
WYONG SHIRE COUNCIL

REPORTS TO THE
ORDINARY MEETING OF COUNCIL
 TO BE HELD IN THE COUNCIL CHAMBER,
 WYONG CIVIC CENTRE, HELY STREET, WYONG
 ON WEDNESDAY, 13 FEBRUARY 2008,
 COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

13 FEBRUARY 2008

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WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

036 Disclosures of Interest

F2008/00003 ED:MR

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

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

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

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

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

037 Proposed Inspections

F2008/00003 ED:MR

SUMMARY

Inspections proposed to be held on 27 February 2008 and prior to the second Ordinary Meeting are listed as follows:

| Date of Inspection | Location | Requested By |
|---------------------------|--|-------------------------|
| 27 February 2008 | Karinya Childcare Centre, Toukley – observe programmed activities and facilities. | Director Shire Services |
| 27 February 2008 | North end of Jenny Dixon Reserve. Illegal spraying of native vegetation and tree lopping to cliff face. WSC written to residents seeking their assistance in identifying the offender. Risk of soil destabilisation in the area. | Director Shire Services |
| 27 February 2008 | Karagi Park North Entrance - erosion issue of water frontage due to king tides and after effects of June storm damage. Dredging operations due to commence February 2008. | Director Shire Services |
| 27 February 2008 | Berkley Road - road reconstruction and drainage | Director Shire Services |
| 27 February 2008 | Lot 2 DP 1100181 Bundeena Road, Glenning Valley – Proposed Plant Nursery | Director Shire Planning |

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 27 February 2008 be received and the information noted.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

038 Proposed Briefings

F2008/00003 ED:MR

SUMMARY

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

| Date | Briefing | Description | Time | Presented by |
|------------------|--------------------------------------|---|--------------------|------------------------------------|
| 13 February 2008 | Water Authority – Board Papers | Briefing on the content of the Board Papers for the upcoming meeting. | 11.30 am – 1.00 pm | Director Shire Services |
| 13 February 2008 | Councillors Intranet | | 1pm – 1.30pm | Manager, Business Improvement |
| 13 February 2008 | Oasis Centre – Salvation Army, Wyong | Options for extension of lease/future of Oasis Centre | 1.30pm – 2pm | Assistant Director, Shire Services |

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

039 Address by Invited Speakers

F2008/00003 ED:MR

SUMMARY

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

040 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

SUMMARY

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

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

RECOMMENDATION

- 1 That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:**

W004 –Wyong Community Recreation Association

- 2 That the reason for dealing with the Report No W004 - Wyong Community Recreation Association confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

041 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 23 January 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 23 January 2008 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 23 JANUARY 2008,
COMMENCING AT 4.07 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES (LEFT 6.00 PM), DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ASSISTANT DIRECTOR SHIRE SERVICES, ACTING MANAGER FUTURE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT, MANAGER PLANNING – LEGAL AND POLICY AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 4.07 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

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

That standing orders be varied to enable confidential items to be considered.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 001, 005, 002, 003, 004, 009, 015 AND 020, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

001 Disclosures of Interest

F2008/00003 MW:SW

008 – NOTICE OF MOTION – DEPUTY MAYOR

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE PEOPLE MIGHT REGARD THAT THERE COULD BE A POTENTIAL PECUNIARY INTEREST, LEFT THE CHAMBER AT 8.01 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.16 PM.

011 – DRAFT DEVELOPMENT CONTROL PLAN NO. 2005: CHAPTER 66 – SUBDIVISION

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LAWYER FOR THE OWNER OF INDUSTRIAL ESTATE, LEFT THE CHAMBER AT 9.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.07 PM.

020 – STOP KOREAN COAL MINING – RECEIPT OF LEGAL ADVICE

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

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

020 – STOP KOREAN COAL MINING – RECEIPT OF LEGAL ADVICE

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

021 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

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

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

021 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

021 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LIFE MEMBER OF THE CENTRAL COAST BRANCH SURF LIFE SAVING AND THE LAKES SURF LIFE SAVING CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 OF MANY YEARS OF NON INVOLVEMENT."

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

That the report be received and advice of disclosure(s) noted.

002 Proposed Inspections

F2008/00003 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.54 PM AND RETURNED TO THE CHAMBER AT 6.56 PM DURING CONSIDERATION OF THIS ITEM.

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

That the report on inspections conducted on Wednesday, 23 January 2008 be received and the information noted.

003 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

004 Address by Invited Speakers

F2008/00003 MW:SW

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

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

005 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

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

- 1 *That pursuant to Section 10A(2)(g) and (c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:*

W001 – Cabbage Tree Harbour Landslip

W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement

W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance
- 2 *That the reason for dealing with Report No W001 – Cabbage Tree Harbour Landslip confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 3 *That the reason for dealing with the Report No W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 4 *That the reason for dealing with Report No W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

OPEN SESSION

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

That Council resume in Open Session.

THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W001 Cabbage Tree Harbour Landslip

- 1 That Council commence proceedings against the non-complying residents at Cabbage Tree Harbour in the Land and Environment Court to obtain mandatory orders that each of the relevant property owners be ordered to comply with the Orders as issued.***
- 2 That, subject to the State Government providing matching funding, Council as a Local Government Authority, approve the construction of Option B for the toe-drainage structure at Cabbage Tree Harbour at an estimated cost of \$1,130,000 (excluding GST) or \$1,243,000 (including GST).***
- 3 That Council contact the Department of Environment and Climate Change and seek a State Government contribution on a 50-50 basis for the toe-drainage structure.***
- 4 That given Option B is a short to medium term solution, Council continue to examine and develop more sustainable and long-term solutions to address the coastal erosion issues at Cabbage Tree Harbour as part of the Coastline Management Plan.***
- 5 That warning signs be erected at access points to the beach as a matter of urgency in accordance with legal advice.***

006 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

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

That the minutes of the previous Ordinary Meeting of Council held on 12 December 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

007 Notice of Motion – Tathra Lifesaving Club National Campaign on Renewable Energy

F2004/00103

COUNCILLOR BEST LEFT THE CHAMBER AT 7.58 PM AND RETURNED TO THE CHAMBER AT 7.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.01 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.00 PM AND RETURNED TO THE CHAMBER AT 8.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

1 That Council seeks further information on the above proposed National Scheme not limited by;

- * Costings/benefits***
- * Seed funding required***
- * Federal Government Rebates***
- * Potential Sponsors***

for the many life saving club houses in Wyong Shire.

2 That Council invites Dr Matthew Nott to advise Council by way of an invited speaker's address on how the scheme started in Tathra and the support various communities have shown since the National program was launched.

008 Notice of Motion – Deputy Mayor

F2004/06496 F2004/06511 MR

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE PEOPLE MIGHT REGARD THAT THERE COULD BE A POTENTIAL PECUNIARY INTEREST, LEFT THE CHAMBER AT 8.01 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.16 PM.

THE MAYOR STATED THAT COUNCILLORS SHOULD RESTRICT DEBATE TO LACK OF LEADERSHIP AS DISCUSSION ON OTHER ISSUES COULD PREJUDICE CONDUCT COMMITTEE CONSIDERATION DUE TO:

1 BREACHES OF THE CODE OF CONDUCT ARE COVERED BY SPECIFIC PROCEDURES WHICH REQUIRE REPORT PREFERABLY IN WRITING TO THE GENERAL MANAGER AND THEN HE FOLLOWS SPECIFIC PROCEDURES. HE ENCOURAGED COUNCILLORS WITH ANY CONCERNS ABOUT BREACHES OF THIS TYPE, TO REPORT THEM IN WRITING TO THE GENERAL MANAGER.

2 DISCUSSION OF RATE PAYMENTS INVOLVED THE PRIVACY ACT AND A NUMBER OF REPORTS RECEIVED BY THE GENERAL MANAGER REGARDING PREVIOUS DEBATE ON RATE PAYMENTS WERE THE SUBJECT OF A NUMBER OF REPORTS TO THE GENERAL MANAGER AND WOULD BE CONSIDERED BY THE CONDUCT COMMITTEE SHORTLY.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

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

That Council call on the Deputy Mayor to resign given his appalling lack of leadership, longstanding breaches of the code of conduct and long term rate payment defaulting.

FOR: COUNCILLORS BEST AND EATON.

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

009 Notice of Motion – Fairer Beach Access for Dog Owners

F2004/05295 ED

MS. CRISSANDRA MORGAN, RESIDENT, FOR THE MOTION, ADDRESSED THE MEETING AT 6.59 PM, ANSWERED QUESTIONS AND RETIRED AT 7.05 PM.

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

That Council review its policies associated with beach access for dogs to provide responsible dog owners greater and fairer use of our Shire's beaches particularly during low usage periods.

010 Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone

CPA/130590 WW:SS

RESOLVED on the motion of Councillor WELHAM and seconded by Councillor ROSE:

That the following resolution carried at the Ordinary Meeting of Council held on 12 December 2007 be rescinded:

That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone".

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

RESOLVED on the motion of Councillor WELHAM and seconded by Councillor ROSE:

- 1 That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850 including GST (\$433,500 excluding GST).**
- 2 That Council approve a contingency amount of \$50,000 including GST (\$45,455 excluding GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE COAL AND ALLIED PART 3A APPLICATION AT GWANDALAN WHICH IS CURRENTLY ON EXHIBITION.

010A Motion of Urgency – Coal and Allied Part 3A Application at Gwandalan Which is Currently on Exhibition

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

That Council consider a MOTION OF URGENCY regarding the Coal and Allied Part 3A application at Gwandalan which is currently on exhibition.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

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

- 1 That Council support the Gwandalan community's efforts in opposing the application to the Department of Planning.**
- 2 That Council staff be congratulated on their ongoing liaison and assistance to the community on behalf of Council.**
- 3 That Council staff make submission to the Department of Planning including the points raised by the community in their draft letter which was distributed to residents at the recent public meeting, including points in relation to the Lower Hunter Strategy, biodiversity, social and lifestyle issues.**

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING CENTRAL COAST WATER BOARD PROPOSAL.

010B Motion of Urgency – Central Coast Water Board Proposal

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.43 PM AND RETURNED TO THE CHAMBER AT 8.50 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council consider a MOTION OF URGENCY regarding the Central Coast Water Board proposal.

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

That whilst this is a matter of urgency it be deferred to the Confidential Session for the reason that this is a matter effecting the security of Council, Councillors, Council Staff or Council property.

It was MOVED by Councillor PAVIER that the MOTION be put.

RESOLVED unanimously that the motion be put.

The AMENDMENT was put to the vote and declared CARRIED

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

The AMENDMENT then became the MOTION.

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

That whilst this is a matter of urgency it be deferred to the Confidential Session for the reason that this is a matter effecting the security of Council, Councillors, Council Staff or Council property.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING BIG BAY, TUGGERWONG.

010C Motion of Urgency – Big Bay, Tuggerawong

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

That Council consider a MOTION OF URGENCY regarding Big Bay, Tuggerawong.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.52 PM AND RETURNED TO THE CHAMBER AT 8.54 PM AND DURING THAT TIME COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1 That Council expresses its disappointment with the delay in the post June storm clean up of Big Bay, Tuggerawong.***
- 2 That Council seek an urgent meeting with the Member for Wyong to resolve the State Government agency issues and finish the clean up.***

011 Draft Development Control Plan No. 2005: Chapter 66 – Subdivision

F2005/01753 PJK:PJK

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LAWYER FOR THE OWNER OF INDUSTRIAL ESTATE, LEFT THE CHAMBER AT 9.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.07 PM.

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

- 1 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, draft Development Control Plan 2005: Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 – West Wyong Area be adopted and appropriate public notice be given within 28 days that the draft Chapters will come into effect as Chapters 66, 87, 99 and 109 within Development Control Plan 2005 on 13 February 2008.***
- 2 That a media release be issued detailing the major changes and advising that the provisions of the adopted Chapters will become operational and be applied to all relevant Development Applications received from 13 February 2008.***

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

- 3** *That a copy of Development Control Plan 2005 containing the amended Chapters 66, 87, 99 and 109 be forwarded to the Director General of the NSW Department of Planning within 28 days.*
- 4** *That Council's Section 149 Certificates be noted as to the adoption of Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 West Wyong Area.*
- 5** *That all those who made submissions be advised of Council's decision.*

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

AGAINST: COUNCILLORS BEST AND PAVIER.

012 Draft Northern Districts Contributions Plan – Results of Public Exhibition

F2004/00553 PAB

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

- 1** *That in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000, Council approve the draft Contributions Plan for the Northern Districts.*
- 2** *That in accordance with the provisions of Clause 32(2) of the Environmental Planning and Assessment Regulation 2000, Council repeal the Gwandalan, Mannering Park and Lake Munmorah contributions plans.*
- 3** *That any remaining contribution funds collected from the Gwandalan, Mannering Park and Lake Munmorah contribution plans be brought forward into the new Northern Districts Contributions Plan and be utilised for the purposes for which they were originally collected.*
- 4** *That in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000, public notice be given of Council's decision to approve the Plan.*
- 5** *That Council's contribution towards the roads scheme identified within the draft contributions plan be included in future versions of the Management Plan.*
- 6** *That those parties who made submissions to the public exhibition of the draft Plan be informed of Council's decision.*

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

013 Adoption of the Promoting Choice: A Local Housing Strategy for Wyong Shire

F2006/01013 RG/KLF

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

- 1 That the draft Promoting Choice: A Local Housing Strategy for Wyong Shire be adopted.**
- 2 That the strategy be incorporated into Council's toolkit of planning practices to ensure the principles of housing choice and affordability are included as principles for consideration in the development and review of relevant planning documents for the Shire.**
- 3 That those persons who lodged submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

014 Proposed Council Policy Review Program - Shire Planning Policies

F2004/07051 DAL

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

- 1 That the following Council Policies be repealed:**
 - a C3 - Car Pooling;**
 - b F6 - Food Shop Standards;**
 - c N1 - Naming of Streets;**
 - d S1 - Second Dwellings in Rural Zones;**
 - e S3 - Strata Subdivisions; and**
 - f S4 - Subdivision.**
- 2 That Council advertise for public comment the proposed changes to Council Policies for a period of 28 days.**
- 3 That should no objections be received that require amendment to the exhibited Policy, the Council Policy Manual be amended accordingly.**
- 4 That relevant Policies be made available to the public and staff via Council's webpage.**

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

015 Proposed Beach Safety Sign at Magenta

DA/1219/2007 RM:RM

MR GAVIN TONNET, DEVELOPMENT DIRECTOR REPRESENTING MIRVAC, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 7.06 PM, ANSWERED QUESTIONS AND RETIRED AT 7.16 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.06 PM AND RETURNED TO THE CHAMBER AT 7.11 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE:

- 1 *That Council refuse DA/1219/2007 for the reasons that the sign is out of context does not met the definitions of the zoning is not in the public interest at this location and due to the public submission received.*
- 2 *That the current temporary signs be relocated to the public carpark for the beach access to Tuggerah Beach.*
- 3 *That Council review the need for signs at other access points to beach areas along Wilfred Barrett Drive.*

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

- 1 *That consent be granted subject to the conditions contained in Attachment 3.*
- 2 *That the General Manager be authorised to determine any application of minor modifications to the approved development plans and/or consent conditions.*
- 3 *That those who made written submissions be advised of Council's decision.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS PAVIER, ROSE AND WELHAM.

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

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

- 1 That consent be granted subject to the conditions contained in Attachment 3.**
- 2 That the General Manager be authorised to determine any application of minor modifications to the approved development plans and/or consent conditions.**
- 3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS PAVIER, ROSE AND WELHAM.

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

That report numbers 016, 017, 018 and 019 of the Ordinary Meeting of Council be dealt with by the exception method.

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

That with the exception of report number 019 the reports be received and the recommendations adopted.

016 Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works

CPA/104356 PM

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

That the tender from Pioneer Road Services Pty Ltd for the Schedule of Rates contract, amounting to \$5,081,380 (inclusive of GST) be amended to \$6M (inclusive of GST) for Asphaltic Concrete Works for the period of two years to 31 July 2008.

017 Contract CPA 104358 - Review of Contract Value for Sprayed Bituminous Surfacing Works

CPA/104358 PM

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

That the tender from Sami Pty Ltd for the Schedule of Rates contract, amounting to \$1,705,946 (inclusive of GST) be amended to \$2,300,000 (inclusive of GST) for Sprayed Bituminous Works throughout the Shire for the period of two years to 31 July, 2008.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

018 Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works

CPA/117144 BW

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

- 1 That Council accept Tender No 2 from Water Treatment Australia Pty Ltd in the lump sum amount of \$2,461,100.80 including GST (\$2,237,364.40, excluding GST).**
- 2 That Council approve a contingency amount of \$246,000 including GST (\$223,700 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

019 Contract CPA 118139 – Illuminated Street Signs with Advertising Panels

CPA/118139 BW

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

- 1 That in accordance with Local Government (General) Regulation 2005 – Reg 178 (3) Council cancel its proposal for Contract CPA 118139 due to the inability of tenderers to submit conforming tenders and the failure of the tenders to meet expected financial returns.**
- 2 That the unsuccessful tenderers be advised of Council's decision.**

020 Stop Korean Coal Mining – Receipt of Legal Advice

F2007/00729 ED

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

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

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

MR JOHN LEWER, REPRESENTING STOP KOREAN COAL MINING GROUP, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.45 PM, ANSWERED QUESTIONS AND RETIRED AT 7.57 PM.

RESOLVED on the motion of Councillor PAVIER and seconded by Councillor STEVENS:

- 1 That the advice from Home Wilkinson Lowry be received and the information noted.**
- 2 That an amount of \$800 be allocated to Stop Korean Coal Mining on behalf of Councillors Eaton and Veugen from the 2007/2008 Councillors' Community Improvement Grants.**
- 3 That no further action be taken in regard to the proposed \$500 donation on behalf of Councillor Best to Stop Korean Coal Mining.**

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

AGAINST: COUNCILLORS GRAHAM AND WELHAM.

021 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REAMIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE SKCM AND COUNCIL INTERESTS COINCIDE."

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LIFE MEMBER OF THE CENTRAL COAST BRANCH SURF LIFE SAVING AND THE LAKES SURF LIFE SAVING CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 OF MANY YEARS OF NON INVOLVEMENT."

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

That an amount of \$13,017.00 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1, with the exception of the allocation to Stop Korean Coal Mining which was already been dealt with previously in report 020.

022 Inquiry into Electoral and Political Party Funding

F2004/06420 MR

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

- 1 That Council make a formal submission to the Select Committee of the New South Wales Legislative Council on Electoral and Political Party funding.***
- 2 That Councillors be invited to provide individual comments and ideas to staff for inclusion in the submission.***
- 3 That the submission be reported to Council.***

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

AGAINST: COUNCILLOR EATON.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

023 Proposed Renaming of Lot 1 DP 376964 "Neill's Park" - George Downes Drive, Kulnura

F2004/06023 LS/LM

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

- 1 That Council support the renaming of the reserve at Lot 1 DP 376964, George Downes Drive, Kulnura as "Neill's Park".***
- 2 That the proposal to rename the reserve be advertised on Council's website and in local print media seeking comments from the public for a period of 28 days.***
- 3 That subject to no significant objection being received, Council apply to the Geographical Names Board for the reserve to be named "Neill's Park".***

024 Ethnic Affairs Priorities Statement

F2004/00064 MD

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

That Council adopt the Ethnic Affairs Priorities Statement 2007 - 2008.

025 Minutes of Central Coast Regional Organisation of Councils Meeting – 5 December 2007

F2004/06390 JV

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 5 December 2007 be received and recommendations adopted.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

026 Response from Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee About Ourimbah Creek Environmental Flows

F2006/01040 ED

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

That the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee's support of the information provided in the report be noted.

Information Reports

The information reports were dealt with by the exception method. No reports were called for debate.

027 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

028 Results of Water Quality Testing for Bathing Beaches

F2004/06822 DR:DR

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

That the report be received and the information noted.

029 Recruitment Activities of the Staff Services Unit

F2004/00355 BSS:KB

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

030 Local Government Remuneration Tribunal

F2004/06505 SW

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

That the report be received and the information noted.

031 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

032 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

033 Status of Timber Bridges

F2004/00409 ABP:JEM

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

That the report be received and the information noted.

034 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

035 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED

Q001 – Environmental and Business Categories at the Australia Day Awards

Councillor Eaton

F2004/00022

“Who decided and why to abolish Environmental and Business categories in this year’s Australia Day Awards?”

Q002 – Cost of Legal Advice on the Stop Korean Coal Mining Issue

Councillor Eaton

F2007/00729

“What was the cost of the legal advice required by Councillor Pavier on the Stop Korean Coal Mining (SKCM) issue?”

Q003 – Supermarkets for Shire’s North

Councillor Best

F2004/09163

“Council recently adopted the new Shire wide Retail Strategy that calls for greater supermarket choice for our ratepayers in areas such as the Toukley district. Can staff update information to Council on their facilitation of this objective in particular the “interest” shown by the Aldi Group to develop new supermarkets in East Toukley and the Wyong Town Centre?”

Q004 – Pets on Death Row

Councillor Best

F2004/06957

“A recent media article titled “Pets on Death Row” revealed that NSW councils put down some 24,000 dogs and cats in the 2006/2007 year. Wyong was identified as being in the top 10 culling councils. Could staff please update Council with information on the number of dogs and cats entering the pound system in 2006/2007 and the number of these which were put down?”

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.10 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W002 Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement

CPA/101062 BW

- 1** *That Council accept the negotiated Offer C from The Claude Group for Contract CPA 101062 for a period of 12 years as detailed in this report.*
- 2** *That any operating surplus from the annual licence fee be allocated to provide new bus shelters.*
- 3** *That the General Manager be authorised to finalise and execute the licence Agreement to formalise the current offer from The Claude Group.*
- 4** *That the current \$20,000/year bus shelter budget be redirected to provide new bus shelters in addition to those shelters provided under Recommendation '2' above.*

W003 Life Saving Facilities and Services at Magenta Beach, North Entrance

- 1** *That Council not proceed with any life guard service at Tuggerah Beach, Magenta at this time.*
- 2** *That as a consequence of the Minister for Planning not adopting Council's recommended condition for Mirvac to provide Life Guard services at Tuggerah Beach at Mirvac's expense, Council now not pursue Mirvac to deliver these services.*

Minutes of the Ordinary Meeting of Council held on 23 January 2008 (contd)

W003A Motion of Urgency – Central Coast Water Board Proposal

- 1 *That Council request Gosford City Council to urgently meet with Wyong Council in a joint meeting to resolve a mutual direction on the Central Coast Water Board proposal.***

- 2 *That Council advise the Water Utilities Minister that it seeks further assurances on future privatisation of his proposed model and requests a meeting with the Minister to further discuss the issue.***

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.18 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

042 Notice of Motion – Chikarovski Mining Enquiry Report

F2004/07086 ED

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 February 2008 he will move the following Motion:

- "1 That Council call on Minister Sartor to release the Chikarovski Mining Enquiry Report immediately.*
- 2 That Council request the Members for Wyong and Lake Macquarie to assist in getting this Report released."*

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

043 Notice of Motion – Park Beach, The Entrance

F2004/00644 MR

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 February 2008 he will move the following Motion:

- "1 That Council review the environmental, social and engineering benefits naturally created with the establishment of the new lake beach adjoining The Entrance Memorial Park as a result of the June 2007 long weekend storm event. It is noted that the beach is highly popular providing excellent connectivity between park and lake while acting as a protection barrier for Council's ageing sea wall.*
- 2 That subject to the review, Council consider promoting the establishment of this beach through dredging replenishment when necessary."*

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**044 Alterations and Additions to Westfield Shopping Centre
(Attachment 1)**

Locality Plan



WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

044 Alterations and Additions to Westfield Shopping Centre

DA/912/2007 EA

SUMMARY

The proposal involves the addition of approximately 16,544m² of floor area to the existing Westfield Shopping Centre at Tuggerah. The extensions are proposed on the eastern wing of the centre and adjacent to the existing central food court area between the cinemas and existing children's play zone. The extensions also incorporate the provision of additional carparking areas on the southern elevation at grade, on the second storey adjacent to the new extensions and on the rooftop of the proposed extensions. The proposed additions are permissible in the 3(a) zone and are recommended for approval.

| | |
|-----------------------------|---|
| Applicant | Westfield Limited |
| Owner | PT Limited |
| Application No | 912/2007 |
| Description of Land | Lots 1-6, 11, 13 and 14 in DP 10625, Lot 7 DP 242143, Lot 2 DP 365107, Lot 2 DP 500274, Lot 2 DP 591346 and Lots 71 and 72 DP 803155, No 50 Wyong Road TUGGERAH |
| Proposed Development | Alterations and additions to the existing Shopping Centre |
| Site Area | 21.34 hectares |
| Zoning | 3(a) Business Centre |
| Existing Use | Shopping Centre and cinemas |
| Estimated Value | \$75 million |

RECOMMENDATION

- 1 *That Development Control Plan 2005 Chapter 81-Retail Centres be varied to permit the development.***
- 2 *That the application be referred 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.***
- 3 *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***
- 4 *That those who made written submissions be advised of Council's decision.***

Alterations and Additions to Westfield Shopping Centre (contd)

PRÉCIS

- * The proposal involves additions to the eastern wing of the existing Westfield Shopping Centre and the existing central food court area. Additional carparking is also proposed.
- * The proposed additions include a reconfiguration of the bus interchange area located on the southern side of the shopping centre to allow for better access, safety and manoeuvring of both vehicles and pedestrians.
- * The proposed development was considered by the Regional Development Committee in accordance with State Environmental Planning Policy (SEPP) No 11 - Traffic Generating Development.
- * The proposal includes a variation of 1,544m² or 10.29% to Development Control Plan (DCP) 2005 Chapter 81 - Retail Centres.
- * The proposed development was advertised with four public submissions received.

INTRODUCTION

The subject site is bound by Wyong Road to the north, Gavenlock Road to the east, 7(a) Conservation land to the south (owned by PT Limited) and Tonkiss Street to the west. Surrounding development consists of residential to the north (Woodbury Park Residential Estate), east and south, Tuggerah Public School and vacant land zoned 10(a) Investigation (owned by PT Limited) to the west known as the 'Gateway' site.

The site is located approximately four kilometres to the south of Wyong Town Centre and within close proximity to Tuggerah Railway Station, Tuggerah Straight, Tuggerah Business Park and Tuggerah Supa Centa.

The proposed additions and alterations to the existing centre comprise the following:

Ground Level (Level 1)

- extension of retail shops at the rear of the central food court between the cinema complex and the existing children's play zone;
- reconfigured and extended carpark at the rear of the central food court area including provision of a new carparking aisle;
- reconfigured and proposed new loading dock adjacent to Big W;
- modified and expanded parking areas at ground level to the rear of Big W; and
- new access driveway from Gavenlock Road to the south of the existing Woolworths petrol station.

Alterations and Additions to Westfield Shopping Centre (contd)

Level 2

- expansion to the east of the existing stage 1 retail mall to accommodate new discount department store tenancy;
- expansion of the retail mall to the east of the existing stage 1 retail mall to extend over the central mall at ground level and provision of new void areas with travelators providing improved shopper accessibility to the expanded level 2 retail mall;
- provision of speciality retail tenancies and new mini-major tenants surrounding the new eastern mall area at level 2;
- new skylight and plant areas above the expanded retail shops to the rear of the central food court area
- retention of the existing carpark at the eastern most end of the centre, with access from the existing access ramp to the front parking area at level 2 and a new vehicle ramp to the new roof-top;
- construction of a new carpark deck to the rear of the site to connect with the new stage 3 retail mall with a new access ramp to the Gavenlock Road frontage at ground level.

Level 3

- expansion of the roof-top carparking area to the east above the expanded eastern retail mall connecting with existing roof-top parking over the western end of the site;
- provision of a new access ramp at the rear to existing and proposed parking decks at level 2.

The proposal involves the addition of 16,544m² of floor area, taking the total floor area (including the cinemas) to approximately 99,000m² leasable floorspace. The total retail floorspace (excluding cinemas, travel, financial and medical services etc) has been estimated to be approximately 85,888m².

In addition, the proposal includes an additional 678 carparking spaces, increasing the total number of carparking spaces on site from 3,357 to 4,035 spaces which complies with DCP 2005 Chapter 61 - Carparking.

There is no indication of proposed tenancies other than that of K-Mart.

The main issues associated with the proposed development relate to compliance with DCP 2005 Chapters 61 - Carparking and 81 - Retail Centres and the Retail Centres Strategy which was adopted by Council on 12 December 2007.

The proposed development was referred to the Regional Development Committee under Schedule 1 of SEPP No 11 - Traffic Generating Development.

Alterations and Additions to Westfield Shopping Centre (contd)**VARIATIONS TO POLICIES**

| | |
|-----------------|---|
| Clause | 7.1.2 |
| Standard | Maximum retail floorspace 15,000m ² after 2011 |
| LEP/DCP | Chapter 81-Retail Centres |
| Departure basis | 1,544m ² or 10.29%. The economic impact assessment demonstrates to Council's satisfaction that <ul style="list-style-type: none"> • the expansion will not adversely affect other Retail Centres (existing and proposed) • Is not in conflict with the Retail Centres Strategy • Is consistent with demand estimates for additional retail space based on the trade area • Contributes to the overall viability of the Tuggerah Regional Centre; and • Will provide a diversity of shops to enable a comprehensive range of retailing. |

HISTORY

Westfield Shopping Centre was granted approval in March 1993. The centre was opened in October 1995 and currently comprises approximately 69,483m² retail floorspace. The cinema complex and other non-retail specialty premises including travel, financial and medical services within the centre provide an additional 12,989m².

Development Applications 2975/2002 and 2976/2002 were approved by the NSW Land and Environment Court on 1 August 2003. These applications included alterations and additions to the existing shopping centre and Greater Union Cinema Complex. A Section 96 application was lodged for the Greater Union Cinema Complex which involved the reduction in the number of additional cinemas from four smaller cinemas to one bigger cinema, with a much larger screen known as a 'G-max'. The modification resulted in a reduction of 280 seats from the proposal approved by the Court. This addition is shown on plans currently being considered by Council for proposed Stage 3 extensions.

The most recent alterations and additions to Westfield Shopping Centre were approved under DA/3030/2003 which superseded the previous approval granted by the NSW Land and Environment Court in August 2003. Subsequent Section 96 applications to the proposed development have since been approved.

Alterations and Additions to Westfield Shopping Centre (contd)

PERMISSIBILITY

The subject site is zoned 3(a) Business Centre under Wyong Local Environmental Plan (LEP) 1991. A building comprising shops, restaurants, cinemas and commercial premises is permissible in the zone and alterations and additions to the existing centre comprising shops and commercial premises are permissible with consent. The proposed development complies with the objectives of the zone as it makes provision for, and the intensification of, additional retail and commercial activities within the current retail hierarchy as proposed under DCP 2005 Chapter 81-Retail Centres and the recently adopted Retail Centres Strategy.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Environmental Planning and Assessment (EP&A) Act 1979
- Environmental Planning and Assessment Regulation 2000
- SEPP No 64 - Advertising Signage
- SEPP No 11 - Traffic Generating Development
- Draft SEPP No 66-Integrated Development
- Draft SEPP (Infrastructure)
- Wyong LEP 1991
- DCP 2005
 - Chapter 50-Advertising
 - Chapter 61-Carparking
 - Chapter 69-Waste Management
 - Chapter 70-Notification of Development Proposals
 - Chapter 80-Tuggerah Precinct
 - Chapter 81-Retail Centres
- Landscape Policy No. L1
- Draft Central Coast Regional Strategy
- Wyong/Tuggerah Planning Strategy
- Retail Centres Strategy
- Wyong/Rural West Section 94 Contributions 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.

