong Shire area and may not be spent at any business owned by a Councillor. To ensure that the voucher is expended in the correct manner it is planned that Council either make payment direct to the business or alternatively reimburse the recipient upon production of documentary evidence that indicates the voucher being expended.

To ensure Council gains the maximum return on the incentive scheme, in addition to those ratepayers who elect to pay their rates in full by 31 August 2009, it is proposed that those ratepayers who commit to paying their rates in full by 31 August 2009 or by quarterly instalments using the Direct Debit method also be included in the draw.

Under the Direct Debit system ratepayers authorises the transfer of funds from their Bank, Building Society or Credit Union on the date the payments are due. All payments are then received by Council by electronic funds transfer.

An analysis undertaken has indicated the savings to Council of around \$6.00 per assessment will be achieved by ratepayers committing to pay by this method. This is a result of the transaction cost of six cents for the Direct Debit system compared to a cost of \$1.51 per transaction for Post Office collections.

As the greatest financial benefit to Council is for ratepayers to pay in full, it is proposed that ratepayers who elect to do so receive two tickets in the draw and that those ratepayers paying by quarterly instalments using the Direct Debit method receive a single ticket.

#### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Rate Incentive Scheme Conditions of Entry | D01915025 |
| 2 | Comparison of Rates and Charges           | D01928565 |

**RATE INCENTIVE SCHEME CONDITIONS OF ENTRY**

- The competition is open to all eligible ratepayers of Wyong Shire Council who have paid all rates and charges, including arrears, by 31 August 2009 or who elect to pay their rates by direct debit. All ratepayers who meet these criteria will automatically be entered into the competition.
- Ratepayers who elect to pay in full by 31 August 2009 will receive 2 tickets, with ratepayers paying in full or by quarterly instalments using the Direct Debit method receiving a single ticket.
- The winner will be drawn at a meeting of Wyong Shire Council.
- The winner will be notified by Mail and the result will be published in a local newspaper.
- Councillors and staff of Wyong Shire Council, and their immediate families are not eligible to enter.
- The prize is non-transferable and non-redeemable for cash and will only be available for the prize specified.
- Rate payments made by Federal and State Government Departments and other public instrumentalities are not eligible to enter.
- The prize voucher may not be spent at any business owned by a Councillor.

## Comparison of Rates and Charges

	Unit of Charge	2008-09	2009-10 Exhibition Draft Management Plan	2009-10 Final Management Plan <i>(unchanged from Exhibition Draft)</i>
<b>Ordinary Rates</b>				
Farmland	Cents in \$	0.1860	0.1897	0.1897
Residential	Cents in \$	0.2754	0.3266	0.3266
Business	Cents in \$	0.6520	0.5952	0.5952
Mining	Cents in \$	1.9400	3.6358	3.6358
Base Amount – all categories	Each	\$149.00	\$154.00	\$154.00
<b>Special Rates</b>				
The Entrance Town Centre	Cents in \$	0.1992	0.2195	0.2195
Non Residential Properties Toukley Area	Cents in \$	0.1970	0.2035	0.2035
Non Residential Properties Wyong Area	Cents in \$	0.0844	0.0836	0.0836
Base Amount – all Special Rates	Each	\$67.00	\$69.00	\$69.00
<b>NB:</b> rate in \$ comparisons from 2008-09 to 2009-10 for both ordinary and special rates are distorted due to use of valuations with different base dates for each of those years. It should also be noted that the Mining rate in the \$ has also increased as a result of a proposed increase in the proportion of total rate income being derived from that category (with an equivalent reduction of income from the Business rate in \$).				

	Unit of Charge	2008-09	2009-10 Exhibition Draft Management Plan	2009-10 Final Management Plan <i>(unchanged from Exhibition Draft)</i>
<b>Waterways Environmental Levy</b>				
Residential	Per property	\$25.00	\$25.00	\$25.00
Residential Strata	Per lot	\$12.50	\$12.50	\$12.50
Residential Company Title	Per company title complex apportioned according to shareholding	\$25.00	\$25.00	\$25.00
Business	Per 850 m <sup>2</sup> or part thereof - maximum charge of \$5,000	\$25.00	\$25.00	\$25.00
Business Strata	Per 850 m <sup>2</sup> or part thereof - maximum charge of \$5,000 – apportioned equally to each lot	\$25.00	\$25.00	\$25.00

	Unit of Charge	2008-09	2009-10 Exhibition Draft Management Plan	2009-10 Final Management Plan <i>(unchanged from Exhibition Draft)</i>
Business Company Title	Per 850 m <sup>2</sup> or part thereof - maximum charge of \$5,000 - apportioned according to shareholding	\$25.00	\$25.00	\$25.00

	Unit of Charge	2008-09	2009-10 Exhibition Draft Management Plan	2009-10 Final Management Plan <i>(unchanged from Exhibition Draft)</i>
<b>Domestic Waste Management</b>				
Availability	Each	\$ 47.00	\$ 50.00	\$ 50.00
Domestic Waste Management - Service	Each	\$295.00	\$321.15	\$321.15
Domestic Waste Management – West of F3	Each	\$239.00	\$258.45	\$258.45
240 litre upgrade	Each	\$ 40.00	\$ 63.10	\$ 63.10
Additional 240 litre recycling bin	Each	\$ 54.00	\$ 61.50	\$ 61.50
Additional 240 litre waste bin	Each	\$236.00	\$268.40	\$268.40
Additional 140 litre waste bin	Each	\$141.00	\$167.80	\$167.80
Additional 240 litre vegetation bin	Each	\$ 71.00	\$ 73.50	\$ 73.50
Additional Short Term Extra Service – 140 litre waste bin	Per service	\$ 12.40	\$ 12.90	\$ 12.90
Additional Short Term Extra Service – 240 litre waste bin	Per service	\$ 12.95	\$ 13.55	\$ 13.55
Additional Short Term Extra Service – recycling bin	Per service	\$ 11.60	\$ 12.00	\$ 12.00
Additional Short Term Extra Service – vegetation bin	Per service	\$ 12.20	\$ 12.60	\$ 12.60

	Unit of Charge	2008-09	2009-10 Exhibition Draft Management Plan	2009-10 Final Management Plan <i>(unchanged from Exhibition Draft)</i>
<b>Waste Management (non domestic)</b>				
140 litre waste bin	Each	\$ 167.00	\$ 190.75	\$ 190.75
240 litre recycling bin	Each	\$ 54.00	\$ 61.50	\$ 61.50
240 litre vegetation bin	Each	\$ 72.00	\$ 73.50	\$ 73.50
Commercial litter bin	Each	\$ 182.00	\$ 214.00	\$ 214.00
240 litre waste bin	Each	\$ 265.00	\$ 290.50	\$ 290.50
660 litre waste bin	Each	\$ 858.00	\$1,067.30	\$1,067.30
1.1 cubic metre waste bin	Each	\$1,330.00	\$1,586.85	\$1,586.85
1.5 cubic metre waste bin	Each	\$1,802.00	\$2,146.45	\$2,146.45
3 cubic metre waste bin	Each	\$3,573.00	\$3,761.00	\$3,761.00

### **7.3 New South Wales Body Board Championships Sponsorship of Round 2**

TRIM REFERENCE: F2004/06631 - D01923629

AUTHOR: GM

#### **SUMMARY**

Reporting on the New South Wales Body Board Championships held at Soldiers Beach in March 2009 and the subsequent request for Council to sponsor Round 2 of the Championships to be held in July 2009.

#### **RECOMMENDATION**

- 1 That Council receive the report on the New South Wales Body Board Championships Sponsorship of Round 2.**
- 2 That Council endorse the allocation of \$10,000 to sponsor Round 2 of the New South Wales Body Board Championships to be held at Soldiers Beach in July 2009.**

#### **BACKGROUND**

At its meeting of 11 February 2009, Council:

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

- 1 That Council allocate \$10,000 from the 2008-09 budget for Community Support and Development to secure major sponsorship of the NSW State Body Board Championships and Australasian Pro Tour to be held on 2, 3, 4 and 5 April 2009 at Soldiers Beach.*
- 2 That Council transfer the \$10,000 from the amount allocated in the 2008-09 budget to the “Central Coast Pro Surfing Competition” which has been cancelled.*
- 3 That Council consider allocating a similar amount to the “NSW Body Board Championships” in the 2009-10 budget provided it can be demonstrated that the event continues to provide significant benefit to the Shire.*
- 4 That a report on attendance, economic benefits etc of the event be presented to Council at the completion of the championships.*

FOR: COUNCILLORS BEST, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.”



**DISCUSSION**

In February 2009 the NSW Body Board Association approached Council seeking approval to conduct the first round of the NSW Body Board Championships and the second round of the IPA Pro tour at Soldiers Beach. The Association conducts two events annually and has requested Council to fund the first event of the 2009-10 season.

The event was to be conducted at Coffs Harbour, however due to unforeseen circumstances the venue was unavailable and the opportunity for Wyong Shire Council to secure the event for our region was presented.

The proposal was presented to the Ordinary Meeting of Council held on 11 February 2009 and Council resolved to support the event and provide sponsorship to the value of \$10,000.

Toukley Greater Vision (GTV) was the lead agency that provided logistical support, assisted with promotion of the event and sourced additional sponsorship from local businesses for the Body Board Association. The championships were held at Soldiers Beach during the period 26 to 29 March 2009, with the Body Board Association advising that 218 competitors registered for the event. It is accepted that sporting events such as this attract 2-3 additional people per competitor.

The competitors were from both the professional and amateur ranks, with age divisions ranging from over 45 to under 13 divisions. The event organisers were particularly happy with the number of competitors who registered for the event particularly when considering the short lead up time from the announcement of the new venue to the first day of the event. The organisers had limited opportunity to advertise the event in local and city media outlets.

A number of social events were organised in conjunction with the event including a free movie night which was to be held in the village green, but was transferred to the senior citizens club due to bad weather. The feedback from the senior citizens was positive, with the event being considered a great community connection between the youth and senior citizens. In addition, a free introduction session to body board riding was held at the beach early Sunday morning with over 20 local youths attending.

The Body Board Association were so impressed with the location and the support given by Wyong Council and GTV that they have requested that Council grant permission to hold the second round of the State Championships at Soldiers Beach between 16 to 19 July 2009 and have requested Council again sponsor the event to the value of \$10,000.

**MEDIA COVERAGE AND ECONOMIC BENEFIT**

The event received excellent coverage across the three fields of media. All local radio stations together with a number of Newcastle FM stations gave the event plenty of air time. Television station NBN had coverage of the event on its nightly news service for the four days of the event and Prime television also provided an excellent coverage. The local and city newspapers had an article on the event on a daily basis and as a result of this coverage from the various media outlets the attractions of Soldiers Beach and the Toukley region were exposed to a wide audience both locally and across the State.

Local businesses including The Beachcomber Hotel, Club Toukley, Canton Beach Sports Club, Simply Sicilian Pizza Restaurant, Beachin Surf and local Member David Harris joined Council as a sponsor and provided the additional sponsorship required to cover the logistical necessities such as lifeguard and waste removal. Local businesses were engaged to carry out most aspects of the event with local print business Kea Print of Charmhaven producing all required printed material.

