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## WYONG SHIRE COUNCIL

### REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 11 JUNE 2008,  
COMMENCING AT 5.00 PM

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## ORDINARY MEETING OF COUNCIL

11 JUNE 2008

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**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

**233 Disclosures of Interest**

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F2008/01064 ED:MR

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 interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.***

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **234 Proposed Inspections**

F2008/00003 ED:MR

#### **SUMMARY**

Inspections proposed to be held on 25 June 2008 and prior to the second Ordinary Meeting are listed as follows:

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By</b>
25 June 2008	Old Gwandalan Land Fill Site	Director Shire Services
25 June 2008	McLachlan Avenue, Long Jetty - Road & Drainage work	Director Shire Services
25 June 2008	Saltwater Creek Reserve, Long Jetty – Playground	Director Shire Services
25 June 2008	Customer Service Unit – Level 2, Council Chambers.	Director Shire Services

#### **RECOMMENDATION**

***That the report on inspections to be conducted on Wednesday, 25 June 2008 be received and the information noted.***

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **235 Proposed Briefings**

F2008/00003 ED:MR

#### **SUMMARY**

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

<b>Date</b>	<b>Briefing</b>	<b>Description</b>	<b>Time</b>	<b>Presented by</b>
11 June 2008	Directors Interviews with Councillors	Councillors to interview candidates for Director of Corporate Services and Director of Shire Services Positions	8.45 am – 4.00 pm	N/A

#### **RECOMMENDATION**

*That the report be received and the information noted.*

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

**236 Address by Invited Speakers**

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F2008/00003 ED:MR

**SUMMARY**

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

**RECOMMENDATION**

- 1** *That the report on Invited Speakers be received and the information noted.*
- 2** *That, should speakers be present at the meeting, standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.*

**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

**237                      Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 ED:MR

**SUMMARY**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session.

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 pursuant to Section 10A(2)(a) of the Local Government Act, 1993, the following matter be dealt with in a Confidential Briefing Session:***  
  
***Wyong Community Recreation Association.***
- 2     *That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it may include information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3     *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

**238 Confirmation of Minutes of Previous Meeting**

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F2008/00003 ED:MR

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 28 May 2008.

**RECOMMENDATION**

*That the minutes of the previous Ordinary Meeting of Council held on 28 May 2008 be received and confirmed.*



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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 28 MAY 2008,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART AND R C STEVENS.

**IN ATTENDANCE**

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER COMMUNICATIONS, MANAGER NATURAL RESOURCES, MANAGER HEADWORKS AND PROJECT MANAGER MARDI MANGROVE LINK.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND REVEREND BRUCE HUNTER DELIVERED THE OPENING PRAYER.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WASE RECEIVED ON BEHALF OF COUNCILLOR VEUGEN WHO IS ON LEAVE.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 201, 232, 230, 202, 203, 204 AND 214 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.

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

***That standing orders be varied to enable item 232 to be considered.***

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**201 Disclosures of Interest**

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F2008/01064 MW:SW

**214 - MINUTES OF THE GOSFORD/WYONG COUNCILS' WATER AUTHORITY BOARD MEETING – 21 MAY 2008**

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN REPORT 214 ITEM WA008 – UPDATE ON WATER EVENT OPTIONS FOR THE REASON THAT HIS FAMILY MAY PROVIDE AMUSEMENT EQUIPMENT AT THESE EVENTS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

**218 - CHIKAROVSKI MINING ENQUIRY REPORT**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MEMBER FOR DOBELL WAS REQUESTED TO TAKE SOME ACTION ON THIS ISSUE AND THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL LEFT THE CHAMBER AT 10.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

**228 - NOTICE OF MOTION – MANAGEMENT PLAN NEWSLETTER**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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."*

**W013 - WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCILLOR APPOINTED TO THAT BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART 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."*

**W013 - WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE TO THE BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM A COUNCIL APPOINTEE."*

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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**W013 - WYONG COMMUNITY RECREATION ASSOCIATION**

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS REPLACING COUNCIL'S PREVIOUS DIRECTOR OF SHIRE SERVICES ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

*"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY".*

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

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

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**202 Proposed Inspections**

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F2008/00003 MW:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 7.00 PM AND AS A RESULT TOOK NO PART IN VOTING.

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor PAVIER:***

***That the report on inspections conducted on Wednesday, 28 May 2008 be received and the information noted.***

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**203 Proposed Briefings**

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F2008/00003 MW:SW

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:***

- 1 That the report be received and the information noted.***
- 2 That it be noted that a special briefing was held on Wednesday, 28 May 2008 at 2.30 pm until 4.30 pm regarding the Gwandalan Landfill site.***

**204 Address by Invited Speakers**

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F2008/00003 MW:SW

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

- 1 That the amended report on Invited Speakers be received and the information noted.**
- 2 That standing orders be varied to allow each item to be dealt with following the speaker's address.**

**205 Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 MW:SW

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

- 1 That pursuant to Section 10A(2)(a) and 10A(2)(c) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:**
  - W010 - Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street, Wyong**
  - W011 - Council's Landholdings**
  - W013 - Wyong Community Recreation Association**
- 2 That the reason for dealing with Report No W010 - Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street, Wyong confidentially is that it contains personnel matters concerning particular individuals (other than Councillors).**
- 3 That the reason for dealing with the Report No W011 – Council's Landholdings confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 4 That the reason for dealing with the Report No W013 – Wyong Community Recreation Association confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*
- 6 *That Report No W012 – Leadership Development Program be considered in Open Session as item 211A.*

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**206 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:***

*That the minutes of the previous Ordinary Meeting of Council held on 14 May 2008 be received and confirmed.*

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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**207 'Living Sustainably In Wyong Shire' - A Sustainability Initiative**

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F2007/00404 KD:KD

***RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:***

- 1 *That the consultants report 'Living Sustainably in Wyong Shire' be noted.*
- 2 *That the report's recommendations for implementation of Phases Two and Three of the decision making framework be endorsed and implemented as appropriate.*
- 3 *That the draft Sustainability Principles be adopted for interim use.*
- 4 *That further refinement of the Principles occur to reflect the Shire Strategic Vision process.*

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**208 CPA 94307 - Hire of Compactor and Traxcavator for Buttonderry Waste Management Facility**

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CPA/94307 GHK:EBL

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council exercise the extension option of 2 years for Contract CPA 94307 for the Hire of Compactor and Traxcavator for Buttonderry Waste Management Facility at a cost of \$1,501,022 (excl GST) and subject to rise and fall adjustments.***

FOR: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLOR EATON.

**209 Determination of Water and Sewer Charges for 2008/09**

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F2004/06782 TD

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council as the Water Supply Authority in accordance with Sections 315 and 316 of the Water Management Act 2000 No 92 adopt the service charges set out in Enclosure for the period 1 July 2008 to 30 June 2009 based on the determinations of the Authority set out in a, b and c below:***

- a That the amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipe is \$54,479,000 for the period 1 July 2008 to 30 June 2009.***
- b That all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:***

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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- i* whether the land is residential or non residential; and
  - ii* the nature and extent of the water or sewerage services connected to each individual allotment.
- c** That service charges shall be uniformly levied on the following basis:
- i* the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably available for water to be supplied to the land, expressed as a charge determined by the nominal pipe size attaching to the Authority's service supply meter;
  - ii* by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and
  - iii* where water pressure requires larger sizes of pipes and meters a charge as assessed by the Authority.

**210 Hunter Connection Project – Major Contracts Summary Report**

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F2005/02394 PRW:RA

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.39 PM DURING CONSIDERATION OF THIS ITEM.

**RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor STEVENS:**

- 1** That Council note its concern regarding staff breaching their delegations.
- 2** That the General Manager brief Council on improved policies, procedures and processes that can be implemented to prevent this occurring on future projects.
- 3** That Council endorse the major contracts and variations for delivering of the Morisset Water Pumping Station and Morisset to Warnervale Water Trunk Main.

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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**211 2007/08 Management Plan – March 2008 Quarter Review**

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F2004/07006 BR

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

- 1 That Council receive and note the report and endorse budget amendments proposed in this report.**
- 2 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.**

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**211A Leadership Development Program**

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F2006/01523 LW:LW

**RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor FORSTER:**

- 1 That Council express concern regarding the governance around the Senior Leadership Development Program in particular the perception that the project has breached Section 55 of the Local Government Act and ICAC Guideline 1:**

**“Managing Risk: Reducing Corruption Risks in Local Government – Taking the Con out of Contracting: Guidelines for Managing Corruption Risks in Local Government Procurement and Contract Administration” issued September 2001”**

**By order splitting the project into Contracts 1A to 1F with variations and that Council refer this matter to the Department of Local Government for advice.**

- 2 That Council express concern around the concept of “Body Hire”.**
- 3 That the General Manager provide a report to Council by 25 June 2008 on existing “Body Hire” arrangements and their cost to Council.**
- 4 That following this report a briefing be held to discuss “Body Hire” with a view to establishing processes for the General Manager to advise Council of “Body Hire” arrangements.**



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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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

***That the meeting be adjourned for 5 minutes.***

THE MEETING WAS ADJOURNED AT 9.26 PM AND RESUMED AT 9.36 PM.

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**212 Minutes of the Central Coast Regional Organisation of Councils –  
19 March 2008**

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F2004/06390 ED

COUNCILLOR BEST LEFT THE CHAMBER AT 9.36 PM AND RETURNED TO THE CHAMBER AT 9.37 PM AND AS A RESULT TOOK NO PART IN VOTING.

**RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor FORSTER:**

***That the minutes of the Central Coast Regional Organisation of Councils meeting held on 19 March 2008 be received and the recommendations contained therein, adopted.***

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**213 Minutes of the Wyong Shire Governance Committee Meeting –  
14 May 2008**

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F2004/07245 MW

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

- 1** ***That a Shire Wide Audit of closed landfill sites or similar lands occur with a report to Council by the Ordinary Meeting to be held 9 July 2008, detailing how similar issues/incidents do not occur at these operational and construction sites operated by Council.***
- 2** ***That a site inspection of the closed Gwandalan Landfill site be conducted by Councillors at the next round of inspections or at a time that is suitable with a Department of Environment and Climate Change inspection.***
- 3** ***That the Gwandalan landfill site be immediately secured and the site made safe.***
- 4** ***That Council stop immediately use of the closed Gwandalan Landfill site.***

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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- 5 *That appropriate signage be placed immediately at the site indicating that it is a closed landfill site highlighting the risks of illegal entry.*
- 6 *That the whole matter relating to unauthorised dumping, potential avoidance of levies and charges be referred to ICAC for advice relating to corruption in the matter.*
- 7 *That Council request the Department of Environment and Climate Change to brief Councillors on their current investigations and behaviour of Council staff in this matter.*
- 8 *That all short term environmental controls necessary be put immediately in place at the closed Gwandalan Landfill site.*
- 9 *That Council in consultation with the Mayor engage an external body to undertake a full investigation and inquiry of the Gwandalan Landfill site and activities there over the last 20 years.*
- 10 *That a voluntary remediation plan detailing all corrective actions and time frames be developed in consultation and agreement with Department of Environment and Climate Change.*
- 11 *That Council identify and comply with all relevant legislative requirements regarding the closed Gwandalan Landfill site.*
- 12 *That a comprehensive site investigation be undertaken by a suitably qualified consultant under the supervision of an independent accredited site Auditor and in close consultation with the Department of Environment and Climate Change.*
- 13 *That Council investigate the legality of all transfer stockpile sites.*
- 14 *That Council delegate to the Mayor the authority to vary the implementation of the above and to report any such variation to Council subsequently for endorsement.*
- 15 *That with the exception of the recommendation regarding the Gwandalan Landfill Site the minutes of the Wyong Shire Governance Committee meeting held on 14 May 2008 be received and the recommendations contained therein, adopted.*
- 16 *That Council support the resourcing of an additional qualified Internal Auditor.*
- 17 *That Council congratulate Mr Bruce Turner on his receipt of the Bob McDonald Award for his outstanding services to the auditing profession.*
- 18 *That Council congratulate Jeff Simpson on his quality of work and comprehensive reports to the Governance Committee.*

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**214 Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008**

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F2004/06390 ED

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN REPORT 214 ITEM WA008 – UPDATE ON WATER EVENT OPTIONS FOR THE REASON THAT HIS FAMILY MAY PROVIDE AMUSEMENT EQUIPMENT AT THESE EVENTS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.44 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.19 PM AND RETURNED TO THE CHAMBER AT 8.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.20 PM AND RETURNED TO THE CHAMBER AT 8.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.26 PM AND RETURNED TO THE CHAMBER AT 8.27 PM DURING CONSIDERATION OF THIS ITEM.

MR WARWICK O'ROURKE, REPRESENTING THE YARRAMALONG VALLEY PROGRESS ASSOCIATION, ADDRESSED THE MEETING AT 7.18 PM, ANSWERED QUESTIONS AND RETIRED AT 7.46 PM.

***RESOLVED on the motion of Councillor WELHAM and seconded by Councillor STEVENS:***

***That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, with the exception of item WA008, be received and the recommendations contained therein, adopted.***

FOR: COUNCILLORS FORSTER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM AND PAVIER.

***RESOLVED on the motion of Councillor STEWART and seconded by Councillor STEVENS:***

***That item WA008 be received and the recommendations contained therein, adopted.***

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST AND EATON.

**Information Reports**

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

***That with the exception of report number 217 and 218 the information reports be received and the recommendations adopted.***

**215 Resumption (or Buy Out) Policy**

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F2004/07782 GW

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

***That the report be received and the information noted.***

**216 Activities of the Development Assessment Unit**

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F2004/07830 NL:NL

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

***That the report be received and the information noted.***

**217 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 JS:JS

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

***That the report be received and the information noted.***

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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**218 Chikarovski Mining Enquiry Report**

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F2004/07086 MW

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MEMBER FOR DOBELL WAS REQUESTED TO TAKE SOME ACTION ON THIS ISSUE AND THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL LEFT THE CHAMBER AT 10.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

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

- 1 That the report be received and the information noted.***
- 2 That the Federal Member for Dobell be asked for a response as to the introduction of his Private Members Bill.***
- 3 That the Member for Wyong be requested to advise on the status.***
- 4 That Councils' Director of Shire Planning personally contact Ms Chikarovski to expedite release of her panel's report and advise Council of the outcome.***

FOR: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER, STEVENS AND STEWART.

AGAINST: COUNCILLOR WELHAM.

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**219 Local Government Amendment (Elections) Bill 2008**

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F2004/06385 ED

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

***That the report be received and the information noted.***

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**220 Recruitment Activities of the Staff Services Unit**

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F2004/00355 BSS:KL

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

***That the report be received and the information noted.***

**221 Submission for Black Spot Funding**

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F2004/06312 SF

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

***That the report be received and the information noted.***

**222 General Works in Progress Report**

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F2004/07830 JEM

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

***That the report be received and the information noted.***

**223 Works in Progress Report – Water and Sewerage**

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F2004/07830 IC:DP

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

***That the report be received and the information noted.***

**224 Wyong Shire Library Statistics**

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F2004/11651 JM: JM

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

***That the report be received and the information noted.***

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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

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F2008/00003 MW:SW

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

***That the report be received and the information noted.***

**226 Notice of Motion – Opposition to 20 Storey Tower Proposal by Westfield**

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RZ/2/2007 SW

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

- 1 *That Council reiterate its opposition to the 20 storey tower proposal by Westfield on its old abattoir site.*
- 2 *That Council censure the Mayor for his apparent support for the 20 storey tower concept given;*
  - a *Council's unanimous opposition to the concept in adopting the Wyong Tuggerah Planning Strategy, and*
  - b *Westifeld's donation of \$1/4 million to the Labor Party.*

*It was MOVED by Councillor PAVIER and seconded by Councillor GRAHAM:*

*That the MOTION be put.*

**RESOLVED unanimously that the MOTION be put.**

***The MOTION was put to the vote and declared LOST.***

FOR: COUNCILLORS BEST AND EATON.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

**227 Notice of Motion – Wallarah 2 Funding**

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F2006/01080 SW

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

**Council previously set aside funds for the examination of the State investigation into the Wallarah 2 Coal Mine and loader;**

**That Council now seeks a further report on whether the funds set aside are adequate given the expert fields of study that will be required to be examined.**

**228 Notice of Motion – Management Plan Newsletter**

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F2007/00880 SW

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

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

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

**That Council in principle support a bi-annual, shire wide newsletter promoting the work of the Estuary Management Plan on Tuggerah Lakes.**

**That a report be produced on:**

- a the most cost effective way of distribution (ie with rate notices etc) be examined.**
- b whether the Member for Dobell (given the Federal Government contribution) would like to participate and to what extent.**
- c that political comment be invited from the Mayor (of the day), Estuary Management Deputy Chair and the Member for Dobell (should he contribute).**
- d the timing of the first newsletter.**

FOR: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLOR BEST.



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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**229 Notice of Motion – Central Coast Transport Action Plan**

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F2004/06677 SW

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

**That staff investigate the Central Coast Transport Action Plan as it was previously advertised and publicly exhibited to follow up on the following issues with regards to the plan;**

- a the funding (how much has been set aside over the years)**
- b what has been implemented**
- c any task forces to be created or discussion groups that were to be formed**
- d how long it has been on the Council website**

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**230 Notice of Motion – Inaugural 2008 National Whale Day Event**

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F2004/10946 SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.06 PM DURING CONSIDERATION OF THIS ITEM.

MR TONY FIELD, MEDIA DIRECTOR REPRESENTING WHALE CALL INC, ADDRESSED THE MEETING AT 7.01 PM, ANSWERED QUESTIONS AND RETIRED AT 7.07 PM.

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

- 1 That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.*
- 2 That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.*
- 3 That Council allocate the sum of \$500 to Whale Call to assist with the event and for general administration costs subject to meeting Council's public donation criteria.*

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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An *AMENDMENT* was *MOVED* by Councillor GRAHAM and *SECONDED* by Councillor PAVIER:

- 1 *That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.*
- 2 *That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.*

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

**The *AMENDMENT* then became the *MOTION*.**

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

- 1 ***That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.***
- 2 ***That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.***

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**231 Notice of Motion – Poll on Popularly Elected Mayor**

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F2007/06511 F2004/08138 SW

COUNCILLOR FORSTER LEFT THE CHAMBER AT 11.27 PM AND RETURNED TO THE CHAMBER AT 11.37 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

*That Council offer the residents and ratepayers of Wyong Shire the opportunity to choose their Mayor at a Council general election through the initial step of holding a constitutional referendum at the upcoming 2008 Council general election seeking community support for this initiative.*

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE;

- 1 That Council look to holding a constitutional referendum at the upcoming 2008 Council general election seeking;
  - a the introduction of a popularly elected Mayor in Wyong Shire
  - b the introduction of three wards with each ward electing three Councillors
- 2 That to facilitate the above Council staff engage in dialogue with the Electoral Commission and facilitate a briefing with Councillors to advance this issue.

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

FOR: COUNCILLORS ROSE AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, PAVIER, STEVENS AND STEWART.

An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor GRAHAM;

*That 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.*

*It was MOVED by Councillor PAVIER and seconded by Councillor STEVENS:*

*That the MOTION be put.*

**RESOLVED that the MOTION be put.**

FOR: COUNCILLORS GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND ROSE.

**The AMENDMENT became the MOTION.**

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**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**


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

***That a further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor and exactly how the numbers equate as far as three wards concerned.***

FOR: COUNCILLORS GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND ROSE.

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**232 Notice of Motion – Surf Club Renewal Program**


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F2006/00977 SW

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5.39 PM.

MR JIM MYERS, PRESIDENT REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5.39 PM.

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

- 1 *That Council recognise the outstanding contribution to our community by Surf Life Saving Central Coast and the importance of adequate resourcing of this vital service.*
- 2 *That having regard to 1 above, Council recognise the urgent need to formally commence the Surf Club Renewal Program (SCRP) through identifying an indicative allocation of \$2.5M in the staff 2009/10 pre budgeting planning process to establish a building fund, with a view to providing recurring funding in subsequent budget years to deliver a complete roll out of the SCRCP.*
- 3 *That staff in partnership with Surf Life Saving Central Coast formally brief Council on the key issues and processes required to commence the SCRCP.*
- 4 *That both the State and Federal Governments through our respective local members be engaged to assist Council and its residents and ratepayers in delivery of this vital community project.*
- 5 *That Council review its 2008/09 Draft Budget with a view to providing immediate seed funding for the project of approximately \$100K.*

## **Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor GRAHAM:

- 1 That a written report be reported back to Council by 23 July 2008 on the following;
  - a Councils priority on Surf Life Saving Club buildings.
  - b That the report be based on the source of fund costings and availability of grant funding.
  - c The constraints that may be encountered on existing buildings and redevelopment.
- 2 That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.