Alterations and Additions to Westfield Shopping Centre (contd)

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. Whilst the proposal does result in the disturbance of an Endangered Ecological Community the impact is considered reasonable in this instance.

As detailed under the Act, Ecologically Sustainable Development can be addressed through the implementation of the following principles:

- a the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- b inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;
- c conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;
- d improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services.

The carparking identified in the vegetated area behind the proposed extensions to the food court will involve some clearing of the Endangered Ecological Community, Swamp Sclerophyll Forest. Due to the extent remaining in the local area and conditions imposed for rehabilitation, there will be no significant impact on this Community as demonstrated by the Seven Part Test undertaken in accordance with Section 5A of the EP&A Act 1979.

ASSESSMENT

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

Alterations and Additions to Westfield Shopping Centre (contd)

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

Carparking

Under Clause 3 of DCP 2005 Chapter 61 – Carparking, the minimum number of carparking spaces required for shopping centres over 30,000m² is 4.1 spaces per 100m² gross leasable floor area. The number of carparking spaces required for the proposed extensions to Westfield Tuggerah is detailed in the table below.

| Component | Area and Required Rate | Parking Required | Parking Proposed |
|--|--|-------------------------|-------------------------|
| Shopping Centre (greater than 30,000m² GLFA) | 16,544m ² @ 4.1 spaces/100m ² GLFA | 678 | 678 |
| TOTAL | | | 678 |

The number of carparking spaces provided with the proposed additions and alterations to Westfield Shopping Centre (678) comply with Chapter 61.

Maximum Retail Floorspace

The proposal involves an increase in floorspace of the existing Westfield Shopping Centre by approximately 16,544m². The proposed additional floor area is contrary to the provisions of Clause 7.1.2 of Chapter 81 - Retail Centres which limits additional retail floorspace to 15,000m² and recommends timing for the addition of the 15,000m² retail floorspace until after 2011. This is a variation of 1,544m² (10.29%) and potentially three years, however, the applicant has stated that the additions will not be completed until 2010.

Clauses 7.1.2 and 7.1.3 of Chapter 81 – Retail Centres states:

“7.1.2 Maximum Retail Floorspace

The maximum gross retail floorspace for the Tuggerah Regional Centre is 180,000m², with 125,000m² of retail floorspace and 55,000m² of bulky goods floorspace. Council's Retail Centres Strategy recommends the following timing for floorspace additions to the Tuggerah Regional Centre:

- *15,000m² of retail floorspace and 10,000m² of bulky goods floorspace after 2011;*
- *15,000m² of retail floorspace after 2016; and*
- *25,000m² of retail floorspace and 5,000m² of bulky goods floorspace after 2021.*

Alterations and Additions to Westfield Shopping Centre (contd)

Any application to expand the retail floorspace prior to the timing outlined above must demonstrate to Council's satisfaction:

- 1 That there is an increase in retail expenditure (through an increase in population or household income levels in the trade area of the Centre as set out in the Retail Centres Strategy), that justifies an earlier need for the additional floorspace;*
- 2 The expansion will not have an adverse economic effect on the Wyong District Town Centre or Bateau Bay Shopping Centre in particular; and*
- 3 The expansion will not negate development proposed for the Warnervale District Town Centre.*

The maximum retail floorspace should not be regarded as a "planning right". Applications to expand the Centre must address the evaluation criteria below.

7.1.3 Evaluation Criteria

Proposals to expand any section of the Tuggerah Regional Centre beyond the current floorspace level must be consistent with an agreed master plan. The master plan is to demonstrate how the Centre could integrate better with the surrounding precinct and Tuggerah Railway Station. It must also illustrate how the proposal caters for additional traffic generation, including any impact on the existing roundabouts on Wyong Road. The master plan is to be prepared by the applicant and endorsed by Council prior to the submission of a development application.

An economic impact assessment is to accompany all proposals to expand the Tuggerah Regional Centre. The impact assessment must demonstrate to Council's satisfaction that the expansion:

- a Will not adversely affect other Retail Centres, existing and proposed;*
- b Is not in conflict with the Retail Centres Strategy;*
- c Is consistent with demand estimates for additional retail space based on the trade area of the centre as set out in the Retail Centres Strategy;*
- d Contributes to the overall viability of the Tuggerah Regional Centre; and*
- e Will provide a diversity of shops to enable a comprehensive range of retailing. In this regard, the proposal must demonstrate that the additional floorspace meets an identified community need for a certain type of retailing, and that the range of retailing available to the public will be improved."*

Alterations and Additions to Westfield Shopping Centre (contd)

Comment

As outlined above, clause 7.1.2 makes provision for an expansion of the retail floorspace prior to the timing identified in the DCP subject to three requirements being demonstrated to Council's satisfaction with regard to retail expenditure, economic effect and impact on future town centres. Clause 7.1.3 of Chapter 81 requires the submission of an economic impact assessment which must also address certain criteria.

An Economic Impact Report, prepared by Urbis was submitted with the application. The report was reviewed by Council's independent consultant Leyshon Consulting who provided the following comment:

"...While we consider the urbis EIA report over-estimates the size of the available retail market in the trade area, the expansion of Westfield Tuggerah by 2010 (as is being proposed) appears broadly acceptable from an economic impact perspective. We do not consider that if the proposal proceeds, it is likely to lead to significant adverse impacts on existing or proposed centres."

A full copy of the report of Council's consultant is enclosed.

Despite the concern raised by Leyshon Consulting with regard to the provision of a third Discount Department Store (DDS) (K-Mart) as part of Westfield's expansion and the difference of opinion that exists between Leyshon Consulting and Urbis about existing per capita levels of retail spending in the Wyong area, it is considered that the proposed extensions to Westfield Tuggerah can be supported without creating an unacceptable retail/economic impact on Wyong, Bateau Bay or Warnervale Town Centre.

The information submitted by Westfield, as accepted by Leyshon Consulting, clearly demonstrates that the proposed expansion will not affect other retail centres, both existing and proposed, in accordance with the evaluation criteria outlined in Clause 7.1.3 of Chapter 81 - Retail Centres. It is important to note that Chapter 81 allows for other retail centres within the Shire to expand, subject to specific evaluation criteria, objectives and requirements of the Chapter.

The proposed expansion of the shopping centre is not in conflict with the Retail Centres Strategy, despite the variation to optimum retail floorspace of 1,544m², as the additional retail floorspace will not undermine the Shire's retail hierarchy. The Strategy has identified regional centre demand and the further expansion of Westfield Tuggerah. Furthermore, the additions are proposed to be completed by 2010 which is not unreasonable given an increase in retail floorspace was identified for after 2011 and this will occur only one year before the nominated year.

Alterations and Additions to Westfield Shopping Centre (contd)

Tuggerah Regional Centre will remain a viable centre with the proposed expansion to Westfield Tuggerah adding to the diversity of shops, whilst providing for a wider range of goods and services which contribute to employment and economic growth within the Shire.

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

*The relationship to the regional and local **context and setting**.*

The proposed alterations and additions to the existing Westfield Shopping Centre are consistent with the provisions of the Wyong/Tuggerah Strategy which outlines Council's and the community's visions for the area. The proposed additions to the existing shopping centre are provided on the existing site and previous development approvals have provided physical connection to the train station integrating the site with the northern part of the suburb.

*The **access, transport and traffic** management measures.*

The proposal was referred to the Regional Development Committee which reviewed access, transport and traffic issues associated with the proposed alterations and additions to the existing shopping centre. A representative from the Ministry for Transport was also present at these meetings, providing comment with regard to the bus interchange and taxi rank. The Committee is satisfied with the proposal, subject to conditions of consent.

One of the main amendments made during the course of assessment of the application, was improvements to the bus interchange/ taxi rank which is located on the south-eastern side of the shopping centre. Two roundabouts have been included at the northern and southern ends of the internal road adjacent to the existing cinema complex and cinema extensions approved under DA/2976/2002/A. This will allow for buses to enter and exit the shopping centre from the east or west and allow for the safe manoeuvring of service vehicles in the loading dock area and exiting the centre. The amended design is considered a more appropriate arrangement restricting passenger vehicles from accessing this area. In addition, measures have been implemented to direct pedestrian and vehicle movement safely through this area via fencing, pedestrian crossings, raised thresholds and signage.

The upgrade of the intersections on Wyong Road at the F3 Freeway ramps and Pacific Highway will be undertaken in accordance with a *Deed Containing Agreement* which will be entered into between the RTA and Westfield.

*Any effect on the conservation of **soils** or acid sulphate soils*

Alterations and Additions to Westfield Shopping Centre (contd)

Under Clause 15 of Wyong LEP 1991, the proposed development is classified as Class 4 and Class 5 acid sulphate soils, whereby works by which the water table is likely to be lowered to any point beyond two metres below the natural ground surface, works beyond 2 metres below the natural ground surface or any works likely to lower the water table in adjacent Class 1,2,3 or 4 land to any point below one metre AHD requires an Acid Sulphate Soil Management Plan.

A condition of consent will be the provision of an Acid Sulphate Soil Management Plan prior to the issue of a Construction Certificate.

*Any effect on the **flora and fauna**.*

Council's Development Ecologist has reviewed the proposal and provided the following comment:

Carpark behind Big W

The carpark proposed in this area will be built in the area already disturbed by informal carparking. The development will require removal of scattered Swamp Mahogany trees in an already disturbed area. These trees have already been impacted by informal carparking and associated soil compaction. The Endangered Ecological Community (EEC) Swamp Sclerophyll Forest, and the threatened species, *Melaleuca biconvexa*, are found in close proximity to the works area. Conditions have been included to ensure protection of the EEC and *Melaleuca biconvexa* habitats during works, and also a condition to erect a permanent fence to prevent informal carparking and resulting damage in the long term. A condition for a Habitat Restoration Plan to be prepared and implemented is also included to improve the condition of these communities. This plan will require Westfield to undertake bush regeneration work on the undeveloped portion of their site.

Carpark behind foodcourt

The proposal will require clearing of at least 1,860m² of the EEC Swamp Sclerophyll Forest and 1,630m² of Coastal Moist Layered Forest. Another area of *Melaleuca biconvexa* was found that will be outside the area of clearing, but would be within 10m of the finished development. Four hollows will be lost due to clearing.

In order to provide the minimum number of carparking spaces on site for the proposed additions to the existing shopping centre, Westfield has requested that the proposed carpark remain in this location. In order to facilitate the carparking requirements for the proposed development, the retention of the proposed carpark in its current location may be supported subject to a reduction in the overall footprint of the carpark, which currently includes a 15m batter that extends into the EEC. Council's intention is to reduce the amount of clearing currently proposed, particularly the clearing of the Swamp Forest EEC and Moist Layered Forest. As such, should the application be approved, a condition of consent will require the provision of a retaining wall on the boundary of the carpark rather than the 15m batter originally proposed, to limit the extent of clearing required in the EEC.

Alterations and Additions to Westfield Shopping Centre (contd)

*Whether the development will cause **noise and vibration**.*

The construction activities associated with the proposed additions and alterations will result in noise and vibration. However, a condition of consent limiting construction activities in accordance with the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' will be included. Compliance with the condition will be carefully monitored as the issue of noise has been raised in the past with the previous additions to the shopping centre and is of particular importance given the proximity of the proposed additions to adjoining residential development.

*Any **economic and social impact** in the locality.*

The proposed extensions to Westfield Shopping Centre will result in an increase in employment opportunities for the area and economic income. The Economic Impact Report, prepared by Urbis, demonstrated that there would be no adverse impact on existing and proposed retail centres within the Shire, nor did it conflict with the Retail Centres Strategy. The proposed additions and alterations will contribute to the viability of the Tuggerah Regional Centre providing a variety of shopping opportunities for Central Coast residents.

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

Construction activities have the potential to impact on current carparking arrangements, bus and taxi operations. A traffic management plan will be required as a condition of consent demonstrating how carparking and bus operations will be managed at each construction stage.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

The Wyong/Tuggerah Planning Strategy, the Retail Centres Strategy and DCP 2005 Chapter 81-Retail Centres have all recognised an increase in floor area for Westfield Shopping Centre, and this has been catered for in the overall planning of the Tuggerah Regional Centre. The additional retail floor area is contained within the existing shopping centre footprint with only the two carparks proposed to the south extending beyond this footprint. Despite the fact the proposed carpark behind the food court will result in some clearing of the EEC, measures have been implemented to reduce the extent of clearing that was originally proposed by way of the construction of a retaining wall on the boundary of the carpark. Other than this clearing, the proposed additions and alterations to the existing centre are of a size and nature that can be catered for on site.

The proposed development will also provide adequate transport facilities by way of a larger and more improved bus interchange and taxi rank which will provide public transport to and from the centre to the rest of the Shire.

Alterations and Additions to Westfield Shopping Centre (contd)

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 four submissions being received, two of which were from the same objector. 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 EP&A Act 1979. A summary of the submissions is detailed in the table below.

| Doc. No | Summary of Issues | Response |
|------------------------|---|---|
| D00928310 D00935275 | Can you inform what restrictions are in place to limit the noise from the construction to reasonable hours so as not to disturb local residents? | A condition of consent will restrict construction hours as follows: Monday to Friday 7.00am to 6.00pm Saturday 8.00am to 1.00pm No work is to be carried out on Sundays or Public Holidays These times are in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise'. |
| D00961684 D00995886 | The DA for the proposed expansion of Westfield Tuggerah should not be determined in the absence of an adopted integrated Master Plan for Westfield Tuggerah, as required by DCP 80. The absence of an integrated Master Plan renders the proposal inconsistent with the relevant provisions of DCP 80. No effort has been made by the applicant to address this inconsistency. | A Westfield Masterplan (2002) was prepared and submitted to Council following the lodgement of the development applications involving the additions to the first floor on the western end of the shopping centre, the expansion of the cinemas and construction of the new forecourt/restaurant precinct. The NSW Land and Environment Court held that it was not appropriate for the applicant to undertake a master planning role that goes beyond their immediate site. This was a task for Council. As such, the Wyong/Tuggerah Strategy has been adopted which undertakes the role of an integrated Master Plan for the area. |

Alterations and Additions to Westfield Shopping Centre (contd)

| Doc. No | Summary of Issues | Response |
|-----------------------------------|--|--|
| D00961684 D00995886 (contd) | The expansion is ahead of the timeframes anticipated by Council's Retail Strategy, DCP 81 and draft DCP 81. It is premature. | Draft DCP 81 and the Retail Strategy have now been adopted. Council's consultant, Peter Leyshon, has reviewed the proposal and the Economic Impact Report by Urbis and considers the proposal satisfactory with regard to time frame. Furthermore, the DCP makes provision for an expansion of the shopping centre prior to 2011, subject to the applicant demonstrating that there is an increase in retail expenditure and the expansion will not impact on current or future retail floorspace. Evaluation criteria have been included in the recently exhibited Chapter 81 for Council's consideration for an expansion of retail floorspace prior to the nominated timeframe. |
| | <p>The proposed expansion fails to better integrate Westfield Tuggerah with other elements of the Tuggerah Precinct to the east, as required by the Wyong/Tuggerah Planning Strategy (WTPS).</p> <p>None of these issues are addressed in the documentation submitted in support of DA/912/2007.</p> | <p>Previous additions to Westfield Shopping Centre have resulted in a pedestrian overpass and pedestrian signals on Wyong Road linking the centre to Woodbury Park Estate, Tuggerah Railway Station and the Supa Centa. There is also a pedestrian link from the Pacific Highway to the centre. This connectivity is considered satisfactory.</p> <p>The adopted WTPS states that any expansion of Westfield's should be consolidated within the existing site which this proposal does.</p> <p>The Westfield Masterplan was discussed in the Statement of Environmental Effects. The Retail Strategy and draft Chapter 81 - Retail Centres were not addressed in the original documentation as there is no statutory requirement to do so under Section 79c of the EP&A Act 1979 as neither of the documents had been adopted by Council at that time. However, the documents are addressed in later correspondence dated 10 August 2007.</p> |

Alterations and Additions to Westfield Shopping Centre (contd)

| Doc. No | Summary of Issues | Response |
|-----------------------------------|--|---|
| D00961684 D00995886 (contd) | Council should not rely on the assessment of economic impacts submitted with the DA...there are deficiencies in the Urbis report which mean that Council is unable to rely on it as an independent assessment of the likely impacts on competing facilities as a result of the Westfield Tuggerah expansion. | The Economic Impact report prepared by Urbis was reviewed by Leyshon Consulting who assessed the documentation having regard for the trade area, population growth, available retail spending, findings of the Retail Centres Strategy and the provision of a DDS. Despite some concern raised with regard to existing per capita levels of retail spending in Wyong and the proposal to incorporate a third DDS, it was concluded that the expansion of Westfield Tuggerah by 2010 was acceptable from an economic impact perspective. |

Any submission from public authorities.

The RTA has raised no objection to the proposal subject to the recommendations of the Regional Development Committee being carried out.

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

No further assessment required.

OTHER MATTERS FOR CONSIDERATION

Contribution charges for water supply and sewerage are applicable in accordance with the Development Servicing Plan for the Wyong District (Wyong South Area).

CONCLUSION

The proposed alterations and additions to Westfield Shopping Centre, Tuggerah will contribute to the viability of the Tuggerah Regional Centre whilst providing a diversity of shops and commercial premises to provide for a wide range of goods and services. The proposal complies with the objectives of the 3(a) Business Centre zone and is consistent with the provisions of the Retail Centres Strategy, WTPS and the recently exhibited Chapter 81 - Retail Centres.

The Regional Development Committee and RTA consider the proposal satisfactory subject to the inclusion of conditions which have been included in the consent.

Alterations and Additions to Westfield Shopping Centre (contd)

The development complies with Council's visions and strategies for Wyong/Tuggerah as outlined in the Wyong/Tuggerah Strategy (2007) and will be consistent with existing and future development within the immediate locality. The proposal raises no significant issues under Section 79C of the EP&A Act 1979, and as such, the development is recommended for approval.

Attachment 1 Locality Plan (1 page)

***Enclosures Development Plans
Review of Economic Impact Assessment by Leyshon
Consulting***

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

**045 Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and
Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba
North West Urban Release Area**

F2004/08885 LH:LH

SUMMARY

Council has previously resolved to adopt proposed amendments to both Development Control Plan (DCP) 2005: Chapter 36 – North Wyong Industrial Area and DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area. These were prepared concurrently with urban rezonings of the associated land. Each of these DCP amendments required notification in a local newspaper within 28 days of Council's resolution, in accordance with the Environmental Planning and Assessment (EP&A) Regulations 2000. This did not occur in either case. Administratively, Council needs to re-adopt and notify these documents to enable their legal commencement and in order that they be applied to future development applications on relevant land.

RECOMMENDATION

- 1 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, DCP 2005: Chapter 36 - North Wyong Industrial Area be adopted, as amended by Council at its meeting on 26 September, 2007 and outlined in this report.***
- 2 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 36 - North Wyong Industrial Area be given within 28 days. The plan will take effect on, and will apply to all development applications lodged with Council on or after, the date of public notification.***
- 3 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be adopted, as enclosed with this report.***
- 4 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be given within 28 days identifying that the revised Plan will take effect on, and will apply to all development applications lodged with Council on or after, the date of gazettal of WLEP 1991 (Amendment 163).***
- 5 *That Council's Section 149 Certificates be noted, appropriately identifying the relevant date the adopted Chapter 36 and Chapter 49 become effective.***

Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area (contd)

- 6** *That when Wyong Local Environmental Plan 1991 (Amendment 163) is gazetted Council's Section 149 Certificates be further amended to reflect the gazettal date and therefore the effective date of the revised Chapter 49.*

BACKGROUND

EP&A Regulations 2000

Clause 21 of the EP&A Regulations 2000 requires that public notice be given in a local newspaper within 28 days of Council's decision. As a general practice, Council advertises DCP amendments and the revised document becomes effective as at the date of the public notice or some later date specified in the public notice. For example, Council recently adopted a revised version of Chapter 66 – Subdivision. This was advertised with a nominated commencement/effective date of 13 February 2008.

In the two subject cases, the amendments to the DCP related directly to rezonings for urban land releases. Therefore, the revised DCP chapters would not become effective until the rezonings were gazetted by the Minister for Planning. This date cannot be nominated in the public notice upfront as it is unpredictable at the time of Council's resolution. However, to strictly comply with the Planning Regulations, a public notice should be placed in a local newspaper identifying the effective date of the revised document. The notice should read "The amended Development Control Plan will become effective as at the date of gazettal of Wyong LEP 1991 (Amendment <insert amendment number>), and will apply to all development applications lodged with Council on or after that date." This did not occur in either of the subject cases and needs to be rectified in order for the revised documents to become effective.

DCP 2005: Chapter 36 – North Wyong Industrial Area

DCP 2005: Chapter 36 – North Wyong Industrial Area provides controls for industrial development at the North Wyong Industrial Estate. At its meeting held on 26 September 2007, Council resolved:

- "1 That draft Local Environmental Plan 174 be referred to the Department of Planning under Section 69 of the Environmental Planning and Assessment Act requesting that the Minister for Planning make the plan.*

Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area (contd)

- 2 *That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area, as amended, be adopted by Council and become effective as at the date of gazettal of draft Local Environmental Plan 174 and to apply to all development applications lodged after the date of public notification.*
- 3 *That appropriate public notice be given within 28 days.*
- 4 *That a copy of Development Control Plan 2005 containing the amended Chapter 36 be forwarded to the Director General of the NSW Department of Planning within 28 days.*
- 5 *That Council's 149 Certificates be noted.*
- 6 *That all those who made submissions be advised of Council's decision.*
- 7 *That a comprehensive review of Development Control Plan 2005: Chapter 36 North Wyong Industrial Area be undertaken by Council's Planning Legal and Policy Section as a matter of priority."*

Resolution No. 3 was not completed in accordance with the EP&A Regulations 2000. As a result the revised Chapter 36 cannot legally take effect as resolved by Council.

DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area

DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area provides controls for residential development at the Warnervale East and Wadalba North West Urban Release Area. At its meeting held on 25 July 2007, Council resolved:

- 1 *"That draft LEP (Amendment 163) be referred to the Minister for Planning in accordance with Section 70 of the Environmental Planning and Assessment Act, 1979 with a request that it be created.*
- 2 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, the amendment to draft DCP 2005: Chapter 49 Warnervale East and Wadalba North West Urban Release Area be adopted and become effective as of the date that LEP (Amendment 163) is gazetted.*
- 3 *That the Department of Planning be requested to revise the wording of draft Clause 42G contained in draft LEP (Amendment 163) to provide more detail concerning the monetary contribution amount and intended uses targeted by the Regional Transport Infrastructure and Services Levy.*

Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area (contd)

- 4 *That those who made submissions be advised of Council's decision.*

Similar to Chapter 36, Resolution No 2 was not completed in accordance with the EP&A Regulations. As such, the revised Chapter 49 will not legally take effect as resolved by Council. As the LEP Amendment has not yet been gazetted, this is not a significant issue. However, a new Council resolution and public notice is needed to correctly commence the revised DCP provisions.

ACTIONS TAKEN ON COUNCIL'S PREVIOUS RESOLUTIONS

Actions: Chapter 36 – North Wyong Industrial Area

The report considered by Council on 26 September 2007 is enclosed for reference. Staff have actioned Council's resolution as follows:

- 1 WLEP 1991 (Amendment 174) was referred to the Minister and was gazetted on 11 January 2008. The DCP amendment should have become effective on the same day. However, as resolution No 3 had not occurred in accordance with the legislation, the new provisions will only take effect when the required public notice is given within the correct timeframe. In this case the revised document will become effective on the date of the notice public as the LEP Amendment has already been gazetted.
- 2 Draft DCP 2005: Chapter 36 – North Wyong Industrial Area was amended to include the changes that Council made during the meeting on 26 September 2007. These changes were as follows (shown bold, underlined and italicised):

"3.3 - Pacific Highway Setbacks

- a. A buffer area of 15m from the Pacific Highway shall apply to all development and this area shall be extensively landscaped in accordance with Council's landscape policy. No development is permitted in this area other than landscaping. Details are to be submitted with any development application. (Remains unaltered)
- b. A 40m building line (inclusive of the 15m buffer) will apply to all development having **vehicle access from and** frontage to the Pacific Highway. Carparking will not be permitted within 15m of the Pacific Highway.
- c. No advertising signs shall be erected within 30m of the Pacific Highway. **No structure shall be erected within 60m of the Pacific Highway having a height exceeding 7m. (Removed)** Where development is proposed **outside the restricted 60m Highway buffer zone (removed)** incorporating structures which have a height in excess of 7m, the development application shall identify measures to reduce the visual impact of the development on surrounding residential areas."

Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area (contd)

- 3 As outlined above, this resolution was not completed. This needs to be rectified in order for the new provisions to commence and be effective.

In order to ensure this situation does not occur again, the staff procedures manual for DCPs has been updated to ensure current and new staff are aware of the strict interpretation of the Planning Regulations.

- 4 A copy of amended DCP Chapter 36 (incorporating the changes made by Council) was forwarded to the Department of Planning on 9 October 2007. There is no need to re-send this document.
- 5 Council's 149 Certificates were updated, but will need to be amended again noting the date that the DCP will become effective.
- 6 Those that made a submission were notified of Council's decision.
- 7 The comprehensive review of DCP 2005: Chapter 36 has been programmed into the Shire Planning Legal and Policy Unit's work program to commence during this quarter.

Actions: DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area

The report considered by Council on 25 July 2007 is enclosed for reference. Staff have actioned Council's resolution as follows:

- 1 WLEP1991 (Amendment 163) was referred to the Minister for Planning on 2 August 2007. It is currently awaiting gazettal. The DCP amendment should become effective on the day of gazettal. As resolution No 2 had not occurred as outlined above in accordance with the legislation, re-adoption of Chapter 49 is required. The new provisions will only take effect after gazettal of draft LEP (Amendment 163) but not before the notice is given within the correct timeframe.
- 2 Clause 21 of the EP&A Regulations 2000 requires that public notice be given in a local newspaper within 28 days of the decision being made. This did not occur, cannot be varied and has to be rectified in order for the new provisions to be effective.

Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area (contd)

Council staff misread the planning legislation in this case, believing that it was appropriate to wait until the LEP was gazetted to instigate the advertising of the DCP amendment. This was incorrect and should have occurred within the 28 day timeframe. It is an administrative matter and easily rectified by a subsequent resolution of Council and notice in the newspaper within the appropriate timeframe. The staff procedures manual for DCPs has been updated to ensure this situation does not occur again.

- 3 Council included in its letter, dated 2 August 2007, to the Department of Planning, a request that the Department revise the wording of draft Clause 42G contained in draft LEP (Amendment 163) to provide more detail concerning the monetary contribution amount and intended uses targeted by the Regional Transport Infrastructure and Services Levy. Council is waiting on gazettal of that amendment.
- 4 Those who made submissions were advised of Council's decision by letter dated 24 August 2007.

SOLUTION

To rectify this matter, Council needs to make a new resolution to adopt both Chapter 36 - North Wyong Industrial Area and Chapter 49 - Warnervale East and Wadalba North West Urban Release Area of DCP 2005. As required by the EP&A Regulations, public notice must be given in the local newspaper of the adoption of both Chapters within 28 days of Council's resolution. The public notice will identify that Chapter 36 will become effective on the date of the newspaper notice and Chapter 49 will become effective on the date of gazettal of WLEP 1991 (Amendment No 163). Further, as noted in this report, the Procedures Manual used by staff for DCP preparation and adoption has been amended to specifically include wording for the various scenarios for the public notice. This will assist current and future planning staff.

CONCLUSION

A new Council resolution is required to adopt and notify both DCP 2005: Chapter 36 - North Wyong Industrial Area and DCP 2005: Chapter 49 - Warnervale East and Wadalba North West Urban Release Area to ensure that each plan can be applied to future development applications in these areas.

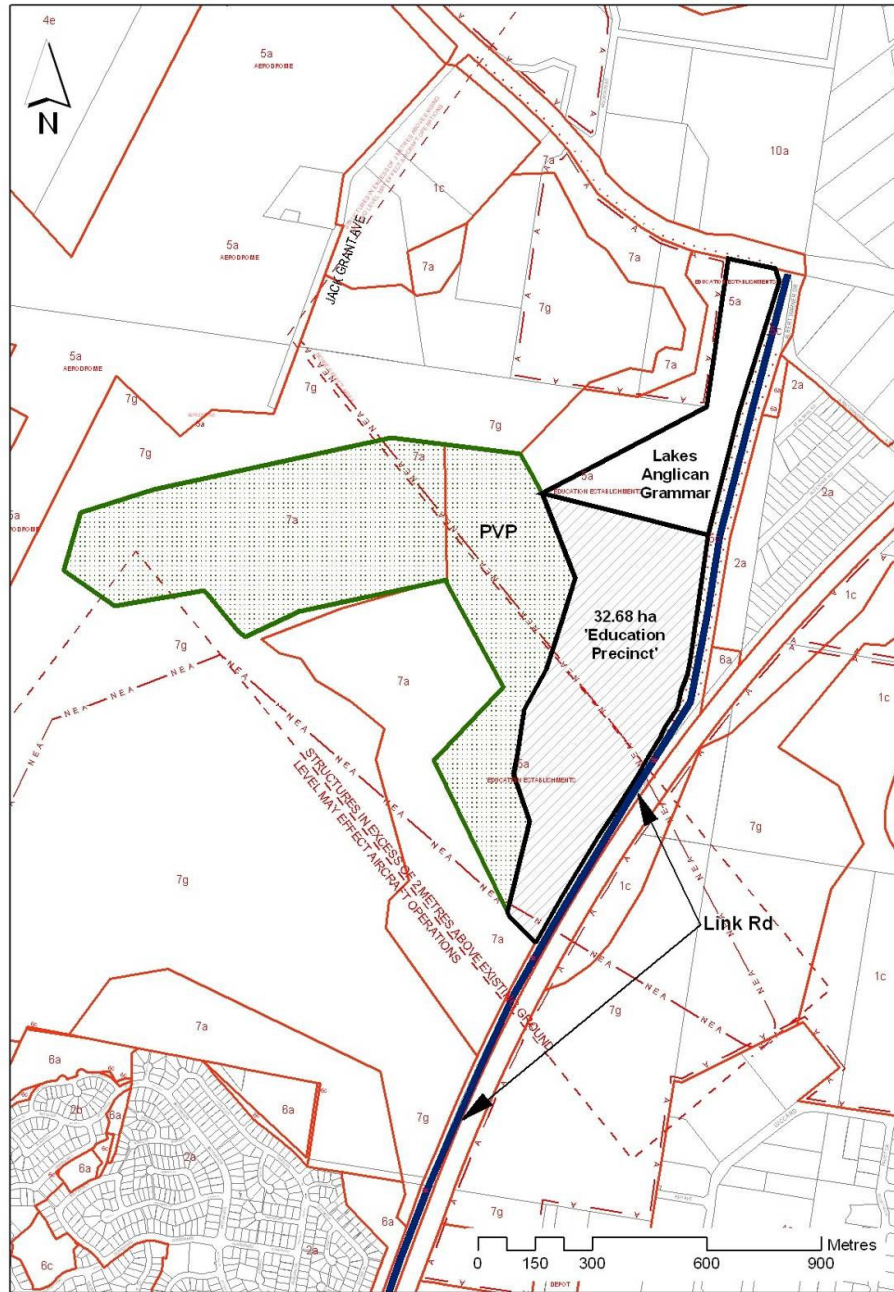
Enclosures

Council Report 26 September 2007
Council Report 25 July 2007
Draft DCP 2005: Chapter 36 – North Wyong Industrial Estate
Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba
North West Urban Release Area
Draft DCP 2005: Chapter 49 – Maps
Draft DCP 2005: Chapter 49 - Appendices

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046 Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

046 Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment

F2004/08340 KP:DM

SUMMARY

On 9 August 2006, Council asked officers to investigate sites in Mardi and in the Warnervale Education Precinct that may be suitable for a regional sports facility integrated with an education development (Notice of Motion 314 - Regional Sporting Facilities). A report back on the Mardi site was received and noted by Council on 24 January 2007. This report assesses prospects at the Warnervale site. In the meantime, pre-DA discussions with a possible educational campus developer concluded that while interested in the land, they will not be proceeding in the foreseeable future.

