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## WYONG SHIRE COUNCIL

### REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 14 NOVEMBER 2007,  
COMMENCING AT 5.00 PM

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## ORDINARY MEETING OF COUNCIL

14 November 2007

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**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

**464 Disclosures of Interest**

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F2006/02282 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

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

### **465 Proposed Inspections**

F2006/02282 ED:MR

#### **SUMMARY**

Inspections proposed to be held on 28 November 2007 and prior to the second Ordinary Meeting are listed as follows:

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By</b>
28 November 2007	Proposed Dog Kennel at 5 Old Maitland Road, Kangy Angy	Director Shire Planning
28 November 2007	Proposed Dog Kennel at 2 Dalgety Road, Kangy Angy	Director Shire Planning
28 November 2007	Berkeley Road - Road rehabilitation, realignment and drainage works	Director Shire Services
28 November 2007	Eloora Road, Toowoan Bay	Director Shire Services
28 November 2007	Memorial Park Toilets, The Entrance - Improvements to public toilets adjacent to Tourist Information Centre including new skylights, tiling and fixtures	Director Shire Services
28 November 2007	Karinya Childcare Centre, Toukley – observed programmed activities and facilities	Director Shire Services
28 November 2007	Budgewoi Tourist Park – Entry/signage capital works to date, locations of future capital works	Director Shire Services
28 November 2007	Proposed Telecommunications Tower at 287 Pacific Highway, Lake Munmorah (DA 1155/2007)	Director Shire Planning

#### **RECOMMENDATION**

***That the report on inspections to be conducted on Wednesday, 28 November 2007 be received and the information noted.***

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

### **466 Proposed Briefings**

F2006/02282 ED:MR

#### **SUMMARY**

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

<b>Date</b>	<b>Briefing</b>	<b>Description</b>	<b>Time</b>	<b>Presented by</b>
14 November 2007	Management Plan	Quarterly briefing on Management Plan	11.30am – 12.30pm	Manager, Economic and Corporate Planning
14 November 2007	Water Authority Board Meeting	Quarterly briefing on upcoming Water Authority Board Meeting	12.30pm – 2.00pm	Manager, Headworks
14 November 2007	Community Strategic Plan	Draft project outline being presented	2.00pm – 3.00pm	Manager, Future Planning

#### **RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

**467 Address by Invited Speakers**

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F2006/02282 ED:MR

**SUMMARY**

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

**RECOMMENDATION**

*That the report on Invited Speakers be received and the information noted.*

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

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

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F2006/02282 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)(d) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:***  
  
***W016 – Wyong Community Recreation Association***
- 2     *That the reason for dealing with the Report No W016 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**

14 November 2007  
To the Ordinary Meeting of Council

General Manager's Report

**469 Confirmation of Minutes of Previous Meeting**

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F2006/02282 ED:MR

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 31 October 2007.

**RECOMMENDATION**

*That the minutes of the previous Ordinary Meeting of Council held on 31 October 2007 be received and confirmed.*



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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 31 OCTOBER 2007,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

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

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING ASSISTANT DIRECTOR SHIRE SERVICES, ACTING MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR PHIL OLDFIELD DELIVERED THE OPENING PRAYER.

THE RATE PAYMENT INCENTIVE WINNER, MS VALERIE BARKER, WAS WELCOMED BY THE MAYOR, COUNCILLOR WARREN WELHAM AND PRESENTED WITH THE PRIZE OF \$5,000, TO SPEND AT ANY BUSINESS WITHIN WYONG SHIRE.

THE MAYOR ANNOUNCED THAT WYONG COUNCIL WAS NOMINATED BY THE RED CROSS AS PART OF THE CENTRAL COAST COMMUNITY CONGRESS AWARDS AND RECEIVED A "PEOPLE DOING REAL THINGS" AWARD IN THE GOVERNMENT SECTION IN RECOGNITION OF OUTSTANDING EFFORTS BY COUNCIL AND STAFF IN DEALING WITH THE FLOODS IN JUNE.

THE MAYOR CONGRATULATED COUNCILLOR STEWART AND HER FRIEND LYNN WEBSTER ON THE PUBLICATION OF THEIR BOOK "DOWN MEMORY LANE" AN ORAL HISTORY OF THE ENTRANCE AREA.

THE MAYOR REPORTED THAT HE MET WITH THE MINISTER FOR THE CENTRAL COAST, THE HONOURABLE JOHN DELLA BOSCA, TO DISCUSS THE NEW WATER AUTHORITY AND BUSINESS CENTRAL COAST. HE ALSO MET WITH THE SHADOW MINISTER FOR LOCAL GOVERNMENT AND SPORTS AND RECREATION AT FEDERAL LEVEL, MS KATE LUNDY, TO DISCUSS CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT AND THE OURIMBAH SPORTS PRECINCT.

COUNCILLOR ROSE ATTENDED NSW LANDCARE AWARDS AND NOTED THAT A WESTPAC EDUCATIONAL AWARD WAS WON BY WYONG CREEK SCHOOL AND CONGRATULATED THE SCHOOL FOR ITS OUTSTANDING ACHIEVEMENT AS A SMALL SCHOOL TO TAKE OUT THIS AWARD.

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

### **APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR VEUGEN WHO IS ON HOLIDAY OVERSEAS.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 434, 435, 436, 437, 454, 445, 446, 448 AND 449 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.

### **434 Disclosures of Interest**

F2006/02282 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.09 PM AND RETURNED TO THE CHAMBER AT 5.11 PM DURING CONSIDERATION OF THIS ITEM.

#### **442 - NOTICE OF MOTION – WARNERVALE TOWN CENTRE**

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE REPORT STUDY AREA AND COULD DERIVE A BENEFIT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

#### **445 - ADOPTION OF THE WYONG/TUGGERAH PLANNING STRATEGY**

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PROPERTY OWNER IN JENNINGS ROAD, WYONG WHICH IS AFFECTED BY THE STRATEGY, LEFT THE CHAMBER AT 6.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.54 PM.

#### **446 - THE ENTRANCE PENINSULA PLANNING STRATEGY**

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE STUDY AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 THE PROPERTY IS NEITHER UP ZONED OR DOWN ZONED AND RECEIVES NO FAVOURABLE CONSIDERATION.”*

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER PROPERTIES ARE NOT AFFECTED BY THE STRATEGY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART STATED:

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

THE ACTING MANAGER FUTURE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS FAMILY FRIENDS THAT ARE OFFICE BEARERS AND DIRECTORS OF THE TUGGERAH LAKES GOLF CLUB, A SITE WITHIN THE STRATEGY DOCUMENTATION WHICH PROPOSES ADDITIONAL DEVELOPMENT / REDEVELOPMENT OF THIS SITE. THE ACTING MANAGER FUTURE PLANNING INDICATED THAT ANY QUESTIONS ON THIS SITE WOULD BE HANDLED BY OTHER STAFF MEMBERS AND PARTICIPATED IN DISCUSSION OF THIS MATTER.

### **447 - PROPOSED MODIFICATIONS TO CARAVAN PARK AT LAKE MUNMORAH**

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE APPLICANT'S CONSULTANTS MADE A DONATION TO HIS ELECTION CAMPAIGN AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THIS DONATION WAS CORRECTLY RECORDED IN THE ELECTORAL RETURNS WHICH ARE HELD FOR PUBLIC SCRUTINY BY THIS COUNCIL."*

### **448 - PROPOSED TELECOMMUNICATIONS FACILITY AT WARNERVALE**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**449 - STATE OF THE ENVIRONMENT REPORT 2006/2007**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

**453 - PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS PARTICIPATING IN THE BUSINESS WEEK PROGRAM BEING RUN BY ONE OF THE RECIPIENTS, THE TUGGERAH LAKES SECONDARY COLLEGE, LEFT THE CHAMBER AT 10.52 PM, TOOK NO PART IN DISCUSSION AND DID NOT RETURN.

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

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

**435 Proposed Inspections**

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F2006/02282 MW:SW

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

***That the amended report on inspections conducted on Wednesday, 31 October 2007 be received and the information noted.***

**436 Proposed Briefings**

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F2006/02282 MW:SW

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

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

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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**437 Address by Invited Speakers**


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F2006/02282 MW:SW

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

- 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.*

**438 Confirmation of Minutes of Previous Meeting**


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F2006/02282 MW:SW

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

*That the minutes of the previous Ordinary Meeting of Council held on 10 October 2007 be received and confirmed.*

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**439 Mayoral Minute – Central Coast Water Corporation**


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F2004/08792

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.07 PM AND RETURNED TO THE CHAMBER AT 10.09 PM DURING CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor WELHAM:*

- 1 *That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:*
  - a *To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.*

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

- b *To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.*
  - c *To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2 *That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
  - 3 *That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
  - 4 *That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
  - 5 *That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
  - 6 *That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
  - 7 *That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE CLAIMED THAT THE MAYOR HAD A CONFLICT OF INTEREST IN THE MATTER. THE MAYOR ADVISED THAT HE DID NOT HAVE A CONFLICT OF INTEREST IN THE MATTER AND RULED THAT THE POINT OF ORDER BE DISMISSED.

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE CLAIMED THAT THE MOTION OF COUNCIL REFERED TO IN THE MAYORAL MINUTE REQUIRES A RESCISSION MOTION AND THAT THE MAYORAL MINUTE IS NOT A MOTION OF COUNCIL. THE MAYOR RULED THAT THE MAYORAL MINUTE IS A MOTION, THAT A RESCISSION MOTION WAS NOT REQUIRED AND RULED THAT THE POINT OF ORDER BE DISMISSED.

### **MOTION OF DISSENT**

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

*"I MOVE dissent from the Chairperson's ruling that a Rescission Motion is not needed for this matter".*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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***The MOTION OF DISSENT was put to the vote and declared LOST***

FOR: COUNCILLORS BEST AND EATON.

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

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

*That further to the professional advice given tonight by Council's external auditor that Council not proceed with any recommendations on this important issue without considering a thorough impact analysis on jobs, Council's assets/liabilities and the likely costs to ratepayers.*

*It was MOVED by Councillor BEST that the MOTION be put.*

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

FOR: COUNCILLORS BEST AND EATON.

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

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

FOR: COUNCILLORS BEST AND EATON.

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

***RESOLVED on the motion of Councillor WELHAM:***

***1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:***

- a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.***
- b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- c** *To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2** *That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
- 3** *That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
- 4** *That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
- 5** *That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
- 6** *That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
- 7** *That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

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

AGAINST: COUNCILLORS BEST AND EATON.



**440 Notice of Motion – Drainage on Tuggerah Straight**

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F2004/00156 SW

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

***That following a recent inspection of the works near the traffic lights of the Tuggerah Railway Station on Tuggerah Straight there appears to be a complete blockage of the culvert/drain as workmen are actually in the drain undertaking construction;***

- 1 Can the RTA confirm that the drain/culvert is blocked off at present and how long it is blocked off and for what periods of time it will be blocked off?***
- 2 Can the RTA provide Council with what contingencies exist should a freak storm/rain event (as witnessed recently in June on the long weekend) occur and what protection mechanism are in place to assist those businesses upstream or west of this road works area, given that the culvert/drain is blocked by works?***
- 3 Can the State Rail Authority confirm that the section between Tuggerah Railway Station and the Wyong Station is to undergo in the near future a sleeper exchange from wooden to cement and that this process will require more fill to go into the actual rail line, raising the present height of the wall (ie levee) dividing the Tuggerah Straight and business area and Pioneer Dairy Site.***
- 4 That Council write to the Member for Wyong seeking what he is going to do about the present flood and drainage situation on Tuggerah Straight as a result of the road works and potential State Rail works and that he intervenes into this mess and finds a solution to the present flooding potential problem.***
- 5 That a further report on any responses to the above be presented to Council when available.***

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**441 Notice of Motion – Upgrading of the Foreshore Area Between Memorial Park and Picnic Point at The Entrance**

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F2006/00496 SW

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

***That as part of the foreshore upgrading works to be carried out under the Estuary Management Plan, plans be developed for upgrading of the foreshore area between Memorial Park and Picnic Point at The Entrance.***

***The first stage of the works should provide for increased foreshore areas by narrowing or closure of The Entrance Road in order to provide for a cycleway/pedestrian pathway separated from the fishing areas, together with picnic and barbeque areas and seating.***

**442 Notice of Motion – Warnervale Town Centre**

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F2004/07829 SW

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE REPORT STUDY AREA AND COULD DERIVE A BENEFIT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

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

***That this matter be deferred for discussion at the next Strategic Planning briefing.***

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

AGAINST: COUNCILLOR WELHAM.

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**443 Notice of Motion – Ratepayers and Residents Satisfaction Survey**

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F2004/06868 SW

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

***That a briefing be held and a report brought back to Council on the costs associated with a customer satisfaction survey, giving our ratepayers and residents the opportunity to provide Council with important satisfaction feedback on Council's key performance areas, such as but not limited to, water supply, waste management, roads/drainage, library facilities, sporting facilities, customer service, parks and gardens, vandalism management and lakes/foreshores.***

**444 Proposed Section 94A Plan**

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F2005/03091 PAB

***The Director Shire Planning advised Council that THIS ITEM IS NOW WITHDRAW because there is a proposed change to State Legislation that may affect Section 94 contributions.***

**445 Adoption of the Wyong/Tuggerah Planning Strategy**

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F2004/07589 LH:LH

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PROPERTY OWNER IN JENNINGS ROAD, WYONG WHICH IS AFFECTED BY THE STRATEGY, LEFT THE CHAMBER AT 6.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.54 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.33 PM AND RETURNED TO THE CHAMBER AT 6.35 PM DURING CONSIDERATION OF THIS ITEM.

MR KEVIN FAULKS, EXECUTIVE MANAGER, REPRESENTING WYONG TUGGERAH CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 6.14 PM, ANSWERED QUESTIONS AND RETIRED AT 6.26 PM.

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

***1 That the draft Wyong/Tuggerah Planning Strategy be adopted.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 2 That Council commence implementation of the Wyong/Tuggerah Planning Strategy by:**
  - a The preparation of a draft Local Environmental Plan to rezone land within the Wyong township to allow for mixed use, commercial and residential development in accordance with the Strategy;**
  - b The revision of Development Control Plan 2005: Chapter 7 Wyong Town Centre to increase heights and densities, and improve design guidelines for the Wyong Town Centre, in line with the Strategy and in association with the draft Local Environmental Plan; and**
  - c The preparation of masterplans for the River Foreshore and Baker Park Precincts in accordance with Council's 2007/2008 Management Plan.**
- 3 That the preferred sites for public carparking be further investigated during the preparation of the draft Local Environmental Plan to rezone land within the Wyong Township and revised Development Control Plan 2005: Chapter 7 Wyong Town Centre, in accordance with the Strategy.**
- 4 That the carparking sites be identified publicly through the proposed draft Local Environmental Plan and revised Development Control Plan, and costed in a Section 94 Contribution Scheme for Carparking within the Wyong Town Centre.**
- 5 That a copy of the Wyong/Tuggerah Planning Strategy be forwarded to the Department of Planning for its reference.**
- 6 That Council recognise the constraints and difficulties in the implementation of this planning process as a consequence of the absence of the State Government's confirmation of the details of the transport corridor through Wyong.**
- 7 That again Council call on the State Government to expedite this vital transport corridor plan/arterial road and flooding issues on Tuggerah Straight and surrounding areas.**
- 8 That Council does not support the Option 2 proposal contained in the report for height of building of some 20 storeys at Tuggerah.**

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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### **446 The Entrance Peninsula Planning Strategy**

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CPA/105639 SA:SA

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE STUDY AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 THE PROPERTY IS NEITHER UP ZONED OR DOWN ZONED AND RECEIVES NO FAVOURABLE CONSIDERATION."*

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER PROPERTIES ARE NOT AFFECTED BY THE STRATEGY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART STATED:

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

THE ACTING MANAGER FUTURE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS FAMILY FRIENDS THAT ARE OFFICE BEARERS AND DIRECTORS OF THE TUGGERAH LAKES GOLF CLUB, A SITE WITHIN THE STRATEGY DOCUMENTATION WHICH PROPOSES ADDITIONAL DEVELOPMENT / REDEVELOPMENT OF THIS SITE. THE ACTING MANAGER FUTURE PLANNING INDICATED THAT ANY QUESTIONS ON THIS SITE WOULD BE HANDLED BY OTHER STAFF MEMBERS AND PARTICIPATED IN DISCUSSION OF THIS MATTER.

*It was MOVED by Councillor WELHAM and SECONDED by Councillor STEVENS:*

- 1 That the draft The Entrance Peninsula Planning Strategy (incorporating corrections to rectify minor typographical errors, including plain English descriptions where required, and locational misdescriptions) be placed on public exhibition in accordance with the community consultation process outlined in this report.*
- 2 That Council reaffirm its ongoing recognition of the Key Site as a site of significance for the development of The Entrance and request staff to report back to Council during the exhibition period of options and strategies that encourage lot amalgamation of the "vacant site" and the "KFC site".*
- 3 That the draft strategy be amended by not reducing any current height limits in the strategy area for the purposes of public exhibition.*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 4 *That during the exhibition period independent consultants be engaged to undertake an economic feasibility study of the 3(a) Business Centre, 3(d) Tourist Business and 2(g) Residential Tourist zones within The Entrance Town Centre.*
- 5 *That the results of the public exhibition, comments and consultation and end results of 3 above be reported to Council.*
- 6 *That there be also a document that identifies the changes between this strategy and the existing LEP/DCP.*

*An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor STEWART:*

*That the strategy be deferred pending resolution of the issues raised in this evening's debate, correction of typographical errors, and that there be no reduction in height limits in the strategy area.*

***RESOLVED unanimously on the motion of Councillor EATON that the MOTION be put.***

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

FOR: COUNCILLORS BEST, FORSTER AND STEWART.