COUNCILLOR EATON GAVE NOTICE OF A FORESHADOWED AMENDMENT.

### **The AMENDMENT became the MOTION.**

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST AND EATON.

### **The FORESHADOWED AMENDMENT that was moved by Councillor EATON, was SECONDED by Councillor BEST and became the AMENDMENT.**

- 1 That Council recognise the outstanding contribution to our community by Surf Life Saving Central Coast and the importance of adequate resourcing of this vital service.
- 2 That having regard to 1 above, Council recognise the urgent need to formally commence the Surf Club Renewal Program (SCRIP) through identifying an indicative allocation of \$2.5M in the staff 2009/10 pre budgeting planning process to establish a building fund, with a view to providing recurring funding in subsequent budget years to deliver a complete roll out of the SCRIP.
- 3 That Council review its 2008/09 Draft Budget with a view to providing immediate seed funding for the project of approximately \$100K.
- 4 That a written report be reported back to Council by 23 July 2008 on the following;
  - a Councils priority on Surf Life Saving Club buildings.
  - b That the report be based on the source of fund costings and availability of grant funding.

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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*c The constraints that may be encountered on existing buildings and redevelopment.*

**5** *That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.*

*It was MOVED by Councillor ROSE and seconded by Councillor PAVIER:*

*That the MOTION be put.*

**RESOLVED that the MOTION be put.**

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST AND EATON.

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

FOR: COUNCILLORS BEST AND EATON.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, AND WELHAM.

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

**1** *That a written report be reported back to Council by 23 July 2008 on the following;*

*a Councils priority on Surf Life Saving buildings.*

*b That the report be based on the source of fund costings and availability of grant funding.*

*c The constraints may be encountered on existing buildings and redevelopment.*

**2** *That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.*

FOR: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLOR BEST.

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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THE MEETING WAS ADJOURNED AT 9.26 PM AND RESUMED AT 9.36PM

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

***That standing orders be varied to enable item 230 to be considered.***

FOR: COUNCILLORS BEST, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS FORSTER, GRAHAM AND PAVIER.

**QUESTIONS WITHOUT NOTICE ASKED****Q034 - Cost to the Ratepayer of Operating the Conduct Committee**

**Councillor Best**

F2004/06498

*Mr General Manager, my question is in relation to the Council's Conduct Committee. As you are aware, over the term of this Council, I for one have not seen fit to refer any Councillors to this investigative / disciplinary Council Committee as it is my view that any matter of alleged corruption should be dealt with by the Independent Commission Against Corruption (ICAC). Council staff provide information as to the total costs associated with the operations of the Conduct Committee over the term of this Council and the number of matters to date (at 28 May 2008) that have been referred for further action to respective investigatory / disciplinary Government agencies?*

**Q035 - Rolling Works and Road Issue at Chittaway Bay**

**Councillor Pavier**

F2004/05304

*Has the Director Shire Services recently contacted Mr Spratt in regards to the rolling works and road issue at Chittaway Bay?*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 11.38 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 12.05 AM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W010 Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street Wyong**

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F2008/00468 F2007/01233 SB

- 1 *That this matter be deferred to allow further negotiations between Wyong Shire Council, Central Coast Legal Centre and Child Abuse Prevention Services.*
- 2 *That Council recognise that this site will become staff and community carparking upon rezoning.*

**W011 Council's Landholdings**

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F2004/00535 GMS:LS

*That the amended report be received and the information noted.*

**W013 Wyong Community Recreation Association**

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F2008/00352 GJA

- 1 *That the report be received and the information noted.*
- 2 *That the governance model as described in the report be adopted.*
- 3 *That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4 *That Council enter into legal agreements with WYCRA and LeisureCo for:*
  - a *Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
  - b *WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*



**Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)**

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- c Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
  - d WYCRA to continue to operate Bingo in the long term in order to repay Council's loans.*
- 5 That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.**
- 6 That the Loan Agreement with WYCRA be executed.**
- 7 That Council authorise the Mayor and the General Manager to sign and seal all documents.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.05 AM.

.....  
CHAIRPERSON

**239 Draft DCP 2005: Chapter 111 Hoardings**

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F2008/01224 BLF

**SUMMARY**

Draft DCP 2005 Chapter 111 Hoardings has been prepared to outline Council's requirements for the erection, management and removal of hoardings on individual sites in Wyong Shire.

Draft DCP 2005 Chapter 111 Hoardings was publicly exhibited for a period of 28 days from 9 April to 7 May 2008. No submissions were received during the exhibition period. As such no amendments have been made to the Chapter. The draft Chapter is recommended for adoption and implementation.

**RECOMMENDATION**

- 1** *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations, draft Development Control Plan 2005 – Chapter 111 Hoardings be adopted and appropriate notice be given within 28 days.*
- 2** *That the revised Development Control Plan become effective from 1 August 2008.*
- 3** *That Development Control Plan 2005 containing the new Chapter 111 Hoardings be forwarded to the Director-General of the NSW Department of Planning within 28 days.*
- 4** *That relevant Section 149 Certificates be annotated regarding the adoption of Development Control Plan 2005 – Chapter 111 Hoardings.*
- 5** *That Chapter 111 of Development Control Plan 2005 be adopted as a Council Policy under the Local Government Act.*

**INTRODUCTION**

Draft Development Control Plan No 2005 Chapter 111 – Hoardings addresses Council's requirements for the erection, management and removal of hoardings. The proposed new Chapter recognises the need for controls and standards for hoardings on individual sites in Wyong Shire.

The Chapter was created to address large scale developments within Wyong Shire, which require the erection of hoardings. The chapter outlines the standards and techniques required for the erection and removal of hoardings. It outlines the information required of an applicant when submitting an application for hoardings.

## **Draft DCP 2005: Chapter 111 Hoardings (contd)**

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The design, supply and installation of construction hoardings are presently guided through the Code of Practice - Overhead Protective Structures produced by the WorkCover Authority of NSW. This Code is aimed at improving health and safety standards on new building and construction sites, as required by the Occupational Health and Safety Act 1983.

The Code of Practice - Overhead Protective Structures refers to additional requirements of the local Council and acknowledges Council's role in reviewing and inspecting the installation of construction hoardings in public areas. This plan is not a substitute for the Code prepared by WorkCover, but is a supplement to it.

Where WorkCover requires a hoarding to be constructed on or over public land, the hoarding must comply with the requirements of this plan. Council may also require a hoarding to be erected for the purpose of public safety.

Businesses seeking to construct hoardings on Council's roads and footpaths must obtain prior approval from Wyong Shire Council pursuant to the provisions of Section 138 of the Roads Act and comply with all conditions of the approval and this plan.

The draft Chapter has been formatted to align with recently adopted Chapters and the intended future form of DCP 2005.

The hoarding application is not a Development Application. It is an application under the Roads Act and will need to be submitted and approved prior to commencement of works. However, hoardings are "development" for the purposes of the Environmental Planning and Assessment Act (EPA), and are therefore a consideration under Section 79C of the EPA Act. Until such time as Council reviews its exempt/complying Chapters of DCP 2005, it is envisaged that a condition of approval would be imposed on relevant development applications, requiring the submission of an application under Section 138 of the Roads Act, as required by WorkCover.

The hoardings are broken up in three categories, types A, B and C. A hoarding comprising a fence is known as a Type A, an overhead protective structure situated over footpaths as a Type B and a Type C being an overhead protective structure with sheds or storage, situated over footpaths.

### **HISTORY**

This is the first hoardings plan/policy proposed for Wyong Shire Council

**Draft DCP 2005: Chapter 111 Hoardings (contd)**

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**STATUTORY REQUIREMENTS****Environmental Planning & Assessment Act, 1979 and Regulations 2000**

Section 74C of the EPA Act 1979 provides for the preparation of Development Control Plans by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a development control plan are specified in the Environmental planning and Assessment Regulation 2000.

In relation to the refinements made following Public Exhibition of draft DCPS, the Regulation provides that:

*'Council:*

- a. May approve the plan in the form in which in was publicly exhibited, or*
- b. May approve the plan with such alterations as the Council thinks fit, or*
- c. May decide not to proceed with the plan.'*

It is recommended Council approve the Plan that was publicly exhibited with the only change being the removal of the application form in Appendix A. This form is not required to be attached to the Chapter and will be used as a standard Council application form.

In accordance with the Regulation, Council is required to forward a copy of any adopted DCP to the Director-General of the NSW Department of Planning within 28 days of its adoption.

**COUNCIL POLICY AND STRATEGIC IMPLICATIONS****Relationship to other Chapters within DCP 2005**

Chapter 111 is one chapter within DCP 2005 and covers the erection, management and removal of hoardings. This chapter may need to be read in conjunction with other chapters or policies when preparing applications for entire developments.

In circumstances where hoardings are not considered in association with a development application under the EPA Act, Council's requirements for Hoardings would still need to be considered with the Section 138 application under the Roads Act. Therefore, it is also recommended that the Chapter 111 be adopted as a Policy of Council

## **Draft DCP 2005: Chapter 111 Hoardings (contd)**

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### **PUBLIC INTEREST**

Draft DCP 2005 Chapter 111 Hoardings was placed on public exhibition between 9 April and 7 May 2008, no submissions were received during the exhibition period. In addition to the public exhibition, Council consulted with the Roads and Traffic Authority (RTA). The RTA reviewed the draft Chapter and requested that Council include minor changes in relation to indemnifying the RTA in the case of a Classified Road.

Separate consultation with the development industry did not occur as hoardings generally relate to large developments on a limited number of sites within Wyong Shire. Most of the developers that construct these types of developments tend to come from Sydney. As the proposed Chapter is merely reinforcing the requirements of WorkCover, it was felt that requesting Sydney developers to attend a consultation meeting was unnecessary.

On this basis, draft Chapter 111 Hoardings is now recommended for adoption.

### **CONCLUSION**

The proposed Chapter seeks to address the increasing number of hoardings being erected within Wyong Shire. Draft Development Control Plan 2005 Chapter 111 Hoardings has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. The only amendment to the exhibited version of the DCP is the removal of the application form in Appendix A.

The draft Chapter is now recommended for formal adoption, with proposed implementation from 1 August 2008. It is also recommended that the Hoardings Chapter be adopted as a Policy of Council.

**Enclosure**

***Draft DCP 2005 Chapter 111 Hoardings***

**240 Wyong Shire Community Plan 2008-13**F2007/00323 BEM

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**SUMMARY**

Reporting on the preparation of the draft Wyong Shire Community Plan 2008-13. The report details the process undertaken to develop the plan and the key actions over a five year implementation period. It is recommended that Council proceed with the exhibition of the draft plan for public comment.

**RECOMMENDATION**

- 1** *That the draft Wyong Shire Community Plan 2008-13 be placed on public exhibition for a period of 35 days.*
- 2** *That copies of the draft plan be distributed to stakeholder groups for review and comment.*
- 3** *That the results of the exhibition be reported to Council.*

**BACKGROUND**

The draft Wyong Shire Community Plan 2008-13 is a document that reflects the challenges, aspirations and key social issues facing our community. It is intended as a guiding document for Council, government and non government agencies, community groups and the local community for working together to make Wyong Shire an even better place to live.

The process of developing a Community Plan aimed to investigate and respond to the challenges and aspirations of all people who live in, work and visit the Shire. The community planning process identifies demographic and other trends, community challenges, strengths and action strategies that can improve the quality of life for all residents.

The plan provides an immediate and long term direction for the Wyong Shire community. It is designed to guide the activities of Council and the community over the term of the plan.

The Local Government (General) Amendment (Community and Social Plans) Regulation 1998 requires all councils in NSW to develop a Social/Community Plan every five years and to include information about access and equity activities in their Management Plan and Annual Report.

## **Wyong Shire Community Plan 2008-13 (contd)**

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### ***Purpose***

The purpose of the Community Plan is to clearly identify:

- Who makes up our community
- What is important to our community
- How Council and others can improve the quality of life of our community

### ***Objectives of the Community Plan***

- To provide an understanding of the Wyong Shire population and demographic trends;
- To develop an understanding of the challenges and opportunities created by the growing population within the Shire;
- To engage the community in the planning process and provide opportunities to participate in decision making processes;
- To develop diverse, strong and sustainable relationships between community members, with government and with other key stakeholders working in Wyong Shire;
- To acknowledge and build social capital in the Shire through the development of ongoing community networks and structures providing informal support to local residents;
- To improve Council's ability to respond to changing community priorities;
- To integrate the social aspects of sustainability with the broader sustainability principles and strategic planning processes of Council; and
- To set the strategic direction and actions for Council in providing current and long term direction for social planning and community development in the Shire.

### ***Key Principles***

The Community Plan is based on the four social justice principles of Equity, Rights, Access and Participation.

The Plan has been developed from a strengths based approach, recognising the importance of social capital and building on strengths and assets, rather than solely focusing on what is missing in the community (needs and deficiencies).

**Wyong Shire Community Plan 2008-13 (contd)**

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***Council's Role***

Wyong Council has established an important role in providing current and long term direction for social planning and community development in the Shire. Council provides leadership to the community and is a strong advocate for Wyong Shire on the key issues and challenges faced by the community. It is recognised, however, that the main responsibility for funding and the direct provision of social and community services rests with State and Federal Government agencies in association with non-government sector and voluntary sector organisations.

As well as providing high quality services, Council also has a key role in community strengthening, community engagement and developing a positive community mindset.

Council's leadership role can be fulfilled in a number of ways, either as a facilitator, enabler, broker or partner. Council seeks to engage with other levels of government, non government agencies and the community to guide planning and provision of facilities and services and develop the capacity of our communities.

***Link to Other Plans***

The Community Plan is an integral part of Council's overall planning framework and is the key comprehensive planning document for guiding the activities of Council and the community in relation to the enhancement of social and community outcomes.

The Community Plan links into Council's management planning and strategic planning framework.

Council is also working to integrate the various plans and planning processes to ensure that the organisation is moving in the same direction towards a broader vision. The Community Plan is closely related to the current development of a 20 year Shire Strategic Vision.

The 20 year vision will look at *our community*, *our economy* and *our environment* with further consideration given to *infrastructure* and *governance*. The detailed work undertaken with local residents in developing the Community Plan will feed directly into the vision process and will assist in setting the directions for the *community* aspect of the vision. A key outcome of this process will be ensuring Council focuses its resources on the issues that are most important to residents and their future.

The Community Plan also sets/directs the work programs of a number of sections of Council.



## **Wyong Shire Community Plan 2008-13 (contd)**

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### **DEVELOPMENT OF THE DRAFT COMMUNITY PLAN**

The draft Wyong Shire Community Plan 2008-13 has been developed as a Shire wide plan for the whole community, in partnership with the local community. Community participation and engagement has been an integral part of the development of the plan.

Key steps in developing the Community Plan to date have involved:

- Stage 1 Development of a framework for the Community Plan Process.
- Stage 2 Research and Review.
- Stage 3 Talking to the community (community consultation phase).
- Stage 4 Identification of themes, strengths and challenges.
- Stage 5 Development of Strategies and Action Plans.
- Stage 6 Preparation of the draft Community Plan.

The Community Plan was co-ordinated and developed by the Social Planning Team within Shire Planning. Internal and External Steering Committees were established to oversee the community planning process.

The Internal Committee comprised representatives from Future Planning, Community Development, Community Education Unit, Library Services, Open Space and Recreation and Natural Resources.

The External Committee included representatives from government departments, non government and community organisations.

The Steering Committees met as required to provide input on the process and comment on the Plan. The draft Community Plan has been circulated and reviewed by both Steering Committees prior to it being presented to Council.

The Community Plan is the culmination of an extensive consultation and research process and has been developed from evidence based research using:

- Statistical data (2006 Census Data, Bureau of Crime Statistics);
- Central Coast Quality of Life Survey;
- Social research and literature reviews; and
- Community Consultation.

**Wyong Shire Community Plan 2008-13 (contd)**

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**COMMUNITY CONSULTATION PHASE**

The Community Plan consultation phase was conducted between June and November 2007. This phase was a joint initiative between Council's Social Planning and Community Development Sections. Over 1,300 Shire residents were directly involved in developing the themes and priority areas for the Community Plan and have invested approximately 2085 hours (or 60 work weeks) in the development of the Community Plan 2008–13.

Council officers researched and utilised a number of best practice research methods to undertake the community consultations. These methods were undertaken based on an appreciative enquiry technique which emphasises the telling of stories from local residents about what it is like to live in Wyong Shire, rather than satisfaction with Council's services.

The consultation methods were as follows:

- Focus Groups;
- Individual Community Conversations;
- Central Coast Quality of Life Survey ;
- Photovoice Community Art Project;
- Internet/Website;
- Ideas Forums with Services and Organisations; and
- Councillor Briefings/Updates.

The Community Plan provides a vibrant rich tapestry of qualitative information about what it is like to live in Wyong Shire: Why people came here, the strengths, the opportunities, and challenges of living in the Shire in 2008 and what people's hopes are for the future. What has been collected are stories as told through the experience of a very broad range of local residents.

The findings from the community consultation phase were utilised to develop key themes and inform the development of priorities, strategies and actions in the Community Plan.

**KEY CONSULTATION FINDINGS*****What Residents Value***

The majority of Wyong Shire residents love living in the area. Most people indicated that they initially moved to the area because of the lifestyle the areas offers, the relative affordability, to be closer to family and friends and the environmental features (beaches, lakes, bushland, visual amenity).

## **Wyong Shire Community Plan 2008-13 (contd)**

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When residents talked about moving to the Shire because of the lifestyle they mentioned that they thought Wyong was a better place to bring up children, that they were already familiar with the area as they had holidayed here as a child, that it is more quiet, relaxed and laid back, it is more community focused and has a good community feel.

As a community Wyong Shire has many strengths to build on. Overwhelmingly, the most important positive aspects of life in Wyong Shire to local residents are:

- The friendly atmosphere and sense of community of the area;
- The amenity of the natural environment;
- That the area is still relatively safe;
- The lifestyle the area offers; and
- The location of the Shire and its proximity to major cities.

Residents emphasised that feeling like a part of the community, actively contributing, being valued by their community and the ability to connect and link with groups and networks is something that Council and the community should work in partnership to achieve.

Residents also highlighted the importance of "local" places and spaces within neighbourhoods (community centres, parks, playgrounds, cafes, barbeque area, walking tracks and cycleways) to bring people together and build a sense of community pride and identity.

Residents were keen to be actively involved with Council and felt that they have something positive to offer in furthering Wyong Shire as a good place to live and working together for the common good of all residents.

### ***Key Challenges/Fears***

Residents are becoming increasingly concerned that the physically beautiful, peaceful, friendly and safe nature of the area is rapidly changing. They are worried that the Wyong Shire they live in today will not be the same in the future if it keeps going the way it has been going (that is, with continued population growth and development).

Lack of adequate infrastructure is also a key concern, including:

- Health services (General practitioners, dental and specialist services);
- Local employment;
- Education, training and employment opportunities for young people;
- Entertainment and cultural facilities;
- Recurrent funding for community services, activities and programs including early intervention and prevention programs;
- Child friendly parks and playgrounds;

## **Wyong Shire Community Plan 2008-13 (contd)**

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- Local activities, programs and events; and
- Public transport and transport infrastructure;

Other issues include:

- Increased house prices, the impact of rising mortgage rates and fuel prices and the lack of affordable activities for children and families;
- A lack of a Central Coast identity;
- A perception of increased crime, anti-social behaviour, vandalism and graffiti; and
- Isolation and disconnection of some residents and a decreased sense of community as people become less involved and more insular.

### **KEY THEMES**

Information from the community consultations was documented and analysed for common themes using a technique called 'grounded theory'. In grounded theory technique, themes are coded, grouped and sifted until a set of overarching themes are established.

This process identified ten main themes as follows:

- 1 Our Community
- 2 Places and Spaces
- 3 Young People
- 4 Diversity
- 5 Health
- 6 Habitat
- 7 Communication, Information and Participation
- 8 Community Safety
- 9 Achievements in Life
- 10 On the Move

### **COMMUNITY PLAN DOCUMENT**

The draft Community Plan 2008-13 comprises a Summary Report and a Main Report.

The draft Community Plan main document is divided into 12 chapters and covers the following areas:

- Background;
- Who makes up our community (Community Profile); and
- 10 key themes.

## **Wyong Shire Community Plan 2008-13 (contd)**

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The key theme Chapters include the Social Outcome to be achieved; its importance to Quality of Life; the current context; what we can do (Council and the community); and an Action Plan, identifying key timeframes (years 1 – 5), priorities and resource requirements.

