



Council hosted a water and environmental education day for homeschooling children as part of National Water Week. Nearly 60 children and parents attended and enjoyed the day. Here our Environmental Education staff are teaching the kids about catchments.

ORDINARY MEETING

11 November 2009



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 11 NOVEMBER 2009 at **5.00 pm,**
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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9 QUESTIONS WITHOUT NOTICE ASKED

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

Kerry Yates
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2009/00008 - D02057775

AUTHOR: ED

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

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

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

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

RECOMMENDATION

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

1.2 Inspections

TRIM REFERENCE: F2009/00008 - D02057817

AUTHOR: MR

SUMMARY

The following Inspections were carried out on 4 November 2009.

Date of Inspection	Location	Requested By
4 November 2009	Peel Street, Toukley - Foreshore Inspection for Toukley Strategy	Director Shire Planning
4 November 2009	69 Bungary Road, Norah Head - DA 565/2009 – Liquor Store (Shop 2)	Director Shire Planning
4 November 2009	Cabbage Tree Harbour – Properties affected by Orders issued in respect of landslip	Director Shire Planning

RECOMMENDATION

That Council receive the report on Inspections.

1.3 Address by Invited Speakers

TRIM REFERENCE: F2009/00008 - D02057902

AUTHOR: MR

SUMMARY

The following person has been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Dennis Banicevic, External Auditor, representing Price Waterhouse Coopers	5.1 Presentation on 2008-09 Audited Financial Reports	98	5 mins

RECOMMENDATION

- 1 ***That Council receive the report on Invited Speakers.***
- 2 ***That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an invited speaker's address.***

11 November 2009
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2009/00008 - D02057924

AUTHOR: MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 14 October 2009.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 October 2009.

ATTACHMENTS

1 Minutes of Ordinary Meeting held on 14 October 2009 D02047395

WYONG SHIRE COUNCIL**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 14 OCTOBER 2009
COMMENCING AT 5:07 PM**

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, PROJECT DIRECTOR, ACTING MANAGER FUTURE PLANNING, MANAGER DEVELOPMENT ASSESSMENT AND MANAGER FINANCE.

PROJECT DIRECTOR MARDI TO MANGROVE, MANAGER LEGAL & POLICY, SENIOR PLANNER – LEGAL & POLICY, LANDSCAPE ARCHITECT – FUTURE PLANNING, MANAGER CONTRACTS, ACTING MANAGER GOVERNANCE AND ADMINISTRATION, EXECUTIVE MANAGER – SHIRE SERVICES, SOCIAL PLANNER – FUTURE PLANNING, SENIOR CONTRIBUTIONS OFFICER, TEAM CO-ORDINATOR - DEVELOPMENT ASSESSMENT AND TWO ADMINISTRATION STAFF.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.07 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

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

- * THE MAYOR REPORTED THAT COUNCILLOR MCNAMARA HAD ADVISED THAT DUE TO WORK COMMITMENTS HE WOULD NOT BE ABLE TO ATTEND THE LGSA CONFERENCE BEING HELD IN TAMWORTH FROM 24 – 28 OCTOBER FOR WHICH HE HAS BEEN REGISTERED. AS THE REGISTRATION FEE IS NON-REFUNDABLE THE MAYOR ASKED FOR EXPRESSIONS OF INTEREST FROM ANY OTHER COUNCILLORS WHO WOULD LIKE TO ATTEND IN HIS PLACE.
- * COUNCILLOR MATTHEWS ADVISED THAT COUNCIL HAS NOW RECEIVED A CERTIFICATE IN RECOGNITION OF COUNCIL'S MEMBERSHIP OF THE MAYORS FOR PEACE.
- * COUNCILLOR WYNN REPORTED ON TWO FUNCTIONS WHICH SHE ATTENDED ON BEHALF OF COUNCIL:
 - * WYONG SHIRE GARDEN COMPETITION WHICH WAS THE BEST EVER AND WITH 250 PEOPLE IN ATTENDANCE AT THE AWARDS PRESENTATION. SHE ALSO EXTENDED THANKS TO THE GARDEN COMMITTEE FOR THEIR EFFORTS.
 - * AN OPERATIC CONCERT WHICH WAS HOSTED BY TOUKLEY SENIOR CITIZENS AND WAS ALSO WELL ATTENDED.
- * COUNCILLOR BEST – WYONG SHIRE PET EXPO WAS HELD RECENTLY AT WYONG RACECOURSE WHICH HAD A REALLY GOOD TURNOUT.
- * COUNCILLOR McBRIDE ANNOUNCED THAT THE WYONG NETBALL TEAM WAS SUCCESSFUL IN WINNING THE CENTRAL COAST CHALLENGE TROPHY IN A MATCH AGAINST GOSFORD RECENTLY AND EXTENDED CONGRATULATIONS TO THE TEAM ESPECIALLY SINCE THIS IS THE FIRST TIME WYONG HAS BEEN SUCCESSFUL IN WINNING THIS EVENT.

APOLOGIES

THERE WERE NO APOLOGIES.

1.1 Disclosure of Interest

6.10 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS 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 DID NOT CONTRIBUTE ANY FUNDS."

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

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

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

AGAINST: NIL

1.2 Inspections

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

That Council receive the report on Inspections.

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

AGAINST: NIL

1.3 Address by Invited Speakers

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

That Council receive the amended report on Invited Speakers.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 September 2009.

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

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

2.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

11.1 Proposed Acquisition of Land at Wyong

11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah

11.3 Q54 - Project and Legal Matters (Cabbage Tree Harbour)

11.4 Performance Review of General Manager

2 That Council note its reason for considering Report No 11.1 in confidential session is that it includes information that could confer a commercial advantage on a person with whom the Council will be conducting business, 11.2 includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, 11.3 concerns information that would, if disclosed, prejudice the maintenance of law and 11.4 concerns personnel matters.

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

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

AGAINST: NIL

RESPONSE TO Q45 – CABBAGE TREE HARBOUR SURVEILLANCE TO BE CONSIDERED IN OPEN SESSION.

3.1 Council Policy Review - Keeping of Animals

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

- 1 That Council place on public exhibition draft Council Policy K1 – Keeping of Animals for a period of 28 days for public comment.**
- 2 That Council adopt the policy under delegation of the General Manager should no significant objections be received.**
- 3 That Council update the policy manual and make available to the public and staff via Council's webpage once the policy is adopted.**

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

AGAINST: NIL

3.2 Planning Agreements Policy - Approval for Exhibition and Adoption

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

- 1 That Council place the Draft Planning Agreements Policy on public exhibition for a period of 28 days for public comment.**
- 2 That Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.**
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**

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

AGAINST: NIL

3.3 Draft Development Control Plan 2005: Chapter 65 On-Site Effluent Disposal In Non Sewered Areas

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

- 1 That Council place draft Development Control Plan No. 2005: Chapter 65 – On Site Effluent Disposal in Non Sewered Areas on public exhibition for a period of 28 days for public comment.**
- 2 That Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.**
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**

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

AGAINST: COUNCILLOR BEST.

3.4 Wyong Recreation Facilities Strategy

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

- 1 That Council adopt the revised draft as the Wyong Recreation Facilities Strategy.**
- 2 That the Strategy be reviewed within two years from date of the adoption and a report be forwarded to Council for consideration.**
- 3 That Strategic actions be considered for inclusion in the Shire Strategic Vision 4 Year Delivery Plan.**
- 4 That Council advise all stakeholders of the decision and public notice be given.**

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

AGAINST: NIL.

3.5 Draft Development Control Plan 2005: Chapter 14 - Tree Management

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

- 1 That Council adopt Draft Development Control Plan 2005: Chapter 14 - Tree Management with the exception of the changes proposed to Sections 7.1.1.**
- 2 That Council advertise the proposed changes to Section 7.1.1.**
- 3 That Council consider a further report on the re-advertisement.**
- 4 That Council's s.149 Certificates be noted as to the adoption of Chapter 14.**
- 5 That Council include in the definition of Plants with Undesirable Characteristics Generally the species "Pinus Sondereggeri".**

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

AGAINST: NIL.

3.6 DA/2660/2004 - Proposed Managed Resort Facility, The Entrance - Proposed Deferred Commencement Conditions

COUNCILLOR BEST LEFT THE CHAMBER AT 5.57 PM AND RETURNED TO THE CHAMBER AT 5.58 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council grant a "deferred commencement" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act subject to the attached draft deferred commencement conditions, with the time periods amended as follows:**
 - (a) the consent to lapse three years from the date the consent becomes operational.**
- 2 That Council authorise the General Manager to determine any applications for minor modifications to the approved development plans or consent conditions.**
- 3 That Council advise those who made written submissions of the decision.**

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

AGAINST: COUNCILLOR WYNN.

**4.1 Proposed Easements for Electricity Purposes over Council land Lot 86A DP
22837 Hakone Rd Woongarra**

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

- 1 That Council authorise the granting of a right of way, an easement for electricity purposes and an easement for electricity substation extending 3.3m into and 5.3m wide over Council's land, Lot 86A DP 22837 Hakone Road Woongarra to Energy Australia.**
- 2 That Council authorise a Deed of Agreement for Easement with Energy Australia undertaking that Council will grant the easements referred to in Item 1 subsequent to the installation of the Energy Australia infrastructure.**
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer Granting easement and plan between Wyong Shire Council and Energy Australia.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL.

- 4.2 Proposed Easements for Drainage over Lot 568 DP 23729 Delia Avenue, Budgewoi, Lot 479 DP 23729 Woolana Avenue, Budgewoi, Lots 520, 521 and 539 DP 23729 Woodlawn Drive, Budgewoi
-

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

- 1 That Council acquire easements to drain water:
 - 2m wide over Lot 568 DP 23729
 - Variable width over Lot 479 DP 23729
 - 2m wide over Lot 520 DP 23729
 - Variable width over Lot 521 DP 23729
 - 1.75m and 2m wide over Lot 539 DP 23729.
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements 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 easements in the event that negotiations with the property owners cannot be satisfactorily resolved.
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfers and/or Plans 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 acquisitions.
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.

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

AGAINST: NIL

4.3 Proposed Easement for Electricity Purposes over Lot 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby

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

- 1 That Council grant an easement for electricity purposes 15m wide and variable over Council's land, Lots 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby to Energy Australia.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to related documents as required.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL

4.4 Proposed Development Application and Lease of Council Land at Shannon Parade Berkeley Vale to Central Coast Community College

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

- 1 That Council grant owner's consent for the lodgement of a development application by Tuggerah Lakes Community College for erection of an education facility and associated parking on part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale.**
- 2 That Council advise Tuggerah Lakes Community College that it is prepared to enter into a 20 year maximum term lease at nominal rent subject to development consent being granted.**

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

AGAINST: NIL

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation

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

- 1 That Council accept Tender no. 9 from Process Engineering Technologies Pty Ltd in the lump sum amount of \$1,640,427.00 (excl GST).
- 2 That Council approve a contract budget of \$1,886,427.00 (excl GST) that provides for a contingency amount of \$246,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

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

AGAINST: NIL

5.2 CPA 160794 - Construction of Northern Section of Link Road, From Sparks Road to Future Development Area

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

- 1 That Council accept Tender Number 4 from Robson Civil Projects Pty Ltd in the estimated combined Schedule of Rates and Lump Sum total amount of \$7,919,245.88 (excl GST).
- 2 That Council approve a contract budget of \$8,711,245.88 (excl GST) that provides for a contingency amount of \$792,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.
- 3 That Council support lobbying of the Roads and Traffic Authority to contribute to the cost of the intersection reconstruction works on Sparks Road at its intersection with the Link Road.
- 4 That Council confirm its intention to use the proceeds, from the sale of Council-owned land located to the south of this section of the Link Road, to bankroll the remaining southern section of the Link Road. This will enable the earliest possible construction of the remainder of the road subject to satisfactory cashflow.
- 5 That Council consider a report identifying the likelihood of the southern portions of the Link Road being completed within 20 years and whether this section can be justified in the Section 94 Contribution Plan.

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

AGAINST: NIL

5.3 CPA 164633 Excavation and Lining of Cell 4.2B at Buttonderry Waste Management Facility

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

- 1 That Council accept Schedule of Rates Tender no. 5 from Robson Civil Projects Pty Ltd in the extended Schedule of Rates amount of \$4,198,468.64 (excl GST).
- 2 That Council approve a contract budget of \$5,000,000.00 (excl GST) that provides for a contingency amount of \$801,531.36 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

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

AGAINST: NIL

6.1 Review of Code of Meeting Practice

COUNCILLOR BEST LEFT THE CHAMBER AT 6.42 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council amend the Code of Meeting Practice as follows:

- a **Insert a new Clause 13(6)**
“Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors.”

A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act.
- b **Amend Clause 26(1) to**
“Notices of Motion and Notices of Rescission, excluding notices lodged under Clause 39 (2) of the Code of Meeting Practice, shall be lodged in writing with the Supervisor, Councillor Services by 9.30 am on the second Monday preceding a meeting.”
- c **Delete Clause 26(6)**
“If a notice of motion is lodged for inclusion in the ordinary meeting business paper, the Mayor may nevertheless determine in the first instance to refer the notice of motion to the General Manager for report and recommendation to Council.”
- d **Replace Clause 34 with**
“(a) A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).

- (b) **At Meetings of the Council, Councillors, may choose to:**
- i sit or stand when speaking.
 - ii read from notes when speaking.”

When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

e **Delete Clause 22 (1) (q)**

(q) **Questions of which due notice has been given**

f **Replace Clause 22 (1) (v)**

(v) **Questions On Notice - Responses to Questions on Notice may in accordance with the Department of Local Government Practice be a report to Council that may be debated and form the basis for Motions on that topic at that meeting subject to confirmation from Council’s legal advisors as to the permissibility of this amendment.**

g **Insert a new Clause 17 (4)**

“In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.”

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

AGAINST: NIL

6.2 Proposal to establish a Strategic Finance Committee

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

- 1 That Council note the report on establishing a Strategic Finance Committee (SFC).**
- 2 That Council establish a Strategic Finance Committee in accordance with the attached proposed Charter.**
- 3 That all interested Councillors be members of the Committee with a quorum of three required for any meeting.**
- 4 That Council appoint Councillor McBride as Deputy Chairperson of the Committee.**

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

AGAINST: NIL

6.3 **Reviews Required Under Local Government Act 1993**

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

- 1 That Council confirm the current delegations to the General Manager as listed in the attached document.**
- 2 That Council determine the existing organisational structure is appropriate for the time being.**
- 3 That Council reconsider the organisational structure as part of determining the four year delivery plan.**

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

AGAINST: NIL

6.4 **Rate Payment Incentive Scheme**

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

That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2009-10.

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

AGAINST: NIL

THE WINNER OF COUNCIL'S RATEPAYER INCENTIVE SCHEME FOR 2009-10 IS MR A CLARKE AND MS J A CLARKE (SUBJECT TO VERIFICATION).

6.5 2008-09 Annual Financial Reports

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.13 PM AND RETURNED TO THE CHAMBER AT 7.15 PM DURING CONSIDERATION OF THIS ITEM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 7 October 2009 and adopt the recommendations contained therein.
- 2 That Council adopt the Draft 2008-09 Financial Reports with amendments as per Attachment 5.
- 3 That Council refer the Draft 2008-09 Financial Reports to External Audit.
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute the required Certificates in relation to the Draft 2008-09 Financial Reports as required by relevant legislation.
- 5 That Council provide a copy of the Financial Reports and Audit Opinion to the Department of Local Government and the Australian Bureau of Statistics in accordance with Sections 417(4) and (5) of the Local Government Act 1993.
- 6 That Council fix 11 November 2009 as the date for the presentation of the audited 2008-09 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.

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

AGAINST: NIL.

6.6 Membership - General Manager Performance Review Panel

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.13 PM AND RETURNED TO THE CHAMBER AT 7.15 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council elect a delegate to the General Manager – Performance Review Panel for the term of Council.

COUNCILLOR VINCENT WAS ELECTED AS THE DELEGATE.

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

AGAINST: NIL

6.7 Proposed Dissolution of Mardi Community Nursery and Associated Section 355 Committee

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

- 1 That Council approve the dissolution of Mardi Community Nursery Section 355 Committee.
- 2 That Council approve the Mardi Community Nursery resources being distributed for use at other Landcare Community Nurseries through a merits based expression of interest process.
- 3 That Council send letters to the Committee members and volunteers who have participated in the project, thanking them for their time and contribution.

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

AGAINST: NIL

6.8 Fleet Replacement Program for 2009-2010

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

- 1 That Council approve the Fleet Replacement Program for 2009/2010.
- 2 That Council source its Fleet Replacement from local dealerships where possible.

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

AGAINST: NIL

6.9 Alternatives to Fund the Planned Soldier's Point Foreshore Improvement Works in the 2009-2010 Management Plan

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.23 PM AND RETURNED TO THE CHAMBER AT 7.24 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council note that no additional funds are required to meet the proposed work schedule at Soldier's Point Foreshore and alternate funding will not be required.

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

AGAINST: NIL.

6.10 Proposed Councillors' Community Improvement Grants

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBIC SCHOOL, LEFT THE CHAMBER AT 7.23 PM RETURNED TO THE CHAMBER AT 7.24 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS 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 DID NOT CONTRIBUTE ANY FUNDS."

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

That Council allocate an amount of \$9,498 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

6.11 Waste and Sustainability Improvement Payments

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

- 1 **That Council endorse the following high priority projects to the value of \$550,000.00 (excl GST) to be developed and submitted to DECCW by 30 October 2009 as part of the Sustainability Action Plan:**
 - a) **Provision of high risk waste collection service for e-waste, batteries and fluorescent light bulb and tubes.(\$110,000.00 excl GST)**
 - b) **Replacement of air-conditioning units in buildings C and D of the Civic Centre.(\$240,000.00 excl GST)**
 - c) **Temporary engagement of a Waste and Sustainability Improvement Officer. (\$100,000.00 excl GST)**
 - d) **Increase purchase of Green Energy for the Civic Centre from a current level of 25% to 50%. (\$100,000.00 excl GST)**
- 2 **That the shortfall of \$550,000.00 (excl GST) in funding for Waste programs as a result of re-directing these funds to sustainability projects be addressed by reviewing future waste projects and revenue from tipping fees and the Domestic Waste Management Charge.**

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

AGAINST: COUNCILLOR BEST, EATON AND MCNAMARA.

6.12 Bid to Host the NSW Surf Lifesaving Championships 2011-2013

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

- 1 That Council receive the report on the Bid to Host the NSW Surf Lifesaving Championships.
- 2 That Council endorse the actions of the Mayor and General Manager regarding this issue.

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

AGAINST: NIL

7.1 Minutes - Wyong Shire Grants Committee Meeting - 30 September 2009

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

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 30 September 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

7.2 Minutes - Central Coast Regional Organisation of Councils - 16 September 2009

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.49 PM AND RETURNED TO THE CHAMBER AT 7.50 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive the minutes of the Central Coast Regional Organisation of Councils meeting held on 16 September 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

8.1 Information Reports

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

That with the exception of report number 8.2, 8.3, 8.4, 8.5, and 8.7 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

8.2 Disclosure of Interest Returns

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

That Council receive the report on Disclosure of Interest Returns.

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

AGAINST: NIL

8.3 Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season

COUNCILLOR MCNAMARA LEFT THE CHAMBER AT 7.57 PM AND RETURNED TO THE CHAMBER AT 7.58 PM DURING CONSIDERATION OF THIS ITEM .

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

- 1 *That Council receive the report on Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season.***
- 2 *That further to report 8.3 Council recognise the outstanding efforts of Council's staff, Rural Fire Service staff and volunteers in their endeavours to prepare the Shire's bushfire fighting resources for the upcoming summer season.***

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

AGAINST: NIL

8.4 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

8.5 Minutes of the Wyong Shire Senior Citizens' Council Meeting of 27 August 2009

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

That Council receive the report on Minutes of the Wyong Shire Senior Citizens' Council Meeting of 27 August 2009.

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

AGAINST: NIL

8.6 Investments for August 2009

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

That Council receive the report on Investments for August 2009.

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

AGAINST: NIL

8.7 Outstanding Questions Without Notice and Notices of Motion

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 8.28 PM AND RETURNED TO THE CHAMBER AT 8.29 PM DURING CONSIDERATION OF THIS ITEM.

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

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

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

AGAINST: NIL

SUSPENSION OF STANDING ORDERS

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

That Council suspend standing orders to allow Item 10.2 Notice of Motion – Woolworths Lake Munmorah and District Medical Centre to be dealt with next as Mr Stuart Durie, Chairman Of The Lake Munmorah Chain Valley Bay Community Precinct Committee is in attendance as a speaker on this item.

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

AGAINST: NIL.

THE MEETING ADJOURNED AT 8.34 PM AND RESUMED AT 8.37 PM.

FOR THE SAKE OF CLARITY THE MINUTES INCLUDE CONSIDERATION OF ITEM 10.2 NOTICE OF MOTION – WOOLWORTHS LAKE MUNMORAH AND DISTRICT MEDICAL CENTRE IN THE CORRECT AGENDA SEQUENCE.

10.1 Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial

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

That further to Council's initial resolution of 27 February 2008 on Item 194 – Geotextile Bag Investigations and Council's subsequent unanimous resolution on Item 343 – Geotextile Bag Investigations on 23 July 2008, staff now report as to what state this matter is now at as at this date (14/09/09).

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

AGAINST: NIL

10.2 Notice of Motion - Woolworths Lake Munmorah and District Medical Centre

COUNCILLOR BEST LEFT THE CHAMBER AT 8.36 PM AND RETURNED TO THE CHAMBER AT 8.37 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.54 PM AND RETURNED TO THE CHAMBER AT 8.58 PM DURING CONSIDERATION OF THIS ITEM

MR STUART DURIE, CHAIRPERSON OF THE LAKE MUNMORAH CHAIN VALLEY BAY COMMUNITY PRECINCT COMMITTEE, ADDRESSED THE MEETING AT 8:37 PM, ANSWERED QUESTIONS AND RETIRED AT 9.00 PM.

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

- 1 That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now report what progress has been made, outlining key issues for resolution and indicative timeframes.**
- 2 That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah).**
- 3 That Council formally thank the Lake Munmorah Chain Valley Bay Precinct Committee for their strong interest and support for this important community infrastructure.**
- 4 That Council formally seek assistance from the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong to expedite this matter.**

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

AGAINST: NIL

10.3 Notice of Motion - Popularly Elected Mayor

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

That staff report on the process and indicative costs associated with Council conducting a referendum at the next Local Government elections, to establish the level of support for a community/popularly elected Mayor for the four year term of the Council.

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

AGAINST: NIL

10.4 Notice of Motion - Rezoning of Land at Lot 3 Kanangra Drive, Gwandalan

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 9.34 PM AND RETURNED TO THE CHAMBER AT 9.35 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor SYMINGTON and SECONDED by Councillor WYNN:

- 1 *That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.*
- 2 *That Council include this rezoning, if it occurs, as part of the revised LEP for 2011.*

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor BEST:

- 1 *That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.*
- 2 *That Council include, in the Draft Settlement Strategy, the appropriate part of this land as proposed Low Density Residential R2.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST AND EATON

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

RESOLVED on the motion of Councillor SYMINGTON and seconded by Councillor WYNN:

- 1 ***That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.***
- 2 ***That Council include this rezoning, if it occurs, as part of the revised LEP for 2011.***

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

AGAINST: COUNCILLORS BEST AND EATON

10.5 Notice of Motion - Grants Submissions

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

- 1 That a Councillor briefing be conducted on Grants Submissions; considering but not limited to the status of current Federal Infrastructure Grants.**
- 2 That Council establish a register of available grant opportunities to external bodies. That this register indicate the current status of applications (ie submitted, pending, successful, unsuccessful) and the grant submission.**
- 3 That Council establish a protocol for informing Councillors and the Community, in a timely manner, of potential grants available.**

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

AGAINST: NIL

10.6 Notice of Motion - Discontinuation of Supply of Bottled Water to Council

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

- 1 That Council stop purchasing bottled water and instead investigate alternatives.**
- 2 That Council investigate and report on the access for refilling water containers from public drinking fountains to encourage recycling, decrease landfill and reduce the Shire's carbon footprint.**

FOR: COUNCILLORS BEST, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

10.7 Notice of Motion - Public Relations Costs Review

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

- 1 That Council consider a report on current costs of public relations/communication and dedicated staff resources, efficiency and potential savings.**
- 2 That the report also address the linkages between the communications section and the Shire Strategic Vision and Management Plan.**

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

AGAINST: NIL

10.8 Notice of Motion - Request for Minister for Community Services to Review Decision Regarding Age of Child Care Trainees

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

That Council write to the Minister for Community Services, the Hon Linda Burney requesting the Minister to seek advice on the Department of Community Services' decision to restrict child care trainees to over 18 years, discriminating against Year 10 and 11 potential trainees.

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST LEFT THE CHAMBER AT 10.09 PM AND RETURNED TO THE CHAMBER AT 10.15 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR VINCENT SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSED SALE OF LOT 83 DP 27286 CHARMHAVEN AVENUE AND LOT 94 SECTION 1 DP 11824 MOALA PARADE, CHARMHAVEN AND DUE TO THE COUNCIL MEETING OF 28 OCTOBER BEING CANCELLED THIS MATTER NOW NEEDED TO BE CONSIDERED.

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

That Council consider a Motion of Urgency regarding the Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven.

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

AGAINST: COUNCILLOR EATON.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MOTION OF URGENCY.

U17/09 Motion of Urgency - Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 10.13 PM AND RETURNED TO THE CHAMBER AT 10.15 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 10.09 PM AND RETURNED TO THE CHAMBER AT 10.15 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 10.17 PM AND RETURNED TO THE CHAMBER AT 10.18 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council defer the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;

- a the submission of a report by local residents regarding the use of these two blocks;**
- b an opportunity being given to the local residents to address Councillors at a future resident's forum;**
- c a report from staff in regard to the submission by local residents. This report is also to include a list (developed in consultation with the broader community of Charmhaven and Lake Haven) of potential projects that could be funded from the proceeds of the sale if it proceeds.**
- d a report about alternative uses of the land such as the path combined with a park or community garden retaining as much of the old growth as possible.**

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

AGAINST: COUNCILLORS EATON AND MCNAMARA

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR WYNN SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE SELECTION OF A NEW GENERAL MANAGER.

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

That Council consider a Motion of Urgency regarding selection of a new General Manager

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

FOR: COUNCILLORS BEST, EATON, MCNAMARA, VINCENT AND WYNN.

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON AND WEBSTER.

THE MAYOR RULED THAT THE MATTER WAS NOT OF GREAT URGENCY

QUESTIONS WITHOUT NOTICE ASKED**Q55/09 Directional Signage Cobbs Road**

Councillor Doug Eaton
C2009/05502

“Could Council liaise with the Roads and Traffic Authority as to placing directional signage on the Cobbs Road/ North F3 exit indicating turn left for Wyong CBD and adding Tuggerah to existing signage?”

Q56/09 Applications for Federal Government Jobs Funds

Councillor Doug Eaton
F2009/00960

“Could Council advise by way of an information report its applications for Federal Government funding job funds, its success and any funds granted to Wyong Shire based on projects?”

Q57/09 Coles Intersection at Blue Haven

Councillor Doug Vincent
F2007/00257

“Could Council staff please advise on the status of upgrading the Coles intersection at Blue Haven with the view of alleviating the congestion of traffic travelling north through the intersection?”