AGAINST: COUNCILLORS EATON, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

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

- 1 ***That the draft The Entrance Peninsula Planning Strategy (incorporating corrections to rectify minor typographical errors, including plain English descriptions where required, and locational misdescriptions) be placed on public exhibition in accordance with the community consultation process outlined in this report.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 2 ***That Council reaffirm its ongoing recognition of the Key Site as a site of significance for the development of The Entrance and request staff to report back to Council during the exhibition period of options and strategies that encourage lot amalgamation of the “vacant site” and the “KFC site”.***
- 3 ***That the draft strategy be amended by not reducing any current height limits in the strategy area for the purposes of public exhibition.***
- 4 ***That during the exhibition period independent consultants be engaged to undertake an economic feasibility study of the 3(a) Business Centre, 3(d) Tourist Business and 2(g) Residential Tourist zones within The Entrance Town Centre.***
- 5 ***That the results of the public exhibition, comments and consultation and end results of 3 above be reported to Council.***
- 6 ***That there be also a document that identifies the changes between this strategy and the existing LEP/DCP.***

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

AGAINST: COUNCILLORS BEST, FORSTER AND STEWART.

AT THE CONCLUSION OF DISCUSSION ON THIS ITEM THE MEETING WAS ADJOURNED AT 8.15 PM. MEETING RESUMED AT 8.30 PM WITH DISCUSSION ON ITEM 448.

**447 Proposed Modifications to Caravan Park at Lake Munmorah**

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DA/658/1989/H RSM:RSM

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE APPLICANT'S CONSULTANTS MADE A DONATION TO HIS ELECTION CAMPAIGN AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THIS DONATION WAS CORRECTLY RECORDED IN THE ELECTORAL RETURNS WHICH ARE HELD FOR PUBLIC SCRUTINY BY THIS COUNCIL.”*

COUNCILLOR BEST LEFT THE CHAMBER AT 10.33 PM AND RETURNED TO THE CHAMBER AT 10.44 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 10.36 PM AND RETURNED TO THE CHAMBER AT 10.38 PM.

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

- 1 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 to the modification to conditions of consent of DA/658/1989/H as detailed in the schedule attached to the report.**
- 2 That condition 31 be amended to include:**
  - a Traffic calming devices be installed along the full length of the road.**
  - b Kerb and guttering be included in the construction of the road and delete the need for the installation of bollards.**
- 4 Those who made written submissions and the RTA be advised of Council's decision.**

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

AGAINST: COUNCILLORS ROSE AND WELHAM.



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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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**448 Proposed Telecommunications Facility at Warnervale**


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DA/1071/2007 RSM:RSM

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

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

***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.***

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

AGAINST: COUNCILLOR BEST.

**449 State of the Environment Report 2006/2007**


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F2004/06956 KD:KD

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

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

***That the 2006/2007 State of the Environment Report be adopted.***

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**450 Proposed Lease to Telstra Corporation Limited – Tunkuwallin Oval, Gwandalan**

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F2007/01432 JMT

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

*THAT this matter be deferred subject to further reporting by Council staff.*

*An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor STEWART:*

- 1 That Council lease part of Lot 1 DP 618314 Kanangra Drive, Gwandalan to Telstra Corporation Limited for the purpose of constructing and operating a mobile telephone base station.*
- 2 That the term of the lease to Telstra Corporation Limited be up to a maximum of 20 years at a commencing rent of \$25,538.87 per annum inclusive of GST, subject to annual 5% increases and a market review on the anniversary of the commencement of the lease each five years.*
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Telstra Corporation Limited.*
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Telstra Corporation Limited.*

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

FOR: COUNCILLORS BEST, EATON, FORSTER, ROSE AND STEWART.

AGAINST: COUNCILLORS GRAHAM, PAVIER, STEVENS AND WELHAM.

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

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

- 1 That Council lease part of Lot 1 DP 618314 Kanangra Drive, Gwandalan to Telstra Corporation Limited for the purpose of constructing and operating a mobile telephone base station.**
- 2 That the term of the lease to Telstra Corporation Limited be up to a maximum of 20 years at a commencing rent of \$25,538.87 per annum inclusive of GST, subject to annual 5% increases and a market review on the anniversary of the commencement of the lease each five years.**
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Telstra Corporation Limited.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Telstra Corporation Limited.**

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**451 Central Coast Regional Organisation of Councils**

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F2007/00900 JPB

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

- 1 That Council, pursuant to Section 355 of the Local Government Act, 1993 formalise a joint committee with Gosford City Council being known as the Central Coast Regional Organisation of Councils.**
- 2 That Council delegate the following functions to the Committee:**
  - a calling for applications for grant money;**
  - b assessing applications and determining the identity of successful recipients;**
  - c authorising the payment of money to successful applicants.**
- 3 That Council delegate to the General Manager the authority to carry out the resolutions of the Committee in so far as they relate to the distribution of grant funds from State and Federal Governments.**
- 4 That Council nominate two Councillors and the General Manager (or nominee) as Wyong's members of CCROC.**

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 5** *That Council endorse the Charter for CCROC formalised under Section 355 of the Local Government Act, 1993 as attached to this report.*

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

*That Council nominate Councillors Stewart and Eaton as members of CCROC.*

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**452** **Representation on External Committees and Associations**

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F2004/06395 ED

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

*That Council nominate Councillor STEWART as alternate delegate to the Gosford Wyong Councils' Water Authority.*

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**453** **Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS PARTICIPATING IN THE BUSINESS WEEK PROGRAM BEING RUN BY ONE OF THE RECIPIENTS, THE TUGGERAH LAKES SECONDARY COLLEGE, LEFT THE CHAMBER AT 10.52 PM, TOOK NO PART IN DISCUSSION AND DID NOT RETURN.

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

*That an amount of \$6,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1 of the amended report.*

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

- 1 That an amended amount of \$5,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 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.*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

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

AGAINST: COUNCILLORS BEST, EATON AND STEWART.

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

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

- 1 That an amended amount of \$5,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.***
- 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.***

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

AGAINST: COUNCILLORS BEST, EATON AND STEWART.

**454 2006/2007 Annual Financial Reports**

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F2007/00501 SJG

MR DENNIS BANICEVIC, EXTERNAL AUDITOR, ADDRESSED THE MEETING AT 5.20 PM, ANSWERED QUESTIONS AND RETIRED AT 6.05 PM.

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

- 1 That the Annual Financial Reports for 2006/2007 be adopted.***
- 2 That Council grant authority to the Mayor, Deputy Mayor, General Manager and Director, Corporate Services to sign the necessary Financial Statements, in the approved form, as to the Council's opinion on the General Purpose Financial Reports, Special Purpose Financial Reports and the Wyong Shire Council Water Supply Authority financial reports as required under Section 413(2) (c) of the Local Government Act 1993 and Section 41C of the Public Finance and Audit Act 1983.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 3** *That upon receipt of the Audit Report, a copy of the Financial Statements be forwarded to the Department of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Local Government Act 1993.*
- 4** *That 14 November 2007 be fixed as the date for the presentation of the audited 2006/2007 Financial Reports and Audit Report in accordance with Section 419(1) of the Local Government Act 1993.*

**455** **2007 New Zealand Sister City Conference Report**

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F2004/07107 WJW

*It was MOVED by Councillor WELHAM and SECONDED by Councillor STEWART:*

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

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

- 1** *That the report be received and information noted.*
- 2** *That the Sister City Committee provide a report on the costs and benefits to the Wyong Shire Ratepayers of attendance at Sister City Conferences.*
- 3** *That the Sister City Committee provide a report on the costs and benefits to the Wyong Shire Ratepayers on the current Ambassador Program.*

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

FOR: COUNCILLOR GRAHAM.

AGAINST: COUNCILLORS BEST, EATON, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

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

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

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

AGAINST: COUNCILLOR GRAHAM.

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**456 International Cities, Town Centre and Community Society**

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F2004/06466 WJW

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

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

**457 Activities of the Development Assessment Unit**

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F2004/07830 NL:NL

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

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

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

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F2004/06822 DR:DR

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

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

**459 Wyong Shire Library Statistics**

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F2004/11651 JM

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

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

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

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F2004/07830 KRG:DP

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

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

**461 Works in Progress Report - General**

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F2004/07830 JEM

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

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

**462 Premature Electrification of New Estates**

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F2004/00189 SW

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

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

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

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F2006/02282 ED:MR

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

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



**QUESTIONS WITHOUT NOTICE ASKED**

**Q106 - Dog Frisbee Club at Watanobbi**

**Councillor Eaton**

F2004/11446

*“Can Council advise why the Dog Frisbee Club at Watanobbi cannot be accommodated on Council’s sportsfields and what can be done to help them?”*

**Q107 – Strathavon, Wyong**

**Councillor Eaton**

F2004/00577

*“What is the current status of Strathavon and what can be done to stop its decay?”*

**Q108 - Headland Carpark at Soldiers Beach, Norah Head**

**Councillor Best**

F2005/02402

*“Mr General Manager, my question is on behalf of residents and ratepayers who frequent our most popular northern beach, Soldiers, and the community of Norah Head.*

*On repeated occasions, Council staff have been requested to address a range of issues on the grounds of safety and aesthetics in and around the headland carpark, such as:*

- \* illegal unsecured cliff top parking*
- \* no handrails on the new 2 metre high timber stair case*
- \* rusting and unsightly wire fence and dangerous uncapped star poles*
- \* half completed stainless steel cliff top safety fencing*
- \* completely rusted out handrails on the old steep concrete steps*
- \* asbestos material in dunes*
- \* non existent carpark vegetation*
- \* frequency of rest room cleaning.*

*Could staff address these issues on behalf of the local residents and provide an information report to Council?”*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**Q109 - Colour of the Life Guards' Uniform**

**Councillor Best**

F2004/06257

*“My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?”*

**Q110 - Purchase of a 3D Fly Through Planning System**

**Councillor Stewart**

F2004/07434

*“Would Council please look at the cost of a 3D fly through planning system with a view to purchasing?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.25 PM.

.....  
CHAIRPERSON

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

**470**                    **Notice of Motion – Ferry Service between Wyong and  
The Entrance**

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CPA/105639 SG

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 14 November 2007, he will move the following Motion:

- "1    *That Council invite expressions of interest for operation of a ferry service between Wyong and The Entrance as outlined in The Entrance Strategy.*
- 2    *That Council investigate government public transport subsidies for such a service.*
- 3    *That Council investigate and report on wharf and passenger infrastructure required for such a service"*

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

**471 Notice of Motion - Strategic Direction of Fire Services**

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F2004/07102 MR

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 14 November 2007 he will move the following Motion:

- "1 *That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.*
  
- 2 *That staff report to Council an update on the strategic direction of the Rural Fire Service having regard to the changing nature of and urbanisation throughout Wyong Shire. The report should cover but not be limited to the prospects of consolidation /control and/or amalgamation of services in various locations throughout the shire."*

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

**472 Notice of Rescission – Central Coast Water Corporation**

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F2004/08792 MR

Council, at the Ordinary Meeting held on 31 October 2007 gave consideration to a Mayoral Minute No 439 regarding Central Coast Water Corporation.

At that meeting, Council resolved as follows:

- “1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:*
  - a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.*
  - b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.*
  - c To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2 That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
- 3 That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
- 4 That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
- 5 That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
- 6 That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
- 7 That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.”*

14 November 2007  
To the Ordinary Meeting of Council

### **Notice of Rescission – Central Coast Water Corporation**

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A Rescission Motion has been received from Councillors G P Best, D J Eaton and C W Veugen to be moved at the Ordinary Meeting of Council to be held on 14 November 2007, as follows:

***“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 31 October 2007 be rescinded:***

- 1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:***
  - a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.***
  - b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.***
  - c To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.***
- 2 That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.***
- 3 That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.***
- 4 That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.***
- 5 That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.***
- 6 That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.***
- 7 That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above..”***

14 November 2007  
To the Ordinary Meeting of Council

### **Notice of Rescission – Central Coast Water Corporation**

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

**“MOVE**

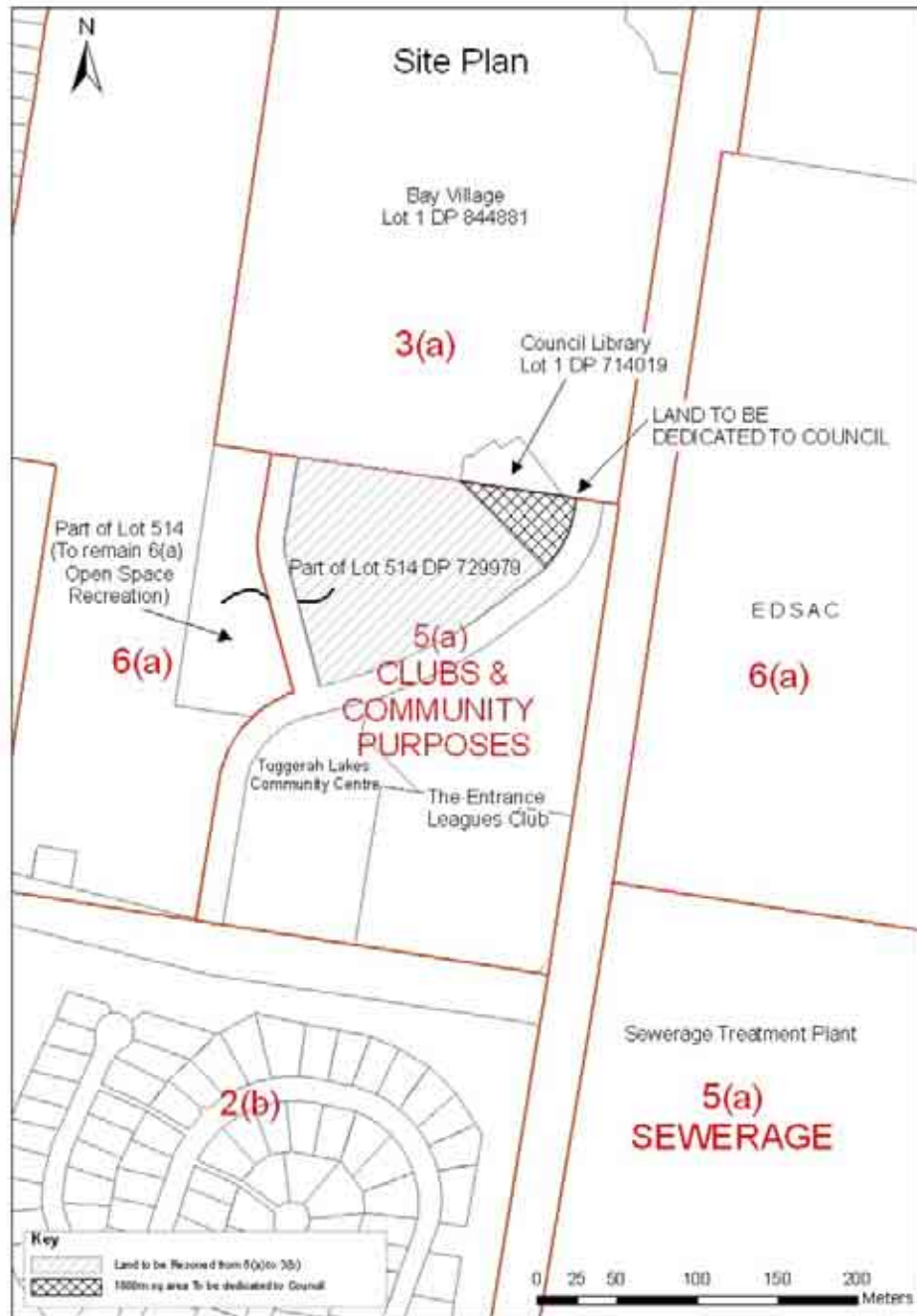
- 1 That Council support the establishment of a thoroughly independent Central Coast Water Corporation.**
- 2 That further to Council’s External Auditor, Price Waterhouse advising that it would not be financially responsible to proceed with the handover process of the Coast’s one billion dollar water supply system funded by the residents and ratepayers over the past 30 years without a thorough financial analysis.**

**Council now engage suitable expert financial analysis to review the overall impacts to Council, its staff and the prospect of increase costs to our residents and ratepayers.**

- 3 That Council advise the Minister on behalf of the residents and ratepayers/owners of the Central Coast Water Supply that as in the past three attempts by the State Government to seize control of the one billion dollar water supply and its multimillion dollar revenue stream. Council will vigorously defend its ratepayer’s right to ownership.**
- 4 That Council call on the Federal Government to support the residents and ratepayers of the Coast by intervening though reviewing their Federal powers to determine their ability to put a stop to this outrageous revenue grab by the State Government.”**

**473                    RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay  
Request to rescind part of Resolution of 14 December 2005  
(Attachment 1)**

**Locality Plan**





## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**473                      RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay  
– Request to rescind part of Resolution of 14 December 2005**

---

RZ/06/2005 JLO

### SUMMARY

Council, at its meeting on 14 December 2005, resolved to prepare a draft Local Environmental Plan for the rezoning of Lot 514 DP 7229979 from 5(a) (Special Uses – Clubs and Community Purposes) to 3(b) (Centre Support).

This resolution identified the timing for the transfer of land between the Department of Lands (DoL) and Council, as agreed to by both parties at that time. Subsequent to recent discussions with representatives of the DoL, this report requests an amendment to that timing.