Councillors were provided an overview of the draft Community Plan and recommended actions at a briefing session on 7 May 2008.

### **IMPLEMENTATION**

The Community Plan is linked to Council's Management Plan. It sets the direction for Council for the next five years. Once adopted the key actions in the Community Plan will be reflected in the key tasks and strategic targets in the 'Community' section of the Management Plan.

While the draft Community Plan provides estimates of the costs of various recommended activities, programs and positions, this is not a commitment to the outlined expenditure.

Funding for the implementation must be considered by Council on an annual basis in line with Council's Management Plan. No additional resources are required to be allocated in the 2008-09 Management Plan to undertake Year 1 actions.

Implementation of the Community Plan will require a collaborative approach bringing together all departments within Council, the community, community organisations and government agencies.

The Social Planning Team will be responsible for monitoring the implementation of the Plan. The Plan will be reviewed and progress reported on an annual basis.

### **WHERE TO FROM HERE?**

The next steps include:

- Public exhibition of the draft Community Plan (Summary and Main Reports). It is proposed to exhibit the draft Community Plan for 35 days, distribute the document to all stakeholders, place it on Council's website and provide copies to all Council library branches;
- Review of submissions and report to Council;
- Subject to acceptance by Council, adopt the final Community Plan; and
- Commence implementation.

## **Wyong Shire Community Plan 2008-13 (contd)**

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### **CONCLUSION**

It is recommended that Council exhibit and distribute the draft Community Plan for public comment and a further report to Council be prepared addressing the submissions received.

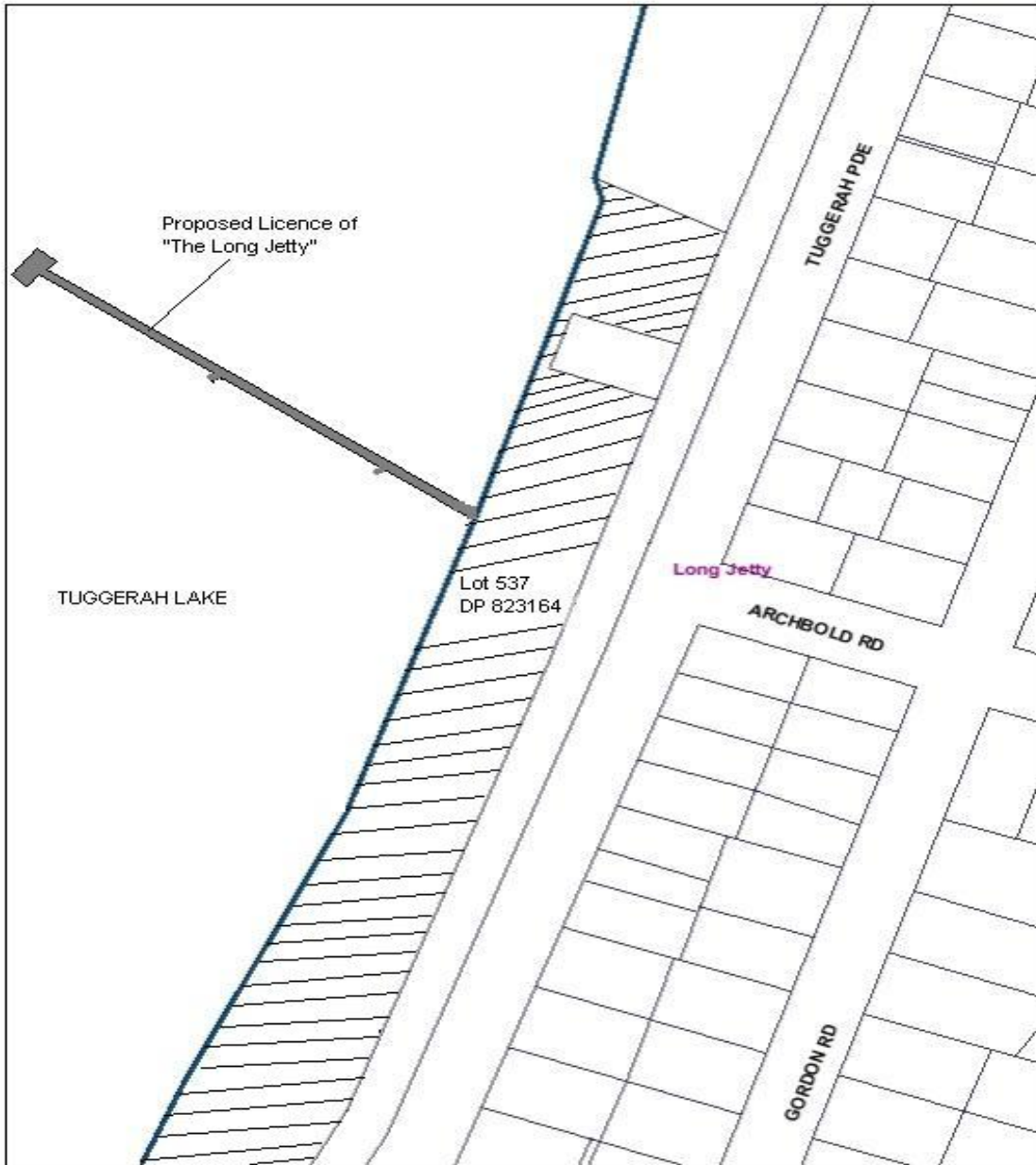
- |                           |  |
|---------------------------|--|
| <b><i>Enclosure 1</i></b> | <b><i>Draft Wyong Shire Community Plan 2008–13 Summary Report<br/>– (distributed under separate cover)</i></b> |
| <b><i>Enclosure 2</i></b> | <b><i>Draft Wyong Shire Community Plan 2008 –13 Main Report<br/>(distributed under separate cover)</i></b>     |

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**241 Proposed Licence Agreement over "The Long Jetty" located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty (Attachment 1)**

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**Locality Plan**





**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**241 Proposed Licence Agreement over "The Long Jetty" located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty**

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F2008/00102 SB

**SUMMARY**

Approval is sought to accept a Licence from Department of Lands for a jetty with a T end known as the Long Jetty which is located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty.

**RECOMMENDATION**

- 1** *That Council accept a Licence from the Crown for a jetty with a T end which is located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty for a term of 20 years commencing on the date of the execution of the Licence for annual fee of \$382.00 plus GST.*
- 2** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence Agreement between Wyong Shire Council and Department of Lands.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence Agreement between Wyong Shire Council and Department of Lands.*

**BACKGROUND**

Council has a routine inspection procedure in place for jetties whereby they are inspected on a quarterly basis. This inspection program identifies any remedial maintenance required to jetty structures. On the basis that the jetties are located in Tuggerah Lake part of the process involves providing information to the Department of Lands.

During the period when repairs to the Long Jetty adjacent to Crown Land Lot 537 DP 823164 and opposite Archbold Road, Long Jetty were required, the Department of Lands identified that the Long Jetty was not an authorised structure as there was no licence for the structure from the Crown was in place.

Long Jetty being 325m x 2.3m with a T end, is a public jetty by virtue of its use. Council has taken on the maintenance responsibility for the jetty. Long Jetty is a heritage listed structure of local significance.

Therefore it is appropriate that Council enter into a license agreement with the Department of Lands for this structure.

**Proposed Licence Agreement over "The Long Jetty" located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty (contd)**

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The Department of Lands has now offered to Council a Licence for jetty on Tuggerah Lake, 325m x 2.3m with T end adjacent to Crown Land Lot 537 DP 823164 at Long Jetty for a period of 20 years at an annual fee of \$382.00 plus GST.

Council's Open Space and Recreation Services has no objections to entering into the Licence.

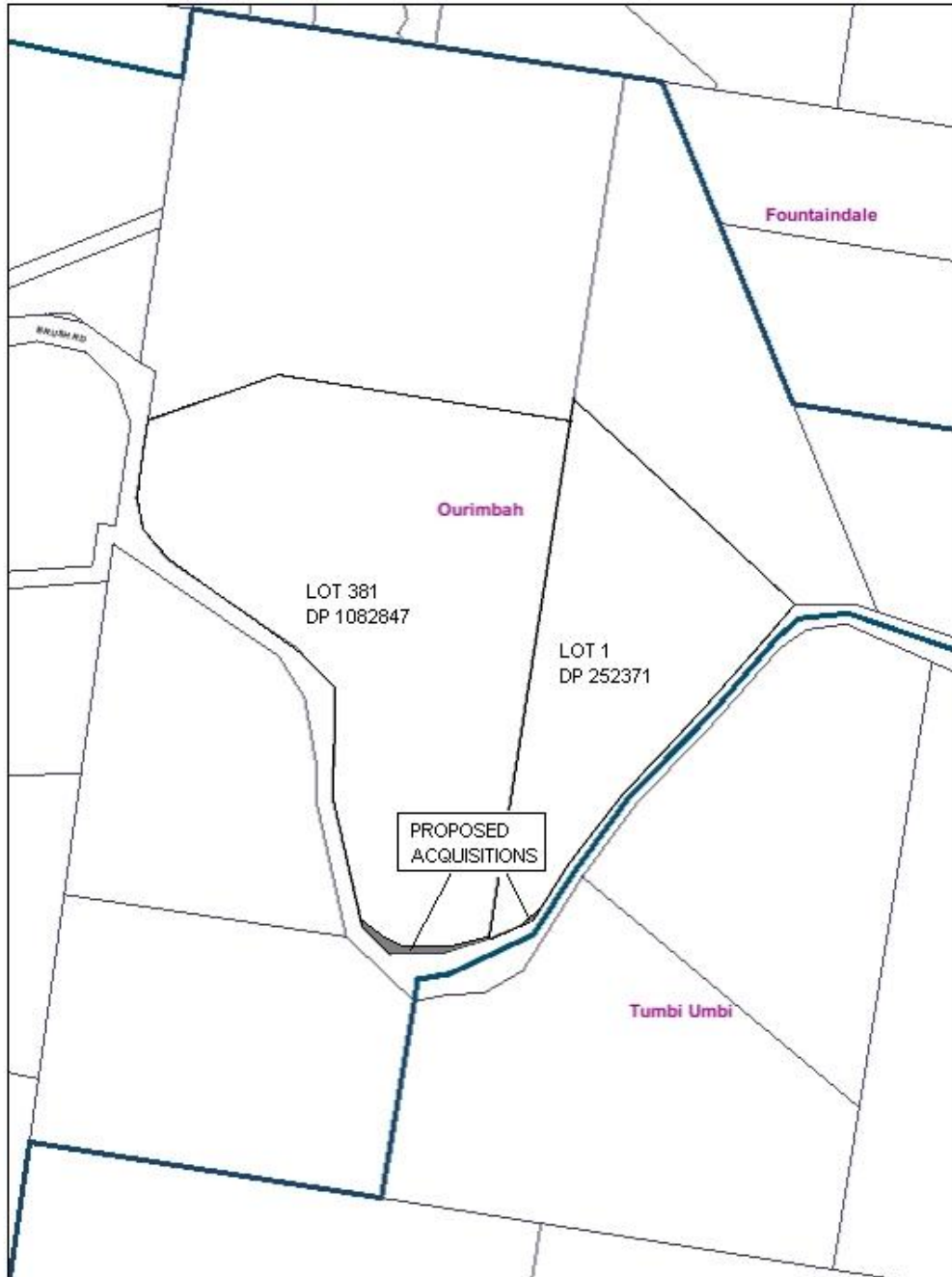
**Attachment 1**                      ***Plan showing "The Long Jetty" shaded and the location of the proposed licence area (1 page)***

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**242 Proposed Acquisition of Private Land at Part Lot 1 DP 252371 – 360 Brush Road, Ourimbah and part Lot 381 DP 1082847 – 300 Brush Road, Ourimbah for Road Widening (Attachment 1)**

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**Plan of Proposed Acquisition Brush Road**



**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**242 Proposed Acquisition of Private Land at Part Lot 381 DP 1082847 – 300 Brush Road, Ourimbah and part of Lot 1 DP 252371 – 360 Brush Road, Ourimbah for Road Widening**

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F2008/00307 & F20008/00308 SB

**SUMMARY**

Authority is sought to acquire part of Lot 381 DP 1082847 and part of Lot 1 DP 252371, at Brush Road, Ourimbah as public road for road widening purposes.

**RECOMMENDATION**

- 1 That Council acquire part of Lot 381 DP 1082847 and part of Lot 1 DP 252371 at Brush Road, Ourimbah as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisitions of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

**BACKGROUND**

Council proposes to reconstruct a section of Brush Road at Ourimbah to Council's current standards from the end of stage 1 of the works. This project involves sealing the remaining unsealed section of road. The work is likely to commence in mid 2008 and will be funded from the 50/50 AusLink grant funds/Council's general fund.

It will be necessary to realign and widen Brush Road to accommodate the reconstruction which will affect Lot 381 DP 1082847 and Lot 1 DP 252371. It will be necessary to acquire parts of those properties as public road to facilitate the road widening.

At this location Brush Road is a gravel and earthen road and it is proposed to bitumen seal the road. The realignment of the road will provide safer traffic conditions.

**Proposed Acquisition of Private Land at Part Lot 1 DP 252371 – 360 Brush Road, Ourimbah and part Lot 381 DP 1082847 – 300 Brush Road, Ourimbah for Road Widening (contd)**

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Lot 381 has an area of 209,100 square metres and the road widening has an area of approximately 638.8 square metres. Lot 381 is zoned 7A Conservation.

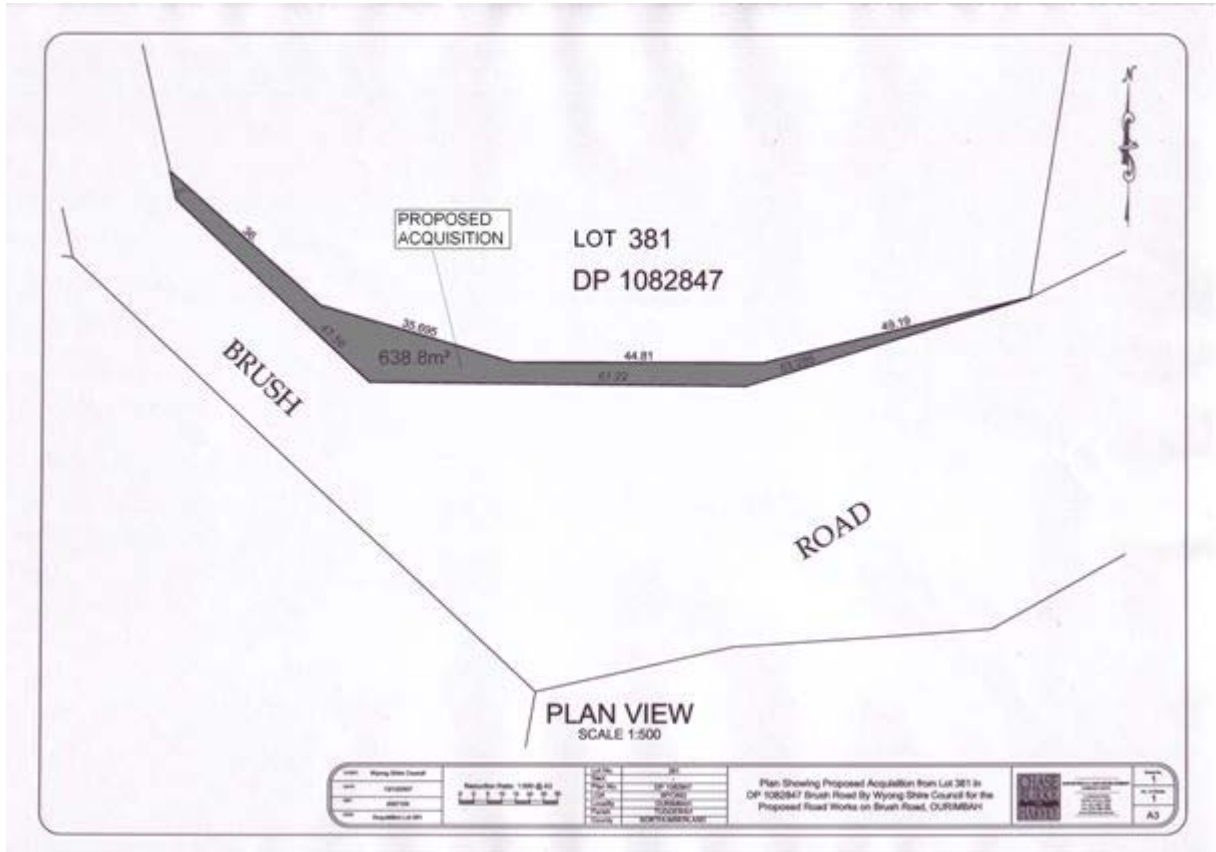
Lot 1 has an area of 101,000 square metres and the road widening has an area of approximately 15.61 square metres. Lot 1 is zoned 7A Conservation.

The minor nature of the acquisition will not have a significant impact on the amenity of the affected properties.

<b><i>Attachment 1</i></b>	<b><i>Plan of proposed acquisition Brush Road, Ourimbah shaded (1 page)</i></b>
<b><i>Attachment 2</i></b>	<b><i>Plan View of Lot 381 DP 1082847 (1 page)</i></b>
<b><i>Attachment 3</i></b>	<b><i>Plan View of Lot 1 DP 252371 (1 page)</i></b>

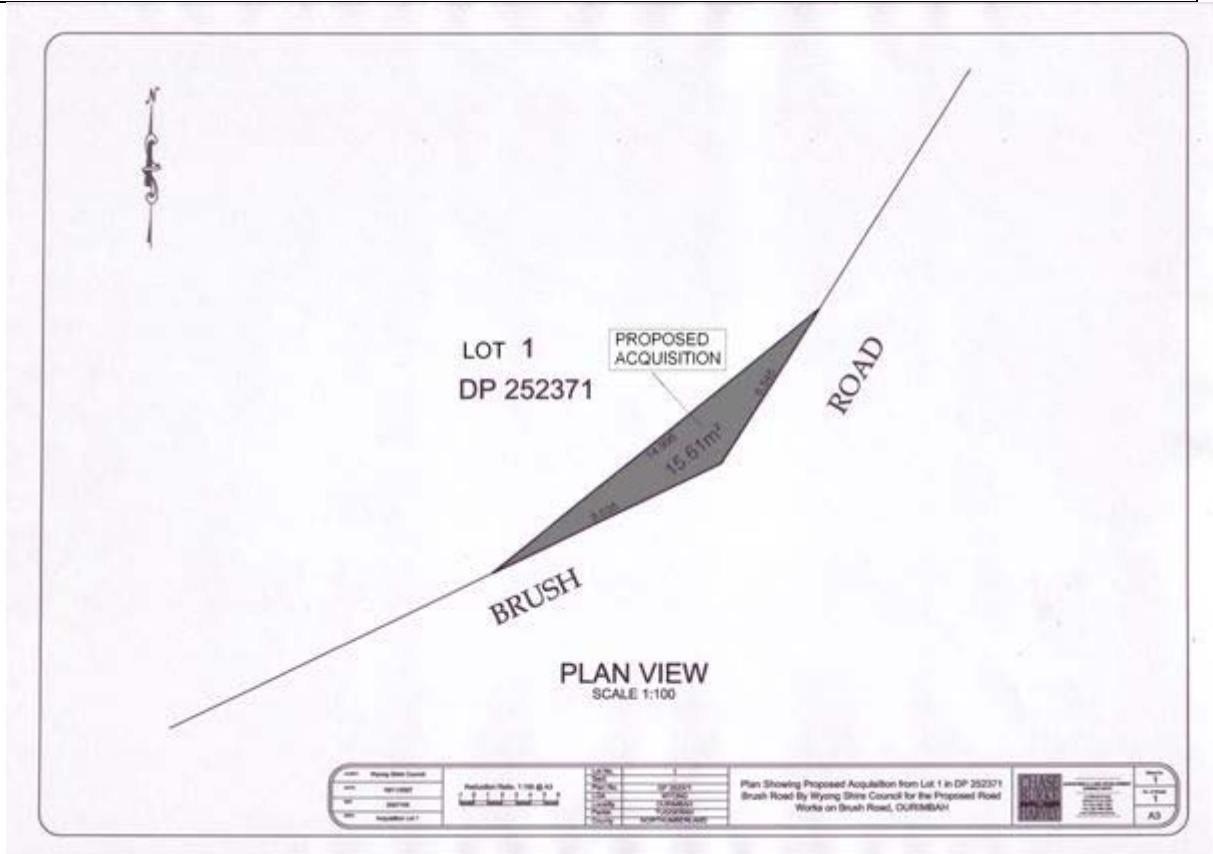
**Proposed Acquisition of Private Land at Part Lot 1 DP 252371 – 360 Brush Road, Ourimbah and part Lot 381 DP 1082847 – 300 Brush Road, Ourimbah for Road Widening (Attachment 2)**