It is noted that Council were involved in the original survey undertaken in conjunction with the Roads and Traffic Authority.”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.38 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE MEMBERS OF THE PRESS AND PUBLIC EXCLUDED FROM THE MEETING OF THE CLOSED SESSION AND ACCESS TO THE CORRESPONDENCE AND REPORTS RELATING TO THE ITEMS CONSIDERED DURING THE COURSE OF THE CLOSED SESSION BEING WITHHELD. THIS ACTION IS TAKEN IN ACCORDANCE WITH SECTION 10A OF THE LOCAL GOVERNMENT ACT, 1993 AS THE ITEMS LISTED COME WITHIN THE FOLLOWING PROVISIONS:-

- “2(a) personnel matters concerning particular individuals (other than councillors).*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*
- 2(e) information that would, if disclosed, prejudice the maintenance of law.*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege”.*

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.52 PM AND THE ACTING GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

11.1 Proposed Acquisition of Land at Wyong

- 1 That Council authorise the General Manager to purchase the former Tennis Club site located at Lot 4 DP 614523, Ithome Street, Wyong for \$800,000 plus GST
- 2 That Council propose classification of Lot 4 DP 614523 as Operational Land.
- 3 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.
- 4 That Council adopt the classification if no adverse submissions are received.
- 5 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the purchase of the land in Item 1 by Wyong Shire Council.
- 6 That Council authorise the execution by Mayor and the General Manager of all documents relating to the purchase of the land in Item 1 by Wyong Shire Council

11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah

- 1 That Council cancel the Contract CPA/161651 Construction of 300mm Diameter Gravity Sewer main – Gavenlock Rd, Tuggerah formed with Kilbraney Civil Pty Ltd.
- 2 That Council delegate to the General Manager and the Mayor the authority to determine whether to seek damages from Kilbraney Civil.
- 3 That Council proceed to re-tender the above contract.

11.4 General Manager's Performance Review

RECOMMENDATION

That Council receive the report on the General Manager's Performance Review and the information be noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.52 PM.

.....
CHAIRPERSON

2.1 DA 565/2009 - Proposed Liquor Store at Norah Head

TRIM REFERENCE: DA/565/2009 - D02048194

AUTHOR: EB

SUMMARY

An application has been received for the use of an existing commercial premises in Bungary Road Norah Head for the purpose of a liquor store. The application has been assessed having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP&A Act). Due to the level of community interest in this application and the number of submissions received by Council, the application has been called by a Councillor with the concurrence of the Mayor to a full Council meeting for determination. The application is recommended for approval.

Applicant	Giancarlo Calzolari & Anna-Maria Calzolari
Owner	Giancarlo Calzolari & Anna-Maria Calzolari
Application No	DA/656/2009
Description of Land	Lot 1 SP 60458 (No.69) Bungary Road, Norah Head
Proposed Development	Change of use (Liquor Store)
Site Area	Approximately 730m ² (Shop 2 approximately 80m ²)
Zoning	3(a) General Business Zone
Existing Use	Take-away /General Store
Employment Generation	No (2 staff)
Estimated Value	\$20,000

RECOMMENDATION

- 1** *That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2** *That Council advise those who made written submissions of its decision.*

PRECIS

The site is located in the Norah Head neighbourhood shopping precinct, on the corner of Bungary Road and Mitchell Street. Lot 1 in SP 60458 has been divided into five separate tenancies, which are currently occupied by a restaurant, beauty centre, take-away /general store; hairdresser and one vacant shop. The current application seeks to occupy Shop 2 for the purpose of a liquor store involving the sale, but not consumption, of alcohol from the premises.

There were 20 submissions received following public exhibition, all of which objected to the proposal.

The proposal is a permissible land use within the 3(a) Business Zone under Wyong Local Environmental Plan 1991(WLEP) and complies with all relevant planning instruments and Council policies. However, Council should note that the use of the premises as a liquor store now falls within the definition of "exempt development" under the recently amended State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008.

The proposed use of the shop premises as a liquor store is now defined as “exempt development” which no longer requires consent from Council; and the internal building alteration involving installation of a new cool room is now defined as “complying development” under the SEPP (Exempt and Complying Development Codes) 2008. Therefore, should the current application be withdrawn by the applicant, the proposed use of the shop as a liquor store would no longer require development consent from Council. The only aspect of the proposal requiring consent is the cool room installation because the SEPP commenced after lodgement of this development application and does not apply to this development.

INTRODUCTION

The site is located on the corner of Bungary Road and Mitchell Street in Norah Head, within a neighbourhood business precinct. The 3(a) General Business precinct currently contains two restaurants, 1 take-away/general store; 1 diner; 1 gift / fashion boutique, medical clinic, swim centre, beauty centre, hairdresser, building designer and two vacant premises. Some of the premises have a residence above the commercial premises, and all have access for waste storage, loading, parking etc at the rear via Effort Lane.



*Fig 1: No. 69 Bungary Road is the property with frontage to Bungary Road
The neighbourhood shopping precinct is bound by the red 3(a) Zone outline*

The 3(a) General Business Zone is bound by public roads on three sides and residential uses immediately to the north. There are various parks and reserves throughout Norah Head, including Mazlin Reserve to the south-east of the site.

The proposed liquor store use involves the internal fitout of shelving, counter area, walk-through cool room and one new cool room motor located at the rear of the shop. Of these works, only the new cool room requires consent, which could be obtained via complying development in accordance with SEPP (Exempt and Complying Development Codes) 2008.

The development proposes the following operating times:

Friday – Saturday	9:00am - 9:00pm
Monday – Thursday	9:00am – 8:00pm
Sunday	10:00am – 7:00pm

Deliveries are proposed between 8:30am – 5:30pm weekdays.

Shop 2 is currently occupied by a take-away /general store. The applicant indicates that if consent is granted for the liquor store, the take-away /general store may relocate to the vacant premises (Shop 4) in the same building.

VARIATIONS TO POLICIES

Nil.

PERMISSIBILITY

Wyong Local Environmental Plan 1991

The subject site is zoned 3(a) General Business Zone under the Wyong Local Environmental Plan 1991. The proposed development is defined as a “shop”, which is permissible with consent and complies with the objectives of the zone as follows:

“(a) To provide for the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business ventures within the retail hierarchy proposed by a development control plan prepared by the Council for the purpose, and...”

The site is within an identified neighbourhood centre, in accordance with Council's adopted retail hierarchy. The proposed liquor store represents a retail activity that will serve the needs of the local community of Norah Head.

“(b) To provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and...”

Shops are typically high intensity retail uses. Under Wyong LEP 1991 a “shop” is only permissible within a 3(a) Business Centre Zone or 3(d) Tourist Business Zone.

“(c) To enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.”

The proposal is compliant with Council's adopted Development Control Plan Chapter 81 – *Retail Centres*, as discussed later in the report.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The application was lodged in June 2009. Part 5 of SEPP (Exempt and Complying Development Codes) 2008 introduced commercial and industrial provisions in September 2009.

In accordance with the provisions of the recently adopted SEPP (Exempt and Complying Development Codes) 2008, the proposed change of use from general store/take-away to liquor store satisfies the criteria for exempt development. In this regard, it is important to note that if the applicant was to withdraw the current application or Council was to refuse the application, the liquor store use would therefore not require consent from Council, nor consultation with the NSW Police or the public.

The internal building alterations do not require consent, with the exception of the new cool room. The new cool room requires consent, and this could be obtained via a complying development application from either Council or a Private Certifier, in accordance with the SEPP.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The proposal has been assessed against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy 71 – Coastal Protection
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Development Control Plan 2005 Chapter 50 (Advertising Signs)
- Development Control Plan 2005 Chapter 61 (Carparking)
- Development Control Plan 2005 Chapter 69 (Waste Management)
- Development Control Plan 2005 Chapter 81 (Retail Centres)
- Council's Retail Strategy
- Toukley S94 Contribution Plan

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

State Environmental Planning Policy 71 – Coastal Protection

The proposal is consistent with this Policy, as demonstrated in the assessment summary table attached to the report.

Wyong Retail Strategy & DCP 2005 Chapter 81 – Retail Centres

The subject site is located within the Norah Head neighbourhood shopping precinct, and is compliant with the objectives for neighbourhood centres, as follows:

- *To provide centres which allow for daily and/or convenience shopping needs.*
- *To encourage shop-top housing in Neighbourhood Centres.*

The majority of controls within this plan relate to new development and redevelopment that involves expansion of the retail floor space. The development complies with those controls applicable to the current application. An assessment summary is attached to the report.

DCP 2005 Chapter 50 – Advertising Signage

Under the provisions of this plan, the following sign types are permitted in commercial zones, without the need for development consent:

- Flush wall / hamper signs (maximum 25% of the wall space of the frontage)
- Under-awning signs
- Identification signs

For security purposes, a condition of consent will be applied to ensure that no signage is erected across the left window of the shop front, in order to maintain sight lines between the outdoor space and the counter of the shop.

DCP Chapter 61 – Carparking

Car parking requirements for a “shop” are less than the requirements for a “convenience store” under Section 3 of this plan, therefore in accordance with Council’s DCP the use does not generate additional parking demand. Furthermore, Section 10.1 of this plan provides:

“Where a use is changed to another similar use and no structural alteration, extension, enlargement or rebuilding is proposed, no additional parking provision is required.”

Accordingly, on site parking requirements are acceptable.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The site is located within the Norah Head neighbourhood business precinct, which serves the needs of local residents and visitors of Norah Head. No external alterations or modifications to the existing shop are needed in order for the shop to be utilised as a liquor store. The context and setting of the site, being within a neighbourhood business precinct, is appropriate for the proposed shop. Operating hours are considered compatible with other businesses and appropriate in the business zone.

The access, transport and traffic management measures

The proposed use does not represent an intensification of the existing shop use, or change the building classification, therefore the existing car parking available on the site is deemed sufficient.

Informal parking for approximately eight vehicles is available at the rear, accessible via Effort Lane. Of these eight spaces, two spaces are allocated in the strata plan for the upper level units. This leaves six parking spaces shared between the five separate shop premises at ground level, for use by staff.

Separate customer parking is available in front of the shops in Bungary Road for approximately six vehicles; as well as approximately 28 right-angle parking spaces in Mitchell Street.



Fig 2: Parallel parking available in Bungary Road



Fig 3: Right-angle parking available in Mitchell Street

The impact on the public domain (recreation, public open space, pedestrian links)

As discussed earlier in the report, there will be negligible external changes to the building as a result of the proposal. A public footway exists along the Bungary Road frontage, which wraps around the corner and continues along the commercial properties in Mitchell Street, providing a link between the businesses.

Any impact on the conservation of water

As the proposal is for use of an existing building and does not involve alterations such as increased hardstand area or roof area, no requirement for rainwater collection / re-use will be imposed. As the proposal does not involve residential development and is a minor project cost, no BASIX Certificate is required. No additional fixtures are being installed internally, and the proposed use as a liquor store is not anticipated to generate any higher demand for potable water than the existing approved use as a take-away / general store.

Any effect on quality of air and microclimate conditions

The proposed liquor store is unlikely to have any adverse impact on air quality given it involves the sale of unopened goods from the site.

The provision of waste facilities

Waste generated by the proposed liquor store will predominantly be cardboard which will be recycled. Some glass bottle and can wastage may occur, which will be disposed of via the fortnightly waste service for the site.

Whether the development will cause noise and vibration

The proposal will involve the sale of liquor to the public. However, no liquor will be consumed on the site and is not permitted to be consumed at the public parks and reserves surrounding the site. No alcohol is permitted on Council controlled parks and reserves, in accordance with the Local Government Act 1993. This is discussed in greater detail later in the report. The proposal will generate vehicle and pedestrian movements in the immediate vicinity of the shop, which is compatible with the existing uses surrounding the site, being shops in a neighbourhood business precinct and is therefore considered reasonable.

Whether the development provides safety, security and crime prevention

In 2001 Crime Prevention Guidelines were introduced to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community.

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. The Strategy reduces opportunities for crime by using design and place management principles.

The comments provided by the NSW Police are summarised below:

CPTED Element:	Advised Conditions of Consent:	Recommended Conditions of Consent:
Surveillance	<ul style="list-style-type: none"> It is recommended that staff numbers be obtained, particularly for later hours of trading to enhance surveillance and ensure the safety of staff. 	<ul style="list-style-type: none"> Design of the shop front should be emphasized with windows and transparent materials to encourage good surveillance opportunities into and out of the business. Doors within the business, i.e. leading to the rear section, should have good access control, but enable staff to have good sight lines with each other (from the rear area to the front café area and vice versa). Surveillance equipment can enhance the physical security of the business and assist in the identification of people involved in anti-social or criminal behaviour. <ul style="list-style-type: none"> Cameras should be installed both within and around the business to maximize surveillance opportunities. Consideration should be given to installing a camera at the rear of property to monitor staff parking and access points. Digital technology should be used. Ensure that the requirements of the Surveillance and Privacy Act are adhered to. CCTV must be vandal resistant and able to clearly identify and record faces, shapes and colours. Cameras should monitor the cashier's area, high cost merchandise areas with poor natural supervision. TV monitors should enable staff to monitor activities on the camera. Recording equipment should be installed away from the counter area to avoid tampering. Proposed shelving within the development should be limited in height, or be transparent, to increase natural visibility within the business and to the outside of the business. Shelves should be positioned so that staff behind the counter have good lines of sight.
Lighting	<ul style="list-style-type: none"> It is recommended that further information be obtained in regards to the use of lighting, both internally and externally to ensure lighting meets required standards to enhance surveillance opportunities during hours of darkness and the safety of staff and customer/s both inside the development and on the footpath. 	<ul style="list-style-type: none"> A lighting maintenance policy needs to be established for the development. Currently there is minimal lighting surrounding the existing development, especially on the footpath area outside. Poorly lit pathways will not be used and these dark areas reduce natural surveillance, generate fear and stimulate criminal activity. Studies show that effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Ideally, lighting that allows 15 metre facial recognition test should be installed. Install security lighting in and around the business, particularly over entry/exit points to create an even distribution of light with no glare. Consideration should be given to sensor lighting at the rear of the development to assist with staff accessing their vehicles. Sensor lighting is cost effective as it only activates when movement is detected within the zone.
Territorial Reinforcement	<ul style="list-style-type: none"> A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8. 	<ul style="list-style-type: none"> There is no information to indicate signage, which might be used in and around the development. Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting.

	<ul style="list-style-type: none"> Signage needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only. 	<ul style="list-style-type: none"> Signage needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted. Research shows that vegetation is commonly used to aid concealment of criminals, therefore it is important that landscaping/vegetation be applied effectively. Vegetation closest to pedestrian pathways and cycle ways require close consideration. Species must be selected for different locations on the basis of their height/bulk and shape. Low garden shrubs (<600mm), with vegetation stepped back in height to maximise sightlines. Ensure that high branching trees are not planted next to street lights. As in the future trees will grow and develop and if the wrong species is planted, visibility is decreased, fear increases and pedestrians street usage is decreased.
Environmental Maintenance	<ul style="list-style-type: none"> There is no information within the plans which indicate what maintenance policies will be included within this development. A maintenance policy needs to be established for this development. 	<ul style="list-style-type: none"> As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials, particularly on the ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks. A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a forty-eight hour period.
Space / Activity Management	Nil.	Nil.
Access Control	<ul style="list-style-type: none"> Access to rear of the building needs to be controlled and restricted to all unauthorized persons. As there is minimal surveillance to this area, proper security needs to be considered. Appropriate signage needs to be installed. 	<ul style="list-style-type: none"> The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia. The windows should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development. Bollards or barriers can be installed to reduce the opportunities for ram raid attacks. Counters should be designed to reduce the opportunity for assault of staff and unauthorized access to behind counter areas. Consider adjustments to the width, height and location of the counter. Is the counter area clear of heavy or sharp items that could be used as weapons? Windows can also be re-enforced to restrict unauthorized access by: <ul style="list-style-type: none"> Applying a shatter resistant film; Replacing the existing glass with laminated glass A safe designed and installed to the Australian Standards can provide additional security to money and other valuables. To enhance the security of the business, a monitored intruder alarm system is recommended. <ul style="list-style-type: none"> Consider incorporating a duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. Consideration should be taken to having some type of access control installed within the main customer entry/exit points so that staff can control customer entry within later hours of trading.

The applicant will be advised of the NSW Police recommendations in a letter accompanying the development consent and encouraged to adopt the recommendations during their management and daily operation of the business. Conditions of consent shall require the installation of CCTV surveillance and security lighting.

Any social impact in the locality

The applicant did not submit a social impact statement with the application. However, a community impact statement is a requirement in the process for obtaining a liquor licence for a liquor store, governed by the Casino, Liquor and Gaming Control Authority NSW. The Authority cannot grant a liquor licence, authorisation or approval unless it is satisfied that the overall social impact will not be detrimental to the well being of the local or broader community.

Whilst it is difficult to determine the affect of alcohol consumption on malicious damage offences, NSW Police commented that it is *“highly likely that these types of offences are committed by juveniles who are generally intoxicated.”* The Norah Head area and immediate surrounding suburbs have a high rate of underage drinking and associated anti-social behaviour. According to NSW Police *“it can be assumed that (crime statistics) could increase with the introduction of a liquor shop in the Norah Head CBD area”*.

The liquor store will undoubtedly increase access to alcohol in Norah Head. The following features are considered to assist in mitigating the potential adverse social impacts such as underage drinking and anti-social behaviour:

- All public parks in Norah Head are currently signposted as “no alcohol” areas.
- The liquor store shall be permitted to sell alcohol, but no alcohol to be consumed on the premises.
- The operator is required to comply with relevant legislation, which prohibits sale of alcohol to underage persons or supply of alcohol to underage persons, drink-driving, etc.
- Conditions of consent would require surveillance cameras and lighting to be installed around the shop.

It is not uncommon for a liquor store to be located within close proximity to a restaurant that permits patrons to bring their own wine (BYO). There are two existing restaurants in the same neighbourhood business precinct. The patrons of these restaurants will be afforded an opportunity to purchase their own alcohol at the liquor store to consume at the restaurant(s).

NSW Police supports a 6 to 9 month trial basis for the liquor store. However, given the mitigation measures to be implemented, the presence of existing ‘no alcohol areas’ in the locality and the inclusion of the proposed use in the State defined “exempt development” it is considered reasonable to grant consent, with no time limit.

The liquor store will enable local residents and visitors to purchase alcohol to be consumed elsewhere. It is not uncommon for a liquor store to be located within close proximity to a restaurant that permits patrons to bring their own wine (BYO). There are two existing restaurants in the same neighbourhood business precinct. The patrons of these restaurants will be afforded an opportunity to purchase their own alcohol at the liquor store to consume at the restaurant(s).

The applicant did not submit a social impact statement with the application. However, a community impact statement is a requirement in the process for obtaining a liquor license for a liquor store, governed by the Casino, Liquor and Gaming Control Authority NSW. The Authority cannot grant a liquor licence, authorisation or approval unless it is satisfied that the overall social impact will not be detrimental to the well being of the local or broader community.

NSW Police provided comments to Council in relation to the proposed liquor store and supports a 6 to 9 month trial basis for the use. However, given the mitigation measures to be implemented, the presence of existing 'no alcohol areas' in the locality and the inclusion of the proposed use in the State defined "exempt development" it is considered appropriate to grant consent.

Any economic impact in the locality

The applicant submitted the following information in support of their proposal:

"(they) will be creating employment for at least two people whilst providing the local community with its own small boutique style liquor store rather than a bulk outlet. The store will offer local wines, olive oil & preserves from the Hunter Valley and of course, beer & spirits. The closest liquor store currently is Liquorland at Toukley which is extremely busy and difficult to park near, let alone use the drive thru which is often banked out onto the main road causing traffic congestion."

The applicant has conducted their own research into the viability of a liquor store, and is confident to proceed on the basis of that potential. Council does not have legal grounds to refuse the application on the basis that there are other shops of the same type in the area.

Any impact of site design and internal design

The use of the existing shop for the purposes of a liquor store will have a negligible impact on the site design and only involves internal fit-out including shelving, counter area, a new cool room, fridges and storage area. A copy of the floor plan is attached to the report.

Any impacts of construction activities (construction site management, protection measures)

The impact of the minor, internal construction activities is likely to be negligible. Construction vehicles will be required to utilise the rear access via Effort Lane, so as not to obstruct customer parking in Bungary Road and to minimise impacts on adjoining residences.

Any cumulative impacts

Residents of the Norah Head area have raised concern over the incidence of anti-social behaviour that may be exacerbated by the introduction of a liquor store in the area. However, the crime statistics for the Norah Head area, reported to Council by the NSW Police, do not indicate a significant number of anti-social behaviour incidents during the last 12 month period.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):***Whether the proposal fits in the locality***

The proposal is consistent with the business zoning, is permissible under Wyong Local Environmental Plan 1991, and is likely to operate with minimal impact on the surrounding land uses.

Whether the site attributes are conducive to development

The shop is a suitable size and configuration for the proposed liquor store, having a roller door at the rear for ease of loading cartons and other bulky items. The availability of parking for customers and staff, and the presence of a waste storage area at the rear also facilitates the proposed liquor store use. Additional safety and security measures can be readily implemented to ensure the protection of staff and customers and the deterrent to anti-social behaviour.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):***Any submission from the public***

The application was advertised in accordance with DCP 2005 Chapter 70-*Notification of Development Proposals* with 20 submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

Submission Document(s)	Concern	Response
D01996112 D01993492 D01991746 D01990069 D01987865 D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	There are enough liquor outlets in the area, don't need another one.	This is an issue left to market forces and competition. Whether the proponent has selected a viable / opportunistic location for a liquor store is something the proponent must determine, The proposal is consistent with Council's DCP Chapter 81 and the retail hierarchy for Wyong Shire, identifying suitable business zone locations.
D01993495 D01993230 D01991743 D01990072 D01990070 D01990069 D01987865 D01987851 D01987053 D01957453 D019556017 D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Anti-social behaviour, increase drink driving, vandalism, robbery associated with a liquor store.	Anti-social behaviour and drink-driving are not directly the result of selling alcohol from the liquor store. The proposal does not involve any consumption of alcohol on the premises. No alcohol is permitted in the public parks and reserves in Norah Head.

D01993492	Increase in speeding on Bungary Rd	It would be difficult to link increased speeding of cars with the proposed liquor store.
D01993492	People drinking and terrorising the area	The proposal does not involve the consumption of alcohol on the premises and no alcohol is permitted in the public parks and reserves in Norah Head.
D01993492 D01991743 D01990072 D01990069 D01987053 D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Norah Head is mostly a residential area and should remain.	The site is within an established neighbourhood business precinct, zoned 3(a).
D01993492 D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Increased traffic / noise	The traffic and noise likely to result from the proposed liquor store is no greater than the traffic and noise typical of shops within a neighbourhood business precinct.
D01993492	Council has a duty of care to the residents.	Within the framework of the EP&A legislation Council has statutory obligations to consider the likely impacts of the proposal and have regard for the public interest, among other considerations. As discussed in the report these have been considered and there is nothing that warrants refusal of the application. The proposed use may be undertaken as "exempt development".

D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Encourage under age drinking, increase anti-social behaviour.	The liquor store itself does not encourage under-age drinking. The sale of alcohol to persons under 18yrs or persons supplying persons under 18yrs is not permitted by law.
D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Increase in litter in immediate area and nearby public reserves.	Given there is no consumption of alcohol permitted on site there is unlikely to be any direct increase in litter. No alcohol is permitted in the public parks and reserves in Norah Head.

D01991730 D01991718 D01990014 D01990007 D01987846 D01987834	Increase pressure on police to respond to incidents.	At present, the nearby parks and reserves do not permit taking or consuming of alcohol.
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Any submission from public authorities

A copy of the application was forwarded to the NSW Police for their comment. The NSW Police submission was discussed earlier in the report.

THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and community interests

Many residents of Norah Head have raised concerns that relate to behavioural problems, however, these may be not directly attributable to a proposed liquor store. The liquor store is legally permitted in this location, and the likely impacts of the use are not considered to warrant refusal of the application in accordance with the Act. As outlined earlier in the report, the proposed use fits the definition of "exempt development" under SEPP (Exempt and Complying Development Codes) 2008. Council will ensure that conditions of consent are applied to uphold safety and security for the shop staff as well as patrons and the community. However, the behaviour of residents and visitors to Norah Head cannot be managed only by not allowing a liquor store. Laws are in place, such as the alcohol-free zones, to minimise anti-social behaviour. Speeding, drink-driving and under-age drinking are broader problems related to misuse and abuse of alcohol that extend beyond the scope of a land use proposal for a liquor store.

OTHER MATTERS FOR CONSIDERATION

Alcohol Free Zones

Under Section 632 of the Local Government Act it is prohibited to take or consume alcohol on any Council Reserve upon which a sign is erected indicating that taking /consuming alcohol is prohibited. Council's Rangers can issue Infringement Notices for consumption of alcohol and taking of alcohol into these areas. All of the public reserves and parks that exist in Norah Head are signposted to prohibit the taking and consuming of alcohol.

However, in order to establish a public street or carpark as an alcohol-free zone there is a statutory process to be followed, as outlined in Part 16, Chapter 4 of the Local Government Act. Council's Customer Service Knowledgebase on 'Alcohol Free Zones' summarises this process and a copy is attached to the report. One specific area of public road has been established as an 'Alcohol Free Zone' in Norah Head in accordance with Part 16, Chapter 4 of the Local Government Act.



CONCLUSION

Given the appropriate zoning, sufficient parking available, suitable shop design for the proposed use and compatibility with surrounding land uses in the business zone, the current proposal is considered suitable for the site. The potential social impacts associated with alcohol use are considered to have been adequately addressed by the application and the imposition of appropriate conditions of consent. Given that the surrounding parks and reserves are alcohol-free zones and the proposed use does not involve consumption of alcohol on the premises, it is considered reasonable for a liquor store to operate from the site with minimal environmental impact. As outlined in the report under the recently gazetted SEPP (Exempt and Complying Development Codes) 2008 the applicant may use the premises for the purpose of a liquor store without the need to obtain development consent.

However, processing the application by way of a development application provides Council with the opportunity to impose conditions that will support and enforce the responsible sale of alcohol from the premises.

The application is therefore recommended for approval.

CHAPTER 81 (RETAIL CENTRES) SUMMARY TABLE				
	Element	Required	Proposed	Comply
11.1	Streetscape	Buildings should define and create streets, street corners and public spaces through shop fronts facing the street, narrow or nil setbacks, use of openings, awnings, corner façade treatments.	No changes to the existing building.	NA
		To activate the street and create visual interest and safety for pedestrians at all hours, as many doors and windows as possible should be located on the façade as functionally/ aesthetically/ structurally possible.	The shop front features extensive glass.	Y
		Awnings should be provided on all building frontages and should extend over at least half of the width of the footpath. Awnings provide visual interest to buildings and protect pedestrians from weather elements.	No changes to the existing building.	NA
		Roller shutters should not be installed on the front of buildings	No roller shutters are proposed.	NA
		Buildings should be aligned with footpaths to create spatial enclosure and a sense of place.	No changes to the existing building.	NA
		Building facades should be aligned so as to minimise intervening space which could create security problems for shoppers.	No changes to the existing building. The existing building facades are aligned for optimum security.	Y
11.2	Architectural Character	Glass curtain walls should be minimised on building street frontages to reduce glare, increase energy efficiency, reduce opportunity for window damage through anti-social behaviour.	The front windows afford good casual surveillance of the public space in front of the shop and the entry to the shop, which is secure.	NA
		Entrances should be clearly expressed through porticos or other devices. Entries to shop fronts should be recessed to clearly define the location of the building access, provide relief to the façade and provide visual interest.	No changes to the existing building.	NA
		Buildings should contain no more than 5m ground floor wall without a door/window. Windows should make up at least 50% the ground floor front wall.	The existing shop front is predominantly glass.	Y
11.3	Public Amenity	Buildings, street furniture, landscaping to contribute to the definition and amenity of area.	No changes to the existing building.	NA
		Landscaped areas shall be integrated with overall design to soften dominance of buildings, provide shade, meeting places, playgrounds, etc.	No changes to the existing building.	NA

CHAPTER 81 (RETAIL CENTRES) SUMMARY TABLE				
	Element	Required	Proposed	Comply
		Benches /seating should be provided internally and externally for rest.	No new benches proposed.	NA
		Centres should adopt consistent painting and signage schemes to improve image.	No changes to the existing building.	NA
		Use of one colour over whole building is discouraged. Colour should express features, storeys, and relate to adjoining.	No changes to the existing building.	NA
		Sunshades should be incorporated into the architectural expression of the northern façade.	The northern façade adjoins another premises.	NA
		Opening windows should be provided.	No changes to the existing building.	NA
		Buildings should contain large shop fronts and upper storey windows to provide passive surveillance of pedestrian areas / carparks.	The existing building achieves this.	Y
		Street furniture and paving shall take into account the needs of disabled persons.	No new paving or street furniture proposed.	NA
		Pedestrian routes are to be clear, safe and legible. Areas of public domain should be linked.	No change.	NA
11.4	Car Parking	Parking to be well connected, clear to access, not dominant but generally screened behind buildings/ landscaping.	No changes to carparking.	NA
		Parking layouts should have logical design and pedestrian / vehicle accesses separated.	No changes to carparking.	NA
		Ground level parking should be behind the building line and screened from public view.	No changes to carparking.	NA
		Centres should facilitate after-hours trading by enabling convenience traders to address car parks.	No changes to carparking.	NA
11.5	Servicing	Unightly yards. Wet areas, loading or servicing areas should be grouped & located under or behind buildings – not visible from public places.	The loading, waste storage etc is provided at the rear of the building, accessible via the laneway.	Y
		Access to service areas shall be away from main streets.	Access to service areas via rear laneway.	Y

The proposal is therefore compliant with the relevant provisions of DCP 2005 Chapter 81.