<b>Applicant</b>	Department of Commerce NSW
<b>Owner</b>	NSW Department of Lands (The Crown)
<b>Application No.</b>	RZ/06/2005
<b>Description of Land</b>	Part Lot 514 DP 729979, 2-8 Bay Village Road, Bateau Bay
<b>Proposed Development</b>	Development in accordance with the 3(b) zone objectives and the expansion of the existing community facilities functions.
<b>Site Area</b>	Lot 514 is 2.495 hectares in size. The application applies to approximately 1.7 hectares of the site.
<b>Zoning</b>	The subject land is currently zoned 5(a) Special Uses (Clubs and Community Purposes) under WLEP 1991. The remainder of the site is zoned 6(a) (Open Space) and is not part of the current application.
<b>Current Use</b>	The subject land is currently fenced, cleared and vacant.
<b>Proposed Zoning</b>	It is proposed to rezone the eastern portion of Lot 514 to Zone No. 3(b) Centre Support.

### RECOMMENDATION

- 1 ***That Council rescind item 7 of resolution 615 of 14 December 2005 for preparation of Draft LEP Amendment No. 172 to Wyong Local Environmental Plan (WLEP) 1991 as follows:***
  - 7 ***That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.***
  
- 2 ***That the land to be transferred from the Department of Lands to Council be transferred in fee simple (as part of the Deed of Agreement between The NSW Department of Lands and Wyong Shire Council) and be transferred into Council ownership after Gazettal of dLEP Amendment No. 172, or the site being sold (being the date of exchange of contracts), whichever occurs first.***

**RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay – Request to rescind part of Resolution of 14 December 2005 (contd)**

---

**BACKGROUND**

Council, at its Ordinary Meeting on 14 December 2005, resolved to prepare Draft LEP Amendment No. 172 to Wyong Local Environmental Plan (WLEP) 1991 as follows:

- "1 That a draft Local Environmental Plan be prepared to rezone part Lot 514 DP 729979, Bateau Bay from Zone No 5(a) Special Uses (Clubs and Community Purposes) to Zone No. 3(b) Centre Support under Wyong Local Environmental Plan, 1991.*
- 2 That the Department of Planning be advised of the decision within 28 days.*
- 3 That the Department of Planning be further advised that Council's delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act 1979.*
- 4 That upon issue of the Section 65 Certificate, the draft Local Environmental Plan be advertised for 28 days in accordance with the NSW Department of Planning's "LEPs and Council Land: Best Practise Guidelines, January 1997" and referred to the appropriate authorities for comment.*
- 5 That should no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.*
- 6 That a Deed of Agreement be prepared between the NSW Department of Lands (The Crown) and Wyong Shire Council that transfers in fee simple part of Lot 514 to Council, at no cost, for the development of an Integrated Library and Customer Service centre.*
- 7 That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.*
- 8 That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Agreement between Wyong Shire Council and the NSW Department of Lands (The Crown).*
- 9 That Development Control Plan 2005 be amended and exhibited to guide future development on Lot 514 DP 729979, Bateau Bay.*
- 10 That the applicant be requested to submit a detailed traffic report prior to the draft Local Environmental Plan and Development Control Plan being placed on public exhibition.*

**RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay – Request to rescind part of Resolution of 14 December 2005 (contd)**

11 *That Council's Section 149 Certificates be noted."*

The timing for the agreed transfer of land between the DoL and Wyong Shire Council was identified in resolution number 7.

Subsequently, negotiations for the preparation of the draft Deed of Agreement which provided the detail for the land transfer were commenced with the Department of Commerce (DoC). However, due to the return of its project management from the DoC to the DoL, significant delays have been experienced as new staff have taken up the project. The final handover only occurred in mid 2007.

Council was unable to resolve outstanding matters with the draft Deed of Agreement during this time, given these circumstances and the lack of a project manager from the DoL. The DoL has since assigned their Manager of Crown Lands as project manager for this rezoning.

A meeting was held in September 2007 between Council staff and the Manager of Crown Lands which enabled a number of the outstanding matters to be resolved. DoL have requested that Council consent to amending the timing of the transfer of the agreed portion of Lot 514 to after the draft plan had been gazetted, instead of prior to the s69 report being issued to the Minister.

The DoL argues that this revised timing will avoid an additional agreement having to be entered into with Council and the eventual purchaser of the land. If Lot 514 is sold by the DoL prior to the transfer occurring, the new owner will have no legal obligation to transfer that 1,800m<sup>2</sup> to Council as per the agreement reached by the DoL and Council.

DoL also have advised that the tenders for the sale of Lot 514 would be called for in the near future. In alignment with the existing and proposed new resolution the transfer of the land to Council would occur when this sale goes through. There is therefore little risk to Council in amending the original resolution to transfer the land after the draft plan is gazetted, as it is more than likely that the land will be sold and finalised prior to either action occurring.

## **CONCLUSION**

The request made by the DoL for Council to amend its original resolution to transfer the land to Council ownership after gazettal of dLEP Amendment No. 172 should be supported. This resolution will enable the Deed of Agreement to be finalised, and subsequently it will enable the progression of the rezoning of the subject land.

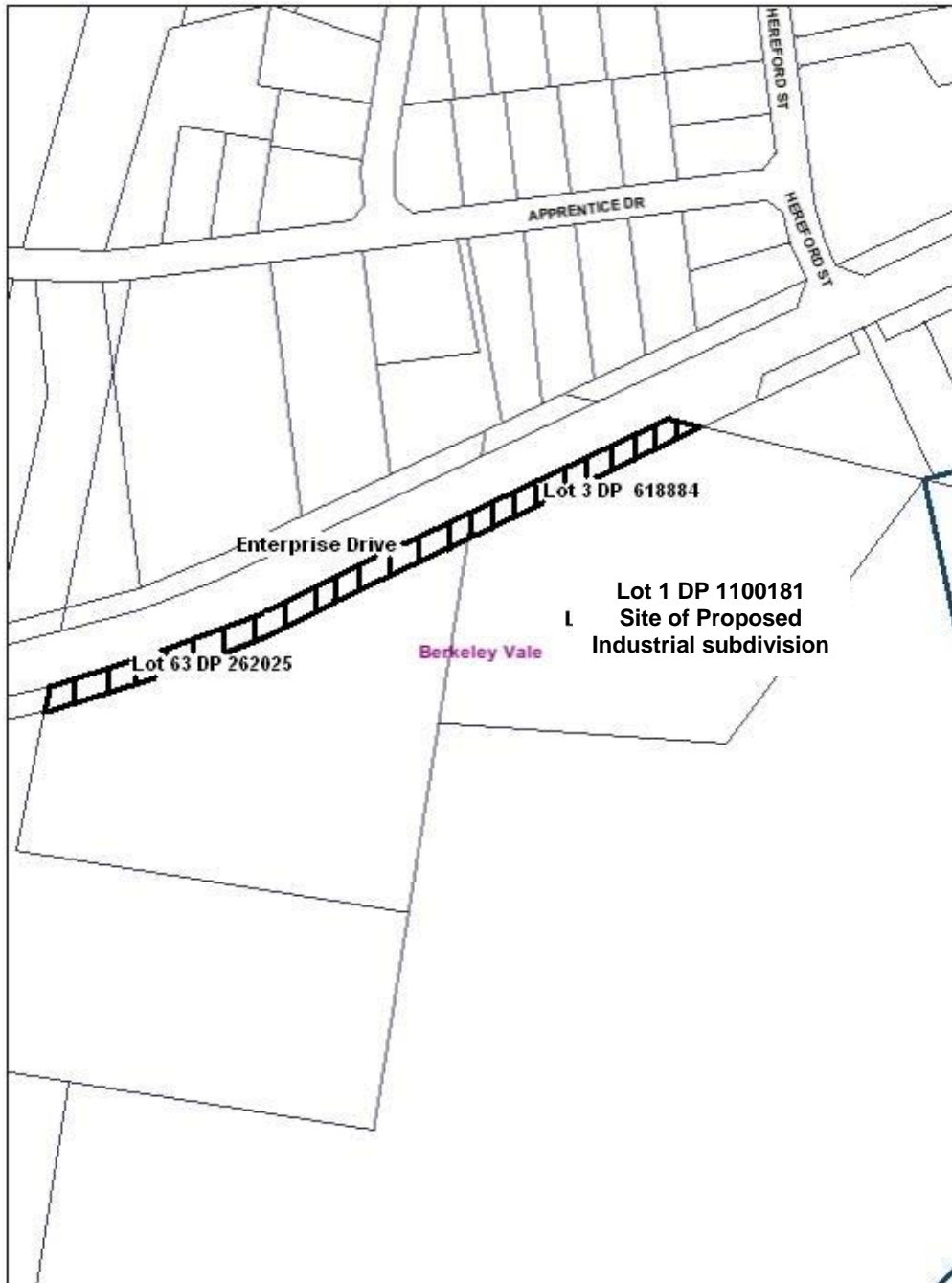
**Attachment 1**

**Locality Plan (1 page)**

**474                    Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63  
DP 262025 at Berkeley Vale as Public Road  
(Attachment 1)**

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*Plan showing the Council land affected by proposed road dedication.*



**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**474                      Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63  
DP 262025 at Berkeley Vale as Public Road**

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DA/563/1993/A PF

**SUMMARY**

Approval is sought to dedicate part of Lot 3 DP 618884 as public road for no compensation to Council to allow access from Enterprise Drive to an industrial subdivision at Berkeley Vale.

**RECOMMENDATION**

- 1     *That Council agree to dedicate part of Lot 3 DP 618884 and part of Lot 63 DP 262025 Enterprise Drive Berkeley Vale as public road at no cost to Council.***
- 2     *That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.***
- 3     *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan of dedication and associated instruments of transfer that will allow the land in Item 1 to be dedicated as public road.***
- 4     *That Council authorise the Mayor and the General Manager to execute all documents relating to the plan of dedication and associated instruments of transfer that will allow the land in item 1 to be dedicated as public road.***

**BACKGROUND**

Development Consent DA/563/1993 for a seven lot industrial subdivision of Lot 1 DP 1100181 at Enterprise Drive Berkeley Vale was granted on 28 April 1994. The development achieved commencement, and is an active approval. The granting of consent by the Health and Development Committee included the resolution that "*Council agree to dedicate part of Lot 3 DP 61884 as public road to facilitate access to the site at the applicants cost.*" A Section 96 application was subsequently made and a modified consent issued on 12 October 2006.

Lot 1 DP 1100181 has no public road access and Development Consent for that land envisages access to the development being provided via a public road connecting to Enterprise Drive over an adjoining 15 metre wide strip of land owned by Council.

Condition No. 21 of the Development Consent requires the applicant to be responsible for all costs relating to the dedication as public road of that part of Lot 3 DP 618884 as indicated on the approved development plans, required to facilitate public road access to the site.

### **Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road**

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In advance of DA/563/1993 being determined, Council at its meeting held on 13 April 1994 resolved to agree to dedicate part of Lot 3 DP 618884 as public road to facilitate access to the proposed subdivision at the applicant's cost. The Development Application assessment report agreed that the land required to provide public road access owned by Council should be dedicated at no cost to achieve the optimum development of land for employment generating development.

The applicant has now requested that Council dedicate that part of Lot 3 DP 618884 and Lot 63 DP 262025 required to provide public road access to the applicant's development site as public road.

The area of land required from Council for road is 2,590 square metres.

Council's Shire Planning Department has advised that Council should seek no compensation given that the consideration of the original application relied on the dedication of the road access and the development site is to be utilized for employment generating purposes. As an additional benefit from the development it is suggested that the revegetation of the road reserve be a condition of dedicating the land as public road.

- Attachment 1**                      ***Plan showing the Council land affected by proposed road dedication (1 page)***
- Attachment 2**                      ***Approval of Health and Development Committee 6 April 1994 and Development Consent No. 563/1993 and approved plans (10 pages)***

14 November 2007  
 To the Ordinary Meeting of Council

Director's Report  
 Corporate Services Department

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2)**

**WYONG SHIRE COUNCIL**

April 6 1994  
 To the Health and Development Committee

Director's Report  
 Health and Development  
 Department

H060  
**Proposed Industrial Subdivision at Berkeley Vale**  
 D/013652 GSS:CM

**SUMMARY**

An application has been received for the subdivision of industrial land located on the southern side of Enterprise Drive at Berkeley Vale. The application has been examined having regard to the matters for consideration detailed in Section 90 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Mepstead and Associates Pty Ltd
<b>Owner</b>	Camington Pty Ltd
<b>Application No</b>	563/93
<b>Description of Land</b>	Lot 3000 DP 815746 Bundeena Road, Glenning Valley
<b>Proposed Development</b>	Industrial Subdivision
<b>Site Area</b>	43.02 hectares
<b>Zoning</b>	7(a) Conservation, 2(b) Multiple Dwelling Residential, 4(d) Special Industrial Business and 7(i) Environmental Protection
<b>Existing Use</b>	Vacant
<b>UBD Reference</b>	Map 18 - K30

**OUTLINE**

The proposed development involves the subdivision of the area of land within the subject allotment zoned 4(d) Special Industrial Business into seven industrial lots having an average area of about 6,300 square metres. The issues of concern include access to the site through an existing public reserve buffer area and the height and location of batters to the east of proposed Lots 3 and 4.

**COMMITTEE RECOMMENDATION**

61 1 *That Council resolve to use Clause 30 of Wyong Local Environmental Plan 1991 to permit the construction of the subdivision access road through Lot 3 DP 618884, in accordance with the submitted plans.*

Doc. No.	78240		
REC'D.	13 APR 1994		
LOT	INFO	DEPT	FILE No.
✓		LOS	D/013652
RTK			

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)

April 6 1994  
To the Health and Development Committee

Director's Report  
Health and Development  
Department

H060  
**Proposed Industrial Subdivision at Berkeley Vale (contd)**

- 2 *That Council agree to dedicate part of Lot 3 DP 618884 as public road to facilitate access to the site at the applicant's cost.*
- 3 *That Council authorise the signing and sealing of all associated documents, including the subdivision application.*
- 4 *That the provisions of Clause 30 of the Wyong Local Environmental Plan 1991, be utilised to vary the zone boundary to permit the use of the adjoining 6(a) zoned land as part of the proposed subdivision.*
- 5 *That the application be referred to the Manager Development Services for determination in accordance with the decision of the Development Management Panel having regard to the matters for consideration detailed in Section 90 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.*
- 6 *That the zoning of that part of the 6(a) zoned land affected by the proposed public road be amended in the next review of the Wyong Local Environmental Plan to reflect its status as public road.*

ORDINARY MEETING DATED 13/4/94

**RESOLVED** that the report be received and the recommendation adopted.

### STATUTORY REQUIREMENTS

The proposed development is defined as a subdivision under Clause 13(1) of Wyong Local Environmental Plan 1991, and is permitted with Council's consent in accordance with that clause.

However, direct access to Enterprise Drive from the proposed subdivision is not available given that a fifteen metre wide strip of land zoned 6(a) Open Space and Recreation separates the proposed subdivision from the road reserve. This land is dedicated as public reserve, described as Lot 3 DP 618884 and is owned by Council.

*J McLachlan* *copy sent*  
PLEASE NOTE THE ABOVE RESOLUTION  
AND IMPLEMENT PART 6  
DEPUTY SHIRE CLERK  
Per: *Robbie*

*P Kavanagh*  
PLEASE NOTE THE ABOVE RESOLUTION  
AND IMPLEMENT PART  
DEPUTY SHIRE CLERK  
Per: *Robbie*



14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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April 6 1994  
To the Health and Development Committee

Director's Report  
Health and Development  
Department

### **H060 Proposed Industrial Subdivision at Berkeley Vale (contd)**

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Clause 30(1) of Wyong Local Environmental Plan 1991, allows development which is permitted in a zone, to be carried out on land in an adjacent zone within twenty metres of the boundary between the zones, with Council's consent. It is considered that the construction of the road through the Council reserve is necessary due to planning, design and servicing requirements relating to the optimum development of the subject land pursuant to subclause (2). It is therefore proposed to utilise this clause to permit the development of the road across the public reserve. Accordingly, it will be necessary for Council to agree to dedicate that part of Lot 3 required for the intersection and access road as public road to give access to the site, at the developer's cost. It is not considered appropriate having regard for the circumstances of the case, to charge the developer for the right of access. The land will remain in Council ownership but be public road.

Refusal of the application on the basis of restricted access to Enterprise Drive would be unreasonable in the circumstances given the minor area of the Council reserve to be affected.

#### **RELEVANT ISSUES**

Having regard to Section 90 of the Environmental Planning and Assessment Act, it is considered that the following matters require further consideration and are addressed in the following sections:

#### **Slip (Section 90(1)(g) and Soil Erosion (Section 90(1)(ml))**

Extensive earthworks will be involved to provide level individual allotments, with an extreme embankment up to eleven metres in height towards the eastern side of the subdivision. No details have been provided regarding geotechnical aspects of the site and a condition of consent will require that a geotechnical report detailing the excavation works and stability of the site to be submitted prior to issue of the linen plan.

A further condition of consent will require that all excavation work is to be carried out within the land zoned 4(d) Special Industrial Business and shall not affect adjoining land under a different zone. The embankments are to be adequately landscaped to prevent any soil erosion.

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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April 6 1994  
To the Health and Development Committee

Director's Report  
Health and Development  
Department

H060  
**Proposed Industrial Subdivision at Berkeley Vale (contd)**

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**CONCLUSION**

The proposed subdivision will facilitate optimum development of the land for the purposes for which it is zoned and in so doing, attract industries offering employment opportunities. It is considered that approval of the subdivision is worthy of Council's support and permission should be granted for the developer to construct the road through the Council reserve. The developer will be required to construct and dedicate the entire subdivision access road to Council, at no cost to Council.