**Plan View of Lot 381 DP 1082847**



**Proposed Acquisition of Private Land at Part Lot 1 DP 252371 – 360 Brush Road, Ourimbah and part Lot 381 DP 1082847 – 300 Brush Road, Ourimbah for Road Widening (Attachment 3)**

*Plan View of Lot 1 DP 252371*

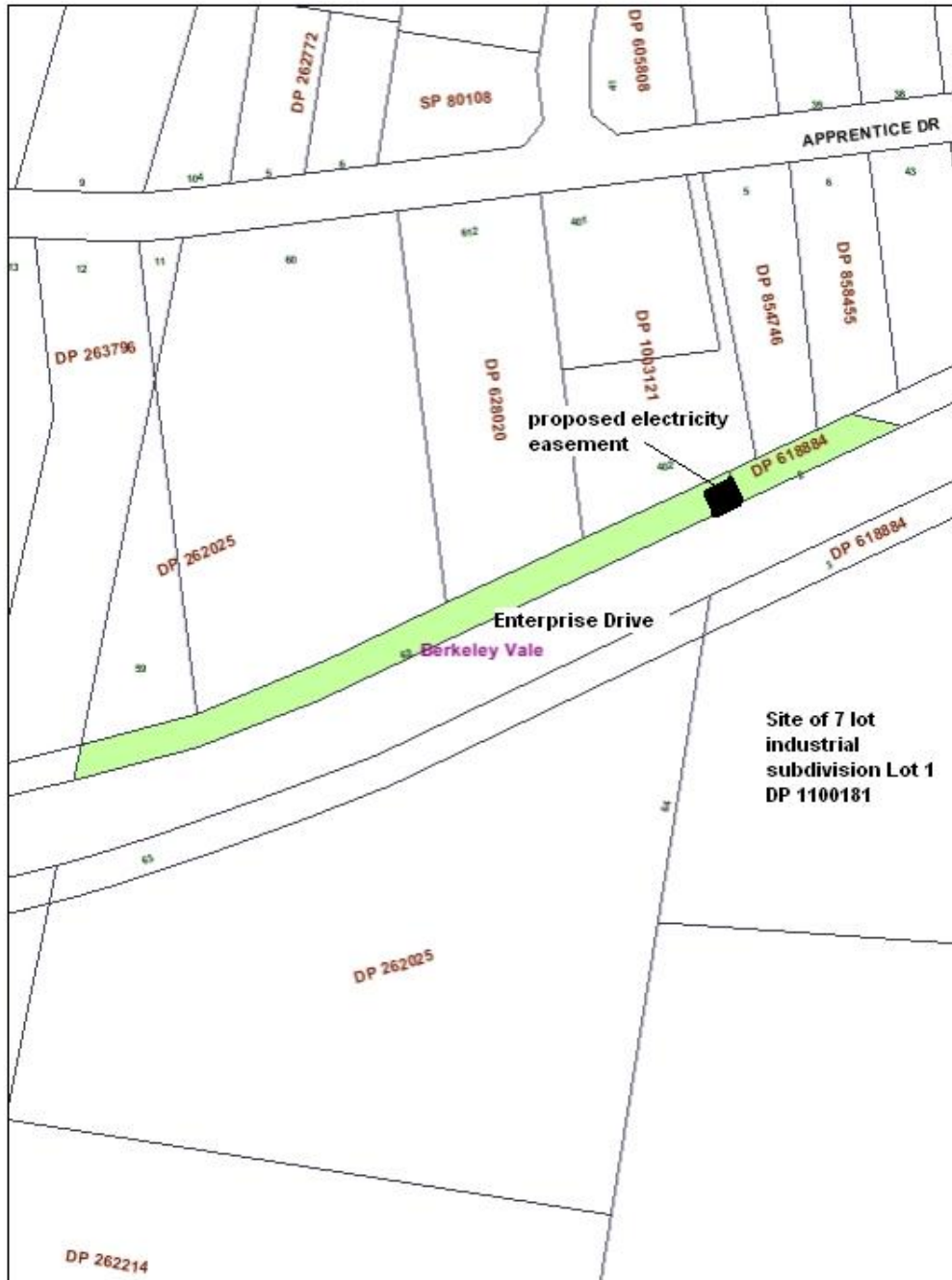




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**243 Grant of Easement for Electricity Supply over Council Land at Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale (Attachment 1)**

***Plan showing the Council land affected by proposed easement***



## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**243 Grant of Easement for Electricity Supply over Council Land at  
Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive  
Berkeley Vale**

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DA/563/1993/A PF

### SUMMARY

Approval is sought to enter into a Deed of Agreement for Easement with Energy Australia for electricity supply over Council land at Enterprise Drive, Berkeley Vale and to subsequently grant the easement.

### RECOMMENDATION

- 1 That Council agree to enter into a Deed of Agreement for easement with Energy Australia to grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive, Berkeley Vale.**
- 2 That Council grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale.**
- 3 That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.**
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the instrument of transfer of the easement and associated plan of the easement to be transferred that will allow the easements in Item 2 to be granted.**
- 5 That Council authorise the Mayor and the General Manager to execute the instrument of transfer of the easement and associated plan of the easement to be transferred.**

### BACKGROUND

Development Consent DA/563/1993 for a seven lot industrial subdivision of Lot 1 DP 1100181 at Enterprise Drive, Berkeley Vale was granted on 28 April 1994. The development achieved commencement, and is an active approval.

The electricity supply to the subdivision is being provided by Energy Australia from an existing supply on the opposite side of Enterprise Drive. To connect the subdivision to the electricity supply it is proposed to establish a kiosk type substation on Council land opposite the subdivision Lot 62 DP 262025 and Lot 2 DP 618884 at Enterprise Drive and from there provide a connection to the subdivision across Enterprise Drive.

**Grant of Easement for Electricity Supply over Council Land at Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale (contd)**

Energy Australia requires an easement for electricity purposes to be granted by council as the owner of the affected land prior to effecting the connection of the supply to the subdivision and has provided a Deed of Agreement to Grant Easement which it requires Council to complete. This will enable Energy Australia to connect the electricity supply immediately while protecting its interest pending the completion of the grant of the easement.

The area of land required from Council for road is 53.9square metres.

Lot 62 DP 262025 and Lot 2 DP 618884 are zoned 6(a) Open Space and Recreation and has a combined area of 5,925 square metres and forms part of a 15 metre wide strip of land along Enterprise Drive which is generally used as road buffer and landscaping.

Council's Shire Services Department has no objection to the proposal.

Contracts and Special Projects has advised that Council should seek no compensation given that the development site is to be utilized for employment generating purposes.

***Attachment 1***

***Plan showing the location of the proposed easement for electricity supply on Council's land (1 page)***

**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**244                   Determination by the Local Government Remuneration  
Tribunal on Councillor Fees for 2008-09**

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F2004/06505 ED

**SUMMARY**

Report on a Determination made by the Local Government Remuneration Tribunal in respect of Councillor fees for the 2008-09 financial year.

**RECOMMENDATION**

- 1     *That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.***
- 2     *That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.***
- 3     *That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.***
- 4     *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.***
- 5     *That all fees be paid in accordance with the provisions of Section 250 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 2008 to 30 June 2009. The fees determined have increased by 4% for Councillors and Mayors.

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 will review the categories of Councils again as part of the 2009 review.

**Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2008-09 (contd)**

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**GENERAL**

Wyong is one of 16 councils included in the category 1 section of Councils in New South Wales. The Local Government Remuneration Tribunal sets a minimum / maximum fee for both Councillors and the Mayor in each category for each financial year. Councillors then decide what fees to resolve. Since June 2002, Council has resolved that payments be fixed at the maximum allowable fees for the Mayor and Councillors.

The Tribunal conducted the 2008 annual review between January and April 2008 and reviewed submissions made (this Council did not make a submission). In making its Determination the Tribunal had regard to a number of factors including:

- \* interstate comparisons
- \* the proposal that fees be set as a percentage of the salary of Members of Parliament
- \* performance measures
- \* training and development
- \* the nature of full time versus volunteer service
- \* the ability to attract suitable candidates to stand for local government election.

In making its determination the Tribunal is of the firm view that the vast majority of Councils and Councillors are performing properly and discharging their duties responsibly. The Tribunal considers that poor performance by a small number of Councils and/or Councillors is not representative of local government across the state.

The Tribunal also notes that Councils spend a large proportion of their time on planning matters and that these are currently the subject of reform by the State Government. The Tribunal will monitor the impact of these reforms on Councils' workloads and responsibilities over the coming year.

Having regard to the factors discussed in the report, and after considering key economic indicators, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 4 per cent in the fees for Councillors and Mayors is appropriate for the current year.

The fees set by the Tribunal for 1 July 2008 to 30 June 2009 are as follows:

**Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2008-09 (contd)**

	Councillor / Member Annual Fee		Mayor / Chairperson Additional Fee *	
	Minimum	Maximum	Minimum	Maximum
Category 4	6,870	9,060	7,300	19,790
Category 3	6,870	15,120	14,610	33,010
Category 2	6,870	15,120	14,610	33,010
Category 1	10,300	19,250	21,910	51,130
Category 1A	13,740	22,680	29,210	66,100
S4	1,370	7,560	2,930	12,420
S3	1,370	4,530	2,930	8,250
S2	13,740	22,680	29,210	66,100
S1	20,620	30,240	126,160	166,000

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

The current Mayoral fee is \$49,165 and the current Councillor fee is \$18,510. Should Council be of a mind to continue to pay at the maximum fee, the cost to Council of the proposed increases in total is \$9,365 and Council's Management Plan includes provision for this increase.

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 2008-09 year will therefore increase from \$7,022 to \$7,303 subject to the Mayoral fee increasing by 4%.

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).

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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**245**                      **Surfing NSW – Funding Request**

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F2004/06631 LS

**SUMMARY**

Report on a request from Surfing NSW to assist in the funding of the 2009, 2010 and 2011 Arrive Alive Central Coast Pro Surfing Titles to be held at Soldiers Beach.

**RECOMMENDATION**

***That Council financially support the Central Coast Pro to the value of \$25,000 per annum for 2009, 2010 and 2011 subject to confirmation of major sponsorship (ARRIVE ALIVE or similar) of the event over the same period.***

**BACKGROUND**

A request has been received from the Chief Executive Officer of Surfing NSW to assist in the funding of the 2009, 2010 and 2011 Arrive Alive Central Coast Pro Surfing Titles to be held at Soldiers Beach. Surfing NSW is requesting sponsorship of \$25,000 per annum for the next three years from Council.

The 2008 Arrive Alive Central Coast Pro was held at Soldiers Beach from Tuesday, 11 March to Sunday, 16 March 2008. Surfing NSW provided a presentation on the 2008 Central Coast Pro at a Councillor Briefing held on Wednesday 7 May 2008.

The presentation by Surfing NSW to Council on Wednesday 7 May 2008 estimated that the 2008 event injected approximately \$1.1 million into the local economy. This is based on an accepted NSW government formula.

Wyong Shire Council sponsored the previous three surfing events held in 2006, 2007 and 2008 by Surfing NSW at Soldiers Beach. In addition to the \$15,000 financial sponsorship per annum, Council also gave in-kind support by providing a Lifeguard and jet ski, a waste collection service, cleaning of the contest site and laying of surface cover for reserve.

Surfing NSW is hoping for a 5 star World Qualifying Series (WQS) event from 2009. If the event is able to progress from a 4 star event to a 5 star event then it is more likely to be able to attract surfers on the Association of Surfing Professionals (ASP) World Tour such as Kelly Slater and Mick Fanning. This would likely result in significant benefits to the Central Coast region. Financially, a world class surfing event will increase the profile of the region through the media, and also increase tourism to the area during the event. Socially, the partnership with 'Arrive Alive' and the increased involvement of world class surfers, would allow for a positive message to be sent to the youth sector of the community.



## **Surfing NSW – Funding Request (contd)**

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Greater Toukley Vision have also indicated support for the event and intend on taking further advantage of the event by expanding festivities in the Toukley township. The actual scope of these other events has not yet been determined.

Surfing NSW have confirmed that their major sponsor at the 2008 event (Motor Accidents Authority – Arrive Alive) are likely to sign an upgraded agreement for the 2009, 2010 and 2011 events at their board meeting scheduled for the week commencing Monday 9 June 2008. The agreement is expected to allocate \$250K per annum in sponsorship for the event for the next three years. This is an increase of \$100K per annum from the existing \$150K sponsorship. Surfing NSW have indicated that the sponsorship of the event by the Motor Accidents Authority – Arrive Alive, is critical to the ongoing survival of the event.

### **Financial Implications**

Council currently has no funding in the 2008-09 Management Plan for the Arrive Alive Central Coast Pro. Council would therefore need to allocate \$25,000 into the 2008-09 Management Plan for the 2009 titles. This would result in increasing the deficit published in the 2008-09 exhibition draft management plan from \$137K to \$162K.

There is also no funding presently identified for the event in Council's financial model for the next three years. A budget surplus is forecast for 2009-10 of \$809K and a surplus of \$1860K is forecast for 2010-11.

### **Legislative Implications**

Section 356 of the Local Government Act, 1993 (LGA) deals with whether Council can financially assist. The LGA states in s356 that, "A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions."

Any resolution by Council to allocate funding to the event will not be in contravention to the LGA. As the proposed recipient is not acting for private gain, the requirements to advertise the proposal as a public notice, does not apply.

### **CONCLUSION**

As Surfing NSW is a non-profit organisation, it is appropriate for Council to sponsor the event. The event will provide a significant financial injection into the local economy. It is estimated that the 2009 event will inject more than \$1.5 million into the local economy.

Although the benefits of the event are clear, Council will need to give consideration as to whether the proposed sponsorship can be sustained with regards to a deficit of \$137K already being identified in the exhibited 2008-09 draft management plan.

Any contribution of funding from Council to the event should be dependent on confirmation of the expected major sponsorship of the event by the Motor Accidents Authority – Arrive Alive.

### **Surfing NSW – Funding Request (contd)**

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Surfing NSW have indicated that the event would be unlikely to proceed without this sponsorship being secured.

If the sponsorship is secured to a value lower than the expected \$250K per annum, Council may wish to reconsider the value of Council's contribution to the event as the status of the event may change as a result.

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

**246 Adoption of 2008-09 Management Plan**

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F2004/07006 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 the Draft 2008-09 Management Plan incorporating the changes outlined in this report be adopted for the year 2008-09.*
- 2** *That the Estimates of Income and Expenditure contained in the Draft 2008-09 Management Plan incorporating the changes outlined in this report applicable for the General Fund and including funds relating to Council's function as a Water Supply Authority under the Water Management Act 2000 No.92 for the year 2008-09 be adopted.*
- 3** *That in accordance with the provisions of Clause 211 of the Local Government (General) Regulation 2005 the sum of money allocated against each item of income and expenditure as contained in the Draft 2008-09 Management Plan incorporating the changes outlined in this report for the General Fund and for the Water Supply Authority be hereby voted and approved subject, where necessary, to assessment of environmental considerations in regard to the works programmed pursuant to the provisions of the Environmental Planning and Assessment Act.*
- 4** *That the rate and charge rebates to pensioners for the year 2008-09 be granted in accordance with Section 575 of the Local Government Act 1993 on Ordinary Rates and Domestic Waste Management Charges and Part 5 of Water Management Regulation 2004 on charges levied for 2008-09 under the Water Management Act 2000 No.92, as well as the existing Council policy in respect of those persons so eligible.*
- 5** *That in accordance with the provisions of the Local Government Act, 1993 and Determination No. 06/3 of the Independent Pricing and Regulatory Tribunal of NSW, the fees and charges as detailed in the Revenue Policy and incorporating the changes outlined in this report, be set for the year 2008-09.*
- 6** *That Council delegate to the General Manager the authority to accept loan offers in accordance with the proposed borrowings in the Draft Management Plan and borrow a total of \$50,923,000 from financial institutions with an Australian banking licence and \$1,000,000 from the Department of Lands.*

**Adoption of 2008-09 Management Plan (contd)**

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**7 That the authors of submissions concerning the Draft 2008-09 Management Plan be advised of Council's decision.**

Council, at its meeting held on 9 April 2008, resolved to exhibit the Draft 2008-09 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, 16 April 2008 to Wednesday, 14 May 2008. 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, 1 May 2008 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 five submissions on the Draft 2008-09 Management Plan. Two were requesting additional budget allocations for events (the Wyong Garden Competition and the Kids' Day Out) and three were requesting a reduction in the fee for Motor Vehicles on Public Reserves (on page 247 of Volume II).

A summary of the submissions is included as Attachment 4.

**MANAGEMENT PLAN OVERVIEW*****Community Pride***

A key focus of the 2008-09 Management Plan is 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.

## **Adoption of 2008-09 Management Plan (contd)**

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### ***Ongoing Environmental Initiatives***

In January 2007 Council resolved to increase its purchase of GreenPower. The 2008-09 Management Plan includes an increase in GreenPower purchases to 10% for water and sewer operations and to 25% for other operations. This increase in expenditure has been incorporated into the 2008-09 budget and has the most significant dollar impacts in Council's Street Lighting program and Water and Sewerage operations.

The 2008-09 Management Plan also includes the continuation of the Greenfleet program – with Council supporting a native forest planting program to offset the carbon emissions from its vehicle fleet. This year the Greenfleet program planted 1,600,000 trees in permanent forests around Australia – the equivalent of taking 107,200 cars off the road for a year.

### ***Tuggerah Lakes Estuary Management Plan***

The 2008-09 Management Plan includes \$6.7m for the continuing implementation of the Tuggerah Lakes Estuary Management Plan to help improve the quality of this waterway and revitalise the recreational, social, environmental and economic values of the lakes and their foreshores. This budget is funded from the Stormwater Levy (\$1.7m), Federal government grants (\$4m), and a \$1m contribution from the surpluses from Holiday Park operations

### ***Mardi-Mangrove Link***

The 2008-09 Management Plan includes 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 by mid-2010.

### ***20-Year Shire Strategic Vision***

Another key project for Council over the coming year is the development of the Shire Strategic Vision. This community strategic plan is being formulated in partnership with local community members, business representatives and others. It aims to set the broad direction for the Shire for the next 20 years. The Council will continue to encourage community input as the Shire Strategic Vision progresses and evolves.

## **MANAGEMENT PLAN CHANGES – VOLUME I**

Along with minor typographical amendments, improved wording, minor budget corrections and the inclusion of a budgeted income statement and cash flow, the following significant changes to the Draft Management Plan, as exhibited, are proposed:

**Adoption of 2008-09 Management Plan (contd)**

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**PRINCIPAL ACTIVITY 1 – A Better Community****1.1.3 Bushfire Operations & Equipment**

An additional \$40,000 is proposed for Council to prepare a comprehensive bushfire risk assessment for the Shire.

**1.1.10 Mardi Gras**

This line should be updated to reflect (in addition to the cash donation of \$5,000) all of the works-in-kind associated with the Mardi Gras. The works-in-kind for this event total \$10,000 and comprise road closures, float/driver hire, decoration of the float and printing of flyers. This increase will be sourced by redistribution from other budgets and there is no net impact on the bottom line.

**1.1.14 Pre-Approved Community Sponsorships**

An additional \$25,000 is proposed for sponsorship of the Central Coast Pro Surfing Competition.

**1.7.5 Cycleway Improvements**

The total expenditure on cycleways is proposed to increase from \$326,000 to \$386,000 after Council secured more grant funds than anticipated in the draft budget (\$150,000 from the RTA and \$35,000 from the Greenspace program). This has no impact on the bottom line.

**1.7.6 Open Space Improvements**

An additional \$25,000 is proposed to replace the turf wicket at Baker Park and install dual-use goal posts at Budgewoi courts.

It is also proposed to spread the costs of some major Section 94 funded open space improvement projects over several years. This will have no impact on the bottom line as the projects are fully funded.