Whilst it is difficult to actually ascertain the economic benefit of such an event to a region there are some indicators that lead to a conclusion that certain businesses within the region benefited financially from the event including businesses in the following fields:

- Accommodation - Council tourist parks reported solid bookings for the duration of the event with all cabins being booked for both the Friday and Saturday nights. Norah Head Tourist Park was booked solid in the week leading up to the event. The Beachcomber reported a spike in occupancy rates during the event with double the usual rate on Thursday and the occupancy rate on the Sunday night reaching 83%. The remaining two motels in Toukley reported higher than usual occupancy rates during the period of the event.
- Food and Beverage - The Sicilian Pizza Restaurant reported a doubling of business during the event and at some periods having to turn customers away due to the orders. The shops located in the Norah Head precinct reported an increase in patronage and turnover during the period of the event, with the local general store reporting a wait of over 45 minutes for lunch orders. Other local restaurants reported a slight increase in patronage. The presentation was held at the Beachcomber Hotel and they reported that their takings were up 45% for the period of the presentation.

### **NSW STATE BODY BOARD CHAMPIONSHIPS AND PRO SERIES ROUND 2**

The NSW Body Board Association was impressed by the acceptance of the local community and the support given by Wyong Shire Council and the local business community that they have formally requested that Council consider supporting round 2 of the Championships. It is proposed that these Championships be again held at Soldiers Beach for the period 16 -19 July 2009.

The Association acknowledges that the timeframe is limited between events, but the resounding success of the first event determined that they should again seek the support of Wyong Council to hold the second round at Soldiers Beach.

Greater Toukley Vision fully supports the request by the association to again hold the event in the Toukley region and encourage Council to provide sponsorship to secure the event. GTV will again provide logistical support and identify addition sponsors to ensure that the event is again a success.

The period chosen is extremely quiet in the Toukley region and the opportunity to attract over 650 people based on the attendance of the last event to the area for a period of 4-5 days would be most welcome by all businesses in the region providing a much needed spike to the economy which is notoriously slow in this time of the year.

The Association has again asked that Council provide \$10,000 as the major sponsor of the event as well as additional in-kind support such as lifeguards, jet ski and waste removal. Whilst support for the cash funding is supported the logistical and in-kind support is not. Local sponsors provided this assistance during the last event and should again assist by providing this support for an event that will benefit local businesses.

Funding is available in the 2009-10 budget specifically for this event.

### **CONCLUSION**

The NSW State Body Board Championships held at Soldiers Beach in March 2009 attracted over 500 people to the Toukley District for the event.

### **7.3 New South Wales Body Board Championships Sponsorship of Round 2 (contd)**

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Accommodation and food outlets enjoyed a significant spike in their usual income stream for this period and the event introduced a number of people to the Central Coast for the first time. The local community in the main accepted the event, and the participants were very well-behaved. Toukley Greater Vision report that the event had been positively received by most sections of the community. All three media outlets covered the event over the four days and as a result the Toukley district and Wyong Shire as a whole received great exposure to the wider community.

The Body Board Association has requested Council support round 2 of the New South Wales State Body Board Championships to again be held at Soldiers Beach in July 2009. This request has been supported by Toukley Greater Vision who recognise that this period of time is usually a very quiet period for the businesses of Toukley and surrounding areas and that an event of this nature that could bring over 500 people to the region would provide a significant boost to the local economy of Toukley at a time when trade is slow.

Finally, Council has previously resolved to consider allocating \$10,000 towards the event in 2009-10, subject to the initial event being beneficial to the Toukley economy, which has been confirmed by the feedback from a variety of businesses and a report from Toukley Greater Vision.

#### **ATTACHMENTS**

- 1 Greater Toukley Vision Appraisal of Body Boarding Event March 2009 D01923660

## **Soldier's Beach Body Boarding Pro 26<sup>th</sup>-29<sup>th</sup> March 2009**

### **Report to Garry McLachlan**

#### **Wyong Shire Council**

Report Produced by Shari Young, Coordinator – Greater Toukley Vision Inc

#### **Overview:**

The Soldiers Beach Body Boarding Pro was held 26<sup>th</sup>- 29<sup>th</sup> March, 2009. The event combined Round 1 of the NSW State Titles with the second event in the IBA Australasian Pro Tour. Wyong Shire Council was the major sponsor. Greater Toukley Vision (GTV) provided in-kind support to promote the event locally, sold advertising space to local businesses for the official Contest Guide, organized a Body Boarding Movie & Autograph Signing Night in the Village Green, Toukley and also provided design input to the Contest Guide.

The presentation for the event was held on Sunday 29<sup>th</sup> March at the Beachcomber Hotel and was attended by Deputy Mayor John McNamara.

#### **Marketing:**

Event organizers – IBA Australasia Inc produced a Contest Guide for the event (copy attached) which was distributed to all competitors and in the week prior to the event was distributed to many local businesses for display on their counters. Under advice from GTV the Contest Guide was printed locally by Kea Print at Charmhaven. Advertising space was sold by GTV and the following local businesses took up the offer;

The Beachcomber  
Club Toukley RSL  
Canton Beach Sports Club  
Simply Sicilian Italian Restaurant  
David Harris MP  
Beachin Surf

The organizers also produced corflute signage featuring the event logo which prominently incorporates the Wyong Shire Council logo. The signage was displayed at Soldiers Beach and the Outdoor Movie Night.

A t-shirt featuring the event logo was also produced which was given to each of the competitors.

**Competitors:**

218 competitors registered for the event. They were made up of professionals and amateurs ranging in age from Under 13's (grommets) to Over 45's (Grand Masters).

Organizers were happy with the competitor numbers particularly given the short lead in time to the event (WSC sponsorship was only approved at 11.2.09 Council Meeting) and historically the first round of the state titles is not as well supported as subsequent rounds.

**Special Events:**

A free Outdoor Body Boarding Movie Night & Autograph signing was held in the Village Green, Toukley on Thursday 26<sup>th</sup> March. Unfortunately the weather was poor so the night was moved into the Toukley Senior Citizens Centre Auditorium. Even with the poor weather 150 people attended the Movie Night.

IBA Australasia had organized a number of lucky door prizes for the night including a body board and a number of pairs of skate shoes. Around 10 body boarding professionals were in attendance and were very generous with their time, signing autographs, having photos and making themselves available for the audience to ask them questions between movies.

Body boarding is currently well supported by the local youth and is growing. It was great to see some of our young local people given the opportunity to have contact with some of their heroes. With many of the Pros taking the opportunity to speak to the audience about goal setting and achieving those goals.

The move to the Senior Citizens Centre also provided good community connection between the youth and the seniors.

On the morning of Sunday 29<sup>th</sup> March, Sandra English from Terry McDermott Surf Coaching hosted a free 'Introduction to Body boarding' lesson with a number of the Body Boarding Pros. Around 20 children attended.

**Promotion:**

Prior to the event IBA Australasia prepared two Press Releases (copies attached). GTV also prepared a Press Release (copy attached) and distributed to the local media organizations, a range of free promotion publications and community event promoters. GTV also negotiated a Media Partnership with STAR 104.5FM radio (copy attached) for the event.

The event coincided with National Youth Week and GTV organized for it to be registered as a Youth Week event which resulted in some extra free promotion.

The event also received post event exposure with local body boarder Shaun Peterson winning the Open division.

Media Exposure for the event included the following;

Radio – News Bulletins

SeaFM, Star 104.5FM, NXFM, KOFM, NEWFM, 2GOFM & ABCFM

Radio – Sports Show/Talk Back

2GOFM – 5 minutes on the weekend sports show (5mins) & ABCFM – 10 minutes talk back.

TV

NBN News x 4 nights (included NBN website footage)

Prime News (Newcastle)

Print

Central Coast Express Advocate, Sun Weekly, The Daily Telegraph, Newcastle Herald. As well as a range of free booklets. Attached are some samples of the print exposure and free promotion the event received. The event was also promoted through GTV's fortnightly column in the Express Advocate for the month leading up to the event. GTV fielded around 10 phone calls in response to the column enquiring mainly about the Movie Night and some requesting entry forms for the competition.

It should be noted that Garry McLachlan contacted Cameron Bell WSC Communication officer on 13.3.09 requesting that Cameron contact Shari Young from GTV which didn't happen – as a result the only mention the event had in Shirewide News was the day before the event and this was only as a result of Shari Young contacting Cameron 18.3.09 when there was no coverage in the Shirewide News released 18.3.09.

At the Beach:

Contest commentator Terry McKenna continually acknowledged Wyong Shire Council as the major sponsor of the event throughout the weekend.

At the Presentation:

All winners of their age divisions made acceptance speeches at the Presentation with the most of them thanking Wyong Shire Council for their sponsorship.

**Economic Benefit to Greater Toukley Businesses:**

Some local businesses benefited more than others from this event, however it should also be noted that apart from the measurable impact there is also the indirect benefit of exposing the local area to visitors from around the State who may be motivated to visit the area again or tell a friend about their experiences.

Accommodation:

Norah Head Tourist Park accommodation was booked out 10 days prior to the event. Nicole Langford the Promotions Manager for the four Council tourist parks reported that 'bookings were solid for tourist sites and cabins across the four Central Coast Holiday Parks, with all cabins booked out for the Friday & Saturday night of the event'.

The Beachcomber Hotel reported the following occupancy rates;

Thursday – 45% (this is double their usual occupancy rate for a Thursday night)

Friday – 18% (occupancy rates for Friday night are affected by their under 30's night club)

Saturday – 83%

The two remaining motels in the Toukley area reported an increase in their usual occupancy rates for this time of year on Saturday night.

Restaurants & Cafes

Simply Sicilian Italian Restaurant reported some of the best benefit from the event. It should be noted that they were the only restaurant (apart from the local Clubs) that advertised in the Contest Guide. The restaurant seats only 45 patrons – on Saturday night they served 95 patrons

(and were forced to turn away more) and doubled their normal takeaway business for Saturday night.

The Beachcomber were the only one of the advertisers in the Guide to offer a voucher for a free garlic bread with any meal purchased in their bistro which gave them the ability to quantify the impact. Over the weekend they were presented with 18 vouchers. The trophy presentation was held at the Beachcomber and their bar sales for Sunday afternoon were up by 45%.

Surfside Snax located at Soldiers Beach was another big beneficiary of the event – with their turnover double what they normally take for the 4 days of the event (please see attached appreciation letter from owner). It should be noted that on the first day of the event the submersible pump for the sewer that is located in the outside eating area of the café was running continuously and overheating. On the Thursday morning the owner called WSC Customer Service to report the problem. The electrician arrived a midday on Thursday to fix it and needed to clear the outside eating area during the lunchtime rush. The owner was subsequently advised by phone in the afternoon that WSC would no longer be providing maintenance to the outside of the premises due to budget cuts.

It should also be noted that the kitchen facilities at Surfside Snax are very small and it makes it difficult for the owners and staff to cater for such large numbers. The owner has approached Council recently to extend the kitchen facilities and cover the outdoor eating area at his expense – however this was declined by Council.

The Norah Head retail precinct reported an increase in business and customer flow over the weekend. DL's Diner had a busy weekend and noticed an increase in business from the body boarders particularly in the afternoon. The General Store takeaway had a half an hour wait on orders at lunchtime on Saturday.

Some of the other eateries that reported an increase in business over the weekend but perhaps to a lesser extent were Swagman's Café – Toukley, Bev's Coffee & Donuts – Toukley (on Thursday night for the Movie Night), Jothi Indian Restaurant, Toukley Indian Restaurant, Lily Thai, Norah Head Sporties Club, Asian Haven – Toukley, Olnix Restaurant – Norah Head.

The two local clubs that advertised in the Contest Guide – Club Toukley RSL and Canton Beach Sports Club both reported that they saw no benefit from the event however this is based on the manager's impression rather than quantitative data as they both chose not to use a value add voucher for their advertising which would have given them a better picture of the actual benefit to the club.