A plan indicating the subdivision layout is attached to file.

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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GWO:KB D/013652  
Mr G O'Dell

28/04/1994

Mepstead & Assc  
PO Box 208  
PENNANT HILLS 2120

Pursuant to Section 92 of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the consent authority of development application relating to the subdivision of the subject land.

<u>Application No</u>	563/93
<u>Description of Land</u>	Lot 3000 DP 815746
<u>Address</u>	Lot 3000 DP 815746 Bundeena Rd GLENNING VALLEY 2261
<u>Development</u>	7 lot industrial subdivision of proposed lot 31

The development application has been determined by the granting of consent, subject to the conditions specified in this notice. The conditions of the consent are set out as follows:

- 1 The development taking place in accordance with the approved development plans, except as modified by conditions of this consent.
- 2 The obtaining of a Certificate of Compliance under Section 27 of the Water Supply Authorities Act 1987 for water and sewer requirements from Wyong Shire Council as Water Supply Authority prior to endorsement of a surveyor's transparency.
- 3 The payment to Council of the following contributions prior to the release of the surveyor's transparency under Section 27 of the Water Supply Authorities Act 1987, prior to a Compliance Certificate under that Act being issued, for:

Water Headworks	22.02 DU @ \$950/DU	\$20,919
Sewer Headworks	22.02 DU @ \$600/DU	\$13,212

Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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Page 2

- 4 The submission of a satisfactory stormwater drainage proposal, including the provision of necessary easements for drainage within the property and through other properties where necessary, prior to release of the surveyors transparency. Drainage works to be completed at no cost to Council prior to endorsement of the surveyor's transparency.
- 5 The control of erosion and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Engineering Requirements for Development. Details are to be provided prior to the commencement of works.
- 6 The certification to Council by a Registered Surveyor, prior to Council's endorsement of the survey plan, that all services and domestic drainage lines are wholly contained within the respective lots.
- 7 The submission of evidence, prior to release of the survey plan endorsed by Council, that satisfactory arrangements have been made with Sydney Electricity and Telecom for the provision of services provided by those authorities.
- 8 The design and construction of all subdivision works in accordance with Council's Engineering Requirements for Development which are prescribed at the time of commencement of engineering works.
- 9 All aspects of engineering design and construction should be discussed with Council's Engineering Department prior to preparation of engineering design.
- 10 Proposed names for the roads within the subdivision should be submitted for consideration and approval with the engineering design.
- 11 The making good of pavement damage or structural deterioration caused to Council's roads by the use of such roads as haulage routes for the approved development.
- 12 Requirements for the protection/reinstatement of Council's roads damaged as a consequence of the approved development will be determined upon submission of relevant details and may involve the restriction of haulage routes, limitation of loads and/or lodgement of a bond or the making of a cash contribution prior to the approval of engineering design/commencement of work.
- 13 Any clearing of the site being subject to the provision of Council's Tree Preservation Order and the cleared material being disposed of in accordance with Council's Engineering Requirements for Development.

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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Page 3

- 14 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for Category 2 development including the engagement of an approved landscape consultant and contractor for the landscaping. The design is also to address embellishment of the public reserve fronting Enterprise Drive.
- 15 The provision at no cost to Council of kerb and guttering and road construction of the frontage for the full extent of the development including the link between Enterprise Drive and the proposed subdivision road in accordance with Council's Engineering Requirements for Development.
- 16 Servicing requirements for the subdivision will include extension of water main. This will require the submission of an engineering design for Council's approval and the completion of the works in accordance with Council's Engineering Requirements for Development.
- 17 Servicing requirements for the subdivision will include extension of sewer main. This will require the submission of an engineering design for Council's approval and the completion of the works in accordance with Council's Engineering Requirements for Development.
18. The design and construction of a Type "B" intersection to urban standard for the junction of the subdivision road and Enterprise Drive. The design is to feature separate lanes for right and left movements from Enterprise Drive into the subdivision and be in accordance with Roads and Traffic Authority guidelines.
19. The submission of geotechnical details in association with the embankment or retaining measures design prior to the release of approved engineering plans.
20. All retaining wall, excavation and site works are to be designed so as not to encroach on land adjoining the subdivision which is not zoned 4(d) Special Industrial Business.
21. An assessment of any external drainage works will be determined upon submission of the detailed drainage design. Works such as gutters, headwalls etc. may be required dependent upon impact from site discharge to other property.
- 22 The applicant to be responsible for all costs relating to the dedication as public road of that part of Lot 3 DP 618884 as indicated on the approved development plans, required to facilitate public road access to the site.

The reasons for the imposition of the conditions are set out as follows:

- 1 To ensure the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the Wyong Local Environmental Plan; and

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**

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Page 4

- 2 To ensure that the local amenity is maintained and that the development does not hinder the proper and orderly use of the subject land and its surrounds.

Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

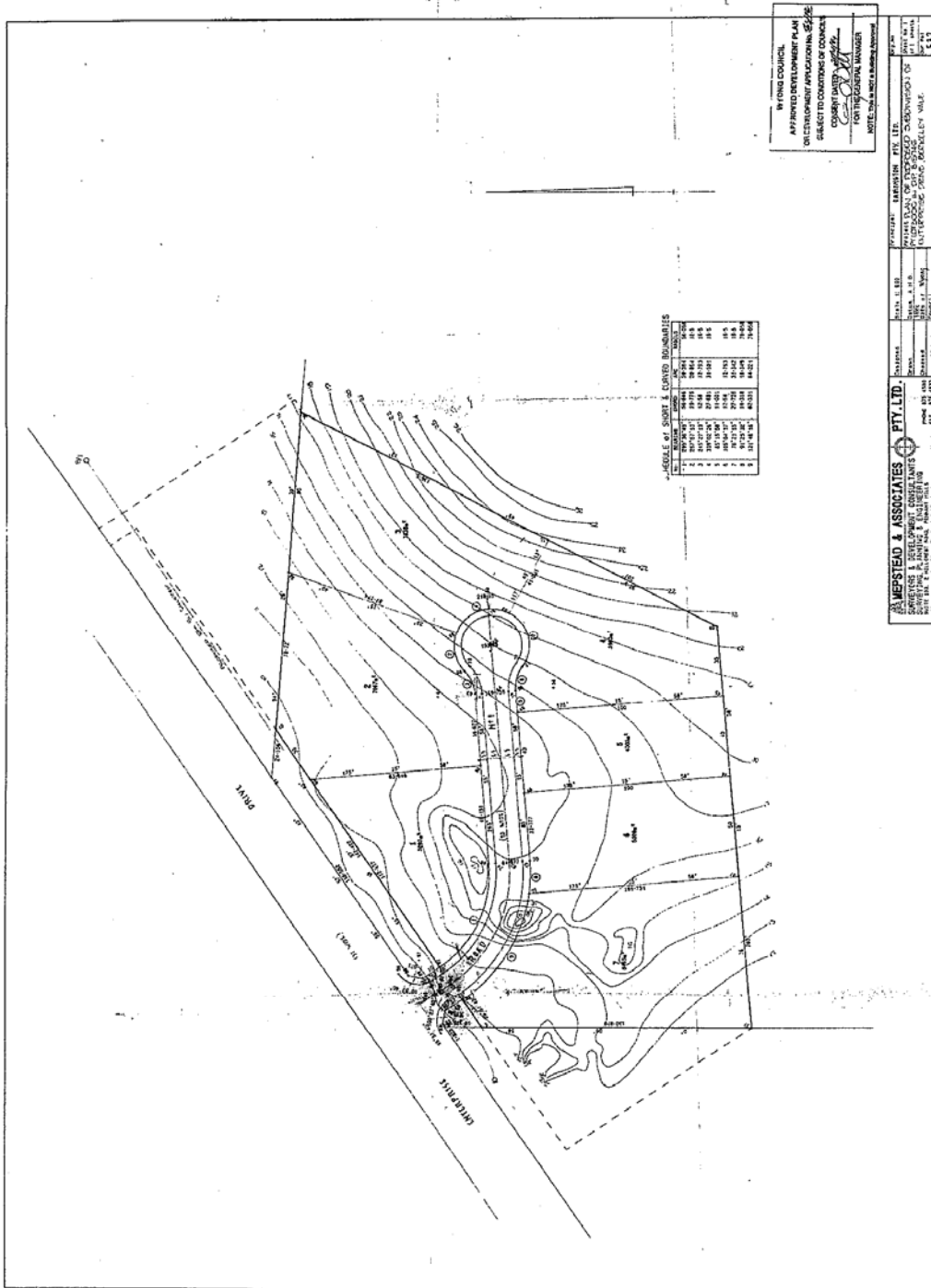
Subject to the provisions of Section 99 of the Environmental Planning and Assessment Act, where this Consent also constitutes a Development Consent under a Planning Instrument and that consent has not been commenced and/or where works specified in Section 335(1) of the Local Government Act have not been complied with, this consent shall lapse within five years of the date hereon.

Yours faithfully,



G W O'Dell  
MANAGER DEVELOPMENT SERVICES  
For The General Manager

**Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road (Attachment 2) (contd)**







**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**475 Annual Rent Review of Council Cottages**

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F2004/07036 SB

**SUMMARY**

The annual rent review for Council owned cottages has been completed by Preston Rowe Paterson Central Coast and Hunter Pty Limited.

**RECOMMENDATION**

- 1** *That the weekly rent of Council owned cottages shown as Recommended Rent for 2007/2008 in Attachment 1 to this report be approved.*
- 2** *That increased rentals apply after the statutory period of 60 days notification to the tenants.*
- 3** *That the amount of the concessions of \$52,340.08 per annum for community groups be brought to account in Council's accounting records as a donation.*

**BACKGROUND**

Valuation firm Preston Rowe Paterson Central Coast and Hunter Pty Limited of Gosford have recently completed a review of the current market rent for 25 Council owned cottages.

The valuation advises that over the past 12 months the rental market has firmed due to an under supply of rental properties within the Wyong Shire and on the Central Coast of New South Wales as a whole, which has resulted in an increase in demand for such properties. This has meant that it is more difficult for renters to secure premises generally, which in turn has increased rental amounts.

Attachment 1 to this report is a schedule of the Council owned cottages and includes itemised, the recommended rent for each cottage comparing it to current rents. Also in the schedule are two cottages owned by Council where tenancies are not proposed by Council, included to give a comprehensive list of all cottages.

The rents assessed are market rents and include an allowance for the normal management fee of 7%, incurred where properties have a managing agent. In cases where cottages are leased to Council employees and no agent is involved, a reduction of 7% from the market rent is allowed in accordance with Council's past practices. This acknowledges the economy and security of such rents collected by payroll deduction.

**Annual Rent Review of Council Cottages (contd)**

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The generally low level of rent increases has not resulted in any extraordinary increases for tenants and correspondingly any substantial impact on revenue.

Where increases in rent are proposed the required period of 60 days notice to the tenants will be observed.

The nett rental income for 2006/2007 was approximately \$163,000.00. During turnover of tenants some loss of revenue was incurred. This turnover period was also used to undertake repairs. Significant repairs were undertaken at the cottage at 14B Manning Road, The Entrance being electrical repairs to unsafe lighting in the property and the cottage at Old Maitland Road, Mardi being repairs involving new guttering, new vanity unit, kitchen cupboards, painting and carpet in the lounge/dining area to upgrade the premises prior to occupation by the new caretaker for the Mardi Water Plant. A bad debt of \$2,936.00 was incurred in respect of the cottage at 27 Emerald Place, Berkeley Vale despite prompt attention by the Managing Agent through the Rental Tribunal. Short periods of vacancy upon termination of a tenancy of cottages can account for reduction in projected rent received. The table below is a reconciliation of rents received against projections for the 2006/2007 period:

Achievable Rent for 2006/2007	\$195,000.00
Less bad debt	\$ 2,936.00
Less agents fees	\$ 9,591.00
Less vacancies due to tenant turnover and repairs	\$ 19,540.00
Nett Rental Income 2006/2007	\$162,933.00

Council is foregoing rent totalling \$1,006.54 per week or \$52,340.08 per annum in the circumstance where five Council owned cottages are let for community usage at concessional or nominal rent and these donations should be accounted for in Council's accounting records. Council's budget for 2007/2008 includes the anticipated rental income and allows for the concessions as an expenditure item offset against anticipated income.

A Council briefing was held on Wednesday, 3 October 2007 on the proposed management of Council facilities. The following outcomes were agreed at the briefing:-

- A policy is to be developed outlining guidelines to be used on the use of Council Facilities and brought back to a future briefing.
- Formal Arrangements to be organised for buildings where the tenant has exclusive use.

The policy will be developed over the coming months in conjunction with staff from the Community Services & Social Planning Sections.

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### **Annual Rent Review of Council Cottages (contd)**

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The annual concessions allowed in this report are considered appropriate at this time. The next annual rent review will take account of any policy developed in this area.

The policy is intended to ensure a consistent approach regarding the management of Council Facilities.

**Attachment 1**                      **Wyong Shire Council Annual Rent Review of Council Cottages (2 pages)**

**Annual Rent Review of Council Cottages (Attachment 1)****Wyong Shire Council Annual Rent Review of Council Cottages**

SUBURB	NO	ADDRESS	TENANT / EMPLOYEE	Reason for Council Ownership	Adopted weekly rent 2006/2007	Assessed Market Rent 2007/2008	Recommended weekly rent 2007/2008	Annual concession	COMMENT
BATEAU BAY		Morris Place	Employee	Long Jetty Depot	\$170.00	\$185.00	\$175.00		\$5 increase
BERKELEY VALE	27	Emerald Place	Tenant	Drainage	\$240.00	\$245.00	\$245.00		\$5 increase
CHARMHAVEN		Chelmsford Road	Employee	Charmhaven Depot	\$160.00	\$175.00	\$165.00		\$5 increase
FOUNTAINDALE	118	Enterprise Drive	Tenant	Road widening	\$140.00	\$145.00	\$145.00		\$5 increase
FOUNTAINDALE	110	Enterprise Drive	Tenant	Road widening	\$150.00	\$155.00	\$155.00		\$5 increase
MARDI	Lot 9	Old Maitland Road	Employee	Mardi Water Treatment Plant	\$190.00	\$205.00	\$195.00		\$5 increase
NORAVILLE	92	Budgewoi Road	Vacant	Sewer Pump Station and access	\$180.00	\$195.00	\$185.00		\$5 increase.
OURIMBAH	5	Chittaway Road	Tenant	Road widening	\$170.00	\$170.00	\$170.00		
OURIMBAH	7	Brush Road	Tenant	Road widening	\$260.00	\$260.00	\$260.00		
OURIMBAH	4	Brownlee Street	Tenant	Road widening	\$160.00	\$165.00	\$165.00		\$5 increase
THE ENTRANCE	3	Boomerang St	Workwise	Community Use	Nil	\$215.00	Nil	\$11,180.00	Community Use
THE ENTRANCE	8	Manning Rd	Tenant	Future Car park	\$200.00	\$205.00	\$205.00		\$5 increase
THE ENTRANCE	10a	Manning Rd	Employee	Future Car park	\$160.00	\$175.00	\$165.00		\$5 increase
THE ENTRANCE	10b	Manning Rd	Tenant	Future Car park	\$140.00	\$145.00	\$145.00		\$5 increase
THE ENTRANCE	14A	Manning Rd	Tenant	Future Car park	\$180.00	\$185.00	\$185.00		\$5 increase
THE ENTRANCE	14B	Manning Rd	Tenant	Future Car park	\$140.00	\$140.00	\$140.00		
THE ENTRANCE	24A	Manning Rd	Tenant	Future Car park	\$170.00	\$175.00	\$175.00		\$5 increase
TOUKLEY	15	Yaralla Road	Tenant	Future Car park	\$190.00	\$190.00	\$190.00		
TOUKLEY	49	Hammond Road	Tenant	Future Car park	\$170.00	\$175.00	\$175.00		\$5 increase

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### **Annual Rent Review of Council Cottages (Attachment 1) (contd)**