It is concluded that a regional sporting facility (based on sporting fields and associated facilities) cannot be physically accommodated on the developable areas of the Warnervale site and that the site should be retained primarily for its zoned use, being 5(a) Educational Establishments.

RECOMMENDATION

- 1 That Council reiterate its vision and commitment to the development of the balance of the Education Precinct primarily for education establishments with such other recreational facilities that may be accommodated on the balance of the land.**
- 2 That joint ventures for facilities be explored as potential developers approach Council.**
- 3 That Council note that recreational facilities in this location taking into account the topography and vegetation, would most likely be restricted to tennis academy; cycling circuits; rogaining or orienteering tracks; bushwalking trails and the like.**

BACKGROUND

At its meeting on 9 August 2006 Council adopted a resolution that in part, required staff to prepare a report that investigated the possibility of constructing an integrated regional sport/educational facility on its land near the Link Road corridor at Warnervale. The resolution stated that the integrated facility would comprise (at a minimum) fields, grandstand, carparking and associated facilities in conjunction with an education facility and its associated buildings such as gyms, indoor courts and meeting rooms.

Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (contd)

LOCATION AND DESCRIPTION OF THE SITE

The subject land, owned by Council, is located immediately west of the Watanobbi/Warnervale Link Road corridor and south of the Lakes Anglican Grammar School. The land is 90.48ha in size, comprising land reserved as "PVP" (57.8ha) and other developable land for investigation (32.68ha). The site is bounded by:

North: Lakes Anglican Grammar School (LAGS).
South: Floodplain north of Watanobbi.
East: Watanobbi-Warnervale Link Road flanking the Sydney-Newcastle Railway.
West: Porters Creek floodplain.

The land is the balance of the Education Precinct, zoned 5(a) Special Uses - Education Establishments under Wyong Local Environmental Plan (WLEP) 1991. Any development of the land is subject to the provisions of Wyong Development Control Plan (DCP) 2005: Chapter 22 - Warnervale Education Site.

The western portion of the site (shaded in Attachment 1 and marked "PVP") has been reserved and managed as a bio-offset. This was a condition of approval for the clearing required to enable the Wadalba playing fields to be established. This area is therefore not available for any form of development.

The eastern portion of the site extends over a hilly spur of land aligned north-east/south-west and grades from 30m AHD in its north-eastern corner down to 2m AHD at its southern and western extremities. There are two minor 'peaks' at 20m and 22m AHD. These hills are moderately wooded and, at least in part, have some habitat/biodiversity value. The site will be a prominent ridge when viewed from the Link Road. Its western border has an increased bushfire risk with approximately 60% of its total area burnt in a 1972 bushfire (see enclosed aerial photo of the site showing contours).

ACCESS

The site is currently accessed via a four wheel drive unformed road (adjacent to that of Lakes Anglican Grammar School (LAGS)). Ultimately, the new Link Road will provide formal access to the site, via a roundabout to be constructed south of the LAGS' southern property boundary. If this is not sufficient due to the type and/or scale of development, then an additional future access road will need to be negotiated.

The Link Road will have separate lanes dedicated to cyclists and pedestrians.

Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (contd)

STRATEGIC CONTEXT

The Education Precinct remains an important concept for the provision of a range of quality educational services as evidenced by private education sector interest in this land. However, no firm proposals have been submitted to Council in recent times beyond a pre-DA concept diagram by a private education provider for a campus-style development. This concept took up the remaining site with limited allocation for a single oval. This was the basis for discussions and after more than six months, during which time the company concerned reviewed its locational priorities for the provision of educational facilities, the company has now indicated that it will not be proceeding in the foreseeable future due to its higher-priority developments in Sydney.

However, ongoing interest in the site for education facilities can be expected, particularly as planning for Warnervale development proceeds. Demand for such readily serviced and available land is envisaged to come from:

- 1 Private denominational schools; age-range K-12.
- 2 Private Technical Colleges facilitated by recent Commonwealth legislation and grant aid.
- 3 Research establishments either related to universities or industry which can provide high-quality working and training environments and offer a degree of security and separation from urban areas.

The concept discussed by staff with the previous prospective developer indicated that all available developable land within the Education Precinct would be required for its proposal (K-12 plus associated facilities). Therefore, the scope to achieve a combined regional sporting facility/educational facility on the available land would depend on the type and scale of the educational institution proposed, the type and scale of sports facility envisaged, the amount of land available for development (taking into account the topography of the land, the amount of cut/fill required to achieve flat and accessible sports areas), biodiversity tradeoffs that may be required and access points from the Link Road.

Strategically, if Council was of a mind to change its priority for education establishments on this site (that it has held for more than 15 years) some or all of the land may be used for sporting/recreational pursuits. The pressure to do this will no doubt increase as development takes place to the east and north and such large holdings become rare. However, this option is not likely to be achievable on the basis that:

- * The anticipated changes to the Section 94 legislation may not allow for funds to be levied for regional facilities. Therefore any regional fields may have to be funded out of revenue or by private developers (there have been no Section 94 funds collected for a facility on this land to date).
- * The physical constraints of the site would restrict and therefore jeopardise negotiations for quality educational facilities.

Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (contd)

- * The development of the land for regional sporting facilities may require foregoing the commercial purchase price of the land should it be acquired by an educational facility.
- * Initial investigations of the site indicate that due to the slope of the land it is not suitable for broad acre sports fields. The need for significant cut/fill and associated works would significantly increase costs and increase the likelihood of requiring biodiversity offsets for the development.

WARNERVALE DISTRICT SPORTS FIELDS

It should also be noted that District playing fields are proposed to be developed on land opposite the Warnervale Town Centre precinct. These fields have been part of Council's planning proposals for this area for some time, with contributions being levied toward their acquisition and provision as part of the current land release of Wadalba, Hamlyn Terrace and Woongarra. This is considered a more appropriate location for sporting fields due to their location near the Warnervale town centre's major access point, opposite and adjoining public and private schools, with good public transport links along Sparks Road, less vegetation and more level topography. There is the possibility to expand this site in the future given a significant private landholding to the south that is generally cleared and also relatively flat. Detailed planning of these fields and the area will occur as part of the rezoning of Precinct 7A which staff have recently commenced.

THE NATURE OF AN EDUCATIONAL ESTABLISHMENT

The composition of either a primary or secondary school and their associated uses could vary greatly, thereby making it nearly impossible to speculate about the compatibility of the range of possible sports facilities with the composition of a possible educational establishment(s). However, in order to provide advice to Council, this report considers a set of narrower and realistic scenarios.

The principal aim of DCP 2005: Chapter 22 (Warnervale Education Site) is to "provide an overall land use structure and policy framework for development of an educational facility with integrated residential, recreational and cultural facilities." To ensure this is realised it is necessary to keep open the option of an integrated education facility being accommodated on the land eg a primary school and high school; a high school and technical college; a private university; a training centre or business school etc. It could include a range of related land uses eg child care facility, church, food service etc.

Fitting around the principal education establishment(s) may be a range of outdoor recreation facilities integrated with development/access roads, fire-trails or the asset protection zones such as:

Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (contd)

- a A tennis academy or a small netball facility where courts could be aligned around the contours of this hilly site and fitted around the main educational development with time-sharing of parking.
- b Cycling circuits (mountain bike or criterium racing) using access roads/shared paths and bush tracks.
- c Rogaining or orienteering tracks through bush reserve retained around or through the priority educational uses.
- d Bushwalking trails for general community use through the attractive quiet bushland setting.

These facilities would predominantly enable the land to be used in its current form, without the need for significant reshaping and clearing of the majority of the land. They could be integrated with existing vegetation (eg tennis courts with trees as a backdrop) where necessary.

It is recognised that an educational establishment may have no need for a sports facility or playing field eg a business school, a private technical college, or K-12 school. Any need may be fulfilled through joint use of facilities with LAGS (subject to negotiation and agreement).

THE NATURE OF A REGIONAL SPORTS FACILITY

The composition of what is considered to be a “Regional Sports Facility” is not clearly defined at this stage. However, Council’s resolution required consideration of fields, grandstand, parking and associated facilities. Therefore, any plan for such a facility is taken to include:

- A playing pitch, sports fields, courts
- Training areas (as needed)
- Change rooms and club rooms
- Toilets and storage areas for equipment and maintenance
- Parking
- Undercover spectator protection ie grandstand

Other typical requirements may include:

- A floodlighting system
- A public address system
- Coach access and parking
- Refreshment facility eg. kiosk
- A scoreboard
- Public lighting

Warnervale Education Precinct – Potential for Integrated Sport Facility Jointly used with an Education Establishment (Attachment 2)

If broad acre type sporting fields such as fields for cricket, football or soccer are not achievable, Council may look into other regionally based sports which have smaller footprints and may be more easily integrated into the topography and the landscape. These may include netball, tennis, hockey, cross country tracks, mountain biking and the like. Any of these would need to be based on likely future development and demand for the sports involved.

CONCLUSION

It is considered unlikely that an integrated educational site and broad acre sporting field based regional sporting facility could be accommodated on the subject land. The spatial requirements of each use, given the known topography of the site and vegetation constraints, is such that the two uses and their associated facilities would not fit within the available developable land. It is doubtful that even a sporting facility (based on broad acre fields eg football, cricket, soccer) would be able to be accommodated on the land even if the Council's vision of it for education establishments were to be abandoned.

There is, however, potential for smaller facilities such as tennis and netball to be accommodated on the site as the footprint of these courts may be able to be accommodated on the sloping land (with less cut and fill and access requirements). These might well be able to be developed as a joint venture facility as negotiations progress with private education providers. Such facilities would need to be negotiated at the time that education providers are discussing development alternatives.

Attachment 1
Attachment 2

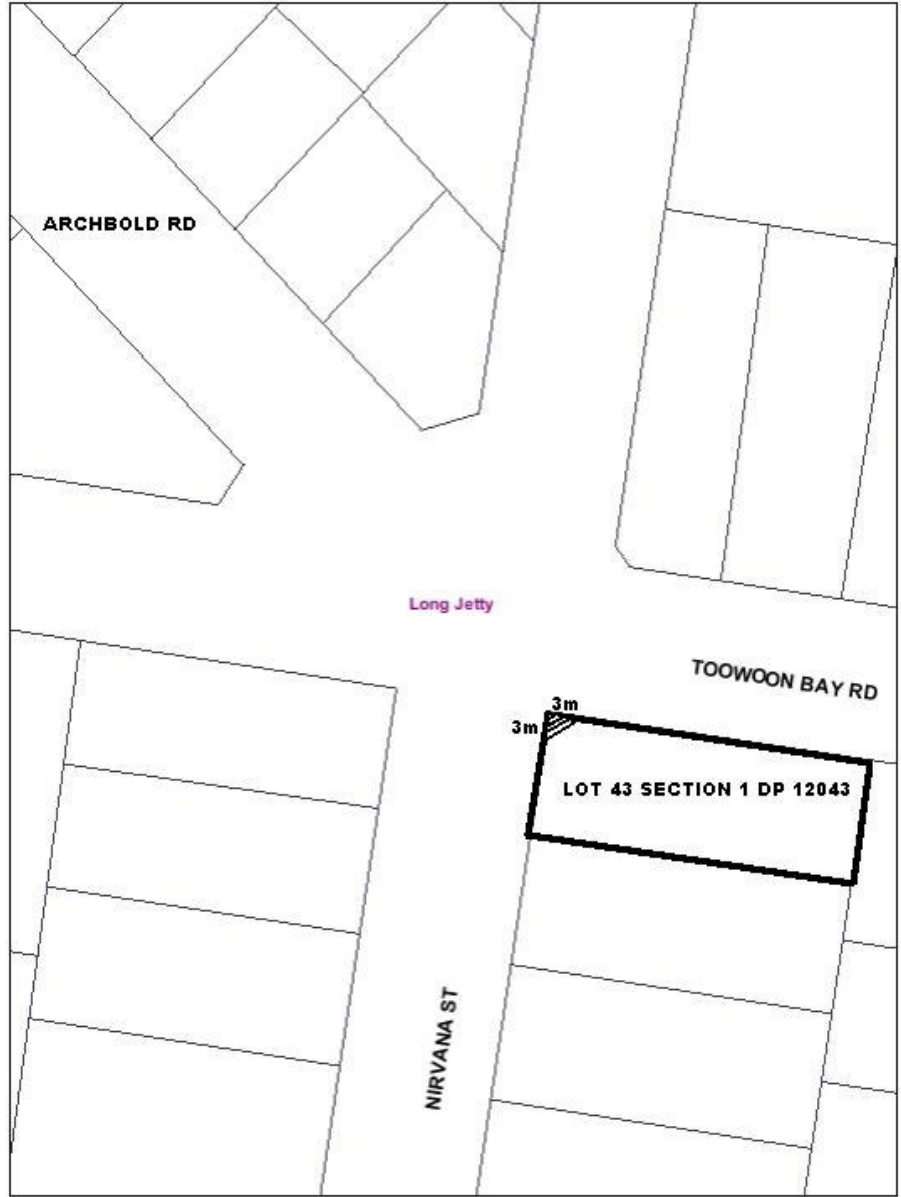
Locality Plan (1 page)
Site Plan showing PVP site and remaining land (1 page)

Enclosure

Coloured contour map of site

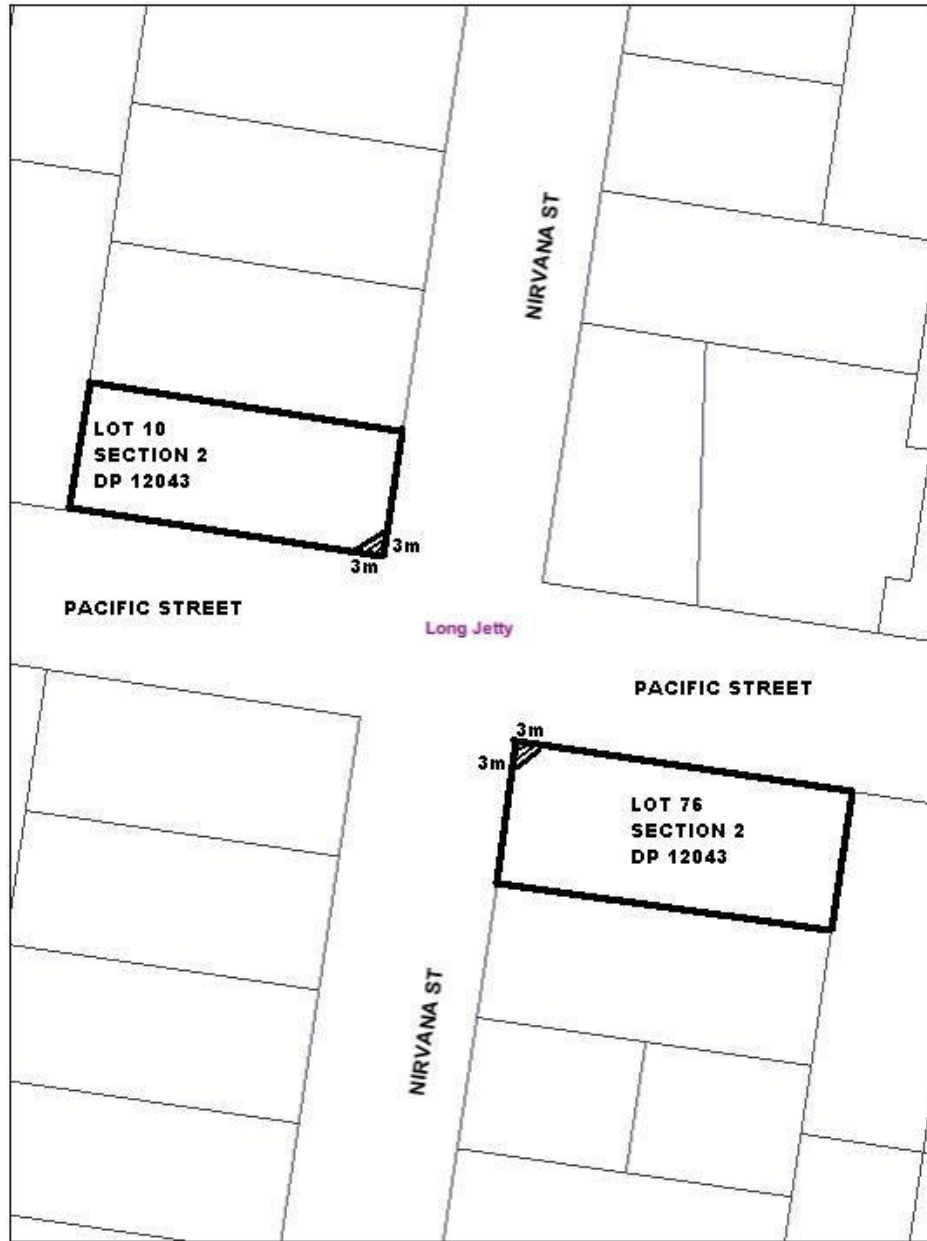
047 Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts (Attachment 1)

Plan of Proposed Acquisition Nirvana Street/Toowoon Bay Road



047 Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts (Attachment 2)

Plan of Proposed Acquisition Nirvana Street/Pacific Street



WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

047 Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts

F2007/01408, F2007/01721, F2007/01722 SCB

SUMMARY

Authority is sought to acquire land at Long Jetty as public road for the construction of two mini roundabouts at the intersections of Toowoon Bay Road and Pacific Street with Nirvana Street at Long Jetty.

RECOMMENDATION

- 1** *That Council acquire part of Lot 43 Section 1 DP 12043 at the corner of Nirvana Street and Toowoon Bay Road, Long Jetty as public road and parts of Lot 10 Section 2 DP 12043 and Lot 76 Section 2 DP 12043 at the corner of Nirvana Street and Pacific Street, Long Jetty 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 owners cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of 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.*

Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts (contd)

BACKGROUND

Council proposes to construct two roundabouts, one at the intersection of Nirvana Street and Toowoon Bay Road, Long Jetty and the other at the intersection of Nirvana Street and Pacific Street, Long Jetty to improve the amenity and safety of the road at these locations. The works are likely to commence in 2008 and will be funded from the 2007/2008 Rolling Works Program.

The construction of the roundabouts will affect part of Lot 43 Section 1 DP 12043 at the corner of Nirvana Street and Toowoon Bay Road and Lot 10 Section 2 DP 12043 and Lot 76 Section 2 DP 12043 at the corner of Nirvana Street and Pacific Street and it will be necessary to acquire part of those properties as public road.

Lot 43 Section 1 DP 12043 has an area of 727.2 square metres and is affected by road widening of approximately 4.5 square metres and is zoned 2C Medium Density Residential.

Lot 10 Section 2 DP 12043 has an area of 676.6 square metres and is affected by road widening of approximately 4.5 square metres and is zoned 2B Multiple Dwelling Zone.

Lot 76 Section 2 DP 12043 has an area of 727.2 square metres and is affected by road widening of approximately 4.5 square metres and is zoned 2B Multiple Dwelling Zone.

Council has been negotiating with the affected property owners for the acquisition of the required parts of their respective properties since September 2007 however to date no agreements have been reached. If the acquisition of the required parts of the properties cannot be resolved with the owners by agreement it may be necessary to secure the road widening by compulsory acquisition.

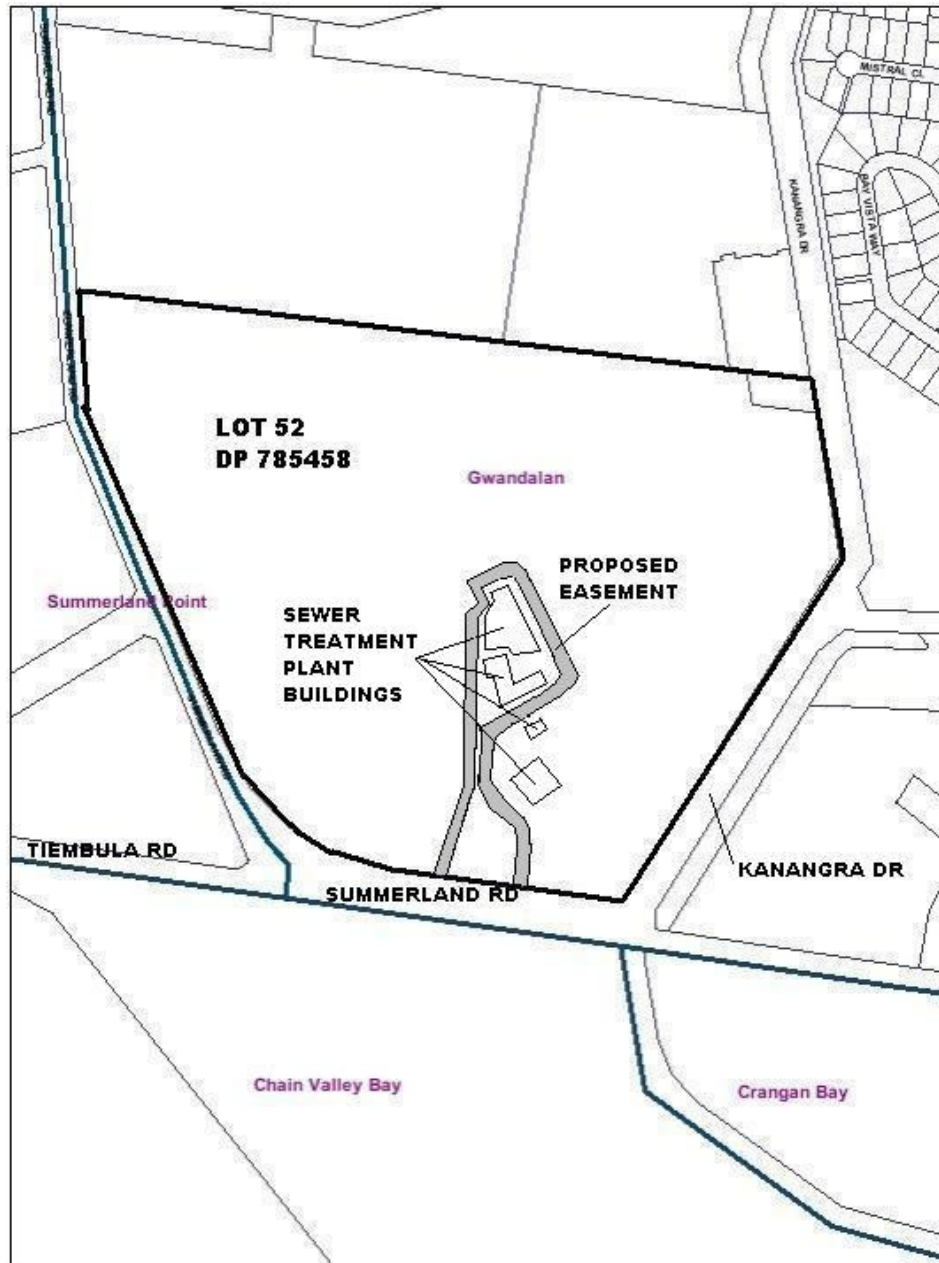
The proposed mini-roundabouts at the intersections of Toowoon Bay Road and Pacific Street with Nirvana Street form part of The Entrance District Traffic Management Plan which was adopted in February 2002. One of the aims of a traffic management plan is to concentrate traffic along major collector routes and to provide traffic controls and calming along these routes. Roundabouts such as those proposed are proven effective traffic calming devices, reducing traffic speed. The spacing between the devices helps to maintain this lower speed environment.

Attachment 1 **Plan of proposed acquisition Nirvana Street / Toowoon Bay Road hatched (1 page)**

Attachment 2 **Plan of proposed acquisition Nirvana Street / Pacific Street hatched (1 page)**

**048 Proposed Easement for Electricity Purposes at Lot 52,
DP 785458 Gwandalan
(Attachment 1)**

Plan Showing Proposed Easement and Lot to be Affected



WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**048 Proposed Easement for Electricity Purposes at Lot 52,
DP 785458 Gwandalan**

F2007/ 01757 SB

SUMMARY

Approval is sought to grant easements to Energy Australia for an electricity substation and cabling purposes over Council land the site of Gwandalan Sewerage Treatment Works.

RECOMMENDATION

- 1 That Council authorise the granting of an easement for electricity substation purposes 3.3 metres wide, an easement for electricity purposes 8 metres wide, 3 metres wide and variable width and a right of way 4 metres wide and variable width over Council land Lot 52 Deposited Plan 785458.**
- 2 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 EnergyAustralia.**
- 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.**

BACKGROUND

Council owns land Lot 52 DP 785458 Summerland Road, Summerland Point which forms the site of Gwandalan Sewerage Works.

The existing power supply to this site is at capacity and Energy Australia has confirmed the need to establish an "L" type kiosk customer substation, on the land to meet increased supply requirements. Associated with the new electricity supply Energy Australia will be making alterations to the high voltage supply network.

Energy Australia has proposed the replacement of the existing electrical substation at the Sewerage Treatment Works at Gwandalan. This replacement is due to the safety, environmental, maintenance and reliability issues in regard to the existing outdoor enclosure.

Council's Contracts Section entered into an agreement with Energy Australia that authorised it to complete the work involved in establishing the substation and gave an undertaking to complete easement arrangements.

**Proposed Easement for Electricity Purposes at Lot 52, DP 785458 Gwandalan
(contd)**

Energy Australia has advised that associated with the location of the electricity infrastructure on the site it will be necessary for Council to grant easements for access, cables and the substation, to protect its interests in respect of the operation and maintenance of the facilities.

Energy Australia has advised that no compensation is payable associated with the granting of the easements on the basis that the new installation is required for the sole purpose of providing power supply to Council's Sewerage Treatment Plant. Council's Shire Services Department has agreed that Council should not seek compensation on that basis.

Lot 52 is approximately 283,400 square metres and zoned 5A Special Uses – Sewerage.

Lot 52 is unclassified and there is no impediment to Council granting the easement.

***Attachment 1 Plan showing proposed easement and Lot to be affected
(1 page)***

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

049 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

SUMMARY

Report on Councillors proposed allocation of funds for expenditure from Councillors' Community Improvement Grants and information supplied by Friends of Toukley Inc in support of their application.

RECOMMENDATION

That an amount of \$1,500 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 2.

BACKGROUND

Council at its meeting held on 31 October 2007 resolved in part as follows:

"2 That allocation of \$1,000 being put into Friends of Toukley be deferred pending substantial advice as to what activities the allocation will be put towards."

Attachment 1 to this report is the background and vision of the group including the committee structure, rules and community involvement.

Also included is the financial information on anticipated operational expenditure for the year 2008 in support of the Councillors' Community Improvement Grants application.

Funds are available and expenditure is permissible under Section 24 and 356(1) of the Local Government Act, 1993.

In the year preceding of a Local Government election allocations are only available to Councillors from 1 July to 31 December of that year. The allocations contained within this report were accepted from Councillors prior to 31 December 2007.

| | |
|----------------------------|--|
| <i>Attachment 1</i> | <i>Background / Vision and Finances of Friends of Toukley Inc (4 pages)</i> |
| <i>Attachment 2</i> | <i>Councillors' Community Improvement Grants 2007/2008 (1 page)</i> |

Proposed Councillors' Community Improvement Grants (Attachment 1)

FRIENDS OF TOUKLEY INC.

P.O. Box 385 Toukley. 2263

Background:

The Friends of Toukley Incorporated (FOTTERS) was formed in February, 2006. It is a group of community conscious residents who initially formed together to protest against proposed high-rise development at East Toukley.

Vision:

Represent the citizens of Toukley and surrounding areas when required, to ensure that the lifestyle, development and ambiance of Toukley is appropriate and of a high standard and acceptable to those who reside in the area.

FOTTERS is a non-profit, non-sectarian and non-political organization.

FOTTERS is recognised as representatives of the community by the inclusion of one of our members on the GTV Committee and inclusion in monthly invitations to attend Chamber of Commerce meetings.

COMMITTEE STRUCTURE:

Executive Committee

President: Mr. Don McFarlane
Secretary: Ms. Jill Genders
Treasurer: Mr. Tony Britton

Committee and Support Members

Mr. Garry Prince
Mr. Doug Ford
Mr. Frank Borsova
Mrs Pat McPhan
Mrs Margaret McFarlane
Mr. Graham Leal
Ms Jill Hancock

Funding Officer: Mr. Tony Britton
Research Officer: Mr. Garry Prince
Publicity Officer: Ms. Jill Genders

Proposed Councillors' Community Improvement Grants (Attachment 1) (contd)

2.

General Rules:

The general rules of Incorporation as recommended by the Department of Fair Trading (DFT) are followed where applicable to the operation of the group. All Mandatory rules of DFT guidelines are strictly adhered to.

Friends of Toukley Community Involvement to date:

- Discussions with Wyong Council Staff with reference to the Draft Toukley Strategy Plan.
- Calling of a public meeting to hear the community views and concerns associated with the Strategy Plan, facilitated by Councillor Greg Best, Wyong Shire Council.
- Further canvassing against high rise development in Fravent Street, Toukley
- Gathering of letter to Council from residents expressing concern regarding proposed high rise development at East Toukley – 2000 letters
- Participated and assisted in a community forum hosted by Mr. David Harris MP, Local Member State Government
- Greater Toukley Vision (GTV) has organised for a FOTTER member to provide historical detail for tourist information of the area.
- Members have attended a Law and Order meeting convened by Councillor Ron Stevens
- Members have attended Community Safety Precinct Meetings
- Members have attended Council meeting regarding future population growth estimations
- Members have attended proposed desalination plant meetings for the area
- Different politicians and councillors have addressed our meetings, eg David Harris MP (State Government), Craig Thomson MP (Federal Government), Crs. Rose, Pavier, Best from Wyong Council. Ken Ticehurst (previous Federal member) had been invited but stated he was unable to attend
- Members also attended a Crime Prevention Program organized by Mr. Ticehurst
- Members recently attended a meeting convened by State Planning Dept. and Wyong Council in conjunction with GTV. The meeting was held at the Beachcomber Hotel, Toukley, and its aim was seeking ways to revitalize the township of Toukley. ***NB One third of all people present were members of FOTTERS.***
- Attending and participating in community forums regarding Toukley generally (see following media release):
- *Excerpt from Wyong Council Media Release 18 April, 2006:*

Organizations briefed on draft Toukley planning strategy

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Proposed Councillors' Community Improvement Grants (Attachment 1)
(contd)**

3.