5,000 Contest Guides were printed by local printer Kea Print at Charmhaven.



Generally speaking it was noticeable around town over the weekend that there was an increase in visitors in the area.

**The Future:**

There is an opportunity for Wyong Shire Council to capitalize on their sponsorship and perhaps provide better promotional support for the event to the Central Coast as a whole.

The organizers are very keen to bring another round of the event back to Soldiers Beach 16<sup>th</sup>-19<sup>th</sup> July. The timing is great for the area as it will assist local business at a time when they are generally experiencing their winter lull.

Advice regarding how the organizers should apply for future sponsorship would be appreciated.

10 June 2009

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **8.1 Minutes of the Wyong Shire Grants Committee Meeting - 20 May 2009**

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TRIM REFERENCE: F2008/02110 - D01893211

AUTHOR: ED

### **SUMMARY**

A meeting of the Wyong Shire Grants Committee was held on 20 May 2009.

### **RECOMMENDATION**

***That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 20 May 2009 and adopt the recommendations contained therein.***

A meeting of the Wyong Shire Grants Committee was held on 20 May 2009. The minutes of that meeting are attached.

### **ATTACHMENTS**

1 Minutes of the Wyong Shire Grants Committee Meeting D01922278

**MINUTES OF THE  
WYONG SHIRE GRANTS COMMITTEE MEETING  
HELD IN THE COMMITTEE ROOMS OF WYONG SHIRE COUNCIL  
ON 20 May 2009 COMMENCING AT 2.06 PM**

**PRESENT**

COUNCILLORS D J EATON (CHAIRPERSON), R L GRAHAM, L A MATTHEWS, D P VINCENT AND  
MANAGER CORPORATE AND ADMINISTRATION SERVICES.

**IN ATTENDANCE**

COMMUNITY DEVELOPMENT MANAGER, PROJECT OFFICER AND AN ADMINISTRATION ASSISTANT.

THE CHAIRPERSON, COUNCILLOR D J EATON, DECLARED THE MEETING OPEN AT 2.06 PM.

**APOLOGIES**

THERE WERE NO APOLOGIES.

**DISCLOSURES OF INTEREST**

**1.1 Disclosures of Interest**

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**RECOMMENDATION**

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

**3.1 Community Benefit Grants - Applications Trimester 3 2008-09**

COUNCILLOR VINCENT DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THAT PART OF THE REPORT ALLOCATING FUNDING TO BUDGEWOI GUIDES FOR THE REASON THAT HIS DAUGHTOR IS A MEMBER OF THE BUDGEWOI GUIDES AND HIS WIFE IS A COMMITTEE MEMBER 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."*

**COMMITTEE RECOMMENDATION**

*That the report be received and advice of disclosure noted.*

## CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 2.1 Confirmation of Minutes of Previous Meeting

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## RECOMMENDATION

***That the minutes of the previous Wyong Shire Grants Committee Meeting held on 18 March 2009 be accepted subject to the following amendments:***

### **1.1 Disclosures of Interest**

### **3.1 Community Benefit Grants – Applications for Trimester 2 2008/09**

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THAT PART OF THE REPORT RELATING TO THE SAN REMO NEIGHBOURHOOD CENTRE APPLICATION AND IN PARTICULAR THE GOATS FESTIVAL AS HE IS A MEMBER OF THE ORGANISING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THE MATTERS.

COUNCILLOR VINCENT STATED:

*I CHOOSE TO REMAIN IN THE COMMITTEE ROOM AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY.*

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THAT PART OF THE REPORT RELATING TO THE CENTRAL COAST COMMUNITY COUNCIL APPLICATION AS HE IS A PARTICIPANT IN THE COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM AND PARTICIPATED IN CONSIDERATION OF THE MATTERS.

COUNCILLOR VINCENT STATED:

*I CHOOSE TO REMAIN IN THE COMMITTEE ROOM AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY.*

## BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**GENERAL REPORTS****3.1 Community Benefit Grants - Applications Trimester 3 2008-09**

COUNCILLOR GRAHAM LEFT THE COMMITTEE ROOM AT 2.37 PM AND RETURNED AT 2.37 PM . DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE COMMITTEE ROOM AT 3.21 PM AND RETURNED AT 3.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE COMMITTEE ROOM AT 3.02 PM AND DID NOT RETURN AND AS A RESULT TOOK NO PART IN VOTING.

**RECOMMENDATION**

- 1 That Council allocate \$58,488.16 from the 2008-09 Community Benefit Grant program as follows:

Organisation	Project Name	Amount allocated
<i>Budgewoi Guides</i>	<i>Kitchen Update</i>	<i>\$ 4,839.00</i>
<i>Central Coast Community Council</i>	<i>Indigenous Youth Leadership GARMA Project</i>	<i>\$ 6,000.00</i>
<i>Central Coast Shed Cluster</i>	<i>Shed-u-cation</i>	<i>\$ 4,950.00</i>
<i>Country Women's Association – The Entrance Branch</i>	<i>Rates refund for 2008-09 (50% of \$2,542.32)</i>	<i>\$ 1,271.16</i>
<i>The Entrance Town Centre Management</i>	<i>Carols by Candlelight</i>	<i>\$ 4,400.00</i>
<i>The Entrance Town Centre Management</i>	<i>Central Coast Country Music Festival</i>	<i>\$18,500.00</i>
<i>The Entrance Town Centre Management</i>	<i>New Year's Eve celebrations</i>	<i>\$11,000.00</i>
<i>Uniting Care Burnside</i>	<i>Under the Stars – Community Movie Evening</i>	<i>\$ 5,000.00</i>
<i>Wyong Family History Group</i>	<i>Wyong Courthouse Death Records 1930-1953</i>	<i>\$ 2,528.00</i>
<i>Total</i>		<i>\$58,488.16</i>

- 2 That Council decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:

Organisation	Project Name	Funding sought	Comments
<i>The Entrance Men's Shed Inc</i>	<i>The Entrance Men's Shed Inc</i>	<i>\$ 2,000.00</i>	<i>1.10 d Capital expenditure and cannot be procured from any other source - not strictly true as they have received a considerable amount of funding from other sources. Also no Public Liability Insurance.</i>
<i>Woongarah Wildcats Football Club Inc</i>	<i>New Community Football Club</i>	<i>\$36,953.40</i>	<i>1.9 Applicants seeking funding for the pursuit of sporting or cultural excellence will not be considered under this Procedure. Suggest Sports Equipment Grant.</i>

**COMMITTEE RECOMMENDATION**

- 1 ***That Council allocate \$32,410.16 from the 2008-09 Community Benefit Grant program as follows:***

<b>Organisation</b>	<b>Project Name</b>	<b>Amount allocated</b>
Budgewoi Guides	Kitchen Update	\$ 4,839.00
Central Coast Shed Cluster	Shed-u-cation	\$ 4,300.00
Country Women's Association – The Entrance Branch	Rates refund for 2008-09 (50% of \$2,542.32)	\$ 1,271.16
The Entrance Town Centre Management	Carols by Candlelight	\$ 4,400.00
The Entrance Town Centre Management	New Year's Eve Celebrations	\$11,000.00
Uniting Care Burnside	Under the Stars – Community Movie Evening	\$ 5,000.00
Wyong Family History Group	Wyong Courthouse Death Records 1930-1953	\$ 1,600.00
<b>Total</b>		<b>\$32,410.16</b>

- 2 ***That Council defer consideration of the application from Central Coast Community Council for the Indigenous Youth Leadership GARMA Project for \$6,000 and invite the group to submit a new application for funding setting out significantly more detail about the event.***

- 3 ***That Council defer consideration of the application from The Entrance Town Centre Management for the Central Coast Country Music Festival to the next Grants Committee meeting pending further information on:***

- ***Whether the event will happen in 2010***
- ***Whether there are other better funding sources***
- ***Demonstrate the benefit to the local community.***

- 4 ***That the funding for New Year's Eve Celebrations to The Entrance Town Centre Management be distributed as follows:***

<b><i>Fireworks</i></b>	<b><i>\$5,000</i></b>
<b><i>Entertainment</i></b>	<b><i>\$5,000</i></b>
<b><i>Disadvantaged Families tickets etc</i></b>	<b><i>\$1,000</i></b>

- 5 ***That the Committee decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:***

<b>Organisation</b>	<b>Project Name</b>	<b>Funding sought</b>	<b>Comments</b>
The Entrance Men's Shed Inc	The Entrance Men's Shed Inc	\$ 2,000.00	1.10 d Capital expenditure and cannot be procured from any other source - not strictly true as they have received a considerable amount of funding from other sources. Also no Public Liability Insurance.
Woongarrah Wildcats Football Club Inc	New Community Football Club	\$36,953.40	1.9 Applicants seeking funding for the pursuit of sporting or cultural excellence will not be considered under this Procedure. Suggest Sports Equipment Grant.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.24 PM.

## **9.1 Information Reports**

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TRIM REFERENCE: F2009/00008 - D01917908

AUTHOR: SW

### **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 englobo.

### **RECOMMENDATION**

*That Council deal with the following Information Reports by the exception method.*

### **ATTACHMENTS**

*Nil.*

## 9.2 Investments for April 2009

TRIM REFERENCE: D01909784

AUTHOR: HS

### SUMMARY

The following report provides details of Council's investments as at 30 April 2009.

### RECOMMENDATION

*That Council receive the report on Investments for April 2009.*

### BACKGROUND

Wyong Shire Council's (WSC) investment portfolio has been conservatively managed providing a defence against the world financial crisis. However, Council's investments in managed funds have been impacted by the loss of market confidence and liquidity, resulting in a lower market valuation. WSC's strategy to hold to maturity continues to minimise the negative effects of realising under-valued assets.

WSC had adopted a conservative "wait and see" policy in respect of investments until Christmas 2008. Subsequent moves by the Federal Government to ensure confidence in financial markets made it prudent to shift investments into the banking sector when possible and practical.

The realisable capital value of Council's investments has lost ground against the face value to date by \$5.24m over a total investment portfolio of \$95m. These investments remain in place until favourable market conditions return and each investment can be reassessed.

Total return for the month of April was \$1.03m consisting of interest earnings \$0.26m and capital gains \$0.77m.

### CURRENT STATUS

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

Council made no provision for capital loss in the original budget. While accounting rules require Council to show the unrealised loss in the year-end profit and loss statements, it is expected investments that have suffered losses will recover most of their value over the longer term.