STATE ENVIRONMENTAL PLANNING POLICY 71 – COASTAL PROTECTION

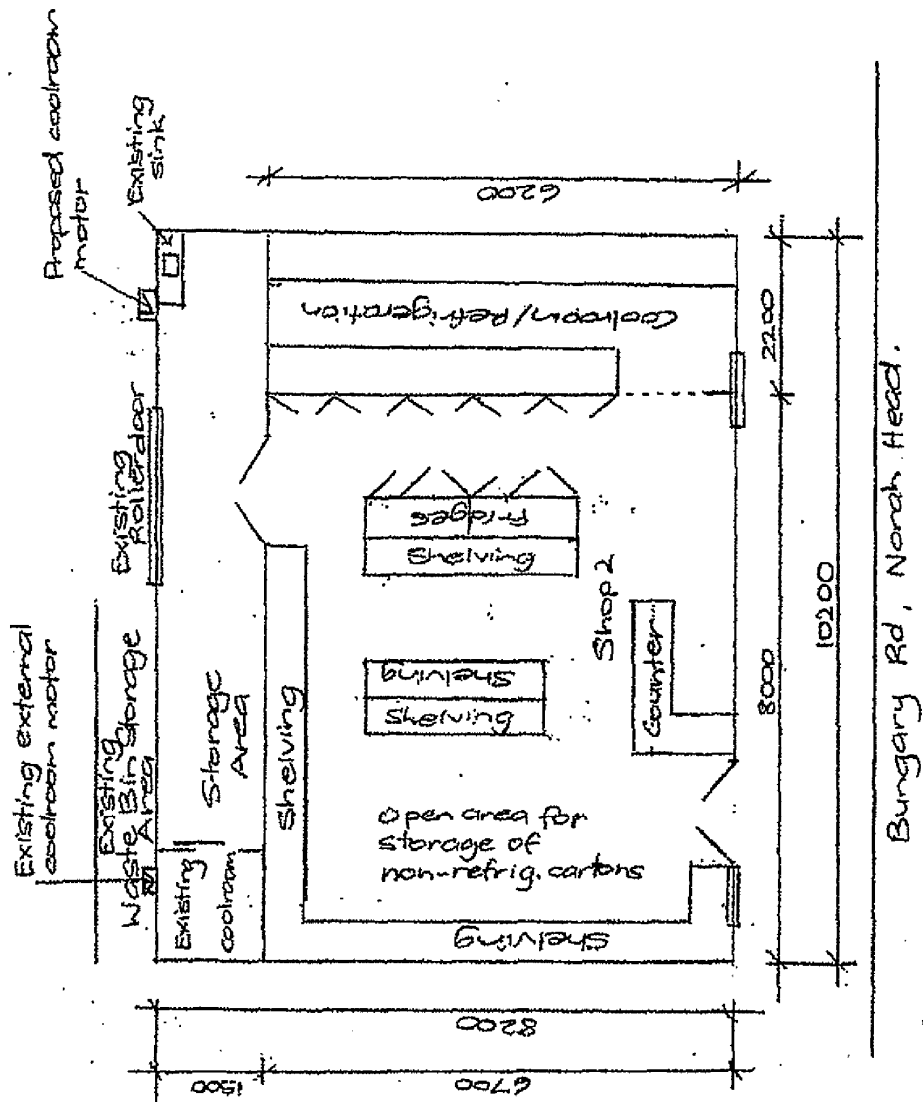
Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Footpaving exists along the frontage of the site.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for and already supports various shops. No external changes to the building are proposed.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal has no impact on views given its distance from the foreshore and the topography of the locality.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is located outside the area of coastal hazard, as identified in Council's DCP Chapter 77 and is not likely to be affected by coastal processes and/or hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal waterbodies.	The proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.

Cl.8	Matters for Consideration	Proposed
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	No change to the existing water and energy design for the building.
Cl.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
Cl.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal will not affect the right of public access to or along the foreshore.
Cl.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The site is connected to the existing reticulated sewer system available to the site.
Cl.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	No extensions or external alterations are proposed.

The proposal is therefore compliant with the relevant provisions of SEPP 71.

ATTACHMENTS

- 1 Plan of Shop Floor D02061378



3.1 Proposed Acquisition of Private Land for a Roundabout - Part of Lot 0 SP 82199, 120 Bay Road, Toowoon Bay

TRIM REFERENCE: f2009/02191 - D02046151

AUTHOR: SL

SUMMARY

Authority is sought to acquire part of Lot 0 SP 82199, at the corner of Bay Road and Toowoon Bay Road, Toowoon Bay as public road for the construction of a roundabout.

RECOMMENDATION

- 1 That Council acquire part of Lot 0 SP 82199 at the corner of Bay Road and Toowoon Bay Road, Toowoon Bay as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition 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 owner cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the property owner.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents.**

BACKGROUND

The implementation of a roundabout at the Toowoon Bay Road and Bay Road intersection is in response to the accident history at this intersection, the need for traffic calming along Bay Road and to control traffic movements through this intersection. The existing offset alignment of the intersection encourages drivers travelling in either direction along Bay Road to cross the centre line through the intersection and turning movements from Bay Road to Toowoon Bay Road are undefined and difficult to negotiate in the face of oncoming traffic.

THE PROPOSAL

Council proposes to construct a roundabout at the corner of Toowoon Bay Road and Bay Road, Toowoon Bay. The proposed roundabout is to provide traffic movement and speed control at this intersection.

These safety improvements are designed to impose "traffic calming" at this intersection and to control traffic movements in the vicinity of the Toowoon Bay shops. This should provide for a safer environment for pedestrians to cross at this intersection. In addition to this Council is providing pedestrian refuges on all four approaches to this intersection to improve pedestrian safety. The proposed intersection configuration has also been designed to have minimal impact on parking at this location.

3.1 Proposed Acquisition of Private Land for a Roundabout - Part of Lot 0 SP 82199, 120 Bay Road, Toowoon Bay (contd)

A roundabout with an elongated central island was selected as the most appropriate treatment for this intersection as it addresses the need for traffic calming, definition and control of vehicle movements and improves pedestrian safety. Alternative designs to this, such as raised intersections, are not able to address the need for definition and control of vehicle movements through the intersection.

The work is likely to commence in February 2010.

The construction of the roundabout will affect Lot 0 SP 82199 at the corner of Bay Road and Toowoon Bay Road, Toowoon Bay and it will be necessary to acquire part of this property as public road.

Lot 0 SP 82199 is zoned 2B Multiple Dwelling Zone – Non strata Flats, has an area of approximately 657.6m² and the road widening has an area of approximately 9m².

The owner of the land has been advised of the proposal and negotiations are proceeding. It is not considered that the work will have a major effect on the amenity of the property.

OPTIONS

- 1 Proceed with the acquisition of Part Lot 0 SP 82199 for road purposes
- 2 Council not proceed with acquiring Part Lot 0 SP 82199

Council may proceed to acquire the land for road to allow the construction of the roundabout or Council may decline to acquire the land and the proposal will not proceed.

STRATEGIC LINKS

Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
Infrastructure	A safe, economic road transport system and a satisfactory standard of traffic movement.	4.1.3 – Secondary Road Construction

Contribution of Proposal to the Principal Activity

The proposal will provide improvement to the transport infrastructure through a safer environment for pedestrians and control of traffic movements in the vicinity of the Toowoon Bay shops.

Link to Key Focus Areas

<i>Key Focus Area</i>	<i>How the proposal contributes or links to the Key Focus Areas in Council's Management Plan</i>
Town Centre Strategies	The Entrance Town Centre Traffic Plan

The proposed roundabout and pedestrian safety improvements at the intersection of Toowoon Bay Road and Bay Road, Toowoon Bay are included in The Entrance Town Centre Traffic Plan and is one of Council's key focus areas.

Financial Implications

The cost to Council of acquiring the land would be minimal as the land is a small splay corner.

3.1 Proposed Acquisition of Private Land for a Roundabout - Part of Lot 0 SP 82199, 120 Bay Road, Toowoon Bay (contd)

Funds for the construction and purchase of the land are available from Section 94 Developer Contribution Plans and provided for in the Rolling Works Program for 2010-11.

Principles of Sustainability

The proposal will have a positive effect on the safety of the public environment by providing a safer environment for pedestrians and control of traffic movements in the vicinity of the Toowoon Bay shops

CONSULTATION

The owner of the property has been consulted and negotiations will proceed subject to Council approval.

GOVERNANCE

Council has the authority to acquire the land under the Local Government Act 1993 and the Roads Act 1993. If compulsory acquisition is necessary, the Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure to be undertaken.

Ariel Photograph showing the location of the proposed area to be acquired Lot 0 SP 82199)



CONCLUSION

Authority is sought to acquire part of Lot 0 SP 82199, at the corner of Bay Road and Toowoon Bay Road, Toowoon Bay as public road for the construction of a roundabout which will improve pedestrian safety and traffic movements in the area.

ATTACHMENTS

Nil.

4.1 Contract Variations and Finalisation - September 2009

TRIM REFERENCE: D02054087

AUTHOR: GP

SUMMARY

This paper reports on variations to contracts with a value greater than \$150,000 (excl GST). Approval is sought for increases to contract expenditure to ensure completion of work in each case.

The report covers contract variations processed in September 2009 plus any completed contracts for which the final contract value is now available for reporting.

RECOMMENDATION

- 1 *That Council note the variations to contracts in Attachment 1.*
- 2 *That Council approve increases to the budgets of the following contracts to provide for further, potential variations:*

2a	<i>Woongarra Sports Facility</i>	<i>CPA/153228</i>	<i>\$120,000.00</i>
2b	<i>Design Aeration Tank Charmhaven Sewerage Treatment Plant</i>	<i>CPA/145814</i>	<i>\$8,000.00</i>
2c	<i>Six Additional Netball Courts at Baker Park</i>	<i>CPA/162813</i>	<i>\$45,000.00</i>
2d	<i>Coastline Management Plan</i>	<i>2328</i>	<i>\$55,000.00</i>
- 3 *That Council note that changes will be made to the Management Plan to reflect revisions to contract budgets.*
- 4 *That Council note the contracts that reached a finalised status in Attachment 2.*

BACKGROUND

Contracts entered into by Wyong Shire Council (WSC) are awarded either by Council resolution or under delegated authority. S.55 of the Local Government Act 1993 requires that contracts of an estimated value greater than \$150,000 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000 (excl GST) are awarded under Delegations of Authority made to the General Manager.

The value of a contract budget is the amount tendered by the recommended tenderer (including contingencies) and approved by Council or staff delegation, as the case may be. Construction and Service Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

A Contract that guarantees WSC a fixed schedule of rates for goods or services to be supplied over time, may require variations to the original estimated value due to the changes in demand for the goods / services, or as at result of adjustments to rates that may be applicable under the contract.

Contracts for Consultants or Professional Services also may change during the course of an agreement due to changes in outcomes being sought by WSC, or changes enforced by circumstances affecting the work being done.

Contracts routinely include a contingency sum to cover a level of variations acknowledged in contracting as "normal". Contingency amounts are generally expressed as a percentage of the contract value, commonly 10% of the contract value, but vary between 5% and 30%, or may be expressed as a specific dollar value.

Contingencies provide authority for staff to approve variations up to the contingency amount.

For contracts that have been finalised in the reporting period, such contracts are also reported for information once the final value of the contract is established.

THE PROPOSAL

The need to vary contracts (explained above) arises out of differences in estimating strategies where two basic ends of a range of risk offer WSC a choice of budget methodology.

Estimates could be assembled solely on known factors and the associated design costs with no allowance for unforeseen issues and factors. The risk is that variations may require considerable additional and potentially unavailable, funding.

The alternative and opposite end of the spectrum, is to estimate at a conservative extreme and avoid the need to seeking approval to variations. This strategy has the effect of substantially reducing the initial annual works program, placing efficient use of funds at risk, locking funds away from urgent needs and potentially leaving a surplus of unexpended funding.

Currently WSC estimates on the basis of known costs of assessment, design and construction plus a 10% contingency for unforeseen changes. This approach allows budgets to include a larger number of works in an annual programme and runs a lesser risk of the program being curtailed to a serious degree as unforeseen needs arise.

For the eight contracts with variations for the reporting period, funds previously approved by Council for four of those contracts are at this time considered sufficient to ensure completion of that contract.

Two contracts reached a status in the reporting period that enables final reporting of expenditure under those contracts. Attachment 2 to this report details finalised contracts.

FINANCIAL IMPLICATIONS

The variations have a total unfavourable impact on the 2009/10 Management Plan of \$53,000.00.

Funding for the additional contract budget requirements will be achieved by adjusting levels of expenditure on other future capital works and operational budgets during 2009-10 and in following years as shown in the following table.

	Contract	Source of Funds	09/10 Budget Impact	Impact \$
2a	Construction of Woongarra Sports Facility (CPA/153228)	Section 94 Contributions	Neutral - Sufficient provision in Section 94 Plan for increased contract costs.	
2b	Design & Tender Documentation – No. 3 Aeration Tank Charmhaven Treatment Plant (CPA/145814)	Development Servicing Contribution Plan	Unfavourable – Water & Sewer Capital works programme to be commensurately reduced.	\$8,000.00
2c	Construction of Six Additional Netball Courts at Baker Park (CPA/162813)	O.S. & R Operational Budgets	Unfavourable – OSR oval upgrade works (revenue funded) reduced Management Plan Line 1.7.6c.	\$45,000.00
2d	Coastline Management Plan (2328)	Grant Funding from DECCW	Neutral – Grant Funds	-
		Total Unfavourable Impact		\$53,000.00

CONCLUSION

The need to provide further funding is determined by the unknown factors encountered during the planning and construction phases of contracting. Current estimate strategies are appropriate but have resulted in additional funding being required for four of the reported contracts.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Attachment 1 - Significant Contracts With Variations for September 2009 | D02054078 |
| 2 | Attachment 2 - Significant Contracts Finalised - September 2009 | D02054368 |

Attachment 1 – Contract Variations for September 2009 Upgrade Works to The Buttoderry Waste Management Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget (incl. contingency)	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
152870	11-02-2009	G W H Construction NSW Pty Ltd	\$ 2,658,878.00	\$ 3,204,778.00	\$ 216,016.50	\$ 20,984.42	\$ 237,000.92	\$ 2,895,878.92	Management Plan Line 4.5.17
Individual Variations For Reporting Period									
Description		Value \$		Description		Value \$			
Variation 24 - Amendments to stormwater drainage systems in Small Vehicle Transfer Facility area as per Transgrid work instructions to minimise excavation at base of high voltage tower. Works include survey, design fees and installation of three new junction pits.		11,420.60		Variation 25 - Latent condition: Excavation and disposal of unsuitable sub-grade and replacement with suitable material found under the old cardboard storage area during sub-grade preparation. Rate for unsuitable material included in tender documents to allow valuations as required.		9,563.82			

Work under the contract is estimated at 85% complete. The variations shown above are covered by the approved contract budget.

As previously reported to Council, a number of further variations to the contract are anticipated, but are yet to be assessed and valued.

With the information currently available, the contract budget as approved by Council is considered sufficient to cover these anticipated variations. No increase to the contract budget is therefore sought.

Construction of Woongarrah Sports Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
153228	08-04-2009	Maincon Pty Ltd	\$ 4,620,995.00	\$ 5,083,095.00	\$ 63,267.40	\$ 102,842.00	\$ 166,109.40	\$ 4,787,104.40	Section 94 Contributions
Individual Variations For Reporting Period									
Description		Value \$		Description		Value \$			
Variation 6 - Increase volume of tanks for water storage from 200 m3 to 450 m3 to provide greater security for dry periods based on experience on other Shire sportsfields. New tanks also reduce future maintenance. Savings were identified and included in variation amount from modifications to pipework layout.		79,284.50		Variation 9 - Latent condition - remove and replace 320 m3 of unsuitable sub-grade material found under eastern side of main stockpile.		5,400.00			
Variation 7 - Contractor directed to relocate stockpiles of excavated material to enable construction by Council of new water main in footpath in front of sportsfields. Due to priority of other urgent water supply works replacement of this section of asbestos mains was not achieved prior to Contractor commencing work.		3,825.00		Variation 10 - Latent condition - costs for geotechnical consultant to inspect all soft spots in sub-grade and testing for remediated soft spot areas. Costs reasonable and part of requirement to address this latent condition.		4,207.50			
Variation 8 - Latent condition - remove and replace 600 m3 of unsuitable sub-grade material in area of carpark/access entry.		10,125.00							

While the work under the contract is estimated at 50% complete further variations are anticipated. These variations include:

- More substantive work at the Hakone Rd intersection in light of projected increased traffic volumes. This represents a scope change to the original project, which only allowed for minor roadworks along the site frontage. The opportunity was taken to provide improvements using contract resources available on site to provide these improvements at a price that represents good value for Council. Estimated value \$100,000.00;
- Remediation of unsuitable material stockpiled on site to enable it to be compacted to specification and realise cost savings by avoiding off-site disposal and procurement of additional materials. This was a latent condition at estimated value of \$100,00.00;
- Crib block retaining wall modifications and extensions along western side of field. This represents a scope change to take the opportunity to enhance spectator areas, reduce water run-off and improve the overall appearance of the finished site at estimated value of \$100,000.00; and
- A number of smaller variations including adjustments to the Provisional Sums allowed in the contract for power supply and floodlighting (to match final costs after designs were completed by the supply authority and lighting subcontractor), fencing adjustments and building changes. Estimated value \$100,00.00.

These variations are yet to be fully assessed but are estimated to cost in the order of \$400,000.00. The remaining contract budget is not expected to be sufficient to cover the full cost of these further variations that will be reported in future reports.

With the available information an increase to the contract budget of \$120,000.00 is sought to enable completion of the works within the approved budget
Construction of Mannering Park Sewerage Treatment Plant Inlet Works

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
159880	22-07-2009	Eire Contractors Pty Ltd	\$ 1,191,000.00	\$ 1,369,000.00	\$ Nil	\$ 31,000.00	\$ 31,000.00	\$ 1,222,000.00	Loan Funds	
Individual Variations For Reporting Period										
Description				Value	Description					Value
Variation 1 - Substitution of "Meva" brand screen equipment for the tendered "Hollung" equipment. There was an identified opportunity for an improved environmental outcome from the inclusion of Meva screens. Also anticipated cost savings in operation and maintenance.				31,000.00						\$

Work under the contract is estimated at 10% complete. With the information currently available the remaining contract budget is considered sufficient to enable completion of work under the contract.

No increase to the contract budget is therefore sought.

Design and Tender Documentation of No 3 Aeration Tank Charmhaven Sewerage Treatment Plant

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
145814	22-10-08	Cardno Qld Pty Ltd	\$ 144,755.00	\$ 178,230.00	\$ 13,002.50	Nil	\$ 13,002.50	\$ 157,757.50	Loan Funds & Development Servicing Plan
Individual Variations For Reporting Period									
Description					Value	Description			
No variations for reporting period.					\$				

Work under the contract is estimated at 95% complete.

Site investigations have identified severe corrosion to components of the Plant's inlet structure. To enable the installation of an odour control unit during the construction phase of this project, it will be necessary for the design work under this contract to be expanded to cover alterations necessary to replace the corroded sections of the inlet works.

The current contract budget will not be sufficient to cover the required additional work.

An increase to the contract budget of \$8,000.00 is sought to enable completion of necessary work under the contract within the approved budget.

Construction of Six Additional Netball Courts at Baker Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds		
162813	08-07-2009	Court Craft (Aust) Pty Ltd	\$ 598,761.64	\$ 660,000.00	Nil	\$ 24,031.60	\$ 24,031.60	\$ 622,793.24	Federal & State Government Grants. Netball Assoc. Contribution.		
Individual Variations For Reporting Period											
Description						Value	Description				Value
Variation 1 – Latent condition - Supply and installation of special geotextile material under parts of Courts 1-3 due to ground instability. Necessary to stabilise sub-grade prior to construction of concrete courts.						\$ 12,532.85	Variation 5 - Supply and installation of additional steel reinforcement to slab over retaining wall and additional dowel bars to joints. Required to ensure that there is no future differential settlement between individual slabs in light of poorer than expected ground conditions.				\$ 11,498.75

Work under the contract is estimated at 90% complete. Further variations relating to latent conditions associated with the poor ground condition of the site are expected. These variations are yet to be assessed and valued.

The remaining contract budget will not be sufficient for the anticipated variations.

Based upon current information, an increase to the contract budget of \$45,000.00 is sought to enable completion of the works within the approved budget.

Wyong Coastline Management Plan

Contract Number	Date of Council Approval	Contractor	(a) Initial Contract Value	(b) = (a) + Council Approved Increase Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
2328	26-11-03	Umwelt Pty Ltd	337,858.00 (as revised by Council 28-01-09. Original contract 245,712.30)	337,858.00	Nil	55,000.00	55,000.00	392,858.00	DECCW Grant 50% of (a) Balance – Management Plan Line 3.2.8
Individual Variations For Reporting Period									
Description				Value	Description			Value	
Variation 1 – Additional DECCW funds.				55,000.00				\$	

Due to DECCW's concern over the methodology used in preparing the management plan (and confirmed in an unrelated court hearing), a revised contract for \$337K was approved by Council at the Ordinary Meeting of 28 January, 2009.

DECCW funded the original contract of \$337,858 on a 50/50 basis with Council. The additional funds of \$55,000 are payments from previous years where 50/50 funding had already been spent. The funds can now be spent with no further contribution from Council required.

Since the revised contract was approved by Council, DECCW have provided further funding of \$55K that was not previously anticipated. The additional funding will be used for increasing the scope of works to cover additional issues raised recently, such as increased climate change predictions, extending the hazard studies to cover additional areas such as the surf clubs and other areas of potential interest under a climate change scenario, such as Budgetwoi. The consultants will also be using the LIDAR survey to develop a three dimensional digital terrain model to help the hazard assessments as well as for use in community consultation.

The variation is reported to enable the Council approved contract budget to be adjusted in-line with the additional DECCW funding. No further increase in Council's contribution is required at this stage.

Warnervale Water Supply And Sewerage - Review of Environmental Factors

Contract Number	Date of Council Approval	Contractor	(a) Initial Contract Value	(b) = (a) + Council Previously Approved Increase Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
Individual Variations For Reporting Period									
Description				Value	Description			Value	
122995	Approved under staff delegation May 2007	GHD Pty Ltd (Tuggerah)	131,483.00	171,483.00 (includes Council approved additional \$40K Jan. 2009)	7,603.00	30,180.55	37,783.55	169,266.55	Developer Service Contribution Plan
Variation 15 – At an early stage of the engagement a decision was taken to divide the original single Review of Environmental Factors into four work packages. Each package aligned with a critical section of water or sewerage infrastructure construction. This was considered essential at the time to allow for progressive designs and approval applications to match the expected speed of delivery of areas such as Precinct 14 and so not hold up development. Subsequently the speed of development has not matched early expectations, but the consultant was required to undertake additional work and the variation price is considered reasonable.				30,180.55					

Work under the contract is estimated at 90% complete.

The remaining contract budget is expected at this time to see completion of work under the contract.

No increase to the contract budget is therefore sought.

Mardi to Mangrove Link Easement Surveys

Contract Number	Date of Council Approval	Contractor	(a) Previously Reported Contract Value	(b) = (a) + Council Previously Approved Increase Total Approved Budget \$	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
139707	Approved under staff delegation 14-11-08	Chase Burke & Harvey Pty Ltd	\$ 150,000.00	231,710.00 (includes additional \$81.7K approved by Council 22-07-09)	\$ 81,710.00	32,710.00	114,420.00	264,420.00	50/50 Wyong & Gosford Councils	
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 3 - Preparation of Easement Survey for Registration of Deposit Plans. This involves 15 parcels owned by 13 landholders. This work is for the registration of deposited plans for acquisition requirements.					32,710.00					

The original contract was approved under delegated authority, and resulted from competitive quotations from 8 local survey companies.

Formal compulsory acquisition of easements on privately owned land under the Land Acquisition (Just Terms Compensation) Act requires Council to undertake surveys of affected properties to define the precise land to be acquired and prepare Acquisition Plans. This variation to the contract is to ensure that a Ministerial recommendation to the Governor re: compulsory acquisitions, is achieved in a timeframe that does not adversely impact on the construction phase of the project.

This variation was of an urgent nature and approved under staff delegation. The variation increases the Actual Contract Value to \$264,420.00 as shown above. This is considered sufficient to ensure completion of the current scope of works.

No increase to the contract budget is therefore sought.

Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – SEPTEMBER 2009						
Contract Number	Date of Council Award	Name of Contract	Contract Price Type	Approved Budget / Estimate (incl. contingency) Ex. GST \$	Final Contract Value Ex. GST \$	Comments
154992	25-03-09	Supply, Delivery & Installation - Modular Truck Wheel Washing Unit - Buttonderry Waste Management Facility.	Lump Sum	216,440.00	196,440.00	Work under the contract was completed at the tendered price. There were no variations made to the contract – contingency funds were therefore not drawn upon. Unused funds were retained in the respective operational budget.
141366	23-07-08	Hire of Plant and Trucks - Operation of Buttonderry Waste Management Facility	Schedule of Rates	1,230,120.00	1,252,145.21	The contract was a schedule of rates arrangement with the estimate at award being based upon predicted needs for plant & equipment over the twelve month period of the contract. Final actual expenditure is approx. 1.8% greater than the award estimate due to marginally increased needs over those anticipated for plant & equipment at the Waste Facility.

5.1 Presentation on 2008-2009 Annual Financial Reports

TRIM REFERENCE: F2008/00864 - D02031548

AUTHOR: SJG

SUMMARY

Report on the presentation by Council's External Auditor of the audited 2008-09 Financial Reports and External Audit Report.

RECOMMENDATION

- 1 ***That Council present the Audited Financial Reports for 2008-09 in accordance with the Local Government Act 1993.***
- 2 ***That Council invite the External Auditor, Mr Dennis Banicevic (representing Price Waterhouse Coopers) to present the Auditor's report on Council's Annual Financial Reports for 2008-09.***

BACKGROUND

Council at its meeting held on 14 October 2009 resolved in part as follows:

"RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor WEBSTER as follows:

- "6 That Council fix 11 November 2009 as the date for the presentation of the audited 2008-09 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.*

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

AGAINST: NIL."

In accordance with this resolution, Council's External Auditor, Mr Dennis Banicevic of Price Waterhouse Coopers will present the audited 2008-09 Financial Reports and External Audit Report.

THE PROPOSAL

Council is required to present the Audited Financial Reports at a Council meeting and can invite the external auditor to present.

ATTACHMENTS

Nil.

5.2 Review of Investment Policy

TRIM REFERENCE: F2009/00055 - D01991494

AUTHOR: SJG

SUMMARY

This report presents a revised investment policy, which incorporates an investment strategy statement. (Attachment 1)

RECOMMENDATION

That Council adopt the Investment Policy detailed in Attachment 1.

BACKGROUND

Council's existing investment policy was approved in November 2006.