Wyong Shire Council is offering organizations and community groups briefings on the draft Toukley Management Plan.

Council wants to make sure residents have an understanding of, and an opportunity to comment on, the draft plan before the exhibition period ends on 1 June.

*Council staff have already met with **The Friends of Toukley** and the Toukley Chamber of Commerce, and briefings with the Norah Head Residents and Ratepayers association, Greater Toukley Vision and the Gorokan/Kanwal Lions Club are also planned.*

A public meeting is expected to take place within the next few weeks."

Our Projected income expenditure for 2008 is attached.

Jill Genders
Secretary/Spokesperson
14 January, 2008.

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Proposed Councillors' Community Improvement Grants (Attachment 1)
(contd)**

4.

FINANCES for FRIENDS OF TOUKLEY

Anticipated Operational Expenditure for Year 2008

| | |
|--|---------|
| Post office box hire: | \$70.00 |
| Lodgement of yearly DFT Incorporation fee | 44.00 |
| Telephone and Internet (approx.) | 450.00 |
| Printer cartridges and Stationary | 200.00 |
| Miscellaneous fliers, Community Surveys and printing | 300.00 |
| Members' incurred expenses at related group activities | 100.00 |
| AGM Expenses | 50.00 |
| Miscellaneous Expenses | 100.00 |

Total Anticipated Expenses: \$1,314.00

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

050 Review of Variation to Council's Code of Meeting Practice

F2004/06502 MW

SUMMARY

Review of the amendment to Council's Code of Meeting Practice regarding the number of Notice of Motions permitted per meeting.

RECOMMENDATION

Submitted for consideration.

BACKGROUND

At the Ordinary Meeting held on 14 March 2007, Council gave consideration to Report No 111 - Proposed Amendment to Council's Code of Meeting Practice.

At that meeting, Council resolved as follows:

- "1 That, while staff are under a high workload due to the drought and climate change, clause 26(4) of the Code of Meeting Practice be varied to permit a maximum of 1 notice of motion (excluding Rescission Motions) from each Councillor to any particular meeting of Council.*
- 2 That Clause 32 of the Code of Meeting Practice, regarding questions to Councillors and staff, be rigidly enforced, particularly in regard to Clause 32 (6).*
- 3 That the number of Notices of Motion permitted per Councillor per meeting be reviewed at the Ordinary Meeting of Council on 13 February 2008."*

Review of Variation to Council's Code of Meeting Practice (contd)

A letter from the Department of Local government (DLG) on 6 June 2007 expressed concern regarding the above resolution. A copy of that letter and Council's response is attached, together with a copy of a subsequent letter from the DLG. As a result of this letter and as a request of the Mayor, Council sought legal advice from Home Wilkinson Lowry and a copy of that advice is also attached.

- | | |
|----------------------------|---|
| <i>Attachment 1</i> | <i>Letter from Department of Local Government dated 6 June 2007 (1 page)</i> |
| <i>Attachment 2</i> | <i>Letter from Wyong Shire Council dated 16 October 2007 (2 pages)</i> |
| <i>Attachment 3</i> | <i>Letter from Department of Local Government dated 20 December 2007 (2 pages)</i> |
| <i>Attachment 4</i> | <i>Letter from Home Wilkinson Lowry dated 29 January 2008 (3 pages)</i> |

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Review of Variation to Council's Code of Meeting Practice (Attachment 1)



Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE ID: A94772
YOUR REFERENCE
CONTACT Doug Friend
4428 4201

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

Dear Mr Yates

I am writing in regard to a resolution made by Council resulting in an amendment to its code of meeting practice. The resolution I refer to is in relation to item number 111 on pages 5 and 6 of the minutes of the Council meeting held on 14 March 2007.

I understand Council has amended its code to limit the number of notices of motion made by individual councillors to one per councillor per meeting.

I draw your attention to the council charter under section 8 of the *Local Government Act 1993* (the Act). The charter provides for councillor involvement in the development, improvement, and co-ordination of local government. More specifically, the charter requires that involvement be facilitated.


Councillors have dual roles to perform as members of the governing body of council and as elected persons. These roles are clearly set out in section 232 of the Act.

I am concerned that the effect of the recent amendment to Council's code may restrict councillors in their role as members of the governing body of Council and inhibit their ability to fulfil their role as an elected person.

Please advise me in writing of the basis for the amendment and provide me with a copy of any legal advice Council may have obtained on the validity of the amendment to its code.

Your response would be appreciated within 21 days of the date of this letter.

Yours sincerely


for **Garry Payne AM**
Director General

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
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13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Review of Variation to Council's Code of Meeting Practice (Attachment 2)

F2004/06502
D00884508

Your Ref: A94772

16 October 2007

Mr Garry Payne AM
The Director General
Department of Local Government
Locked Bag 3015
NOWRA NSW 2541

Dear Garry

I refer to your letter of 6 June 2007 regarding a resolution made by Council on 14 March 2007, resulting in an amendment to its Code of Meeting Practice and apologise for the delay in responding to you.

Council's Code of Meeting Practice has, for many years, limited the number of notices of motion that a Councillor may put to any one meeting to three. This is in addition to any rescission motions.

At its meeting of 14 March 2007, the Council considered a notice of motion to limit this to one, for a period of time and this motion was adopted. This resolution did not make a formal amendment to the code, but varied the existing code requirements for a period of time with a review to be conducted at the meeting scheduled for 13 February 2008.

In the debate at the March meeting, Councillors highlighted various reasons for doing this, including:

- Staff workloads at the moment, in particular in the Water and Sewerage Sections, but in the Shire Services Department overall; and
- the large number of notices of motion by one or two Councillors in particular were spurious and wasting considerable time and were being used by these one or two Councillors to pontificate and grandstand.

The Councillors noted that there are a number of other ways to deal with many of the issues being raised by notices of motion:

- Raising issues directly with the General Manager and Directors.
- Submitting service requests
- Raising issues at the regular informal briefing sessions held twice a month
- Formal Questions Without Notice, that are listed on the business paper with replies to the issues raised
- Having other Councillors put forward a motion on their behalf, as currently happens.

Legal advice has not been obtained on this issue, but Council noted that both the Act and the Regulations were silent on this matter and it is therefore open to Council to make provision in its meeting code, provided it is not contrary to the Act or Regulations. As pointed out above, the Councillors believed that there are many ways that the role of Councillors can be fulfilled and that a temporary variation in the number of notices of motion should not unduly restrict a Councillor.

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**Review of Variation to Council's Code of Meeting Practice (Attachment 2)
(contd)**

Page: 2
Dept Local Government

In accordance with Council's resolution at the March meeting, I will be listing this matter for further consideration at the Council meeting of 13 February 2008.

Yours faithfully

K Yates
GENERAL MANAGER

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Review of Variation to Council's Code of Meeting Practice (Attachment 3)



Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE ID: A118835
YOUR REFERENCE: F2004/06502
CONTACT: D00884508
Doug Friend
4428 4201

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

Dear Mr Yates

I am writing in reply to your letter of 16 October 2007 regarding Council's resolution of 14 March 2007 limiting the number of notices of motion that each councillor can make to one per meeting.

I understand from your letter that for a number of years Council's code of meeting practice has contained a provision limiting the number of notices of motion that a councillor can put to a council meeting to three.

I also understand from your letter that Council's resolution of 14 March 2007 to limit the number of notices of motion per councillor to one per meeting was not intended to amend Council's code of meeting practice, but was intended to be in effect for a specific period of time.

However, as I expressed to you in my letter of 6 June 2007, I remain of the view that the number of motions put forward by a councillor cannot and should not be limited.

I refer you to the Meetings Practice Note, which is available on the Department's website at www.dlg.nsw.gov.au, and in particular to the first question and response on page 26 of the Practice Note, which reads:

"Can the number of motions put forward by a councillor be limited?"

"No. As long as notice and other procedures are followed, you can put forward as many motions as you wish. When putting forward motions, you may need to balance your civic responsibility for representing the interests of your community with your obligation to use council's resources effectively and efficiently."

I consider that the current limitation being enforced by Wyong Shire Council has the potential to deny councillors the opportunity to properly fulfil their role under section 232 of the Act. I also consider that it conflicts with the council charter in section 8 of the Act requiring councillor involvement to be facilitated.

Although I appreciate the reasons put forward in Council's letter for the resolution limiting motions, I do not consider the limitation is appropriate.

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13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Review of Variation to Council's Code of Meeting Practice (Attachment 3)
(contd)**

2

I refer Council to clauses 255 and 256 of the Local Government (General) Regulation 2005, in particular clause 256(1)(c), which provides that a councillor commits an act of disorder if they move or attempt to move a motion or an amendment that deals with a matter outside the jurisdiction of the council.


I also remind Council of section 440F (which defines misbehaviour to include an act of disorder) and of part 11 of the Model Code of Conduct for Local Councils in NSW, which deals with councillor misbehaviour.

I would remind Council and individual councillors of the need to balance their responsibility for representing the interests of their community with their obligations to use Council's resources effectively and efficiently.

I trust this clarifies the Department's position in relation to Council's code of meeting practice in so far as it limits the number of motions that a councillor may move at a meeting. I trust that Council will amend its code of meeting practice accordingly.

Please table this letter in open session at the next available Council meeting.

Yours sincerely

for  20/12/07
Garry Payne AM
Director General

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Review of Variation to Council's Code of Meeting Practice (Attachment 4)

Home Wilkinson Lowry
LAWYERS

Our Ref: JAC:JMR:94629

29 January 2008

The General Manager
Wyong Shire Council
DX 7306 WYONG

Attention: Mr James Brown

Dear Sir

Council's Code of Meeting Practice - Ability to restrict the number of notices of motion per Councillor

We refer to your request for advice regarding Council's ability at law to provide, in its own Code of Meeting Practice, for a restriction on the amount of notices of motion able to be submitted by Councillors for consideration at a meeting of Council.

Pursuant to Clause 26(4) of Council's current Code of Meeting Practice, a Councillor is not entitled to have more than 3 notices of motion on the relevant business paper at the same time.

Further, we are instructed that in a meeting on 14 March 2007, Council adopted a motion further limiting the number of motions that one Councillor is able to have on the business paper at any one time to one. That amendment to Council's meeting practice is scheduled to be reviewed at Council's meeting of 13 February 2008.

The Department of Local Government have raised with the Council its concern regarding the terms of Council's Code of Meeting Practice and whether Council should, in all circumstances, limit the number of notices of motion capable of being on the business paper from any one Councillor at any given time.

Advice is therefore sought from us as follows:

1. Given that the Local Government Act is silent on the issue of the number of Notices of Motion able to be submitted by Councillors, is Council at liberty to set a limit in its Code of Meeting Practice?
2. How binding upon Council is the Department of Local Government's meeting practice note?

Question 1

We confirm that the *Local Government Act 1993* ("the LG Act") and the *Local Government (General) Regulation 2005* is silent on the number of notices of motion able to be submitted by Councillors.

Pursuant to s.360(2) of the LG Act, Council is empowered to adopt a code of meeting practice that, firstly, incorporates the relevant provisions in the *Local Government (General) Regulation* in relation to Council meetings and; secondly, supplements those provisions with other provisions that "are not inconsistent with them".

Brisbane

Melbourne

Norwest

Sydney

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LAWYERS



1420298/v1

Review of Variation to Council's Code of Meeting Practice (Attachment 4) (contd)

The General Manager

29 January 2008

There is nothing that we have been able to identify in the LG Act, the LG Regulation or the Model Code prepared by the Department of Local Government that is directly inconsistent with Council limiting the number of notices of motion per Councillor.

Accordingly, in the absence of a specific inconsistency, it is our view that the provision is not invalid.

However, there is some force to the Department's identification of the breadth and scope permitted Councillors in carrying out their role, as identified at s.232 of the LG Act.

There is also force in the Department's contention that Council and individual Councillors need to balance responsibility for representing the interests of the community, with their obligations to use Council's resources effectively and efficiently.

It appears to us that limiting the number of notices of motion per Councillor to three notices upon each business paper better strikes that balance than a restriction permitting only one motion per Councillor for each meeting.

We say that on the basis that, given the breadth of the role recorded to Councillors under the LG Act, it is easily possible to imagine different scenarios in which Councillors have decision making interests that extend beyond effectively one matter or interest per Council meeting.

In summary therefore we advise that we are unable to identify a specific inconsistency between Council's Code of Meeting Practice, and its recent temporary adoption of a one motion limit per Councillor, with the LG Act, the LG General Regulation and the Model Code.

Nonetheless, Council's Code of Meeting Practice needs to be understood as a vehicle for managing Council's business in a way that harmonises with the role granted to individual Councillors, as well as ensuring the effective management of Council's business.

In such circumstances it seems to us that the three motion limitation accords better with the overall intent and operation of the Act than a one motion limit.

Question 2

The Department of Local Government's Meeting Practice Note specifically identifies that "it is not legal advice" and that it operates as a "guide".

Accordingly, the meeting's practice note is not legally binding upon Council such that, if Council's Code of Meeting Practice diverges from the commentary contained within the practice note, Council's practice or code is therefore invalid.

Nonetheless, the practice note represents the considered views of the Department charged with ensuring the functionality and effectiveness of local government within New South Wales. Where Council does diverge from the commentary it must, as a matter of best practice, ensure that it has investigated the matter fully and is able to provide good reasons for the divergence.

It appears to us that, having regard to Council's reply to the Department dated 16 October 2007, which sets out the reasons for the approach taken by Council, as well as obtaining legal advice, Council has taken a reasoned and thoughtful approach in relation to the divergence between its Code and the Department's Practice Note.

We trust the above is of assistance. Should you have any queries, please do not hesitate to contact John Cole or Jeff Reilly of our office.

13 February 2008
To the Ordinary Meeting of Council


Director's Report
Corporate Services Department

**Review of Variation to Council's Code of Meeting Practice (Attachment 4)
(contd)**

The General Manager

29 January 2008

Yours faithfully
Home Wilkinson Lowry



John Cole
Partner

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WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

051 Rental Fees for Use of Central Coast Lifetime Learning Centre

F2004/07934 GM:GM

SUMMARY

Council obtained occupancy of the Central Coast Lifetime Learning Centre (CCLLC) in August 2007. The CCLLC, otherwise known as CARES has two full time NSW Police Officers based at the centre who will teach primary school students in years 4 - 6 the State endorsed Community and Road Education Scheme (CARES) program. It is proposed that \$4.00 per student be charged to the visiting school that attends the facility on the results of school consultations.

RECOMMENDATION

- 1 That Council approve the \$4.00 charge per student to attend the CARES Course as a result of school consultation.**
- 2 That Council approve the proposed hire charges as outlined in the attachment for general community use.**
- 3 The hire charges and CARES fee to take effect after a 28 day exhibition period subject to no significant objections being received.**

BACKGROUND

The Central Coast Lifetime Learning Centre is a custom built CARES facility. It offers users a fully equipped and furnished training room with projector and surround sound system, access to the gymkhana and road circuit. The centre has 65 BMX bikes and helmets and a motorised scooter. It is anticipated that in the near future classes will be developed to teach road safety practices for seniors who use motorised scooters.

The CCLLC facility is staffed by two full time NSW Police Officers who have been fully trained and accredited in the CARES program. The administration office at the centre is occupied by these Officers only due to Police privacy and security. Both Wyong Shire Council and Gosford City Council Road Safety Officers are involved with the operation of the centre however do not work from the centre.

The proposed fee of \$4.00 per student at the centre would cover the cost of a full day bike hire, helmet hire and full use of the facility and teaching resources. It is proposed that Wyong Shire Council, being the fund manager, would invoice schools the fee for the number of students attending the centre. This is to avoid cash being held on the premises and negate the Police Officers handling cash/cheques in their position at the centre.

Rental Fees for Use of Central Coast Lifetime Learning Centre (contd)

The charge of \$4.00 per student was derived from the examination of two other CARES facilities in the State and consultation with local primary schools. At St Ives CARES a charge of \$2.00 per student is payable for each school and at Lake Illawarra a charge of \$6.60 is payable per student that attends the centre. Lake Illawarra CARES facility has a higher fee per student as the monies raised is utilised for the purchase of promotional material and giveaways to the students attending the centre. At St Ives a smaller fee is charged as the centres primary role is the delivery of the CARES course to the students. No funds are provided for promotional materials or giveaways and the facility maintenance and operational budget is allocated through Kuringai Council annually.

Therefore, the charge of \$4.00 per student at the new Central Coast Lifetime Learning Centre is based on the desire to allocate the monies raised through the fees and charges to be directed back into the centre for the purpose of the program and for the purchase of promotional materials and giveaways to the students accessing the centre.

In addition, support of the \$4.00 fee was concluded after consultation with local primary schools in both the Wyong and Gosford Local Government Areas. When consulting with local primary schools two options were offered in regards to the fee structure. The first option was to charge students the proposed \$4.00 fee. The second option was to offer the school an annual membership to attend the facility. Results from the consultation, which included liaison with both large and small school populations, has confirmed that both large and small schools agree that a fee per student is preferred rather than a membership fee. This was due to two key factors. Firstly, small schools preferred the \$4 fee per student due to the student population. There was no benefit to a small school in paying for an annual membership when the school population is limited. Secondly, large schools conveyed that a membership would be the most economically viable however they would still prefer the \$4 fee per student as this was the school excursion policy. The larger schools were not prepared to alter school policy when attending the CARES facility. When seeking a response to the \$4 fee amount as to whether it is a reasonable fee to charge students, the response from all schools was that the \$4 fee is a fair and reasonable cost for a full day excursion to the centre with all resources provided.

As partners in the CARES facility, Gosford City Council officers support the \$4.00 per student fee. The NSW Police has also confirmed its support for the proposed fee structure.

Casual users: At present there are no permanent casual users of the facility however given the resources available it is foreseeable that regular community/sporting use of the centre will be requested, in particular by local cycling clubs. As a result, a fee is proposed to ensure the centre is kept clean and tidy.

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Rental Fees for Use of Central Coast Lifetime Learning Centre (contd)

In addition, it is proposed that the attached Hire Fees (Attachment 1) be charged to all other users of the facility to maintain the centre in its current condition.

Attachment 1

Central Coast Lifetime Learning Centre - Hire Fees (1 Page)

Rental Fees for Use of Central Coast Lifetime Learning Centre (Attachment 1)

CENTRAL COAST LIFETIME LEARNING CENTRE HIRE FEES

13 PALMDALE ROAD, PALMDALE

Hire times: Mon- Fri afternoon/evenings
Weekend any time depending on availability

Category 1:

Casual Hire of the Central Coast Lifetime Learning Centre (CCLLC) by an Education "Not-for-profit" Based Organisations

Minimum \$30.00 hire fee.

1 to 3 hours = \$30 plus GST

3 to 7 hours = \$45 plus GST

Thereafter \$10 per hour to a maximum of \$65 plus GST

- Saturday and Sunday attract an extra \$10 surcharge.
- You must provide a certificate of currency of your Public Liability Insurance.

Category 2:

Casual Hire of CCLLC by Community/ Sporting Groups

Minimum \$40.00 hire fee.

1 to 3 hours = \$40 plus GST

3 to 7 hours = \$65 plus GST

Thereafter \$15 per hour to a maximum of \$95 plus GST

- Saturday and Sunday attract an extra \$15 surcharge.
- You must provide a certificate of currency of your Public Liability Insurance.

Category 3:

Casual Hire of CCLLC by Commercial Based Organisations

Minimum \$50.00 hire fee.

1 to 3 hours = \$50 plus GST

3 to 7 hours = \$100 plus GST

Thereafter \$20 per hour to a maximum of \$140 plus GST

- Saturday and Sunday attract an extra \$20 surcharge.
- You must provide a certificate of currency of your Public Liability Insurance.

These charges will effective until July 1, 2007. All prices quoted are plus GST.

Conditions

* All damage to the room / centre incurred whilst under your supervision, will be charged to your organisation

* Any security monitoring charges incurred as a resulting failing to secure the CCLLC or failing to alarm the facility will be charged to your organisation.

* Rooms must be left in the same order as when you found them and rooms locked after use.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

052 Vandalism Across our Shire

F2004/07937 JM

SUMMARY

Report on the costs and alternatives to address graffiti vandalism across the Shire, including the employment of an additional "hit squad", best practice measures employed by other Councils and the feasibility of public art murals to combat graffiti at regularly hit locations.

RECOMMENDATION

- 1 *That Council further contacts public utilities to promote and expedite graffiti removal from their properties.***
- 2 *That a publicity campaign be undertaken to encourage community members to increase their reporting of graffiti vandalism to Council, public utilities and the NSW Police and to educate the community on the benefits of the speedy removal of graffiti from their own property.***
- 3 *That the use of the graffiti walls at Lake Haven and Bateau Bay be reactivated by a program of structured activities for young people, and that a location impacted by high levels of graffiti be selected for the installation of a public art mural as a pilot scheme with community members being involved in the design and execution of the work.***
- 4 *That Council continue to work cooperatively with the NSW Police including expanding on intelligence gathering, notifications, joint publicity and sharing information to combat graffiti attacks.***

BACKGROUND

Council at its meeting of 10 October 2007 resolved the following;

- 1 That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also investigate the costs of providing this service via a range of means.
- 2 That in implementing the above, Council staff explore best practice employed in other Council areas.
- 3 That staff investigate the option of "public art murals" at locations hit regularly with graffiti.
- 4 That a review of the graffiti walls at Bateau Bay and Lake Haven occurs.

Vandalism Across our Shire (contd)

KEY ISSUES

The issues involved in combating graffiti across the Shire include targeted clean up of graffiti as it occurs on Council properties, the possibility of expansion of this service to include private property and property owned by utilities such as the RTA, State Rail, National Parks and Wildlife Service, Australia Post and efforts to engage the community in combating this problem by community strengthening activities and public art.

The method utilised to achieve an effective and prompt clean up of graffiti across the Shire is currently limited to Council staff and is focused primarily on Council assets. Rapid removal of graffiti is acknowledged as an effective tool against the problem as it directly addresses the motives of many offenders by reducing the notoriety of the graffiti's visibility.

While there has been a committed resource for graffiti removal established for the Shire, these resources have been occasionally diverted to assist on other projects. Since October 2007 the commitment of these resources has been reinstated to ensure that one staff member is dedicated to graffiti removal 100% of his time. Equipment, procedures and effort has been refocused and a significant improvement to graffiti removal has been realised.

The response to requests is currently within 48 hours. Offensive graffiti has the highest priority and is removed within 24 hours of being reported. This compares favourably with other NSW Councils. For example, Blacktown City Council removes graffiti within ten days of reporting and within two days if it is offensive. Warringah Council removes offensive graffiti within 48 hours. The contractor employed by Woollahra Municipal Council and Willoughby City Council removes offensive graffiti within 48 hours of reporting.

LEGISLATION AND NSW GOVERNMENT RESOURCES

A number of different pieces of legislation affect the policing and prosecution of offenders including Crimes Act 1900 and Summary Offences Act 1988. Orders for clean up can be made under Children (Community Service Orders) Act 1987, Crimes (Administration of Sentences) Act 1999 and Crimes (Sentencing Procedure) Act 1999. The policing and enforcement carried out by the Police Service and Council's Rangers is heavily dependent on reporting by the local community. As the majority of graffiti offenders are minors, there can be difficulties in securing convictions and restitution.

Council has powers under Local Government Act 1993 to carry out works on private property both with and without the owner's permission. At present, removal works are carried out on private property where there is a clear community benefit such as in town centres and on heavily trafficked roads where the graffiti is highly visible and is usually undertaken with the owner's permission. Graffiti on public utilities' property such as phone boxes, post boxes and road signs is also removed.

Vandalism Across our Shire (contd)

The NSW government provides a number of resources to assist communities to combat graffiti including an Anti Graffiti Action team which was formed in May 2006. Membership of this team comprises major stakeholders such as NSW Police, State Transit, RailCorp, Department of Education and Training, Telstra. The Department of Local Government and the Local Government and Shires Association of NSW are members of this Team.

The Anti Graffiti Action Team assists in the development and implementation of:

- Increased use of Community Service Orders to make offenders repair the damage caused by graffiti;
- Identification of graffiti "hot spots" and stepping up enforcement and surveillance;
- Assistance to Councils and government utilities with the development of Graffiti Management Plans targeting high graffiti environments;
- A scheme for local Councils to accredit community groups and volunteers to remove graffiti vandalism.

Involvement of the community in graffiti prevention and removal can provide opportunities for community strengthening and pride. The Anti Graffiti Team provides guidelines and information on the removal of graffiti. These guidelines will be used in Wyong Shire to involve the community in combating graffiti.

CURRENT PROGRAM IN WYONG SHIRE

Council currently has a dedicated resource of one staff member five days per week to deal with graffiti on Council properties across the Shire. This individual uses a range of mechanisms to remove graffiti including cleaning and painting. Council's painters are called in to assist with large coverage jobs. Current cost for this service is \$91,800 per year, including salaries and on costs, plant and materials. Plant provided for this service is a utility equipped with paint, solvents and a water supply and high pressure jet. The range of paint colours carried on the vehicle is suitable for Council assets. Provision of additional equipment is being explored with other Councils and the industry to explore if there are any opportunities to improve the efficiency and effectiveness of the activity.

Clean up rates and reporting

The current average clean up of graffiti in Wyong Shire Council is 185 square metres per week. Problems are reported via service requests from members of staff and the public and by surveillance undertaken by the staff operator as he travels around the Shire.

As a comparison, the average clean up rate in Willoughby City Council is 95.25 square metres per week. This information was sought from a number of other NSW Councils to provide more comparative data but it was not available.

Vandalism Across our Shire (contd)

In the period October to December 2007, a total of 232 service requests were submitted for the removal of graffiti. There were 344 separate incidences of graffiti removed in the same period. This represents 48% more clean ups than service requests as additional clean ups are undertaken by Council's dedicated graffiti technician who proactively removes graffiti that he encounters en route to his normal service requests as well as monitoring of repeat offender sites. 92% of the clean ups were undertaken on Council assets including toilets and amenities blocks, bus shelters, skate parks, barbeque areas, pump stations and signs. Half of the remaining 8% were undertaken on public utilities' infrastructure such as electrical boxes, RTA signs and post boxes.

Some high visibility or obscene graffiti on private properties, principally in town centres and along major road routes was also the subject of clean up activities in this period. An example of the work undertaken on private property is included in Enclosure 1.

While graffiti remains prominent around the Shire as it is by nature highly visible, there are no outstanding service requests for the removal of graffiti and the response to requests is currently within 48 hours. The target for removal of offensive graffiti is within 24 hours of notification and is being consistently achieved. Offensive graffiti can include sexist comments or drawings, foul language or rude messages directed at or about identifiable persons.

An analysis of the service requests submitted for graffiti removal in the period 1 January 2007 to 31 December 2007 indicates that 487 requests were submitted by Council staff and 99 were submitted by members of the public. A concerted campaign to encourage members of the public to report graffiti attacks is needed to ensure that as many incidences are cleaned as quickly as possible. The provision of information on graffiti and the benefits of speedy removal from Council and private property would improve community involvement and reporting.

Utilities

Correspondence was sent to RailCorp, Energy Australia and Telstra in November 2007 affirming Council's strong, pro-active stance against vandalism and in particular graffiti and asking for those organisations' support in maintaining their public infrastructure. No response was received.

Examples of various public utility graffiti removal responses include:

Energy Australia's website indicates that offensive graffiti is removed within 24 hours from their infrastructure.

RTA's website indicates that offensive graffiti is removed from their sites within 48 hours of reporting, however the removal of all non-offensive graffiti takes up to a month from reporting to removal.

Council will focus on improving graffiti reporting efficiencies to the various utilities in order to inform them of graffiti incident locations and enlist their further co-operation in achieving rapid removal of graffiti. The public will also be encouraged as part of Council's publicity campaign, to report incidents directly to the utilities.

Vandalism Across our Shire (contd)

ALTERNATE SERVICE STRATEGIES

The current graffiti removal program is focused in order of priority on Council properties, obscene graffiti on public utilities. Removal of graffiti from private property is generally limited to high visibility and offensive graffiti.

Expanded service options

The program can be expanded by a range of means:

1 Additional resources

- Engage a second squad of one. Cost – \$91,800 per year. This is based on actual costs incurred to date of the current service provision. The figure includes salaries and on costs, plant and materials;
- Contracted service. A preliminary quotation from a major provider of such services indicates that the cost of such a service would be in the order of \$12,915 per month (\$154,980 per year). This fee will provide for one fully equipped graffiti removal technician for five days a week, eight hours per day. This includes removal of graffiti from private property visible from public places. Employment of a contractor would allow for all visible private property to be cleaned. The contractor also provides a mechanism for members of the public to report incidences of graffiti via the contractor's website.

2 Increased scope to include an expanded service to private property

- Proactive removal by Council staff from all visible private property without owner's consent. The cost of this added service has been estimated at approximately \$15 to \$20 per square metre. Based on Council's current weekly graffiti removal rate of 185 square metres from Council property, it is estimated this may add approximately another 50 to 100 square metres per week. This will require an extra graffiti removal one-person squad at an additional cost to Council of \$91,800 per annum.
- Issue removal kits to owners of private property. For example, cost to Blacktown Council is approximately \$80,000 per annum;
- Introduce a fee for Council to provide the graffiti removal service for commercial properties. However, private contractors already provide this service direct to property owners at their cost. Alternatively, clean up kits could be provided at the property owner's expense.

There are advantages and disadvantages with the alternatives as discussed above. Initial assessment indicates that a contracted service is significantly more expensive.

Vandalism Across our Shire (contd)

The engagement of a second graffiti squad to remove graffiti from public property would be at an additional cost to Council of up to \$91,800 per annum. The advantage of a second squad is that a larger volume of graffiti will be removed with a faster response time. A further advantage of two squads is an increased capacity to proactively seek out and remove graffiti encountered whilst they are en route to normal service requests. It is considered that the engagement of a second squad will not be as cost effective as the current one squad service level given the existing reporting and removal rates.

Alternatively, the expansion of graffiti removal to encompass all visible private property would also reduce the amount of graffiti around the Shire but this would still require an expansion to two Council graffiti hit squads at an additional cost to Council of up to \$91,800 per annum.

The further option to provide graffiti removal kits would include the advantage of directly engaging the local community to take more ownership of the graffiti issue resulting in an increase in community pride but would be at an additional cost to Council of up to \$80,000 per annum. Whilst it may increase the amount of graffiti removed from private property, it may also increase private property owner's dependency on Council. No quantifiable data was available to measure the success of this program at Blacktown.

At this stage there appears to be enough capacity to improve performance and respond to any increase in graffiti removal notifications without the need for an additional graffiti "hit squad" or of any of the above alternate strategies on private property.

A graffiti "champion" has been nominated within the Shire Services staff to provide ongoing support and focus on graffiti removal, in addition to their existing role. The graffiti champion will drive existing Council resource strategies and monitor progress to make recommendations on any additional resources or adjustments to our strategies which may be required to meet changing demands. Industry innovations will also be monitored to identify new technologies or methods which can be implemented in Wyong.

It will be the graffiti champion's role to monitor progress and the reporting trends of graffiti incidents to determine when alternate strategies should be implemented.