Council's total investments for the month of April 2009 (Table 1) are as follows:

**Table 1 Investment Portfolio by Risk Category**

	April 2009	Year-to-Date Total Returns	Year-to-Date Returns Interest Only	Year-to-Date Returns Interest Only
	\$ '000	%	%	\$ '000
Cash at Call	8,887	6.11	6.11	995



	April 2009	Year-to-Date Total Returns	Year-to-Date Returns Interest Only	Year-to-Date Returns Interest Only
	\$ '000	%	%	\$ '000
Term Deposits	33,720	6.05	6.05	821
Cash Plus Funds	14,852	-4.59	2.09	573
Cash Management Funds	24,983	0.97	4.77	1,153
Enhanced Income Funds	12,560	-9.06	2.43	485
<b>Total Investments</b>	<b>95,002</b>	<b>-0.47</b>	<b>3.97</b>	<b>4,027</b>

Investment transactions and earnings during April 2009 are shown in the following table:

**Table 2 Portfolio Performance**

	Oct to Dec 2008	Jan to Mar 2009	Apr 2009	Year to Date 2008/09	Full Year Projected
	\$m	\$m	\$m	\$m	\$m
<i>Movement in Assets</i>					
<b>Opening Balance</b>	<b>104.79</b>	<b>111.83</b>	<b>103.04</b>	<b>115.41</b>	<b>115.41</b>
Capital Gain/Loss – (see below)	(2.65)	(1.50)	0.88	(5.24)	(5.44)
Net Cash/Investments( Withdrawals)	9.69	(7.29)	(8.92)	(15.17)	20.12*
<b>Closing Balance</b>	<b>111.83</b>	<b>103.04</b>	<b>95.00</b>	<b>95.00</b>	<b>130.09*</b>
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	(0.61)	-	-	(0.61)	(0.61)
Capital Gain/(Loss) Unrealised	(2.03)	(1.97)	0.77	(4.63)	(4.83)
Interest Earnings	1.34	1.26	0.26	4.03	4.53
<b>Total Return for Period</b>	<b>(1.30)</b>	<b>(0.71)</b>	<b>1.03</b>	<b>(1.21)</b>	<b>(0.91)</b>

\* The full year projected balance of investments reflects the draw down of 2008-09 water and sewer loans and timing of related expenditures.

The full year projected returns are a best estimate in a continuing volatile investment market. However, Council's returns will be impacted by valuation adjustments and timing of distributions from managed fund investments, making it difficult to forecast in light of these external factors.

As mentioned above, negative trading returns will only occur if Council were to realise those investments where capital values have fallen. It is not intended to take such action unless the possibility of institutional failure becomes evident.

Council's investment "trading" position is a mix of capital gain (loss) and interest earned. The full year forecast interest only returns are slightly below budget, but the forecast remains subject to uncertain timing of distributions and volatile valuations in the managed funds investments.

## 9.2 Investments for April 2009 (contd)

**Table 3 Interest Only Performance**

<b>Investment Source</b>	<b>YTD Budget \$'000</b>	<b>YTD April \$'000s</b>	<b>Var. \$'000</b>	<b>Annual Budget \$'000</b>	<b>Projected Year End \$'000</b>	<b>Var. \$'000</b>
General Funds	2,405	2,564	159	2,857	2,708	149
Water (all)	681	704	23	806	890	(84)
Sewerage (all)	852	759	(93)	1,049	934	115
<b>Total</b>	<b>3,938</b>	<b>4,027</b>	<b>89</b>	<b>4,712</b>	<b>4,532</b>	<b>180</b>

### *Black Rock Care and Maintenance Fund*

This is a closed fund which allows investors in the former Black Rock Diversified Credit Fund to hold an equity in fund assets until maturity, to avoid 'fire sale' capital losses. Up until the end of April Council had made unrealised capital losses (this financial year) of \$3.42m. This was partially offset by an unrealised capital gain of \$0.46m in April.

Staff, in conjunction with Council's Investment Advisors, continue to regularly monitor the status of this investment.

### *ING Enhanced Cash Fund*

WSC's investment in this fund remained, post November 2008 at \$3.1m despite lodgement of a redemption claim prior to redemptions being frozen. After various legal matters relating to the fund were addressed, ING finally honoured the third and final redemption request on 28 May 2009. This final redemption will realise a loss of \$0.1m against the valuation as at 30 June 2009.

WSC's original, total investment in ING was \$9.26m. Acting on advice from CPG Grove (WSC's investment advisor), redemption of the investment was sought in November in three tranches (lots) of \$3m. The first two redemption requests were honoured but the third was not honoured at the time.

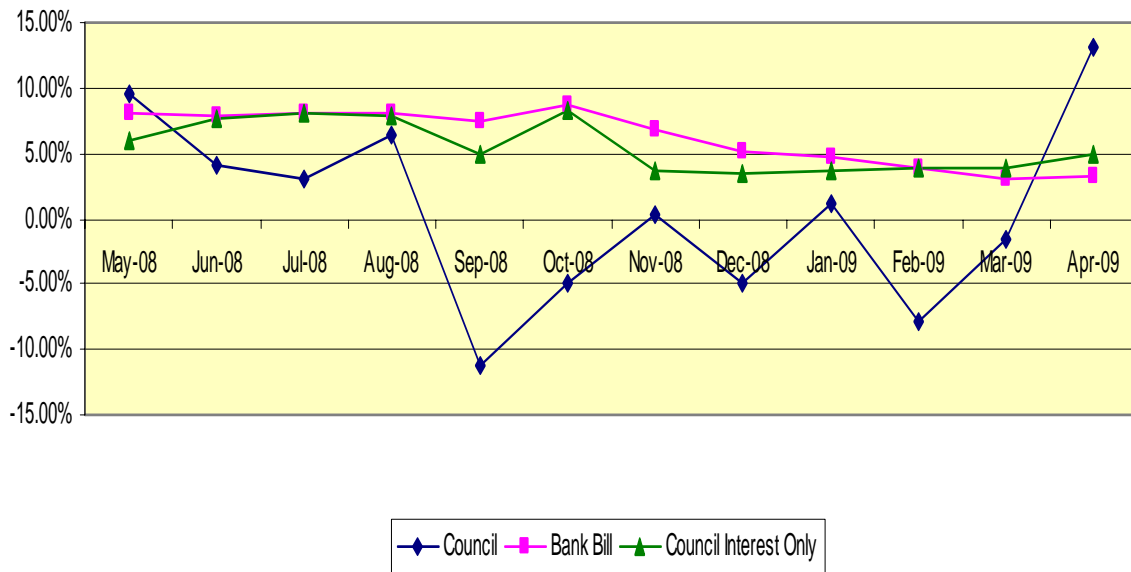
Total capital cash redeemed on this investment is \$8.98m making an overall realised capital loss on the investment of \$0.28m for this financial year.

### **Monthly Annualised Returns**

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This index is in common use among councils and is a measure of the top rated reliable cash rates. Using the index for Council establishes a minimum performance comparison.

A graph detailing the monthly return on a 12 monthly basis is as follows:

**Monthly Annualised Returns (Interest and Capital Movements)  
Portfolio Performance Comparison to UBSA Bank Bill Index**



**Council:** Council Total Return (Interest and Capital)  
**Bank Bill:** UBSA Bank Bill Reference Rate  
**Council Interest Only:** Council Interest Earnings

Council's total investment return exceeded the benchmark in April due to a recovery in valuations for the Blackrock Care and Maintenance Fund resulting in an unrealised capital gain in the Blackrock Fund referred to above.

**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 April 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

**CONCLUSION**

Council's trading position continues to show an accumulated unrealised loss of capital value but the portfolio's ability to "ride-out" market volatility remains strong due to a diversified, low risk management approach. Continuing this strategy is essential for minimising any long term actual loss and loss of interest income.

**ATTACHMENTS**

Nil.

### 9.3 Waterfront Properties with Unfenced Pools

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TRIM REFERENCE: P2006/02466 - D01909738

AUTHOR: SR

#### SUMMARY

This report details the results of a review to determine the number of waterfront properties with unfenced pools, the costs in relation to fencing and the surrounding legal issues. This report addresses Council's resolution of 25 March 2009.

#### RECOMMENDATION

***That Council receive the report on the safety of waterfront properties with unfenced pools.***

#### BACKGROUND

At its meeting held on 25 March 2009, Council resolved the following;

*"RESOLVED unanimously on the motion of Councillor Eaton and seconded by Councillor Best:*

- 1 That Council report on the issue of waterfront properties with unfenced pools.*
- 2 That Council report on the number of unfenced waterfront pools, cost of fencing, legal issues, precedent and any other relevant issues.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, WEBSTER AND WYNN.

AGAINST: COUNCILLORS McBRIDE, SYMINGTON AND VINCENT."

Whilst the Swimming Pool Act 1992 (SP Act) has mandatory fencing and other requirements for private swimming pools, it also allows for an exemption in certain circumstances including an exemption for waterfront properties.

Section 10 of the SP Act 1992 allows for an exemption from the requirement to install isolating pool safety fencing around a swimming pool as follows;

*"A swimming pool that is situated on premises having frontage to any large body of water (such as a permanently flowing creek, a river, a canal, a pond, a lake, a reservoir, an estuary, the sea or any other body of water, whether natural or artificial) is not required to be surrounded by a child-resistant barrier so long as the means of access to the swimming pool from any residential building situated on the premises are at all times restricted in accordance with the standards prescribed by the regulations".*

In Wyong Shire, those properties that have absolute water frontage to the lake and other waterbodies are generally classified as those with a mandatory foreshore building line of 20m as prescribed under Clause 31 of Wyong Local Environmental Plan 1991 (WLEP 1991). There are other properties that front waterbodies such as those in the valley areas where many properties front a creek. In these instances the properties are mostly over 2 hectares in area and are subject to other fencing exemptions under the SP Act. These properties were not considered in this review.

Council Officers undertook a search of those properties affected by the foreshore setback in Council's GIS system and located 1151 properties. This was then referenced against Council's register of approved swimming pools and it was found that there are 73 waterfront properties with approved swimming pools. This does not account for any pools that have been constructed without approval.

The formal approvals and certificates of these properties were then reviewed and it was found that 26 of these waterfront properties have used the exemption provisions. This means that in these cases the pool is not completely isolated by swimming pool safety fencing. Of these properties, two share a common boundary with a public laneway. One of these properties was the subject of recent discussions at Council and regulatory action has now commenced to require the installation of fencing to this boundary. The other such property is fenced from the public land by complying boundary fencing.

The other properties are not open to a public area, other than in some instances to the waterway. They are protected from the dwelling by door and window devices as permitted by the SP Act. As such, these properties at the time of occupation demonstrated compliance with the SP Act.

Under these circumstances it is not considered to be any significant risk to the public or liability for Council due to the use of the exemption provisions of the SP Act. In this regard Council's Solicitors have provided the following advice:

*“Any risk to Council re liability surrounding pools would arise in general negligence or negligence arising as a breach of statutory duty. In turn, scenarios would concern the particular circumstances surrounding any individual action. The review conducted is an overview concerning the particular issue of an exemption to the Swimming Pools Act regarding fencing on properties where large water bodies may be present on or immediately adjacent to the land. It cannot deal with all the individual circumstances that could be relevant to some future potential accident or related action. Council's review of the particular circumstances of one matter, where a public lane has exposure to the yard and pool was such that it considered prudent action would seek to have it fenced by use of its powers under the Local Government Act. The review conducted, albeit at a general level given the resources involved to do otherwise, suggests there to be no similar risks to the public or potential liability to Council. The exemptions to the Swimming Pools Act along with Council's actions in good faith as documented in this report are such that along with actions outlined below any risks to the public and Council are minimized”.*

Council is also continuing with the audit of swimming pools on residential properties with a view to ensuring that pool fencing complies with legislative requirements and that it is being maintained. Importantly the Department of Local Government is currently undertaking a review of the SP Act 1992. This review covers a range of issues requiring further consideration including removing existing exemptions for pool barriers, mandatory inspections of pools, requiring Council to keep a pool register, increasing penalties for non-compliances and giving Councils the power to undertake remedial works.

Many of the changes that are under consideration as part of the review do have merit and Council is preparing a submission supporting these positive changes and commenting generally on the review. A copy of Council's submission will be forwarded to all Councillors upon completion noting that comments are required by 12 June 2009.

## ATTACHMENTS

*Nil.*

## 9.4 Investigation into Potential Benefits of The Entrance Channel Web-Cam

TRIM REFERENCE: F2004/12593 - D01910684

AUTHOR: TW

### SUMMARY

This report investigates the possible benefits of utilising web cam technology in The Entrance Channel.