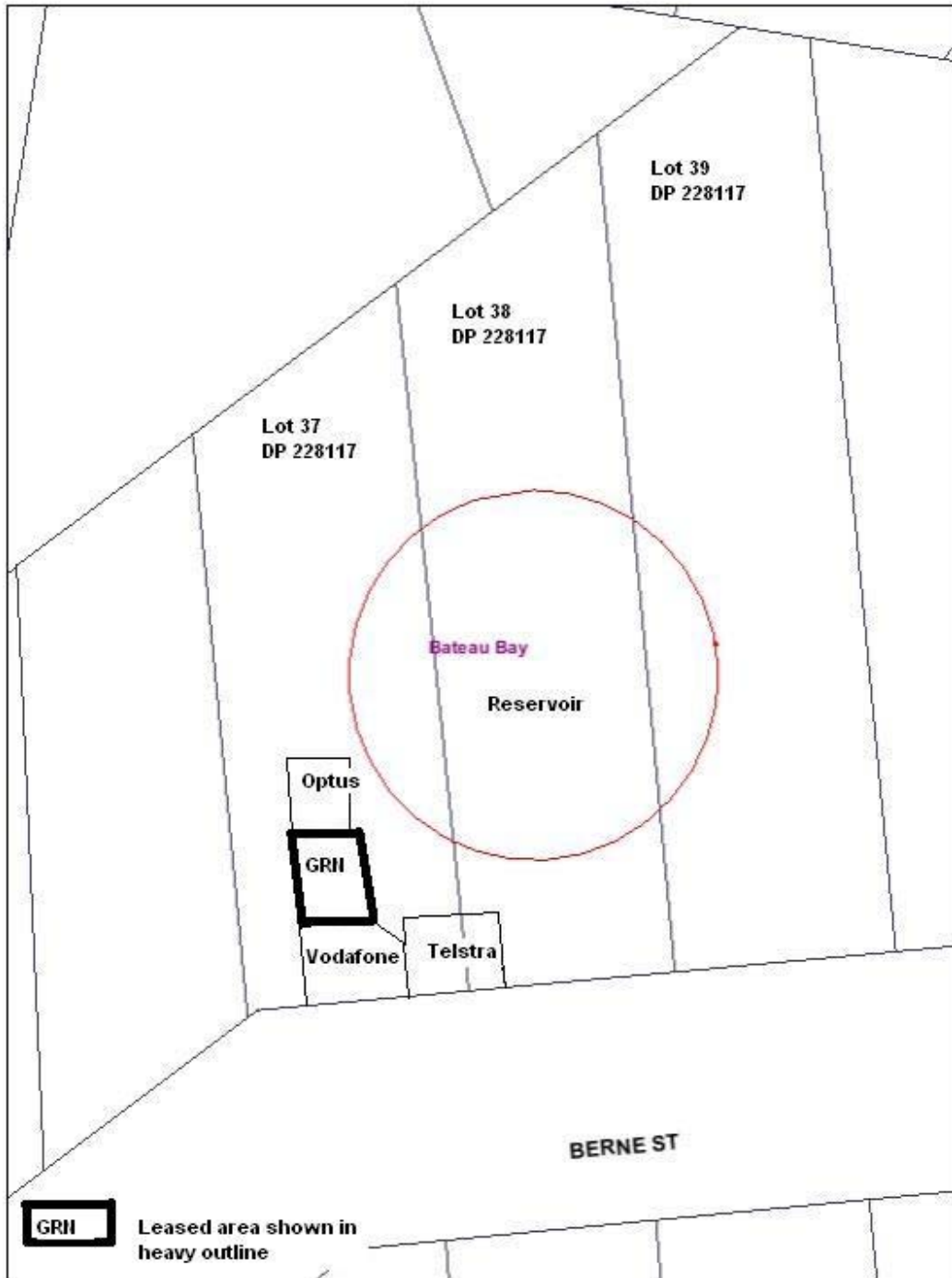
#### **Wyong Shire Council Annual Rent Review of Council Cottages (Contd)**

<b>SUBURB</b>	<b>NO</b>	<b>ADDRESS</b>	<b>TENANT / EMPLOYEE</b>	<b>Reason for Council Ownership</b>	<b>Adopted weekly rent 2006/2007</b>	<b>Assessed Market Rent 2007/2008</b>	<b>Recommend ed weekly rent 2007/2008</b>	<b>Annual concession</b>	<b>COMMENT</b>
TUGGERAH	92	Church Rd	Tenant	Sewer Buffer	\$190.00	\$195.00	\$195.00		\$5 increase
WYONG	21	Margaret Street	Child Abuse Prevention Service	Memorial Hall precinct	Nil	\$175.00	Nil	\$9,100.00	Community Use
WYONG	7	Rose Street	Northern Woman's Health Centre	Community Use	Nil	\$175.00	Nil	\$9,100.00	Community Use
WYONG	3	Margaret Street	Wyong Musical Theatre Co.	Wyong Town Park	\$50.00	\$185.00	\$50.00	\$7,020.00	Community Use
WYONG	12-14	Church Street	Wyong Family History Group	Wyong Town Park	\$18.46	\$325.00	\$18.46	\$15,940.08	Community Use. Tenant leases two rooms only. Used otherwise by community groups managed by Council.
YARRAMALONG	RMB 1426	Bunning Creek Rd	Tenant	Water Supply Tunnel	\$325.00	\$325.00	\$325.00		
GOROKAN	23	Mary St	Wyong Shire Council	Rangers Office					Occupied by Council's Rangers as Office accommodation
BUDGEWOI	192	Scenic Dr	RTA	Road widening					Managed by RTA. Premises purchased by council with RTA funds for Scenic Dr road widening. RTA maintains, insures and pays all outgoings.
<b>TOTAL WEEKLY</b>							<b>\$3,828.46</b>	<b>\$1,006.54</b>	
<b>TOTAL ANNUAL</b>							<b>\$199,079.92</b>	<b>\$52,340.08</b>	

**476                    Renewal of Lease to Department of Commerce for  
Telecommunications Network at Berne Street Reservoir,  
Bateau Bay - Part of Lot 37 DP 228117  
(Attachment 1)**

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**Locality Plan**



**WYONG SHIRE COUNCIL**

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**476                      Renewal of Lease to Department of Commerce for  
Telecommunications Network at Berne Street Reservoir,  
Bateau Bay - Part of Lot 37 DP 228117**

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F2004/08386 JMT

**SUMMARY**

Approval is sought to renew the lease of the Berne Street Reservoir site at Bateau Bay owned by Council to the Department of Commerce for use by the Government Radio Network.

**RECOMMENDATION**

- 1     *That Council lease part of Lot 37 DP 228117 Berne Street, Bateau Bay to Department of Commerce for the purpose of maintaining and operating a telecommunications network generally on the same terms and conditions that currently apply.***
- 2     *That the term of the Lease to Department of Commerce be up to a maximum of 10 years at a commencing rent of \$6,380 per annum exclusive of GST, subject to annual 5% increases.***
- 3     *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Department of Commerce.***
- 4     *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Department of Commerce.***

**BACKGROUND**

The Department of Commerce leases part of Lot 37 DP 228117 Berne St Bateau Bay, forming part of Council's reservoir site, for part of a radio transmission network operated by the Government Radio Network (GRN). The lease for a term of five years expires on 31 December 2007.

The Department of Commerce has requested that upon expiry of the current lease a new lease be granted by Council generally on the same terms with the exception a period of 10 years is desired at a commencing rental of \$6,380 per annum exclusive of GST. The proposed rent of \$6,380 represents an increase of 5% over the current rent. The lease will provide for annual 5% increases to rent as with the current lease.

**Renewal of Lease to Department of Commerce for Telecommunications Network at Berne Street Reservoir, Bateau Bay - Part of Lot 37 DP 228117 (contd)**

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The Reservoir site comprises Lots 37, 38 and 39 DP 228117 having areas of 727.2, 879 and 961.1 square metres respectively. The land is zoned Residential 2(a) and is classified as Operational and there is no legal impediment to granting the proposed lease.

The GRN site consists of a small fenced compound including an equipment shelter adjacent to an existing Vodafone facility comprising an area of approximately 18 square metres. GRN's antenna structure is located on the Vodafone monopole. The arrangement with GRN is in line with the co-location principle aimed at reducing the proliferation of structures and the leasing arrangement will be consistent with the term of the lease held by Vodafone which expires in 2024.

Council's Shire Services and Shire Planning Departments have no objections to the proposal.

GRN is an initiative of the NSW Government aimed at improving radio communications for Government agencies, in particular Emergency Services. GRN is not a commercial or public telecommunication service network and expenses are recovered from government organisations with a substantial subsidy from NSW Treasury. The network is restricted to use by Government organisations such as Ambulance, Fire Brigades, Rural Fire Services, State Emergency Services, etc.

The Reservoir site at Berne St currently accommodates commercial telecommunication carriers, Vodafone, Optus and Telstra and rent for those leases is \$23,217 per annum each. MJD Valuers acting for Council has assessed rent at \$6,000 exclusive of GST on the basis of the community service provided by the GRN Network. The valuer in assessing the rent has considered comparable rentals for sites leased to organisations that operate a similar community service network.

The current lease provides for 5% annual increases to the rent. If that were applied to the current rent at the end of the current term, rent from 1 January 2008 would be \$6,380 per annum. The Department of Commerce has agreed to that amount as the commencing rent for a new lease if granted by Council.

**Attachment 1**

**Locality Plan (1 page)**



## WYONG SHIRE COUNCIL

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**477 Local Government Election – September 2008**

F2007/01531 ED

**SUMMARY**

Advice received from Electoral Commission NSW of arrangements for the 2008 Local Government Election.

**RECOMMENDATION**

- 1** *That Council make formal representations to Electoral Commission NSW and the local State and Federal Members of Parliament seeking their assistance in having the cost to be borne by Council, reduced.*
- 2** *That should item 1 above not result in a positive outcome, Council apply to pay the cost of the 2008 Local Government Election over four years.*
- 3** *That the Tony Sheridan Function Room at the Civic Centre, be offered to the Electoral Commission NSW as accommodation for the Returning Officer and principal polling place.*

**BACKGROUND**

Earlier this year, Council was advised by the Electoral Commission NSW that independent auditors had been retained to review the pricing structure of local government elections and to recommend a pricing structure based on a full cost recovery model. The pricing structure recommended and subsequently adopted by the Electoral Commission is:

- \* Election management fee of \$195 per hour for staff members;
- \* Casual staff to be charged at cost with no overhead added;
- \* Disbursements (printing, postage, ballot papers, etc) to be charged at cost with no overhead; and
- \* Legal costs to be at Crown Solicitor's invoice with no overhead.

The above results in an estimated cost to this Council for the conducting of the 2008 Local Government election of **\$697,400**.

On 12 September 2007, a Client Services Officer from the Electoral Commission NSW met with staff to discuss proposed arrangements for the 2008 Local Government Elections. The following information was provided at that meeting:

### **Local Government Election – September 2008 (contd)**

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- 1 The date of the election will be Saturday 27 September 2008.
- 2 The closing date for inclusion on the electoral roll will be 18 August 2008.
- 3 The Council will be required to meet the full cost of the election and the only ways to reduce costs were:
  - a to reduce the number of polling booths
  - b to have the returning officer located on Council premises.
- 4 The estimate does not take in to account costs associated with referendums / polls.
- 5 It may be possible to pay the cost of the election over a number of years rather than as a lump sum.

### **FINANCIAL IMPLICATIONS**

The cost to Council of the 2004 local government election was \$260,000 and accordingly a figure of \$300,000 was included in Council's forward budget model for 2008/2009 to cover the cost of the 2008 election. The initial estimate provided by the Electoral Commission of \$697,400 identifies a possible budget shortfall of approximately \$400,000. Given the significant impact of the charges, it is recommended that representations be made to the Electoral Commission.

The Electoral Commission is currently undertaking a review of all local Council polling places and will shortly supply a proposed list to Council for input / comments.

In an endeavour to overcome the need to pay commercial rent for premises for the returning officer for the time leading up to and just after the election (mid August to mid October 2008), it is suggested that the Tony Sheridan Function Room be offered to the Electoral Commission as the principal polling place.

**Attachment 1**  
**Enclosure**

**List of Polling Places and Votes Cast (3 pages)**  
**Map showing Wards and Polling Places**

**Local Government Election – September 2008 (Attachment 1)****LIST OF POLLING PLACES AND VOTES CAST**

<b>A WARD</b>		
<b>Location</b>	<b>Booth Name &amp; Address</b>	<b>Votes Cast</b>
Budgewoi Central	Budgewoi Public School Lukela Ave, Budgewoi	1,789
Buff Point	Budgewoi Scout Hall 48 Narambi Rd, Buff Point	1,648
Charmhaven	Charmhaven Community Hall Narara Ave, Charmhaven	1,142
San Remo	San Remo Neighbourhood Centre 28 Brava Ave, San Remo	1,874
Blue Haven	Blue Haven Public School 37 Colorado Dr, Blue Haven	2,406
Gorokan North	Gorokan Public School Dudley St, Gorokan	2,599
Gorokan South	Gorokan Progress Hall Brennon Rd, Gorokan	1,307
Kanwal	Kanwal Public School Craigie Ave, Kanwal	2,898
Lake Haven	Gorokan High School Goobarabah Ave, Lake Haven	1,781
Summerland Point	Summerland Point Hall Cams Blvd, Summerland Point	1,203
Gwandalan	Gwandalan Community Hall 1 Koowong Rd, Gwandalan	1,546
Chain Valley Bay	Chain Valley Bay Community Hall Scaysbrook Ave, Chain Valley Bay	951
Lake Munmorah	Lake Munmorah Senior Citizens Club Lot 1 Acacia Ave, Lake Munmorah	2,692
Mannering Park	Mannering Park Community Centre Dunvegan St, Mannering Park	1,317
Norah Head	Norah Head Community Hall Bungary Rd, Norah Head	992
Toukley (East)	Toukley Neighbourhood Centre Hedor St, Toukley	1,555
Toukley (West)	Toukley & District Senior Citizens Club 1 Hargraves St, Toukley	1,784

**Local Government Election – September 2008 (Attachment 1) (Contd)****LIST OF POLLING PLACES****A WARD (Contd)**

<b>Location</b>	<b>Booth Name &amp; Address</b>	<b>Votes Cast</b>
Tacoma	Tacoma Public School Hillcrest Ave, Tacoma	431
Tuggerawong	Tuggerawong Progress Hall Tuggerawong Rd, Tuggerawong	524
Wyongah	Wyongah Progress Association 159a Tuggerawong Rd, Wyongah	888
Wadalba	Wadalba Community School Orchid Way, Wadalba	197
Warnervale	Warnervale Public School Lot 75 Warnervale Rd, Warnervale	1,998
Woongarra *	Woongarra Public School 63 – 73 Mataram Rd, Woongarra	-

\* Added since 2004 election

**B WARD**

<b>Location</b>	<b>Booth Name &amp; Address</b>	<b>Votes Cast</b>
The Entrance North	Glenvale Special School Hutton Rd, North Entrance	638
The Entrance	The Entrance Community Centre Cnr The Entrance Road and Campbell Street, The Entrance	1,818
Toowoan Bay	1 <sup>st</sup> Tuggerah Lakes Scout Group Kitchener Rd, Long Jetty	1,040
Long Jetty	Long Jetty Senior Citizens Committee 6 Thompson St, Long Jetty	1,488
Bateau Bay	Tuggerah Lakes Secondary College – The Entrance Campus The Entrance Rd, Bateau Bay	2,293
Bateau Bay (Central)	Nareen Gardens Retirement Village Bias Ave, Bateau Bay	867
Bateau Bay (East)	Bateau Bay Public School Waratah St, Bateau Bay	1,967
Bateau Bay (South)	Banksia Family Centre 7 Sir Josephs Banks Dr, Bateau Bay	1,401
Bateau Bay (West)	Youth Cottage, Debra Ann Drive Bateau Bay	406

**Local Government Election – September 2008 (Attachment 1) (Contd)****B WARD (Contd)**

<b>Location</b>	<b>Booth Name &amp; Address</b>	<b>Votes Cast</b>
Killarney Vale	Brooke Ave Primary School Brooke Ave, Killarney Vale	3,544
Killarney Vale	Killarney Vale Public School Henricks Rd, Killarney Vale	1,422
Tumbi Umbi	Tumbi Community Hall Roberta St, Tumbi Umbi	1,070
Berkeley Vale	Berkeley Vale Public School Henry Parkes Dr, Berkeley Vale	2,841
Berkeley Vale (North)	Myrtle Brush Park Community Hall Panorama Ave, Berkeley Vale	1,284
Chittaway Point	Chittaway Point Hall Sunshine Ave, Chittaway Point	418
Chittaway (South)	Chittaway Bay Primary School Chittaway Rd, Chittaway Bay	2,667
Mardi	Woodbury Park Community Centre Woolmers Cr, Mardi	743
Tuggerah	Tuggerah Community Hall Anzac Rd, Tuggerah	952
Ourimbah	Ourimbah Public School 121 Pacific Hwy Ourimbah	2,178
Jilliby	Jilliby Primary School Jilliby Rd, Jilliby	558 A ward only
Yarramalong	Yarramalong Public School Yarramalong Rd, Yarramalong	275
Kulnura	Kulnura Hall Cnr Greta Rd & George Downes Dr, Kulnura	197

**BOTH A & B WARD**

<b>Location</b>	<b>Booth Name &amp; Address</b>	<b>Votes Cast</b>
Watanobbi	Wyong Public School Cutler Dr, Wyong	A Ward 126 B Ward 1,485
Wyong	Wyong Memorial Hall Anzac Ave, Wyong	A Ward 446 B Ward 1,357
Wyong (East)	Wyong Anglican Church 27 Byron St, Wyong	A Ward 64 B Ward 665

**WYONG SHIRE COUNCIL**

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**478 Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

**SUMMARY**

Councillors proposed the following allocation of funds for expenditure from Councillors' Community Improvement Grants.