MODELS EMPLOYED BY OTHER COUNCILS IN NSW

Councils in NSW employ a range of best practice strategies to combat graffiti vandalism. These include:

- Employment of contractors to remove graffiti on Council property and private property visible to the public;
- Provision of graffiti reporting mechanisms online and by telephone hotline;
- Community involvement through a volunteer program co-ordinated and controlled by Council staff;
- Legal graffiti and aerosol art projects involving young people;
- Active encouragement of the community in reporting graffiti through reward schemes.

Vandalism Across our Shire (contd)

Some examples of programs run by NSW Councils include:

Woollahra City Council

Woollahra City Council provides a clean up service to Council properties and private property which is accessible from public places. A contractor undertakes this work on behalf of Council and a telephone hot line and online request service has been set up to assist citizens to report incidents of graffiti. These requests are submitted directly to the contractor who manages the clean up according to the locations identified. Private property not visible from a public space can be cleaned at the property owner's expense (\$45 per square metre, with a minimum charge of \$49.50). The target timeframe for clean up of graffiti in Woollahra is within two days of reporting.

The contractor was engaged by Woollahra City Council for a trial period of one year in November 2006. No figures are available on the average weekly clean up rate but the service is considered effective and the contractor will continue to provide the services to the Woollahra Council in 2008.

Blacktown City Council

Blacktown Council established their Community Pride Movement in 1997 to initiate pro-active programs that empower the community, with the assistance of Council, to improve their environment. Council employs two full time Community Enhancement Officers, within the Department of Environmental & Recreation Services, to coordinate the Community Pride Movement and develop innovative improvement programs. A number of programs are delivered including aerosol art and graffiti removal and prevention.

Citizens of Blacktown are encouraged to report graffiti on Council properties via a telephone hot line. Graffiti removal is undertaken by two Council officers within ten days of reporting or within two days if offensive.

For private property a number of avenues are available in Blacktown including a graffiti sighting report which is then actioned by the Community Enhancement Officers, assistance in the form of graffiti removal materials provided free of charge for owners who wish to remove graffiti from their own property and requests for assistance from Council's graffiti removal team or volunteers. Volunteer groups have been formed under Council's guidance to undertake community clean up and assist those who are unable to remove graffiti from their own property.

Vandalism Across our Shire (contd)

Graffiti audits are undertaken in suburban locations throughout the Blacktown municipality and letters sent to the residents encouraging them to undertake clean up activities and offering Council assistance in the form of graffiti removal kits containing paint, solvent, gloves and eye protection. If no response is received the graffiti is removed by Council but it does not receive a high priority and may remain for some weeks. In the 2006/07 financial year, \$80,000 was spent on providing graffiti removal kits to the Blacktown community. Additional advice was sought from Blacktown Council as to the quantity of issued kits or total square metres of graffiti removed but this information was not readily available. Blacktown Council's opinion is that this is an effective addition to Council's resources and provides an opportunity to involve community members in actively helping to deal with the problem of graffiti. The scheme is continuing in 2007/08. No quantifiable data was available to measure the success of this program at Blacktown.

Commercial properties in Blacktown are cleaned by Council if necessary but property owners are encouraged to undertake the clean up activities themselves by the provision of materials.

Sutherland Shire Council

Sutherland Shire Council removes graffiti from visible private property but commercial property owners are charged for the service.

In September 2006, Sutherland Shire Council launched a campaign calling on the community to 'Come Clean' about graffiti and vandalism. The campaign centres around a reward scheme for information leading to criminal proceedings against a person found guilty of a graffiti or vandalism offence to council property. The policy was developed by the Vandalism Prevention Unit, which is a partnership between Sutherland Shire Council and Sutherland and Miranda Local Area Commands of the NSW Police and provides for a maximum of \$5,000 reward for information leading to a conviction for vandalism. There have been three applications for rewards under this policy in its first year.

Wyong Shire Council has a similar policy for a reward for information leading to a conviction on vandalism charges with a maximum reward of \$10,000. The Wyong Shire Council reward policy has been in place since 1987. There has been only one reward paid in Wyong since the introduction of the policy. The act of vandalism for which the reward was paid did not involve graffiti.

Other

A crime prevention resource manual was launched by the NSW Department of Local Government in 1988. This manual outlined the steps for the development of a Crime Prevention Plan including consultation with the community, Government departments, Police and schools. Many NSW Councils have adopted Crime Prevention Plans modelled on these guidelines. These plans include targeted local strategies to address identified problems including graffiti. Wyong Shire Council's Anti Graffiti Action Plan will encompass all of the strategies and actions currently in place and proposed in this report. It will outline the roles and responsibilities of all participants.

Vandalism Across our Shire (contd)

A number of New South Wales Councils provide a telephone hot line for reporting of graffiti. A hot line number is not proposed for Wyong Shire Council because there has been considerable investment in the provision of a "one stop shop" telephone number for the community. The provision of on-call staffing for after hours contact means that a full range of issues can be reported by the public 24 hours a day. A separate number for specifically reporting graffiti may cause confusion for the public and would make no improvement to the delivery of the service.

The establishment of local crime prevention or community safety committees has been undertaken in some NSW Councils. Wyong Shire Council provides liaison with the community and the Police by means of regular contact with members of the NSW Police force. These meetings focus on reducing malicious damage offences including graffiti.

The following table outlines some of the strategies utilised in some NSW Councils. This is not an exhaustive list.

| Council | Graffiti Reporting Hotline | Crime Prevention Plan | Community Liaison | Reward Scheme | Aerosol Art programs | Removal from all visible private property |
|---------------------|-----------------------------------|--------------------------------------|--------------------------|----------------------|-----------------------------|--|
| Campbelltown | X | X | X | | | |
| Sutherland | | X | X | X | | X |
| Maitland | | X | | | X | |
| Newcastle | | X | X | | X | |
| Woollahra | X | X | X | | X | X |
| Blacktown | | | X | | X | |
| Willoughby | | | | | | X |
| Warringah | X | X | X | | | |
| Gosford | | | X | X | | |
| Wyong | 24 hour telephone service | Anti Graffiti Action Plan (proposed) | X | X | Proposed | X** |

X** Private property graffiti removal in special circumstances only.

Vandalism Across our Shire (contd)

PUBLIC ART MURALS

The installation of public art murals to deter graffiti vandalism may reduce the incidence of graffiti vandalism on the walls of heavily targeted buildings by reducing the canvas available to vandals.

Holroyd City Council undertook the successful Holroyd Historical Murals Project commencing in 2002. The project was funded by a partnership between Holroyd City Council, the Attorney General's Department, local businesses and local young people. Fifty young people from Holroyd undertook aerosol art workshops, in which photographic records of Holroyd were used as inspiration to develop concepts for the historical murals. Twenty two murals were completed in the eighteen months of the project.

Some issues to be considered in the consideration of public art murals include:

- Identification of appropriate and effective locations;
- Community consultation and engagement;
- Appropriate designs for different locations, including consideration of aerosol art projects in youth centred locations;
- Cost of installation (materials, artist);
- Maintenance and replacement of murals.

As most acts of graffiti vandalism are conducted by juveniles, the need to engage young people in the process of consultation before the installation of public art murals is critical. Consideration of Council's Public Art Policy is also essential.

A number of amenities blocks in the Shire are regularly targeted by graffiti vandals and one of these locations would provide an opportunity to involve the community in the design and installation of a mural as a pilot scheme. This scheme could then be expanded to other locations if successful.

REVIEW OF GRAFFITI WALLS

Graffiti walls are provided as a legal venue for the execution of graffiti art. Two walls are provided in Wyong Shire and are located at the EDSAC facility at Bateau Bay and the Gravity Youth Centre at Lake Haven.

Information provided by PCYC indicates that the Bateau Bay wall is successful because it is heavily used by graffiti artists with continual changeover of work. The wall currently has a painted mural with limited tagging of the art work. PCYC have indicated that they would be willing to partner in use of the wall for structured programs for local youth.

The Lake Haven wall located at Gravity Youth Centre is deemed by Council Community Development staff to be unsuccessful as it not currently being used for structured graffiti art programs and installations. Structured programs have been run in partnership with Wyong Youth Services with some success. These need to be reactivated to provide creative outlets for local youth.

Vandalism Across our Shire (contd)

The last structured use of the Gravity wall was for a message about a Council program rather than graffiti art (see photograph in Enclosure 2). The reintroduction of structured graffiti art programs utilising this wall would provide opportunities for skills development and diversionary activities for young people.

Photographs of the current Wyong Shire graffiti walls are included as Enclosure 2 to this report.

MINIMISATION AND PREVENTION OF GRAFFITI

Other measures which are being used or proposed in Wyong Shire to prevent or minimise graffiti include

- Consideration of design, materials and plantings on new buildings;
- Implementation of an Anti Graffiti Action Plan
- Targeted youth programs providing opportunities for legal graffiti;
- Liaison with Police and community.

Design of buildings and spaces

Design of buildings should take into consideration the Safer by Design principles of territorial reinforcement, surveillance, access control and space/activity management.

- Territorial reinforcement uses actual and symbolic boundary markers and environmental cues to 'connect' people with space. These boundary markers can include fences, plantings or other landscape elements such as paths and walls.
- Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space. Technical/mechanical surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels.
- Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Other access control measures include locks and alarms and security officers.
- Space and activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused.

Vandalism Across our Shire (contd)

These Safer by Design principles are taken into consideration in Wyong Shire when new projects are delivered. The Wadalba sports fields illustrate the use of passive surveillance in the siting of the skate park in view of the road. This ensures that a level of passive surveillance is available of this facility on an ongoing basis.

Wyong Shire Council's Contracts and Special Projects section also actively seeks comments from the asset owner and other stakeholders during the design process to identify and minimise potential vandalism issues.

Construction of buildings

The materials selected to construct buildings should not provide canvases for graffiti attacks. During the design and construction phase of new buildings in Wyong Shire the materials selected for construction and finishes are examined to ensure that they are easy to maintain and resistant to graffiti. For example, the amenities buildings at the Bateau Bay landfill are to be constructed of smooth faced concrete block work to ensure ease of cleaning in the event of a graffiti attack.

Anti graffiti coating can be applied to buildings either at construction or during the life of the building. There are two types of coating - sacrificial and non-sacrificial (permanent).

The sacrificial coating is one that is removed along with the graffiti when it is cleaned from the surface. It is often water-based and not as toxic as non-sacrificial coatings, however, it requires re-application after nearly every graffiti removal attempt. Sacrificial coating is not suitable for Council assets due to its high maintenance cost.

Non-sacrificial coatings are intended to remain in place for a considerable period of time and through repeated removal of graffiti. (It is inevitable that with a number of removal treatments, especially if accompanied by abrasion, the coating will break down and need to be replaced). These coatings have been successfully used in Wyong Shire for heritage materials such as sandstone.

Youth programs

The existence of two legal graffiti walls in Wyong Shire provides an opportunity to focus the activities of young people into positive expressions of their creativity. Organised programs for focusing on aerosol art will provide alternatives to divert young people from offending and create opportunities for young people to acquire new skills.

The installation of a public art mural on a heavily targeted public building in the Shire will provide an opportunity for young people to work together and improve the aesthetics of their neighbourhood.

Vandalism Across our Shire (contd)

Community liaison

In November 2007, a meeting was held with NSW Police regarding the issue of graffiti. A joint press release was issued outlining the co-operation between Council and NSW Police to combat graffiti vandalism and identify taggers.

Positive publicity for Council's efforts was received and community members were encouraged to report graffiti. Sharing of intelligence on graffiti tags and heavily targeted locations will allow the NSW Police and Council's Rangers to improve detection and deterrence.

Anti Graffiti Action Plan

All of the strategies and actions detailed in this report are being formalised into an Anti Graffiti Action Plan to better co-ordinate the implementation of the proposed solutions.

CONCLUSION

The clear priority of the current graffiti removal program is focused on Council properties and public utilities. If the program were to be expanded at this stage to private property it may send the message to the public that they have a reduced responsibility for graffiti removal from their own property. This would shift the cost and management burden to Council. It is preferable to heighten community awareness and community pride and develop a shared responsibility for graffiti removal.

At this stage there is enough capacity to improve performance and respond to any increase in graffiti removal notifications without the need for an additional graffiti "hit squad". Current performance and the impact of further initiatives will be closely monitored to determine if additional resources are required and whether it is appropriate for Council to more proactively expand the service onto all visible private property.

Efforts will continue to engage public utilities in a partnership with Council to remove graffiti as soon as possible from their property.

A publicity campaign to inform the community of the issues involved in combating graffiti will be undertaken. The campaign will encourage the community to report incidences of graffiti to Council and to the NSW Police, provide information on the benefits of rapid removal and encourage community members and groups to remove graffiti from their own properties.

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Vandalism Across our Shire (contd)

Council officers will continue to work collaboratively with the NSW Police to share information and review strategies. Joint publicity will be undertaken to educate and engage the community in assisting Council and the Police in combating graffiti and other anti social behaviour.

The reactivation of the legal graffiti walls at Lake Haven and Bateau Bay and the installation of a public art mural will provide wide community involvement in measures to minimise graffiti across the Shire and enhance community pride.

Enclosure

Photographs of current Wyong Shire graffiti walls
Photographs of graffiti removed from private property

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

053 Wyong Shire Senior Citizens Council – request to rescind part of Resolution of 14 March 2007

F2008/00407 ED

SUMMARY

Council, at its meeting on 14 March 2007 resolved to form a Wyong Shire Senior Citizens Council and that staff prepare a charter for the committee. Following discussions with senior citizen representatives, the charter was prepared along guidelines different to those proposed by Council in its previous resolution.

RECOMMENDATION

- 1 *That Council rescind item 2a of resolution 113 of 14 March 2007 forming the Wyong Shire Senior Citizens Council:***
 - a meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm.***
- 2 *That Council confirm its decision to adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council and that Wednesday is the preferred day for meetings. The interval between meetings should be no more than fortnightly and will not exceed three months.***

BACKGROUND

At its meeting held on 14 March 2007, Council resolved:

- “1 That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.***
- 2 *That staff prepare a charter of committee for the Senior Citizens Council that includes:***
 - a Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm***
 - b That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.***
 - c That the minutes of the Senior Citizens Council be reported to Council.***

Wyong Shire Senior Citizens Council – request to rescind part of Resolution of 14 March 2007 (contd)

- d The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire”*

The terms of reference, including a model charter, was considered by Council at its meeting held on 28 November 2007. The Charter proposed that the intervals between meetings will vary as the Senior Citizens Council develops and recommended that the intervals between meetings are no more often than fortnightly and will not exceed three months. Council subsequently resolved:

- “1 That Council adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council for commencement in February 2008, and that Council indicate that Wednesdays are the preferred meeting day.*
- 2 That Councillor Stewart be appointed as an alternate delegate.”*

To ensure, consistency of record keeping, a rescission of Council's decision for meetings to be held fortnightly is therefore required.

054 Future Funding from Council to Business Central Coast

F2004/07942 RAB:LS

SUMMARY

Reporting that the funding agreement between State Government, Local Government and Business Central Coast expires on 30 June 2008.

RECOMMENDATION

- 1 That Council not continue the funding agreement in regard to Business Central Coast beyond its expiry on 30 June 2008.**
- 2 That Council request the NSW State Government to establish and fund a Regional Economic Development Board for the Central Coast similar to elsewhere in the state.**
- 3 That Business Central Coast, the NSW Department of State and Regional Development, the Minister for the Central Coast, and Gosford City Council be advised of Council's decision.**
- 4 That Council retain a project budget in the 2008/2009 Management Plan of \$100,000 in order to partner with other public and private organisations for particular projects to promote the Shire.**

INTRODUCTION

Council entered into a Memorandum of Understanding and funding agreement in 2005 between the Minister for Regional Development, Gosford City Council and Business Central Coast to provide core funding for three years effective from 1 July 2005 until 30 June 2008.

The minimum funding from each of the two Councils and from the NSW State Government is required to be \$130,000 (core funding) for each year of the agreement. That is, Business Central Coast will receive \$390,000 per annum for each year of the agreement.

The agreement also provides for project funding from each of the two Councils and from the NSW State Government to be up to an additional \$105,000 for each year of the agreement making a total of \$315,000 per annum subject to the submission by Business Central Coast of proposals consistent with its business plan and approval of these projects by the Council and the State Government. It should also be noted that the Department of State and Regional Development indicated that additional project funding would be made available based on appropriate partners and worthwhile projects. Individual approval for these proposals has been delegated to the General Manager, in Wyong Council's case.

Future Funding from Council to Business Central Coast (contd)

Further, all parties agreed that ongoing funding will be dependent on proven performance by Business Central Coast in line with its business plan. This report seeks to establish Council's position on continued funding of Business Central Coast.

HISTORY

In the late eighties the Tourist Associations of Tuggerah Lakes and Gosford acted independently but were represented by Central Coast Tourism in activities external to the Central Coast. These two associations were amalgamated with Central Coast Tourism and the Central Coast Regional Development Corporation operated on the coast in parallel with the Regional Development Organisation. The latter two organisations encouraged employment industries to relocate but whilst the Regional Development Organisation was funded by the two Councils, the Regional Development Corporation was funded by the State Government through the Department of State and Regional Development. It was then proposed to combine all three organisations, but only the development organisations were amalgamated to form the Central Coast Regional Development Organisation.

Business Central Coast was established in 2002 as the successor to Central Coast Regional Development Organisation following an agreement between Gosford City Council, Wyong Shire Council and the NSW State Government.

Business Central Coast has had a chequered career in the past and ran into financial difficulties. This caused a lack of performance without clear focus on the core objectives of Business Central Coast and the resultant lack of achievements in this period. Following the appointment of Mr Duncan Gilchrist as General Manager there was a refocusing of Business Central Coast into its core functions. Mr Gilchrist also brought the budget for Business Central Coast back in to balance.

Council, at its meeting of 23 May 2007 was provided with a report on activities and achievements for the 2006 year (Attachment 1). Following the appointment of the new General Manager, Mr Kerry Ruffels, Business Central Coast reported outcomes against the business plan and whilst in the first half of 2006/2007 it reported it met 58% of its 36 identified targets, it missed key targets on complete relocations and on cluster development.

THE NEED TO FOSTER ECONOMIC DEVELOPMENT

In general, there are two areas of focus for economic development for Council. The first is in growing local businesses and developing new ones from the existing economic base. The second is to attract new businesses and investment into the region. The two areas are not mutually exclusive with most policy requirements that aid that one area will also boost the other. To help existing businesses grow Council policies must address business fundamentals and management and facilitate easy access to markets. Attracting new business and investment to the Central Coast will require advertising/publicity product quality and market research which are key elements. All of these roles are being performed by public sector agencies on the Central Coast with varying success.

Future Funding from Council to Business Central Coast (contd)

The original role of Economic Development Corporations as suggested by the Department of State and Regional Development is to promote and market the region and once leads are established, then follow up is undertaken by the Department through its officers located at Kariong. There is often overlap between these roles, but as a broad generalisation a more systematic and professional approach encompassing all of these elements is needed over the next three years.

Council's economic development program operates in collaboration with a number of public sector and non-profit organisations, as well as direct provision of services.

The following table outlines the objectives and funding for Central Coast Economic development agencies:

| Agency | Objectives | Funding |
|--|--|---|
| Business Central Coast (BCC) | <ul style="list-style-type: none"> Promote the region Promote regional growth Promote awareness of regional infrastructure requirements Address regional skill shortage Support community economic development | Budget 2006/07 \$624,000 + projects DSRD, Wyong, GCC - \$130,000 each, plus project funding of up to \$105,000 from each Federal AusIndustry for Small Business Answers \$132,000 Incubator revenue \$75,000 |
| NSW Dept of State and Regional Development (DSRD) | DSRD assists regional communities meet the challenges presented by economic forces and population shifts. It encourages business investment, industry diversity and thriving communities throughout regional NSW. Its community economic development programs are designed to strengthen the capacity of regional communities to deal with economic change. | 2006 budget includes \$1.7m for Regional Development Boards; an average of \$130,000 each. |
| CC Business Mentor Services | <ul style="list-style-type: none"> Provide a community based business support service Facilitate business growth and job creation Assist struggling businesses to survive and grow | Budget 2006/2007 \$325,000 DSRD \$180,000 (for Business Advisory service only) Wyong \$86,100 + car GCC - \$30,000 |
| Wyong Shire Council | Strengthen the economic base of the Shire and create employment opportunities | \$498,000 in 2006/2007, \$516,000 in 2007/2008 "contribution to economic development". It should be noted that these funds are dispersed to various agencies as indicated in the table above. |
| Gosford City Council | Create economic opportunity and employment | Hypothecated Business and Tourism levy of \$803,700 in 2007/2008 |

Future Funding from Council to Business Central Coast (contd)

| Agency | Objectives | Funding |
|--|--|---|
| CC of NSW Area Consultative Committee | <ul style="list-style-type: none"> • Build partnerships and assist in securing funding for projects which benefit the region economically, socially and environmentally • Provide leadership in the development of positions and thinking on key issues affecting the development of the region • Promote whole of government solutions to key issues affecting the development of the region • Provide feedback to Government on the impact on the region of policy and initiatives | Federal funded through Regional Partnerships program. Community funding is on a "per project" basis. |

ALTERNATE STRUCTURES

There are 13 economic development corporations throughout the State, however, the structure and make-up of the board of Business Central Coast, being the 13th one is unique with the other 12 boards and corporations being funded with core funding of approximately \$130,000 from the Department of State and Regional Development and each corporation then bids for project funding from project partners on an individual basis. It is up to the corporation to establish project partners who may come from private enterprise or from State Agencies and each project is based on a project plan with funding usually on a dollar for dollar basis between the project partner and the corporation.

All of the members of the 12 boards are appointed by the Minister for State and Regional Development and none of these boards have automatic representation by the Mayor and General Manager of the Councils that it serves. The Central Coast is unique in that both Mayors and General Managers are on the board of Business Central Coast, with core funding being provided not only from State and Regional Development but from each of the Councils as well as project funding on a project by project basis.

Should Council be of a view to not continue funding under the existing agreement and if this was supported by Gosford City Council then State and Regional Development has indicated that an economic development corporation for the Central Coast would be established with core funding of \$130,000 (approximately) and project funding on a dollar for dollar basis, similar to the other 12 corporations.

Future Funding from Council to Business Central Coast (contd)

HUNTER ECONOMIC DEVELOPMENT CORPORATION

It has been suggested that the most successful economic development corporation is that which operates in the Hunter and this board has been successful in attracting substantial additional funding from project partners on a dollar for dollar basis as well as extensive achievements in export.

The New South Wales Government established the Corporation's predecessor, the Hunter Economic Development Council in August 1989 as the peak advisory body for economic development in the Hunter. The Council was established to act as a vehicle for communication between the Hunter's community and business representatives and the Government. The Council completed the Hunter Economic Development Strategy in 1992 and from 1992 till 1994 the Council implemented initiatives identified in the Strategy. The Council consisted of nine members appointed by the Minister for State Development.

In May 1993, the New South Wales Government introduced 13 regional development boards throughout New South Wales and the Hunter Economic Development Council became the Hunter Economic Development Corporation (HEDC). The HEDC was reconstituted with 12 members appointed by the Minister for Small Business and Minister for Regional Development the Honourable Ray Chappell MP for the period 1993-1996.

Throughout 1995-1996 the Corporation met monthly, alternate months at regional locations, using the Committee and taskforce structure to pursue economic growth and change in the Hunter.

In September 1996, Minister Egan appointed the new 12 member Board for the period 1996-1999 with Dr Allan Pattison a former Director-General of TAFE NSW as the new Chairman.

The Board focused on investment attraction, the re-imaging of the Hunter and co-ordinating the region's job creating efforts at a time of great structural economic change including the closure of BHP of steelmaking in Newcastle.

In January 2000 a new 12 member Board was appointed for the period 2000 – August 2003. Dr Pattison was re-appointed as the Chairman of the Board for this period. At this time, it was widely acknowledged that the Hunter was a vastly different place compared to 10 years before, with a new identity and a more diversified economy.

In September 2003 the New South Wales Cabinet appointed a new 11 member Board with John Tate in his own right, appointed as the new Chair (it should be noted that Councillor Tate is currently the Lord Mayor of Newcastle, however it is not an automatic appointment for the Lord Mayor to be the chair of the Board). The other members include CEO's from energy supply, NBN Television, University of Newcastle, secretary of the Trades Hall Council and chief executives of private industry.

Future Funding from Council to Business Central Coast (contd)

The Board has developed a six year Strategic Plan that will focus on four key goals areas:

- * Promoting Regional Growth
- * Education and Skills
- * Regional Industry – collaboration, co-ordination and communication
- * Infrastructure

Attachment 2, shows an extract from the Annual Report (2004/2005) which lists the HEDC's achievement against each of these key goals. The attachment also includes a list of bodies that HEDC is represented on.

The Annual Report of the Hunter Economic Development Corporation shows income from revenues from ordinary activities of \$564,479 for year ending 30 June 2006. For the same year, employee benefit expenses were \$287,696; depreciation expenses of \$4900 and a profit of ordinary activities of \$17,871.

A view of the HEDC suggests it is operating effectively. The most striking and easily accessible expression of its best practice is its web site, a modern organisation's shop window (see www.hunterregion.com). It is well designed and professional, using latest web technology.

But other little things are telling. HEDC has its Ambassador program. This is not unlike BCC's Central Coast logo "brand" but it goes a stage further by encouraging 120+ "Ambassador" firms to spread the news about the region when dealing with people from outside. There is also a trickle of feedback from the program about firms that might be potential relocation targets. BCC also previously introduced an ambassador program, however, this was based on appointing personalities rather than business firms or CEOs and has had little success.

The Hunter region has a similar issue to the Central Coast about the state of infrastructure. The HEDC conceived and secured support for a project called the "Regional Infrastructure Project" which has a focus of developing and researching the economic arguments required for both public and private investment in the region and therefore expediting infrastructure outcomes for the region. It will channel results to the NSW Government through the Minister for Regional Development. This is, in effect, a more sophisticated approach to lobbying. The HEDC currently has 10 projects underway and has a further six under investigation. It has at least 29 partners.

Future Funding from Council to Business Central Coast (contd)

A key reason for its outward, collaborative approach lies in its funding. Like all other NSW Regional Economic Development Boards, HEDC receives \$130,000 for core administrative funding from the Department of State and Regional Development. No other body, including the region's 11 councils provides administration funding. All other funding is gathered from projects with HEDC charging a 10% administration fee and this together with the core funding provides a total annual administration budget of around \$200,000.

HEDC employs six staff (two on a part time basis). The CEO and administrative officer are funded out of the Administration budget; all others are funded out of project funding.

The only funding HEDC gets from the 11 Hunter Councils is for its rolling two-year "Targeted Regional Marketing Initiatives" project. The smallest council contributes \$500 a year and the four largest \$3,000 a year, delivering total Council funding of \$21,000 a year. DSRD provides matching funding.

This funding arrangement has forced HEDC to be proactive, to build supportive networks in the community and to concentrate on designing and delivering effective projects. It would not survive in its present form without a stable of projects.

In order to gauge the involvement of the Hunter Councils with the HEDC, a survey was carried out in July 2007 by telephone of the Councils.

The table below shows contribution to Regional Marketing, which is a project that runs over two years and is separate to any advertising in the Hunter Investment Prospectus that was produced by Edgar Adams and is similar to the Prospectus for the Central Coast.

TARGETED REGIONAL MARKETING INITIATIVES PROJECT

| CONTRIBUTOR | ANNUAL AMOUNT | TOTAL AMOUNT OVER 2 YEARS |
|-------------------------------|----------------------|----------------------------------|
| <i>Local Government</i> | | |
| Lake Macquarie Council | \$3,000 | \$6,000 |
| Maitland Council | \$3,000 | \$6,000 |
| Newcastle Council | \$3,000 | \$6,000 |
| Port Stephens Council | \$3,000 | \$6,000 |
| Cessnock Council | \$2,000 | \$4,000 |
| Singleton Council | \$2,000 | \$4,000 |
| Muswellbrook Council | \$2,000 | \$4,000 |
| Great Lakes Council | \$1,000 | \$2,000 |
| Upper Hunter Council | \$1,000 | \$2,000 |
| Dungog Council | \$500 | \$1,000 |
| Gloucester Council | \$500 | \$1,000 |
| <i>Total Local Government</i> | <i>\$21,000</i> | <i>\$42,000</i> |

Future Funding from Council to Business Central Coast (contd)

| CONTRIBUTOR | ANNUAL AMOUNT | TOTAL AMOUNT OVER 2 YEARS |
|-------------------------------------|-----------------|---------------------------|
| <i>Private</i> | | |
| Honeysuckle Development Corporation | \$10,000 | \$20,000 |
| | | |
| HEDC | \$5,000 | \$10,000 |
| | | |
| <i>State Government Funding</i> | | |
| DSRD | \$34,000 | \$68,000 |
| | | |
| PROJECT TOTAL | \$70,000 | \$140,000 |

Generally, most Economic Development Officers stated they had very limited involvement with the HEDC and apart from the marketing project; they did not receive many leads.

CENTRAL COAST TOURISM INC

No detailed external review of CCT's operations and effectiveness has been carried out in recent times, however, indicators suggest it is performing well. The new online booking system launched in early December 2006 seems to be operating effectively, despite some anecdotal reports that it is not comprehensive. It is likely that members would be withdrawing support or agitating for improvement if it were not. Bookings from the global reservation system were 5.4% above target in the first three quarters of the 2006/07 financial year. They dropped to 58% of target in the final quarter but were affected by the severe weather.

Revenue from membership increased between 2004/05 and 2005/06 but fell marginally (10%) in 2006/07, indicating continued industry support. Income from domestic marketing, another indication of industry support grew by 34.7% in 2006/07 representing 53.6% of the total funding.

Overall, tourism is one industry on the Central Coast that has continued to grow both in terms of revenue and employment, and from mid 2005, takings from accommodation have increased above the NSW average. In the first quarter of 2007, the number of domestic visitor nights on the Central Coast grew by 14.8% from a year previously, compared to a NSW average growth of 4.9%. While this is the result of several factors, crucially an expanded and improved product, tourism does not grow without effective promotion and destination marketing.

Recently Councillors were circulated with a proposed budget for 2007/2008 which is attached as Attachment 4. Tourism remains a vital industry to the regional economy and is a major employer with many spin off jobs in the hospitality industry. Continued promotion and destination marketing is critical to the maintenance, growth and development of this employment industry.

Future Funding from Council to Business Central Coast (contd)

As the attached budget plans indicate, Gosford Council currently contributes \$442,000 per annum and Wyong Council \$171,000 per annum to the CCTI operation. The basis for these quite different figures is largely historical. Prior to 2002, both Councils contributed roughly the same total amount to CCTI and CCRC with Gosford contributing far more to CCTI and Wyong contributing far more to CCRDC.

However, the key issue for Council is whether Council should be funding this industry or whether, the tourism businesses and other levels of government should bear the responsibility totally. Given the significant employment in the industry, its ongoing growth and Council's focus on employment generation for the Shire, it is difficult to argue that Council should not have some role in supporting and growing the industry.

Submission from Business Central Coast

Following discussions with Business Central Coast, the Chairman submitted an alternate proposal to seek reduced funding of \$87,750 from each Council for core funding. They stated that this would allow them to continue to engage quality staff and perform at current levels (General Manager, Administrative Assistant and Project Officer). This proposal represents a saving of \$42,250 of Council's previous commitment under the Memorandum of Understanding.