### RECOMMENDATION

***That Council receive the report on the investigation into potential benefits of the Entrance Channel Web-Cam.***

### BACKGROUND

At its meeting held on 25 February 2009, Council

*“RESOLVED unanimously on the motion of Councillor Best and seconded by Councillor Webster:*

- 1 That Council investigate the possible benefits of utilising the growing web technology known as “webcam” in The Entrance Channel to assist various organisations, departments and the general public to gain important information vital to improved channel management.*
- 2 That Council also investigate the possibility of sponsorship financing the channel webcams, instead of Council funding.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.”

At the time of Council's resolution in February enquiries had already commenced for Floodplain Management purposes aimed at obtaining evidence of the rate of erosion of The Entrance Channel opening during floods such as the one experienced in June 2007.

It has now been found that these are economical and feasible ways to obtain data from an automatic camera to serve various needs including Floodplain Management, Estuary Management, Coastline Management, Dredging and Surf Life Saving at The Entrance. Costs appear to be minor but would be subject to further enquiries or tenders.

It was found that Council would not need to purchase or maintain any equipment but could simply purchase an agreed stream of suitable data from a commercial supplier. Therefore concerns such as maintenance, vandalism, privacy issues with surveillance and signage are concerns for the commercial operator not for Council. This is because Council is only purchasing the data and the images produced by the camera not the infrastructure of the camera itself.

## 9.4 Investigation into Potential Benefits of The Entrance Channel Web-Cam (contd)

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Enquiries to other sections of Council's operations reveal that the following useful information could be obtained:

- 1 Floodplain Management - still image daily at low tide showing the outflow water width. A routine text report to Council listing these daily measurements would be available. This will provide the rate at which the channel mouth opens during a flood. This will allow better modelling of floods in the lake as at present the only information we have comes from the floods that occurred in 1990 and 2007.
- 2 Estuary Management - daily image of the channel seaward of the bridge. This will give feedback of channel behaviour resulting in a better understanding of changes to the Channel.
- 3 Coastline Management – daily images of North Entrance Beach showing shoreline position. This will allow us to understand and model beach erosion over time.
- 4 Dredge Operations – daily image during dredge operations. This will give feedback of channel behaviour resulting in more accurate assessment for timing of dredging.
- 5 Surf Life Saving – images south (to the Entrance Beach) and north of the Channel, including counts of the number of persons and number of water craft. This will benefit the public in gaining access to surf information.

A second camera at The Entrance North Beach would enable calculations of the volume of sand on the beach, which would be of additional benefit for Coastline Management and possible Floodplain Management purposes.

Initial indications of costs for the data are up to \$5,000 per year for an initial three year agreed program but with lesser costs if Council entered into longer term arrangements with a supplier. Initial Investigations regarding the potential for sponsorship or options for the sharing of costs with other parties have been undertaken. Early indications are that Surf Life Saving Central Coast may be interested in a partnership depending on the final location and orientation of the camera.

Council's only on-going costs would be administrative, for example to check that the cameras are in operation on the web and that the agreed routine reports are being received.

The benefits to the public would include the usual surf conditions data and images on the web as now exists at other cameras on the NSW Coast.

Should Council wish to proceed with obtaining information via a webcam, investigations to date indicate that it would be the preferred option to purchase the relevant data only rather than a camera. Council will therefore not be required to own or maintain any equipment.

### ATTACHMENTS

*Nil.*

## **9.5 Minutes of the Wyong Shire Senior Citizens Council Meeting of 2 April 2009**

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TRIM REFERENCE: F2008/00407 - D01917884

AUTHOR: AE

### **SUMMARY**

Report on the Minutes of Senior Citizens' Council meeting held 2 April 2009.

### **RECOMMENDATION**

*That Council receive the report on Minutes of the Wyong Shire Senior Citizens Council Meeting of 2 April 2009.*

### **BACKGROUND**

A meeting of the Wyong Shire Senior Citizens Council was held on 2 April 2009. The minutes are included as Attachment 1.

### **ATTACHMENTS**

- 1 Minutes of the Wyong Shire Senior Citizens Council - 2 April 2009      D01908280



### MINUTES OF THE WYONG SHIRE SENIOR CITIZENS COUNCIL MEETING

<b>Location:</b>	<i>Wyong Shire Council Civic Centre – Committee Rooms</i>	<b>Date:</b>	<i>2 April 2009</i>
<b>Chair:</b>	<i>Annette Evans</i>	<b>Time:</b>	<i>1.00pm – 4.00 pm</i>
<b>Present:</b>	<i>Allen Booth, Dawn Thompson, Bruce Kirkness, Don Flint, John Cochrane, June Goss, Luigi Bruni, Juliet Axford, Patricia Parperis (arrived 2:00pm)</i>		
<b>Apologies:</b>	<i>Councillor Greg Best, Councillor Doug Eaton, Bruce Pyke,</i>		
<b>Acknowledgement</b>	<i>Acknowledge the Traditional Custodians of the land and pay our respects to the Elders both past and present</i>		
<b>Declaration of Pecuniary Interest</b>	<i>No significant conflict of interest issues noted by any members</i>		
<b>Minute Secretary:</b>	<i>Kay Segal/Annette Evans</i>	<b>Folder:</b>	<i>F2008/00407</i>

Item Description		Responsibility
<b>1.</b>	<b>ADOPTION OF PREVIOUS MINUTES</b>	
<b>1.1</b>	That the minutes of the meeting of 26 February be adopted as a true record subject to grammatical and spelling errors. <b>Moved: Bruce Kirkness                      Seconded: June Goss</b>	<b>AE</b>
<b>2.</b>	<b>BUSINESS ARISING FROM PREVIOUS MINUTES</b>	
<b>2.1</b>	<b>Seniors Week 13-26 March 2009 Debriefing</b> <b>Launch of Seniors Week – 13 March 2009</b> Launch Day was a success with the opening speech by Mayor Bob Graham and address by Roy Ah See. Members commented that the performance by Wyong High School was exceptional as was the Budgewoi Ladies Choir. Demonstrations and displays on the day were appreciated by all in attendance.  Annette expressed the appreciation of the SCC for the assistance of the young volunteers Elise and Nathan.  Some members expressed disappointment that the Mayor was unable to attend for the whole morning. They had hoped and expected that the event would offer a good informal opportunity for SCC members to get to know the Mayor and for him to get to know them.  There was general agreement that SCC members want an opportunity to meet with the Mayor before Seniors Week 2010.  It was agreed that SCC members would be more involved in running a future event so as to continue to raise the profile of the SCC.  Members agreed that it was important to extend an invitation to state and federal representatives to attend those annual functions.	<b>AE</b>
<b>2.2</b>	<b>Special Race Day 26 March 2009 - Review</b> Allen Booth reported that assistance from the sponsors exceeded his	<b>AE/AB</b>

	Item Description	Responsibility
	<p>expectations and he had also appreciated the representation by community groups on the day. He reported that Wyong Race Club were happy with the resultant publicity and attendance at the Special Seniors Day.</p> <p>Allen made a number of recommendations based on his assessment of the day. He advocated that 'free' race days should be offered during Seniors Week each year and that pension card holders be offered free admission to Racecourse and Members Stand in conjunction with seniors' card holders.</p> <p>Allen recommended that community information stalls were not required at a Race Day. He also said that any additional promotions and prizes were best offered through the Race Book which was what had worked on 26 March.</p> <p>The meeting agreed to formally request that Wyong Race Club agree to schedule a 'free' seniors' race day during upcoming annual Seniors Weeks. Annette will include the dates for 2010 and 2011 Seniors Weeks in correspondence to the Club.</p> <p>Annette will also request formal feedback from those organisations who attended information stalls on the day.</p>	
2.3	<p><b>Positive Ageing Surveys</b></p> <p>Many surveys were distributed during Seniors Week and on Race Day. The aim is to have a significant number returned by 30 April 2009. An Excel spreadsheet has been set up to record the responses. This allows for the development of graphs and tables to display the information.</p> <p>Once the data is recorded and the report is completed, it is anticipated that the recommendations will be presented at a briefing to Councillors.</p>	AE
2.4	<p><b>Park Bench Design</b></p> <p>Bruce Kirkness spoke with the Northlakes High School teacher: Mr Dave Winter. He reported that 3 x Year 11 students were working on their designs and they should have working drawings ready by the end of term.</p> <p>Bruce will follow up contact with the school in the hope of securing some designs that could be considered by the Landscape Designers for inclusion in the development of the Canton Beach All Access Playground project.</p>	AE/BK
3.	<b>Media Update</b>	
3.1	<p>A new monthly magazine called "Over 50's Central Coast" has been launched. It's circulation will extend from Morriset to Hornsby. The editor has requested that any story ideas of interest to the potential readers should be submitted by the end of each month.</p>	AE



Item Description	Responsibility
<p>routes.</p> <p>He asked about any problems that the SCC might encounter when using the shared pathways? He asked what recommendations members would have for existing and future pathways?</p> <p>Steve requested the SCC members use their community connections to ask a number of acquaintances which of the places interested them and why? The SCC will each bring ideas to the next meeting and Steve will be present to gather the information and incorporate it into his results.</p>	
<p><b>5.2 Proposed Program of Guest Speakers</b></p> <p>Sian Fawcett-Manager Estuary Management - Annette Young-Communications Officer - Bob Burch-Senior Transportation Engineer - Sister City Committee representative – May 2009 Steve Prince-Social Planner Future Planning - 30 April 2009 Dan Smith – Shire Strategic Vision – 25 June 2009 Representative – Access requirements in Development and Planning</p>	<p><b>AE</b></p>
<p><b>5.3 Modified Seating</b></p> <p><b>Motion:</b> That WSC ensure that all future developments for outdoor recreation facilities use the principles that the SCC has proposed to ensure that outdoor seating is suitable for the needs of all users.</p> <p><b>Moved:</b> Patricia Parperis                      <b>Seconded:</b> Bruce Kirkness</p>	<p><b>PP/BK/AE</b></p>
<p><b>5.4 Recreational Vehicle Friendly Town Scheme</b></p> <p><b>Motion:</b> That RVFTS is investigated for appropriate locations throughout Wyong Shire as this addresses the needs of mobile home travellers who are in the main seniors/retirees and it also assists with the promotion of low impact tourism in local areas.</p> <p><b>Moved:</b> Bruce Kirkness                      <b>Seconded:</b> Patricia Parperis</p>	<p><b>BK/PP/AE</b></p>
<p><b>5.5 Sister City Committee</b></p> <p><b>Motion:</b> Ask the Sister City Committee to clarify what if any mechanisms are used to maintain communications with the Senior Citizens resident in their respective sister cities (Tanabe and Southlands).</p> <p><b>Moved:</b> John Cochrane                      <b>Seconded:</b> Juliet Axford</p> <p>Furthermore the meeting requested that a representative of the Sister City committee address the SCC to clarify their role and consider whether there was a place for a working relationship between the two meetings.</p>	<p><b>JC/JA</b></p> <p><b>AE</b></p>
<p><b>5.6 The Entrance Carpark Coral Street</b></p> <p>Alan Booth reported that the Lift in the Entrance Carpark has been out of order on numerous occasions.</p>	<p><b>AB/AE</b></p>

Item Description		Responsibility
	He asked "Is this the responsibility of the Traffic Committee or should it be dealt with as a customer service enquiry?"	
<b>5.7</b>	<p><b>Medical Centre</b></p> <p>It was noted that when visiting Kanwal Medical Centre the disability access was limited in some areas and non-existent in others.</p> <p>Don Flint requested information from the planning department about what the access requirements are for the building of any new (medical centres).</p>	<b>DF/AE</b>
<b>NEXT MEETING</b>		
	<b>Thursday 30<sup>th</sup> April 2009</b>	
	<b>1.00pm - 4.00pm. Refreshments provided</b>	
	<b>WSC Civic Centre – Tony Sheridan Function Room</b>	

## 9.6 Woodfired Heaters

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TRIM REFERENCE: F2004/06920 - D01908939

AUTHOR: JH

### SUMMARY

This report is in response to a Council resolution from the Ordinary Meeting of 25 March 2009. It outlines a number of options to encourage the community to be responsible when operating wood fired heaters. The report also includes proposed options for promoting responsible operation of wood fired heaters in the media.