**RECOMMENDATION**

*That an amount of \$8,945 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*

**BACKGROUND**

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

**Attachment 1**

***Councillors' Community Improvement Grants 2007/2008  
(2 pages)***



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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Jesse's Voice Ltd	Assist with a Christmas Program called "Santa Scooter"	250										250
Mingaletta Corporation	Assist with costs associated with Deadly Young Indigenous (DYI) Surf Program. Various surf clinics from Dec 07 to Feb 08 with competition day March 2008									250		250
The Entrance Amateur Swimming Club	Assist to provide a secure and hygienic storage cupboard within the kitchen area of the clubrooms	50		200		100					150	500
The Entrance Pre-School Kindergarten	Assist with landscape and construction of garden/retaining wall/screen and trees planted to improve visual appeal and safety	50		400		215				250		915
Tuggerah Lakes Secondary College - The Entrance Campus	Assist to fund students to participate in "Australian Business Week" program					250	200	200			200	850
<b>Total Proposed Allocations for 14/11/2007</b>		<b>980</b>	<b>0</b>	<b>2,300</b>	<b>250</b>	<b>765</b>	<b>1,400</b>	<b>600</b>	<b>0</b>	<b>1,400</b>	<b>1,250</b>	<b>8,945</b>
<b>Total Accumulated Allocations as at 14/11/2007</b>		<b>4,780</b>	<b>2,100</b>	<b>5,600</b>	<b>3,200</b>	<b>1,015</b>	<b>5,695</b>	<b>2,195</b>	<b>6,600</b>	<b>5,700</b>	<b>5,350</b>	<b>42,235</b>
<b>Deferred Allocation Stop Korean Coal Mining Subject to Report 14/11/2007</b>		<b>500</b>	<b>500</b>							<b>300</b>		<b>1,300</b>
<b>Deferred Allocations Pending further information 31/10/07 - Friends of Toukley</b>		<b>500</b>	<b>500</b>									<b>1,000</b>
<b>Pending Allocations to next meeting or requiring further information</b>							<b>1,000</b>	<b>200</b>	<b>450</b>	<b>200</b>		<b>1,850</b>
<b>Total of Pending Allocations</b>		<b>1,000</b>	<b>1,000</b>				<b>1,000</b>	<b>200</b>	<b>450</b>	<b>500</b>		<b>4,150</b>
<b>Balance of Accumulated and Pending Allocations</b>		<b>5,780</b>	<b>3,100</b>	<b>5,600</b>	<b>3,200</b>	<b>1,015</b>	<b>6,695</b>	<b>2,395</b>	<b>7,050</b>	<b>6,200</b>	<b>5,350</b>	<b>46,385</b>
<b>Balance of Uncommitted at 14/11/2007</b>		<b>1,720</b>	<b>4,400</b>	<b>1,900</b>	<b>4,300</b>	<b>6,485</b>	<b>805</b>	<b>5,105</b>	<b>450</b>	<b>1,300</b>	<b>2,150</b>	<b>28,615</b>



## WYONG SHIRE COUNCIL

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### **479 Stop Korean Coal Mining**

F2007/00729 SG

#### **SUMMARY**

Report on information supplied by Stop Korean Coal Mining (SKCM) in support of the Councillors' Community Improvement Grants application.

#### **RECOMMENDATION**

***That an amount of \$1,300 be allocated to Stop Korean Coal Mining from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.***

#### **BACKGROUND**

Council at its meeting held on 10 October 2007, considered Report No 427 – Proposed Councillors' Community Improvement Grants and resolved, in part, as follows:

- 2 *That the allocations, totalling \$1,300 nominated to Stop Korean Coal Mining be deferred pending the preparation of a report by staff.*
- 3 *That staff prepare a report on Stop Korean Coal Mining that includes;*
  - a *an outline of their goals and objectives*
  - b *a copy of their constitution*
  - c *a copy of their membership list*
  - d *a copy of minutes of meetings, and*
  - e *a copy of their submission to the State Government Strategic Inquiry into the potential impacts of coal mining in Wyong Shire."*

The Stop Korean Coal Mining group have now supplied the information requested.

#### **Goals and Objectives**

Goals and objectives of the group are contained in point 2 of the "draft Constitution" referred to in Enclosure 1.

#### **Constitution**

Stop Korean Coal Mining have advised that they are not an incorporated group and as yet have not held a General Meeting and because of this the Constitution is only in draft at this stage. The General Meeting will be held later this year. Enclosure 1 is a copy of the "draft Constitution" of the group.

## **Stop Korean Coal Mining (contd)**

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### **Membership List**

Enclosure 1 is a copy of the full membership list of SKCM and their roles in the group.

### **Minutes of Meetings**

The inaugural meeting of the SKCM was held on 26 July 2007 where the group elected members to specific roles. Further meetings were held on 23 August, 4 September, 18 September, 2 October and 16 October 2007. Enclosure 2 is a copy of the aforementioned minutes.

### **Submission to the State Government Strategic Inquiry**

There were three submissions to the State Government Strategic Inquiry into the potential impacts of coal mining in Wyong Shire by members of the SKCM. Only one submission was sent on behalf of the group with two individual applications sent to the inquiry from who are members of SKCM.

The SKCM submission and individual submissions from members are attached as Enclosure 3.

In order to be considered for funding through Councillors' Community Improvement, the application must meet certain criteria under the appropriate category. The Policy states as follows:

#### **"4 Eligible Criteria**

##### **4.1 Category One – Community / Service / Charitable Groups, Organisations or Individuals**

**4.1a In order to be eligible for consideration for Councillors' Community Improvement Grants funding for Category 1 the applicant must be an individual, or an official representative of a group or organisation that:**

- has a community, service or charitable purpose,
- **provides a benefit to the residents of Wyong Shire, and**
- **the funding sought must be used to facilitate that role."**

## **Stop Korean Coal Mining (contd)**

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As the application from Stop Korean Coal Mining meets the above criteria it is recommended for the funding to be approved.

***Attachment 1***

***Councillors' Community Improvement Grants 2007/2008  
(1 page)***

***Enclosure 1***

***Constitution and Membership List***

***Enclosure 2***

***Minutes of Meetings 26 July 2007 – 16 October 2007***

***Enclosure 3***

***Submission from Mr John Lewer, Chairperson of Stop Korean Coal Mining and Individual Submissions from members Ms Sharon Salmi and Mr Ken Scales to the State Government Strategic Inquiry***

**Stop Korean Coal Mining (Attachment 1)**

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 14/11/2007		4,780	2,100	5,600	3,200	1,015	5,695	2,195	6,600	5,700	5,350	42,235
Available allocation as at 31/10/07		2,720	5,400	1,900	4,300	6,485	1,805	5,305	900	1,800	2,150	32,765
Proposed Allocations for 14 November 2007												
Stop Korean Coal Mining	Assist with general administration, printing of community flyers, garments, banners and staging community information forums	500	500							300		1,300
Total Proposed Allocations for 14/11/2007		500	500	0	0	0	0	0	0	300	0	1,300
Total Accumulated Allocations as at 14/11/2007		5,280	2,600	5,600	3,200	1,015	5,695	2,195	6,600	6,000	5,350	43,535
Deferred Allocations Pending further information 31/10/07 - Friends of Toukley		500	500									1,000
Pending Allocations to next meeting or requiring further information							1,000	200	450	200		1,850
Total of Pending Allocations		500	500				1,000	200	450	200		2,850
Balance of Accumulated and Pending Allocations		5,780	3,100	5,600	3,200	1,015	6,695	2,395	7,050	6,200	5,350	46,385
Balance of Uncommitted at 14/11/2007		1,720	4,400	1,900	4,300	6,485	805	5,105	450	1,300	2,150	28,615

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**480 Use of Chittaway Point Hall**

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F2004/11423 RIA

**SUMMARY**

Further report on the use of Chittaway Point Hall.

**RECOMMENDATION**

- 1** *That the Chittaway Point Hall be retained as a Community Facility.*
- 2** *That Council continue to support the Section 355 Committee of the Chittaway Point Hall in the promotion of the facility.*
- 3** *That the Chittaway Point Hall 355 Committee be advised accordingly.*

**BACKGROUND**

At the Ordinary Meeting of Council held on 11 May 2005 a report examined the most efficient and effective way to provide community facilities in the Berkeley Vale/Chittaway areas. The report recommended that "*Council close Chittaway Point Hall and existing user groups be relocated to the Berkeley Centre or other appropriate venues*". It was subsequently resolved:

- "1 That Council not close Chittaway Point Hall at this time.*
- 2 That a report be brought back within three months on the method of casual hire and the accounting of income from such activities."*

A report based on recommendation 2 above was submitted to the Ordinary Meeting of Council held on 23 January 2006, when it was resolved:

- "That the usage of the hall be monitored until 30 June 2006 and a report be presented to Council in July 2006 regarding its future".*

**Use of Chittaway Point Hall (contd)**

A further report was submitted to the Ordinary Meeting of Council held on 27 September 2006, when it was resolved:

- “1 That the Chittaway Point Hall be retained as a Community Facility in the short term.
- 2 That the usage of Chittaway Point Hall be continued to be monitored and reviewed again on June 30 2007 and a report be presented to Council in July 2007.
- 3 That the 355 Committee be advised accordingly.”

Staff are in receipt of the 355 Committee's list of hall usage for the 12 month period to 30 June 2007 together with the annual audited financial statement to 31 December 2006. The Committee has had minimal success in attracting new permanent hirers to the facility. Twelve months ago, there were two permanent hirers using the facility and at the end of June 2007 there were six permanent hirers. However, two of those existing groups will not require the facility from July 2007. Casual bookings have also increased slightly during 2006/07 to 33 separate bookings, representing 218 hours of use. The Committee has reduced expenditure by over \$3,000 from the previous year. Maintenance has not been compromised during the period as the savings were realised by a number of maintenance issues being addressed in the previous year. A summary of Hall usage, as provided by the 355 Committee and Income and Expenditure comparisons, as provided by Council's auditing staff, is as follows:

2005/06	2006/07
<b>Permanent Groups</b> (Weekly or Monthly use)	<b>Permanent Groups</b> (Weekly or Monthly use)
Church Group (currently 5 hours per month)	Church Group (currently 5 hours per month)
Yoga Group (currently 1.5 hours per week)	Yoga Group (currently 1.5 hours per week)
	Personal Development Group* (2.5 hours per week)
	Hellenic Greek Dancing (currently 1 hour per week)
	Karate Class* (2 hours per week)
	Exercise Class (currently 1 hour per week)
	*Not using from July 2007
<b>Casual Hirers</b> (one off use)	<b>Casual Hirers</b> (one off use)
24 bookings	33 bookings
<b>Rental Income</b> (Jan – Dec financial year)	<b>Rental Income</b> (Jan – Dec financial year)
\$2,655	\$3,114
<b>Running Costs &amp; Maintenance</b> (Jan- Dec financial year)	<b>Running Costs &amp; Maintenance</b> (Jan – Dec financial year)
\$5,737	\$2,227

### **Use of Chittaway Point Hall (contd)**

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Council has reviewed the 355 Committee's Bank statement as at 30 June 2007 that indicates a balance of \$7,083.

Undoubtedly, the greatest deterrent for potential hirers is the size of the facility (only 102 m<sup>2</sup>), and the lack of kitchen facilities (no cooking appliances). There are other facilities that have less usage than this facility and these include Norah Head, Chittaway Bay (permanently let to the Hellenic Community), Kulnura Halls and the Wyong Community Cultural Centre. Chittaway Point hall has similar usage to the Budgewoi Scout Hall.

The Chittaway Point Hall is situated on Sunshine Reserve and is adjacent to Ourimbah Creek, in which a boat ramp has also been constructed at the end of Sunshine Avenue. Past 355 Committees have installed an undercover barbecue adjacent to the hall and Council has also installed playground equipment on the Reserve. Observations would indicate that the barbecue, public toilets, boat ramp and playground equipment are used extensively during weekends of fine weather by small community groups and clubs, boating enthusiasts and families.

While there has been little cost impost on Council's Buildings Maintenance budget over the past several years, there are a number of long term maintenance issues that are likely to occur within the next 10 years that include the possible replacement of the iron roof of the building, internal and external painting, etc. The 355 Committee does not hold adequate cash reserves at present to meet any major unplanned structural works and, as a consequence, should such works be required they would have to be funded by Council. Following a review by Council's Building Maintenance section, the current estimate to address P1 and P2 items is \$7500 which is being addressed by the 355 Committee. P1 items represent issues that should be addressed immediately whereas P2 items represent issues that should be addressed within the next 12 months. The only other potential work over the next 10 years could be the replacement of existing roof at an estimated cost of \$6200 based on 2007 prices. Depending upon the financial status of the 355 Committee it is likely that the cost of these repairs will be Council's responsibility to fund.

The hall currently provides a sense of community hub for Chittaway residents and any loss of such a facility would create challenges for existing hall users in accessing alternate accommodation options in the immediate area. However there are a number of options including the new Berkeley Centre which could accommodate most users and has superior facilities but may not be as conveniently located for the Chittaway residents.

This report has been delayed in its submission due to staff seeking a more detailed breakdown in hall usage and further consideration in merits of not demolishing the hall. Further analysis and consideration was also required in relation to impact of any closure.

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**481                      Public Presentation of 2006/2007 Audited Annual Financial Reports**

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F2007/00545 BMD

**SUMMARY**

Section 419(1) of the Local Government Act 1993 requires Council to present its audited financial reports, together with the auditor's reports, at a meeting of the Council.

**RECOMMENDATION**

***That the Audited Annual Financial Reports for 2006-07 be received and noted.***

**BACKGROUND**

At its meeting of 31 October 2007 Council resolved:

*"That 14 November 2007 be fixed as the date for the presentation of the audited 2006/2007 Financial Reports and Audit Report in accordance with Section 419(1) of the Local Government Act 1993."*

Public notice was, in accordance with Section 418 of the Local Government Act 1993, provided by way of advertisement in the Express Advocate on Wednesday 7 November 2007.

In accordance with Section 420, of the Local Government Act 1993, submissions in relation to the audited financial and auditor's reports must be in writing and lodged with Council within seven days of this meeting. Written submissions will be accepted up to and including 21 November 2007.

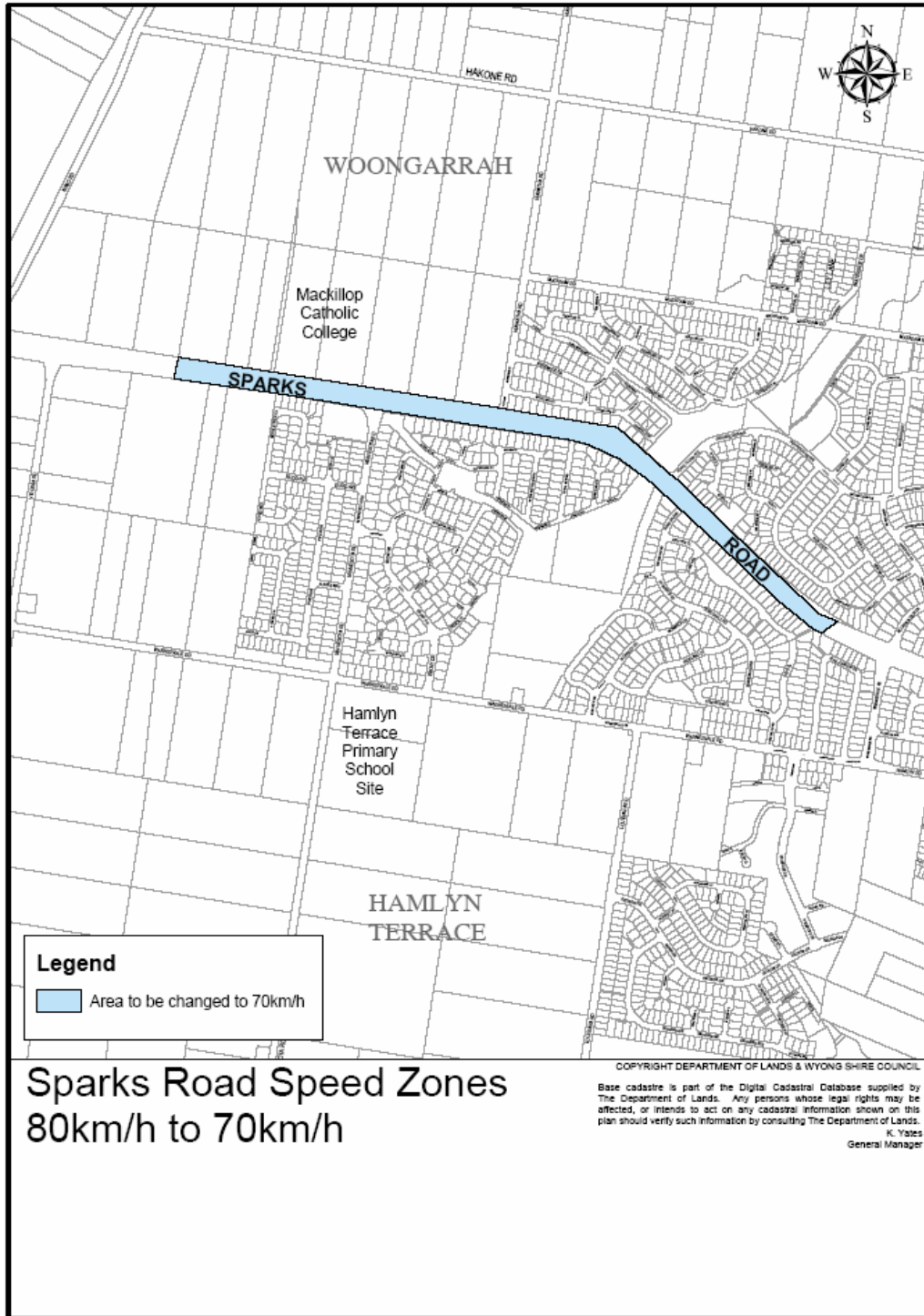
Any written submissions received will be forwarded to Council's Auditor



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**482 Proliferation of Speed Zones  
(Attachment 1)**

**Proposed Speed Reduction Location Plan**



## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**482 Proliferation of Speed Zones**

F2004/06696 AP: MD

**SUMMARY**

Advice from the Roads and Traffic Authority (RTA) in response to Council's Notice of Motion in regard to the proliferation of speed zones across the Shire.