Whilst Business Central Coast also recommend that Council's commitment be reviewed annually, it is felt that this would provide a restricted short term focus and give uncertainty to the organisation's future by placing an unreasonable burden to deliver short terms results.

CONCLUSION

Based on the above, there are two options open to Council:

- 1 Continue with the existing model of supporting Business Central Coast, including annual funding and enter into a new Memorandum of Understanding for the next three years.
- 2 Use the same model as elsewhere, with other economic development boards throughout New South Wales. This would have the benefit of creating an outward looking organisation which has a collaborative approach of seeking funding on a project by project basis with core funding of \$130,000 from DSRD and project funding sourced from both public and private organisations, similar to that of the Hunter Economic Development Board. It should be noted that one of the disadvantages would be that Council, through its Mayor and General Manager would not be likely to be appointed to Business Central Coast if the New South Wales state model is used, as all members are appointed by the Minister.

Future Funding from Council to Business Central Coast (contd)

- Attachment 1*** ***Answers to Questions Without Notice Q040 (23 May 2007)
Activities and Achievement of Business Central Coast for
Financial Year 2006/2007 (5 pages)***
- Attachment 2*** ***Achievements of the Hunter Economic Development
Corporation (Annual Report 2004/2005) (4 pages)***
- Attachment 3*** ***Copy of the Memorandum of Understanding and Funding
Agreement (20 December 2005) (5 pages)***
- Attachment 4*** ***Central Coast Tourism Budget 2007/2008 (1 page)***

13 February 2008
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General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 1)

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23 May 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (contd)

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007

Asked by Councillor Eaton at the Ordinary Meeting held on 11 April 2007
F2004/07942

Could Council report on the activities and achievements of Business Central Coast for this financial year?

Business Central Coast has provided Council with "Quarterly Reports 2006/2007". Council has summarised the three quarterly reports which is attached for your information - Activities and Achievements for the Year to Date.

Attachment 1

Council's Summary of the Achievements and Activities of Business Central Coast (4 pages)

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General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 1) (contd)

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23 May 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (contd)

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007 (Attachment 1)

| Council's Summary of the Activities and Achievements of Business Central Coast 2006/2007 | | | | | |
|---|--|--|--|--|--|
|---|--|--|--|--|--|

| Objective 1: Promoting the Region | | | | | |
|--|--|--|--|--|--|
|--|--|--|--|--|--|

| | | | | | |
|---|--|--|--|--|--|
| Outcome 1: That the region of the Central Coast is widely recognised, acknowledged and supported as a viable, realistic and sound choice as a regional business location with the resulting relocation of new business and industry appropriate to the region | | | | | |
|---|--|--|--|--|--|

| Annual Target | | Q 1 | Q 2 | Q3 | Year to Date Targets Met |
|---------------|--|-----|-----|-----|-----------------------------|
| 1 | Direct Contact with 5,000 businesses, generating 30 qualified leads with 10 being converted | No | No | No | No |
| 2 | 23 visits by local businesses and delegations | Yes | No | Yes | Yes |
| 3 | 11 Visits by interstate and overseas businesses and delegations | No | Yes | No | No |
| 4 | 50 requests for Central Coast logos | Yes | No | No | No |
| 5 | Increase number of relevant hits and requests for information on BusCC website and CCOonline by 20% | Yes | Yes | No | Yes |
| 6 | 6 New contacts with relevant state and federal political representatives and department/agency heads | Yes | Yes | Yes | Yes |
| 7 | 5 major projects identified and assisted | Yes | Yes | Yes | Yes |
| 8 | 4 Major projects managed by BusCC | Yes | Yes | No | Yes |

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 1) (contd)

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23 May 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice) (contd)

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007 (Attachment 1) (contd)

| | | | | | |
|----|---|-----|-----|-----|-----|
| 9 | Enquiries by businesses from non-English speaking background to increase by 20% | Yes | Yes | Yes | Yes |
| 10 | Participated in 1 overseas event | No | No | No | No |
| 11 | 6 regular meetings of the Central Coast Relocations Working Group with attendance levels at 80% | Yes | Yes | No | Yes |

| Objective 2: Promoting Regional Growth | | | | | |
|--|---|----------------------|----------------------|-------------|--------------------------|
| Outcome 2.1: Growth of start-up and existing business and industry with an emphasis on current Small to Medium Enterprise base | | | | | |
| | Annual Target | Q 1 | Q 2 | Q3 | Year to Date Targets Met |
| 1 | Small Business Field Officer | Yes | Yes | Yes | Yes |
| 2 | 30 referrals to CCBMS/CCBAS* | Yes | Yes | Yes | Yes |
| 3 | 6 joint events and workshops | No | Yes | No | No |
| 4 | Establish link to regional economic sub-portals on CCOonline | In Progress | In Progress | In Progress | In Progress |
| 5 | Chambers of Commerce membership to grow by 10% | Yet to be determined | Yes | Not Known | Not Known |
| 6 | Complete the 15 regional economic sub-portals | No | No | No | No |
| 7 | 10 New home based business registrations | Yet to be determined | Yet to be determined | Yes | Yet to be determined |
| Outcome 2.2: Additional Cluster Development | | | | | |
| 1 | 20% increase in membership of current clusters and 10% overall growth in the number of clusters | Not known | No | Not known | Not known |
| Outcome 2.3: Continued success of the Small Business Incubator | | | | | |
| 1 | 85% occupational level | Yes | Yes | Yes | Yes |
| 2 | Key Performance Indicators achieved | Yes | Yes | Yes | Yes |
| 3 | Increase tenancies from outside the region by 10% | Yes | No - N/A | No - N/A | No - N/A |

13 February 2008
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General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 1) (contd)

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23 May 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (Attachment 1) (contd)

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007 (Attachment 1) (contd)

| | | | | | |
|--|--|---------|-----|-----|--------------------------|
| Outcome 2.4: The regional web based portal, Central Coast On Line (CCOnline) to be widely accepted and further developed as a regional economic development, business and communication tool | | | | | |
| 1 | Economic sub-portals completed | No | Yes | Yes | Yes |
| 2 | 5 additional sub-portals | Yes | Yes | Yes | Yes |
| 3 | 20% increase in number of registered users | Yes | Yes | Yes | Yes |
| 4 | 30% increase in number of hits | Yes | Yes | Yes | Yes |
| 5 | Funding received for Work for the Dole | Yes | Yes | Yes | Yes |
| 6 | 500 hits on foreign language sites | No | No | No | No |
| *Note: CCBMS - Central Coast Business Mentor Service CCBAS - Central Coast Business Advisory Service | | | | | |
| Objective 3: Promoting Awareness of Regional Infrastructure Requirements | | | | | |
| Outcome 3.1: The Central Coast is attractive for business growth and relocation with the appropriate infrastructure is in place to support business activity | | | | | |
| | Annual Target | Q 1 | Q 2 | Q3 | Year to Date Targets Met |
| 1 | 10 letters of support provided | Yes | Yes | Yes | Yes |
| 2 | 5 initiatives supported | Yes | Yes | Yes | Yes |
| 3 | 3 new service entities established as a result of assistance | Yes | No | No | No |
| Outcome 3.2: A comprehensive Business Profile is available for start-up and relocation prospects, potential investors, government and other regional stakeholders | | | | | |
| 1 | Contact 15 stakeholders | Yes | Yes | Yes | Yes |
| 2 | Develop data base to hold regional profile | Yes | Yes | Yes | Yes |
| 3 | Increase hits to data base by 20% | Not yet | Yes | Yes | Yes |
| 4 | Fee for service programme established and used by 5 years | N/A | No | No | No |
| Outcome 3.3: The Board of BusCC provide advocacy for major investment projects that demonstrate significant benefit to the region | | | | | |
| 1 | 6 representatives made | Yes | No | No | No |

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 1) (contd)

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23 May 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (Attachment 1) (contd)

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007 (Attachment 1) (contd)

| Objective 4: Addressing Regional Skills Shortages | | | | | |
|--|---|---------------|----------|----------|--------------------------|
| Outcome 4.1: The Central Coast region has an available and appropriately skilled workforce to meet the current and future needs of business and industry | | | | | |
| | Annual Target | Q 1 | Q 2 | Q3 | Year to Date Targets Met |
| 1 | Become involved in 3 new School/Youth projects | Yes | Yes | Yes | Yes |
| 2 | 25 schools adopted | N/A | N/A | N/A | N/A |
| 3 | Australian Technical College open in June 2007 | On track | On track | On Track | On Track |
| 4 | 25 schools/training providers with sub-portals | Under testing | Deferred | Deferred | No |
| Outcome 4.2: The region attracts skilled workers from other parts of Australia and overseas | | | | | |
| 1 | 12 applications certified | Yes | Yes | No | Yes |
| 2 | 15 skilled workers identified as having entered the region | Yes | No | No | No |
| 3 | 10 new businesses identified to assist with skill shortages | Yes | Yes | No | Yes |

| Objective 5: Supporting Community and Economic Development | | | | | |
|--|---------------------------------------|-----|-----|----|--------------------------|
| Outcome 5.1: Positive improvement of the regions socio-economic environment through sustainable community economic development | | | | | |
| | Annual Target | Q 1 | Q 2 | Q3 | Year to Date Targets Met |
| 1 | 5 new projects assisted | No | Yes | No | No |
| 2 | Attract investment from 3 new sources | Yes | No | No | No |
| 3 | Financially support 2 projects | No | No | No | No |

Future Funding from Council to Business Central Coast (Attachment 2)

*Hunter Economic
Development Corporation*

Enclosure 2.

HEDC ACHIEVEMENTS

Below are listed the HEDC's achievements in 2004/2005. These fulfil the role of the Corporation by:

- Meeting contractual obligations to the Hunter, Department of State and Regional Development and the NSW Government;
- Aligning with the Hunter Economic Development Corporation's 2004 – 2010 Strategic Plan.

GOAL 1: Promote Regional Growth

Investment Marketing Project (Jun 04-Dec04):

- Joint national marketing of the Call Centre industry was co-ordinated between Maitland and Newcastle City Council
- Marketing support to local Council's (Singleton and Scone) developing economic marketing collateral
- Provide information on land supply availability on behalf of Regional Land Management Corporation, Newcastle Port Corporation, Local Council's and private developers
- Develop specific regional information packages for individual companies interested in investment
- Continue to Promote regional branding through the Hunter Ambassador Program

Promoting Regional Growth Project (Jan05 – Jun05):

- Produced and launched a Hunter Investment DVD
- Distributed Investment DVD regionally and internationally
- A feature in the Australian (Sept 04) and Australian Financial Review (Aug 04)
- Hunter Trade and Investment Centre upgraded (updated posters and regional information)
- Website updated
- Over 100 companies using 'Hunter Means Business' regional branding
- Hunter Means Business Strategy audited
- Participation in the organisation of the Hunter Means Business Expo
- Development of ICT Investment Prospectus and Case Studies
- Co-ordination of the Hunter Export Awards
- Support and attendance of Hunter Stand at Avalon Airshow

Realising the Hunter River Flats Economic Potential Project (May 05- June 05):

- Secured DSRD funding to match with Crops for Hunter
- Situation Analysis Discussion Paper outlining commercialisation opportunities
- Potential Industry Paper on Free Range Poultry Meat Production

Future Funding from Council to Business Central Coast (Attachment 2) (contd)

*Hunter Economic
Development Corporation*

②

GOAL 2: Education and Skills

- Member of Minister Costa's Skills Taskforce
- Assisted to co-ordinate and participated in the Regional Skills Forum
- Filmed and produced a regional snapshot of youth views for the Skills Forum
- Member of the AIG's Hunter Skills Development Taskforce
- Established an alliance with the University of Newcastle to hold an annual Hunter Leadership Forum

GOAL3: Regional Industry – coordination, collaboration and communication

The HEDC has continued to be involved with a broad range of regional organisations and issues as evidenced by the list of organisations below where the HEDC has representation.

Where there has been consistent effort over the past 12 months is the development of strong ties and relationships with peak regional bodies. The HEDC has worked collaboratively to provide a collective voice on the following:

- Federal Election Regional Priorities
- The NSW Scientific Committee and the Lower Hunter Spotted Gum
- The Lower Hunter Regional Strategy and;
- Regional Biodiversity Certification

Hunter Biotechnology Showcase (April 05):

- Supported and assisted DSRD to hold a function to both showcase this industry sector and recognise its economic contribution to the region.

On 1st of March the management of the following three projects was transferred to the HEDC:

Hunter Export Centre (March 05-June 05):

- Membership maintained and supported
- Monthly networking and education nights
- Investigated and developed new website
- Preparation and events management of the Hunter Export Awards
- Co-ordinated and supported inbound visits

Upper Hunter Project (March 05 – June 05):

- Established export contacts
- Identified and supporting possible 'Wine Cluster'
- Conducted several Export Networking functions

E-Trade Project (March 05 – June 05):

- Successfully worked with a total of 302 companies receiving one-on-one assistance to help them to grow their business through the understanding and use of information technology.
- 2 companies were able to enter the export arena
- 33 companies increased export sales

Future Funding from Council to Business Central Coast (Attachment 2) (contd)

*Hunter Economic
Development Corporation*

(3)

- Creation of a client database
- Established an Upper Hunter Mining Export cluster
- Of the 302 companies who received one-on-one assistance 86 (28.5%) resided and operated in the Upper Hunter.

Agribusiness Plans (August 04):

- Completion of a Bio-dynamic Beef Business Plan

GOAL 4: Infrastructure

Information and Communications Technology (ICT) (July 04- June 05):

- Co-ordinated or facilitated funding application to improve infrastructure in the region for example *Biofirst* and CCIF *Inreach* projects combined approximately \$1.4 million received to provided to future proof infrastructure requirements for Health, Medical Research and local government.
- Delegation to Canberra to brief minister for communications and shadow spokesperson on CCIF *Inreach* project.
- Assisted with and provide support to *Doing IT in the Hunter Project*.
- Co-ordinated, facilitated and supported CTC's in the Hunter and Central Coast region.
- Completed ICT marketing activities ICT marketing pack launched by the Hon Michael Costa in November 2004.
- Provide an Information point to ICT companies wanting to invest in the Hunter.
- Provide and contributed to Hunter TAFE "*Reframing the Future*" project in the Upper Hunter completed December 2004.
- Build and maintained close relationships with NSW Department of Commerce
- Participated in various steering committees related to ICT eg. e-trade project, Newcastle City Council's Social Impact on ICT and assisting in an e-community project in Lake Macquarie with NSW Premiers.
- Provided advice to government department on ICT matters in the region.

VISITING DELEGATIONS:

- Mareeba Development Council – Queensland
- Californian Senate Delegation
- Indonesian Delegation
- Geelong Committee (G21) – Victoria
- Minister Downer and 38 Heads of Mission
- Ambassador for Ireland and the Ambassador for Germany/ Switzerland
- Manukau City Council - New Zealand
- Wellington Airport CEO, Simon Draper – New Zealand
- Chinese Delegation (AMSI)

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General Manager's Report

Future Funding from Council to Business Central Coast (Attachment 2) (contd)

*Hunter Economic
Development Corporation*

HEDC Representation

Bodies on which the Hunter Economic Development Corporation is represented are listed below:

- Defence Industry Committee (A sub-committee of the Hunter Business Chamber)
- Hunter Business Chamber - member
- Regional Infrastructure Committee (A sub-committee of the Hunter Business Chamber)
- Regional Planning Steering Committee (LHRS and DIPNR)
- Transport and Infrastructure Focus Group (LHRS)
- Economics and Employment Focus Group (LHRS)
- Upper Hunter Economic Development Forum and Lower Hunter & Coastal Economic Development Forum
- Hunter Tech Industry Cluster
- Australian Telecommunications Users Group Hunter Chapter
- Lord Mayor's Energy Australia Stadium Upgrade Taskforce
- Do IT in the Hunter
- Reframing the future IT Pathways
- Hunter Export Centre e-trade project
- E-community Project Premier's Department
- CTC Management Committee's (Hunter and Central Coast)
- Hunter Cultural Committee
- Minister Costa's Skills Taskforce
- AIG's Hunter Skills Development Taskforce

Regional organisations that liaise regularly with the HEDC:

- Hunter Council's
- Hunter Regional Tourism Organisation
- Hunter Business Chamber
- Newcastle Airport Limited
- Newcastle Port Corporation
- Hunter Area Consultative Committee
- International Sports Centre Trust
- AIGroup Newcastle
- Hunter Valley Research Foundation (sponsor)
- Newcastle University
- NSW Urban Taskforce
- Hunter Institute of Technology
- Landcom

Future Funding from Council to Business Central Coast (Attachment 3)

Enclosure 3



BUSINESS CENTRAL COAST

MEMORANDUM OF UNDERSTANDING

AND

FUNDING AGREEMENT

2005-2008



Future Funding from Council to Business Central Coast (Attachment 3) (contd)

BUSINESS CENTRAL COAST

MEMORANDUM OF UNDERSTANDING

INTRODUCTION

Business Central Coast, (BCC), previously known as Central Coast Regional Development Organisation, was established in 2002 as a result of a partnership agreement between Gosford City Council (GCC), Wyong Shire Council (WSC) and the NSW State Government.

The four key objectives of the Board are to promote the region, promote regional growth, promote regional infrastructure and investment and promote good governance and leadership in the region.

The success of BCC will in part be achieved through an ongoing relationship and cooperation between the two Councils and the NSW State Government.

This Memorandum of Understanding also recognises that both Gosford City and Wyong Shire Councils fund directly the individual bodies of BCC, Central Coast Tourism Inc (CCTI) and Central Coast Business Mentors Service, noting that these agencies will work closely together in supporting and promoting the Central Coast.

PURPOSE OF THE MEMORANDUM

The memorandum sets out an agreement between the BCC Funding Partners (ie. the two councils Gosford and Wyong and the NSW State Government) in relation to:

1. The structure of the BCC Board
2. Funding agreements

The Memorandum replaces the Memorandum of Understanding dated 17 December 2001.

**Future Funding from Council to Business Central Coast (Attachment 3)
(contd)**

BUSINESS CENTRAL COAST

MEMORANDUM OF UNDERSTANDING

DETAILS

Structure of the Business Central Coast Incorporated Board

A single Board consisting of 12 members:

1. Two members to be selected by GCC and two to be selected by WSC
2. One (1) member nominated by CCTI and selected in consultation with GCC and WSC
3. One (1) Chair of the Area Consultative Committee
4. Five (5) members selected by the State Government, plus the Chair of BCC. Nominations for chair can be submitted by any funding partners of BCC. The chair will be selected by the State Government, in consultation with the two councils.

Funding Agreement

Gosford City Council, Wyong Shire Council and the NSW State Government agree to enter into a legally binding funding agreement with Business Central Coast Incorporated.

13 February 2008
To the Ordinary Meeting of Council

General Manager's Report

**Future Funding from Council to Business Central Coast (Attachment 3)
(contd)**



WYONG SHIRE COUNCIL
Building a better tomorrow

**BUSINESS CENTRAL COAST
Funding Agreement 2005-2008**

Gosford City Council, Wyong Shire Council and the NSW State Government agree to provide funding to Business Central Coast Incorporated for the next three years. The agreement is effective from July 1, 2005 until June 30, 2008.

The minimum funding from each of the two Councils and from the NSW State Government shall be \$130,000 (core funding), for each year of this agreement (2005/6, 2006/7 and 2007/8) i.e. Business Central Coast will receive \$390,000 core funding per annum in total for each year of the agreement.

Project funding from each of the two Councils and from the NSW State Government shall be up to \$105,000 for each year of this agreement (2005/6, 2006/7 and 2007/8). Business Central Coast will receive up to \$315,000 project funding per annum in total for each year of the agreement, subject to the submission by BCC of proposals consistent with its Business Plan and approval of the projects by the Councils and State Government.

All parties agree that ongoing funding will be dependent upon proven performance of Business Central Coast incorporated inline with its Business Plan. All parties intend this Funding Agreement to be legally binding.

Hon David Campbell
Minister for Regional Development
Minister for the Illawarra
Minister for Small Business

Signed on 20 December 2005

Hon Grant McBride
Minister for Gaming and Racing
Minister for the Central Coast

Signed on 20 December 2005

Councillor Laurie Maher
Mayor
Gosford City Council

Signed on 20 December 2005

Councillor RL (Bob) Graham
Mayor
Wyong Shire Council

Signed on 20 December 2005

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To the Ordinary Meeting of Council

General Manager's Report

**Future Funding from Council to Business Central Coast (Attachment 3)
(contd)**



BUSINESS CENTRAL COAST

**MEMORANDUM OF UNDERSTANDING
2005-2008**



Hon David Campbell
Minister for Regional Development
Minister for the Illawarra
Minister for Small Business

Signed on 20 December 2005

Hon Grant McBride
Minister for Gaming and Racing
Minister for the Central Coast

Signed on 20 December 2005

Councillor Laurie Maher
Mayor
Gosford City Council

Signed on 20 December 2005

Councillor RL (Bob) Graham
Mayor
Wyong Shire Council

Signed on 20 December 2005

Mr John Dawson
Chair
Business Central Coast

Signed on 20 December 2005

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Information Reports

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

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

055 Resumption (or Buy Out) Policy

F2004/07782 GW

SUMMARY

At its meeting held on 26 September 2007, Council considered Notice of Motion No 398 on resumptions or a buy out policy in relation to coastal erosion and climate change. The resolution required a report back to Council incorporating a précis of Development Control Plan (DCP) 2005 Chapter 77, a scoping analysis of how a resumption policy could be formulated and answers to several questions.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 26 September 2007, Council resolved:

“Presently Council has a Coastline Management Plan largely implemented through a control plan DCP 77.

In the 2004 Hazard Assessment for Wyong's coast, the Department of Natural Resources required a sea level rise of 150 mm for the beach and bluff modelling for a planning horizon of 50 years. In 2007 IPCC (Intergovernmental Panel on Climate Change) and CSIRO indicated that these figures should be 300mm for the 50 year planning horizon. Due to such radical changes in the predicative figures mentioned above, that staff bring back a report to the next available meeting;

- 1 A brief précis on DCP 77 where it applies and the controls that this plans limits with regards to the type and nature of development.*
- 2 A scoping analysis of options that may be incorporated within the Coastline Management Plan to address the impacts of sea level rise and climate change. This would include issues such as voluntary resumption, planned retreat and structural options, with specific reference to the levels of contributions by the other spheres of government (ie State and Federal) and why.*
- 3 The number of properties presently affected now, with a guesstimate of the how many properties will be affected when the current hazard lines move inland placing more properties in the 50 year high zone.*

Resumption (or Buy Out) Policy (contd)

- 4 *With an expected 100 year prediction of 880mm rise in the sea level and as part of this report, when do staff view it as wise to have a further revisit to the hazard management plan after this one is due sometime in late 2008 and why has this Coastal hazard Plan taken so long to come to light given that DCP was last gazetted in 1999?*
- 5 *That the above information be provided to council as soon as possible and that a copy of this report be sent to all State and Federal Local members."*

1 Précis of DCP 2005 Chapter 77

DCP 2005 Chapter 77 was adopted by Council in June 1999. The aims of the plan are to reduce the impact of coastal hazards on individual owners and occupiers within the Shire and to ensure that knowledge of coastal hazards guides the location and design of future development along the coastline. It was intended to be an interim plan pending the completion of the Coastline Management Plan.

The plan applies to either beach or bluff areas located where urban development occurs. The areas addressed by Chapter 77 are confined to Toowoan and Blue Bays, The Entrance, North Entrance, Hargreaves Beach, Norah Head and Noraville and these areas are delineated on plans attached to the DCP Chapter. In addition, the plan indicate the extent of potential coastal hazards, for example it shows the zones where beach erosion in major storms is likely to occur and similarly it indicates the hazard zones along the bluffs as determined by the slope stability and wave impact risks. These zones include the immediate high hazard, 50 year high hazard and 50 year medium hazard zones providing a short (immediate), medium (up to 50 years) and longer term (greater than 50 years) risk profile for landslip or erosion, etc. The zones were developed from hazard definition studies undertaken in 1992 and 1996, with these studies being consistent with the State Government's Coastline Management Manual.

Chapter 77 indicates that any structures or development (or part thereof) within the erosion or immediate high hazard zones approved by Council prior to the development of the hazard zones can remain but cannot be re-developed. Original approval for such development was based on Council's understanding and knowledge of coastal processes at the time and determined in good faith. In the event of litigation arising from property damage or injury due to erosion or slope failure in these areas, Court judgements would rely on Sectionn 733 of the Local Government Act which provides Council with indemnity as long as its decision was undertaken in good faith, ie based on a sound geotechnical knowledge and understanding of coastal processes in the area, consistent with Council's current planning controls (DCP 2005 Chapter 77) and consistent with the principles and processes outlined in the Coastline Management Manual.

Resumption (or Buy Out) Policy (contd)

Generally, no development or improvements except for landscaping are allowed in the immediate high hazard areas along the bluffs or in the erosion zones along the beaches, due to the immediate safety and stability risks. DCP 2005 Chapter 77 does, however, provide assessment criteria for applications for development or re-development immediately west of the high hazard or erosion zones. Within the 50 year high and medium hazard zones along the bluffs and west of the erosion zone on the beaches, development can be considered on its merits subject to a favourable geotechnical or coastal engineering report supporting the concept and a design incorporating adequate foundations. Issues to be considered include the stability of the site and locality during a severe storm event, wave magnitude and run-up, beach scour levels, dune scarp stability or slope stability and the effects of the proposal on adjacent properties. The report should also consider oceanic inundation as a result of potential sea level rise due to climate change.

2 Scoping analysis of options for the Coastline Management Plan

The Coastline Management Study will identify the range of issues to be addressed in the Plan. These issues will undoubtedly include those properties affected by immediate erosion or slope instability hazards and properties affected by longer term sea level rise. The options developed in the Plan should include both policy and structural solutions where properties (or parts thereof) are under immediate threat, such as Cabbage Tree Harbour. Short term solutions may be centred on structural solutions as these can be put in place relatively quickly.

Such measures will need to be supported by sound policy and planning controls. For example, a policy of prohibiting all development in the immediate high hazard and erosion zones (which currently exists in DCP 2005 Chapter 77) will reduce Council's liability and potential problems for the landowners in the future, should the slope fail or beach erode, although it may pose difficulties at the time of any development application.

A number of properties will be exposed to future risks, such as receding coastlines or sea level rise. The 100 year hazard lines (to be developed) will identify those properties at risk. Should the dwelling be in danger of eventual collapse or inundation, then Council could employ a range of options. These include:

- The do nothing option where the owners eventually walk away from the property as it becomes uninhabitable. In this instance, Council would not incur any costs but there would be major grief and economic loss to property owners. This scenario is generally played out through catastrophes, such as the flooding of New Orleans. In this instance, disaster funding from State or Federal sources may be available to compensate landowners or to undertake emergency works.

Resumption (or Buy Out) Policy (contd)

- A planned retreat Policy where affected landowners would either relocate or demolish and rebuild their dwelling on the same property and move it outside or away from the hazard zone as long as they have appropriate space. This would extend the “life” of the dwelling and property well into the future. Whether Council has the legal ability to enforce the repositioning of a dwelling would need to be further explored with Council's Solicitors. Council would not incur any costs, but there would again be major grief and economic loss to property owners.

This option could also be implemented with financial support from Council and the State Government and possibly the Federal Government, but would depend on what arrangements could be developed with each level of government. The State Government currently has limited funds under its Coastline Management Program (\$2.9 million for the entire NSW coast) and would need a change in policy and a significant increase in allocations from treasury to contribute effectively to such a scheme as any such funds would need to be distributed amongst all NSW Coastal Councils. The Federal Government also has a range of funding initiatives under Climate Change and Sustainability, however, as with the State Government, the funds are limited to works urgently required to meet existing problems and current demands, not to be set aside for the future. In this instance, Council may need to take the initiative and lobby both the State and Federal Governments to adopt policies that make the development of a sinking fund a possibility.

- Where a planned retreat is not possible due to land constraints, an option of resumption may be considered. In such cases, the market value of the property would be the cost for resumption.

3 Properties likely to be affected

As at the last Hazard Assessment in 2004, 175 out of a total 217 properties (or portions thereof) along the Shire's coastline are covered by the hazard zones, where the DCP Chapter may prohibit, limit or control development or re-development. However, the significance of any prohibition, limitation or controls will vary for each individual property. Where the owner's expectations for the property are consistent with the limitations posed by the hazards, then few problems should arise. For example, should the owner not wish to “develop” that section of land in the hazard zone, such as on the foredune of a beach, then the significance of the limitations is non-existent. However, the limitations on some properties may be severe, should the hazard zones cover a large part of the property. In this case, any proposed development could be either prohibited or may require comprehensive geotechnical or coastal engineering reports and foundation designs suitable for high hazard areas.

Resumption (or Buy Out) Policy (contd)

It is currently impossible to estimate the potential impact on properties of altered sea level changes, other than to make the assumption that with increased sea levels, potentially more properties or larger sections of properties may be affected. An audit on affected properties will be undertaken as part of the current Coastline Management Planning process. Consultants will compile information on properties affected by the hazard zones, but the significance of those effects can only be determined when and if a development application is submitted or should works be carried out without consent. DCP 2005 Chapter 77 will also be revised as part of this process, and the planning controls on individual properties may change as a result.

4 Coastline Management Plan

A hazard assessment was undertaken and exhibited by Council in 2004 as part of the current Coastline Management Plan. However, the Department of Environment and Climate Change (DECC), which approved the initial scope of the project and the methodologies proposed by the consultants, raised concerns with the validity of the modelling undertaken to develop the hazard line on the beaches. DECC has taken several years to resolve this issue with the methodology subject to Court action. Council was unable to progress the Plan until the issue had been resolved. In addition, any isolated action by Council to progress the Plan in the interim would have jeopardised funding from the State Government.

DECC's concerns were based on the beach modelling producing an under-estimate of erosion or storm bite and resulted in the hazard zones being very non-conservative. In some instances, the erosion lines moved eastward from those developed in 1996.

The scope of work for the Coastline Management Plan is currently being re-negotiated with DECC and the consultants Umwelt Pty Ltd, to amend the beach modelling component and complete the hazard assessment. This is expected to be complete by July 2008, subject to DECC's approval. DECC also oversees the implementation of the Coastline Management Manual and the work undertaken by Council needs to be consistent with this document as it provides "the undertaken in good faith" defence in the event of litigation. The Coastline Study and the Plan are expected to be finalised for exhibition early in 2009.

Resumption (or Buy Out) Policy (contd)

Climate Change Implications

Council's Climate Change Adaptation program incorporates a review of all planning studies to address the changing nature of climate predictions. The Coastline Management Manual also requires that climate change implications are addressed in the development of the hazard zones and the Coastline Management Plan. Indications from the IPCC and CSIRO indicate that the predictions for sea level rise in south-eastern Australia are increasing. In the 2004 Hazard Assessment for Wyong's coast, the then Department of Natural Resources (now DECC) required a sea level rise of 150mm for the beach and bluff modelling for a planning horizon of 50 years. In 2007, the IPCC and CSIRO indicated that these figures should be 300mm for the 50 year planning horizon, and up to 880mm for the 100 year planning horizon. DECC is now recommending that councils use a minimum of 450mm and up to 910mm for the 100 year hazard zones. The additional increases are due to local variations for south-eastern Australia. The CSIRO has also indicated that the IPCC report due in 2011 may produce predictions even higher than the 2007 report as this report utilised data analyses up to 2005. More recent data indicates even higher trends.