**1.8.4 By-Laws**

Since the March budget review, a comprehensive examination of the Rangers' budget has revealed that it will require an additional \$85,000 in 2007-08. A significant portion of the increased costs were due to the running costs of two additional Ranger patrol vehicles and two quad bikes to enable Rangers greater coverage of the Shire through one man patrols. This has assisted in adopting high visibility patrols, including off road areas such as lake reserves and beaches as a deterrence strategy. In order to continue to provide the Rangers' current service levels into 2008-09, it is proposed to increase the budget to \$1,035,000 (partly offset by a reduction in the Employee Overhead budget of \$32,000 and by \$6,000 in additional income for providing Ranger services at Gathering of the Clans, Carols by Candlelight and the Scout Jamboree). This represents a net expenditure increase of \$91,000 in 2008-09.

## **Adoption of 2008-09 Management Plan (contd)**

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### **PRINCIPAL ACTIVITY 3 – A Better Environment**

#### **3.2.7 Beach Maintenance**

Subject to funding from an amended Cluster Plan (to utilise additional Holiday Park surpluses which must be used on Crown land), it is proposed to provide an additional \$50,000 for upgrading and maintenance to beaches and dune protection.

#### **3.4.1 Climate Change**

Subject to grant funding being obtained, an additional net expenditure of \$29,000 is proposed to revise the Tuggerah Lakes Flood Study, update another flood study with climate change impacts and undertake a Coastal Management Climate Change Risk Assessment and Adaptation Plan.

### **PRINCIPAL ACTIVITY 4 – Infrastructure**

#### **4.1.2 Main Roads**

Due to the slower than anticipated progress of the Pacific Highway upgrading works, it is proposed to defer paying Council's contribution to the Roads & Traffic Authority from 2008-09 to 2009-10. 2009-10 is currently forecasting a surplus and could absorb this deferred expenditure. This will have a favourable impact on the bottom line of \$520,000.

#### **4.1.4 Secondary Roads Rehabilitation**

An additional \$75,000 is proposed to complete a project that commenced in 2007-08 to construct Shire entry signs. This project will have no impact on the bottom line as it will be funded, in line with Council's resolution of June 2006, from the revenue from the advertising signs on the F3 Freeway.

#### **4.3 and 4.4 Water and Sewerage expenditures**

It is proposed to reallocate the water and sewerage expenditure budget line items to more accurately reflect work programmed for 2008-09. This has no impact on the forecast result.

### **PRINCIPAL ACTIVITY 5 – Organisation**

#### **5.3.4 Shire Services Operations**

An additional \$175,000 is proposed to be included for maintenance of the Council Administration Building to comply with Fire regulations (\$85,000), replace corroded chiller units on the air conditioning system (\$65,000), install additional closed circuit television cameras (\$15,000) and rectify defects (\$10,000).

#### **5.4.5 Election Costs**

The Electoral Commission of NSW has revised the estimate of the Wyong Shire local government election costs down to \$619,700. As a result a net saving of \$17,000 is proposed for the 2008-09 budget (along with savings of \$20,000 per annum in 2009-10 – 2011-12).

**Adoption of 2008-09 Management Plan (contd)**

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**SOURCE OF FUNDS CHANGES****9.10 Contributions Joint Scheme (from Gosford City Council)**

It is proposed to amend the budget to reflect a contribution of \$522,000 from Gosford City Council to Joint Water Supply expenses (expenditure item 4.3.7). This change results in no net impact on the bottom line.

**2007-08 REVISED BUDGETS**

The financial forecasts in the Draft 2008-09 Management Plan showed, for comparative purposes, revised budget figures for 2007-08 in line with those adopted in the December Quarterly Budget Review.

During the exhibition period Council adopted revised figures for the 2007-08 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 Authority, all of Council's water and sewerage charges are subject to approval by the Minister for Energy and Utilities following determination by the Independent Pricing and Regulatory Tribunal (IPaRT). On 18 May 2006, IPaRT made a three-year determination concerning Council's water and sewerage charges.

The IPaRT determination specified the formula to be used to increase Council's Water and Sewer charges in the second and third year of the determination.

On 5 May 2008 IPaRT advised Council that the CPI figure to use when calculating fees and charges for 2008-09 was 3%. Accordingly all of the Water and Sewer Charges, that incorporate a CPI increase, have been recalculated. This had a negligible impact on Council's revenue projections for 2008-09.

In accordance with Section 315 of the Water Management Act 2000 No.92 Council, at its meeting held on 28 May 2008, determined the water and sewerage charges for 2008-09 in line with IPaRT Determination No. 3, 2006. It is proposed to update the Revenue Policy accordingly.

**Typical Residential Ratepayer**

Table 1 shows the impact on a typical residential ratepayer (based on a median property value of \$187,000) with water usage of 139KI per annum (which is the average residential demand for all residences).



**Adoption of 2008-09 Management Plan (contd)**

As noted in the report to adopt the Draft Management Plan for exhibition, the overall increase of 5.5% for the typical 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 26.6% in 2008-09) and water and sewerage charges (that are subject to approval by the Minister for Energy and Utilities, following determination by the Independent Pricing and Regulatory Tribunal).

Table 1: Typical Residential Ratepayer

	<b>2007-08 (\$)</b>	<b>2008-09 (\$)</b>	<b>Increase in \$</b>	<b>Increase as a %</b>	<b>Figures in Draft Management Plan (\$)</b>
<i>Median Property Valuation</i>	187,000	187,000			
General Rates	643.29	664.00	20.71	3.2%	664.00
Water Availability	110.97	112.16	1.19	1.1%	113.27
Sewerage	397.53	412.67	15.14	3.8%	413.46
Domestic Waste	281.00	295.00	14.00	5.0%	295.00
Stormwater Levy	25.00	25.00	0	0%	25.00
<b>Sub-Total</b>	<b>1,457.79</b>	<b>1508.83</b>	<b>51.04</b>	<b>3.5%</b>	<b>1510.73</b>
Water Usage (139KI)	191.82	231.85	40.03	20.9%	232.13
<b>Total</b>	<b>1649.61</b>	<b>1,740.68</b>	<b>91.07</b>	<b>5.5%</b>	<b>1742.86</b>

Inflation is expected to increase during the remainder of 2008. At its May meeting, the Reserve Bank of Australia forecast both the headline and underlying measures of inflation to remain above 4 per cent through to late 2008. While the ANZ Bank's Economic Outlook for May forecast underlying inflation to peak at an annualised 4.9 per cent in the September quarter.

The 2008-09 budget was predicated on an inflation rate of 3.5%. If the forecast higher inflation eventuates this will present challenges for Council in maintaining its current levels of service. While this impacts across the organisation as a whole, it will particularly impact on general operations where the major revenue source (general rates) has been restricted by ratepegging.

**Adoption of 2008-09 Management Plan (contd)**

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**FEES AND CHARGES**

The following changes are recommended to Council's Fees and Charges for 2008-09:

**▪ *Holiday Parks***

In order to increase the professionalism of the Holiday Park operations Council is now purchasing standard occupation agreement templates from the Caravan and Camping Industry Association for its agreements with storage van owners. It is proposed to include a general fee across all parks to cover the costs of these templates, their completion, photocopying and postage. Other holiday parks charge between \$30-\$100 for these agreements, with most charging \$40-\$50. The new fee is proposed to be \$49.95 (including GST) in 2008-09.

**▪ *Occasional Child Care***

It is proposed to introduce an Occasional Care Service when excess capacity exists in Council's child care centres. This service will not require additional resources and the revenue raised will contribute to recovering the annual operating and maintenance costs of the Centres.

The following fees are proposed for 2008-09: \$5.90 per hour for children under 2 years and \$5.30 per hour for children 2 or older.

**▪ *Cemeteries***

It is proposed to include an additional fee for Cemeteries for the supply and installation of a granite ash pillar. The new fee will be for a Memorial Niche Garden Pillar and is proposed to be \$62.50 (including GST) in 2008-09.

**▪ *Development Fees***

A final review of development fees has resulted in some minor changes to the description and fees in the draft document.

**▪ *Section 603 Certificate***

The Department of Local Government has advised that the fee for Section 603 Certificates is to be \$60 in 2008-09. The draft Management Plan showed a fee of \$55.

**▪ *Waste Charges***

It is proposed to correct an error on page 211 of Volume II and show the disposal fee for mixed waste as \$125.40 per tonne (instead of \$120/tonne). This fee is generally in line with neighbouring Councils (and is lower than Gosford City Council's proposed fee for 2008-09 for putrescible waste).

An additional fee is proposed for the disposal of asbestos received from outside the extended regulated area (which covers Newcastle, Central Coast and Wollongong). This fee is proposed to be \$174.60 - higher than the fee charged to locals in order to deter customers from the Sydney metropolitan area disposing of their asbestos at Buttonderry Waste Management Facility.

## **Adoption of 2008-09 Management Plan (contd)**

It is also proposed to include a new fee for the disposal of recyclables generated by commercial operations. Buttonderry Waste Management Facility currently receives general household recyclables free of charge (as an overflow service for domestic customers). The aim of this fee is to encourage commercial operators to implement a recycling service at source (and not take advantage of the free domestic service). The fee is proposed to be \$54 per tonne.

### ▪ **Water and Sewerage Fees**

Adjustments have been made to the Water & Sewer charges in line with the IPaRT Determination reported to Council on 28 May 2008.

## **BUDGET RESULT**

The changes to the Management Plan (including the Revenue Policy) that impact the bottom line result are detailed in Table 2. The result is a small budget surplus for 2008-09.

Table 2: Changes to 2008-09 Budget

	<b>Result</b>
	<b>\$</b>
<b>2008-09 Draft Management Plan</b>	<b>(137,000)</b>
Impacts:	
- Bushfire Risk Assessment	(40,000)
- Sponsorship – Pro-Surfing Event	(25,000)
- Open Space Improvements	(25,000)
- Rangers	(91,000)
- Climate Change projects	(29,000)
- Deferred contributions to RTA	520,000
- Council Administration Building	(175,000)
- Net Election Costs	17,000
- Miscellaneous	(7,000)
<b>2008-09 Adopted Management Plan</b>	<b>8,000</b>

## **SPECIAL RATES**

As part of the adoption of the 2008-09 Management Plan, it is necessary for Council to identify properties that will be subject to special rates. In addition, Council has to identify the works, services, facilities or activities that these properties will benefit from.

**Adoption of 2008-09 Management Plan (contd)**

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**SPECIAL RATE - THE ENTRANCE TOWN CENTRE**

As detailed in Council's 2008-09 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 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.

## **Adoption of 2008-09 Management Plan (contd)**

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### **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 suburbs of 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.

- Attachment 1**    *The Entrance Town Centre Management 2008-09 Budget (1 page)*
- Attachment 2**    *Greater Toukley Vision 2008-09 Budget (1 page)*
- Attachment 3**    *Wyong/Tuggerah Chamber of Commerce 2008-09 Budget (1 page)*
- Attachment 4**    *Summary of Submissions (2 pages)*

**Adoption of 2008-09 Management Plan (Attachment 1)**

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**Attachment 1  
The Entrance Town Centre Management 2008-09 Budget**

<b><i>Expenditure</i></b>	<b>\$</b>
Events	158,023
Promotions	63,035
Entertainment	46,200
Pelican Feeding	30,650
Special Promotions	2,475
Administration	137,390
Property	
Cleaning	451,400
Security	180,250
Landscaping	115,500
Maintenance	63,500
Refuse	56,831
Fountains	32,700
Electricity Plaza	22,300
Pest Control	3,650
Other Contracts	25,000
Salaries	323,520
Capital Expenditure	15,350
Transfer to Sinking Funds	72,000
<b>Total Expenditure</b>	<b>1,799,774</b>
<b>Income</b>	
Events	155,574
Outdoor Dining Licences	103,000
Park Income	55,900
Pelican Feeding	37,850
Corporation Income	9,100
Special Promotions	27,350
Advertising Sign Licences	1,600
Street Vending Licences	1,400
<b>Total Income</b>	<b>391,774</b>
<b>Estimated Net Expenditure</b>	<b>1,408,000</b>
Council Contribution	1,408,000

## **Adoption of 2008-09 Management Plan (Attachment 2)**

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### **Attachment 2 Greater Toukley Vision 2008-09 Budget**

<b><i>Expenditure</i></b>	<b>\$</b>
Administration Expenses	
Salaries – Marketing and Office	40,000
Contract work – Cleaning	20,000
Office Rent & Utilities	13,000
Other – Insurance, Advertising	15,000
Marketing and Promotions	70,000
<b>Total Expenditure</b>	<b>158,000</b>
<b>Income</b>	
Sponsorships and Fundraising	20,000
<b>Total Income</b>	<b>20,000</b>
<b>Estimated Net Expenditure</b>	<b>138,000</b>
Council Contribution	138,000

**Adoption of 2008-09 Management Plan (Attachment 3)**

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**Attachment 3  
Wyong/Tuggerah Chamber of Commerce 2008-09 Budget**

<b><i>Expenditure</i></b>	<b>\$</b>
Town Coordinator	55,000
Advertising (in kind)	40,000
Events (promoted by Chamber)	30,000
Rent	14,400
Office Management & Training	30,000
Insurance	6,400
Charitable Donations	5,000
Telephone/Office Equipment	5,950
Paper & Stationery	2,400
Conference Expenses	2,000
Vehicle Mileage	2,000
Bookkeeping & Auditing	2,000
Board Meetings	600
<b>Total Expenditure</b>	<hr/> <b>195,750</b>
<b>Income</b>	
Advertising (in kind)	40,000
Membership fees	30,000
Sponsorship (Council)	5,000
Sponsorship (Other)	18,500
Work for the Dole Trainees	8,000
Event Income	20,400
Fund raising	13,850
<b>Total Income</b>	<hr/> <b>135,750</b>
<b>Estimated Net Expenditure</b>	<hr/> <b>60,000</b> <hr/>
Council Contribution	60,000



### **Adoption of 2008-09 Management Plan (Attachment 4)**

#### **Attachment 4 Summary of Submissions**

<i><b>Doc No.</b></i>	<i><b>Issues</b></i>	<i><b>Response</b></i>
<b>D01150955 D01150944 D01150938</b>	<p><b>Fees &amp; Charges Item 12.1 - Motor Vehicle on Public Reserves Standard Fee</b></p> <p>Object to the proposed increase in Licence Fee charged to Commercial Fisherman for vehicular access to beaches.</p> <p>Wyong Shire Council charges significantly more than other Councils.</p> <p>The fee is excessive because Commercial Fishermen must also pay an annual fee to the Department of Environment and Climate Change (DECC).</p> <p>The Licence Fee charged is not based on full cost recovery and therefore can be amended.</p> <p>No maintenance or improvements have been carried out on any of the designated beach access points for some time.</p> <p>The proposed Standard Fee, at \$310.05, is significantly higher than the proposed Disabled Fee of \$31.60 but should be no more than approximately double as is the case for other charges.</p>	<p>Access Fees charged by other Councils range from \$0 to \$1,000 per year. The average annual charge is \$392 compared with Wyong Council's proposed annual charge of \$310.05.</p> <p>Fishermen must obtain an annual consent from the DECC as their beach access route crosses a National Park.</p> <p>This fee is designated as Price Category "C" which is defined in Volume II of the Management Plan as "a level which is acceptable to the user of the service and which makes a minimal contribution to the annual operating and maintenance costs of the facility".</p> <p>Expenditure on maintenance of Beach Accesses is included in Management Plan strategy 3.2.7. The proposed allocation for 2008-09 is \$150,000.</p> <p>Rates and Water &amp; Sewer availability charges are levied under different legislation and therefore the discount applied cannot be compared to this charge. There are no other access fees to which a concession applies.</p>

**Adoption of 2008-09 Management Plan (Attachment 4) (contd)**

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**Attachment 4  
Summary of Submissions - continued**

<b>Doc No.</b>	<b>Issues</b>	<b>Response</b>
<b>D01553688</b>	<p><b>Application for funding of \$5,000 for Central Coast Kids Day Out</b> <b>1.1.14 Pre-Approved Community Sponsorships.</b></p> <p>Central Coast Kids Day Out is an annual event targeting families with children 0-8 years. The event aims to provide a family focussed information and education day, delivered in an entertaining and fun format.</p> <p>The Central Coast Kids Day Out is requesting annual sponsorship of \$5,000 for three years, plus in kind support through use of stage, marquee, lifesavers, bins, road markers and road barriers.</p>	<p>Council has provided funding for this in previous years: In 2006-07 \$2,750 was provided from Councillor Donations. In 2007-08 \$3,700 was provided - \$1,600 from Councillor Donations and \$2,100 from line item 1.1.11 Community Financial Support.</p>
<b>D01151409</b>	<p><b>Application for increase of \$1,000 in annual funding for Wyong Shire Garden Competition</b> <b>1.1.14 Pre-Approved Community Sponsorships.</b></p>	<p>Council has provided \$5,000 per year to the Wyong Shire Garden Competition for the past eight years.</p>

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

General Manager's Report

### 247 **Making and Fixing of Rates and Charges for 2008-09**

F2004/07006 DT

#### SUMMARY

Subject to the adoption by Council of the 2008-09 Management Plan including Estimates of Income and Expenditure, Council is to formally make the 2008-09 rates and charges for the period 1 July 2008 to 30 June 2009.

#### RECOMMENDATION

- 1 ***That Council, pursuant to Sections 492, 493, 494, 497, 498, 499, 500, 535, 536, 537 of the Local Government Act 1993 make the following ordinary rates for 2008-09 consisting of a base amount to which an ad valorem amount is added:***

<b><i>Ordinary Rate Category Under Section 493</i></b>	<b><i>Base Amount</i></b>	<b><i>% revenue sourced from base amount for each category</i></b>	<b><i>Ad Valorem Amount (cents in the \$)</i></b>
<b><i>Farmland</i></b>	<b><i>\$149.00</i></b>	<b><i>8.13%</i></b>	<b><i>0.1860</i></b>
<b><i>Residential</i></b>	<b><i>\$149.00</i></b>	<b><i>19.14%</i></b>	<b><i>0.2754</i></b>
<b><i>Mining</i></b>	<b><i>\$149.00</i></b>	<b><i>0.41%</i></b>	<b><i>1.9400</i></b>
<b><i>Business</i></b>	<b><i>\$149.00</i></b>	<b><i>5.64%</i></b>	<b><i>0.6520</i></b>

- 2 ***That Council, pursuant to Sections 492, 495, 497, 498, 499, 500, 535, 536, 537, 538 of the Local Government Act 1993, make the following special rates and amounts for 2008-09 consisting of a base amount to which an ad valorem amount is added:***

<b><i>Special Rate</i></b>	<b><i>Base Amount</i></b>	<b><i>% revenue sourced from base amount for each category</i></b>	<b><i>Ad Valorem Amount (cents in the \$)</i></b>
<b><i>The Entrance Town Centre</i></b>	<b><i>\$67.00</i></b>	<b><i>13.86%</i></b>	<b><i>0.1992</i></b>
<b><i>Non Residential Properties Toukley Area</i></b>	<b><i>\$67.00</i></b>	<b><i>10.08%</i></b>	<b><i>0.1970</i></b>
<b><i>Non Residential Properties Wyong Area</i></b>	<b><i>\$67.00</i></b>	<b><i>18.40%</i></b>	<b><i>0.0844</i></b>

- 3 ***That Council, pursuant to Section 495 of the Local Government Act 1993, adopt the following descriptions of rateable land to which each special rate will apply for 2008-09:***

**Making and Fixing of Rates and Charges for 2008-09 (contd)**

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- a** *The Entrance Town Centre Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Entrance Town Centre upgrade and operation:*
- 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 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 Toowoan Bay.*
- b** *The Non Residential Properties Toukley Area Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Toukley Area Centre Management / Greater Toukley Vision / in the Toukley/Canton Beach/Noraville/Norah Head retail and commercial areas:*
- i** *All 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 the following rateable land which, in Council's opinion, will derive benefit from the business related costs of the Wyong/Tuggerah Chamber of Commerce in the Wyong/Watanobbi retail and commercial areas:*
- i** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:*
    - *The suburb of Watanobbi.*

### **Making and Fixing of Rates and Charges for 2008-09 (contd)**

- ***The suburb of 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).***
- 4 ***That Council, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993, make the following schedule of annual charges for stormwater management services for 2008-09:***

<b><i>Stormwater Levy</i></b>	<b><i>Charge</i></b>
<b><i>Residential</i></b>	<b><i>\$25.00</i></b>
<b><i>Residential Strata</i></b>	<b><i>\$12.50</i></b>
<b><i>Residential Company Title</i></b>	<b><i>\$25.00</i></b>
<b><i>Business</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000</i></b>
<b><i>Business Strata</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned equally to each lot within the strata complex</i></b>
<b><i>Business Company Title</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned according to the number of shares in the company owned by each shareholder.</i></b>

**Making and Fixing of Rates and Charges for 2008-09 (contd)**

- 5 ***That Council, pursuant to Section 496 of the Local Government Act 1993, make the following Domestic Waste Management Charges for 2008-09:***

<i>Description</i>	<i>Charge</i>
<b><i>Domestic Waste Management Charge</i></b>	<b><i>\$295.00</i></b>
<b><i>Domestic Waste Management Availability Charge</i></b>	<b><i>\$47.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i></b>	<b><i>\$71.00</i></b>
<b><i>Domestic Waste Management Charge – 240 litre Waste Upgrade</i></b>	<b><i>\$40.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</i></b>	<b><i>\$236.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</i></b>	<b><i>\$141.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</i></b>	<b><i>\$54.00</i></b>
<b><i>Domestic Waste Management Charge – West of F3 Freeway</i></b>	<b><i>\$239.00</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin</i></b>	<b><i>\$12.40 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin</i></b>	<b><i>\$12.95 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin</i></b>	<b><i>\$11.60 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin</i></b>	<b><i>\$12.20 per service</i></b>

- 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, pursuant to Section 501 of the Local Government Act 1993, make the following Waste Management Charges for 2008-09:***

<i>Description</i>	<i>Charge</i>
<b><i>Waste Management Charge – 140 litre Waste Bin Service</i></b>	<b><i>\$167.00</i></b>
<b><i>Waste Management Charge – 240 litre Recycling Bin Service</i></b>	<b><i>\$54.00</i></b>
<b><i>Waste Management Charge – 240 litre Vegetation Bin Service</i></b>	<b><i>\$72.00</i></b>
<b><i>Waste Management Charge – Litter Bin Service</i></b>	<b><i>\$182.00</i></b>
<b><i>Waste Management Charge - 240 litre Waste Bin Service</i></b>	<b><i>\$265.00</i></b>
<b><i>Waste Management Charge - 660 litre Waste Bin Service</i></b>	<b><i>\$858.00</i></b>

### **Making and Fixing of Rates and Charges for 2008-09 (contd)**

<b>Waste Management Charge - 1.1 cubic metre Waste Bin Service</b>	<b>\$1,330.00</b>
<b>Waste Management Charge - 1.5 cubic metre Waste Bin Service</b>	<b>\$1,802.00</b>
<b>Waste Management Charge - 3.0 cubic metre Waste Bin Service</b>	<b>\$3,573.00</b>

- 8** *That for those properties that become chargeable or non-chargeable during the year a proportional charge calculated on a weekly basis will apply for either Domestic Waste Management Charges or Waste Management Charges.*
- 9** *That in accordance with Section 566 of the Local Government Act 1993 and Section 356 of the Water Management Act 2000, Council charge an interest rate of 10.0% in respect of overdue rates, service charges and water consumption charges for the period of 1 July 2008 to 30 June 2009 and this interest be calculated on a daily basis using the simple interest method.*
- 10** **Incentive Scheme**
- a** *That for the year 2008-09 Council offer an incentive scheme, of similar nature to that offered in 2007-08, for those eligible ratepayers who elect to pay in full, including arrears, their 2008-09 Rates and Charges by 31 August 2008 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 2008-09 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 \$149.00 for each category.