### RECOMMENDATION

***That Council receive the report on Woodfired Heaters and note the Communication Plan proposed to be implemented by Staff.***

### BACKGROUND

Council at its meeting held on 25 March 2009

*“Resolved unanimously on the motion of Councillor Graham and seconded by Councillor Best:*

*That in accordance with Council's support for sustainability initiatives and to minimise the potential negative social and environment impacts of woodfired heaters, Council staff report on:*

- 1 Options to encourage the community to embrace the responsible operation of woodfired heaters, including the use of legislation and enforcement; and*
- 2 Options for promoting the responsible operation of woodfired heaters by way of a media campaign leading into the winter months.*

*FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.*

*AGAINST: NIL.”*

Council's Regulation and Compliance Unit are focused on ensuring that the health of the community and the environment is not significantly impacted upon by the inappropriate use of wood fire heaters.

In order to encourage the community to embrace the responsible operation of wood fired heaters, the Unit utilises both proactive mechanisms to educate the community and regulatory mechanisms to constrain inappropriate behaviour.

A key element of Council's proactive approach is promoting awareness of the responsible operation of wood fired heaters. This is achieved in partnership with various media and Council outlets including;

- o Educational material in the form of Brochures,
- o Newspaper, and
- o Television advertisements.

Historically, wood fired heaters are predominately a concern during the colder months of the year. This year's educational campaign is detailed below:

### Proposed Communication Plan:

**Campaign objective** – to raise awareness about the health and environmental issues associated with the excess smoke produced when wood fire heaters are not used responsibly.

### Key messages

- 1 The production of excess smoke is a community health issue.
- 2 Homeowners have a legal requirement to use woodfires in a way that does not create excessive pollution – (potential fine of \$200 individuals and \$400 corporations).
- 3 Tips to encourage behaviour change – e.g. ways to retain heat in the home, type of wood to burn etc.

### Media placement to include:

- A series of media releases during June to August.
- Ongoing radio announcements to promote use of seasoned wood only for use in woodfire heaters throughout winter and cross promotion of 'brochure now available from Wyong Council' - on 2GO.
- Brochures detailing the health issues, regulatory requirements and tips for saving emissions and money to be produced and made available at customer service, Council libraries and other community facilities available to the public.
- Placements of two half-page ads in the Advocate Express at the start of and mid winter.
- Shirewide – "Environment item in Shire Wide in June or July - possible reminder in August in Express Advocate
- Messages on printout receipts is an avenue to promote responsible behaviour change. Throughout July the printout on Council receipts would state: ***Warm to environmental values – minimise the polluting emissions from your wood heater by using only seasoned wood as fuel.***

### Re active Approach

Council also has a number of regulatory mechanisms that it can utilise to affect behavioural change. Specific incidents that are a community concern are responded to by staff directly via service requests. Service requests can be lodged with Council through various methods including over the phone in person at Customer Service or online. Actions taken by Council staff include;

- An investigation to determine the validity of the concern;
- Educating the wood fire user on best practices, and if required;
- Regulatory persuasion via smoke abatement and prevention notices under the provisions of the Protection of the Environment (Clean Air) Regulations.

**CONCLUSION**

The proposed communication plan should assist in raising awareness in the community about the health and environmental issues associated with the excess smoke produced when wood fire heaters are not used responsibly. The communication plan offers both a proactive and reactive approach to affect behavioural change and encourage the community to embrace the responsible operation of wood fire heaters.

**ATTACHMENTS**

*Nil.*



## 9.7 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2009/00008 - D01917139

AUTHOR: SG

### SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

### RECOMMENDATION

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

Question Asked / Councillor	Department	Meeting Asked	Status
<p>Q068 - Education Program into Toddler Drowning</p> <p><i>It would appear that my Notice of Motion 297 Education Program into Toddler Drowning unanimously endorsed by Council on 25 June 2008 has fallen off the radar and is currently not listed in report 536 Outstanding Questions without Notice and Notices of Motion on this business paper. It has been some six months since the motion attached was moved. Having regard to the recent backyard pool tragedies experienced in Gosford, when will staff report on this critical community issue?</i></p> <p>541- Extended Safety of Surf patrol Beaches</p> <p>1 <i>That having regard to the increasing incidence of unseasonably warm weather associated with global warming and the resultant high beach usage outside current patrol hours Council take a proactive approach with a view to providing our residents and ratepayers with greater coverage of patrolled surf beaches.</i></p> <p>2 <i>That Council receive a briefing on current coverage and resources required to patrol our Shire's beaches including any recommendation for Council to consider a more flexible approach to beach patrol timetables.</i></p>	Shire Planning / Shire Services	26 November 2008 Cr Best	Report to be provided for Council's meeting of 8 July 2009.
<p>Q008 - Draft Community Facilities Strategy</p> <p><i>Can staff advise when Councillors should expect to receive the Draft Community Facilities Strategy?</i></p>	Shire Planning	25 February 2009 Cr Matthews	A Councillor Briefing is being proposed for July 2009 which will provide details of recommendations and actions arising from Stage 1 of the Strategy.

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked / Councillor	Department	Meeting Asked	Status
<p>Q028 – Completion of Fisherman’s Wharf</p> <p><i>Could staff please advise when the Fisherman’s Wharf complex at The Entrance will be completed? I make particular reference to the temporary safety rail along the Boardwalk, the refuse area which is exposed and the painting of the building?</i></p>	Shire Services	22 April 2009 Cr Webster	A response will be submitted to Council’s meeting of 8 July 2009.
<p>Q031 – Community Art Structure at Watanobbi</p> <p><i>Can staff please advise what is happening with community art structure of the W now a V at Watanobbi?</i></p>	Shire Services	13 May 2009 Cr Matthews	A response will be submitted to Council’s meeting of 8 July 2009.
<p>Q032 – Maintenance of Wadalba School Oval</p> <p><i>Could staff advise on level of maintenance at Wadalba School Oval and/or other reasons for its unserviceability?</i></p>	Shire Services	13 May 2009 Cr Eaton	A response will be submitted to Council’s meeting of 8 July 2009.
<p>Q033 – Audited Accounts of Australian Coal Alliance’s Expenditure and Income</p> <p><i>Could the Mayor or staff obtain audited accounts as to Australian Coal Alliance’s expenditures and income given Council’s support of it with public money?</i></p>	Corporate Services	13 May 2009 Cr Eaton	ACA requested to provide copy of accounts.
<p>Q034 – Status of the Kanwal Village carpark</p> <p><i>Could Council staff please report on the current status of the Kanwal Village carpark in front of the pharmacy and video store? Could staff please indicate when the carpark is likely to be completed to allow safe access to the pharmacy and other businesses for local residents?</i></p>	Shire Planning	27 May 2009 Cr McBride	A response will be submitted to Council’s meeting of 8 July 2009.
<p>Q035 - Organisational Structure</p> <p><i>The Local Government Act requires, I believe, Council to consider its structure within 1 year of the Council election. Can the General Manager advise when he intends to put this matter on the agenda?</i></p>	General Manager’s Unit	27 May 2009 Cr Eaton	A response will be submitted to Council’s meeting of 8 July 2009.

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2010.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008 former Cr Stewart / Cr Graham	A report will be subject to future briefing session for Council. The report will provide an outline of possible ward boundaries.
<p>295 – Wyong Pool Maintenance Policy</p> <p>1 <i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p>2 <i>That the Mayor and General Manager report to Council on discussions.</i></p>	General Manager's Unit	25 June 2008 former Cr Pavier / Cr Graham	Discussions continuing with Administrator.
<p>298 – The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – Motor Sports Facility</p> <p>1 <i>That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.</i></p> <p>2 <i>That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.</i></p> <p>3 <i>That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.</i></p> <p>4 <i>That Council investigates possible locations for a motor sport and driver education facility based on user group requirements.</i></p> <p>5 <i>That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr McNamara / Cr Vincent</p>	<p>Councillors will be updated as information is obtained.</p>

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	Shire Planning	25 February 2009 Cr Best / Cr Matthews	A report will be submitted to Council following completion of the RSPCA Strategic Review.
<p>8.2 – Webcasting Council Meetings</p> <p><i>That Council prepare a report on the cost, feasibility and other relevant issues of webcasting Council meetings.</i></p>	Corporate Services	22 April 2009 Cr Eaton / Cr Best	A report on this matter will be submitted to Council’s meeting of 22 July 2009.
<p>9.1 – Corporate Uniform</p> <p>1 <i>That Council investigate and report on sourcing an Australian owned and produced corporate uniform.</i></p> <p>2 <i>That the report identify whether the full range of the corporate uniform can be sourced from a single or multiple supplier.</i></p> <p>3 <i>That Council also report on existing supply contracts and the way Council supports Australian and locally produced goods and services.</i></p>	Corporate Services	13 May 2009 Cr McBride /	A report on this matter will be submitted to Council’s meeting of 22 July 2009.

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Recording of Council Meetings</p> <p>1 <i>That Council seek legal advice on the legal exposure of Councillors and staff associated with the current practice of recording Council meetings and any future proposal to webcast Council meetings.</i></p> <p>2 <i>That a report on the legal advice be presented to Council at the earliest opportunity.</i></p>	Corporate Services	13 May 2009 Cr McBride /	Report will be provided when legal advice received.
<p>9.4 – Monthly Payment of Rates</p> <p>1 <i>That in order to minimise the hardship of the rate increases proposed to be introduced by Council in the 2009-10 financial year, Council promote the option for ratepayers to pay their rates by monthly or fortnightly instalments.</i></p> <p>2 <i>That Council publicise the option in 1 above at the time the 2009-10 rate notices and instalment reminders are posted to ratepayers.</i></p> <p>3 <i>That Council publicity include the provision of a leaflet with the rate notice explaining the option to pay by monthly or fortnightly instalments together with press and website promotion.</i></p>	Corporate Services	13 May 2009 Cr Best / Cr Eaton	Information flier for inclusion in 2009-10 rate notices being developed for distribution with notices in July 2009.
<p>10.1 – Support for Council Law Enforcement Officers</p> <p>1 <i>That Council write to all local State Members of Parliament, urging them to support the Crimes (Sentencing Procedure) Amendment (Council Law Enforcement Officers) Bill 2009.</i></p> <p>2 <i>That Council conduct a PR campaign in support of the work their members do on behalf of Councils and their communities.</i></p>	Shire Planning	27 May 2009 Cr Best / Cr Graham	Letters issued to local State Members of Parliament. Appropriate PR campaign being arranged by staff once the Bill has been adopted.
<p>10.3 – Improved Communication Protocols</p> <p>1 <i>That Council amend its Facilities and Expenses Policy for Councillors to include the provision of a wireless portable modem to allow internet / email usage of laptops away from home / Council.</i></p> <p>2 <i>That Council publicly exhibit this amendment as required by legislation.</i></p> <p>3 <i>That Council offer this modem to senior staff.</i></p>	Corporate Services	27 May 2009 Cr Eaton / Cr Matthews	Policy advertised for 28 days and if public submissions received the matter will be reported to Council's meeting of 22 July 2009.