The implications for the hazard zones from sea level rise and increased storminess along the Shire's coastline will potentially have greater impact on the beaches compared to the bluffs. However, the net effect is that the hazard zones may move landward to either a greater or lesser degree depending on the topography, thus affecting more or larger portions of properties. As a consequence, Council may need to re-examine the hazard zones in line with IPCC's climate change predictions every four years. Risks can be managed well into the future by taking a conservative approach and allowing for near worst case scenarios. However, if a conservative approach is undertaken in the current Coastline Management Plan (and that is what DECC requires), then the need to alter the hazard zones or the DCP Chapter at the same frequency will not be required.

Council and DECC are also considering the development of 100 year hazard zones so that planning controls can address longer term risks to better match the design life of dwellings and structures. The more Council understands about what the future may bring, the better it can adapt planning controls to avoid situations in the future that will be unsustainable.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

056 Changes to the State's Electricity Industry

F2004/08138 KRG DP

SUMMARY

A submission from Wyong Shire Council has been forwarded to the Consultative Reference Committee that was established by the NSW Government to test the impacts of proposed changes to the State's electricity industry which the NSW Government announced last year.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

On 10 December 2007, the NSW Government announced changes to the electricity industry following the *Inquiry into Electricity Supply in New South Wales* undertaken by Professor Anthony Owen.

The Government announced it would:

- * Lease existing electricity generators to private operators, while keeping them in public ownership;
- * Retain the 'poles and wires' assets of the State-owned companies Energy Australia, Integral Energy and Country Energy in Government ownership, while their retail lists and functions would move to private operators; and
- * Introduce a number of safeguards to protect and create jobs, keep prices as low as possible and protect the environment.

The Premier of NSW has established the Consultative Reference Committee to test the impacts of changes to the State's electricity industry which the NSW Government announced last year.

The Committee will consist of:

- * The Hon Barrie Unsworth (Chair)
- * Rev Harry Herbert, Executive Director of Unity Care NSW/ACT
- * Jeff Angel, Total Environment Centre
- * Matthew Thistlethwaite, Unions NSW
- * Ben Kruse, United Services Union
- * Steve Turner, Public Sector Association
- * Michael Davey, Member for Maroubra
- * Steve Whan, Member for Monaro
- * Robyn Kruk, Director-General, Department of Premier and Cabinet
- * David Richmond, Co-ordinator General

Changes to the State's Electricity Industry (contd)

At its meeting held 12 December 2007, Council gave consideration to a Motion of Urgency No 533A – Proposal to Privitise the State Power Industry and resolved:

- "1 That Council support its community and in particular the significant number of people employed in the power industry by expressing its opposition to the State Government proposal to privatise and lease the NSW power industry.*
- 2 That the Mayor express Council's opposition through a letter to the Premier Morris lemma.*
- 3 That Council write to each of the Central Coast State Members of Parliament requesting that they support the community in opposing this plan.*
- 4 That replies from State Members on this representation be reported to Council in a future business paper."*

A call for submissions to the Committee was advertised and were required by 8 February 2008 with the Committee required to formulate its impact statement by 7 March 2008 for submission to the Government.

In the formulation of its impact statement, the Committee is required to examine the following criteria:

- 1 The direct and indirect social usefulness of a public asset, service or utility;
- 2 The original purpose of the enterprise and whether that purpose remains valid, is being appropriately addressed through existing arrangements or could be satisfied by alternative arrangements;
- 3 Where the original purpose (as discussed above) has become redundant, the other social, redistributive or regulatory roles that have evolved must be taken into account;
- 4 The retention value of the enterprise measured against its sale value. Any calculation of retention value should incorporate both commercial and non-commercial functions;
- 5 The current structure of the market place (ie monopoly, oligopoly or competitive) and the public sector's role as a competitor and/or regulator in that market;
- 6 The impact on specific groups or regional areas especially those groups or areas that are already disadvantaged. The assessment should include all factors including the real costs of compensation and/or support that will be needed if the role to the public sector were to change;

Changes to the State's Electricity Industry (contd)

- 7 The impact on employment, skills, training and conditions and the protection of the existing workforce and/or the reform of industrial relations practices in any new enterprise or project;
- 8 The existing competing demands on the NSW public sector and existing budgetary constraints and/or the alternative sources of funds for public sector investment;
- 9 The current environmental impact and the need to continue to enhance environmental protection;
- 10 The administrative economies of scale and co-ordination that is facilitated by public ownership and control;
- 11 Appropriate weighting of long-term as well as short to medium term considerations; and
- 12 Where the money is going (ie. ensuring that the proceeds of the disposal of assets are responsibly directed to priority public capital needs)."

A review by staff of the above criteria, the Owen Inquiry Report Executive Summary (Enclosure 1) and the associated response by the Government (Enclosure 2) has raised the following issues which form the basis of Wyong Shire Council's submission to the Consultative Reference Committee;

- 1 The Government in its Response to the Owen Inquiry Report announced that the decision to involve the private sector would save NSW tax payers up to \$15 billion over the next 10 to 15 years at no cost to tax payers.

The Government's response appears inconsistent with the outcomes of the Owen Inquiry Report. Owen concluded that the State Government would need to invest up to \$15 billion in the power industry over the next 10 to 15 years and recommended changes to policy to encourage the private sector to make this investment.

The private sector would not make this investment unless there was a profit to be made. As the Owen Report also concludes that the National Electricity Market is efficient this profit would not be funded by efficiency gains. It is therefore suggested this profit will be funded by higher charges, reduced services or a combination of both.

- 2 While the Owen Report recommended the removal of domestic price regulation by 2010 the Government's response indicated that IPART price regulation would continue until 2013. This extension of regulation highlights the uncertainty, even by the Government, in what will be the final outcome of this proposal. These uncertainties, associated with future prices and levels of service, need to be adequately addressed.

Changes to the State's Electricity Industry (contd)

- 3 One of the Key Recommendations of the Owen Inquiry is that the State Government "divests itself of all State ownership in both retail and generation" of electricity assets. The Inquiry Recommendations also introduce the option that "In the event that the Government does not wish to sell generation, that it should implement an appropriately structured long term leasing of current generation assets".

The State Government response indicates that "the Government would lease existing electricity generators to private operators while still holding electricity assets in public ownership".

However, the Terms of Reference for the Consultative Reference Committee includes examining "the retention value of the enterprise measured against its sale value" (Item 4) and "ensuring that the proceeds of the disposal of assets are responsibly directed" (Item 12).

Regardless of whether assets are sold or leased a key issue is whether the Government would retain any control over these assets. Certain lease arrangements would provide the Government with no more control than if the assets were sold. The degree to which the Government intends to retain control over the electricity assets needs to be clarified, as this will significantly effect the impacts which the Committee is required to assess.

- 4 Council has a significant interest in what happens within the electricity industry as:
- * the two power stations within the Shire are major employers in an area already facing significant socio-economic challenges. While the Government response provides a "guarantee of job security", the tenure of this security is questionable. The local Central Coast community cannot continue to absorb the significant burden of such an outcome.
 - * the two power stations have the potential to cause significant pollution if not well managed / regulated.
 - * Council is a large user of electricity with purchases of \$3.93M in the financial year 2006/2007. Higher electricity charges, to meet private sector profits, will impact Council financially.
 - * Council provides services such as water and sewerage which are highly dependent upon a reliable power supply. A reduction in service levels could have significant financial and/or environment impacts for Council and the local community.

Changes to the State's Electricity Industry (contd)

- 5 The economic justification for involvement of the private sector does not appear to adequately address such issues as:
- * the higher borrowing cost faced by the private sector relative to Government. Such costs are met by the wider community anyway, whether through private sector fees and charges on reduced levels of service.
 - * the increased cost of regulating the price sector relative to the Government, particularly in relation to risk management and environmental performance.
 - * the costs that will be incurred for any risks that will be transferred to the private sector, whether they eventuate or not.
 - * the cost to Government of any changes in assumptions about the future upon which the private sector involvement was based.
 - * the cost of managing the contractual arrangement between the Government and the private sector.
- 6 The Owen report recommends involvement of the private sector primarily on the basis of it funding the \$15 billion investment required over the next 10 to 15 years. This could be achieved by the private sector funding new generation capacity and selling power into the grid. Such an arrangement would not impact existing generation facilities. There appears to be insufficient justification for selling / leasing the whole business.

Enclosure 1
Enclosure 2

Owen Inquiry Report Executive Summary
Associated Government Response

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

057 Responses Received - Proposal to Privatisise the State Power Industry

F2004/08138 SMcL

SUMMARY

Reporting on response received on the proposal to privatise the state power industry.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 December 2007, Council resolved:

- “1 *That Council support its community and in particular the significant number of people employed in the power industry by expressing its opposition to the State Government proposal to privatise and lease the NSW power industry.*

- 2 *That the Mayor express Council's opposition through a letter to the Premier Morris Iemma.*

- 3 *That Council write to each of the Central Coast State Members of Parliament requesting that they support the community in opposing this plan.*

- 4 *That replies from State Members on this representation be reported to Council in a future business paper.”*

Responses have been received from the State Member for The Entrance, Mr Grant McBride and the State Member for Terrigal, Mr Chris Hartcher and are attached.

- | | |
|---------------------|--|
| Attachment 1 | <i>Letter from State Member for Terrigal, Mr Chris Hartcher (1 page)</i> |
| Attachment 2 | <i>Letter from State Member for The Entrance, Mr Grant McBride (1 page)</i> |
| Attachment 3 | <i>Letter from State Member for Gosford, Ms Marie Andrews (2 pages)</i> |
| Attachment 4 | <i>Letter from J L Schmidt on behalf of The Premier (2 pages)</i> |
| Attachment 5 | <i>Letter from State Member for Lake Macquarie, Mr Greg Piper (1 page)</i> |

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 1)



Chris Hartcher

11 January 2008

The Mayor
Wyong Shire Council
Council Chambers
Hely Street
WYONG NSW 2259

Dear Mayor

I thank you for your letter of 29 December 2007 advising me of Council's urgent resolution, carried on 12 November 2007, in relation to State Government plans to privatise the NSW power industry.

The State Government's announcement reflects poorly upon their integrity. The Premier, Mr lemma, was a senior Minister in the Carr Government in 1999, which went to the general election in March of that year pledging to oppose any privatisation of the NSW power industry.

Mr lemma, as Premier, pledged before the March 2007 election that the lemma Government, if re-elected, would not privatise the NSW power industry.

Now Mr lemma and Mr Costa have made clear their intention to proceed with privatisation.

I will ensure your letter and Council's considered resolution are put before the NSW Opposition parties in determining their stance on any legislation to be introduced by the lemma Government. I note recent media reports to the effect that legislation would be required to give effect to any sale or long term lease.

Kind regards,


CHRIS HARTCHER MP
Member for Terrigal

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 2)



Tuesday, 15 January 2008

Councillor Warren Welham
Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

WelhamW-Ene080110-1020.Doc

Dear Councillor Welham

Thank you for your letter of 21 December 2007 regarding the proposed privatisation of the NSW power industry.

The Premier has stated that securing the future of our energy supplies is the biggest decision this Government will take and the decision will benefit the NSW economy, State Budget and environment for the next 20 years and beyond.

I have listened to the arguments, researched privatisation in other States and am not convinced that this course of action is the in the best interests of the residents of NSW, and particularly the Central Coast.

I have spoken very publicly of my opposition to any sale of our energy industry and will this week address a meeting of local Power Station workers and hear their views.

During the Caucus meeting to vote on the issue, I expressed my views and concerns. I also recorded my vote against the proposal.

I will continue to stand by my convictions and oppose privatization of the power industry in NSW.

If I can be of any further assistance in this matter please do not hesitate to contact me.

Yours sincerely

Grant McBride MP
Member for The Entrance

Office: 24 The Entrance Road, The Entrance • Mail to: PO Box 401 The Entrance 2261
Phone: 4334 1012 • Fax: 4334 3840 • Email: theentrance@parliament.nsw.gov.au



13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Responses Received - Proposal to Privatisise the State Power Industry
(Attachment 3)**

25 JAN 2008



New South Wales Government

Department of Premier and Cabinet

Governor Macquarie Tower,
1 Farrer Place, Sydney NSW 2000
GPO Box 5341, SYDNEY NSW 2001
T: (02) 9228 5300 F: (02) 9228 3082

AA08/00398 – NREDB

21 January 2008

Ms Marie Andrews MP
Member for Gosford
PO Box 223
WOY WOY NSW 2256

Dear Ms Andrews

The Premier has received your representations dated 20 December 2007, on behalf of several of your constituents, about the recently announced changes to the NSW electricity sector, and has asked me to reply to you on his behalf.

The NSW electricity supply needs to keep up with the energy requirements of families and businesses across the State. NSW needs new baseload electricity generation built by about 2014.

To secure NSW's future energy needs **at no cost to taxpayers**, the NSW Government has accepted the key recommendation of the Owen Inquiry into Electricity Supply in NSW to restructure ownership arrangements for its electricity generation and retail businesses.

The restructure will involve the transfer of the Government's retail electricity functions to the private sector, and the lease of NSW power stations, with the exception of Snowy Hydro.

All current electricity infrastructure **assets will remain in public ownership**. That includes the power stations and the transmission and distribution 'poles and wires' of the State-owned companies EnergyAustralia, Integral Energy and Country Energy, as well as TransGrid.

The reforms will create the right conditions and incentives for the private sector to invest in baseload generation in New South Wales, saving taxpayers up to \$15 billion and unlocking funds for investment in roads, trains, hospitals, schools and other essential infrastructure.

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

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 3) (contd)

You may be assured that electricity customers (households and small businesses) will continue to be **protected by regulated retail prices** set by the Independent Pricing and Regulatory Tribunal, to at least 2013 or until the Government is satisfied there is sufficient competition in the retail energy market. The Government will also maintain its strong customer protection regulations and its social programs, including pensioner concessions.

The Government has also announced an **environmental protection** package including a new Energy Efficiency Strategy and additional funds for a \$100 million Renewable Energy Development Fund, to ensure the State remains in a strong position to tackle the ongoing challenges of climate change.

The Energy Efficiency Strategy was developed following consultation with environmental groups. The Strategy will deliver a range of measures to assist families and businesses to reduce their energy consumption and save money on electricity bills.

The Government will now develop detailed plans for the use of proceeds from the transfer of assets. While it will take time to finalise these plans, the Premier has indicated that priority areas for new investment will include:

- urban transport initiatives, such as Euro-style metro technology and the extension of the M4;
- upgrades to rural water and sewerage infrastructure;
- rural and regional road transport infrastructure;
- the new Energy Efficiency Strategy; and
- supporting the development of clean energy, including clean coal and renewables.

Thank you for taking the time to write to the Premier on this issue.

Yours sincerely



J.L Schmidt
for Robyn Kruk
Director General

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 4)



New South Wales Government

Department of Premier and Cabinet

Governor Macquarie Tower,
1 Farrer Place, Sydney NSW 2000
GPO Box 5341, SYDNEY NSW 2001
T: (02) 9228 5300 F: (02) 9228 3062

AA08/00996 – NREDB

22 January 2008

Councillor Warren Welham
Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Councillor Welham

The Premier has received your correspondence about the recently announced changes to the NSW electricity sector, and has asked me to reply to you on his behalf.

The NSW electricity supply needs to keep up with the energy requirements of families and businesses across the State. NSW needs new baseload electricity generation built by about 2014.

To secure NSW's future energy needs **at no cost to taxpayers**, the NSW Government has accepted the key recommendation of the Owen Inquiry into Electricity Supply in NSW to restructure ownership arrangements for its electricity generation and retail businesses.

The restructure will involve the transfer of the Government's retail electricity functions to the private sector, and the lease of NSW power stations, with the exception of Snowy Hydro.

All current electricity infrastructure **assets will remain in public ownership**. That includes the power stations and the transmission and distribution 'poles and wires' of the State-owned companies EnergyAustralia, Integral Energy and Country Energy, as well as TransGrid.

The reforms will create the right conditions and incentives for the private sector to invest in baseload generation in New South Wales, saving taxpayers up to \$15 billion and unlocking funds for investment in roads, trains, hospitals, schools and other essential infrastructure.

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

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 4) (contd)

You may be assured that electricity customers (households and small businesses) will continue to be **protected by regulated retail prices** set by the Independent Pricing and Regulatory Tribunal, to at least 2013 or until the Government is satisfied there is sufficient competition in the retail energy market. The Government will also maintain its strong customer protection regulations and its social programs, including pensioner concessions.

The Government has also announced an **environmental protection** package including a new Energy Efficiency Strategy and additional funds for a \$100 million Renewable Energy Development Fund, to ensure the State remains in a strong position to tackle the ongoing challenges of climate change.

The Energy Efficiency Strategy was developed following consultation with environmental groups. The Strategy will deliver a range of measures to assist families and businesses to reduce their energy consumption and save money on electricity bills.

The Government will now develop detailed plans for the use of proceeds from the transfer of assets. While it will take time to finalise these plans, the Premier has indicated that priority areas for new investment will include:

- urban transport initiatives, such as Euro-style metro technology and the extension of the M4;
- upgrades to rural water and sewerage infrastructure;
- rural and regional road transport infrastructure;
- the new Energy Efficiency Strategy; and
- supporting the development of clean energy, including clean coal and renewables.

Thank you for taking the time to write to the Premier on this issue.

Yours sincerely

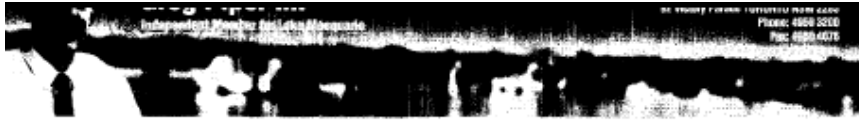


J.L Schmidt
for Robyn Kruk
Director General

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Responses Received - Proposal to Privatisise the State Power Industry (Attachment 5)



Ref: dcs.gp.gc/02/08

23 January 2008

Councillor Warren Welham
Mayor
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mayor *Warren*

F2004/08138 - PROPOSED PRIVATISATION/LEASING OF NSW POWER ASSETS

Thank you for letter informing me of Council's resolution on this matter and request for me to oppose the proposal by the State Government.

I can assure you that I am like-minded in my views on this proposal and have very real concerns for the social, economic and environmental implications of such a privatisation.

A very real concern is the process being used to execute this decision – a process that I believe is anathema to the democratic process. I am unsure of whether or not this can be turned around but I am certain that there will be wide-ranging ramifications if it proceeds.

I would like to draw your attention to some of my press releases and other online information on the proposal that I have established. This material can be viewed at www.gregpiper1.com and on an interactive forum hosted by myself at www.bangthetable.com/powerselloff.

Please convey my congratulations to your Council for taking this stance on behalf of your community.

Yours sincerely

Greg Piper, MP
Member for Lake Macquarie

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**058 Responses Received - Plebiscite on Nuclear Power Station(s)
in Wyong Shire**

F2004/06939 ED

SUMMARY

Reporting on responses received to submissions on Plebiscite on Nuclear Power Stations in Wyong Shire.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 September 2007, Council resolved:

- "1 That Council officers write to the Prime Minister, the Federal Opposition Leader and local Federal members requesting that they authorise/support the Australian Electoral Commission in conducting a plebiscite of the citizens of Wyong Shire and neighbouring communities to assess their opinion of the siting of nuclear power generation or other nuclear power facilities within the Wyong Shire local government area or surrounding municipalities at the upcoming Federal ballot.*
- 2 That notwithstanding any outcome arising from item 1 above this Council formally advise the Howard Government that it is totally opposed to the outrageous prospect of siting nuclear reactors within highly populated and environmentally sensitive areas such as Wyong Shire.*
- 3 That Council advise neighbouring councils of its decision and seek their support.*
- 4 That any responses received be reported to Council."*

A response was received on 5 October 2007 from the Federal Member for Shortland, Ms Jill Hall, advising that she had made representations to the Prime Minister, the Hon John Howard and the Leader of the Opposition Mr Kevin Rudd. A response was also received on 15 October 2007 on behalf of the Minister for Industry, Tourism and Resources, who had been asked to respond by the Prime Minister.

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Responses Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire
(contd)**

Unfortunately, these letters were inadvertently omitted from the report to Council on 14 November 2007 with the response from the former Member for Dobell, Mr Ken Ticehurst. Copies are now attached together with a recent response from Gosford City Council.

| | |
|----------------------------|--|
| <i>Attachment 1</i> | <i>Letter from Federal Member for Shortland (1 page)</i> |
| <i>Attachment 2</i> | <i>Letter from Federal Department of Industry Tourism and Resources (2 pages)</i> |
| <i>Attachment 3</i> | <i>Letter from Gosford City Council (1 page)</i> |

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Service's Department

Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire (Attachment 1)



Jill Hall M.P. FEDERAL MEMBER FOR SHORTLAND • OPPOSITION WHIP

26 Macquarie Street Belmont NSW 2280, PO Box 499 Belmont NSW 2280

Tollfree: 1300 301 792 Ph: (02) 4947 9711 Fax: (02) 4947 9722 Email: Jill.Hall.MP@aph.gov.au Web: www.jillhall.com

Jh:kf

2 October 2007

Ms Gina Vereker
Acting General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Ms Vereker

Thank you for your letter received 21 September 2007 concerning the location of proposed nuclear power stations.

I have made representations on your behalf to the Prime Minister, the Hon John Howard MP and the Leader of the Opposition, Mr Kevin Rudd MP and I will recontact you when a response has been received.

Kind regards

Jill Hall MP
FEDERAL MEMBER FOR SHORTLAND

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Service's Department

Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire (Attachment 2)

Secretary



Australian Government

Department of Industry
Tourism and Resources

Industry House, 10 Binara Street
CANBERRA CITY ACT 2601

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ABN: 51 835 430 479

Ms Gina Vereker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Ms Vereker

Thank you for your letter of 18 September 2007 Prime Minister concerning the location of proposed nuclear power stations. It was referred to the Minister for Industry, Tourism and Resources, the Hon Ian Macfarlane MP, who has responsibility for nuclear power, and it is on his behalf that I reply.

The Government is currently in Caretaker Period. During this period preceding an election, the Government assumes a caretaker role and abides by established practices which generally limit functions to administrative aspects of Government.

The matter you have raised cannot be fully addressed at this time and should be taken up with the incoming Government.

To assist your council in its consideration of this issue I refer you to the work of the Uranium Mining, Processing and Nuclear Energy Taskforce which undertook a comprehensive scientific study into the medium to longer-term benefits of increasing Australia's role in the mining, processing and enrichment of uranium, and whether it might be economically feasible to contemplate nuclear power stations in this country.

Some of the findings of the Taskforce's Report were:

- Nuclear power supplies clean energy worldwide in over 30 countries and represents 15 per cent of the world's electricity, a share that is expected to grow.
- Nuclear electricity could make a significant contribution to lowering greenhouse gas emissions.
- Nuclear electricity is currently 20-50% more expensive than Australian coal-fired electricity, but could be economically competitive if greenhouse gas emissions are fully costed.
- Community acceptance would be the first requirement for nuclear power to operate successfully in Australia.

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Service's Department

Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire (Attachment 2) (Contd)

2

- Around the world the risks associated with nuclear power such as waste management and disposal; public health; environmental protection; and nuclear weapons proliferation have been well managed and should not preclude the consideration of nuclear energy in Australia.
- Apart from the serious exception of the Chernobyl accident, there have been only minor releases of radioactive elements from civilian nuclear installations, both power plants and fuel cycle installations, since the introduction of nuclear power. The design of the reactor used at Chernobyl was intrinsically unstable and lacked a containment structure. Such a plant would not have been permitted to operate in the Western World.
- To date, there has been no practical need for final spent fuel and high level waste repositories. A future nuclear power industry would require surface storage for 30-50 years so that heat and radioactivity can decay to levels which make handling and storage easier.
- Geological disposal of low-level radioactive waste occurs in Germany, Sweden, Norway, Finland and the United States of America.
- Many countries have long-term research and development programs to implement the final disposal of high level waste at depths of hundreds of metres in stable geological formations.

The full taskforce report is available online at:

<http://www.pmc.gov.au/publications/umpner/index.cfm>

It is important to note that there are no proposals to build a nuclear power station in Australia. In addition, the Uranium Mining, Processing and Nuclear Energy report found that there could not be any nuclear power in Australia for at least 10 to 15 years and that it would be contingent on future economic viability as well as Government and community support.

Thank you for your views on these very important issues.

Yours sincerely


Mark I Paterson AO

25 October 2007

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Service's Department

**Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire
(Attachment 3)**



Telephone (02) 4325 8222

Please Quote: 3926920
Shannon McKiernan
4 January 2008

Gosford City Council

49 Mann Street
Gosford NSW 2250
PO Box 21
Gosford NSW 2250
DX 7211 Gosford

Telephone: 02 4325 8222
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ABN 78 303 458 861

The General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Your ref: F2004/06939

Dear Sir

I refer to your request of 18 September 2007 for Council's support for a plebiscite of residents and Council's opposition to nuclear power stations being sited within Wyong Shire and neighbouring communities.

I advise that Gosford Council resolved at its meeting on 6 November 2007 to support your Council in the opposition to nuclear reactors on the Central Coast.

I can further advise that Gosford City Council has a Nuclear Free Zone Policy that achieves this objective.

If you have any further enquiries in regard to this matter please contact Mr Shannon McKiernan on 4325 8273.

Yours sincerely

Peter Wilson
General Manager

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

059 Unaffordable Housing and Mortgage Stress

F2004/09609 CT

SUMMARY

Report on measures currently available that could be taken to alleviate mortgage stress and assist residents in dealing with unaffordable housing and mortgage stress.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 September 2007, Council resolved in part:

"That staff report on measures currently available and that could be taken to alleviate mortgage stress and assist our residents including, but not limited to, rates deferment."

There is no provision within the Local Government Act for Council to waive Rates and Charges on the basis of financial difficulty, with the exception that Council may agree to write off or reduce interest charges in certain circumstances, including where payment of the interest itself would cause hardship. However, this is not generally the practice of this Council as it is considered that the interest charge itself is not the cause of the hardship.

PAYMENT ARRANGEMENTS

The Local Government Act does allow Council to enter into arrangements with customers for the payment of Rates and Charges. In terms of that provision Council's current practice is to make arrangements that would see outstanding Rates and Charges paid in full in the financial year to which they relate. However, where customer circumstances do not allow this, Council makes arrangements for smaller regular payments subject to review, generally every two months. Staff adopt a consultative approach and encourage customers to contact Council if they are unable to meet any payment commitment so that staff can make alternative arrangements that suit the customer's income stream and other circumstances. Where it is considered appropriate, staff discreetly suggest that customers seek professional financial counselling advice as Council often has dealings with these professionals acting on behalf of its customers.

The above approaches have been formulated so as not to adversely impact on the customer's equity in their property or on their overall financial situation. It would be against the customer's best interests to defer payment on a long-term or indefinite basis.

Unaffordable Housing and Mortgage Stress

GOOD COMMUNICATION

Credit Management report and check arrangements to pay on a daily basis. When a default occurs, attempts are made to contact the customer and re-establish an arrangement to pay. Legal action is taken twice yearly and this can incur legal costs on the ratepayer, affect their credit rating and eventually the removal and sale of goods at auction. Prior to legal action, Council issues a Rates Reminder Notice, a Rates Final Notice and a Notice of Legal Action.

PAYMENT OPTIONS

Additionally, Council has various payment methods available to ratepayers which give the ratepayers flexibility in the amount paid and the timing of the payment. Payment options include:

- Over the Counter
- B-Pay
- Direct Debit
- Australia Post
- Westpac
- Internet
- Credit Card 1800 number.

FINANCIAL COUNSELLING SERVICES

There are a number of financial counselling organisations who could provide professional advice and assistance to local residents experiencing financial difficulties. Council could assist by promoting the contact details to residents as part of the credit management process and at the point of issuing notices.

POLICY REVIEW

Council maintains several policies that may impact upon the affordability of housing and therefore may contribute to mortgage stress. These policies include:

- Developer contributions plans
- Footpath policy
- Development application fees
- Other fees related to dwelling construction

Further analysis of the detail of these policies would need to be undertaken in order to determine whether or not changes to these policies could improve the affordability of housing or alleviate mortgage stress. As part of any such review, consideration would need to be given to the likely effectiveness of any proposed change and whether or not such changes would compromise any other objectives of those policies.

Unaffordable Housing and Mortgage Stress

With respect to Developer (Section 94) Contributions, it is arguable whether a reduction in these levies would lead to any direct positive impact on mortgage stress. There is no guarantee that the savings achieved by a developer, due to any reduction in contributions would be passed on to the eventual house purchaser. Previous analysis of the development industry has shown that the amount of developer contributions is one of the key components in determining the purchase price that a developer will pay to purchase englobo land rather than determining the retail price at which he will sell developed land. The market price of developed land is determined by a range of issues and a comparison of changes in retail market price and changes in developer contributions shows that retail land prices have increased much more significantly than the increase in contribution rates. In addition where contribution rates are reduced, but Council proceeds to provide the facility for which contributions were levied, the amount not collected due to the reduction in contribution rates will be borne by all existing ratepayers.

In relation to Development Application Fees, the maximum fee is set by legislation. Wyong Council, similar to most, if not all local government, charges the maximum fee, which has been shown not to cover the cost of processing an application. Council could investigate in more detail the implications of imposing less than the maximum fee for Development Applications for dwelling houses in new estates and/or could review other related dwelling construction fees. However any reduction in such fees would have a substantial impact on Development Assessment income and again the shortfall will be borne by all existing ratepayers, which has already been seriously affected by the market downturn.

CONCLUSION

On balance, the influence of Council on unaffordable housing and mortgage stress is considered marginal. Far greater influence is exerted by such factors as taxation from other levels of Government and interest rates.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

060 Inquiry into Electoral and Political Party Funding

F2004/06402 ED

SUMMARY

Advising of submission to Select Committee on Electoral and Political Party Funding.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 23 January 2008, Council resolved:

- “1 That Council make a formal submission to the Select Committee of the New South Wales Legislative Council on Electoral and Political Party funding.
- 2 That Councillors be invited to provide individual comments and ideas to staff for inclusion in the submission.
- 3 That the submission be reported to Council.”

Despite the fact that hearings actually commence on 3 March 2008, the Select Committee on Electoral and Political Party Funding has extended the deadline for Council's submission to 3 March to enable it to be considered by Council prior to forwarding to the Select Committee. A copy of the submission prepared is attached.