In accordance with State Government Rate-Pegging Legislation, Ordinary Rates Revenue has been increased by 3.2% in 2008-09 from that raised in 2007-08.

In 2008-09, the same valuation will be used as in 2007-08.

**Making and Fixing of Rates and Charges for 2008-09 (contd)**

In accordance with Section 315 of the Water Management Act, 2000 No 92, Council at its meeting held on Wednesday, 28 May 2008 determined water and sewerage fees and charges.

**Special Rates**

Following approval by the Minister for Local Government, Council has 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 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, it is proposed that for 2008-09 Council again levy a base charge with an Ad Valorem component on the above special rates. 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 \$67.00.

**Stormwater 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) 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.



### **Making and Fixing of Rates and Charges for 2008-09 (contd)**

The Stormwater Levy applies 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 (i.e. those without impervious surfaces) are not be subject to this levy.

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

On the basis that Council did not favour expending the stormwater levy funds in the absence of a corresponding commitment from State or Federal Government to funding the Estuary Management Plan (EMP), no stormwater levy works were undertaken during the initial year (06-07).

The funds levied for the 2006-07 and 2007-08 Budget year were therefore combined and following a commitment from the previous Federal Government in 2007, an initial years Work Program was developed for the implementation of the EMP using Stormwater Levy, Federal funds and Holiday Park Cluster Plan Funding.

The 2007-08 Estuary Management Plan targeted 31 works to improve the quality of stormwater entering the Tuggerah Lakes. Funded almost entirely by the Stormwater Levy, these 31 works will systematically repair creek banks degraded by weed infestation and erosion; install stormwater pollution control devices; investigate the water quality of the Lake and its tributaries to allow for targeted pollution investigation works and develop a Tuggerah Lakes education strategy for our community.

Over the next few months, stormwater treatment and creek bank restoration works will be finished at:

- Kurraba Oval, Berkeley Vale
- Kite crescent, Hamlyn Terrace
- Tumbi Creek
- Saltwater Creek.

**Making and Fixing of Rates and Charges for 2008-09 (contd)**

The Stormwater Levy funds from 2006-07 were rolled into the 2007-08 Works Program for the Estuary Management Plan. These works are detailed below:

<b>Tuggerah Lakes Estuary Management Plan Implementation 2007-08</b>
Stormwater Treatment Works - Tumbi Creek - Tum12 - design and approvals
Stormwater Treatment Works - Tumbi Creek - Tum 4 & 5 - design and approvals
Stormwater Treatment Works - Tumbi Creek - Tum 14 - design and approvals
Stormwater Treatment Works - Tumbi Creek - Tum 6 & 7 - design and approvals
Stormwater Treatment Works - Tumbi Creek - Tum 16 - design and construction
Stormwater Treatment Works - Tumbi Creek - Tum 17 - design and approval
Stormwater Treatment Works Design And Approvals
Project # 1 - Bundilla Parade to Myrtle Brush Park
Project # 2 - Aston Wilde wetlands to end of Sovereign Cr
Project # 3 - Kite Crescent Hamlyn Terrace Construction
Project # 4 - Wombat Street Berkeley Vale
Project # 5 - Colongra (Lake Munmorah Reserve)
Project # 6 - Parkside Dr, Charmhaven
Project # 7 - Jetty Ave, Charmhaven
Project # 8 - Lowana Ave, Charmhaven
Project # 9 - Watanobbi
Project # 10 - Loxley Cl Berkeley Vale
Project # 11 - Kurraba Oval, Berkeley Vale Construction
Design and Approval Stormwater Treatment Works - Saltwater Creek
Management Reach 9 Design and Construction
Management Reach 10 Design and Construction
Management Reach 2
Management Reach 11 Design and Construction
Management Reach 4
Management Reach 1
Stormwater Treatment - Sunrise Ave - Budgewoi
Stormwater Treatment - Wendie Cl - Tumbi Umbi
Stormwater Treatment - GPT upgrade program
Understanding Dynamics of Lake Mixing
Stormwater Improvement Plan
Improving primary contact at lake beaches
Education/Communication Strategy

These works are to be finished over the next five years of the Estuary Management Plans implementation. Each year will see more of these stormwater improvement works constructed. Maintaining the Stormwater Levy is vital to ensure that these works can continue.

## **Making and Fixing of Rates and Charges for 2008-09 (contd)**

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### **Rate Payment Incentive Scheme**

For 2008-09 it is proposed that Council again offer a shopping voucher to the value of \$5,000 as the prize for the 2008-09 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 either Council makes payment direct to the business or alternatively reimburses the recipient on 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 2008, it is proposed that those ratepayers who commit to paying their rates by instalments using the Direct Debit method also be included in the draw.

The Direct Debit system is where the ratepayer authorises the transfer of funds from their Bank, Building Society or Credit Union on the date the payments are due. All payments are then made by electronic funds transfer.

An analysis undertaken has indicated the savings to Council of around \$6.50 per assessment will be achieved by ratepayers committing to pay by this method. This is a result of the transaction cost of 11 cents for the Direct Debit system compared to a cost of \$1.60 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 with those ratepayers paying their instalments by Direct Debit receiving a single ticket.

**Attachment 1**

**Rate Incentive Scheme Conditions of Entry (1 page)**

**Making and Fixing of Rates and Charges for 2008-09 (Attachment 1)****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 2008 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 2008 will receive 2 tickets, with ratepayers paying by instalments by Direct Debit 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.

## **Information Reports**

The following information reports are to be dealt with by the exception method.

**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**248 Wyong Shire Senior Citizens Council**

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F2008/00407 AE

**SUMMARY**

Council at its meeting on 14 March 2007 resolved to form a Wyong Shire Senior Citizens Council and that the minutes be reported to Council.

**RECOMMENDATION**

*That the report be received and the information noted.*

**BACKGROUND**

On 13 February 2008 Council confirmed its decision to adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council. Meetings will be held with intervals that should be no more than fortnightly and would not exceed three months. Minutes of the Senior Citizens Council should be reported to Council.

The initial and introductory meeting of Wyong Shire Senior Citizens Council was held on 30 April 2008.

**Attachment 1**

***Minutes of Wyong Senior Citizens Council Initial Meeting –  
30 April 2008 (4 pages)***

**Wyong Shire Senior Citizens Council (Attachment 1)**

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**MINUTES OF WYONG SENIOR CITIZENS COUNCIL  
INITIAL MEETING**

<b>Date:</b>	<i>30 April 2008</i>
<b>Location:</b>	Wyong Shire Council Civic Centre
<b>Present:</b>	Juliet Axford, Chris Brotherston, Dorothy Brown, Luigi Bruni, Don Flint, June Goss, Bruce Kirkness, Patricia Parperis, Bruce Pyke, Dawn Thompson, John Cochrane, Mick Cook, Allan Booth, Annette Evans, Julie Vaughan (partial attendance), Mayor Warren Welham (partial attendance)

<b>Item Ref</b>	<b>Action Item Description</b>	<b>Responsibility</b>
<b>1 INTRODUCTION</b>		
1.1	<p><b>INTRODUCTION &amp; WELCOME FROM MAYOR WARREN WELHAM:</b></p> <p>Mayor Welham welcomed members to this new concept at Wyong. The Mayor reflected on the success and impact of the Youth Advisory Council which was developed in 2007. In the same regard he spoke of his enthusiasm for the potential of the Seniors Citizens Council to also have a say in local government business.</p> <p>He said that he regarded this as democracy in action where there is the opportunity for debate and action between elected representatives and the local community. He said he was looking forward to hearing a seniors' perspective on policies, projects and activities.</p>	<b>INFO</b>

**Wyong Shire Senior Citizens Council (Attachment 1) (contd)**

Item Ref	Action Item Description	Responsibility
1.2	<p><b>INTRODUCTIONS FROM INDIVIDUAL MEMBERS</b></p> <p>Council members took the opportunity to introduce themselves with a comment on the issues of importance and some of their key connections in the local area.</p> <p><b>Dorothy Brown</b> -Health care issues; Aboriginal reconciliation; transport</p> <p><b>Mick Cook</b>- Surf Life Saving Clubs: an activity for all generations; Toowoon Bay</p> <p><b>Bruce Pyke</b> – Health; Transport; Independent &amp; Self-funded Retirees</p> <p><b>Chris Brotherston</b> - Long Jetty Senior Citizens' Club; Ourimbah RSL; safety &amp; loneliness issues for older people</p> <p><b>Bruce Kirkness</b> – Toukley Senior Citizens' Club; Pensioners issues; intergenerational relationships; a Cultural Centre for Wyong</p> <p><b>Dawn Thompson</b> – St Vincents' de Paul Society; National Servicemen's Assoc; previously a member of Canterbury Council Seniors Advisory</p> <p><b>Don Flint</b> – San Remo Older Men's Group; OMNI-'Older Men New Ideas' which is supported by COTA (Council on the Ageing); the Men's Shed at San Remo</p> <p><b>Juliet Axford</b> – Health &amp; Fitness; Housing; a Cultural Centre for Wyong</p> <p><b>Luigi Bruni</b> – Central Coast Italian Australian Friendship Society; pensioners issues; socialization and recreation</p> <p><b>Alan Booth</b> – Probus and Rotary; build a community with more interaction between schools and older people; safety and security; leadership by seniors</p> <p><b>Patricia Parperis</b> – Long Jetty Senior Citizens' Choir; integrating amenities and improving connections between services and facilities</p> <p><b>John Cochrane</b> – sport; that the committee is not token and that lines of communication and decision-making be clarified; clarity about the status of the S C Council i.e. external or formal committee</p> <p><b>June Goss</b> – OWN: Older Women's Network – NSW; women and isolation; transport (not driving concerns); U3A and lifelong learning as a key to health &amp; well-being.</p> <p><b>Julie Vaughan</b> – introduced herself to the meeting as the Manager of the Community Development Team at Council</p>	INFO



### **Wyong Shire Senior Citizens Council (Attachment 1) (contd)**

<b>Item Ref</b>	<b>Action Item Description</b>	<b>Responsibility</b>
<b>2 GUEST SPEAKERS</b>		
2.1	<p><b>GUEST SPEAKER: Keith Whelan – Shire Planning Dept</b></p> <p>Keith came to talk about the process for developing the Shire Strategic Vision. He said that the Shire Strategic Vision (SSV) will determine where Wyong Shire could and should be heading for future generations. It was about looking at the big picture over the next 20 years and considering the needs of our society, economy and natural environment to set its future path. The idea was to be ambitious and inspirational in this process, but that we also need to be realistic and relevant to local needs.</p> <p>Keith talked about the formation of Community Consultation Group as 14 people who have demonstrated strong and broad links to their communities and who will therefore bring a wide perspective to debate.</p> <p>Keith said that they would regard the Seniors Citizens Council as another key consultative group for this process and requested everyone to complete the Questionnaire* and return to Shire Planning Dept ASAP.</p>	<b>INFO</b>
	<b>Action Item Description</b>	<b>Responsibility</b>
<b>3 GENERAL BUSINESS</b>		
3.1	<b>Dorothy Brown:</b> presented information from the Aboriginal Home Care Service of NSW Daramulen Branch which covers Wyong and the Central Coast. Dorothy said that she wanted to make sure everyone was informed about services available so that there were better links. She would also be making health a priority issue	<b>INFO</b>
3.2	<b>Bruce Pyke:</b> use of local newspapers to communicate projects, ideas and actions of the Seniors Council and to get feedback from the community. The meeting gave general assent to this idea.	Annette to follow up
3.3	<b>Bruce Kirkness:</b> the benefits of being part of a Central Coast Region rather than the Wyong Shire.	A topic for further consideration

**Wyong Shire Senior Citizens Council (Attachment 1) (contd)**

Item Ref	Action Item Description	Responsibility
3.4	<p><b>Juliet Axford:</b> the value of organising an orientation to Wyong by bus trip. This was discussed by whole meeting and decision made on date (27th June) and places of interest. Some places of interest that were identified included the proposed Warnervale Town Centre site; the site for the proposed Cultural Centre and the Mardi Dam &amp;/or proposed water pipe line. Luigi Bruni has bus licence if needed.</p> <p><b>Action:</b> Annette to propose timetable for consideration at next meeting and invite the Director / Manager from Shire Planning to the next meeting to provide information on the status of these projects</p>	<p>Bruce Kirkness to check availability and use of Toukley Seniors Centre bus. Annette to contact relevant staff to arrange for access to various places of interest.</p>
3.5	<p><b>Don Flint:</b> proposed 5 topics of interest to be further explored by the meeting. After discussion it was agreed that the broad areas of interest were:</p> <p style="text-align: center;">TRANSPORT - HEALTH &amp; WELL-BEING SAFETY &amp; SECURITY ENVIRONMENT CULTURAL CENTRE</p> <p>Other areas of interest that were noted were education, inter-generational relationships, socialisation, housing &amp; ageing myths. It was agreed that the next meeting would focus on transport (Access and Impact on Seniors, Relevant reports and local research, Creative solutions)</p>	<p>Bruce Pyke will disseminate a report</p> <p>Annette will include any relevant documents available through Council.</p>
3.6	<p><b>June Goss</b> proposed that Don Flint take the role of chairing the next meeting. Members agreed.</p>	<p>Annette to book rooms.</p>
<b>4 NEXT MEETING DATES</b>		
4.1	<p>The general consensus was to plan for monthly meetings. The proposed dates were 3<sup>rd</sup> Thursday of each month from 2pm – 4pm. The venue would continue to be the Council Civic Centre</p> <p><b>NEXT MEETING:      22 MAY 2008 @ 2.00pm</b> <b>Committee Rooms</b> <b>WYONG COUNCIL CIVIC CENTRE</b></p>	<p>Annette to book rooms and disseminate timetable.</p>

**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**249 Finalisation of Contracts**

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F2005/03113 GJP

**SUMMARY**

Reporting on details of contracts in excess of \$150,000 that have been completed and finalised during the period February 2008 to April 2008.

**RECOMMENDATION**

*That the report be received and the information noted.*

**BACKGROUND**

All four of the reported contracts which were finalised in the reporting period were either a Service or Supply type. Service and Supply contracts are based upon Schedule of Rates for the various items / services to be supplied under the contract, with the award amount being an estimate using an extrapolation of historical and/or anticipated needs for each item/service.

The final cost for Service and Supply contracts was within the estimate for three of the four contracts.

**Enclosure**

***Significant Contracts Finalised in the Period February 2008 to April 2008***

**250 Schedules of Bank Balances and Investments – April 2008**

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F2004/06604 SJG

**SUMMARY**

The attached Schedules of Bank Balances and Investments as at 30 April 2008 are submitted for information.

**RECOMMENDATION**

*That the report be received and the information noted.*

**BACKGROUND**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

Under the Local Government (General) Regulation 2005 the Minister for Local Government will be announcing more restrictive investing powers for councils. This comes as a result of the Cole Inquiry into Local Government Investments. A revised investment policy is under preparation by Council staff and will be presented to Council shortly.

The Schedule of Bank Balances and Investment Accounts shows that Council had total cash and investment funds of \$113,835,360 as at 30 April 2008. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's investment policy.

During the month of April the gross return including interest earned, capital movements on Council's investments, and bank interest was \$967,218. Financial year to date earnings were \$3,636,262.

For comparison the report for March disclosed year to date interest earnings net of fees of \$2,584,049. The year to date gross earnings figure for March was \$2,669,044.

The year to date Investment management fee paid to Grove Research and Advisory Pty Ltd as at 30 April was \$98,761 which compares to an annual budget of \$117,000. This includes \$41,243 paid for Investment advice for the first three quarters and \$57,518 for management and service fees. Council does not pay management fees to the managers of its managed funds. Their administration costs are reflected in a marginally reduced interest rate.

### **Schedules Of Bank Balances And Investments – April 2008 (contd)**

The following table provides a summary by fund of the above information:

	Investment Balances		Interest		
	Opening Balance July 1 2007	Closing Balance April 30 2008	Original Budget	Revised Budget Mar Review	Gross Interest YTD
	General	71,992,818	63,861,618	2,248,100	2,248,100
Water	15,185,232	30,596,321	1,644,000	644,000	833,785
Sewer	21,699,934	19,377,421	803,000	803,000	663,049
<b>Total</b>	<b>108,877,984</b>	<b>113,835,361</b>	<b>4,695,100</b>	<b>3,695,100</b>	<b>3,636,262</b>

It is clear from the table that investment income for both General Fund and Water Fund will exceed the revised budget. For General Fund, most of the favourable variance relates to section 94 developer funds and is not available to fund operational projects.

#### **Performance Monitoring**

Council's investment portfolio is monitored and assessed based on the following criteria:

*i Management of Bank Balance*

Bank balances are reviewed daily to ensure the amount invested is maximised.

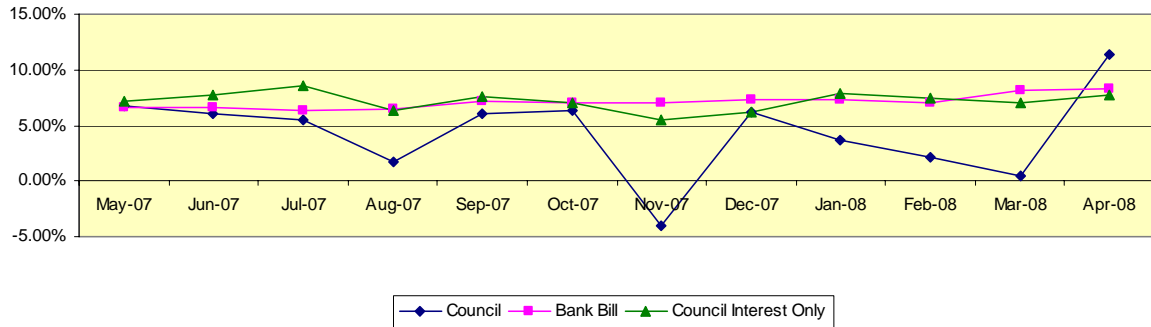
*ii Portfolio and Monthly performance against the UBSA Bank Bill Index*

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index.