In 2008 the NSW State Government initiated the Cole Enquiry which resulted in changes to Council's investment powers later notified by Department of Local Government - Circular 08-10 issued by the Department on 2 April 2008.

The main change to authorised investments was that Wyong Shire Council (WSC) is no longer authorised to invest in managed funds or in non-senior debt of financial institutions. The Department of Local Government (DLG) indicated that existing holdings of these types of investments may be retained until maturity or until sold whichever is the sooner – known as the “grandfather” clause. New investments must be in accordance with the revised requirements of the Ministerial order.

Investments made by WSC since 15 April 2008 have taken into account the guidance given by the DLG in Circular 08-10 issued on 2 April 2008.

This circular foreshadowed the advice given in circular 08-48 (attachment 2) of 18 August 2008. Investments since that date have followed the advice of the earlier circular as well as WSC's existing policy, whichever was the more restrictive.

At that time, WSC drafted a revised investment policy in conjunction with WSC's investment advisors, CPG Advisory Pty Ltd, however due to the Local Government elections, the finalisation of the Ministerial Order, and the planned Councillor training and briefings by CPG, presentation of the revised policy was deferred.

Briefing schedules delayed CPG's presentation and the final formulation of a new policy was extended. Completion of the policy in draft form for presentation to Council was achieved in September-October 2009, however the cancellation of the second October meeting delayed its presentation to Council even further.

PROPOSAL

A draft revised policy is attached, prepared in consultation with investment advisors, CPG Advisory. The revisions to the existing policy mainly reflect the changes to the list to authorised investments required by the Department of Local Government and is consistent with the DLG Draft Investment Guidelines issued in May 2009.

5.2 Review of Investment Policy (contd)

The text of the policy document at Attachment 1 refers to investment management guidelines, WSC's investment strategy plans and the current documents in place are illustrated at Attachment 3 and Attachment 4.

These changes include:

- removal of investments with specific credit ratings, such as managed funds. This decision will be reviewed after 31 December 2009
- removal of purchase of land as a form of investment. This removal does not preclude a council from acquiring land for the purpose of exercising any of its functions (s186(1) *Local Government Act 1993*)
- streamlining the wording around investing in public funds and securities issued by or guaranteed by the Commonwealth or Territory
- restricting mortgages over land to first mortgages with a Loan to Value ratio of no greater than 60%
- excluding subordinated obligations – investments in banks deemed safer than term deposits.
- transitional arrangements regarding existing investments (grandfathering provisions).

CONCLUSION

Changes to investment guidelines recommended by the Department of Local Government are made for improving the protection of the community against councils making unwise or improper investments of public money.

The guidelines are backed by Ministerial Order and Council must comply hence the need to revise the WSC Investment Policy is mandatory.

ATTACHMENTS

1	Investment of Council Funds	D01905820
2	Department of Local Government Circular 08-48	D01905819
3	Investment Performance and Risk Management Guidelines	D01905821
4	Wyong Shire Council Investment Strategy	D01905817

Policy on the Investment of Council Funds

POLICY No.		
Reviewed By	D Jack	GAZETTE DATE <hr/>
Date	24.09.09	
Approved by General Manager		
Date		

A. POLICY SUMMARY

- A.1 This policy defines the circumstances under which Wyong Shire Council (WSC) may invest Council funds not required for immediate and short-term operational purpose.
- A.2 It sets the risk profile, investment strategy and authorities to execute investment instruments.

B. POLICY BACKGROUND

- B.1 The Council is given statutory functions, duties and powers under the Act. It is specifically required to conduct the affairs of the Council in accordance with its Charter s.8, operate particularly in accordance with Chapter 12 of the Act - and all other relevant requirements of the Act.
- B.2 The Act provides for Council to make investments, especially Section 625, and also:-
- B.2.1. Local Government– Ministerial Order dated 31 July 2008;
 - B.2.1. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
 - B.2.3. Local Government General Regulations 2005; and
 - B.2.4. Department of Local Government Circular 08-48.
- B.3 The Department of Local Government releases guidance to Councils on investment management from time to time.

C. DEFINITIONS

- C.1. **Delegated Authority** - means any function, duty or power vested in the Council by the Act, that the Council may, within the terms of the Act, delegate to a Council member, Committee of the Council, General Manager, employee or person or class of persons approved for the purpose.
- C.2. **Delegation** means any function, duty or power of the Council that has been delegated in accordance with this policy, and that is exercised in accordance with the requirements of the Act.
- C.3. **Policy** – A statement by the Council or General Manager that defines the WSC's position or attitude toward any issue.
- C.4. **Council** – means the group of elected members that form the Wyong Shire Council governing body.
- C.5. **Wyong Shire Council (WSC)** – means the Body Politic organisation called Wyong Shire Council
- C.6. **Investment** means the placement of Council monies in any form of investment instrument that provides for returns by way of interest payments regardless of capital gain or loss. It does not include any investment made in capital assets, people or property.

D. POLICY

- D.1. This policy covers all elected members of the Wyong Shire Council (WSC), all personnel employed by WSC, any person or organisation contracted to or acting on behalf of the WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D.2. This policy does not confer any delegated authority upon any person.
- D.3. Council will not instruct the General Manager in any manner that requires the General Manager to breach his/her statutory responsibilities in respect of investments.

- D.4. Subject to any functions, duties or powers conferred directly on a Council or General Manager by the Act, the Council will delegate to the General Manager, the power to make decisions relating to the effective and efficient management of investments in accordance with this policy.
- D.5. The General Manager may, in exceptional or emergency circumstances only, approve an action outside the requirements of this policy provided that any such variation to this policy is reported to Council within 14 days.
- D.6. Other investment acquisitions - the Council alone may approve the acquisition of land or holding of any shares or interests in a body corporate, partnership, joint venture or other association of persons; or settle, or be, or appoint a trustee of, a Trust.
- D.7. The Council will not delegate to any person the authority to raise capital or to specifically borrow money by any means, including options, swaps, or any other non balance-sheet items.
- D.8. The Director Corporate Services, Manager Financial Services, Senior Financial Accountant and Senior Management Accountant shall have delegated authority to invest surplus funds in accordance with this policy.
- D.9. Council will only allow investment for the purpose of achieving the effective and efficient on-going management of the Council organisation in accordance with the Act, Annual Plan, Four Year Plan, Long Term Financial Strategy and any other policy made by Council from time to time.
- D.10 Subject to functions, duties or powers conferred upon the General Manager by the Act, all delegated authorities must be exercised in accordance with relevant WSC policies and procedures set by the Council or General Manager from time to time.
- D.11 Variations, reviews or additions to this policy shall be approved by resolution of the Council.
- D.12 All investment securities must be denominated in Australian Dollars.
- D.13 New Investments shall be limited to (by statute) :-
- D.13.1. Local/State/Commonwealth Government Bonds, Debentures or Securities
 - D.13.2. Interest bearing deposits / senior securities issued by a licensed bank, building society or credit union
 - D.13.3. Investments with NSW Treasury Corp/Hourglass Investment Facility
 - D.13.4. Deposits with the Local Government Investment Services ("LGIS")
- D.14 Council may not invest in suspended instruments formerly available (DLG Circular 08-48) but may retain such investments until maturity or sale, whichever ever is the sooner.
- D.14.1. Deposits in prescribed securities that either have a minimum long term credit rating of 'A' or short term rating of 'A1' from Standard & Poor's (S&P) or Fitch Ratings/Moody Investor Services (Moody's) equivalent (where not otherwise open – for example, where they are issued by a bank).
 - D.14.2. Managed funds with a minimum long term S&P credit rating of 'A' or better, or Fitch/Moody's equivalent.
- D.15. The Director of Corporate Services, in consultation with Council staff and external investment advisors, shall issue guidelines reviewed at least annually, for the management of the following risk classes:-
- Credit Risk Management** which must include:-
- D.15.1. Maximum portfolio weighting by total assets in an asset grouping
 - D.15.2. Maximum amount to be held with an individual institution within an asset grouping
- Term to Maturity Framework**
- D.15.3. Asset groupings will be defined with reference to credit rating and whether or not they fall within the "closed to new investment" category detailed above
 - D.15.4. The amount of investment risk attached to a particular security is in part related to its term to maturity. Guidelines for the management of term to maturity risk shall at a minimum prescribe the maximum exposure by term to maturity groupings, as an example, percentage of portfolio maturing in three to four years

- D.16. This policy is not dependent on the terms of any other policy or procedures except the Act or direct, lawful instruction under the terms of the Act.

E. PROCEDURES

- E.1. Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns
- E.2. Investment income must be recorded according to accounting standards, published reports may show a break down of its duly calculated investment returns into capital gains and losses, and interest
- E.3. From time to time financial assets may be acquired at a discount or premium to their face value. Discount or premium is to be taken into account in line with relevant Australian Accounting Standards
- E.4. For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30th June each year.
- E.5. Every six months, the Director of Corporate Services, in consultation with council staff and external investment advisors will approve an investment strategy document which, within this policy, will set the general direction for the purchase and sale of investment assets for the coming period.
- E.6. Reporting - Management of the risks associated with delegation of authority, and sub-delegated authority, shall be achieved by way detailed regular reporting on the exercise of all functions, duties and powers delegated throughout the organisation and by the Council.
- E.7. The performance of the portfolio will be assessed against a benchmark set annually in the Management Plan. To further manage performance, the Director Corporate Services, in consultation with council staff and external advisors, will each six months prescribe performance targets by asset category.

ENDS



Circular No. 08-48
Date 18 August 2008
Doc ID. A153888

Contact Chris Duff
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REVISED MINISTERIAL INVESTMENT ORDER

The recent Review of NSW Local Government Investments (“the Cole Report”) investigated the impact on councils that invested in structured financial products. The NSW Government adopted all the recommendations from the report.

The Minister for Local Government has now issued a revised Order pursuant to section 625 of the *Local Government Act 1993*. The Minister signed the amended Order on 31 July 2008 and it was gazetted on Friday 15 August 2008. It replaces the Order dated 15 July 2005. The revised Order is attached to this circular.

The changes to the Order include:

- including both principal and investment income in the definition of investment instruments
- removal of investments with specific credit ratings under items (k) and (l) of the previous Order. This decision will be reviewed after 31 December 2009
- removal of item (g) in the previous Order, which identified purchase of land as a form of investment. This removal does not preclude a council from acquiring land for the purpose of exercising any of its functions (s186(1) *Local Government Act 1993*)
- streamlining the wording around investing in public funds and securities issued by or guaranteed by the Commonwealth or Territory (part (a))
- restricting mortgages over land to first mortgages with a Loan to Value ratio of no greater than 60% (part (c))
- excluding subordinated obligations (part (d))
- improving the wording for investments and bills of exchange with authorised deposit-taking institutions (part (e))
- transitional arrangements regarding existing investments (grandfathering provisions).

The Department is preparing guidelines aimed at assisting councils in developing a comprehensive investment policy. The process will incorporate consultation with stakeholders. The guidelines will include issues raised in the Cole Report relating to conflicts of interest, such as product manufacturers and distributors being appointed as investment advisors, and the fiduciary responsibilities of councils and county councils in relation to investment activities.

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2

When considering selling current investments that fall below the requirements of the revised Ministerial Investment Order (see Circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).



Garry Payne AM
Director General

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Paul Lynch MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act, 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) mortgage of land in any State or Territory of the Commonwealth (restricted to first mortgages over land with a Loan to Value ratio of no greater than 60%);
- (d) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (e) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (f) a deposit with the Local Government Financial Services Pty Ltd
- (g) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Order dated 15 July 2005, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Dated this 31st day of May

2008


 Hon PAUL LYNCH MP
 Minister for Local Government

Wyong Shire Council Investment (Performance Measurement and Risk Management) Guidelines

Performance Measurement

The performance of each investment should be greater than or equal to the applicable benchmark.

Investment	Performance Benchmark	Time Horizon
11 am Account, AAA cash funds, short dated bills, NCDs issued by financial institutions.	Official (wholesale) Cash Rate	3 months
Defensive Enhanced Cash – “AA” credit rated cash funds, term deposits.	UBSA Bank Bill Index + 0.15%	12 months
Intermediate Enhanced Cash – “A” credit rated enhanced cash funds and less volatile low and no buy / sell spread income funds.	UBSA Bank Bill Index + 0.25%	2 years
Income Funds – “A” credit rated income funds with higher monthly volatility and/or higher buy / sell spreads.	UBSA Bank Bill Index + 0.50%	2 years
Fixed interest funds	UBSA Composite Bond Index	5 years
Corporate FRN’s, Bonds, Mortgage and asset backed securities	AAA – BBI + .10% AA – BBI + .20% A – BBI + .35%	5 Years
Treasury Corp, NSW	CPI + appropriate margin over rolling 3 year periods (depending upon composite of fund)	According to fund

Credit Risk Guidelines – Managed Funds

Credit Ratings (Standard & Poor’s or equivalent)	Maximum Percentage With One Financial Institution	Maximum Weighting as % of Total Investment Portfolio	Minimum Recommended Investment Horizon
AAA or TCorp HourGlass Cash	50%	100%	0 – 3 months
AA	45%	100%	3 - 6 months
A	40%	100%	6 – 12 months
Grandfathered Investments (NR)	15%	15%	3 – 5 Years

Any investment made in non-credit rated managed funds must be an authorised investment and is limited to a maximum of 15% of the total investment portfolio.

The asset structure and features of the fund are to be consistent with the time horizon, risk parameters, and liquidity requirements of Council as set out in its Investment Strategy.

The ability to invest in Managed Funds has now been suspended for new investments post the Cole Report April 2008. Existing Managed Fund investments have been "Grandfathered" and can be continued to be held by Council.

Credit Risk Guidelines – Direct Investments

Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria. The maximum available limits in each rating category are as follows:

Long Term Credit Ratings	Short Term Credit Ratings	Target Credit Weighting	Direct Securities Maximum Holding
AAA Category	A-1+	15%	60%
AA Category	A-2	30%	40%
A Category*	A-2*	30%	20%
BBB Category*	A-3*	10%	10%
Grandfathered & Unrated	Unrated*	15%	15%

*New Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to licensed banks, building societies and credit unions.

Counterparty/Institution Credit Framework

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the table below:

Individual Institution Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum Limit
AAA Category	A-1+	20%*
AA Category	A-1+	15%
A Category*	A-2*	10%
BBB Category**	A-3*	5%
Unrated Category*	Unrated*	5%

* 100% Commonwealth Government and Government-guaranteed deposits

** Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to licensed banks, building societies and credit unions.

Term to Maturity Framework

The investment portfolio is to be invested with the following term to maturity constraints:

Description	Maximum Exposure
Overall Portfolio Term to Maturity Limits	
Portfolio % < 1Year	100%
Portfolio % > 1 Year < 3 Years	70%
Portfolio % >3 Years < 5 Years	50%
Portfolio % > 5 Years	25%
Individual Investment Maturity Limits	
ADI issues rated A or above*	10 years
ADI issues rated BBB to A-	2 years
ADI issues non-rated**	6 months

* This will be the maximum investment term or WAL (weighted average life) for mortgage and asset backed securities.

** Investments made in local community based financial institutions/ADIs are not restricted to the above maturity restrictions. These investments are limited to a maximum 10 years in term.

Authorised: D.J.Jack
Director Corporate Services
24 March 2009

Investment Strategy

Council is a risk-adverse investor. It is intended to maximise investment returns provided that security of investments through the prudent management of risk.

Wyong Shire may use the services of a suitably qualified and experienced investment advisor for the purposes of achieving the aim of this policy.

RISK MANAGEMENT

Detailed decisions on the purchase and sale of investment assets, will be mindful of the following risk categories.

Risk	Mitigant
Risk of Capital Loss	Matching investment maturity dates to known cash outflows, investment strategy to buy and hold until maturity, diversification constraints, independent product research & advice.
Concentration risk ("all eggs in one basket")	Credit Risk management guidelines by institution (see below).
Credit Risk	Credit Risk management guidelines by asset class (see below), monitoring of credit rating outlooks by advisor.
Interest Rate (duration) risk	Term to Maturity Guidelines (see below)
Market timing risk ("not getting a good price on the day")	Stagger investment dates, maintain spread of maturity dates
Regulatory risk	Regulation embedded in Investment Policy. Portfolio actively managed to comply with Policy
Product risk	Independent product research via advisor
Liquidity risk	Cash flow forecasting, allocation of investment funds to time horizons, maintenance of a "liquidity reserve" through conservative assumptions in cash flow forecasting.
Income risk	Conservative approach to investment income budgeting.
Irrelevant advice risk	Portfolio is run to an Investment Strategy specifically targeted at Council's particular needs and preferences.
Fraud risk	Documented investment procedures, separation of responsibilities for investment decision making and transaction settlement, only one account for payment of redemption proceeds for managed funds, use of licensed custodian.
Safe keeping / Clear title risk	Documented investment procedures and use of licensed custodian.

ALLOCATION OF FUNDS

The Target Asset Allocation (TaR) will be determined by Council from time to time having regard to the economic conditions that are prevalent. The attachment headed "Target Asset Allocation and Return Expectations" outlines the present TaR adopted by Council.

The TaR will be established between the minimum and maximum allocation range shown in the table below.

The factors and/or information used by Council to determine the TaR include:

- Council's liquidity requirements;
- The shape of the bank bill swap curve (yield curve);
- Term deposit spread curve (i.e. the rate financial institutions are paying above the relevant BBSW rate);
- Credit spreads; and
- Macro economic variables.

Investment Category	Investment Horizon	Minimum Allocation	Target Allocation	Maximum Allocation
Working capital funds	0-3 months	10.0%	See attachment	100.0%
Short term funds	3-12 months	20.0%	See attachment	100.0%
Short-Medium term funds	1-2 years	10.0%	See attachment	70.0%
Medium term funds	2-5 years	0%	See attachment	50.0%
Long term funds	5 years	0%	See attachment	50.0%

In setting the strategic asset allocations, Council is relying upon assumptions of expected investment returns and market conditions.

REBALANCING

Each investment category will be re-balanced back to the target asset allocation weight at least quarterly. The tolerance range outside of the target asset allocation is reflected in the table below.

Investment Category	Tolerance range outside of target asset allocation
Working capital funds	± 10.0%
Short term funds	± 10.0%
Short-Medium term funds	± 7.5%
Medium term funds	± 7.5%
Long term funds	± 5.0%

BENCHMARKING AND MONITORING

Each investment in the portfolio is to be evaluated and monitored against a performance benchmark appropriate to the risk and time horizon of the investment concerned. The objective is to ensure that all investments considered can deliver a level of return commensurate with their risk profile and that they are competitive with an appropriate peer group of alternative investment options. During the currency of this Strategy Document, no assets other than those listed will be eligible.

Compliance of the portfolio with this Investment Strategy shall be reported to the Director of Corporate Services semi annually.

IMPLEMENTATION

This Investment Strategy sets out the intended approach to investments in the market conditions that are expected to prevail over the medium to long term investment horizon. However, there will be periods, sometimes sustained, where “normal” market conditions do not apply.

For example, periods where short term interest rates are higher than long term interest rates, or investments of similar credit quality offer different yields due to liquidity differences. In these circumstances, the investment approach taken at a given point in time may vary from strategy via a “Market Adjusted Portfolio Allocation”.

Where this occurs, it is incumbent on Council’s advisers to explain the rationale for this variation as part of its recommendations to the Director of Corporate Services.

AUTHORITY TO AMEND STRATEGY

The Director of Corporate Services may approve a variation to this strategy if the investment is to the Council’s advantage or due to revised legislation.

PROFESSIONAL ADVICE

Council retains CPG Research & Advisory to provide assistance in Investment Strategy formulation, portfolio implementation and monitoring.

GOVERNMENT GUARANTEE SCHEME

In November 2008, legislation was passed by the Australian Parliament to guarantee a range of deposit products and other securities. This mirrors other schemes internationally.

Council will seek advice on the conditions and implications of the Guarantee schemes and prioritise investments supported by external guarantees.

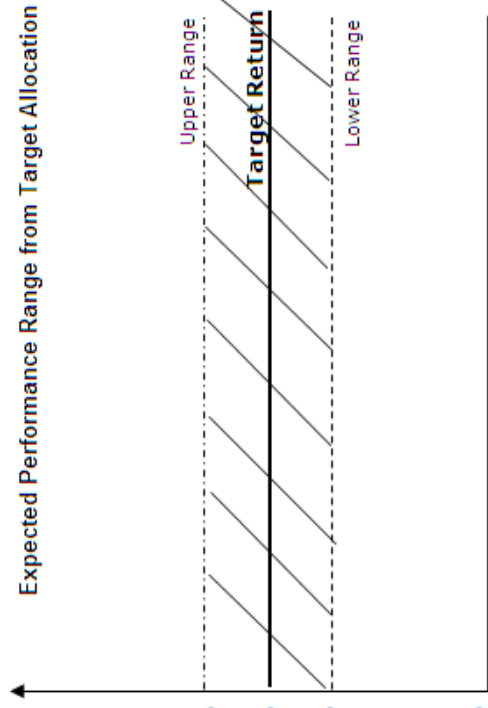
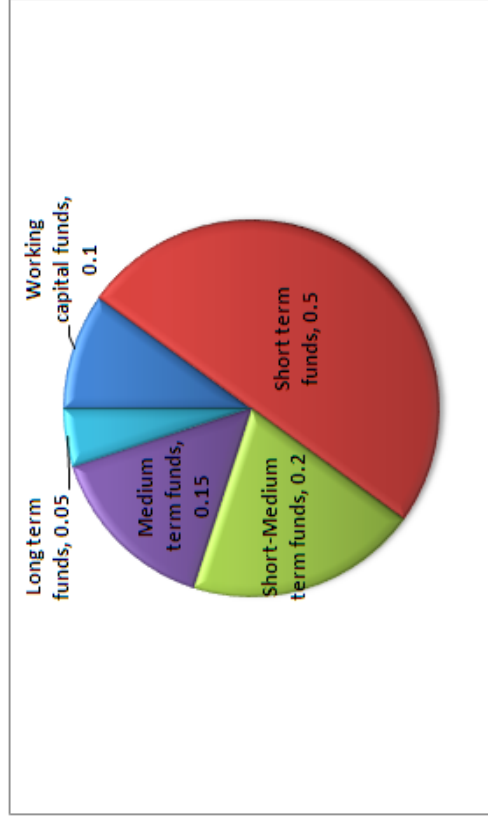
D.J.Jack

Director Corporate Services

24 March 2009

ATTACHMENT 4A: TARGET ASSET ALLOCATION & RETURN EXPECTATIONS

Investment Category	Investment Horizon	Target Allocation* %	Net Target Over Bank Bills ²	\$ Weighted Contribution to Outperformance	Suitable products ¹
Working capital funds	0-3 months	20.0%	-0.20% - 0.50%	0.03%	11am and cash A/Cs, Existing Cash Funds, Tcorp Hour-Glass Cash Facility
Short term funds	3-12 months	30.0%	0.30% - 0.60%	0.14%	Existing Aaf Enhanced Cash Funds, Tcorp Hour-Glass Strategic Cash, term deposits
Short-Medium term funds	1-2 years	10.0%	0.50% - 1.00%	0.08%	Existing Enhanced Cash Funds, term deposits, senior ADI FRN's
Medium term funds	2-5 years	10.0%	0.80% - 1.20%	0.10%	Existing Enhanced Income Funds, Tcorp Hourglass Medium Term Growth, term deposits, senior ADI FRNs and bonds
Long term funds	5 years	30.0%	1.00% - 1.50%	0.38%	Existing Structured Securities, Tcorp Hourglass Long Term Growth, senior ADI FRNs and bonds
TOTAL		100.0%	0.48% - 0.95%	0.72%	



¹ See table "Approved Investment Types & Benchmarks Per Investment Category" attached.

² For more detailed benchmark breakdown, see table "Approved Investment Types & Benchmarks Per Investment Category" attached.

* Council's Target Asset Allocation is derived from the expected funds available to invest in each nominated investment category. This will be reviewed every six months at a minimum. At times the actual allocation will differ from the target allocation until such times as normal investment conditions return. The rationale for any differences between actual and target allocation will be detailed in Council's quarterly portfolio reviews.

¹ See table "Approved Investment Types & Benchmarks By Investment Category" below.

ATTACHMENT 4B: APPROVED INVESTMENT TYPES & BENCHMARKS BY INVESTMENT CATEGORY

Investment Category & Net Performance Target	Investment Horizon	Investment Types	Eligible Investments	Council Approved	Council Specific Considerations	Relevant Benchmark
Working Capital Cash Rate	0-3 months	11 am and cash mgt Account, Existing AAA rated cash funds, Short dated Bills, NCDs issued by financial institutions, TCorp Cash Facility	Yes / Grandfathered	Yes	Same day access reqd. Policy restricts max allocation of 5% to any one unrated financial institution outside guarantee programmes.	Official Cash Rate
Short Term Funds BBI + 0.3-0.6	3-12 months	Defensive Enhanced Cash - AA credit rated cash funds, Term Deposits, NCDs	Yes / Grandfathered	Yes	Funds with buy / sell spreads generally avoided. Maximum T+2 redemption timeframe.	Bank Bill Index
Short-Medium Term Funds BBI + 0.25-0.60	1-2 years	Defensive Enhanced Cash – a portfolio of A credit rated cash funds Intermediate Enhanced Cash - A credit rated cash funds, with S&P credit score < 50	Grandfathered Grandfathered	Yes Yes	A minimum of two complimentary styled A rated funds. Funds with buy/sell spreads should be avoided. Maximum T+3 redemption timeframe.	Bank Bill Index Bank Bill Index
Medium Term Funds BBI + 0.80-1.20	2-5 years	Enhanced Income - A credit rated cash funds, with S&P credit score > 50 Fixed Interest funds	Grandfathered Suspended	Yes Yes	These funds are held for trading purposes however transactions should be kept to a minimum due to buy/sell spread transaction costs. Must be credit rated A or better. Council will seek advice as to the appropriate timing for the use of fixed interest in the portfolio.	Bank Bill Index Bank Bill Index
Medium Term Funds BBI + 0.80-1.20 (Cont'd)	2-5 years	Corporate FRN's, Bonds, Mortgage and asset backed securities Capital Stable Funds	Suspended Yes, via TCorp	Yes Yes**	Grandfathered assets only. Only available via TCorp for NSW Councils. Further investment considerations are to be met prior to any investment being made.	N/A Fund benchmark
Long Term Funds market-linked	5 years plus	Balanced / Growth Funds	Yes, via TCorp	Yes**	Only available via TCorp for NSW Councils. Further investment considerations are to be met prior to any investment being made.	Fund Benchmark

1. Where direct securities are used with a direct credit exposure, Council should work towards some diversification across maturity dates and issuers. Generally this would require a minimum of 5 securities.

2. Where investments are made in debt issued by deposit taking institutions that do not have a credit rating, the capital invested shall not exceed 20 per cent of the total portfolio value with maximum exposure of 5% to any one issuer other than where explicit guarantees or other credit support applies. (Therefore the extent of potential capital loss is limited to an amount approximately equivalent to one years return on Council portfolio.)

* The eligibility of an investment is determined by the legislation that applies to NSW Local Government, Forms of Investment – Minister's Order dated 31 July 2008 and successors. Its approval for use in the portfolio and any other council specific considerations arise from discussion between council personnel and CPG. The onus is on Council to advise CPG if Council's view on any of these investment types change.

5.3 Suspension of Alcohol Free Zone - The Entrance Foreshore Plaza, The Entrance Road

TRIM REFERENCE: f2008/00602 - D02052797

AUTHOR: MW

SUMMARY

Report on request received from The Entrance Town Centre Management Corporation Inc to suspend part of the Alcohol Free Zone (AFZ) at The Entrance Road, The Entrance.

RECOMMENDATION

- 1 That Council suspend that part of the Alcohol Free Zone of The Entrance Foreshore Plaza at The Entrance for the location of the Tuggerah Lakes Mardi Gras - Ball in the Mall as indicated on the attached plan on 28 November 2009 between the hours of 5.30 pm and 12.00 midnight.**
- 2 That Council advertise the suspension of part of the Alcohol Free Zone in the local newspaper.**

BACKGROUND

A Development Application was received from The Entrance Town Centre Management requesting the suspension of part of the AFZ for the Tuggerah Lakes Mardi Gras – Ball in the Mall. The event is located under a marquee and the adjoining sail shades at The Entrance Foreshore Plaza, adjacent to the Memorial Park, The Entrance.