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.5 – Local Preference Policy</p> <p>1 <i>That Council adopt a local preference policy to be included in the evaluation of tenders, quotations and Council procurement.</i></p> <p>2 <i>That the potential impact of this criteria on stimulating the local economy and creating local jobs be evaluated.</i></p> <p>3 <i>That a policy be prepared and submitted to Council for consideration.</i></p>	Corporate Services	27 May 2009 Cr McBride / Cr Eaton	A report on this matter will be submitted to Council's meeting of 22 July 2009.

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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>383 – Central Coast Regional Strategy – Toukley</p> <p><i>That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.</i></p>	13 August 2008 Cr Best / former Cr Stevens	A briefing workshop was held with Councillors on 27 May 2009.
<p>384 – Central Coast Regional Strategy</p> <p><i>That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.</i></p>	13 August 2008 former Cr Pavier / Cr Eaton	A briefing workshop was held with Councillors on 27 May 2009.
<p>9.1 – NSW State Body Board Championships</p> <p>1 <i>That Council allocate \$10,000 from the 2008-09 budget for Community Support and Development to secure major sponsorship of the NSW State Body Board Championships and Australasian Pro Tour to be held on 2, 3, 4 and 5 April 2009 at Soldiers Beach.</i></p> <p>2 <i>That Council transfer the \$10,000 from the amount allocated in the 2008-09 budget to the "Central Coast Pro Surfing Competition" which has been cancelled.</i></p> <p>3 <i>That Council consider allocating a similar amount to the "NSW Body Board Championships" in the 2009-10 budget provided it can be demonstrated that the event continues to provide significant benefit to the Shire.</i></p> <p>4 <i>That a report on attendance, economic benefits etc of the event be presented to Council at the completion of the championships.</i></p>	11 February 2009 Cr McNamara / Cr Best	A report on this matter is included in this business paper.

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>9.2 – The Entrance Channel WebCam</p> <p>1 <i>That Council investigate the possible benefits of utilising the growing web technology known as “webcam” in The Entrance Channel to assist various organisations, departments and the general public to gain important information vital to improved channel management.</i></p> <p>2 <i>That Council also investigate the possibility of sponsorship financing the channel webcams, instead of Council funding.</i></p>	<p>25 February 2009 Cr Best / Cr Webster</p>	<p>A report on this matter is included in this business paper.</p>
<p>9.5 – Extending the Lapsing Period of a Consent</p> <p>1 <i>That Council, in determining applications for employment generating development extend the lapsing period of a Consent under Section 95 of the Environmental Planning and Assessment Act 1979 to three years for the purpose of assisting local employment during the current economic downturn.</i></p> <p>2 <i>That the fees for extending a consent for a further one year period be reviewed in conjunction with the next Management Plan.</i></p>	<p>25 February 2009 Cr Eaton / Cr Graham</p>	<p>This matter is incorporated with the report on Adoption of Management Plan 2009-10 included in this business paper.</p>
<p>9.1 – Woodfired Heaters</p> <p><i>That in accordance with Council’s support for sustainability initiatives and to minimise the potential negative social and environment impacts of woodfired heaters, Council staff report on:</i></p> <p>1 <i>Options to encourage the community to embrace the responsible operation of woodfired heaters, including the use of legislation and enforcement; and</i></p> <p>2 <i>Options for promoting the responsible operation of woodfired heaters by way of a media campaign leading into the winter months.</i></p>	<p>25 March 2009 Cr Graham / Cr Best</p>	<p>A report on this matter is included in this business paper.</p>
<p>9.3 – Ensuring Compliance of Guttering with Building Code of Australia</p> <p><i>That Council alert the Australian Building Codes Board and Standards Australia in writing of the problem regarding high fronted gutters and bring this issue to the next Local Government Association Conference.</i></p>	<p>25 March 2009 Cr Wynn / Cr Vincent</p>	<p>A Councillor business update was posted on 16 April 2009.</p>
<p>9.4 – Safety Concern Regarding an Unfenced Pool at Summerland Point</p> <p>1 <i>That Council report on the issue of waterfront properties with unfenced pools.</i></p> <p>2 <i>That Council report on the number of unfenced waterfront pools, cost of fencing, legal issues, precedent and any other relevant issues.</i></p>	<p>25 March 2009 Cr Eaton / Cr Best</p>	<p>A report on this matter is included in this business paper.</p>



## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>10.2 – Council Facility Fees</p> <p>1 <i>That Council staff investigate and report on the fees, including bonds levied on community groups, NGO's and sporting associations for the use of Council facilities including open space.</i></p> <p>2 <i>That staff conduct a comprehensive audit of the fee structure with a view to minimising the financial impact on community groups working within the Wyong Shire to achieve social engagement.</i></p>	<p>8 April 2009 Cr Matthews / Cr McBride</p>	<p>This matter is incorporated with the report on Adoption of Management Plan 2009-10 included in this business paper.</p>
<p>Q024 – Traffic Along Coachwood Drive, Ourimbah</p> <p><i>Could staff report on accident history and speeding at Coachwood Drive, Ourimbah and any proposed/possible traffic calming measures?</i></p>	<p>22 April 2009 Cr Eaton</p>	<p>A response has been included in this business paper.</p>
<p>Q025 – Repairs of The Long Jetty</p> <p><i>As The Long Jetty (wooden) has further deteriorated and now is in a dangerous state when will Council commence repairs?</i></p>	<p>22 April 2009 Cr Eaton</p>	<p>A response has been included in this business paper.</p>
<p>Q026 – Fish Cleaning Facilities</p> <p><i>Does Council have any strategic plans for fish cleaning facilities at or near the Shire's boat ramps?</i></p>	<p>22 April 2009 Cr Wynn</p>	<p>A response has been included in this business paper.</p>
<p>Q027 – Virgin Excavated Natural Material (VENM)</p> <p><i>Is virgin excavated natural material (VENM) from work construction sites deemed contaminated if it is not used within 48 hours and does it then have to be removed to our landfill sites?</i></p>	<p>22 April 2009 Cr Wynn</p>	<p>A response has been included in this business paper.</p>
<p>Q029 – Fisherman's Wharf Waste Removal</p> <p><i>Is there anything that Council can do to encourage the owners to have more than two refuse pickups per week, as the strong odour of rotting food scraps is affecting other businesses in the area?</i></p>	<p>22 April 2009 Cr Webster</p>	<p>A response has been included in this business paper.</p>
<p>8.1 – Pile Creek Culvert</p> <p><i>That due to the failure of Pile Creek Culvert, Council take a proactive approach to the findings and recommendation of the Ministers investigation into this event through receiving and considering a report from staff at their earliest convenience on this important issue as tabled by Mr Dick Persson and Mr Alan Griffin appointed to investigate.</i></p>	<p>22 April 2009 Cr Best / Cr Eaton</p>	<p>A report on this matter is included in this business paper.</p>
<p>Q030 – DA for proposed Shared Pathway at Mannering Park Foreshore</p> <p><i>Can staff please provide a report on the status of "development assessment" for the proposed shared path at Mannering Park Foreshore?</i></p>	<p>13 May 2009 Cr Symington</p>	<p>Application approved under Delegation on 22 May 2009.</p>

## 9.7 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>10.2 – Planning Agreements Policy  <i>That Council formulate a policy on accepting planning agreements as an alternative to Section 94 Contributions to aid in flexibility for development and economic outcomes in current times.</i></p>	<p>27 May 2009            Cr Eaton / Cr Best</p>	<p>Briefing to be held in conjunction with the existing Future Planning Works Program on 10 June 2009.</p>
<p>10.6 – Federal Fast Tracking of Warnervale</p> <p>1 <i>That with the community of the greater Warnervale district now in desperate need of the proposed Warnervale town centre and its supporting community infrastructure, Council through the assistance of Mr Craig Thomson the local Federal Member for Dobell, seek to access the Federal Government's nation building infrastructure funding initiatives with a view to fast tracking the commencement of this much needed new community infrastructure.</i></p> <p>2 <i>That Council in partnership with the Federal Member seek a joint delegation to the Federal Minister for Infrastructure to lobby for Federal assistance.</i></p>	<p>27 May 2009            Cr Best /            Cr McNamara</p>	<p>Letter issued to Federal Member.</p>

## ATTACHMENTS

*Nil.*

## 10.1 Answers to Question Without Notice

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TRIM REFERENCE: D01905137

### 10.1 Q024 - Traffic Along Coachwood Drive, Ourimbah

The following question was asked by Councillor Eaton at the Ordinary Meeting on 22 April 2009:

*“Could staff report on accident history and speeding at Coachwood Drive, Ourimbah and any proposed/possible traffic calming measures?”*

Traffic speeding issues on Coachwood Drive and Shirley Street have been referred to the Wyong Shire Council Traffic Committee on several occasions in recent years and recommendations from the Committee and subsequent actions by Council have included conducting traffic surveys, line marking and installing stop signs at an intersection. The police have also provided undertakings to increase surveillance and enforcement in this area.

It is the opinion of the Traffic Committee that the current Roads and Traffic Authority (RTA) roadworks at Ourimbah have temporarily increased the volume of traffic along this route.

RTA traffic accident data, based on police reports, indicates a low incidence of reportable incidents as follows.

Year	Street	Date
2004	Shirley Street	11 October 2004
2004	Coachwood Drive	Nil
2005	Shirley Street (near Kauri Court)	5 June 2005
2005	Coachwood Drive	Nil
2006	Shirley Street	Nil
2006	Coachwood Drive	Nil
2007	Shirley Street	Nil
2007	Coachwood Drive (near Tallowood Crescent)	6 February 2007
2007	Coachwood Drive (near Ironbark Close)	11 June 2007

Advice from residents is that there have been a number of recent accidents on weekends including speeding vehicles failing to negotiate bends, however, the vehicles drive off and the incidents are not officially recorded by the Police.

The most recent speed counts taken on this street are:

Street	Date	Speed kph (85th percentile)*
Coachwood Drive near No 40	August 2008	60
Shirley Street near No 60	August 2008	59
Shirley Street near Boxwood Close	August 2008	60

\* The 85<sup>th</sup> percentile speed is an industry standard indicator of speed and indicates the speed below which 85% of vehicles travel.

In this instance the 85<sup>th</sup> percentile speed of vehicles travelling along Coachwood Drive and Shirley Street was measured between 59-60 km/h. Although this recorded speed result is above the regulated speed of 50km/h it is comparable to or less than speeds recorded on other roads in the Shire. For example, Lakehaven Drive, Gorokan (66km/h), Bungary Head Road (65 km/h), Burns Road, Ourimbah (64 km/h), and Minnamurra Road, Gorokan (61 km/h).

The issue of speeding vehicles on a curve near the intersection of Coachwood Drive and Boxwood Close was most recently considered at the April 2009 meeting of the Traffic Committee following representation by a resident. The Committee discussed the use of lane dividers to direct traffic to stay within the travelling lanes and not cut corners as a means to limiting the speed taken around the curves by the minority of drivers who chose to drive in an illegal manner. The Committee has made no further recommendations for the installation of additional traffic calming devices.

Council staff are currently investigating suitable lane dividers along a number of curves.