The weighted average return (interest and capital movements) for the portfolio of Council's managed funds (net of fees) during April 2008 was 11.32% which was favourable to the benchmark of the UBSA Bank Bill Index of 8.24%. The interest earning component for April was 7.19%.

**Schedules Of Bank Balances And Investments – April 2008 (contd)**

**Monthly Annualised Returns (Interest & Capital Movements)  
Portfolio Performance Comparison to UBSA Bank Bill Index**

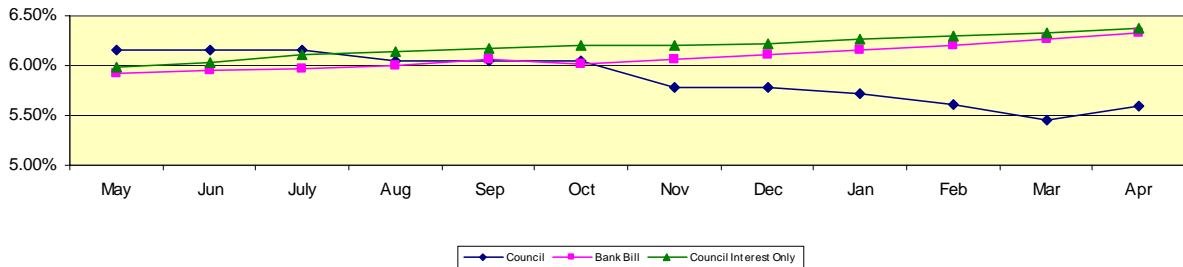


**Council:** Council Total Return (Interest & Capital) – Twelve Months  
**Bank Bill:** UBSA Bank Bill Reference Rate – Twelve Months  
**Council Interest Only:** Council Interest Earnings – Twelve Months

*iii. Three Year Average Returns – Actual vs Benchmark*

Council's rolling three year average returns were 5.59% compared to the rolling three year average UBSA Bank Bill Index of 6.33%. Council's rolling three year average interest earning component on the other hand was 6.37%.

**Rolling Three Year Average based on  
Monthly Annualised Returns (Interest & Capital) May 2005 to April 2008  
Portfolio Performance Comparison to UBSA Bank Bill Index**



**Council:** Council Total Return (Interest & Capital) – Average for Three Years  
**Bank Bill:** UBSA Bank Bill Reference Rate – Average for Three Years  
**Council Interest Only:** Council Interest Earnings – Average for Three Years

### **Schedules Of Bank Balances And Investments – April 2008 (contd)**

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*iv. Additional Commentary – Dissection of Interest for the Financial Year to Date*

The returns on Council's investments are made up of two components:

- Interest
- Capital Gains and Losses

For the year to date all of Council's investments have earned interest at slightly below the market benchmarks.

However, it was a difficult period for investors generally and for six of Council's investments there was also a reduction in the underlying value of investment units within these funds of between 1.69% and 7.17%.

For these investment funds the under performance resulting from falling valuations must not be seen as a permanent loss. The investments represent a pool of interest earning securities and, on maturity, the value of each component investment will return to 100% of nominal value.

Our advisors note that, for these funds, the performance outlook over the expected holding period of the investment remains strong. This is evident from the strong performance of some of council's managed funds investments in April.

To assist in the analysis of Council's investment performance Council's Schedule of Investments now includes an additional dissection of Interest Only as distinct from Capital Movements. It is noted that this is appropriate on the assumption that Council will be holding those managed funds investments until maturity. Council's current projections anticipate this scenario. Council reports will continue to show this dissection as long as it is relevant to Council's consideration of investment performance.

*v. Wyong and the Cole Report on Local Government Investments*

The report on the Schedule of Bank Balances and Investments for April 2008 included extensive commentary on the Cole report and its impact on Council. A report on a proposed new investment policy and strategy will be presented to Council at the next meeting on 25 June.

As a result of the report Council is no longer placing any new investment funds into managed funds. For now, existing holdings in managed funds will be retained at least until adoption of Council's new investment policy.

Council continues to have no investment in CDO's or Capital Guaranteed Securities.

**Schedules Of Bank Balances And Investments – April 2008 (contd)**

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

**SCHEDULE OF INVESTMENTS AS AT  
April 30 2008**

FUND MANAGER	TYPE	PORTFOLIO	GROSS	ANNUALISED RETURNS			ADDITIONAL DISSECTION	
				INCOME FOR	MONTH	FYTD*	MAT**	Interest Only Component FYTD***
		BALANCE	MONTH	MONTH	FYTD*	MAT**		
Local Gov't Financial Services	Cash Plus	1,222,503.40	8,228.31	8.59%	5.17%	<b>5.37%</b>	5.17%	0.00%
LGFS Fixed Out-Performance Cash Fund (AAf)	Cash Plus	20,426,156.24	140,247.17	8.77%	7.89%	n/a	7.89%	0.00%
BT Institutional Managed Cash (AAA)	Cash	16,720,597.61	174,197.01	8.22%	7.04%	<b>6.94%</b>	7.04%	0.00%
ANZ High Yield Cash Account (AA)	Cash	4,110,000.00	-	7.81%	n/a	n/a		
Aberdeen Cash Plus Fund (A)	Cash Plus	11,327,241.08	135,408.54	15.75%	1.87%	<b>2.56%</b>	7.83%	-4.97%
ING Enhanced (A)	Cash Plus	9,157,779.07	93,416.69	13.28%	2.43%	<b>3.12%</b>	6.69%	-3.55%
Perennial Cash Enhanced Fund (AA)	Cash Plus	2,421,069.14	22,334.47	11.93%	4.01%	<b>4.40%</b>	8.41%	-3.67%
Macquarie Income Cash Plus (A)	Enhanced Income	22,680,174.85	126,627.71	7.05%	3.88%	<b>4.29%</b>	6.51%	-2.19%
T-Corp (WorkCover NSW)	Cash Plus	8,885,000.00	58,202.70	6.77%	6.69%	<b>6.63%</b>	6.69%	0.00%
BlackRock Diversified Credit Fund (A)	Enhanced Income	14,717,684.01	178,924.06	16.05%	-3.35%	<b>-1.72%</b>	5.25%	-7.17%
QIC Cash Enhanced (AA)	Cash Plus	2,167,155.18	24,236.88	14.66%	5.22%	<b>5.45%</b>	7.25%	-1.69%
<b>TOTAL</b>		113,835,360.58	961,823.54	11.32%	3.49%	<b>2.85%</b>	6.64%	
Add Bank Account & Other Interest			5,394.46					
<b>ALL INTEREST</b>			967,218.00					
<b>UBSA INDEX</b>				8.24%	7.19%	7.10%	7.19%	

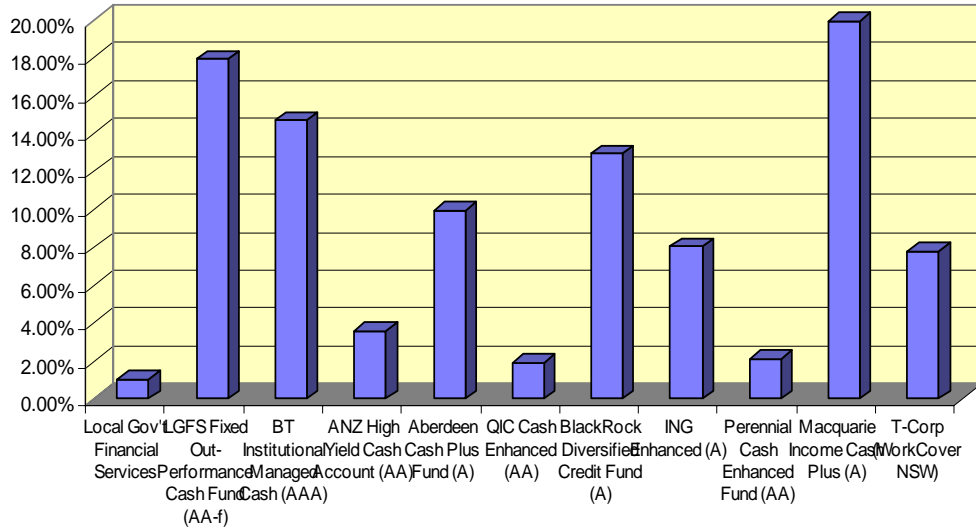
\* - FYTD= Financial Year to Date    \*\* - MAT = Moving Annual Total    \*\*\* - Annualised



**Schedules Of Bank Balances And Investments – April 2008 (contd)**

**Allocation of Investment Funds**

Council's portfolio during April was allocated to the following assets:



**INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 30 April 2008 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....  
A/ Director Corporate Services

**Attachment 1**

**Schedule of Bank Balances and Investments 30 April 2008 (1 page)**

**Schedule Of Bank Balances And Investments – April 2008 (Attachment 1)**

SUMMARY		
	April 30 2008	
<b>General</b>		<b>\$</b>
Unrestricted		9,463,273.29
Restricted - Internally		18,209,054.00
Restricted - Externally		36,189,291.00
<b>Total General</b>		<b>63,861,618.29</b>
<b>Water</b>		
Unrestricted		345,121.45
Restricted - Internally		333,200.00
Restricted - Externally		29,918,000.00
<b>Total Water</b>		<b>30,596,321.45</b>
<b>Sewer</b>		
Unrestricted		579,619.84
Restricted - Internally		554,700.00
Restricted - Externally		18,243,101.00
<b>Total Sewer</b>		<b>19,377,420.84</b>
<b>TOTAL INVESTMENTS</b>		<b>113,835,360.58</b>
<b>BANK BALANCE PER BANK STATEMENT</b>		<b>71,341.41</b>
<b>TRUST ACCOUNT PER BANK STATEMENT</b>		<b>24,048.79</b>



**Wyong Water Supply Authority – Statutory Audit Report (Attachment 1)**

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GPO BOX 12  
Sydney NSW 2001  
9275 7164  
D0736917/1071Councillor Warren Welham  
Mayor  
Wyong Water Supply Authority  
c/o Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

9 April 2008

Dear Mayor

**STATUTORY AUDIT REPORT**  
**For the Year Ended 30 June 2007**  
**Wyong Water Supply Authority**

I have audited the financial report of the Wyong Water Supply Authority (the Authority) as required by the *Public Finance and Audit Act 1983* (the Act). This Statutory Audit Report outlines the results of my audit for the year ended 30 June 2007. The Act requires that I send this report to the Authority, the Minister and the Treasurer.

This report is not the Independent Auditor's Report, which expresses my opinion on the Authority's financial report. I have enclosed the Independent Auditor's Report, together with the Authority's financial report.

**Audit Result**

I expressed an unmodified opinion on the Authority's financial report and I have not identified any significant matters since my previous Statutory Audit Report.

My audit is not designed to identify all matters that may be relevant to those charged with governance. Accordingly, there may be other matters of governance interest that did not come to my attention during my audit.

My audit is continuous and I may therefore identify new significant matters. If this occurs, I will write to you immediately.

**Compliance with Legislative Requirements**

My audit procedures are targeted specifically towards forming an opinion on the Authority's financial report. This includes testing whether the Authority has complied with legislative requirements that may materially impact on the financial report. The results of the audit are reported in this context. My findings did not identify any instances of non-compliance.

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Wyong Water Supply Authority – Statutory Audit Report (Attachment 1)  
(contd)**

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**Auditor-General's Report to Parliament**

Comment on the Wyong Water Supply Authority's activities, financial operations, performance and compliance will appear in Volume 2 of the Auditor-General's Report to Parliament. I will send a draft of this comment to Wyong Water Supply Authority for review before the Report is tabled during May 2008.

**Acknowledgment**

I thank the Authority's staff for their courtesy and assistance.

Yours sincerely



M T Spriggins  
Director, Financial Audit Services

**252                      Premature Electrification of New Estates**F2004/06351 MR

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**SUMMARY**

Update report on Notice of Motion by Councillor Eaton at the Ordinary Meeting of Council held on 27 June 2007.

**RECOMMENDATION**

*That the report be received and the information noted.*

**BACKGROUND**

Council, at its meeting held on 27 June 2007:

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

- 1     *That Council put the following motion to the next Local Government Association Conference (LGA):*  
  
*That the LGA lobby Energy Australia and the appropriate State Minister to cease its premature electrification of new estates.*
- 2     *That this matter be referred to Central Coast Regional Organisation of Councils for their support.*
- 3     *That Council write to the Member for Wyong, Mr David Harris, and the relevant State Ministers seeking their assistance to stop this rampant waste of electricity and generation of greenhouse gases.”*

This motion was submitted to the Local Government Association Conference (LGA) held in Coffs Harbour in October 2007 and the LGA made representations to the Minister for Energy, the Hon Ian Macdonald MLC on this matter. A copy of the response received from the Minister is now attached.

**Attachment 1**

***Letter from LGSA dated 8 May 2008 containing response from Minister for Energy (3 pages)***

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Premature Electrification of New Estates (Attachment 1)**

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Local Government  
Association of NSW



Our ref: R06/0036 Out-16048

8 May 2008

Mr Kerry Yates  
General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Mr Yates,

### **Premature Electrification**

At the 2007 Annual Conference, Council introduced Motion 108B requesting that representations be made to cease premature electrification of new estates.

I enclose a copy of a response now received from the Minister for Energy, the Hon Ian Macdonald MLC.

In you wish to further discuss this issue, please contact Mr Shaun McBride at the Association on (02) 9242 4072 or [shaun.mcbride@lgsa.org.au](mailto:shaun.mcbride@lgsa.org.au)

Yours sincerely,

A handwritten signature in black ink that reads "David Hale".

David Hale  
Assistant Secretary General

GPO Box 7003 Sydney NSW 2001  
LB, 28 Margaret St Sydney NSW 2000  
Tel: (02) 9242 4000 • Fax: (02) 9242 4111  
[www.lgsa.org.au](http://www.lgsa.org.au) • [lgsa@lgsa.org.au](mailto:lgsa@lgsa.org.au)  
ABN 49 853 913 882

**Premature Electrification of New Estates (Attachment 1) (contd)**

MINISTER FOR PRIMARY INDUSTRIES  
MINISTER FOR ENERGY  
MINISTER FOR MINERAL RESOURCES  
MINISTER FOR STATE DEVELOPMENT



NEW SOUTH WALES

35763

Level 33 Governor Macquarie Tower  
1 Farrer Place SYDNEY NSW 2000 AUSTRALIA  
Telephone: (02) 9228 3344  
Facsimile: (02) 9228 3452

MPI07/7539  
08/3

Councillor Genia McCaffery  
President  
Local Government Association of NSW  
GPO Box 7003  
SYDNEY NSW 2001

Local Government Association of NSW	18 FEB 2008
Shires Association of NSW	20 FEB 2008
SGU..... CORP.....	
POLICY.....	
WPLACE..... ACTION.....	
FILE No.....	

email: macdonald.office@macdonald.minister.nsw.gov.au

Dear Councillor McCaffery

I refer to your letter of 13 December 2007 (your reference: R06/0036.wt Out-15594) concerning resolutions passed by your members at the annual conference in Coffs Harbour late last year in regard to the electricity industry.

I will address the resolutions as follows:

Item Nos. 26, 56 and 151L:

In order to meet the growing energy requirements of families and businesses across the State, NSW needs new baseload electricity generation built by about 2014. To secure these future energy needs at no cost to taxpayers, the NSW Government has accepted key recommendations of the Owen Inquiry into Electricity Supply in NSW to restructure ownership arrangements for its electricity generation and retail businesses.

The restructure will involve the transfer of the Government's retail electricity functions to the private sector, and the lease of NSW power stations, with the exception of Snowy Hydro. All current electricity infrastructure assets will remain in public ownership which includes the power stations and the transmission and distribution 'poles and wires' of the State-owned companies EnergyAustralia, Integral Energy and Country Energy, as well as TransGrid.

The reforms will create incentives for the private sector to invest in baseload generation in NSW, thus saving taxpayers up to \$15 billion and allowing these funds to be redirected towards construction and maintenance of roads, trains, hospitals, schools and other essential infrastructure.

The changes will also mean that people working in the electricity sector will have a strong and secure employment future. All current public sector retail and generation workers are guaranteed jobs in their current locations across the State.

Item No. 108B:

The installation of street lighting in new subdivisions must comply with relevant standards and meet necessary requirements, and they have to be energised before any assessment of the work can be undertaken.



11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Premature Electrification of New Estates (Attachment 1) (contd)**

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Once a subdivision has been completed and the roads become 'public roads', street lights must be lit for pedestrian safety and deterrence of anti-social behaviour, regardless of the number of buildings in the subdivision.

Item No. 151Q:

EnergyAustralia holds an open tender process for tree trimming contracts and local government councils are welcome to tender for this work.

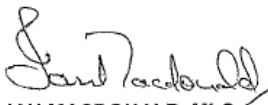
Trimming trees around live power lines is inherently dangerous and therefore safety is a paramount issue for contractors, the public and the network. Due to these potential dangers, EnergyAustralia's tree trimming contracts contain important and specific requirements covering contractor's qualifications, expertise and experience; the use of fully insulated and tested tools and elevated work platforms; and the maintenance of certified quality, safety and environmental management systems.

If councils wish to tender for future tree trimming contracts then they are encouraged to maintain contact with EnergyAustralia to ensure they register for a copy of the tender documents.

Should you wish to discuss these issues further, please contact Mr Jamie Gibson, Deputy Chief of Staff, in my office, on 02 9228 3344.

Thank you for raising these matters with me.

Yours sincerely

  
IAN MACDONALD MLC

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **253 Outstanding Questions Without Notice and Notices of Motion**

F2008/00003 MR

#### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

#### **RECOMMENDATION**

*That the report be received and the information noted.*

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
<p>Q123 - Darcy Smith Court Case</p> <p>(A response will be reported to Council when the case has been finalised in the LEC)</p>	Councillor Pavier	12 December 2007	Shire Planning
<p>Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees</p> <p>(A response will be reported when a reply has been received from the Minister)</p>	Councillor Eaton	12 March 2008	General Manager's Unit
<p>Q029 – Cessnock City's Performing Art Centre Design and Cost</p> <p>(Previously reported that a response would be submitted to Council at the 11 June 2008 Ordinary Meeting however response will now be provided at Briefing on 4 June 2008)</p>	Councillor Eaton	23 April 2008	Shire Planning
<p>Q032 – Preferred Route for the Pacific Highway</p> <p>(A response will be submitted to Council at the 9 July 2008 Ordinary Meeting)</p>	Councillor Eaton	14 May 2008	Shire Planning

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q033 – Cabbage Tree Bay Sea Wall  (A response will be submitted to Council at the 25 June 2008 Ordinary Meeting)	Councillor Best	14 May 2008	Shire Planning
Q034 – Cost to the Ratepayer of Operating the Conduct Committee  (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Best	28 May 2008	General Manager's Unit
Q035 – Rolling Works and Road Issue at Chittaway Bay  (A response will be submitted to Council at the 9 July 2008 Ordinary Meeting)	Councillor Pavier	28 May 2008	Shire Planning

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
326 - National Natural Disaster Funding  <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	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 2009.
470 – Ferry Service between Wyong and The Entrance  <i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i>	Shire Planning	14 November 2007	Report to be submitted following exhibition.