THE PROPOSAL

It is proposed to suspend part of the AFZ on 28 November 2009 between the hours of 5.30 pm and 12.00 midnight as required for the serving of alcohol at the Tuggerah Lakes Mardi Gras – Ball in the Mall.

The suspension is for part of the AFZ and relates specifically to the marquee and adjoining sail shade structure. A location plan is also attached detailing the specific area for the event impacted by the suspension.

Section 645 of the Local Government Act, 1993 provides for the suspension of a whole or part of an AFZ subject to Council passing a resolution to that effect and advertisement in the local newspaper.

5.3 Suspension of Alcohol Free Zone - The Entrance Foreshore Plaza, The Entrance Road (contd)

OPTIONS

- 1 Approve the suspension of the Alcohol Free Zone to cater for the needs of the event.
- 2 Refuse approval of the suspension, impacting greatly on the organisation of the event.

STRATEGIC LINKS

Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
1.2	To build a sense of community in both the new and established areas of Wyong Shire.	Facilitate local neighbourhood projects that build community pride.

Local events (such as Australia Day Celebrations, Tuggerah Lakes Mardi Gras, Festivals of Arts, Gathering of the Clans, etc) will be enhanced to expand the opportunities for locals to participate in, and feel proud of, their community, enhance their social networks, and have fun.

CONSULTATION

Consultation between The Entrance Town Centre Management and Police authorities managed through the process of the Temporary Liquor License as a part of the Conditions of Consent of the Development Application.

GOVERNANCE

The proposal is in accordance with section 632 of the Local Government Act.

Location Map



CONCLUSION

It is considered the suspension of part of the AFZ would cater for the needs of the event with minimal disruption as the area is limited.

ATTACHMENTS

Nil

5.4 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Ferry Service between Wyong and The Entrance

TRIM REFERENCE: CPA/105639 - D02052876

AUTHOR: SMcD

SUMMARY

Reporting on a recommendation from the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC).

RECOMMENDATION

That Council adopt the recommendation of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and that NSW Maritime be advised accordingly.

BACKGROUND

At its meeting held on 8 July 2009, Council adopted The Entrance Peninsula Planning Strategy. At the meeting, Council discussed the possibility of a ferry service being established and operating from The Entrance to Wyong. It was considered that this would assist in reducing the number of vehicles using The Entrance Road through Long Jetty and Wyong Road. At the Council meeting held on 8 July 2009, it was resolved in part:

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

- "5 That Council write to the Members for Wyong and The Entrance seeking their support for a ferry link between Wyong township and The Entrance township and a variation of speed limit on Wyong River to facilitate ferry operation with an appropriately designed low wake vessel."*

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

AGAINST: NIL.

In accordance with Council's resolution, letters were sent to each Local Member on 7 August 2009. To date a response has only been received from Grant McBride MP Member for The Entrance. Mr McBride advised that the current speed limits on Wyong River related to wake and speed and were set following recommendations by Council's TLECFMC. Mr McBride further suggested that the matter be referred to that Committee for its consideration and advice.

As NSW Maritime is the appropriate authority in relation to speed limits on Wyong River, Council wrote to it requesting consideration be given to the increase in the speed limit on Wyong River. In its response NSW Maritime also asked that the matter be considered by the TLECFMC prior to NSW Maritime further assessing it, as the speed limits on the river were imposed following consultation through the Committee.

5.4 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Ferry Service between Wyong and The Entrance (contd)

On 1 October 2009 Council's Transportation Engineer gave a presentation to the TLECFMC outlining the issues of comparative travel times between a possible commuter ferry service and existing transport modes. The presentation highlighted that for a ferry service to be competitive in terms of travel time between The Entrance and Wyong, the current 4 and 8 knot speed limits on the river would need to be increased or an exemption granted to potential operators based on the use of suitable low wash vessels.

The Committee considered the environmental and safety implications of commercial vessels navigating Wyong River in excess of current speed limits and agreed to recommend that the speed limit on Wyong River not be increased at this time.

The Committee resolved as follows:

- 1 *That the Committee receive the report on the possibility of the Ferry Service from The Entrance to Wyong and the information noted.*
- 2 *That the Committee recommend the speed limit on Wyong River not be increased at this time.*

PREVIOUS STUDIES

Figures provided by existing bus operators indicate that on average, approximately 30 passengers during the am and pm peak, catch a bus from The Entrance to Tuggerah or Wyong Railway Stations connecting to the train service. Significantly less use this service outside peak times. Ferry operators have indicated that they would require somewhere in the order of 30 to 40 passengers on each commuter service to break even. It is difficult to foresee all passengers changing from a bus to a ferry service for 'commuter' purposes.

Meetings and discussions with previous ferry operators, Department of Transport and Infrastructure (formerly Ministry of Transport) and NSW Maritime officials have indicated that the feasibility of introducing a ferry service is determined by a number of factors, including funding requirements and what (if any) Government subsidies are available, landside/waterside (including wharf and passenger) infrastructure, speed restrictions and their impact on travel times, shallow water, vessel type and potential market for the service.

CONCLUSION

Given the recommendation of the TLECFMC, it is unlikely that NSW Maritime will increase the speed limit on Wyong River. Previous investigations carried out indicate that a ferry service could not compete for patronage with established alternative transport modes at this time. Therefore, it is recommended that Council write to NSW Maritime advising it of the recommendation of the TLECFMC and that no further action be taken on the possibility of establishing a ferry service on Tuggerah Lakes at this time.

ATTACHMENTS

Nil.

5.5 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2009/01723 - D02055657

AUTHOR: SG

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$3,650 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

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

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

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A better community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

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

5.5 Proposed Councillors' Community Improvement Grants (contd)

Link to Key Focus Areas

Funding is available specifically to projects outside of Council's Management Plan.

Financial Implications

Expenditure is approved until the end of the 2009-10 financial year. Unspent approvals lapse 30 June 2010.

CONSULTATION

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

GOVERNANCE

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

CONCLUSION

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

Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 14/10/2009	2,275	2,400	4,548	3,799	4,056	1,150	850	5,650	3,290	6,200	34,218
Available allocation as at 14/10/2009	12,725	12,600	10,452	11,201	10,944	13,850	14,150	9,350	11,710	8,800	115,782
Proposed Allocations for 11 November 2009											
Lifeline Central Coast (\$3,000)									500		500
Long Jetty Hospital Auxiliary (no amt specified)			500								500
Mingara Relay For Life "Annie's Hope" Team (\$650)				350	35				230	35	650
The Entrance Town Centre Management (\$2,000)	500	500				500			500		2,000
Total Proposed Allocations for 11/11/2009	500	500	500	350	35	500	0	0	1,230	35	3,650
Total Accumulated Allocations as at 11/11/2009	2,775	2,900	5,048	4,149	4,091	1,650	850	5,650	4,520	6,235	37,868
Balance Uncommitted as at 11/11/2009	12,225	12,100	9,952	10,851	10,909	13,350	14,150	9,350	10,480	8,765	112,132

ATTACHMENTS

Nil

5.6 Charter - Wyong Shire Council Beach Liaison Committee

TRIM REFERENCE: F2004/06230 - D02057766

AUTHOR: LS

SUMMARY

Report on proposed amendments to the Charter of the Beach Liaison Committee.

RECOMMENDATION

That Council adopt the amended Charter of the Beach Liaison Committee.

HISTORY

All Wyong Shire Council Committees operate in accordance with the Local Government Act under Charters adopted by Council. The existing Beach Liaison Committee Charter was established in August 2005. A review of the existing Charter has been undertaken since July 2009 to better determine the functions and future directions of the committee.

The Committee has agreed that there should be a greater focus within the Charter on the strategic management of beach safety rather than the general beach management issues as stated in the existing Charter. It has also been acknowledged that some areas such as coastal engineering and environmental issues are already covered by the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee. The proposed amendments to the existing Charter will bring the focus of the Beach Liaison Committee back onto strategic beach safety between Surf Life Saving Central Coast and Wyong Shire Council.

BACKGROUND

The Beach Liaison Committee is comprised of beach user groups including Surf Life Saving Central Coast, the National Parks and Wildlife Service (NPWS), Councillors and Council staff. It promotes the discussion of a broad range of matters relating to strategic beach safety and facilitates effective communication between the member organisations.

At the request of the NPWS, the Committee support that NPWS become a non-attending member organisation to receive meeting minutes on an ongoing basis. The NPWS representative or alternate may be invited to attend any Committee meeting where a topic relevant to their organisation is to be discussed. The inclusion of Surfing Central Coast as a non-voting member organisation was also supported by the Committee due to their strong presence on Wyong Shire beaches and known record of assisting with water rescues.

All Committee members have agreed to the amended Charter (Attachment 1).

PROPOSED AMENDMENTS

Amendments have been proposed to the Charter to ensure a greater focus on the strategic management of beach safety. 'General Beach Management' has been replaced with 'Strategic Beach Safety'.

The suggested restructure of 'membership' within the Beach Liaison Committee Charter lists the member clubs/organisations, voting members from Council and external organisations, and non-voting members including the president of each Surf Life Saving Club within the Shire. Previously the Charter listed only internal and external membership, not voting rights.

Amendments made to 'Purpose and Objectives' addresses the need for a greater focus on strategic management of beach safety.

Other amendments include the replacement of;

- 'Modus Operandi' with 'Meeting Timeframe',
- 'Sunset Clause' with 'Term',
- 'Director of Engineering Services' with 'Director of Shire Services',
- 'Council Lifesaver' with 'Council Lifeguard', and
- 'Beach Superintendent' with 'Lifeguard Supervisor'.

CONCLUSION

The Committee has considered the proposed amendments and submits them for adoption by Council.

ATTACHMENTS

- 1 Proposed 2009 Charter - Beach Liaison Committee D01976932

WYONG SHIRE COUNCIL

Beach Liaison Committee Charter 2009

Membership:

Clubs/Organisations

- Wyong Shire Council
- Surf Life Saving Central Coast
- The Lakes Surf Life Saving Club
- Soldiers Beach Surf Life Saving Club
- The Entrance North Surf Life Saving Club
- The Entrance Surf Life Saving Club
- Toowoona Bay Surf Life Saving Club
- Shelly Beach Surf Life Saving Club
- Surfing Central Coast
- NSW National Parks and Wildlife Service

Voting Members

Council:

- 3 Councillors (being the Mayor as member of all Committees and 2 Councillors)
- Open Space and Recreation Manager/alternate;
- Lifeguard Supervisor/alternate.

External:

- Surf Life Saving Central Coast representative
- One club representative/alternate nominated by Surf Life Saving Central Coast (Inc)

Non-Voting Members

- One branch representative/alternate nominated by Surfing Central Coast (Inc.)
- One NPWS representative will act as a non-attending member and will receive meeting minutes on an ongoing basis. Representative may be invited to attend committee meeting if required.
- President The Lakes Surf Life Saving Club
- President Soldiers Beach Surf Life Saving Club
- President The Entrance North Surf Life Saving Club
- President The Entrance Surf Life Saving Club
- President Toowoona Bay Surf Life Saving Club
- President Shelly Beach Surf Life Saving Club

Purposes and Objectives

- i To facilitate effective communication between Council and beach user groups in the process of seeking resolution of issues associated with strategic management of beach safety.
- ii To develop systems and procedures for improving and updating all facets of beach management within Wyong Shire.
- iii To implement and continually review the beach management plan for the Shire.
- iv To develop a sharing relationship between Council Lifeguards and the Surf Life Saving Central Coast (Inc) with regard to equipment and staffing.

Meeting Timeframe

The interval between meetings will not exceed three months. Notification of meetings will be given by the Chairperson at least one week in advance together with a copy of the proposed agenda.

Scope

The diversity of the Committee, comprising beach user groups, will promote discussion of a broad range of matters relating to the strategic management of beach safety

The process of improvement will include a review of beach safety standards, as well as the development of examination/patrolling procedures for Lifeguards and Lifesavers.

Mechanisms will be put in place to coordinate and develop school and tourist education programmes for the purpose of further educating beach users on safety aspects and providing a safer beach environment.

The adoption of a holistic approach to future beach management of beach safety will form the foundation for the development of beach management plans for the Shire.

Decision Making Procedures

As a formally constituted Committee of Council, reports are to be submitted to the Director of Shire Services and, where the Director determines Council input is required, to the Council. The Committee has no delegated powers from Council.

Quorum

A quorum shall consist of four, comprising representation from both Council management and beach controlling authorities.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson shall reschedule the meeting for another time.

Committee Members' Non-Attendance at Meetings

Committee members are expected to attend all Committee meetings.

Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, the organisation that that person represents will be requested to replace its representative.

Non-Members' Attendance at Committee Meetings

Persons other than Committee members/alternates shall be permitted to attend meetings subject to:

- i Prior agreement at the previous meeting, if the invitee is known, or
- ii Agreement by the Chairperson.

Such person may be requested to provide input by virtue of having special knowledge or information for the benefit of members, or may come as an observer, in which case no contribution is allowed.

Permission to attend the meeting can be withdrawn at any time by the Chairperson.

Expenses of Committee Members

Each participating organisation with membership of the committee shall meet all costs of their members' participation and attendance at Committee Meetings.

Vacancy

If for any reason a vacancy is created, the position shall be filled by nomination from the affected organisation as soon as practicable after the vacancy has occurred.

Chairperson

The Chairperson will be the designated Councillor/alternate. In the absence of the Chairperson/alternate, the Open Space and Recreation Manager/alternate will be the Chairperson, and in his/her absence, the meeting may continue on an informal basis only.

Secretary

The position shall be filled either by a Committee member or by a suitable Council staff member nominated by Council management.

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

Agenda

All agenda items shall be submitted to the Chairperson fourteen days before the meeting. Members submitting items should ensure the content is given in sufficient detail to assist members understand the issues raised, or by providing additional supporting information.

If a Committee member wishes to raise an urgent/late item that is not on the agenda, it is at the Chairperson's discretion to determine the appropriate manner for dealing with the matter.

Minutes

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Central Records filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- i Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- ii A list of persons present.
- iii Notification of endorsement of minutes from previous the meeting.
- iv Whether there was business arising from the minutes.
- v Notation of reports or correspondence.

- vi Items of general business.
- vii Time meeting closed, date and venue for next meeting.

Following adoption by the Committee and signature by the Chairperson, the minutes shall be placed in the Central Records filing system for access when required.

Procedure for Changing the Charter

The following procedure shall apply for amending the Charter:

- i Any proposed changes to the Charter shall be submitted to the Secretary at least twenty one days before any Committee meeting so that notice may be given to all members at least fourteen days in advance of any meeting.
- ii Any proposed changes will require the support of the majority of the Committee membership.
- iii Proposed amendments to the Charter can be effective only after approval by the Council.

Any requests from Council management to amend the charter shall be directed to the management representative for submission to the Committee.

Term

The Committee will report to the Council and expire on 1 September, 2012.

The Committee may cease to operate before September 1, 2012 if:

- i Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

Established: 9 August 1995

Reports to: Council

File Reference: F2004/06230

Amendments

12/07/01	Amendment - "lifeguard" to "lifesaver"
29/11/01	Addition of CCMF Plan
11/09/02	Replaced "Director of Engineering" with "General Manager" under Sunset Clause
11/09/02	Addition of new section "Expenses of Committee Members"
11/09/02	Deletion of CCMF Plan
27/06/03	Amendment of Sunset Clause. Date changed from Sept 1 2003 to March 1 2004.
19/02/04	Amendments to "Membership" and "Sunset Clause"
20/04/09	Amendment "Director of Engineering Services" to "Director of Shire Services"
20/04/09	Amendment "Beach Superintendent" to "Lifeguard Supervisor"
20/04/09	Amendments to "Membership"
20/04/09	Amendment "General beach management" to "Strategic beach safety"
20/04/09	Amendment "Council Lifesaver" to "Council Lifeguard"
20/05/09	Amendment to item iii in "Purpose and Objectives"
20/5/09	Replaced "Modus Operandi" with "Meeting Timeframe"
20/5/09	Replaced "Sunset Clause" with "Term"
21/7/09	Amendments to "Membership"

5.7 Commonwealth Government Regional and Local Community Infrastructure Program Grant Funding Round 2

TRIM REFERENCE: F2004/06305 - D02058301

AUTHOR: SB

SUMMARY

This report provides details of projects proposed for selection by Council for implementation under the Commonwealth Government Local Government Infrastructure Program.

RECOMMENDATION

That Council approve the community buildings nominated in Attachment 1 being the selected projects for the Allocated Commonwealth Government Regional and Local Community Infrastructure Program (RLCIP) Grant Fund to a total value of \$648,000.

BACKGROUND

On the 25 June 2009, the Australian Government made an additional \$220m available to boost the Regional and Local Community Infrastructure Program. This investment is intended to support local jobs during the global economic recession and provide long-term benefits to communities by assisting councils to build and modernise local infrastructure.

The Regional and Local Community Infrastructure Program (RLCIP) will have two components; a \$100m allocated component and a \$120m competitive component.

The process for release of funding is as follows:

\$100 Million Allocation

- Councils have until 20 November 2009 to return documentation. In their responses, Councils will have to stipulate that the identified projects are ready to proceed and are additional to currently budgeted projects.
- All projects must be completed and the funding expended no later than 31 December 2010;
- Funding will start to be released shortly afterwards.
- The allocation for Wyong Shire is \$648,000.

These funds will be available for additional and ready-to-proceed community infrastructure projects, and for additional stages of projects that are currently underway.

Funding will be provided to councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (eg swimming pools, sports stadiums);
- tourism infrastructure (eg walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (eg boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

5.7 Commonwealth Government Regional and Local Community Infrastructure Program Grant Funding Round 2 (contd)

The following criteria are provided:

- a clear and direct benefit to the local communities
- local governments are responsible for community consultation and determining the priority given to potential infrastructure projects within their jurisdictions.
- include projects in their application that address the needs of the local indigenous population.
- consider environmental sustainability when preparing project proposals, and how their RLCIP activities will promote green building technologies, design practices and operations.

At the Councillor briefing on the 14 October the Councillors decided to focus on refurbishment of Community Halls. The halls were selected on the basis their current and potential use; Shire wide distribution and the current and future needs of the community. Attachment 1 provides details of the Community Halls proposed for selection in this component of the grant.

Attachment 2 has been included for reference, and provides a list of potential projects that have previously been considered before Council decided to focus on Community Halls.

\$120 Million Strategic Projects

A further report will be submitted to Council in regard to suitable projects nominated for application under the \$120m competitive component of the RLCIP.

Consultation with community stakeholders and Federal Member will take place as part of determining suitable projects for this competitive component. The redevelopment of the Surf Clubs would fulfil the criteria and may be the most appropriate project. Consideration will be given to the availability of alternate funding for the Surf Clubs and Council's capacity to satisfy the competitive criteria as set out below.

- Applications Close 4:00pm on the 15 January 2010
- All projects must be completed and the funding expended no later than 30 June 2011
- Strategic Projects funding will be available on a competitive basis for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$1 million.
- Preference will be given to projects which can demonstrate community benefit.
- Partnership funding is required and preference may be given to projects with greater co-contributions.
- Consideration will be given as to whether Councils have completed their \$250 million RLCIP projects.
- Eligible projects must be additional, ready-to-proceed, or additional stages of current projects.
 - Additional projects are those which have not been included in the Local Government's financial budget for 2009/10 and can be brought forward as a result of RLCIP-SP funding.
 - Projects that are ready-to-proceed are those that will begin construction within six months of signing the Funding Agreement (contract).

5.7 Commonwealth Government Regional and Local Community Infrastructure Program Grant Funding Round 2 (contd)

- Examples of the outcomes sought from the Strategic Projects are:
 - an increase in employment,
 - improved community services,
 - expansion of infrastructure to service a larger proportion of the community
 - upgrades to community facilities which result in community benefits or an increase in community capacity.

- Projects must provide a clear, direct and measurable benefit to local communities.

- Applications will have a greater chance of success if they can quantify or otherwise demonstrate what the project will achieve, what the ongoing community benefits will be and how the project is sustainable.

Examples of Strategic Projects

<p>Social and cultural infrastructure</p> <ul style="list-style-type: none"> • Town halls • Community centres • Theatre/music/art spaces • Historic buildings • Libraries • Local heritage sites • Museums • Parks and gardens • Internet kiosk infrastructure • Kitchens for organisations • Cultural centres • Community market areas • Enhancement of main streets & public squares • Resources for cultural facilities 	<p>Recreation facilities</p> <ul style="list-style-type: none"> • Sports grounds and facilities • Sports stadiums • Community recreation spaces • Playgrounds • Rail trails • Swimming pools • Walking tracks and bicycle paths • Skate Parks • BMX/Mountain Bike parks/trails • Surf lifesaving clubs • Other
<p>Tourism infrastructure</p> <ul style="list-style-type: none"> • Convention or trade centres • Community public attractions • Memorial halls/walkways • Buildings for exhibits • Tourism information centres • Local infrastructure to support or provide access to tourist facilities • Airports and terminals • Other 	<p>Children, youth and seniors facilities</p> <ul style="list-style-type: none"> • Playgroup centres • Youth centres • Scout/guide halls • Senior citizens' centres • Other
<p>Access facilities</p> <ul style="list-style-type: none"> • Disabled access infrastructure • Footbridges • Jetties/wharves/piers/pontoons/bollards • Foreshore development • Bus/rail terminal upgrade • Boat ramps • Other 	<p>Environmental Initiatives</p> <ul style="list-style-type: none"> • Water source and treatment • Drain and sewerage upgrades • Water recycling plants • Water conservation infrastructure • Water catchments • Wastewater Infrastructure • Waste management and processing infrastructure • Recycling plants • Other

Community Engagement Process

As previously stated the current proposed work at the premises listed in Attachment 1 has been compiled considering need, usage and distribution across the Shire.

In the refurbishment or upgrade of any facility Council is committed to ensuring effective community engagement to achieve the best possible outcome for the Wyong Shire community. Current processes adopted by council include:

- Social planning which considers a strategic approach to the planning, developing and upgrading community facilities. This normally relates to individual social planning districts and forecast future planning needs
- Community information session with key stakeholder/ user groups to identify, plan and agree on scope of works and proposed upgrade
- Community engagement sessions which aims to achieve active participation in any upgrade process. This includes community gardens, landscaping, painting, in-kind and volunteer works. It also includes potential matching fund programs which reflect council matching dollar for dollar community participation and in-kind support
- Communication strategy- council is committed to ensuring that local residents are connected with its upgrades through effective and meaningful communication and media.

The asset management portfolio for community building currently lies within the Community Development section. Council currently provides its community connectedness programs using an asset-based community development approach that recognises the individual skills, assets and talents within local communities and capitalises on these.

There is significant opportunity to work with the Section 355 committees and other community stakeholders to maximise funds and community commitment to the proposed works.

Supplementary Funds

Additional funding for the proposed works is expected from the Waste and Sustainability Improvement Fund (WSIF) for 2010-11 as well as financial and in-kind contributions from 355 committees and community stakeholders.

It is proposed that \$200k be allocated from the 2010-11 WSIF to undertake energy saving works either passive solar design, insulation or solar hot water depending on the specific needs of each facility.

The availability of this funding is dependant upon the criteria for the WSIF not changing before the 2010–11 allocation which is anticipated to be announced in July 2010.

Timetable

It is proposed that delivery of the infrastructure projects nominated should be in line with the following plan.

<p>Council Meeting Council nominates projects with grant funding up to the \$648,000 grant allocation.</p>	<p align="center">November 11 2009</p>
<p>Lodge Grant Application</p>	<p align="center">Before November 20 2009</p>

Community Consultation	November 2009 - February 2010
Complete designs, approvals and procurement Council officers carry out project designs, project planning and gain relevant approvals	June 2010
Implementation Delivery of identified projects via Council's Project Management system	Complete December 2010

CONCLUSION

The \$100m allocated grant provides Council a \$648k component which is proposed to be spent on the refurbishment of halls and Community buildings. These projects will be undertaken in close consultation and involvement with the stakeholders so as to maximise the benefit of the works and achieve engagement and sense of ownership with the various stakeholders.

The criteria and the competitive nature of the \$120m Strategic Projects will require close liaison with the Federal Member to maximise Council's opportunity. Whilst the replacement and refurbishment of the Surf Club Project is predominately conforming to the grant funding guidelines, it may better fit a future grant opportunity.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Nominated Community Buildings | D02064818 |
| 2 | Potential Projects Previously Considered by Council | D02064832 |

Attachment 1 - Proposed Projects for the \$100m Allocation of \$648,000

Community Building Upgrades - Estimate of Works

TUNKAWALIN HALL

(Hours
per
Week) **Utilisation : 21**

<p>Refurbishment works (funding sought) Main floor, Kitchen, repaint Internally, External Cladding</p>	<p>\$ 56,300 (excl. GST)</p>
<p>Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems.</p>	<p>\$30,000</p>
<p>Consultation Process Facility currently managed by 355 committee. Council has consulted this group on works to develop this site into a sporting precinct for the North of the Shire</p>	
<p>Community Contribution 355 Committee Contribution In-kind (community members keen to participate in the works with identified skills including painters, carpenters and gardeners)</p>	<p>\$20,000 \$55,000</p>
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$ 161,300</p>

COLONGRA BAY HALL(Hours per
Week)**Utilisation : 109**

<p>Refurbishment works (funding sought)</p> <p>West entry to hall, fence western side, replace roof materials, kitchen, disabled access, deck, handrail and stairs NE side, new windows and doors East side, guttering, downpipes, fascias and eaves, repaint internal and external, security, ceiling to hall</p>	<p>\$ 119,500 (excl. GST)</p>
<p>Sustainability commitment (funded by Council)</p> <p>e.g. Passive solar modifications, shade, insulation, solar hot water systems</p>	<p>\$30,000</p>
<p>Consultation Process</p> <p>Significant consultation has occurred in relation to upgrading this facility. All current and potential user groups have been engaged to identify requirements.</p>	
<p>Community Contribution</p> <p>Burnside are keen to partner with council and have dollars to contribute to this project should it provide adequate.</p> <p>Contribution in-kind (community members keen to participate in the works with identified skills including painters, carpenters and gardeners)</p>	<p>[possibly \$100,000]</p>
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$55,000 \$ 204,500 Up to \$ 304,500 (with Burnside contribution)</p>

KULNURA HALL(Hours
per
Week)**Utilisation : 15**

<p>Refurbishment works (funding sought) Kitchen, Lining walls and ceiling to stage, ceiling to hall, toilets, replace stairs north side, Repaint hall, Disabled access</p>	<p>\$ 81,000 (excl. GST)</p>
<p>Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems</p>	<p>\$20,000</p>
<p>Community Significance Kulnura Hall is an integral facility based within an isolated community. The proposed refurbishment will enhance capacity to service the diverse community needs.</p>	
<p>Consultation Process Discussion has occurred with community groups who have expressed eagerness to contribute in-kind.</p>	
<p>Community Contribution Contribution In-kind (community members are keen to participate in the works)</p>	<p>\$ 15,000</p>
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$ 116,000</p>

(Hours
per
Week)**WYONG OLD SCHOOL SITE****Utilisation : 40**

<p>Refurbishment works (funding sought)</p> <p>Fence replacement to family history, Kitchen at N/Hood centre, vermin proofing on eaves, Replace decking rooms 5-6, Handrail to car park N/hood centre, concreting, Replace windows, Repaint out side and inside all buildings</p>	<p>\$ 136,000 (excl. GST)</p>
<p>Sustainability commitment (funded by Council)</p> <p>e.g. Passive solar modifications, shade, insulation, solar hot water systems</p>	<p>\$30,000</p>
<p>Community Significance</p> <p>This facility house a variety of key community groups. The facility provides basic services and refurbishment will enhance usage by the broader community.</p>	
<p>Community Contribution</p> <p>There are both aged and youth services operating from this site which would play a key role in intergenerational activities throughout any development and would include gardening programs and community art.</p>	<p>\$25,000</p>
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$ 191,000</p>

MYRTLE BRUSH HALL BERKELEY VALEUtilisation : **10** (Hours per Week)

Refurbishment works (funding sought) Repaint Internal and External, Kitchen, Roof replacement on southern awning, toilets	\$ 83,400 (excl. GST)
Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems	\$20,000
Community Significance This facility provides a basic community hall in an area with limited services.	
Total Project Value (incl 5% Project Management Cost)	\$ 103,400

“THE COTTAGE”, BATEAU BAY

Utilisation : (Hours per Week)

Refurbishment works (funding sought) Repaint Internal and External, Kitchen, Hall Floor, toilets	\$ 43,800 (excl. GST)
Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems	\$15,000
Community Significance This facility provides a basic community hall in an area with limited services.	
Total Project Value (incl 5% Project Management Cost)	\$ 58,800

HALEKULANI HALL

(Hours per Week)
Utilisation : 115

<p>Refurbishment works (funding sought) Renew floor, Refurbish Toilets, Carpet Library, Repaint Internal and External</p>	<p>\$ 94,800 (excl. GST)</p>
<p>Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems</p>	<p>\$40,000</p>
<p>Community Significance Halekulani Hall is a key community hub in the Budgewoi buff Point Areas. It has a high utilisation rate. With a basic upgrade of this site there is no doubt that an increased level of utilisation will occur.</p>	
<p>Community Contribution There is active community participation in this area which would contribute through in-kind works</p>	<p>\$25,000</p>
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$ 159,800</p>

HEADOR STREET HALL, TOUKLEY

(Hours per Week)

Utilisation :

<p>Refurbishment works (funding sought) Repaint Internal and External, Guttering, new skylight at hall entry</p>	<p>\$ 33,200 (excl. GST)</p>
<p>Sustainability commitment (funded by Council) e.g. Passive solar modifications, shade, insulation, solar hot water systems</p>	<p>\$15,000</p>
<p>Community Significance This facility provides a basic community hall in an area with limited services.</p>	
<p>Total Project Value (incl 5% Project Management Cost)</p>	<p>\$ 48,200</p>

Totals

- The following totals represent all projects nominated.
- Community contributions, both financial and in-kind, are contingent upon formal agreement between Council and the community groups.
- The Department of Infrastructure, Transport, Regional Development and Local Government advises that the Grant Funds should not attract GST. However, Council may still be liable for the GST component of any Goods and Services in relation to the works carried out.
- The value of Funding Sought includes a 5% allowance for project management costs.