## ATTACHMENTS

*Nil.*

## **10.2 Answers to Question Without Notice**

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TRIM REFERENCE: D01905151

### **10.2 Q025 - Repairs of The Long Jetty**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 22 April 2009:

*“As The Long Jetty (wooden) has further deteriorated and now is in a dangerous state when will Council commence repairs?”*

The Long Jetty, from which the suburb acquires its current name, is a historic icon within Wyong Shire, experiencing high volume usage by tourists, members of the local community, and recreational fisherman.

Council regularly undertakes inspections of its jetties, undertaking repairs as budgets allow. Council last undertook repairs on The Long Jetty between April and July 2008, repairing 30 dilapidated planks.

The last inspection of The Long Jetty, undertaken 20 March 2009, identified the following;

- 15 deck planks to be repaired/replaced
- 38 metres of handrail to be repaired/replaced

As there is no further requirement for remediation works to be undertaken at Big Bay, Tuggerawong in 2009/2010, there will be sufficient funds in the Lakes Maintenance program for additional jetty maintenance. Prioritised works will be conducted at Parry's Jetty, Watkins Jetty and Long Jetty.

Additionally, Council has applied for \$11,875 worth of funding through the Department of Primary Industries (Fisheries) Recreational Fishing Trust. Successful proposals will be announced early within the 2009/10 financial year.

More recently Council applied for \$280,000 worth of federal funds via the Jobs Fund for major refurbishment works on Perry's Jetty, Watkins Jetty and Long Jetty. Successful Jobs Fund proposals will also be announced early within the 2009/2010 financial year.

### **ATTACHMENTS**

*Nil.*

### **10.3 Answers to Question Without Notice**

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TRIM REFERENCE: D01905166

#### **10.3 Q026 - Fish Cleaning Facilities**

The following question was asked by Councillor Wynn at the Ordinary Meeting on 22 April 2009:

*“Does Council have any strategic plans for fish cleaning facilities at or near the Shire’s boat ramps?”*

Fish cleaning facilities are generally installed in areas of high public use, adjacent to boat ramps or where there is an identified need for the installation of such a facility. The facilities generate liquid waste and therefore require connection to sewer or other appropriate onsite liquid waste treatment.

Currently there is no strategic plan for fish cleaning facilities. As new boat ramps are installed or existing ramps are refurbished, consideration is given to inclusion of appropriate ancillary infrastructure including fish cleaning facilities.

Final design plans have been completed for the boat ramp upgrade at Picnic Point, The Entrance, with construction due to commence in the 2009-10 financial year. Fish cleaning facilities have been included.

Consultants are currently being engaged to prepare concept designs and a facility study for replacement of the boat ramp at Cabbage Tree Harbour, Norah Head. This will include the consideration of fish cleaning facilities among other ancillary infrastructure, such as public toilets, jetties and parking areas.

#### **ATTACHMENTS**

*Nil.*

## **10.4 Answers to Question Without Notice**

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TRIM REFERENCE: D01905183

### **10.4 Q027 - Virgin Excavated Natural Material (VENM)**

The following question was asked by Councillor Wynn at the Ordinary Meeting on 22 April 2009:

*"Is virgin excavated natural material (VENM) from work construction sites deemed contaminated if it is not used within 48 hours and does it then have to be removed to our landfill sites?"*

The following response reviews the definition of VENM and how legislative requirements apply to Council's operations.

#### **Definition of VENM**

The Protection of the Environment Operations (POEO) Act 1997 defines Virgin Excavated Natural Material (VENM) as natural material (such as clay, gravel, sand, soil or rock fines):

- that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and
- that does not contain acid sulphate soils (ASS) or any other waste

#### **VENM Management and Contamination**

The Department of Environment and Climate Change (DECC) documented position has been that VENM cannot be 'made' from processed soils and excavated material that has been stored or processed in any way cannot be classified as VENM.

DECC's most recent advice is that this position is currently being reviewed to allow a more practical approach to the reuse of VENM. In light of this review, DECC suggested that the temporary storage of VENM on or off site was acceptable without losing the classification of VENM providing strict controls are put in place that prevent the contamination of the stockpiled material. Controls can include barriers, fences, gates, cover and other means to limit access and to ensure the material remains free of contamination.

Regarding the acceptable storage time for VENM, DECC's position is that relatively short time frames involving days or weeks should apply. Longer time frames may be acceptable under certain circumstances, if it can be demonstrated that the stockpiles can be secured, access limited and risk of contamination minimised.

If there is evidence or it is suspected that VENM was contaminated while being stored, it is no longer acceptable to classify this material as VENM. Testing must be undertaken to determine the appropriate classification of the material.

### Resource Recovery Exemptions

In 2008, DECC introduced “Resource Recovery Exemptions” under [clause 51 of the Protection of the Environment Operations \(Waste\) Regulation 2005](#) (the Regulation) to provide for the reuse of waste materials in certain circumstances where a material is assessed as being fit for its purpose and does not cause environmental impacts.

General exemptions have been developed for commonly recovered materials such as food waste, mulch, aggregates (concrete, asphalt, bricks) and excavated natural materials (ENM). These exemptions can be used without notifying DECC provided the conditions of the exemption are met.

Of particular relevance to Council’s operations is the fact that natural excavation material from any Council work site that can not be classified VENM or VENM that has been stored for extended periods of time may be assessed as ENM. The *Excavated Natural Material Exemption* under the Regulation can be exercised, if the material is tested and maximum concentrations of certain substances are not exceeded. Testing must include parameters such as heavy metals, hydrocarbons, electrical conductivity, bitumen, rubber, plastic and wood. Material that complies with the ENM criteria and meets the exemption conditions can be applied to land for road construction activities, building, landscaping and construction works subject to valid planning approvals and hence does not necessarily require landfill disposal. However, it is pertinent to note that ENM cannot be used for activities such as the construction of dams or related water storage infrastructure, quarry rehabilitation, backfilling of quarry voids and mine site rehabilitation.

### Reuse of Excavation Material On-site

Excavation materials that are reused on-site do not require testing even if the material is not VENM. On-site use of waste materials does not trigger the relevant clauses of the POEO Act or the Regulations. However if the on-site use of waste materials results in contamination of the site, the provisions of the Contaminated Lands Management Act will apply.

### ATTACHMENTS

*Nil.*



## **10.5 Answers to Question Without Notice**

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TRIM REFERENCE: D01905192

### **10.5 Q028 - Completion of Fisherman's Wharf**

The following question was asked by Councillor Webster at the Ordinary Meeting on 22 April 2009:

*"Could staff please advise when the Fisherman's Wharf complex at The Entrance will be completed? I make particular reference to the temporary safety rail along the Boardwalk, the refuse area which is exposed and the painting of the building?"*

The issues raised have been the source of concern and regular correspondence between staff and the developer/operator of Fisherman's Wharf over the last few months. The current position on these issues is summarised below. Due to the high importance placed by Council on the resolution of these issues, an urgent meeting will be convened with the developer by the middle of June 2009.

#### **Temporary Safety Rail to Boardwalk**

The developer is required to have in place appropriate public liability insurance and to indemnify Council and the Department of Lands against all claims. Notwithstanding this arrangement, Council is dissatisfied with the absence of a safety barrier to the boardwalk and has requested that the developer provide a permanent safety fence. The developer has objected to this request and asked for a mediation process to be implemented to resolve the dispute in accordance with the conditions of the Lease. It is anticipated that this mediation process will be undertaken by the end of July to resolve this matter.

In the interim the developer has provided free-standing fence panels, and Council has secured these with appropriate use of cabling.

#### **Refuse Area**

Under the Lease between Council and the developer, operation of the building is the responsibility of the developer. There are a number of options available to overcome the odour issues that are occurring in the refuse storage area due to the time taken to empty bins. These include increasing the frequency with which the waste is removed and adjusting the size and number of bins contained on site. These matters have been raised with the developer. Council is pursuing a solution with the developer and anticipates resolution by the end of July 2009.

In relation to the aesthetics of waste bins at the western end of the building, Council's Development Assessment Unit (DAU) has advised that bins are required to be stored within the building and a screen fence will not be an acceptable option. The developer has been directed to comply with this requirement. Current areas of non compliance with the development consent are being pursued.

**Painting of the Building**

The presentation of the building has been disappointing since the Interim Occupation Certificate was issued in July 2008. Some of the areas of concern include:

- The exposed concrete edges of the floor slabs were not painted as part of the construction work.
- Various rooms with large windows on the roundabout side of the building have been used for storage, with or without paper taped over the inside of the windows.
- The paint used for the exterior of the building has faded, resulting in the building looking much older than its actual age.

A building such as this relies on presenting well to the public and this has been the subject of communications to the developer. In the event that Council requires the repainting of the exterior the only option available to it under the Lease is to take the matter to court.

**ATTACHMENTS**

*Nil.*

## **10.6      Answers to Question Without Notice**

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TRIM REFERENCE: D01905212

### **10.6      Q029 - Fisherman's Wharf Waste Removal**

The following question was asked by Councillor Webster at the Ordinary Meeting on 22 April 2009:

*"Is there anything that Council can do to encourage the owners to have more than two refuse pickups per week, as the strong odour of rotting food scraps is affecting other businesses in the area?"*

There has been regular communication with the developer raising concerns about the odour issues associated with the waste bins.

Council has delegated authority to resolve issues regarding odours from the management of waste under the provisions of the Protection of the Environment Operations (POEO) Act 1997.

Council staff also have the power to issue notices or regulatory orders that include requirements to prevent further inappropriate odours or pollution by detailing actions that are required to be undertaken by the land owner/occupier. These actions are being monitored by Council.

### **ATTACHMENTS**

*Nil.*

10 June 2009  
To the Ordinary Meeting

Director's Report  
Councillor

### **11.1 Notice of Motion - Review of the Code of Meeting Practice**

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TRIM REFERENCE: F2004/06502 - D01922506

AUTHOR: EM

Councillor E McBride and Councillor G Best have given notice that at the Ordinary Meeting to be held on 10 June 2009 they will move the following Motion:

*“That a comprehensive review of the Code of Meeting Practice be undertaken, including a briefing and a subsequent report provided to Council”*

## **11.2 Notice of Motion - Credit Insurance Crisis**

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TRIM REFERENCE: F2004/11197 - D01922745

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 10 June 2009 he will move the following Motion:

- "1 That Council note with concern the reducing availability of credit insurance due to the global financial crisis and the impact of this on the construction and other industries generally and consequentially on employment and the economy.*
- 2 That Council via its delegate Mayor Graham seek to move an Urgency Motion at the Australian Council of Local Government in Canberra on 25 June 2009 and also the National Assembly of Local Government to bring the issue of the credit insurance crisis to the attention of the Council and the Federal Government and seek urgent action on this matter.*
- 3 That Council staff prepare a briefing paper for the Mayor and delegate on this issue."*

### **11.3 Notice of Motion - Toukley Gathering of the Clans**

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TRIM REFERENCE: F2004/10747 - D01923266

AUTHOR: GB

Councillor Best has given notice that at the Ordinary Meeting to be held on 10 June 2009 he will move the following Motion:

- "1 That further to advice from local peak business organisations that they no longer can accommodate the management and delivery of this important annual tourist event, staff report to Council on what options may be available to assist the business community in maintaining the event.*
  
- 2 That the report cover but not be limited to inkind, financial assistance and what benefits may flow from Council consideration of the appointment of an events coordinator to assist the broader shire in capturing, managing and showcasing the wide range of important community / tourism events currently in operation."*

#### **COUNCILLOR'S NOTE**

This is a motion in partnership with Cr Doug Vincent and Cr Bill Symington and I thank them for their support.