**RECOMMENDATION**

- 1** *That the response from the RTA in regard to the proliferation of speed zones across the Shire be noted.*
- 2** *That, in regard to the request by the RTA for the reduction in speed limit on Sparks Road, Woongarra, that the RTA be advised that Council supports the proposal.*

**BACKGROUND**

Council, at its meeting held on 22 August 2007 resolved as follows:

- "1 That due to growing community concern and confusion over the proliferation of speed zones across the shire, Council as a matter of urgency requests the Roads and Traffic Authority to review speed zones implementation policy with a view to streamlining speed zones where possible.*
- 2 That as Wyong Shire has a reportedly high incidence of speeding infringements, Council recognise where possible speed zone uniformity may assist genuine and responsible motorists while free up valuable policing resources.*
- 3 That Council reiterate its support for all school zones to have flashing warning lights."*

At that meeting, it was noted that this issue had been raised on behalf of local Warnervale residents who have identified on one road alone five speed zones in just 4.5 kms which did not include school zones.

This resolution was actioned by way of a letter to the RTA outlining Council's concerns and reiterating Council's support for all school zones to have flashing warning lights. The RTA has responded to this letter and a copy is attached as Attachment 2.

## **Proliferation of Speed Zones (contd)**

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### **Reduction of Speed Limits – Sparks Road, Woongarra**

In addition to the above, the RTA has requested Council's concurrence to its proposal to reduce the speed limit on Sparks Road, Woongarra. The following is an extract from an email received from the RTA on 9 October 2007.

*'The RTA is currently investigating a reduction in the speed limit on Sparks Road from 80km/h to 70km/h from a point 490 metres west of Minnesota Road to a point 210 metres west of Mountain View Drive, which is the start of the existing 70km/h zone. This will eliminate the 80km/h zone and extend the existing 70km/h zone to 2.35km in length.*

*The reduced limit is consistent with current speed zoning guidelines, will consolidate the number of speed zone changes and assist in slowing the speed of traffic approaching the Minnesota Road Traffic Signals.*

*Could you please advise if you have no objection to the proposal.'*

The regulation of speed zones falls under the jurisdiction of the RTA. Whilst the Wyong Shire Traffic Committee can review proposals such as the one above on an informal basis, it does not have authority under its *Delegation* to make any *formal* recommendations to Council or to the RTA in this regard.

Given Council's concerns regarding the proliferation of speed zones in the Shire; and the comment made by the RTA that this proposal will consolidate the number of speed zone changes on Sparks Road, it is recommended that the RTA be advised that Council supports the proposal.

**Attachment 1**  
**Attachment 2**

**Proposed Speed Reduction Location Plan (1 Page)**  
**Letter from RTA dated 29 September 2007 (1 Page)**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

## **Proliferation of Speed Zones (Attachment 2)**

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505.5578/8  
07\_1807



Mr Grant Williams  
Works Engineer  
Wyang Shire Council  
PO Box 20  
WYONG NSW 2259

### **WYONG SHIRE SPEED ZONES**

Dear Mr Williams

I refer to your letter dated 13 September 2007 regarding speed zoning throughout the Wyong Shire.

When establishing speed limits on roads throughout NSW the RTA must consider factors such as adjoining land use development, access, pedestrian movements, road condition and accident rates to ensure a credible and consistent application of speed zonings. Current speed zoning guidelines discourage the establishment of isolated sections of reduced speed limits that are not consistent with the prevailing road environment.

The RTA is currently revising its Speed Zoning Guidelines manual and once the final document is released it will form the basis for the implementation of speed zones throughout NSW. This office will review all speed zones in accordance with these guidelines as soon as practicable after their release.

Premier Morris Iemma recently announced a \$46.5 million four-year program to improve the safety of students in school zones. New-generation flashing light technology and electronic alert systems will be installed in a further 400 school zones around the State. At this time it is unknown if any of these will be in Wyong Shire.

If you would like to discuss this matter further, please contact the Road Safety and Traffic Officer, Mr Steve McDonald, on telephone 43797035.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Leckie', followed by the date '28/9/07' written in a similar style.

Craig Leckie  
Traffic and Safety Manager  
Central Coast

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**483 Term of Appointment of Mayors Elected by Councillors**

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F2004/06511 ED

**SUMMARY**

The Ministerial Advisory Council is seeking comments on a proposal to amend the *Local Government Act 1993* to extend the term of Mayors elected by councillors from one year to two.

**RECOMMENDATION**

***That Council indicates its preferred position in relation to the proposal to extend the term of Mayors elected by Councillors and that this term be the basis for a submission.***

**BACKGROUND**

The Ministerial Advisory Council was established to advise the NSW Minister for Local Government on current issues relating to local government. At the July 2007 meeting of the Ministerial Advisory Council, consideration was given to amending the *Local Government Act 1993* to extend the term of Mayors elected by councillors from one year to two. Prior to making a decision, the Ministerial Advisory Council has sought submissions from councils by 30 November 2007.

The *Local Government Act 1993* currently allows two methods for the election of mayors. Mayors can be elected by:

- \* councillors post council election, or by
- \* electors at the council ordinary elections.

**Popularly elected Mayor**

Mayors elected by the popular vote of the community are elected for the term of the council, which is four years.

Under Clause 228 of the Act, to change to this method of electing a Mayor requires a Constitutional Referendum. Such a change, would necessitate a change to the number of Councillors in each ward or a change to the number of wards. If the Referendum was successful, the changes would then be made at the next local government election. Advice from the Electoral Commission is that if the referendum was held in conjunction with the ordinary election, costs would be minimal and would include:

- Preparation / printing of ballot papers
- Advertising of pros / cons of for and against cases
- Perhaps one Administration Officer would be required to handle work on referendum

## **Term of Appointment of Mayors Elected by Councillors (contd)**

A four year term would assist in promoting consistency in leadership. Under the Act, councillors may elect a deputy mayor for the mayoral term or a shorter term.

The cost of a Constitutional Referendum would be borne by Council. It is not possible to hold a referendum prior to that date and have the decision implemented at that Local Government election. Council has been advised by the NSW Electoral Commission that the last date for lodgement of an application to do this was 30 September 2007.

### **Councillors elect Mayor for two year term**

This option would involve very little change to procedures as mayors are currently elected by councillors for a one-year term and there is no limitation on the number of terms a councillor elected mayor may serve. Election by this mechanism does not change the function of the mayor.

### **Councillors elect Mayor for four year term**

This option is not covered as part of the proposal put forward by the Ministerial Advisory Council but could be suggested if Councillors were of a mind to go down this path. It would provide consistency in leadership with the added benefit of being the popular choice of the elected councillors.

## **CONCLUSION**

The method of election of the Mayor and the term is a matter for Councillors to determine. It is preferable that Wyong contribute to the process by indicating its preferred position on the matter in a submission.

***Attachment 1***

***Department of Local Government Circular No 07-46 (3 pages)***

## **Term of Appointment of Mayors Elected by Councillors (Attachment 1)**

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Circular No. 07-46  
Date 25 September 2007  
Doc ID. A113480

Contact Tempe Lees  
02 4428 4160  
tempe.lees@dlg.nsw.gov.au

### **TERM OF APPOINTMENT OF MAYORS ELECTED BY COUNCILLORS & TERM OF APPOINTMENT OF TEMPORARY STAFF**

#### **Background**

The Ministerial Advisory Council was established to advise the Minister for Local Government, the Hon Paul Lynch MP, on current issues relating to local government. The Chair of the Ministerial Advisory Council is the Hon Ernie Page OAM. Members of the Council include Mayors, General Managers, Union representatives and the Presidents of the Local Government and Shires Associations of NSW. Representatives from the Department of Local Government also attend the meetings.

At the July 2007 meeting of the Ministerial Advisory Council the matters that are the subject of this circular were raised for discussion. At that meeting it was recommended that the Department consult with the sector to seek comments and views on the propositions outlined below.

#### **Purpose**

The purpose of this circular is to invite comments and submissions on the following propositions:

1. That consideration is given to amending the *Local Government Act 1993* to extend the term of Mayors elected by councillors from one year to two.
2. That consideration is given to amending s351 the *Local Government Act 1993* to allow for temporary appointments of up to 24 months to fill vacancies arising from an employee taking parental leave.

These proposals are discussed in more detail below.

#### **Proposal 1 - Term of Appointment of Mayors Elected By Councillors**

The *Local Government Act 1993* currently allows two methods for the election of mayors. Mayors can be elected by:

- councillors post council election, or by
- electors at the council ordinary elections.

Mayors elected by the popular vote of the community are elected for the term of the council, which is four years. By contrast, mayors elected by the councillors are elected for a one-year term. There is no limitation on the number of one-

Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195



## **Term of Appointment of Mayors Elected by Councillors (Attachment 1) (contd)**

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2

year terms a councillor elected mayor may serve. Additionally the mechanism by which a mayor is elected does not change the function of the mayor.

The Ministerial Advisory Council considered the advantages and disadvantages of extending the term of mayors elected by the councillors from one year to two, with a view to enhancing consistency in leadership. The Ministerial Advisory Council took into account the current difference in term of mayors depending upon the manner in which they were elected, and the fact that there is no difference between the functions of mayors regardless of how they are elected. The Ministerial Advisory Council recommended that the views of the sector were sought on the proposal.

### **Submissions invited on Proposal 1**

Councils are invited to make submissions on the proposal that the *Local Government Act 1993* should be amended to extend the term of councillor elected mayors from one year to two. Submissions should be sent to the Department of Local Government – see details below.

### **Proposal 2 - Term of Appointment of Temporary Staff**

Currently section 351 of the Local Government Act provides that where a council or general manager directly appoints a person to a vacant position without advertising the position externally, the person may not continue in that position for a period of more than 12 months.

The Local Government (State) Award 2004 allows staff to be granted parental leave for a period of up to 24 months.

It has been suggested that the provisions of the Act be amended to allow for persons to be directly appointed to a position without advertisement for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave.

The Ministerial Advisory Council considered the suggestion, taking into account matters such as skills shortages, the difficulty some councils have in attracting staff, career development opportunities for staff and the costs associated with external recruitment. The Advisory Council recommended that the sector be given the opportunity to comment on the proposal.

### **Submissions invited on Proposal 2**

Local councils are invited to make submissions on the proposal that the Act be amended to allow for temporary appointments for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave. Submissions should be sent to the Department of Local Government – see details below.

**Term of Appointment of Mayors Elected by Councillors (Attachment 1)  
(contd)**

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3

**Submissions**

Comments on these proposals should be marked "**MAC Proposals**" and sent to:

Deputy Director General  
Department of Local Government  
Locked Bag 3015  
NOWRA NSW 2541

Or by email to: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au).

The closing date for submissions is **30 November 2007**.



**Garry Payne AM  
Director General**

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Panel Report

**484 Minutes of the Cultural Development Grants Panel –  
12 October 2007**

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F2005/02419 ED

**SUMMARY**

Council's Cultural Development Grants Panel met on 12 October 2007 to consider applications for funding under the Cultural Development Grants program. A copy of the minutes is attached.

**RECOMMENDATION**

*That the reports and recommendations of the Cultural Development Grants Panel meeting held on 12 October 2007 be received and adopted.*

**BACKGROUND**

A meeting of the Cultural Development Grants Panel was held on 12 October 2007 and a copy of the minutes of that meeting are attached.

Please note that rather than determine the use of any future budget savings as indicated by Recommendation 5 of Report CDG 03/07, it is common practice for Council to consider such a course of action at the time of the relevant budget review.

**Attachment 1**

***Minutes of the Cultural Development Grants Panel meeting -  
12 October 2007 (6 pages)***

**Minutes of the Cultural Development Grants Panel – 12 October 2007  
(Attachment 1)**

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**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
CULTURAL DEVELOPMENT GRANTS PANEL MEETING  
HELD IN TIM FARRELL & WILFRED BARRETT COMMITTEE ROOMS,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON THURSDAY, 12 OCTOBER 2007  
COMMENCING AT 9:38AM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), R C STEVENS AND R E STEWART.

**IN ATTENDANCE**

CULTURAL PLANNER AND ADMINISTRATION OFFICER.

**CDG 01/07 Disclosures of Interest**

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F2005/02419 ED

**CDG 03/07 APPLICATIONS FOR 2007/2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE ABORIGINAL PARENTS AND SCHOOLS IN PARTNERSHIP GROUP SUPPORTING GOROKAN PUBLIC SCHOOL APPLICATION FOR THE REASON THAT HE IS PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE ROOM AT 9.44AM, TOOK NO PART IN DISCUSSION ON THIS APPLICATION AND RETURNED TO THE ROOM AT 9.47AM.

**CDG 03/07 APPLICATIONS FOR 2007/2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE WYONG FAMILY HISTORY GROUP APPLICATION FOR THE REASON THAT HIS FATHER WAS RECENTLY ELECTED TO THE EXECUTIVE OF THE GROUP, HE LEFT THE ROOM AT 11.06AM, TOOK NO PART IN DISCUSSION ON THIS APPLICATION AND RETURNED TO THE ROOM AT 11.09AM.

**PANEL RECOMMENDATION**

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

## **Minutes of the Cultural Development Grants Panel – 12 October 2007 (Attachment 1) (contd)**

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### **CDG 02/07 Minutes of Ordinary Meeting held on 8 November 2006 - Allocation of Funding**

F2005/02419 ED

#### **SUMMARY**

A report containing the minutes of the Cultural Benefit Grants Panel meeting held on 5 October 2006 and proposed allocations of funding for 2006-2007 was considered and adopted by Council at its Ordinary Meeting held on 8 November 2006.

#### **PANEL RECOMMENDATION**

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

### **CDG 03/07 Applications for 2007-2008**

F2005/02419 ED

#### **SUMMARY**

Consideration of applications for Cultural Development Grant funding for 2007/2008.

#### **PANEL RECOMMENDATION**

*That a report be referred to Council recommending:*

- 1 Allocation of \$21,588 from the 2007/2008 Cultural Development Grant program as follows:**

<b>Organisation</b>	<b>Project name</b>	<b>Panel Decision \$</b>	<b>Comments</b>
Central Coast Barbershop Inc.	Spreading the 'Spirit' of Christmas	<b>500</b>	For music only
Central Coast Chinese Association	Showcase of Chinese Cultural Dance	<b>1,000</b>	Liaise with Cultural Planner about opportunities for performances in Wyong Shire
Central Coast Conservatorium	Youth Showcase	<b>1,000</b>	Fund venue hire and transport of equipment

**Minutes of the Cultural Development Grants Panel – 12 October 2007  
(Attachment 1) (contd)**

<b>Organisation</b>	<b>Project name</b>	<b>Panel Decision \$</b>	<b>Comments</b>
Central Coast Decorative Artists Association	Community Quilt	<b>400</b>	Materials, sewing and quiltings, mediums, paints, cottons
Central Coast Philharmonia Inc.	Wyong Youth Music Festival	<b>2,600</b>	Liaise with Cultural Planner to investigate venues in Wyong township
Central Coast Ugnay Kabayan (People's Link) Inc.	Kultura 'Kayumanngi', Philippine Cultural Action Project	<b>1,000</b>	Council to be advised of activities and liaison occur with Cultural Planner on performance venues
Central Coast Dance Company (Australia)	Special 18th Birthday Event - 'Sleeping Beauty' Ballet & New Contemporary works	<b>1,000</b>	Opportunities provided to young people to develop interest in ballet
Coastal a Cappella Inc.	Professional Coach - Kim Kraut from USA	<b>500</b>	To assist with voice coaching
Darkinyung Language Group	Darkinyung Grammar and Dictionary	<b>500</b>	Contribution to editing. Council to be provided with a copy of the Grammar and Dictionary.
Mangrove Mountain & District Community Group Inc.	KCAEP Belly Dance and Art Project	<b>500</b>	To contribute to costume development
Mountain Districts Sports Association	Bloodtree Festival Workshops	<b>550</b>	Contribution to art workers and materials
Rotary Club of Toukley	Central Coast Festival of Arts [Promotion of increased prize money]	<b>1,500</b>	Promotion of contemporary art prize (other in kind funding provided elsewhere by Council)

**Minutes of the Cultural Development Grants Panel – 12 October 2007  
(Attachment 1) (contd)**

Organisation	Project name	Panel Decision \$	Comments
San Remo Neighbourhood Centre	Pursuing Reality	3,429	Contribution to cost of cinematographer
Toukley & Districts Art Society Inc.	Toukley & Districts Art Society Inc. - Additional Professional Easel & Porcelain Artist's Workshops	1,600	Contribution towards four workshops
Tuggerah-Wyong Fellowship of Australian Writers Inc.	Writer Skills Development Project	1,050	Contribution to young writers' course and writing competitions
Wyong Musical Theatre Company	Purchase of performance only keyboard	2,619	Instrument, storage case, engraving, sound amplification stand
Warnervale Family & Community Centre	Celebrating Diversity in Warnervale	1,840	Food tasting, entertainment and multi cultural games

**CDG 03/07 APPLICATIONS FOR 2007/2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE WYONG FAMILY HISTORY GROUP APPLICATION FOR THE REASON THAT HIS FATHER WAS RECENTLY ELECTED TO THE EXECUTIVE OF THE GROUP, HE LEFT THE ROOM AT 11.06AM, TOOK NO PART IN DISCUSSION AND RETURNED TO THE ROOM AT 11.09AM.

**2 Allocation of \$3,000 from the 2007/2008 Cultural Development Grant program as follows:**

Organisation	Project name	Panel Decision \$	Comments
Wyong Family History Group Inc.	Roll of Honour of all Service Personnel buried/cremated on the Central Coast	3,000	Advise to seek additional funding from local RSL Clubs

**Minutes of the Cultural Development Grants Panel – 12 October 2007  
(Attachment 1) (contd)****3 Applications be declined as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:**

Organisation	Project name	Funding Sought (\$)	Panel Comments
San Remo Neighbourhood Centre	Cultural Art display and design	3,000	Multiple applications from one group. Discussions with Cultural Planner required prior to any new application being considered.
Sunnyfield	Sunnyfield Craft Project	523	Not appropriate to fund under this program. Staff to submit application to the Sport & Rec Equip Grant.
Wyong Musical Theatre Company	Purchase of specific purpose overlocker	2,800	Multiple applications from one group.
Wyong Musical Theatre Company	Light and/or sound training	1,065	Multiple applications from one group.