Attachment 1 ***Submission to the Select Committee on Electoral and Political Party Funding (2 Pages)***

Inquiry into Electoral and Political Party Funding (Attachment 1)

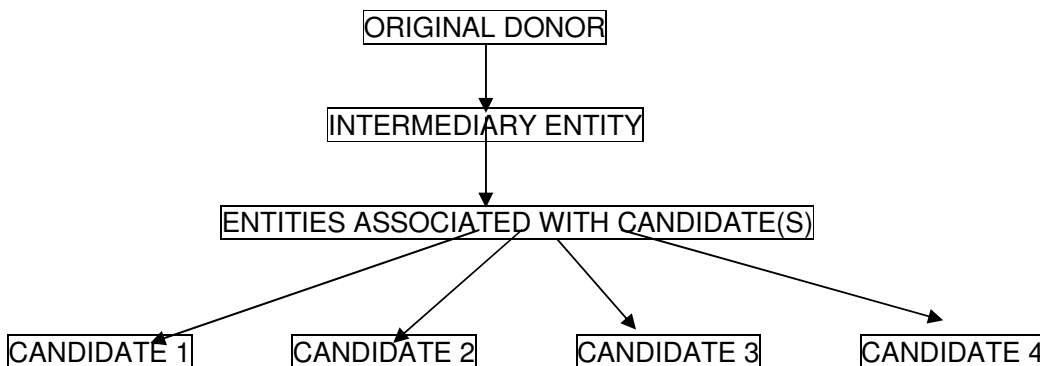
SUBMISSION BY WYONG SHIRE COUNCIL

Over recent years across Australia there have been numerous investigations into undisclosed political donations designed to gain favour in the decision making process - Gold Coast, Tweed, Greater Geelong and Bushellton to name just a few. In each case the reputations of the councils has been significantly damaged regardless of the outcome of the investigation. The reputation of local government as a whole has also been adversely impacted.

Even the perception of corruption can be damaging and the State Government needs to ensure that appropriate safeguards exist in the local government governance framework to protect it and the community from these activities. Prevention is much better than the curing the problem after the event!

Council considers that there is a crucial need to strengthen election funding legislation for local government to prevent the channelling of election funding through intermediary entities. This activity effectively allows the recipient councillors to continue in the decision making process on matters concerning the original donor without declaring a conflict of interest. The consequences of not eliminating this process will be a continuation of the undermining of the democratic process and the casting of doubt on the integrity of all elected local government representatives.

A diagrammatic representation of this is as follows:



Even if some of the candidates do not have full knowledge of the original source of the funding the perception still exists through their association in the process that they could be aware of the original source. This is particularly the case at a local government level where there is a higher opportunity for interaction between people.

Inquiry into Electoral and Political Party Funding (Attachment 1)

This activity could be addressed by:

- Strengthening the Election Funding Act to:
 - Require such intermediary entities to publicly disclose the source of any election funding from other persons or entities including developers or suppliers
 - Require such intermediary entities to disclose how they have distributed any election funding donations to candidates or entities associated with those candidates
 - Require all persons or entities making election funding or other political donations to declare such donations to the Electoral Commissioner
 - Strengthen the powers of the Electoral Commissioner to a level at least equivalent to those of the Independent Commission Against Corruption (ICAC) to enable appropriate investigation of any entity or person reasonably suspected of participating in election funding corruption.
 - Require all persons or entities making election funding or other political donations to declare such donations to the Electoral Commissioner
 - Strengthen the powers of the Electoral Commissioner to a level at least equivalent to those of the Independent Commission Against Corruption (ICAC) to enable appropriate investigation of any entity or person reasonably suspected of participating in election funding corruption.
- The State Government strengthening the level of resources available to the Electoral Commissioner to allow investigations to be conducted to a level equivalent to those conducted by the ICAC.
- The Department of Local Government and state Electoral Office undertaking an education program directed at potential providers of election funding to clearly advise them of their obligations of disclosure election funding or other political donations.
- The Department of Local Government amending the model Code of Conduct to require councillors to ensure that they take all reasonable steps to ensure that they are aware of the original source of election funding and other political donations so as to enable them to appropriately comply with their obligations to declare any conflicts of interest in the decision making process.

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

061 Activities of the Development Assessment Unit

F2004/07830 NL

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of December 2007

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

| Type: | Number Received: | Estimated Value \$: | Number Determined: | Estimated Value \$: |
|--------------|-------------------------|--------------------------------|---------------------------|--------------------------------|
| Commercial | 18 | \$5,696,347 | 21 | \$8,206,000 |
| Industrial | 4 | \$3,085,000 | 7 | \$365,000 |
| Residential | 89 | \$8,382,879 | 79 | \$6,560,395 |
| Other | 18 | \$2,710,200 | 8 | \$382,000 |
| Total | 129 | \$19,874,426.00 | 115 | \$15,513,395.00 |

Subdivision Applications Received and Determined

| Type: | Number Received: | Number of Lots: | Number Determined: | Number of Lots: |
|--------------|-------------------------|------------------------|---------------------------|------------------------|
| Commercial | 0 | 0 | 1 | 7 |
| Industrial | 1 | 5 | 1 | 1 |
| Residential | 5 | 33 | 6 | 134 |
| Rural | 5 | 95 | 0 | 0 |
| Total | 11 | 133 | 8 | 142 |

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

The mean (average) turn-around time in calendar days for priority applications determined during December was 13 days.

The mean (average) turn-around time in calendar days for development applications determined during December was 34 days.

Other Approvals and Certificates

| Type: | Number Determined December 2007: |
|------------------------------------|---|
| Trees | 24 |
| Section 149 D Certificates | 7 |
| Construction Certificates | 69 |
| Complying Development Certificates | 6 |

Enclosure

Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined.

WYONG SHIRE COUNCIL

13 February 2008
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Director's Report
Corporate Services Department

062 Schedules of Bank Balances and Investments – November and December 2007

F2004/06604 HS

SUMMARY

The attached Schedules of Bank Balances and Investments as at 30 November 2007 and 31 December 2007 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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

The Schedule of Bank Balances and Investment Accounts shows that Council had total cash and investment funds of \$98,740,092 as at 30 November 2007 and \$131,247,730 as at 31 December 2007. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's decision to adopt an investment policy that involves the use of external Fund Managers.

November Performance

During the month of November Council made a net loss of \$214,738. Financial year to date earnings were \$1,331,189.

The loss resulted from a negative return in the Enhanced Income Sector of the portfolio. This result was due in the main to flow on effects of the collapse in the US sub-prime mortgage market.

December Performance

During the month of December interest earned (net of fees) on Council's investments was \$582,476 and financial year to date earnings were \$1,921,223.

Council's investment advisors report that Council's portfolio remains in a strong position to take advantage of future market upturns.

Schedules Of Bank Balances And Investments – November and December 2007 (contd)

The following tables provide a summary by fund of the above information:

As at 30 November 2007

| | Investment Balances | | Interest | |
|--------------|---------------------|-------------------|----------------------|------------------|
| | Opening Balance | Closing Balance | Interest Net Of Fees | Annual Budget |
| | July 1 2007 | November 30 2007 | YTD | |
| General | 71,992,818 | 71,921,937 | 848,757 | 2,248,100 |
| Water | 15,185,232 | 3,520,328 | 178,553 | 1,644,000 |
| Sewer | 21,699,934 | 23,297,827 | 303,879 | 803,000 |
| Total | 108,877,984 | 98,740,092 | 1,331,189 | 4,695,100 |

As at 31 December 2007

| | Investment Balances | | Interest | |
|--------------|---------------------|--------------------|----------------------|------------------|
| | Opening Balance | Closing Balance | Interest Net Of Fees | Annual Budget |
| | July 1 2007 | December 31 2007 | YTD | |
| General | 71,992,818 | 69,311,070 | 1,160,673 | 2,248,100 |
| Water | 15,185,232 | 39,530,943 | 336,519 | 1,644,000 |
| Sewer | 21,699,934 | 22,405,717 | 424,031 | 803,000 |
| Total | 108,877,984 | 131,247,730 | 1,921,223 | 4,695,100 |

Cash Balances on Water Fund have been lower than originally forecast due to lower than planned opening cash balances (which were a result of drought works in 2006/2007) and also the timing of loan borrowings in 2007/2008. As a consequence there is a shortfall of interest income compared to the original budget and adjustments to the Water Interest Budget have been included in the December 2008 Budget Review. The increase in the water cash balance between November and December of \$36m was largely the result of drawing down the 2007/2008 loan borrowing program.

Schedules Of Bank Balances And Investments – November and December 2007 (contd)

Performance Monitoring

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

i Management of Bank Balance

The aim is to keep the bank balance as low as possible and hence maximise the amount invested on a daily basis.

During the month of November Council's Investment Advisors, Grove Research and Advisory implemented a change of financial institution for processing of their transactions. As a result Wyong Shire Council withdrew \$20 million on 9 November 2007 which was then deposited with Westpac in order to cover Council's day to day cashflow requirements during the changeover period. The return on this interim investment was 6.67% and contributed favourably to the overall portfolio return.

The balance of these funds was reinvested on 30 November 2007 in accordance with advice from Grove Research and Advisory to invest in BT Institutional Managed Cash, a AAA rated security. Subsequently other additions to this fund resulted in the proportion of this investment increasing to about 50% of the total portfolio and above the guideline of 30% set in Council's Investment Policy. However by the Investment Policy, the limit can be exceeded where there is a clear advantage to Council. The advice received by Council at the time was that there was a lack of suitable alternative investments in this asset category.

On 15 January 2008 Grove Research and Advisory advised a suitable alternative cash investment and a \$20 million dollar transfer to Local Government Financial Services 'Fixed Out-Performance Cash Fund' on the 22 January 2008, brought the proportion invested in the BT Institutional Managed Cash Fund back within the policy guidelines.

ii Portfolio and Monthly performance against the UBSA Bank Bill Index

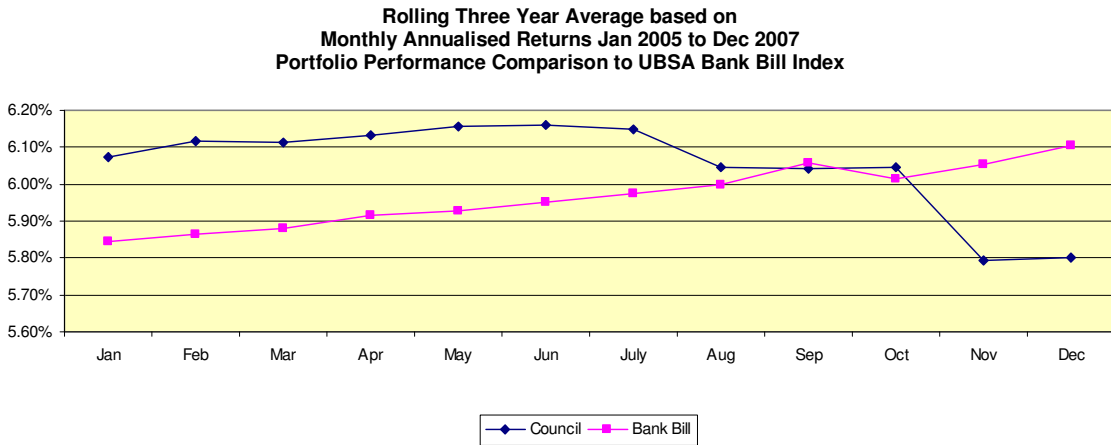
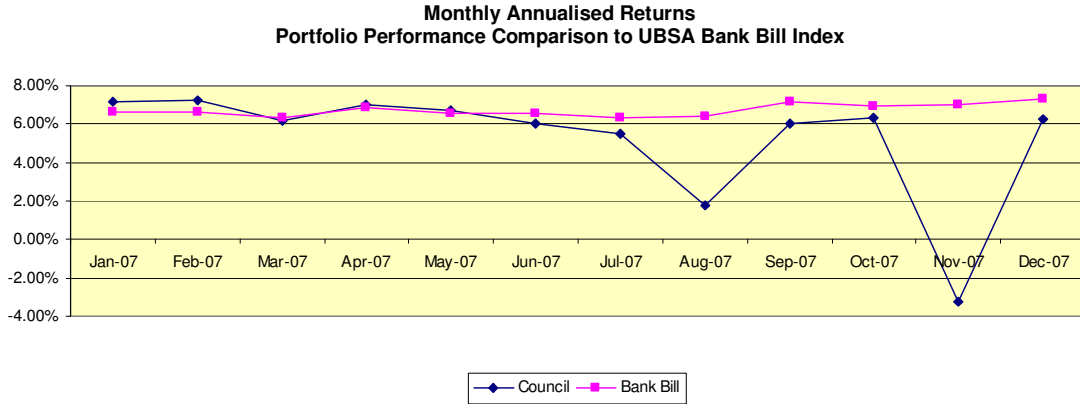
The weighted average return for each of Council's investments is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index which is the market benchmark rate.

Performance for Months of November 2007 and December 2007 Compared to Benchmark

The weighted average return for the total portfolio of Council's managed funds (net of fees) during November was -3.27% which was unfavourable to the benchmark of the UBSA Bank Bill Index of 6.99%. The negative return in November was the result of the flow on effects of the US Sub-prime Mortgage collapse in July 2007 and ongoing volatility in credit markets. The major underperformance was BlackRock Diversified Credit Fund with a subsequent correction in December. Council's investment advisors continue to monitor and recommend a hold position. Council's rolling three year average returns were 5.80% compared to the rolling three year average UBSA Bank Bill Index of 6.05% as illustrated in the Rolling Three Year graph below.

Schedules Of Bank Balances And Investments – November and December 2007 (contd)

December saw an improvement in the return with the weighted average return for the total portfolio of Council’s managed funds (net of fees) during December being 6.23% which was unfavourable to the benchmark of the UBSA Bank Bill Index of 7.34%, whilst Council’s rolling three year average returns were 5.80% compared to the rolling three year average UBSA Bank Bill Index of 6.10% as illustrated in the Rolling Three Year graph below.



The above graph of three year rolling average returns demonstrates the recent volatility on returns which have resulted in the overall returns falling below the UBSA.

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Corporate Services Department

Schedules Of Bank Balances And Investments – November and December 2007 (contd)

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

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

| SCHEDULE OF INVESTMENTS AS AT November 30 2007 | | | | | | | |
|---|--------------------|----------------------|---------------------|-----------------|--------------------|--------------|--------------|
| FUND MANAGER | TYPE | PORTFOLIO BALANCE | INCOME FOR MONTH | FEES | ANNUALISED RETURNS | | |
| | | | | | MONTH | FYTD* | MAT** |
| Local Gov't Financial Serv | Cash Plus | 1,198,097.19 | 3,836.73 | - | 3.98% | 5.36% | 6.08% |
| BT Institutional Managed Cash (AAA) | Cash | 28,070,010.48 | 25,567.80 | 4,233.94 | 6.49% | 6.67% | 6.48% |
| Aberdeen Cash Plus Fund (A) | Cash Plus | 11,306,688.45 | (13,799.59) | - | -1.52% | 3.30% | 5.13% |
| ING Enhanced (A) | Cash Plus | 9,100,916.35 | (6,255.41) | - | -0.57% | 3.45% | 5.34% |
| Perennial Cash Enhanced Fund (AA) | Cash Plus | 2,374,427.42 | (6,530.01) | - | -2.47% | 3.26% | 5.26% |
| Macquarie Income Cash Plus (A) | Enhanced Income | 22,279,236.17 | (19,064.54) | - | -0.96% | 3.39% | 5.31% |
| T-Corp (WorkCover NSW) | Cash Plus | 7,403,000.00 | 41,193.00 | - | 6.77% | 6.61% | 6.41% |
| BlackRock Diversified Credit Fund (A) | Enhanced Income | 14,889,610.26 | (309,116.97) | - | -22.06% | -3.95% | 2.50% |
| QIC Cash Enhanced (AA) | Cash Plus | 2,118,105.50 | 6,546.43 | - | 3.02% | 4.79% | 5.86% |
| Westpac Interest Received | | | 71,701.08 | | | | |
| Grove Advisory Fees | | | | 4,582.60 | | | |
| TOTAL | | 98,740,091.82 | (205,921.48) | 8,816.54 | -3.27% | 2.76% | 5.82% |
| UBSWA INDEX | | | | | 6.99% | 6.78% | 6.66% |

*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

Note: The above returns are net of fees charged

13 February 2008
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Schedules Of Bank Balances And Investments – November and December 2007 (contd)

SCHEDULE OF INVESTMENTS AS AT

December 31 2007

| FUND MANAGER | TYPE | PORTFOLIO BALANCE | INCOME FOR MONTH | FEES | ANNUALISED RETURNS | | |
|--|--------------------|------------------------------|-----------------------------|------------------|---------------------------|--------------|--------------|
| | | | | | MONTH | FYTD* | MAT** |
| Local Gov't Financial Serv | Cash Plus | 1,204,380.09 | 6,282.90 | - | 6.35% | 5.52% | 6.06% |
| BT Institutional Managed Cash (AAA) | Cash | 60,304,433.25 | 250,972.77 | 6,550.00 | 7.00% | 6.73% | 6.55% |
| Aberdeen Cash Plus Fund (A) | Cash Plus | 11,342,437.45 | 40,063.10 | - | 3.86% | 3.40% | 5.00% |
| ING Enhanced (A) | Cash Plus | 9,140,249.35 | 39,333.00 | - | 4.77% | 3.67% | 5.14% |
| Perennial Cash Enhanced Fund (AA) | Cash Plus | 2,392,245.74 | 18,093.58 | - | 9.20% | 4.23% | 5.43% |
| Macquarie Income Cash Plus (A) | Enhanced Income | 22,362,502.73 | 83,266.56 | - | 4.50% | 3.58% | 5.07% |
| T-Corp (WorkCover NSW) | Cash Plus | 7,403,000.00 | 42,566.10 | - | 6.77% | 6.63% | 6.46% |
| BlackRock Diversified Credit Fund (A) | Enhanced Income | 14,969,704.40 | 80,094.14 | - | 6.58% | -2.25% | 2.40% |
| QIC Cash Enhanced (AA) | Cash Plus | 2,128,777.05 | 10,671.55 | - | 6.09% | 5.01% | 5.78% |
| Grove Advisory Fees | | | | 4,582.60 | | | |
| TOTAL | | 131,247,730.06 | 571,343.70 | 11,132.60 | 6.23% | 3.35% | 5.48% |
| UBSWA INDEX | | | | | 7.34% | 6.88% | 6.73% |

*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

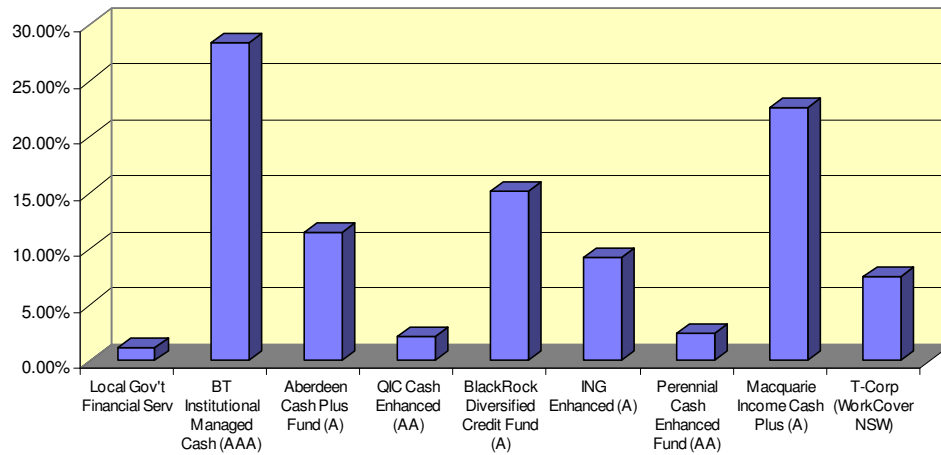
Note: The above returns are net of fees charged

Schedules Of Bank Balances And Investments – November and December 2007 (contd)

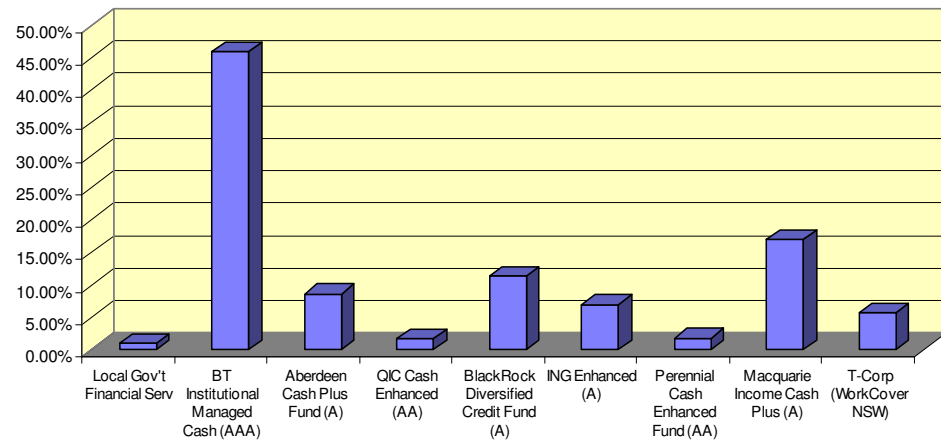
Allocation of Investment Funds

This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during November were allocated as follows:



Council's funds during December were allocated as follows:



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To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Schedule Of Bank Balances And Investments – November & December
2007 (contd)**

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that, with one exception noted below, the investments held at 30 November 2007 and 31 December 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Note:

During December 2007, on advice from Council's investment advisors, Grove Research and Advisory, the proportion of Council's investment in a named cash fund increased to 50%. This is in excess to the 30% guideline set in Council's Investment Policy. However, the guideline can be exceeded where there is a clear advantage to do so. The advice at the time was that there was no comparable investment asset in the same category. Subsequent advice resulted in an alternative investment being effected on 22 January 2008.

| | |
|---------------------|---|
| Attachment 1 | <i>Schedule of Bank Balances and Investments 30 November 2007 (1 page)</i> |
| Attachment 2 | <i>Schedule of Bank Balances and Investments 31 December 2007 (1 page)</i> |

13 February 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Schedule Of Bank Balances And Investments – November & December 2007
(Attachment 1)**

SUMMARY

November 30 2007

| <u>General</u> | \$ |
|---|----------------------|
| Unrestricted | 4,488,430.07 |
| Restricted - Internally | 24,723,354.00 |
| Restricted - Externally | 42,710,153.00 |
| Total General | 71,921,937.07 |
| | |
| <u>Water</u> | |
| Unrestricted | -18,346,772.32 |
| Restricted - Internally | 333,200.00 |
| Restricted - Externally | 21,533,900.00 |
| Total Water | 3,520,327.68 |
| | |
| <u>Sewer</u> | |
| Unrestricted | 3,891,727.07 |
| Restricted - Internally | 554,700.00 |
| Restricted - Externally | 18,851,400.00 |
| Total Sewer | 23,297,827.07 |
| | |
| TOTAL INVESTMENTS | 98,740,091.82 |
| | |
| BANK BALANCE PER BANK STATEMENT | 1,034,974.70 |
| | |
| TRUST ACCOUNT PER BANK STATEMENT | 24,048.79 |

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Director's Report
Corporate Services Department

**Schedules Of Bank Balances And Investments – November and December
2007 (Attachment 2)**

SUMMARY

December 31 2007

| <u>General</u> | \$ |
|---|-----------------------|
| Unrestricted | 1,877,563.35 |
| Restricted - Internally | 24,723,354.00 |
| Restricted - Externally | 42,710,153.00 |
| Total General | 69,311,070.35 |
| | |
| <u>Water</u> | |
| Unrestricted | 17,663,843.05 |
| Restricted - Internally | 333,200.00 |
| Restricted - Externally | 21,533,900.00 |
| Total Water | 39,530,943.05 |
| | |
| <u>Sewer</u> | |
| Unrestricted | 2,999,616.66 |
| Restricted - Internally | 554,700.00 |
| Restricted - Externally | 18,851,400.00 |
| Total Sewer | 22,405,716.66 |
| | |
| TOTAL INVESTMENTS | 131,247,730.06 |
| | |
| BANK BALANCE PER BANK STATEMENT | 1,794,160.29 |
| | |
| TRUST ACCOUNT PER BANK STATEMENT | 24,048.79 |

WYONG SHIRE COUNCIL

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Director's Report
Corporate Services Department

063 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

| Question Asked | Asked By | Meeting Asked | Department |
|--|--------------------|----------------------|-------------------|
| Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court (A response will be reported to Council once a breakdown of costs is received from Council's Solicitors) | Councillor Pavier | 26 September 2007 | Shire Planning |
| Q110 – Purchase of a 3D Fly Through Planning System (Investigations have commenced and a response will be reported once costings have been received) | Councillor Stewart | 31 October 2007 | Shire Planning |
| Q113 – Exemption from liability (A response will be reported when legal advice received) | Councillor Rose | 14 November 2007 | Shire Planning |
| Q114 – Float trikes (A response will be reported when a response has been received from State Member for Swansea, Mr Coombes) | Councillor Welham | 14 November 2007 | Shire Planning |

Outstanding Questions Without Notice and Notices of Motion (contd)

| Question Asked | Asked By | Meeting Asked | Department |
|--|--------------------|----------------------|-------------------|
| Q116 - Upgrade of Minnesota Road (A response will be reported to the Ordinary Meeting on 27 February 2008) | Councillor Best | 14 November 2007 | Shire Planning |
| Q122 - Home Businesses in the Hansen's Road, Tumbi Umbi Area (An audit of properties in the area has commenced and a response will be reported once the audit has been completed) | Councillor Stewart | 12 December 2007 | Shire Planning |
| Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in LEC Court) | Councillor Pavier | 12 December 2007 | Shire Planning |
| Q126 - Policies and Controls over Commercial Auto Repairs and Oil Changes (A response will be reported to the Ordinary Meeting on 27 February 2008) | Councillor Best | 12 December 2007 | Shire Planning |
| Q003 - Supermarkets for Shire's North (A response will be reported to the Ordinary Meeting on 12 March 2008) | Councillor Best | 23 January 2008 | Shire Planning |
| Q004 - Pets on Death Row (A response will be reported to the Ordinary Meeting on 12 March 2008) | Councillor Best | 23 January 2008 | Shire Planning |

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Corporate Services Department

Outstanding Questions Without Notice and Notices of Motion (contd)

| Notice of Motion | Department | Meeting Resolved | Status |
|---|------------------------|-------------------------|---|
| 326 - National Natural Disaster Funding Report required on climate change impacts. | Shire Planning | 8 August 2007 | A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. |
| 440 – Drainage on Tuggerah Straight | Shire Services | 31 October 2007 | A report will be provided when responses received. |
| 442 Warnervale Town Centre | Shire Planning | 31 October 2007 | Briefing to occur after exhibiton commences. |
| 443 – Ratepayers and Residents Satisfaction Survey | General Manager's Unit | 31 October 2007 | A briefing has been scheduled for February 2008. |
| 470 – Ferry Service between Wyong and The Entrance | Shire Planning | 14 November 2007 | Report to be submitted following exhibition |
| 471 – Strategic Direction of Fire Services | Shire Services | 14 November 2007 | A briefing has been scheduled for 5 March 2008. |
| 497 - Air Quality | Shire Planning | 28 November 2007 | A briefing has been scheduled for 5 March 2008 |
| 007 – Tathra Lifesaving Club National Campaign on Renewable Energy | Shire Services | 23 January 2008 | |
| 009 – Fairer Beach Access for Dog Owners | Shire Services | 23 January 2008 | |

| Rescission Motion | Department | Meeting Resolved | Status |
|---|-------------------|-------------------------|---|
| 401A – Rescission Motion – Vandalism Across our Shire | Shire Services | 26 September 2007 | A report will be submitted to Council's Ordinary Meeting on 13 February 2008. |

WYONG SHIRE COUNCIL

13 February 2008
To the Ordinary Meeting of Council

Corporate Services
Department

Answers to Questions Without Notice

Q124 – Total Outstanding Rates, Garbage Charges, Stormwater Levies and Water Charges

Asked by Councillor Eaton at the Ordinary Meeting held on 12 December 2007
F2004/06161

“Could I be advised how much in total are outstanding rates, garbage charges, stormwater levies, water charges etc levied on rates notices in arrears and how do we compare with other Councils?”

Rates and Annual Charges

As at 31 December 2007, \$6.1M of Rates and Annual Charges levied were overdue (representing 6.04% of collectible balances). This amount consisted of \$3.1M that remained outstanding from 30 June 2007 and a further \$3.0M that had fallen due and remained unpaid since the August 2007 and November 2007 instalments.

In addition to this, an amount of \$2.6M was in arrears in relation to water consumption charges as at 31 December 2007.

Comparable information for other councils is only available annually as at 30 June each year and is limited to Rates and Annual Charges information only. This data is sourced from the published financial statements of councils.

For comparison purposes, Wyong is part of the Department of Local Government's (DLG) Group 7 classification of Councils for 2007. As at 30 June 2007 Wyong had the second highest percentage of rates outstanding (6.35%) only ahead of Gosford with 7.78%. The best performing Council in the Group was Baulkham Hills with 2.66%. Refer to Table 1 for a comparative listing of the Group 7 Councils.

Table 1 - Total Rates and Charges Outstanding Percentage for the “DLG Group 7” Outer Metropolitan Councils for 2006 and 2007

| Council | Outstanding June 2006 (%) | Rank | Outstanding June 2007 (%) | Rank |
|----------------|---------------------------|------|---------------------------|------|
| Baulkham Hills | 2.33 | 1 | 2.66 | 1 |
| Blue Mountains | 5.87 | 6 | 6.02 | 6 |
| Campbelltown | 4.79 | 5 | 4.97 | 5 |
| Gosford | 7.41 | 8 | 7.78 | 8 |
| Hornsby | 3.89 | 2 | 3.95 | 2 |
| Liverpool | 4.58 | 4 | 4.66 | 3 |
| Penrith | 4.44 | 3 | 4.72 | 4 |
| Wyong | 6.49 | 7 | 6.35 | 7 |

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Corporate Services Department

Answers to Questions Without Notice (Q124 - contd)

Collection performance by Council is influenced by socio-economic factors and individual Council collection policies. For example, Wyong does not take legal action for recovery against pensioners.

Wyong Council's Rates and Annual Charges Outstanding Percentage has remained relatively constant from 2004 to 2007 in the range 6.23% to 6.49%. For most other councils there has been a tendency for this ratio to increase over time.

13 February 2007
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice (contd)

Q125 – Legal Information on Klumper Development

Asked by Councillor Eaton at the Ordinary Meeting held on 12 December 2007

“In recent briefings I requested information particularly legal information on the Klumper development, when will this be distributed?”

The additional legal advice has now been received from HWL and has been forwarded to each Councillor.

13 February 2007
To the Ordinary Meeting of Council

The Mayor's Office

Answers to Questions Without Notice (contd)

Q001 – Environmental and Business Categories at the Australia Day Awards

Councillor Eaton

F2004/00022

“Who decided and why to abolish Environmental and Business categories in this year's Australia Day Awards?”

Business Person of the Year and Business of the Year categories were instigated by the Mayor for the 2003 and 2004 Australia Day Awards.

Due to the limited number of nominations received for these two awards the category of Business of the Year was deleted from 2005 Australia Day Awards Categories.

In 2006 the suggestion was made by staff and approved by the Mayor to delete the remaining Business Person category from the Australia Day Awards again because of the limited number of nominations received for this category since its inception.

The Environmental Category in 2007 received minimal nominations and it was decided by the Mayor that it be changed to Community Volunteer Award for 2008. This category also included any environmental/volunteer applications. This resulted in an increase in nominations received for the 2008 Australia Day Awards.

13 February 2008
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice (contd)

Q002 – Cost of Legal Advice on the Stop Korean Coal Mining Issue

Asked by Councillor Eaton at the Ordinary Meeting held on 23 January 2008
F2007/00729

“What was the cost of the legal advice required by Councillor Pavier on the Stop Korean Coal Mining (SKCM) issue?”

The cost of the legal advice was \$2,650.