Total of project values (estimate)	\$ 1,143,000
Total value of Commonwealth Funding Sought	\$ 648,000
Community Contributions (estimate)	Up to \$ 295,000
Council Contribution (Sustainability Fund)*	\$ 200,000

* Subject to the criteria for the Waste and Sustainability Improvement Fund remaining unchanged.

Attachment 2 - Potential Projects Previously Considered by Council

Attachment 2

Potential Grant Funding Projects			
Description/Project	Area	Cost Estimate	Comments
Refurbished Infrastructure			
The Entrance Pool		\$500K	Grandstand improvements, increase shaded areas, internal building refurbishment including amenities, repaint pool and building, investigate & replace pump and filter system.
Toukley Library Refurbishment and improvements to Toukley Community hall pedestrian precinct.	Libraries	\$140,000	Upgrade of existing library to improve patronage. Replace carpets, install new customer service counter and provide new book shelving and furniture. Improvements to pedestrian external precinct adjacent to Toukley Community Hall, library and public toilets.
Jetties - Long Jetty		\$280K	Restore to former glory the three long jetties. Watkins, Parrys and Long Jetty.
The Entrance Surf Club		\$300K	Restore to former glory and make more function for life saving activities.
Woodbury Park		\$350K	Re-establishment of a heritage park.
Jetties		\$215	Restore to former glory all Wyong Shire jetties.
Cabbage tree harbour boat ramp		\$800K	Replacement of the Cabbage tree harbour boat ramp.
Cemeteries identify graves, improve access in older sections including creating pathways between graves eg crushed sandstone to improve the amenity and improve maintenance -	Cemeteries	TBA	
Holiday Park at Canton Beach – regenerate the walkway and bush regeneration including providing habitat identification markers.	Canton Beach Holiday Park	TBA	
Extreme sports park		\$2M	Community enhancement project that upgrades community facilities in an area of disadvantage. This will expand local government jobs in the construction phase and on going management/operations. Could develop an income stream to be self funded in the future.
Tennis Courts		\$670K	Cross shire upgrade of all 18 facilities including lights, nets, amenities and assets.
Swimming Pools - Toukley		\$725K	New amenities, fitness area and café/social area.

Swimming Pools - Wyong		\$5M	New amenities, fitness area and café/social area. Children's playground. New plant room with solar heating facility, new water saving filtration unit and complex upgrade that can make an all year open facility.
Description/Project	Area	Cost Estimate	Comments
T1 - public art improvements for Canton Beach park		\$25,000	
Leisure Centre - EDSACC		\$535K	Refurbish entire building.
Amenities buildings - all.		\$1.5M	Will upgrade the 10 worst sporting amenities.
TUNKAWALIN HALL		\$132,500	Re sand floor and re line mark; Upgrade Kitchen; Clad over ext mud bricks; Internal toilets; repaint Internally
COLONGRA BAY HALL		\$103,000	Up grade West entry to hall; Fence of west entry; New ceiling to hall; Kitchen upgrade; Disabled access; Deck, handrail and stairs N/E side; New windows and doors East side; Guttering, downpipes, fascias and eaves repair; repaint Internal and external; replace roof on west awning repair main roof
KULNURA HALL		\$75,000	kitchen upgrade; Lining walls and ceiling to stage -ceiling to hall; Disabled access; replace stairs north side; Repaint hall; Up grade toilets
Wyong Old School Site		\$124,000	Repaint out side and inside all buildings; Replace decayed windows; Handrail to car park N/hood centre, concrete repairs; Replace decking rooms 5-6; repair vermin proofing on eaves; Kitchen up grade to N/Hood centre; Fence replacement to family history
OASIS CENTRE		\$9,000	Finish off ramp area main entry with carpet; Emergency Exit lights and compliance office area
MYRTLE BRUSH HALL BERKELEY VALE		\$80,000	Up grading toilets; Roof replacement on southern awning; Kitchen upgrade; Repaint Internal and External

BATEAU BAY PROGRESS HALL		\$57,000	Kitchen upgrade: Upgrade Toilets; Sand and seal hall floor; Repaint internal external
SAN REMO NEIGHBOURHOOD CENTRE		\$60,000	Replace retaining wall; kitchen upgrade x2; Repaint internal and external; Roof repairs
Description/Project	Area	Cost Estimate	Comments
TOUKLEY HALL		\$70,000	Replace arch bars to all openings; Replace parapet flashing
HEADER ST HALL TOUKLEY		\$17,000	New guttering Toilet upgrade Repaint externally, internally; Replace skylight hall entry
HALEKULANI HALL		\$60,000	New guttering; Toilet upgrade; Carpet in library; Repaint Internal and external
FACILITATED PROCESS			
3 x Sports development officers		\$250K/year	To develop professionalism and support sport programming and club development including Tennis, Skateboarding, leisure centres. Could develop an income stream to be self funded in the future.
Facilities Coordinator- Blue Haven Community Centre	Community Development	\$70k-\$100k	coordinate facilities management, community information and capacity building opportunities
Sustainability education Officer	Community Development	\$70k-\$100k	Join Community Education team to provide community Education on sustainability issues particularly Climate change
Community Welcome facilitator	Community Development	\$70k-\$100k	following previously funded positions develop a coordinated approach to welcoming new residents and building connections amongst community members
Aboriginal Community Development Worker	Community Development	\$70k-\$100k	extend on previously funded Aboriginal Youth outreach worker to reach the broader Aboriginal community to enhance connections with the broader community
Cultural development worker	Community Development	\$70k-\$100k	Support Council in the implementation of its arts & cultural development across the Shire and as part of its evolving arts network. Utilise arts and culture as a community engagement tool
Social Enterprise - The Entrance Community Centre Café	Community Development	TBA	Provide training/skills/ and experience to local unemployed person to operate a sustainable commercial café

Description/Project	Area	Cost Estimate	Comments
Community Safety Officer	Community Development	\$70k-\$100k	In partnership with council existing Graffiti Management Strategy and Community Safety programs provide a coordinated approach to capacity building and community engagement
Hydraulic modelling engineer		\$200,000	Improved water and sewer system performance
NEW INFRASTRUCTURE			
Relocate Central Coast Group Training and business incubator	Wyong	\$3m	The project will involve the establishment of a group training centre with a business incubator forming part of the project. At this stage CCGT is preparing some concept plans and supporting information to enable Council to prepare a submission for the funding.
Yarramalong Village sewerage	Yarramalong	\$3,300,000	Improvements to local waterways
Stage 2 Gravity Community Park	Community Development	TBA	Community partnership for capital works in partnership with training provider
Pioneer Dairy		\$700K	Create an equestrian facility including fences and amenity building.
Norah head walking track		\$73K	A recreational ocean view walking track around Norah Head.
Insulated childcare centres / community halls		TBA	Energy efficiency
Insulating chambers		TBA	Energy efficiency
Treeland Rd sewerage 45 ET		\$1,000,000	local waterway protection
San Remo community garden - disabled toilet		\$6,000	
Bush fire trails/Asset protection zones		\$750K	Create new APZ and fire trails for greater fire safety within the shire.
Foot path Construction		\$2M	In areas yet to be determined.
SHARED PATHWAYS			
Bike path over effluent reuse line at Gwandalan and Kanwal		\$60,000	Link playing fields to the school at Gwandalan
Shared pathway to link Wyong heritage sites		\$1.2M	Path to link Woodbury Park, Wand Jetty, Chapman's Hill and Alison homestead.
Shared Pathways		\$750K	Chain Valley Bay north/south shared pathway.
OTHER			
Energy Audits		\$61K	Lakehaven rec, EDSACC, 3 public pool and all sporting amenity buildings.

5.8 Implications of the Delay of the Gazettal of WLEP 2011 in relation to Spot Rezoning

TRIM REFERENCE: F2009/00680 - D02062185

AUTHOR: PB

SUMMARY

Reporting on the implications of the potential delay in the gazettal of Wyong Local Environmental Plan (WLEP) 2011 as a consequence of the delay in preparation of the North Wyong Shire structure Plan (NWSSP) and the potential for bringing forward spot rezonings currently being considered by Council that may be similarly delayed.

RECOMMENDATION

- 1 That Council note that current spot rezoning proposals that will facilitate significant employment generating developments are being processed as a high priority with the aim to include these as an amendment to Wyong LEP 1991.**
- 2 That Council exclude those spot rezoning proposals not included in No. 1 above as an amendment to Wyong LEP 1991 at this stage.**
- 3 That Council re-assess this situation early in 2010 following the completion of the North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan.**

BACKGROUND

On 9 September 2009, Council resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Wynn :

"That taking into account recent verbal advice from the Department of Planning and Department of Environment, Climate Change and Water (DECCW) regarding the delays associated with the preparation of the North Wyong Shire Structure Plan (NWSSP) and Central Coast Regional Conservation Plan (CCRCP):

- 1 That Council express its concerns to the DECCW and the Minister for Climate Change regarding the delays associated with the preparation of the CCRCP.*
- 2 That Council recognise that any delay will impact upon the timing of the completion of the Shire wide Settlement Strategy, and consequently the gazettal of Wyong LEP 2011.*
- 3 That Council request that the Department of Planning, DECCW and the two relevant Ministers to publicly exhibit both the draft NWSSP and draft CCRCP concurrently to ensure that the Wyong Shire community is made fully aware of content of both documents and is given an opportunity to comment on both documents at the same time.*

5.8 Implications of the Delay of the Gazettal of WLEP 2011 in relation to Spot Rezoning (contd)

- 4 *That Council also raise its concerns that should the two documents not be finalised concurrently, the implications of this will be that Council will be faced with the responsibility of assessing the environmental attributes of a development site on a case by case (ie. individual development application) basis, thereby putting conservation outcomes at risk and placing additional cost to the development industry.*
- 5 *That Council thank the Members for Wyong and Swansea for their support on this issue.*
- 6 *That Council staff report on the implications of the delay of the Gazettal of the Wyong LEP 2011 in particular in bringing forward appropriate spot rezonings."*

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

AGAINST: NIL

Items 1 to 5 of the above resolution of Council have been actioned. This report specifically addresses Item 6 relating to the implications of the delay of the gazettal of the WLEP 2011 and the potential to bring forward appropriate spot rezonings.

The Department of Planning (DoP) has recently recognised Wyong Shire as one of 62 priority Local Government Areas for the completion of their respective LEPs, and in addition have indicated that the draft NWSSP will be publicly exhibited in early 2010. Despite delays by both the relevant State Government agencies in the progression of the draft NWSSP and CCRCP, the DoP has reiterated that Wyong LEP 2011 is to be completed by 30 June 2011.

Despite the written insistence by the DoP that WLEP 2011 be completed by 30 June 2011, in discussions with staff from the Department it is acknowledged that the delays to the scheduled public exhibition of the draft NWSSP and draft CCRCP will require the re-evaluation of the WLEP 2011 timeframe. This re-evaluation work is currently underway and is likely to result in the Department revising its completion date for WLEP 2011.

In March 2009, Council adopted a Rezoning Requests Strategy which enabled proposals to be considered under the Shirewide Settlement Strategy. In accordance with the adopted Rezoning Requests Strategy, Council sought rezoning requests from the public. Fifteen rezoning requests were received and these are currently being assessed by the Future Planning Unit. Five of the proposals are located within the North Wyong Shire Structure Plan study area boundary defined by the DoP. In general, the rezoning proposals which have been received through the Rezoning Requests Strategy are for small residential and rural-residential subdivisions and do not facilitate significant employment generating developments.

In resolving to adopt the Rezoning Requests Strategy, Council agreed to progress significant employment generating proposals, which provide for 10 or more permanent full time jobs, as a matter of priority. In this regard, 5 rezoning proposals meeting Council's adopted criteria have been lodged with Council. These include the proposed Mariners Sporting Complex at Tuggerah; retail shops at Wadalba and a service station at North Wyong. In accordance with Council's direction to treat rezonings that will facilitate significant employment generating development, these rezonings are being processed as a high priority. It is intended to process these employment generating proposals as an LEP Bundle which amends the current WLEP 1991.

5.8 Implications of the Delay of the Gazettal of WLEP 2011 in relation to Spot Rezoning (contd)

On completion of the desktop assessment of the individual rezoning applications, reports to Council for those proposals received under the Rezoning Requests Strategy, or those that constitute significant employment generating development, will be prepared for consideration in early 2010.

A general summary of the current formal rezoning requests being considered by Council is shown in the table below:

Type	Number
Facilitate significant employment generating development	5
Others:	
Within the NWSSP Study Area.	5
Outside the NWSSP Study Area.	10
TOTAL	20

In accordance with the adopted Rezoning Requests Strategy, rezoning requests which have merit, yet lack the required level of supporting information or generate issues which are not quickly resolvable with State Government agencies will not be included in the first version of WLEP 2011. Such rezoning requests will be notated in the Shirewide Settlement Strategy and progressed with a view to incorporate proposals within subsequent amendments to Wyong LEP 2011. Appropriate timeframes will be negotiated with individual applicants for the completion of the delayed rezoning proposals. This approach has been taken to ensure that the gazettal of WLEP 2011 is not prejudiced.

Given the current uncertainties over the completion of the draft NWSSP and CCRCP and hence the impact of these on the completion date of Wyong LEP 2011, it is difficult to assess the potential for bringing forward appropriate spot rezonings as amendments to Council's current LEP (1991). As mentioned above, those rezonings that will facilitate significant employment generating developments are being processed with the aim to include them as an amendment to the current LEP. At this stage, the remaining fifteen spot rezonings are unlikely to be brought forward as amendments to the current LEP due to a number of factors such as:

- * Dependency on the outcomes of the NWSSP.
- * Requirement to complete various studies as identified through the current desktop assessment process.
- * Inappropriateness of the proposal which may lead to some applications being recommended for refusal.

Nevertheless, this situation will be re-assessed early next year as the NWSSP and CCRCP are finalised and any revised completion dates for Wyong LEP 2011 are established by the DoP.

CONCLUSION

The draft NWSSP is scheduled for public exhibition in early 2010, with the timeframe for the gazettal of WLEP 2011 scheduled for 30 June 2011. Notwithstanding the delays to the preparation of the draft NWSSP and CCRCP, Council and the DoP are evaluating options to minimise the delays to the completion of the Comprehensive LEP review project.

Staff within Council's Future Planning Unit are currently finalising the desk top assessment of the 15 rezoning requests received under Council's adopted Rezoning Requests Strategy. A report to Council recommending their future assessment will be presented to Council in early 2010. However, it is not recommended that these be brought forward as amendments to WLEP 1991. In addition, a LEP Bundle which includes significant employment generating developments is continuing to progress as a matter of priority and will amend the current WLEP 1991.

ATTACHMENTS

Nil.

6.1 Information Reports

TRIM REFERENCE: F2009/00008 - D02057940

AUTHOR: MR

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

RECOMMENDATION

That Council deal with the following Information Reports by the exception method.

ATTACHMENTS

Nil.

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility

TRIM REFERENCE: F2006/01779 - D02023039

AUTHOR: RV

SUMMARY

This report is in response to Resolution 6 and 7 of a Council Resolution from the Ordinary Meeting of 12 August 2009. The report outlines the background for the increase in Surrender Fees in Council's 2009/2010 Management Plan and reports on the Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility.

RECOMMENDATION

That Council receive the report on Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility.

Council at its meeting of 12 August, 2009 resolved as follows:

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

- 1 That Council place the draft Council Policy for the Management of Feral Animals on public exhibition for a period of 28 days for public comment.*
- 2 That should there be no significant objections received, Council adopt the Policy under delegation of the General Manager.*
- 3 That Council update the Policy Manual and make it available to the public and staff via Council's webpage once the Policy is adopted.*
- 4 That Council recognise the overall operational improvements in Council's Animal Care Facility (ACF) and note the encouraging community feedback regarding the professionalism of facility staff.*
- 5 That Council also note the significant variations to overall costs associated with the operation of Council's ACF i.e. 150% increase in dog surrender charges now \$219.65 each.*
- 6 That Council staff, having regard to the new fee structures contained in Council's 09/10 adopted budget, report on the rationale and logic arrived at to support their Management Plan recommendations particularly taking into account issues such as possible escalation of illegal dog dumping and associated ranger resources, public safety and likely impacts on wildlife.*
- 7 That Staff provide a quarterly trend analysis and operational activities report to Council.*

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

AGAINST: Nil"

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

Response to Resolution No 6

An increase in surrender fees in the 2009/10 Management Plan is one of a number of new strategies borne from consultation with various animal welfare organisations and individuals, key Council operational staff and benchmarking against the activities of other animal care facilities to better manage the activities of Council's Animal Care Facility. It is also a practical application of Council's very strong 'Responsible pet ownership' and 'A pet is for life' message that has been the theme of numerous Council resolutions and media campaigns.

Background

Staff changes, procedural change, a higher level of staff accountability, an enhanced focus on minimising the level of animals euthanised and an increased effort in building effective relationships with community based animal re-homing organisations over the past twelve months has led to Wyong Council's Animal Care Facility (ACF) now boasting one of the state's highest success rates in saving the lives of animals that come into the facility.

The development of a number of the above described initiatives occurred in consultation and discussions with various animal welfare organisations, individual animal welfare advocates and key Council operational staff. It also involved benchmarking against the activities of other animal care facilities operated by other NSW Councils and the RSPCA.

This consultation process identified specific desirable outcomes including:

1. Re-focusing the primary responsibility for the care of Companion Animals from Council back to pet owners.
 2. Reviewing Council's fee structure for all activities undertaken at the animal care facility to;
 - Encourage pet owners to have their pet identified and registered.
 - Remove financial barriers for pet owners to reclaim seized animals.
 - Ensure the purchase of an animal from the ACF is an affordable alternative to other sources such as backyard breeders and pet shops.
 - Dissuade owners from using Council as a "dumping" point, particularly for animals with pre-existing health problems or that are unsuitable for re-homing, for example due to an unsuitable temperament.
- Note: In the context of this report, 'dumping' is the term used by the Department of Local Government to identify those companion animals abandoned anonymously at Council's after hours kennels.**
3. Taking all practicable steps to re-home seized animals by way of:
 - An enhanced focus on returning loose or straying pets directly to their owner, rather than to the animal care facility.
 - Staff maximising every opportunity to re-unite seized pets with their owner or where that is not possible seeking an alternative and suitable home.

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

Issues

During Council's discussion of this matter at its meeting of 12 August 2009 concerns were raised that an escalation of illegal dog dumping and an associated requirement for increased Ranger resources and potential impacts on wildlife would result from increased surrender fees.

A snapshot of Wyong's rates for dumped and surrendered animals for the first quarter of the 2009/10 financial year compared with the same quarter in earlier years is captured in Table 1 below. It clearly indicates the continuation of a trend of increased number of cats and dogs dumped at Council's after hour's cages whilst the surrender rate of 47 has remained generally consistent with the exception of 2008.

Table 1.

	2005/06	2006/07	2007/08	2008/09	2009/10
Dumped					
• Cats	2	30	6	13	73
• Dogs	71	87	54	135	194
• Total	73	117	60	148	267
Surrendered by Owners					
• Cats	1	0	0	0	4
• Dogs	56	53	44	72	43
• Total	57	53	44	72	47

There are a number of reasons and factors influencing the significant increase in the number of dumped animals captured in Council's animal care facility in recent years. These include procedural changes that have lead to an increased focus from Rangers in ensuring any escaped animal is returned its owner and therefore possibly encouraging those who may intentionally allow their animal to escape, to instead dump the animal at the ACF. In addition Council needs to take into account the difficult economic situation experienced by some Shire residents during the past 2 years and the potential that this may have contributed to the increase in number of dumped animals. However, it should also be noted that the table indicates this trend was already occurring well before the international financial global crisis. There is certainly a possibility that the increase in surrender fees may lead to some pet owners avoiding paying the fee by dumping their animal, however, it is considered too early to definitively link this with the change in fee structure taking into account that the new fee has only been operational for 3 months.

Rather, it is appropriate that the overall effect of the reforms at the ACF including the new fee structure be monitored during the next 2 quarters, and, if deemed necessary, as part of the consideration of the 2010/2011 Management Plan appropriate adjustments be made to any one of the current strategies, including fees and charges.

How were fees and charges calculated?

The resulting fees and charges associated with those outcomes described in point 2 above, was based on category D of Council's pricing policy being, "*The price of this good/service is set at a level to make a contribution towards the cost of providing the service, with the remainder of the costs being Council's Community Service Obligation to the provision of this service*".

6.2

Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

The fee associated with the surrender of an animal was based on category A of Council's pricing policy being, "The price for this good/service represents the direct costs of providing the service".

The foundation of ACF related fees and charges for 2009-10 rests on the costs associated with Rangers seizing an animal in the field, the administration cost associated with receiving an animal and the 'stay-day' cost for maintaining an animal at the ACF.

Activity	Description	Cost
Costs associated with Rangers 'seizing' animals	<ul style="list-style-type: none"> • Rangers hourly rate plus 40% on-costs = \$45.80 • An average time of 60 minutes is involved in Ranger response to complaint of an animal (loose, roaming, and vicious), seizure and transportation to the ACF. • Ranger vehicle cost per hour \$9.35. • Cost per animal \$45.80 + \$9.35 	\$55.15
ACF Administration costs	<ul style="list-style-type: none"> • ACF staff hourly rate plus 40% on-costs \$39.58. • Tasks undertaken by staff – attempt to contact owner by phone (if an identified animal), update whiteboard, complete all details on kennel card, update Council's Impounding register and the Companion Animals register, process Notice of Seizure (for identified animals). • 45 minutes to complete administration tasks. (45 min. x \$39.58) 	\$29.68
The daily cost of keeping an animal.	<ul style="list-style-type: none"> • Average stay-day per animal over the period July-December 2008 was 7.6 days. • Number of animals arriving at the ACF 1261 = 9,584 stay days. • Total expenditure for that 6 month period of \$164,689. • Stay-day cost (\$164,689 divided by 9,584) 	\$17.20
Daily maintenance charges based on weight category	<ul style="list-style-type: none"> • A 20% loading, in recognition of the additional costs in maintaining animals of a larger size, was applied to the base cost of \$17.20; Therefore; • Animals less than 10kg • Animals between 10 – 20kg = (\$17.20 + 20%) • Animals greater than 20kg (\$20.65 + 20%) 	\$17.20 \$20.65 \$24.80

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

<p>Seizure release fees</p>	<ul style="list-style-type: none"> • Ranger costs \$55.15 + • Administration costs \$29.68 + • Stay-day cost \$17.20 + = <p>\$102.03 x 50% (subsidy under Council's Community Service Obligation in accordance with Category D of Council's Pricing Policy).</p> <p>Each subsequent day an animal stays at the ACF attracts a charge commensurate to the weight category of that animal as described above.</p>	<p>(\$102.03)</p> <p>\$51.00</p>
<p>The cost associated with surrendering an animal</p>	<ul style="list-style-type: none"> • Administration cost of \$31.15. • Average of 7.6 stay-days. • Weight category of less than 20kg @ \$20.65. • Weight category of more than 20kg @ 24.80 • Therefore an animal weighing < 20kg costs \$31.15 + (7.6 X \$20.65) = • An animal weighing > 20kg costs \$31.15 + (7.6 X \$24.80) = 	<p>\$188.10</p> <p>\$219.65</p>

Ongoing Strategies

On the basis that most dumped animals are unable to be unidentified, strategies have been implemented to try to address the problem at its source by increasing the identification rate of Companion Animals in the Shire. These strategies include the regular promotion of the need to micro-chip, substantially reducing the cost of micro-chipping, providing free micro-chip days and undertaking a proactive enforcement response towards owners of unregistered animals. The success of these specific strategies is evident by a 116% increase in the number of animals released back to their owners from 99 over the 1st quarter of 2008-09 to 214 in 2009-10.

An increase in surrender rates of approximately 60% from 195 in 2007-08 to 313 in 2008-09 has not only compounded the difficulty Council staff face in successfully re-homing suitable animals but results in Council bearing the burden and responsibility for those animals that cannot be re-homed and are therefore euthanased. There is also strong anecdotal evidence from ACF staff that some animal owners surrender animals which have undeclared serious health or behaviour problems. Under these circumstances, Council wears the significant cost for subsequent veterinary treatment and the added dilemma of euthanasing animals that cannot be re-homed.

Council's surrender fee during previous years has been substantially less than the fees charged by local vets to euthanase an animal and therefore an attractive option for pet owners to dispose of their animals, guilt free. A recent survey of vets within Wyong Shire revealed the cost of euthanasing an animal ranged from \$120 to \$275 with the average cost being \$158.90. In keeping with Council's strong stance on 'responsible pet ownership' and 'a pet is for life', an increase in the surrender fee to \$188.10 for an animal less than 20kg and \$219.65 for an animal greater than 20kg, is not only a disincentive to pet owners from using Council as their first option to dispose of their animals but reflects a truer cost to Council for caring for that animal in the course of being re-homed.

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

When pet owners attend Council's ACF to surrender their pets, staff in the first instance encourages those people to contact animal re-homing organisations. This has proven to provide some comfort to those pet owners who are genuinely seeking to re-home their pet because staff must also caution that in some cases, despite Council's best efforts, failure to re-home an animal will result in the animal being euthanased.

If a pet owner insists on surrendering the animal to Council, staff explain the process involved including substantiating ownership, retrieving information on the animal's disposition and character and providing details on what the surrender fee pays for. Feedback from staff is that the majority of pet owners are satisfied with this procedure.

Notwithstanding the above procedure, there are instances normally associated with Dangerous or Restricted breeds where the Chief Ranger can and does use his discretion to waive a surrender fee, if he deems it to be in the community interest to remove such an animal from circulation. This situation normally occurs where Rangers respond to a complaint of an attacking or vicious animal.