**Outstanding Questions Without Notice and Notices of Motion (contd)**

Notice of Motion	Department	Meeting Resolved	Status
<p>009 – Fairer Beach Access for Dog Owners</p> <p><i>That Council review its policies associated with beach access for dogs to provide responsible dog owners greater and fairer use of our Shire's beaches particularly during low usage periods.</i></p>	Shire Planning	23 January 2008	A briefing will be held on 2 July 2008.
<p>138 – Affordable Housing Summit</p> <p><i>That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.</i></p>	Shire Planning	26 March 2008	Project plan developed. Tentative date for summit 15 July 2008.
<p>140 – Mowing and Maintenance of Open Space and Park Areas</p> <p><i>Report to be provided on the adequacy of the current scheduling and targets achieved.</i></p>	Shire Services	26 March 2008	Date of reporting to Council has been rescheduled from 25 June to 23 July 2008 to allow time for briefing to be conducted prior to meeting date.
<p>157 – Corridor for Future Rail Track Upgrades</p> <p><i>Request Cityrail to confirm it no longer requires wider corridor in places like Ourimbah and the decision for future track upgrades and improved services such as fast train.</i></p>	Shire Planning	9 April 2008	Awaiting a response from Railcorp.
<p>177 – Indian Myna Bird Plague</p> <p><i>Report to be provided detailing eradication initiatives used by other Councils giving an indication of costs associated with the implementation of these initiatives.</i></p>	Shire Services	23 April 2008	A report will be submitted to Council at the 25 June 2008 Ordinary Meeting.
<p>179 - Briefing to Explain Calculation of Development Levies</p> <p><i>Council to convene an urgent briefing on how Section 94 Contributions are calculated.</i></p>	Shire Planning	23 April 2008	A briefing will be held on 2 July 2008

11 June 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **Outstanding Questions Without Notice and Notices of Motion (contd)**

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>227 – Wallarah 2 Funding</p> <p><i>A further report to be provided on whether the funds, previously set aside, for the examination of the State investigation into the Wallarah 2 Coal Mine and loader are adequate given the expert fields of study that will be required to be examined.</i></p>	Shire Services	28 May 2008	A report will be submitted to Council at the 9 July 2008 Ordinary Meeting.
<p>228 – Management Plan Newsletter</p> <p><i>That a report be produced on,</i></p> <p><i>a the most cost effective way of distribution (ie with rate notices etc) be examined.</i></p> <p><i>b whether the Member for Dobell (given the Federal Government contribution) would like to participate and to what extent.</i></p> <p><i>c that political comment be invited from the Mayor (of the day), Estuary Management Deputy Chair and the Member for Dobell (should he contribute).</i></p> <p><i>d the timing of the first newsletter.</i></p>	Corporate Services	28 May 2008	A report will be submitted to Council at the 9 July 2008 Ordinary Meeting
<p>229 – Central Coast Action Plan</p> <p><i>That staff investigate the Central Coast Transport Action Plan as it was previously advertised and publicly exhibited to follow up on the following issues with regards to the plan;</i></p> <p><i>a the funding (how much has been set aside over the years)</i></p> <p><i>b what has been implemented</i></p> <p><i>c any task forces to be created or discussion groups that were to be formed</i></p> <p><i>d how long it has been on the Council website</i></p>	Shire Planning	28 May 2008	A report will be submitted to Council at the 25 June 2008 Ordinary Meeting

**Outstanding Questions Without Notice and Notices of Motion (contd)**

Notice of Motion	Department	Meeting Resolved	Status
<p>230 – Inaugural 2008 National Whale Day Event</p> <p><i>That Council re-affirm its opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary and support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.</i></p>	Corporate Services	28 May 2008	Council will issue a media release on this event and also publicise it through its existing weekly "ShireWide News" column and the regular "Noticeboard" pages in the local newspaper
<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	<p>A report will be presented to the briefing session on 6 August 2008.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>232 – Surf Club Renewal Program</p> <p>1 <i>A written report be reported back to Council by 23 July 2008 on the following;</i></p> <p><i>a Councils priority on Surf Life Saving buildings.</i></p> <p><i>b That the report be based on the source of fund costings and availability of grant funding.</i></p> <p><i>c The constraints may be encountered on existing buildings and redevelopment.</i></p> <p>2 <i>That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.</i></p>	Shire Services	28 May 2008	A report will be submitted to Council at the 23 July 2008 Ordinary Meeting and a briefing will be scheduled.

**WYONG SHIRE COUNCIL**

11 June 2008  
To the Ordinary Meeting of Council

Shire Services Department

**Answers to Questions Without Notice**

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**Q024 – Coral Street Carpark Louvres**

Asked by Councillor Stewart at the Ordinary Meeting held on 23 April 2008  
F2004/07999

*“Could staff please advise when the louvres on the Coral Street Carpark undergo their annual clean?”*

All the louvres at the Coral Street Carpark were cleaned during the week commencing 14 April 2008.

The total cost of this job was \$3,008.50 (including GST).

The louvres will be cleaned annually. Next year the louvres will be cleaned prior to the prime holiday season.

**Answers to Questions Without Notice (contd)**

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**Q026 – Community and Staff Parking in and around Council's Civic Centre**

Asked by Councillor Best at the Ordinary Meeting held on 23 April 2008  
F2007/01904

*"Mr General Manager, the issue of community and staff parking in and around Council's civic centre is approaching a critical shortage. Council recently purchased properties in Margaret Street at 16, 18 and 20 with a view to providing much needed staff parking. Could you as a matter of urgency please provide information to Council regarding the status of this initiative?"*

The site is known as Lots 2, 3 and 4 DP 11131, Nos 16, 18 and 20 Margaret Street, Wyong.

The site is identified within the Wyong/Tuggerah Planning Strategy and is located on the far western boundary of the Business/Administration Precinct. The site has been identified for possible mixed use development with potential for development up to four storeys.

The land was purchased by Council on 22 January 2008 for the purpose of providing future car parking in Wyong township, not specifically for the needs of Wyong Shire Council staff.

The Wyong Township Carparking Report has recently been completed by Council. This study considered current and future parking requirements over the next twenty-five years, both on and off street and seeks to quantify those requirements in terms of location and number of carparking spaces. The report clearly states that at present, there is sufficient on-street parking available. The availability of suitable sites for future carparking needs within the township is very limited. The only suitable sites are restricted in size because of flooding and topography. Given the potential for both increased commercial and residential development in the future, two public car parks should be located north and south of Alison Road. Each carpark shall provide a maximum of 250 carparking spaces. The report identifies possible off street carparking sites including Nos 16, 18 and 20 Margaret Street, Wyong (refer to Attachment 1).

Further analysis was carried out to assess Section 94 parking needs by 2031 for developments proposed in the Wyong/Tuggerah Planning Strategy. The assessment was based on future residential developments providing 100% of their own parking requirements on-site, and retail/commercial developments providing 90% of their parking requirements on-site. When on-street parking is taken into account, adequate parking is currently available in Wyong, however, additional carparking will be required to deal with projected demands in 2031.



## **Answers to Questions Without Notice - Q026 (contd)**

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### **LOCAL ENVIRONMENTAL PLANNING PROVISIONS**

The site is located within the Wyong/Tuggerah Planning Strategy on the far western boundary of the Business/Administration Precinct and is included as part of the Draft Concept Masterplan (Character Statements + Visions). The site is identified for a future mixed use site up to 4 storeys. This however may change in the future. The site also forms part of the draft Wyong Town Centre LEP to rezone the subject land from 2(c) Medium Density Residential to 3 (a) Business Core Zone.

The expected time line for the completion of the draft LEP Amendment for the Wyong Town Centre is late 2009. Currently, under the existing Wyong LEP 1991, the definition "carparking station" does not include a public car park provided by a Council, whether or not a fee is charged. However, upon gazettal of the LEP amendment, a carparking station will become a permissible use. In the first instance, it is likely that the site will be utilised for ground level parking, which would require the existing dwellings to be demolished. In the longer term, it is envisaged that the land be developed for a multi-storey car park and taking into account the potential height limit of four storeys, the eventual development may be a mixed use structure comprising car parking and commercial or residential usage.

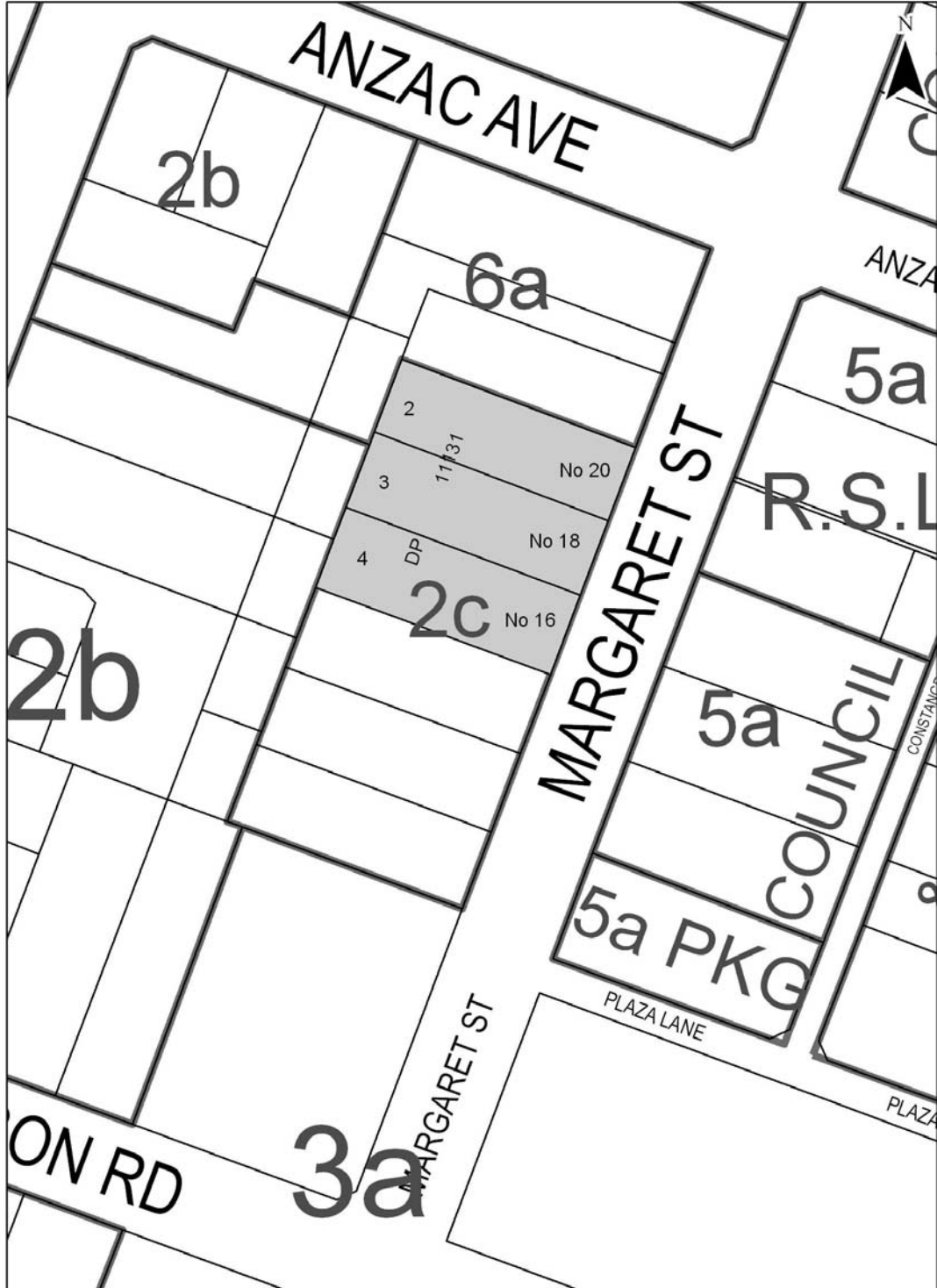
Taking into account the outcomes of the Wyong Township Carparking Report, it is considered unlikely that the demand for parking within Wyong will necessitate the use of the subject land within the short to medium term.

#### ***Attachment 1***

#### ***Possible Off Street Carparking Sites, Nos 16, 18 and 20 Margaret Street, Wyong***

**Answers to Questions Without Notice - Q026 (Attachment 1)**

**Possible Off Street Carparking Sites, Nos 16, 18 and 20 Margaret Street, Wyong**



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**Answers to Questions Without Notice (contd)**

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**Q027 – Red-eared Slider Turtle**

Asked by Councillor Veugen at the Ordinary Meeting held on 23 April 2008  
F2004/06922

*“Could staff please advise Council if there are any of the introduced pest, the Red-eared Slider Turtle within our LGA and if so, what actions are being taken?”*

The Red-eared Slider Turtle (*Trachemys scripta elegans*) is a semi-aquatic turtle from the southern areas of the United States of America. It is an aggressive invader of waterways.

It has not been reported in Wyong Shire. Wyong Shire Council's Noxious Weeds and Pest Species Officer inspects all nurseries, pet shops and aquaria once a year. During these inspections, the focus is on noxious weeds and other invasive species.

It is illegal to possess Red-eared Slider Turtles in NSW under both the Non-indigenous Animals Act 1987 and the National Parks and Wildlife Act 1974.

Any business found with these animals during these inspections would be reported to NSW Department of Primary Industries and the Department of Environment and Climate Change for enforcement of the relevant Acts.

### **Answers to Questions Without Notice (contd)**

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#### **Q030 – State of the Jetty at Long Jetty**

Asked by Councillor Stewart at the Ordinary Meeting held on 14 May 2008  
F2005/02289

*“What has been done about the previously investigated state of the “Long Jetty”, action is now urgently needed on repairs to the Jetty or there will no longer be one as it is in a very bad state?”*

As a result of the storms of June 2007, the piles associated with the 'Long Jetty' sunk further into the lake bed causing undulations to the deck of the jetty. To rectify this situation remedial works were then undertaken at the end of 2007. This work included replacing six piles and packing a number of head stocks in order to bring the decking generally back to level.

Recently the existing jetty was subject to an attack by vandals. This event resulted in the hand rail being removed or rendered ineffectual at various locations over the first 100 metres of the jetty. The materials to rectify this damage have been purchased and the rectification works were scheduled for week commencing 26 May 2008.

**WYONG SHIRE COUNCIL**

11 June 2008

To the Ordinary Meeting of Council

**254                      Notice of Motion – Recent and Extraordinary Price Increases  
and Effect on Council’s Budget and Works Program**

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F2004/06579 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

*"That Council report on recent significant and projected extraordinary price increases in steel, concrete, oil and other raw materials and the effect of these increases on Council’s budget and works program."*

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

**255 Notice of Motion – Water Pipeline Strategy Briefing**

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F2007/01120 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

*"That Council urgently brief Councillors on the opportunities to use a road route pipeline corridor to provide infrastructure services to valley residents and to use Section 94 Contributions and/or Development Application consent conditions arising from 1-2 hectare hobby farm rezonings to contribute towards the cost of the corridor."*

11 June 2008  
To the Ordinary Meeting of Council

**256**                      **Notice of Motion – Proposed Changes to Council’s Community Benefits Grants Procedures**

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F2004/06287 WW

Councillor W Welham has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

- “1 That the Community Benefits Grants Procedures be modified to include policy and procedures for the identification and funding of major events.*
- 2 That these policies and procedure be based on the following criteria:*
  - Event is able to demonstrate injecting more than \$500,000 into the local economy.*
  - Event is a able to demonstrate that it is has a benefit for the entire Central Coast and not just one section of Wyong.*
  - Event is able to demonstrate numerous other sponsors besides Council.*
- 3 That the following events be determined as “major events” and Council allocate a line item in the Management Plan for these events:*
  - Arrive Alive Central Coast Pro Surfing Titles*
  - F1 Superboats*



## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

**257**                      **Notice of Motion – Proposal to reconstitute the NSW Coastal Council**

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F2004/06935 BP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

*“That Council call on the State Government to reconstitute the NSW Coastal Council to assist:*

- 1     *NSW coastal councils to deal with climate change and sea level rise(s) effects.*
- 2     *Coastal councils in updating coastal planning regulations.”*

**WYONG SHIRE COUNCIL**

11 June 2008

To the Ordinary Meeting of Council

**258 Notice of Motion – Policies Needed to Achieve Greater  
Competition in Retail**

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F2004/00526 BP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

*"That Council be advised on what planning instruments / policies need to be amended to achieve greater competition in the retail (specifically groceries) sector."*

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

**259                      Notice of Motion - Unlawful and Unenforceable Council Code  
of Meeting Practice**

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F2004/06502 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

- "1    That as a result of formal advice received 8 May 2008 Ref A127740 from the Director-General of the Department of Local Government, Mr Garry Payne AM, confirming that "the Department's position is that Council's Code of Meeting Practice is unlawful and unenforceable" and Mr Payne's comment that "I am disappointed that Council decided not to amend its Code of Meeting Practice in such a way as to reflect the Department's view that the number of motions put forward by a Councillor cannot and should not be limited", Council now urgently move to remedy its non compliance with the Local Government Act.*
- 2    That in reviewing Council's Code of Meeting Practice, Council reinstate Notices of Motion to the commencement of an Ordinary Meeting agenda thereby providing our residents and ratepayers speaking on a motion a more timely resolution to their issues.*
- 3    That Questions Without Notice now allow for minor actions / requests of staff and /or reports and that final determination of acceptability be at the discretion of the Mayor."*

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

**260 Notice of Motion – Toukley “Taj Mahal”**

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DA/627/2004/D GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

*"That staff urgently report to Council on the site known locally as the "Toukley Taj Mahal" and located at the gateway to Toukley at the bridge. The report should advise what options Council may have to force completion of these building works and/or their demolition."*

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

**261 Notice of Motion – Impact on Retail Parking - Wyong**

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F2004/06676 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 11 June 2008 he will move the following Motion:

- "1 *That further to the likely impacts of the Roads and Traffic Authority's Pacific Highway upgrade through Wyong and the current critical shortage of carparking in and around the town centre, staff provide a full report on Council's 5 December 2007 confidential briefing that scoped carparking options and initiatives for the precinct.*
- 2 *That Council now determine whether such a report should be shared with the community in open Council or limited to a confidential reporting session."*

## WYONG SHIRE COUNCIL

11 June 2008

To the Ordinary Meeting of Council

### **262                      Notice of Rescission – Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008**

F2004/06390 DJE, GPB, CV

Council, at the Ordinary Meeting held on 28 June 2008 gave consideration to a report regarding report no 214 - Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008.

At that meeting, Council resolved as follows:

*“That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, with the exception of item WA008, be received and the recommendations contained therein, adopted.”*

A Rescission Motion has been received from Councillors D J Eaton, G P Best and C Veugen to be moved at the Ordinary Meeting of Council to be held on 11 June 2008, as follows:

*“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:*

*That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, with the exception of item WA008, be received and the recommendations contained therein, adopted.”*

Should the above Rescission Motion be carried, further notice is given that Councillors D J Eaton, G P Best and C Veugen will move the following motion:

*“MOVE*

- 1     That the Minutes and recommendations of the Gosford Wyong Water Authority meeting contained in Items WA001-2, WA004-7 and WA009-12 be adopted.*
- 2     That in relation to Item WA004:*
  - a     For the Wyong river to Mardi dam pipeline the recommended route shown in appendix B be investigated and studied in detail by carrying out detailed topographic surveys, geotechnical investigations, ecological and cultural surveys and other engineering investigations;*
  - b     That recommendation 3 be adopted for sector 6;*
  - c     That for the balance of the Mardi to Mangrove pipeline the Council in principal adopt the road corridor route as the preferred route; and*
  - d     Council convene an urgent briefing/workshop to identify mechanisms for funding the increased construction cost arising from the road route.”*

## WYONG SHIRE COUNCIL

11 June 2008  
To the Ordinary Meeting of Council

### **263                      Notice of Rescission - Wyong Community Recreation Association**

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F2008/00352 KMF, RLG, BJP

Council, at the Ordinary Meeting held on 28 May 2008 gave consideration to a confidential report no W013 regarding Wyong Community Recreation Association.

At that meeting, Council resolved as follows:

- “1     *That the report be received and the information noted.*
- 2     *That the governance model as described in the report be adopted.*
- 3     *That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4     *That Council enter into legal agreements with WYCRA and LeisureCo for:*
  - a     *Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
  - b     *WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*
  - c     *Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
  - d     *WYCRA to continue to operate Bingo in the long term in order to repay Council's loans.*
- 5     *That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.*
- 6     *That the Loan Agreement with WYCRA be executed.*
- 7     *That Council authorise the Mayor and the General Manager to sign and seal all documents.”*

A Rescission Motion has been received from Councillors K M Forster, R L Graham and B J Pavier to be moved at the Ordinary Meeting of Council to be held on 11 June 2008, as follows:

*“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:*

- 1     *That the report be received and the information noted.*

11 June 2008  
To the Ordinary Meeting of Council

### **Notice of Rescission - Wyong Community Recreation Association (contd)**

- 2 *That the governance model as described in the report be adopted.*
- 3 *That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4 *That Council enter into legal agreements with WYCRA and LeisureCo for:*
  - a *Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
  - b *WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*
  - c *Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
  - d *WYCRA to continue to operate Bingo in the long term in order to repay Council's loans.*
- 5 *That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.*
- 6 *That the Loan Agreement with WYCRA be executed.*
- 7 *That Council authorise the Mayor and the General Manager to sign and seal all documents."*

Should the above Rescission Motion be carried, further notice is given that Councillors K M Forster, R L Graham and B J Pavier will move the following motion:

*"MOVE*

*That this matter be deferred pending a full briefing on all legal advice that Council has received on this matter."*