Feral cats, rather than dogs, represent the greatest threat to wildlife. Cats represent only 8% (82) of the total number of pets surrendered to Council over the past four years compared to 35% (649) of the total number of animals dumped at Council's after hours kennels. The number of cats being dumped other than at the ACF is unknown; however, it is considered unlikely that the increased surrender fee will significantly increase the number of animals already being abandoned by their owners.

The public are quick to report roaming and or nuisance/dangerous dogs as is evidenced by an annual average of 2,089 service requests being acted on by Rangers over the past four years. Owners of identified (microchipped/registered) animals will not risk abandoning their animal in a public space for fear of penalty, whilst owners of unidentified animals are likely to abandon their dogs by utilising Council's after hours cages.

The previously outlined objectives regarding responsible pet ownership together with the evaluation of ACF activities for the period July to December 2008 formed the basis of the subsequent recommendations for all fees and charges associated with the animal care facility for 2009-10.

Response to Resolution No 7

The Department of Local Government prescribes the reporting format for activities associated with the seizure of Companion Animals. Council is required to submit details of these activities in this form annually and therefore all terminologies used in the tables are technical terms for the purposes of this report.

To assist in identifying trends the report compares activities for the same period over the preceding four years, See Table One. This report covers the first quarter activities.

Significant Trends

1. Other than for 2008-09 the number of animals 'seized' by Rangers has fallen from a high of 257 in 2006-07 to 179 in 2009-10. It is unclear what is driving this fall as complaints received by rangers in relation to animals loose or roaming is generally consistent with previous years.

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

2. The number of animals 'arriving' at the ACF continues to increase, with 'dumped' animals being the major contributor. This trend commenced in 2008. Staff will continue to heavily promote the benefits of identification through micro-chipping and registration. This should eventually see a reduction in the number of unidentified animals that cannot be reunited with their owners.
3. The number of seized animals 'released to their owners' has doubled over the past year. This in part, reflects the effectiveness of Council's campaign encouraging pet owners to identify their pets by micro-chip and registration.
4. There has been a welcome increase in the number of animals sold from the ACF, particularly cats. The active promotion of the benefits of rescuing animals from Council's ACF through an ongoing media campaign, and the competitive pricing when compared to pet shops and backyard breeders make animals from the ACF an attractive and affordable alternative.
5. A fall in the number of animals released to re-homing organisations is reflective of the relatively high numbers being returned to owners or sold.
6. The number of animals euthanased (75) expressed as a % of animals arriving at the ACF (439) was 17%. This rate is amongst the lowest of Council operated animal care facilities in NSW.
7. An important point to note is that of the 75 animals euthanased, 20 were dogs that were involved in attacks or displayed vicious behaviour. A further 9 animals were euthanased due to illness on the advice of Council's consulting vet.
8. The remaining 41 animals (26 cats and 15 dogs) were euthanased because they were unable to be re-homed.

6.2

**Management Plan Fees in Respect to the Surrender of Cats and Dogs
and Quarterly Trend Analysis and Operational Activities of Council's
Animal Care Facility (coned)**

Comparison of 1 st Quarter Activities – July to September	2005/06	2006/07	2007/08	2008/09	2009/10
Council 'Seizure' Activity	233	257	236	110	179
Seized					
• Cats	0	1	0	1	3
• Dogs	200	203	208	104	149
	200	204	208	105	152
Returned to owner (by Rangers in the field)					
• Cats	0	0	0	0	0
• Dogs	33	53	28	5	27
	33	53	28	5	27
<i>Transferred to Council's ACF</i>					
• Cats	0	1	0	1	3
• Dogs	167	149	180	99	122
	167	150	180	100	125
Animals 'Arriving' at the ACF	297	321	284	320	439
Transferred to Council's ACF					
• Cats	0	1	0	1	3
• Dogs	167	150	180	99	122
	167	151	180	100	125
Dumped					
• Cats	2	30	6	13	73
• Dogs	71	87	54	135	194
	73	117	60	148	267
Surrendered by owners					
• Cats	1	0	0	0	4
• Dogs	56	53	44	72	43
	57	53	44	72	47
	2005/06	2006/07	2007/08	2008/09	2009/10
Animals 'Saved'	114	149	127	223	360
Released to owner (from the ACF)					
• Cats	0	0	0	2	11
• Dogs	61	73	96	97	203
	61	73	96	99	214
Sold					
• Cats	0	1	0	0	34
• Dogs	14	22	14	54	64
	14	23	14	54	98
Released to organisations for rehoming					
• Cats	0	12	0	3	7
• Dogs	31	36	15	67	38
	31	48	15	70	45
Other – 'dog of the week'	7	4	Incl. in sold	Incl. in sold	Incl. in sold

6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility (coned)

	2005-06	2006-07	2007-08	2008-09	2009-10
Animals 'Euthanased' (* - category 1 st introduced in 2008-09 reporting period)	185	181	174	79	75
Euthanased (only category used prior to 2007-08 reporting period)					
<ul style="list-style-type: none"> • Cats • Dogs 	2 182 184	13 167 180	6 167 173	NA	NA
Euthanased Restricted Dogs (Category 1 st introduced in 2007-08 reporting period)					
<ul style="list-style-type: none"> • Dogs only 	NA	NA	0	4	0
Euthanased Dangerous Dogs (Category 1 st introduced in 2007-08 reporting period)					
<ul style="list-style-type: none"> • Dogs only 	NA	NA	0	2	20
* Euthanased – Owners Request (Does not include dangerous or restricted dogs)					
<ul style="list-style-type: none"> • Cats • Dogs 	NA	NA	NA	0	0
* Euthanased – Due to injury (Does not include dangerous or restricted dogs)					
<ul style="list-style-type: none"> • Cats • Dogs 	NA	NA	NA	0	0
* Euthanased – Unable to re-home (Does not include dangerous or restricted dogs)					
<ul style="list-style-type: none"> • Cats • Dogs 	NA	NA	NA	1 72 73	26 15 41
* Euthanased – Due to illness/disease (Does not include dangerous or restricted dogs)					
<ul style="list-style-type: none"> • Cats • Dogs 	NA	NA	NA	0	4 5 9
Animals euthanased as a % of animals arriving at the ACF over the period.	185/297 = 62%	181/321 = 57%	174/284 = 61%	79/320 = 25%	75/439 = 17%

ATTACHMENTS

Nil.

6.3 Rates and Charges Written Off 2008 - 2009

TRIM REFERENCE: F2004/06141 - D02035873

AUTHOR: DT

SUMMARY

Rates and Charges written off under the General Manager's delegation during the 2008-09 financial year.

RECOMMENDATION

That Council receive the report on Rates and Charges written off under the General Manager's delegation during the 2008-09 financial year.

BACKGROUND

Clause 131 (6) of the Local Government (General) Regulation 2005 requires the General Manager to advise Council of rates and charges written off under the General Manager's delegation.

Rates and charges written off under the General Manager's delegation relate to Small Balances i.e. Debits (to maximum \$0.50 per assessment) and totalled \$1,653.14 for 2008-09.

ATTACHMENTS

Nil.

6.4 Youth Employment Target

TRIM REFERENCE: F2004/00342 - D02037711

AUTHOR: KB

SUMMARY

This report includes information on current youth employment levels, jobs filled within the last 12 months and the probability of these positions being filled by potential employees aged 25 or under as well as implementation strategies to achieve the Youth Employment Target of 15% of Council's total workforce.

RECOMMENDATION

That Council receive the report on the Youth Employment Target.

BACKGROUND

Council at its meeting of 22 July 2009 resolved as follows:

"RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor MCNAMARA.

- 1 That Council adopt in principle, a long term youth employment target of 15% of its workforce in recognition of the appalling local youth unemployment rate of some 38.7%.*
- 2 That Council provide a report on:
 - a implementation strategies to achieve this target in compliance with the Anti- Discrimination Act, Equal Employment Principles and;*
 - b current youth employment levels, job profiles filled and availability by young employees.**
- 3 That Council include in the annual Equal Employment Opportunity (EEO) report a section on youth employment and movement towards the target and that this report be an information report to a formal Council Meeting.*
- 4 That Council forward this motion to the Local Government Association Conference for consideration by all Councils for adoption and also for the Conference to consider a resolution to the State Government seeking an amendment to the Anti-Discrimination Act requiring Councils to also report in their EEO report on youth employment levels.*
- 5 That Council make a submission to the Keep Australia Working Forum regarding our region's Youth Employment Problem.*

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

AGAINST: NIL."

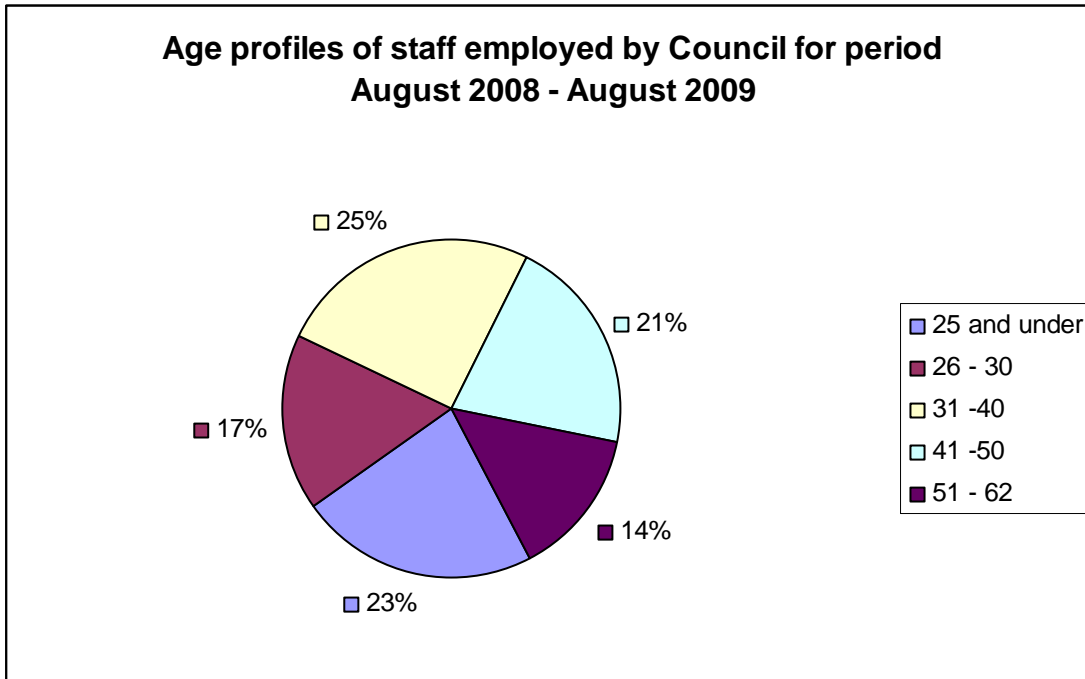
6.4 Youth Employment Target (contd)

The current youth unemployment rate for the Central Coast area is 41.2%. No statistics are available that specifically relate to the unemployment level within Wyong Shire.

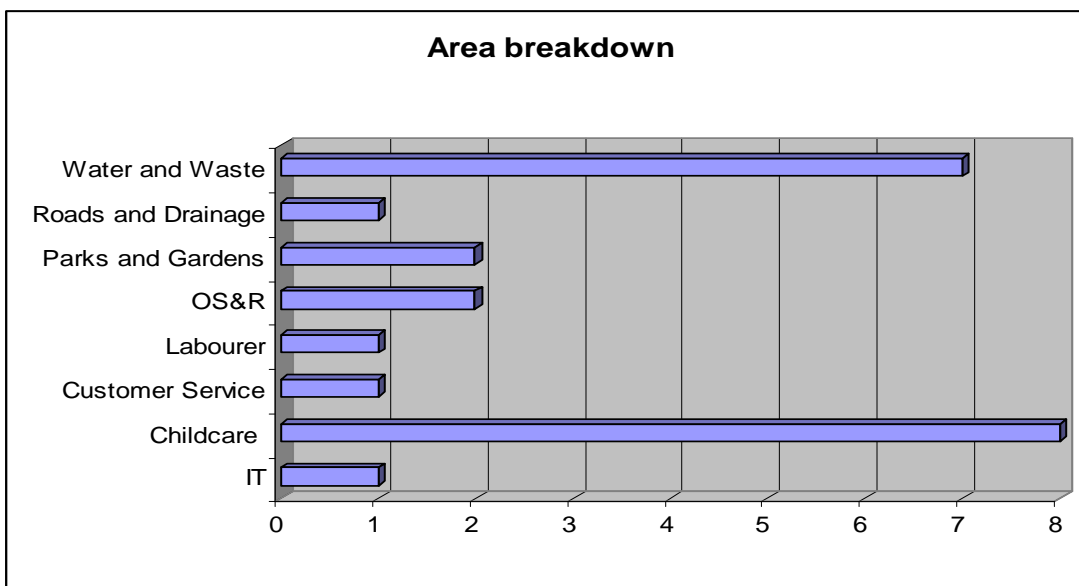
The current staffing level* of Council is 1160 of which 161 are aged 25 or under representing 13.88%. To achieve the 15% target Council will need to employ a further 19 staff members aged 25 or under.

* As at August 2009. Includes, Permanent/ Temporary staff and Apprentices

Since August 2008, Council employed a total of 101 staff. The age profiles of those staff appointed are represented in the chart below:



Of the above 23 staff appointed aged 25 or under, the following table represents the areas in which they were employed.



Of the 101 employees appointed for the period of August 2008 to August 2009 ratings were placed on the likelihood of those positions being filled by an employee aged 25 or under.

6.4 Youth Employment Target (contd)

This assessment was made based on reviewing the job description to determine the qualifications required for the position as well as the experience needed to successfully carry out the role. Ratings are detailed below.

- 64 positions were rated as highly likely
- 11 positions were rated as likely
- 13 were unlikely
- 13 were highly unlikely

LEGISLATION

The Local Government Act 1993 determines the process for the appointment of staff – s.349 and s.344 in particular apply. In the main those two clauses say that council must make all its appointments on the basis of merit and that Council must pursue the object of the Act (s.344)

“to eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital status and disability in councils, and “

In addition, research has been carried out with the Anti-Discrimination Board and EEO legislation was considered.

Research revealed that it would be unlawful to target positions by way of advertisement to those aged 25 or under, specifically under section 49ZYB of the Anti-discrimination Act 1977.

Section 49ZYB 1 (b) states:

It is unlawful for an employer to discriminate against a person on the ground of age in determining who should be offered employment

To overcome this, Council is eligible to apply for an exemption to the President of the Anti-Discrimination Board who may grant an exemption to allow Council to support the community in reducing the local youth unemployment rate. When deciding whether to grant an exemption the following factors are considered:-

1. whether the proposed exemption is appropriate or reasonable
2. whether the proposed exemption is necessary
3. whether there are any non-discriminatory ways of achieving the objects or purposes for which the proposed exemption is sought.
4. whether the proponent of the proposed exemption has taken reasonable steps, or is able to take any reasonable steps, to avoid or reduce the adverse effect of a particular act or action before seeking the exemption.
5. the public, business, social or other community impact of the granting of the proposed exemption.

Strategies to Achieve Youth Employment Target Of 15%

Two (2) options exist to aid Council in achieving a youth employment rate of 15%.

- 1 Apply for an exemption to the President of the Anti-Discrimination Board who may grant an exemption, under S126 of the Anti-Discrimination Act.

6.4 Youth Employment Target (contd)

- 2 Through the Workforce Planning initiative under Council's HR Strategy Project, focus on strategies that relate to youth employment such as:
- School based traineeships
 - Increase the number of Trainees, Apprentices and Student positions
 - Review current flexible workplace policy and work-life balance to attract a younger demographic
 - Partnering with schools to promote Council as a preferred employer
 - Attendance at Career Expos

Financial Implications

Increase in the number of Trainees, Apprentices and Student positions will require budget consideration.

CONCLUSION

In adopting the 15% target, Council will support the community in attempting to reduce the local youth unemployment rate as well as respond to an ageing workforce issue currently existing in Council.

However legislation exists that does not allow discrimination on the basis (among other things) of age making Council's route to establishing a policy approach to the issue a more difficult proposition.

ATTACHMENTS

- 1 Youth Unemployment HWL Opinion D02065263

HWL
EBSWORTH
LAWYERS

Our Ref: SYB:CF:80803

29 October 2009

Mr David Jack
Director Corporate Services
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Email: David.Jack@wyong.nsw.gov.au

This document, including any attachments, may contain privileged and confidential information intended only for the addressee named above. If you are not the intended recipient please notify us. Any unauthorised use, distribution or reproduction of the content of this document is expressly forbidden.

Dear Mr Jack

Section 49ZYB of the *Anti-Discrimination Act 1977 (NSW)*

Thank you for your instructions in this matter which are set out in your email to Jeff Reilly dated 28 October 2009.

Instructions

Your relevant instructions are as follows:

1. The local youth unemployment rate in the Wyong Shire is approximately 38.7%.
2. In recognition of the high local youth unemployment rate in the Wyong Shire, in or around July 2009 Wyong Shire Council (**Council**) resolved to adopt in principle a long term youth employment target of 15% of its workforce (**Resolution**).
3. Following the Resolution, enquires were made with the New South Wales Anti-Discrimination Board (**Board**) regarding the implications of anti-discrimination legislation on the ability of Council to effect the Resolution.
4. A report was drafted to reflect these enquiries. (We have not seen a copy of this report.) The report outlined the effect of section 49ZYB of the *Anti-Discrimination Act 1977 (NSW) (A-D Act)*, namely, that an employer cannot discriminate against an individual on the basis of their age.

In particular, we have been instructed to advise Council in relation its ability (if any) to, in effect, 'positively' discriminate in its employment practices to assist Council's goal of effecting the Resolution, that is by securing a long term youth employment target of 15% of its workforce.

Advice: Section 49ZYB of the A-D Act

Subsection 49ZYB(1) of the A-D Act makes it unlawful to discriminate against a person on the ground of age:

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Sydney

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- in the arrangements the employer makes for the purpose of determining who should be offered employment; or
- in determining who should be offered employment; or
- in the terms on which employment is offered.

Subsection 49ZYB(2) of the A-D Act makes it unlawful to discriminate against an employee the ground of age:

- in the terms or conditions of employment that are afforded to the employee; or
- by denying or limiting access to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
- by dismissing the employee or subjecting the employee to any other detriment.

As the Resolution may impact upon both applicants and existing employees both of these subsections are applicable.

Section 49ZYA of the A-D Act defines what is meant by 'discrimination on the ground of age'. Relevantly, it provides that an employer will be taken to have discriminated against a person (e.g. a prospective employee) if, on the ground of the person's age, the employer treats the person less favourably than it would treat a person who was not of that age group, in the same or materially similar circumstances.

We envisage that in the pursuit of the Resolution it is possible that Council may treat individuals who are not in the 'youth' age bracket less favourably than it would treat individual's who do fall within the 'youth' category, simply to put the Resolution into effect. This has the potential to amount to age discrimination and Council would have a potential resultant liability.

In order to avoid this liability Council would either need to be able to establish that there were factors, other than a candidate's age, that it took into account:

- in the arrangements it makes for the purpose of determining who should be offered employment; or
- in determining who should be offered employment; or
- in the terms on which employment is offered.

These factors could include things such as past skills and experiences, education levels; etc.

Alternatively, Council may consider whether it is possible to use the exemptions contained in the A-D Act which, in effect, permit positive discrimination. We have addressed this issue below.

Advice: Exemption from A-D Act

Section 126 of the A-D Act contains an exception to section 49ZYB (amongst others) to the A-D Act to the effect that targeting specific jobs to a particular age group will not be unlawful if the President of the Board grants an exemption to allow positive discrimination on the grounds of age.

Specifically, section 126 of the A-D Act enables an employer to apply for an exemption from a particular provision of the A-D Act (which includes section 49ZYB) in respect of:

- a person or class of persons; or
- an activity or class of activity; or

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- any other matter or circumstance specified.

In effect this means an employer can apply for an exemption in situations where targeting a job to a particular group will promote an equal employment opportunity and uphold the principles of anti-discrimination. We note that a section 126 exemption is limited in its application to no more than ten (10) years.

In deciding whether to grant an exemption, the President of the Board will consider a number of factors, including but not limited to:

- what the organisation does;
- why the organisation requires the exemption;
- how the particular position fits within the organisation's structure;
- how targeting the position would further equal employment opportunity in the workplace or why the program or service would benefit the group you are targeting; and
- how long the organisation would like the exemption for and the reasons for that length of time.

A section 126 application is required to be made in writing to the President of the Board and must identify the section of the A-D Act for which the proposed exemption is sought. It is also necessary to cover the following factors in any such application:

- whether the proposed exemption is appropriate or reasonable;
- whether the proposed exemption is necessary;
- whether there are any non-discriminatory ways of achieving the objects or purposes for which the proposed exemption is sought;
- whether the proponent of the proposed exemption has taken reasonable steps, or is able to take any reasonable steps, to avoid or reduce the adverse effect of a particular act or action before seeking the exemption;
- the public, business, social or other community impact of the granting of the proposed exemption; and
- any conditions or limitations to be contained in the proposed exemption.

The President will make a decision regarding the application and notify an applicant in writing within sixty (60) days after the application is made.

Based on our experiences, we can state that the President is likely to grant an exemption when the purpose of the targeted job is to give a particular group (such as unemployed youth), an opportunity that was previously unavailable to them, in order to help redress past disadvantage or discrimination. Factors such as the high local youth unemployment rate in the WYong Shire would be relevant in this regard.

We have not yet conducted any significant research into age-based exemptions that have been provided by the Board but are aware of one instance where an exemption was provided to run a recruitment/employment assistance service for older people. If you would like us to conduct further research, please let us know.

Other examples of exemptions that we are aware have been granted include:

- to provide a health service for women;

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- to run a support group for men;
- to designate positions for Aboriginal or Torres Strait Islander people;
- to recruit women bus drivers; and
- to run the women's domestic violence court assistance scheme.

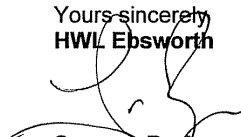
Concluding Comments

Without knowing the particular jobs that 'young' workers might occupy we currently are of the view that Council may find it difficult to secure a blanket exemption to assist if achieve the Resolution.

In the absence of an exemption, any positive discrimination engaged in by Council simply to effect the Resolution is likely to expose it to liability.

Please do not hesitate to contact us if you have any queries.

Yours sincerely
HWL Ebsworth



Seamus Burke
Partner

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6.5 Investments for September 2009

TRIM REFERENCE: F2004/06604 - D02056971

AUTHOR: SJG

SUMMARY

The following report details of Council's investments as at 30 September 2009.

RECOMMENDATION

That Council receive the report on Investments for September 2009.

BACKGROUND

Conservative management of the Wyong Shire Council's (WSC) investment portfolio throughout the last financial year provided a defence against the world financial crisis. Council's investments in managed funds were impacted by the loss of market confidence and liquidity, however recovery based on the underlying quality of investment assets has continued in line with council's hold-to-maturity strategy.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

CURRENT STATUS

In September 2009, the total net return was \$0.94m consisting of interest earnings \$0.43m and capital gains \$0.51m. Council's total investments as at September 2009 are shown in Table 1.

Table 1 Investment Portfolio by Risk Category

	September 2009	Year-to-Date Total Returns	Year-to-Date Returns Interest Only	Year-to-Date Returns Interest Only
	\$ '000	%	%	\$ '000
Cash at Call	21,342	2.74	2.74	202
Term Deposits	61,680	3.56	3.56	496
Cash Plus Funds	8,360	15.99	1.19	26
Cash Management Funds	25,149	16.71	2.00	617
Enhanced Income Funds	13,492	15.62	5.02	123
Total Investments	130,023	7.93	3.08	1,464

Year-to-date returns of 7.93% (total) are all favourable to the UBSA Index of 3.22% however interest returns for the Cash-Plus Funds and Cash Management Funds year to date are minimal. Interest distributions from these funds occur randomly on the decision of the fund management. Up to September only \$25K had actually been received from the LGFS 12-Month Cash Facility, but the total performance of this fund for the first quarter is 6.79% (annualised).

6.5 Investments for September 2009 (contd)

This situation is normal and given the high quality nature of the assets that support these funds, this is no concern that the annual interest payment performance will be anything other than as forecast.

Investment transactions and earnings during September 2009 are shown in Table 2 Portfolio Performance.

On a positive note is that up to the end of September, Council's investments had regained \$1.39m in value, which is a significant claw-back (a recovery of 40%) on the paper losses reported and recognised in 2008/09 (\$3.5m). The hold-to-maturity strategy continues to be the preferred option in a recovering market environment.

Capital gains of \$511,000 in September were across the board being Macquarie Income \$54,000, Aberdeen \$82,000, and Blackrock Care & Maintenance \$375,000.

Table 2 Portfolio Performance

	July 2009 \$m	August 2009 \$m	September 2009 \$m	Year to Date 2009/10 \$m
<i>Movement in Assets</i>				
Opening Balance	99.22	122.83	131.46	99.22
Capital Gain/Loss – (see below)	0.28	0.60	0.51	1.39
Net Cash/Investments(Withdrawals)	23.33	8.03	-1.95	29.41
Closing Balance	122.83	131.46	130.02	130.02
<i>Trading Position</i>				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	0.28	0.60	0.51	1.39
Interest Earnings	0.73	0.31	0.43	1.47
Total Return for Period	1.01	0.91	0.94	2.86

Interest Returns

Interest returns year to date continue above budget by \$0.31m with September returns in line with budget.

Council's holdings in managed funds and the manner in which interest on these funds is distributed makes it extremely difficult to predict interest earnings in terms of timing and month. However, Council's term deposits continue to yield above the UBSA (Union of Switzerland Australia) Bank Bill Index for September with investments ranging from 4.00% to 4.95% against Benchmark of 3.50%. This is with the exception of the T-Corp Term Deposit which Council is required to hold with T-Corp as part of Worker's Compensation self-insurance.

Table 3 Interest Only Performance

Investment Source	YTD Budget \$ '000	YTD September \$ '000	Var. \$ '000
General Fund	613	779	166
Water (all)	113	144	31
Sewerage (all)	425	539	114
Total	1,151	1,462	311

Black Rock Care and Maintenance Fund

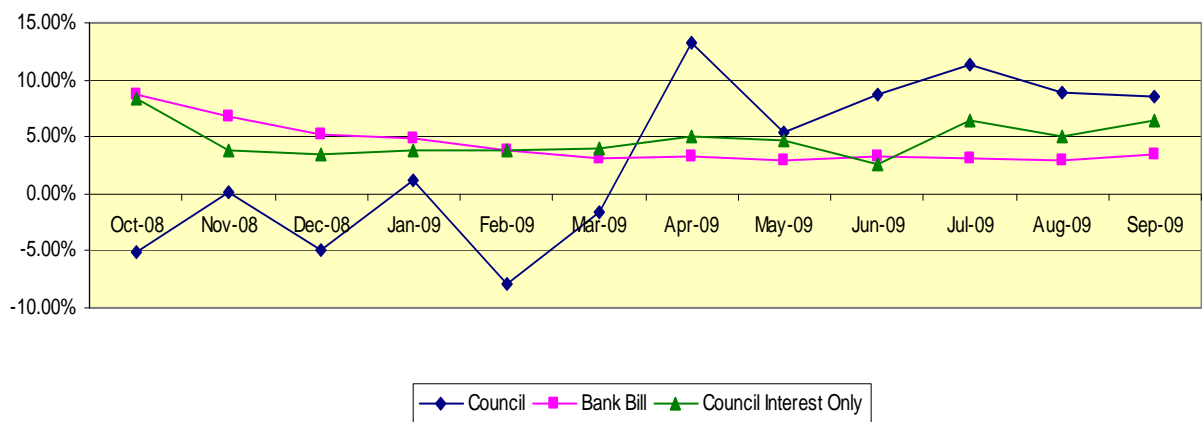
The total return for the month of September was \$0.37m. Regular close monitoring of the status of this investment continues and the “hold to maturity” strategy is seeing positive gains as markets have improved.

Benchmark - Monthly Returns (Annualised)

Council’s overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This index is in common use among councils and is a measure of the top rated reliable cash rates. Using the index for Council establishes a minimum performance comparison.

A graph detailing the monthly return on a 12 monthly basis is as follows:

Table 4 Monthly Annualised Returns (Interest and Capital Movements) Portfolio Performance Comparison to UBSA Bank Bill Index



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 30 September 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

The year end accounts for 2008/09 recognised all unrealised losses in full however as these assets improve in value they will re-appear in our accounts and be recognised as income in forthcoming periods. This does not translate to surplus income in real terms.

6.5 Investments for September 2009 (contd)

Wyong Shire Council Summary of Investments - By Type As at 30 September 2009

FUND MANAGER	MATURITY	PORTFOLIO BALANCE \$	INCOME FOR MONTH \$	YIELD % p.a.
CASH AT CALL:				
ANZ High Yield Cash Account (AA)	Daily	18,156,099	68,896	3.09
BT Institutional Managed Cash (AAA)	Daily	3,186,214	8,139	3.16
Total Cash At Call		21,342,313	77,035	
TERM DEPOSITS & BONDS				
BankWest Term Deposit	21/09/2009	-	4,383	4.00
CitiBank Term Deposit	28/09/2009	-	3,452	4.50
Westpac Term Deposit	27/10/2009	3,000,000	9,863	4.00
ANZ Term Deposit	20/11/2009	5,000,000	17,260	4.20
Bank of Qld Term Deposit	13/11/2009	5,000,000	17,877	4.35
T-Corp (WorkCover NSW)	02/12/2009	9,460,000	24,104	3.10
CitiBank Term Deposit	29/12/2009	3,000,000	370	4.50
Allied Irish Term Deposit	29/12/2009	3,000,000	381	4.63
BankWest Term Deposit	04/01/2010	4,000,000	471	4.30
NAB Term Deposit	12/01/2010	10,000,000	35,342	4.30
ANZ Term Deposit	12/01/2010	5,000,000	17,466	4.25
SunCorp Term Deposit	18/01/2010	5,000,000	17,876	4.35
SunCorp Term Deposit	28/01/2010	5,000,000	678	4.95
Westpac Deposit Bond	24/09/2012	4,219,693	23,654	5.13
Total Term Deposit & Bonds:		61,679,693	173,177	
CASH PLUS:				
Aberdeen Cash Plus Fund (A)	To be liquidated 2009	7,019,307	82,909	15.21
ING Enhanced (A)	To be liquidated 2009	35,603	58	2.00
LGFS 12-Month Cash Facility	Open Ended	1,304,802	7,022	6.79
Total Cash Plus		8,359,712	89,989	
CASH MANAGEMENT FUNDS:				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	10,140,867	375,070	58.15
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	15,008,689	48,274	4.00
Total Cash Management Funds		25,149,556	423,344	
ENHANCED INCOME:				
Macquarie Income Cash Plus (A)	Open Ended	13,492,587	176,519	17.37
Total Enhanced Income		13,492,587	176,519	
TOTAL		130,023,861	940,064	

ATTACHMENTS

Nil.

6.6 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02058291

AUTHOR: CC

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline

CURRENT STATUS

Expenditure to date

\$20.4m

Project Estimate

\$125m - \$170m

Design Status

	Investigation & Preliminary Design	Concept Design	Detailed Design
Wyong River Off-take Structure & Pumping Station (Work Package (WP) 1, WP2)	100%	100%	100%
Wyong-Mardi Rising Main (WP3)	100%	100%	100%
Wyong-Mardi Inlet (WP4)	100%	100%	100%
Mardi-Mangrove Transfer Pumping Station (WP6)	100%	100%	100%
Mardi-Mangrove Transfer Main (WP7)	100%	100%	100%
TOTAL	100%	100%^(*)	100%^(*)

^(*) For the purpose of issue of Request for Tenders (RFT), the concept and detailed design are 100% complete. GHD are still undertaking design and administrative work on a number of Work Packages.

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	☑
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	☑
EOI closes	30 July 2009	30 July 2009	☑
Determination Approval	14 October 2009	23 September	☑

		2009	
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009		<input type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009		<input type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- 55 privately owned properties require easements.
- 5 out of 6 agreements signed for additional land required for construction.
- Application notices for compulsory acquisition of easements issued to 22 landholders.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	34	62%	58%

Easement Acquisition Process

Councillors would be aware that the Mardi-Mangrove Link Project Team is undertaking a formal easement acquisition process to secure easements on public and private land before construction of the Project begins in the new year.

On 25 September Council issued Proposed Acquisition Notices (PANs) to 22 landholders along the pipeline route who had not at that time signed easement agreements for the pipeline to traverse their property. The PANs provide landholders with 90 days notice of a proposed acquisition.

For the 22 landholders presently still negotiating with Council, the Project Team started making compensation offers on 13 February 2009, with the last offer made on 6 July 2009.

Council is following a statutory process for easement acquisitions. It also consulted with Councillors, the NSW Office of Water, the office of the NSW Minister for Water and independent legal advisers before implementing the easement acquisition process.

The easement process undertaken for the Mardi-Mangrove Link Project is more generous than the process generally undertaken by Council. Three thousand dollars has been paid to affected landholders up-front for legal and valuation costs, with the option for landowners to negotiate further compensation for legal and valuation fees exceeding \$3000. To date, the Project Team has approved \$215,000 for legal and valuation expenses.

The easement process has now drawn representations from some landholders in Yarramalong Valley who are affected by the Mardi-Mangrove Link Project. Following these representations, Wyong Mayor, Councillor Bob Graham agreed to convene a meeting at Council to discuss a number of issues.

On 20 October 2009 the Mayor met with landholders to hear their concerns in regard to the Compulsory Acquisition process presently being undertaken and issues that have arisen with some of the landholders.

The meeting was attended by the Mayor, Councillor Bill Symington, Councillor Lynne Webster, Gosford Councillor Laurie Maher, Director of Shire Services Paul Wise, Gosford Director of Water and Sewer, Rod Williams, Mardi-Mangrove Link Project Director Greg McDonald, other members of the Mardi-Mangrove Link Project Team, and 14 landholders (10 of whom are directly affected by the Project).

The meeting ran for 1½ hours and was an opportunity for landholders to air their views about the Project in general and the land acquisition process in particular.

A detailed report has been forwarded to all Councillors separately. The purpose of this report is to provide Councillors with an understanding of the land acquisition process.

Process for Acquisition under the Land Acquisition (Just Terms Compensation) Act.

Council is required to resolve to acquire properties (or easements). Council resolutions to this effect were made on 28 January 2009 and 12 August 2009.

Proposed Acquisition Notices (PANs) are to be forwarded 90 days in advance of gazettal.

During the 90 day period, the Minister (The Water Minister in this instance) is required to consider the acquisition and make a recommendation to the Governor. It is usual that this process be left late in the 90 day period to ensure maximum time is given to negotiate and reach settlement with the property owners. The Minister's office has advised that it typically takes two to four weeks for the Minister to consider this and then seek the Governor's approval. As such it is necessary to submit the application to the Minister towards the later part of the 90 day period.

Once approval has been granted, there is a further 30 day period beyond the notification period in which to gazette the approval.

In this instance there is a need, due to federal funding timing, to award a contract as early as possible. Council may be considering contract award as early as the 9th December 2009. If Council considers the tenders prior to the expiry of the PAN process, contract award will be prior to 100% land tenure. As such, Council will be relying on its statutory authority to enter and construct until easement acquisition is finalised.

Acquisition negotiations will continue right through to the end of the PANs process.

Stakeholder Liaison

Community

- Display at Erina Fair Shopping Centre (long-term display).
- Media release on construction tenders being called.
- Information in two Council columns regarding the Request for Tenders.
- Project information provided to Water Services Association of Australia (WSAA) and Wyong Shire Traffic Committee.
- Project update provided on Wyong Shire Council intranet and at staff briefings for Gosford City Council.

Landholder

- Minutes of affected landholder's meeting with the Mayor distributed to attendees.
- Project information provided in Rural Grapevine.

6.6 Mardi to Mangrove Link Project Status (contd)

- Information sent to Yarramalong Valley Progress Association regarding referral of the project to the Federal Government under the Environment Protection and Biodiversity Conservation (EPBC) Act.
 - Five correspondence items have been received in October. Responses up to date.
-

Government

- Project update briefing with MP, Grant McBride.
 - Liaising with Advisers to NSW Minister for Water regarding the easement acquisition process.
 - Liaising with Department of Water and Energy (DWE) on outcome of water licences upgrade applications.
-

Incidents

There have been no OH&S or environmental incidents during the last reporting period.

Major Achievements / Issues

- Request for Tenders was issued on 16 October.
 - Affected landholders met with the Mayor on 20 October to discuss easement and construction issues.
-

ATTACHMENTS

Nil.

6.7 Minutes - Wyong Shire Senior Citizens' Council Meeting - 24 September 2009

TRIM REFERENCE: F2008/00407 - D02057031

AUTHOR: AE

SUMMARY

Report on the Minutes of Senior Citizens' Council meeting held 24 September 2009.

RECOMMENDATION

That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 24 September 2009.

A meeting of the Wyong Shire Senior Citizens Council was held on 24 September 2009. The minutes are included as Attachment 1.

ATTACHMENTS

1 Wyong Shire Senior Citizens' Council - 24 September 2009 D02048614

	Item Description	Responsibility
	<p>Further discussion reiterated issues that have previously been identified:</p> <ul style="list-style-type: none"> • Recognition that there is a large number of residential aged care facilities being planned and built in the Wyong Shire. Public and community transport are key elements of the infrastructure, allowing people to maintain their dignity and independence. • The need to change the image and culture of public transport so that it can compete with the 'car culture' of the Central Coast. • The need for buses to connect with train timetables to reduce wait times and inconvenience. • The general principle of local buses connecting up to direct bus services on major routes (eg along The Entrance & Wyong Roads). • Acknowledgement of some of the services that the State Government currently offers to seniors, e.g. one-day ticketing. <p>Allen Booth from the Transport Working Group reported that the current consultations were only about bus route timetabling. He said that he had been informed that a lot of effort was being focused in the more isolated northern parts of the Shire.</p> <p>The meeting expressed concern about the limited scope of the current enquiry and wanted to proceed with submitting the report, based on Bruce's recommendations, for a wider review of transport issues.</p> <p>Mary Dallow offered to assist with formatting the report. For example excerpts from the Unsworth Report would be included as appendices rather than in the body of the report. Annette and Mary to assist Bruce, who will take responsibility to finalise and submit the report on behalf of the SCC.</p>	
2.4	<p>Positive Aging Survey Results</p> <p>Members of the SCC recommend that the information learnt from this survey should assist with the future development of the Positive Ageing Strategy, which was identified in the 2008 Wyong Shire Community Plan. The SCC makes the following recommendations based on the priorities identified by the Positive Ageing Survey:</p> <ul style="list-style-type: none"> • Active Mind <p>Council supports programs that encourage opportunities for life-long learning and involvement in social, cultural, sporting and technological pursuits.</p> <ul style="list-style-type: none"> • Healthy Body <p>Council supports programs and infrastructure that support healthy lifestyle activities and good medical and aged care services.</p> <ul style="list-style-type: none"> • Family Contact <p>Council supports programs and infrastructure that encourages opportunities for intergenerational relationships in safe and age-friendly neighbourhoods.</p> <ul style="list-style-type: none"> • Mobility 	ALL

	Item Description	Responsibility
	<p>Council supports programs and infrastructure that meet the standards set by the Disability Discrimination Act and the Human Rights and Equal Opportunity Commission, to ensure that Wyong has a walkable, wheelchairable community where seniors are able to conveniently access the built environment.</p> <ul style="list-style-type: none"> • Community Connections <p>Council supports infrastructure that creates opportunities for positive social involvement and participation in a diversity of community activities.</p> <p>Council supports existing and establishes new programs which enhance neighbourhood connections and increase the sense of belonging.</p> <p>Annette reported that Southern Cross University has requested use of the survey and offered the opportunity to compare Wyong Shire results with Northern NSW results.</p> <p>Annette will prepare a Councillor Business Update regarding the survey.</p>	AE
2.5	<p>WSC Senior Citizens Council Review</p> <p>The summary of all responses indicated that there were mixed expectations regarding what could be achieved by the SCC. Mary Dallow suggested that this information, along with the Terms of Reference and the Survey results, could provide the basis for developing an Annual Work Plan for the meeting.</p>	ALL
2.6	<p>Seniors Week Ideas</p> <p>Allen Booth proposed that the SCC support the development of a Trivia Day in conjunction with Wyong RSL during Seniors Week 2010. This activity can be seen as promoting an active mind, which is a high priority as indicated from the Positive Ageing surveys. Allen has already negotiated some prizes for the day, which include vouchers from Myers and for car washes.</p> <p>Juliette Axford proposed that SCC organise a Safety Forum during Seniors Week 2010, as she felt this was also a key issue identified by survey respondents. Recommended guest speakers include the Crime Prevention Police Officer; the Fire Brigade, a Council ranger and an aged services worker (Red Cross &/or Vital Call).</p> <p>The Seniors Week Sub-Committee will include Patricia Parperis, Maryanne Housham and June Goss.</p> <p>Allen Booth has, in principle, an agreement from the Express Advocate to offer free advertising for Seniors Week 2010 events.</p>	ALL
3	<p>Item without Notice</p> <p>Bruce Pyke wanted the meeting to agree with the principle that the SCC endeavours to maintain contact with any and all seniors groups on an equal basis without fear or favour. This was endorsed unanimously.</p>	ALL
	<p>INFORMATION SHARING</p> <p>Grandparents group – enjoyed having a Council ranger guest speaker.</p>	ALL

Item Description		Responsibility
	CORRESPONDENCE – Southern Cross University interest in Positive Ageing Survey.	ALL
	NEXT MEETING: <u>22 October 2009</u> 1:00pm – 4:00pm	

6.8 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: f2009/00008 - D02056161

AUTHOR: MR

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

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

Question Asked / Councillor	Department	Meeting Asked	Status
Q55/09 - Directional Signage Cobbs Road <i>Could Council liaise with the Roads and Traffic Authority as to placing directional signage on the Cobbs Road/ North F3 exit indicating turn left for Wyong CBD and adding Tuggerah to existing signage?</i>	Shire Services	14 October 2009 Cr Eaton	A response will be submitted to Council's meeting of 25 November 2009.
Q56/09 - Applications for Federal Government Jobs Funds <i>"Could Council advise by way of an information report its applications for Federal Government funding job funds, its success and any funds granted to Wyong Shire based on projects?"</i>	Shire Services	14 October 2009 Cr Eaton	A response will be submitted to Council's meeting of 25 November 2009.
Q57/09 - Coles Intersection at Blue Haven <i>"Could Council staff please advise on the status of upgrading the Coles intersection at Blue Haven with the view of alleviating the congestion of traffic travelling north through the intersection?"</i> <i>It is noted that Council were involved in the original survey undertaken in conjunction with the Roads and Traffic Authority."</i>	Shire Planning	14 October 2009 Cr Vincent	A response will be submitted to Council's meeting of 25 November 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.</p>
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008 former Cr Stewart / Cr Graham	<p>A report will be subject to future briefing session for Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>298 – The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	<p>Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Briefing of Council likely in third quarter of this budget year.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – Motor Sports Facility</p> <p>1 <i>That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.</i></p> <p>2 <i>That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.</i></p> <p>3 <i>That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.</i></p> <p>4 <i>That Council investigates possible locations for a motor sport and driver education facility based on user group requirements.</i></p> <p>5 <i>That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr McNamara / Cr Vincent</p>	<p>A report on this matter will be submitted to Council's meeting of 25 November 2009.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr Best / Cr Matthews</p>	<p>A report on this matter will be submitted to Council’s meeting of 25 November 2009.</p>
<p>10.5 – Local Preference Policy</p> <p>1 <i>That Council adopt a local preference policy to be included in the evaluation of tenders, quotations and Council procurement.</i></p> <p>2 <i>That the potential impact of this criteria on stimulating the local economy and creating local jobs be evaluated.</i></p> <p>3 <i>That a policy be prepared and submitted to Council for consideration.</i></p>	<p>Corporate Services</p>	<p>27 May 2009 Cr McBride / Cr Eaton</p>	<p>A briefing has been conducted and a report will be submitted to Council’s meeting on 25 November 2009.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>11.3 – Notice of Motion – Toukley Gathering of the Clans</p> <p>1 <i>That Council note the offer by “Brackets and Jam” to host and facilitate the 2009 Toukley Gathering of the Clans and that Council support their initiative.</i></p> <p>2 <i>That Council’s Grants Committee consider an allocation of funds for the 2009 Toukley Gathering of the Clans at an extraordinary meeting to be held on 17 June 2009.</i></p> <p>3 <i>That Council consider a report on the cost benefits of appointing a Shire wide events co-ordinator.</i></p>	<p>Corporate Services</p>	<p>10 June 2009 Cr Best / Cr Vincent</p>	<p>A report will be provided to Council after the briefing on Item 3, scheduled for 11 November 2009, has been conducted.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Notice of Motion – Community Gardens</p> <p><i>That Council develop a Strategic Policy for Community Gardens which involves the following:</i></p> <ol style="list-style-type: none"> 1 <i>That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:</i> <ol style="list-style-type: none"> a <i>Establish community gardens in new and existing residential areas in partnership with local residents.</i> b <i>Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.</i> c <i>The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.</i> d <i>That clearly identifies Council's roles and responsibilities.</i> 2 <i>That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.</i> 3 <i>That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.</i> 4 <i>That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.</i> 5 <i>That the policy be developed in partnership with the Community Development Unit.</i> 	<p>Shire Planning</p>	<p>22 July 2009 Cr Wynn / Cr Graham</p>	<p>A report will be prepared for Council's consideration once community consultation has been completed.</p> <p>The draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion –Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its "Greenfield" urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council's strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures is in progress for all areas of Wyong Shire and will be completed this calendar year. The Asset Management Strategy will include assessment of foreshore structures. Future Planning will use this as part of the Foreshore Open Space Plan scheduled for the 2010-11 Financial Year.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 - Notice of Motion - Dredging of Tumbi Creek</p> <p>1 <i>That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.</i></p> <p>2 <i>That Council engage a suitable independent expert to review the report produced in item 1 and also the Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.</i></p>	Shire Planning	26 August 2009 Cr Graham/Cr Best	An independent expert has been selected – negotiating time frames with the consultant to review the report.
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p><i>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</i></p> <ul style="list-style-type: none"> • <i>the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council);</i> • <i>vehicle and small plant fleet; and</i> • <i>Buttonderry landfill site.</i> <p><i>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</i></p> <p><i>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A Councillor briefing followed by a report will be scheduled for the first quarter of 2010.
<p>8.2 - Possibility for the Establishment of an Environmental Committee</p> <p><i>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A report will be submitted to Council on 9 December 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 - Notice of Motion – Management of Water Supply</p> <p>1 <i>That further to:</i></p> <p><i>the Gosford Wyong Councils' Water Authority's 24 August water storage report (shown below) indicating our prime water storage facility Mangrove Creek Dam (MCD) is now at 28.4% and that actual consumption data indicates a clear trend of increased consumption against 2008 despite current restriction initiatives; and</i></p> <p><i>this situation has a high probability of being exacerbated through advice from both the Bureau of Meteorology & Department of Primary Industries that the Southern Oscillation Index (SOI) in the Pacific is consistent with the early stages of developing El Nino & that the odds of this event are more than 50%, double the normal risk of an El Nino in any year;</i></p> <p><i>That Council, now as a matter of urgency in partnership with the GWCWA, <u>review</u> water supply, consumption and trigger level policies with a view to better managing remaining stocks while avoiding a repeat of the 2006-07 events leading to MCD deteriorating to 10.3% and the need for planning to construct costly desalination plants.</i></p> <p>2 <i>That with the prospect of a repeat El Nino and the emerging effects of climate change on water supplies, staff <u>provide</u> a briefing to Council on the current supply status/durability and as to how water plan 2050 is performing against changing conditions.</i></p> <p>3 <i>That Council <u>refer</u> this item to the next meeting of the Gosford Wyong Councils Water Authority.</i></p>	<p>Shire Services</p>	<p>9 September 2009</p> <p>Cr Best / Cr Wynn</p>	<p>This matter has been included in Item 3.2 on the agenda for the 18 November 2009 Gosford-Wyong Councils' Water Authority meeting.</p> <p>A briefing on these matters will be provided to Council as part of the regular board paper briefing.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.1 - Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial</p> <p><i>That further to Council's initial resolution of 27 February 2008 on Item 194 – Geotextile Bag Investigations and Council's subsequent unanimous resolution on Item 343 – Geotextile Bag Investigations on 23 July 2008, staff now report as to what state this matter is now at as at this date (14/09/09).</i></p>	Shire Planning	14 October 2009 Cr Best / Cr Webster	A report will be submitted to Council on 9 December 2009.
<p>10.2 - Notice of Motion - Woolworths Lake Munmorah and District Medical Centre</p> <p>1 <i>That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now <u>report</u> what progress has been made, outlining key issues for resolution and indicative timeframes.</i></p> <p>2 <i>That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah).</i></p> <p>3 <i>That Council formally <u>thank</u> the Lake Munmorah Chain Valley Bay Precinct Committee for their strong interest and support for this important community infrastructure.</i></p> <p>4 <i>That Council formally <u>seek</u> assistance from the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong to expedite this matter.</i></p>	Shire Planning	14 October 2009 Cr Best / Cr Symington	A report will be submitted to Council on 25 November 2009.
<p>10.3 - Notice of Motion - Popularly Elected Mayor</p> <p><i>That staff <u>report</u> on the process and indicative costs associated with Council conducting a referendum at the next Local Government elections, to establish the level of support for a community/popularly elected Mayor for the four year term of the Council.</i></p>	Corporate Services	14 October 2009 Cr Eaton / Cr Best	A report will be submitted to Council on 25 November 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.6 - Notice of Motion - Discontinuation of Supply of Bottled Water to Council</p> <p>1 <i>That Council <u>stop purchasing</u> bottled water and instead investigate alternatives.</i></p> <p>2 <i>That Council <u>investigate and report</u> on the access for refilling water containers from public drinking fountains to encourage recycling, decrease landfill and reduce the Shire's carbon footprint.</i></p>	Shire Services	14 October 2009 Cr Wynn / Cr McBride	A report will be submitted to Council when investigations have been completed.
<p>10.7 - Notice of Motion - Public Relations Costs Review</p> <p>1 <i>That Council <u>consider</u> a report on current costs of public relations/communication and dedicated staff resources, efficiency and potential savings.</i></p> <p>2 <i>That the report also <u>address</u> the linkages between the communications section and the Shire Strategic Vision and Management Plan.</i></p>	Corporate Services	14 October 2009 Cr Eaton / Cr Best	This issue is being considered in the SSV - 4 year Delivery Program 2010-11 Annual Plan. A report will be submitted to Council following a workshop which has been scheduled for 9 December 2009.
<p>U17/09 – Motion of Urgency - Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven</p> <p><i>That Council <u>defer</u> the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;</i></p> <p>a <i>the submission of a report by local residents regarding the use of these two blocks;</i></p> <p>b <i>an opportunity being given to the local residents to address Councillors at a future resident's forum;</i></p> <p>c <i>a report from staff in regard to the submission by local residents. This report is also to include a list (developed in consultation with the broader community of Charmhaven and Lake Haven) of potential projects that could be funded from the proceeds of the sale if it proceeds.</i></p> <p>d <i>a report about alternative uses of the land such as the path combined with a park or community garden retaining as much of the old growth as possible.</i></p>	Corporate Services	14 October 2009 Cr Vincent / Cr Symington	Resident forum proposed for 11 November 2009 and a report will be provided to subsequent Council meeting.

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

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
295 – Wyong Pool Maintenance Policy	25 June 2008 former Cr Pavier / Cr Graham	Completed
Q52/09 – Condition of the Date Palm Tree at The Entrance	9 September 2009 Cr Webster	Response included in this business paper.
9.4 – Notice of Motion – Youth Employment Target	25 February 2009 Cr Best / Cr Matthews	Report included in this business paper
8.6 - Notice of Motion – North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan	9 September 2009 Cr Eaton/Cr Best	Report included in this business paper addressing the issue of Implications of the delay of the Gazettal of the Wyong LEP 2011

ATTACHMENTS

Nil.

7.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06947 - D02046633 AUTHOR: BS

7.1 Q52/09 - Condition of the Date Palm Tree At the Entrance

The following question was asked by Councillor Webster at the Ordinary Meeting on 9 September 2009:

“Could an arborist investigate the condition of the date palm tree on Yallara Island which is located next to The Entrance bridge and outside the Dunleith Caravan park (in Tuggerah Lake)?”

On 6 October, 2009 Council's Tree Assessment Officer, who is an arborist, inspected the Date Palm (*Phoenix canariensis*) on Yallara Island. His assessment was that the tree appeared to be in only fair health, due to the fact that the island that the palm resides on is a sand island and has no fresh water except during rain periods. The palm draws salt water for nutrients which will not allow the palm to achieve good health. The evaluation was that the health of the palm may also be adversely affected because the tree is exposed to salt laden winds from the sea/lake.

Councils DCP 2005 - Chapter 14 Tree Management, Section 7.2.5 defines this type of palm as culturally significant when located in the townships of Wyong or The Entrance.

ATTACHMENTS

Nil.

11 November 2009

To the Ordinary Meeting

Councillor

8.1 Notice of Motion - Shire Civic Garden

TRIM REFERENCE: f2004/06003 - D02052490

AUTHOR: DE

Councillors Eaton and Wynn have given notice that at the Ordinary Meeting to be held on 11 November 2009 they will move the following Motion:

- "1 That Council create a civic garden at Frank Balance Park, Margaret Street, Wyong.*
- 2 That the garden be predominantly native plantings.*
- 3 That local garden clubs or land care groups be approached to plant / maintain the garden."*

11 November 2009

To the Ordinary Meeting

Councillor

8.2 Notice of Motion - Central Coast Capital

TRIM REFERENCE: F2004/06545 - D02052520

AUTHOR: DE

Councillors Eaton and Best have given notice that at the Ordinary Meeting to be held on 11 November 2009 they will move the following Motion:

- "1 That Council adopt in principle that Wyong / Tuggerah be recognised as the future capital / co-capital of the Central Coast.*
- 2 That Council write to the Minister for the Central Coast and the Parliamentary Secretary for the Central Coast to advise of Council's position and to request future editions of the Central Coast State Plan recognise this change."*

11 November 2009

To the Ordinary Meeting

Councillor

8.3 Notice of Motion - Proposal to establish a Committee to consider appointment of General Manager

TRIM REFERENCE: F2004/00342 - D02052551

AUTHOR: SW

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 11 November 2009 she will move the following Motion:

“That Council confirm the formation of a Committee of all Councillors to oversee the process of selecting and appointing the new General Manager.”

11 November 2009

To the Ordinary Meeting

Councillor

8.4 Notice of Motion - Proposed Additional Development Policy

TRIM REFERENCE: F2009/00055 - D02061276

AUTHOR: GB

Councillors Best and Webster have given notice that at the Ordinary Meeting to be held on 11 November 2009 they will move the following Motion:

- "1 That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.*
- 2 That the draft policy be written to apply to major residential, commercial and industrial development.*
- 3 That the provisions of the policy include:*
 - a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;*
 - b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and*
 - c a focus on buildings located within town centres and on major roads within the Shire.*
- 4 That the draft policy be reported back to Council for consideration.*

11 November 2009

To the Ordinary Meeting

Councillor

8.5 Notice of Motion - Warnervale Redevelopment Reports

TRIM REFERENCE: F2004/00535-04 - D02064478

AUTHOR: GB

Councillors Best and Eaton have given notice that at the Ordinary Meeting to be held on 11 November 2009, they will move the following Motion:

“That Council receive a staff information report on a monthly basis updating Council and the community as to any progress and key issues for discussion with regard to progressing the greater Warnervale precinct’s planned redevelopment.”