**CDG 03/07 APPLICATIONS FOR 2007/2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE ABORIGINAL PARENT AND SCHOOLS IN PARTNERSHIP GROUP SUPPORTING GOROKAN SCHOOL PUBLIC SCHOOL APPLICATION FOR THE REASON THAT HE IS PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE ROOM AT 9.44AM, TOOK NO PART IN DISCUSSION AND RETURNED TO THE ROOM AT 9.47AM.

**4 Application be declined as indicated in the table below and the applicant advised.**

Organisation	Project name	Funding Sought (\$)	Panel Comments
Aboriginal Parents and Schools in Partnership Group supporting Gorokan Public School	Reconciliation and values project	4,000	Refused: Not appropriate to fund under this program. State government department applicant.



14 November 2007  
To the Ordinary Meeting of Council

Panel Report

**Minutes of the Cultural Development Grants Panel – 12 October 2007  
(Attachment 1) (contd)**

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- 5** *The remaining \$5,412 in the budget allocation for the Cultural Development Grants, if not expended by 1 June 2008, be transferred into the Trust Fund to be established for the Performing Arts Centre.*
- 6** *The guidelines be amended to ensure there is only one grant application in each funding round from any one applicant.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.16 AM

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## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Delegate's Report

**485 International Cities Town Centres and Communities  
Conference**

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F2004/06466 ED

### **SUMMARY**

Councillor Rose has submitted his delegate's report in relation to the International Cities Town Centres and Communities Conference held from 26 to 29 June 2007 in Auckland, New Zealand.

### **RECOMMENDATION**

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

### **BACKGROUND**

In accordance with Council's Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of conferences attended.

Enclosed is the delegate's report submitted by Councillor Rose in relation to the International Cities Town Centres and Communities conference held in Auckland, New Zealand from 26 to 29 June 2007.

**Enclosure**

***Report on attendance at International Cities Town Centres  
and Communities Conference***

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**Information Reports**

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

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**486 Annual Report to the Minister for Local Government**

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F2007/00739 SG

**SUMMARY**

Reporting Council's Annual Report to the Minister for Local Government.

**RECOMMENDATION**

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

**BACKGROUND**

Part 4, Section 428 of the Local Government Act 1993 requires Council each year to prepare and to furnish to the Minister for Local Government and certain other persons, an Annual Report. The report due to be lodged by 30 November annually must set out Council's achievements, with respect to the objectives and performance targets set out in the Council's Management Plan for the previous year and a number of other items required by Section 428.

A detailed checklist of information is included at the beginning of the Annual Report, indicating each separate requirement for the Annual Report under the relevant legislation.

A copy of Council's Annual Report is enclosed for the information of Councillors. The Annual Report makes reference to Enclosure 1 - Council's Financial Reports, Enclosure 2 - The 2006/2007 Management Plan, Enclosure 3 - The State of the Environment Report and Enclosure 4 - Facilities and Expenses Policy for Councillors (Enclosure 2 for this report).

Enclosures 1, 2, and 3 have been reported to Council previously. Additional copies are available to Councillors upon request.

The Department of Local Government has advised that it considers that, for the purposes of Section 428(3) of the Local Government Act 1993, the requirement for "copies of the Council's annual report must be furnished to the Minister....." can be interpreted as including notification to the Minister by letter or email that the Annual Report has been posted on the Council's website.

It is intended to post the 2006/2007 Annual Report and Enclosures on the website after adoption by Council.

**Enclosure 1**  
**Enclosure 2**

**Annual Report 2006/2007**  
**Facilities and Expenses Policy for Councillors**

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### 487                      **Schedule of Bank Balances and Investments – September 2007**

F2004/06604 HS

#### SUMMARY

The attached Schedule of Bank Balances and Investments as at 30 September 2007 are submitted for information.

#### RECOMMENDATION

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

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 has total cash and investment funds of \$102,839,074 as at 30 September 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.

During the month of September interest earned (net of fees) on Council's investments was \$487,094 and financial year to date earnings were \$1,048,720.

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

	Investment Balances		Interest	
	Opening	Closing	Interest	Annual
	Balance	Balance	Net Of Fees	Budget
	July 1 2007	September 30 2007	YTD	
General	71,992,818	69,983,769	654,795	2,248,100
Water	15,185,232	10,057,862	157,478	1,644,000
Sewer	21,699,934	22,797,443	236,447	803,000
<b>Total</b>	<b>108,877,984</b>	<b>102,839,074</b>	<b>1,048,720</b>	<b>4,695,100</b>

**Schedule Of Bank Balances And Investments – September 2007 (contd)**

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Council's bank balances and investments as at 30 September 2007 are listed as Attachment 1 to this report. Also submitted is a Certificate in accordance with the provisions of the Local Government (General) Regulation 2005 that the Investments held at 30 September 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

**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.

*ii) Portfolio and Monthly performance against the UBSWA Bank Bill Index*

The weighted average return for each of Council's investments is compared to the UBSWA (Union Bank of Switzerland Warburg Australia) Bank Bill Index which is the market benchmark rate.

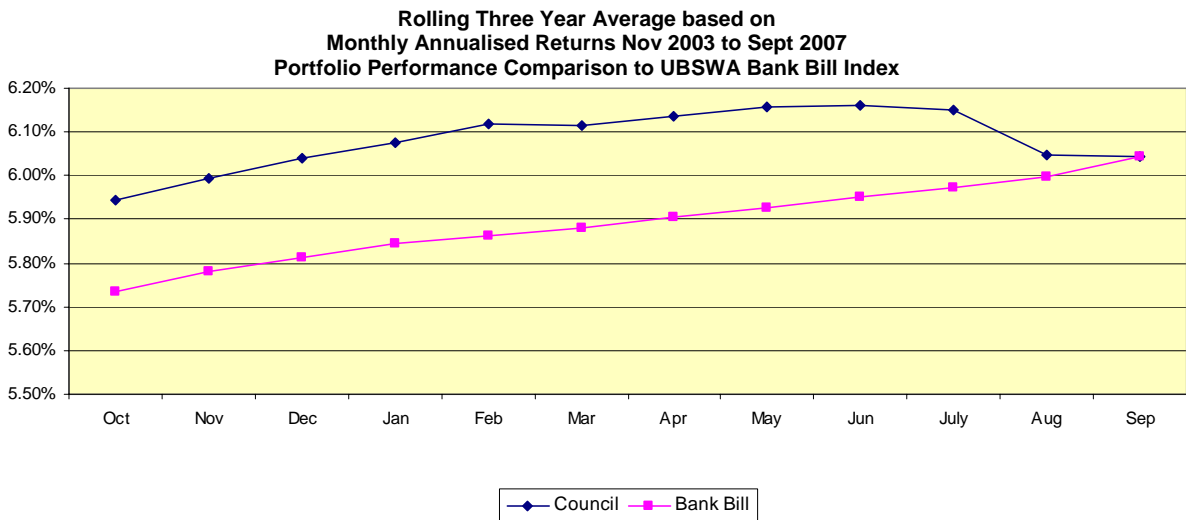
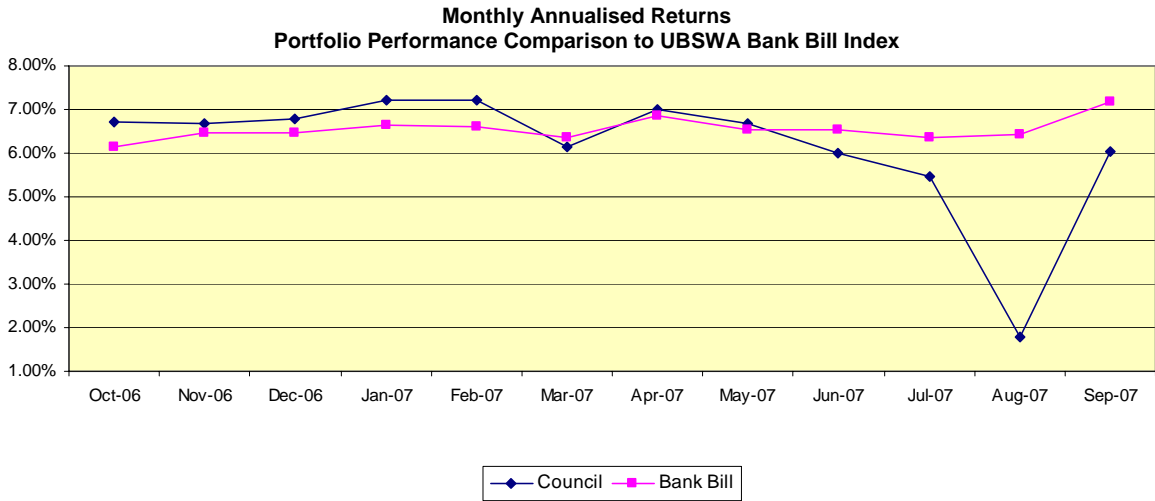
**Performance for Month of September 2007**

The weighted average return for the total portfolio of Council's managed funds (net of fees) during September was 6.05% which was compared to the benchmark of the UBSWA Bank Bill Index of 7.19%, Council's annualised return for the last twelve months was 6.11% compared to the Bank Bill Index of 6.54%, whilst rolling three year average returns were in-line with the index of 6.04% as illustrated in the Rolling Three Year graph below.

It should be noted that the September performance demonstrated improvements over August which experienced high levels of market volatility due to the flow-on effects of the July US sub-prime mortgage issues.



**Schedule Of Bank Balances And Investments – September 2007 (contd)**



Council's investment advisors Grove Research and Advisory have advised that in the September quarter managed funds in Council's portfolio have suffered during a difficult credit environment where credit spreads have widened sharply. Despite all funds having no direct exposure to the US sub-prime mortgage market, the underlying funds exposure to credit (and the financial sector in particular) has subsequently detracted from the portfolio's performance.

**Schedule Of Bank Balances And Investments – September 2007 (contd)**

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The performance in September 2007 was impacted by a lower annualised monthly return of 2.10% in the BlackRock Diversified Credit Fund, however the overall annualised return of the fund was 5.11%. Council's investment advisors Grove Research and Advisory have advised that the funds lower performance during the period was initiated by the lack of transparency surrounding banks that had an exposure to the US sub-prime mortgage market resulting in financial markets loss of confidence in the banking sector, which has broadened spreads significantly in the sector. Despite the difficult environment, BlackRock maintained its holdings in financials, indicating that the broader credit market remained fundamentally sound and was supported by a benign economic backdrop, strong corporate profitability and robust balance sheets. Grove Research and Advisory also advised that at the time of writing, the fund has started October very strongly.

Following on from the introduction of the new investment policy, a revised investment strategy is being developed. It is envisaged this strategy may include a significant allocation towards longer term investments in pursuit of developing higher longer term returns on the portfolio.

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 Bank Balances And Investments – September 2007 (contd)**

SCHEDULE OF INVESTMENTS AS AT September 30 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,188,745.07	6,312.94	-	6.69%	5.73%	<b>6.32%</b>
BT Institutional Managed Cash (AAA)	Cash	7,232,802.64	73,432.50	805.19	6.63%	6.61%	<b>6.42%</b>
Aberdeen Cash Plus Fund (A)	Cash Plus	20,734,174.68	100,448.68	1,215.30	6.01%	4.36%	<b>6.01%</b>
ING Enhanced (A)	Cash Plus	16,051,353.61	84,273.75	940.78	6.54%	4.55%	<b>6.12%</b>
Perennial Cash Enhanced Fund (AA)	Cash Plus	6,856,168.77	42,255.98	401.47	7.73%	4.82%	<b>6.15%</b>
Macquarie Income Cash Plus (A)	Cash Plus	22,211,029.10	93,075.54	1,302.49	5.17%	4.40%	<b>6.09%</b>
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	41,193.00	-	6.77%	6.50%	<b>6.31%</b>
BlackRock Diversified Credit Fund (A)	Cash Plus	15,077,606.80	26,624.94	881.43	2.10%	-1.73%	<b>5.11%</b>
QIC Cash Enhanced (AA)	Cash Plus	6,084,193.33	29,962.53	356.49	6.11%	5.16%	<b>6.30%</b>
Grove Advisory Fees				4,582.60			
<b>TOTAL</b>		<b>102,839,074.00</b>	<b>497,579.86</b>	<b>10,485.75</b>	<b>6.05%</b>	<b>4.69%</b>	<b>6.11%</b>
<b>UBSWA INDEX</b>					<b>7.19%</b>	<b>6.66%</b>	<b>6.54%</b>

\*- FYTD= Financial Year to Date

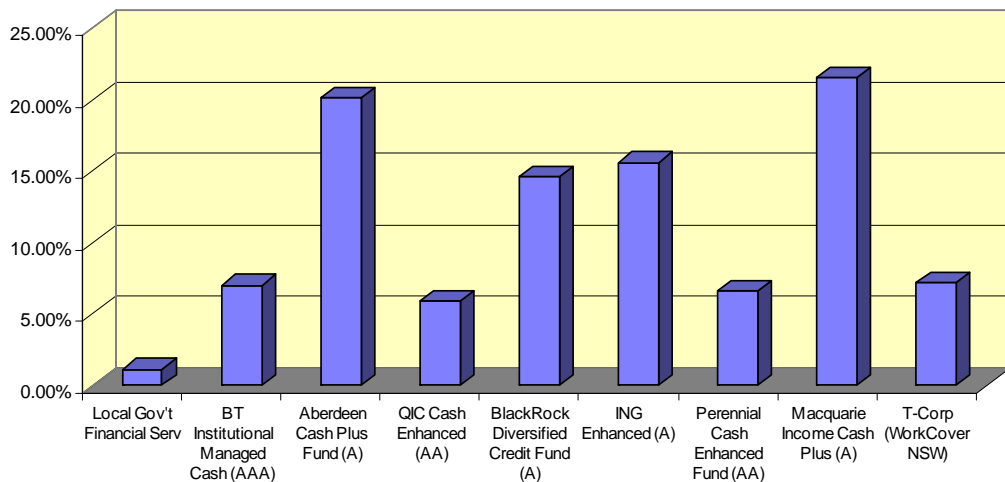
\*\*- MAT = Moving Annual Total

Note: The above returns are net of fees charged

**Schedule Of Bank Balances And Investments – September 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 September were allocated as follows:

**INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 30 September 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....  
Director Corporate Services

**Attachment 1**

**Schedule of Bank Balances and Investments  
30 September 2007**

**Schedule Of Bank Balances And Investments – September 2007  
(Attachment 1)**

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**SUMMARY**

**September 30 2007**

<b><u>General</u></b>	<b>\$</b>
Unrestricted	2,550,262.13
Restricted - Internally	24,723,354.00
Restricted - Externally	42,710,153.00
<b>Total General</b>	<b>69,983,769.13</b>
 <b><u>Water</u></b>	
Unrestricted	-7,450,238.16
Restricted - Internally	333,200.00
Restricted - Externally	17,174,900.00
<b>Total Water</b>	<b>10,057,861.84</b>
 <b><u>Sewer</u></b>	
Unrestricted	3,391,343.03
Restricted - Internally	554,700.00
Restricted - Externally	18,851,400.00
<b>Total Sewer</b>	<b>22,797,443.03</b>
 <b>TOTAL INVESTMENTS</b>	 <b>102,839,074.00</b>
 <b>BANK BALANCE PER BANK STATEMENT</b>	 <b>197,751.12</b>
 <b>TRUST ACCOUNT PER BANK STATEMENT</b>	 <b>24,048.79</b>

**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Service's Department

**488                      Response Received - Plebiscite on Nuclear Power Station(s) in  
Wyong Shire**

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F2004/06939 ED

**SUMMARY**

Reporting on response 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 has been received from the Federal Member for Dobell, Mr Ken Ticehurst (copy attached).

**Attachment 1**

***Letter from Federal Member for Dobell, Mr Ken Ticehurst  
(2 pages)***

14 November 2007  
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)

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**KEN TICEHURST MP**  
Federal Member for Dobell



Thursday, 20 September 2007

Ms G Vereker  
Acting General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Ms Vereker

Thank you for your recent letter regarding a plebiscite for Nuclear Power.

With regard to this issue, the Prime Minister recently announced that the coalition government has decided there will be binding local plebiscites conducted in communities where power stations are proposed to be built. These plebiscites would follow extensive community consultation.

As the recent decision by the NSW Labor Government to make Councils pay for their own elections would show, even a local plebiscite carries a substantial cost.

For this reason alone it would be fiscally irresponsible to expend taxpayers' funds on such an exercise prior to the agreement of any program, let alone the selection of possible sites.

On behalf of local taxpayers, I commend Councillors Stevens & Stewart for their ability to see through this cheap political stunt by not supporting this premature motion.

I will continue to work in the best interests of our local community and, as always, I will object to any project for this area that does not receive wide community consultation and support.

For the convenience of interested Councillors I have included a transcript of the Prime Minister's announcement.

If there is any other matter you would like to bring to my attention please feel free to contact my office again.

Sincerely

**Ken Ticehurst MP**  
Federal Member for Dobell

kt:bp



*Working for the Central Coast*

Suite 12, 14 Pioneer Avenue Tuggerah NSW 2259  
PO Box 5253, Chittaway Bay 2261  
Phone: (02) 4351 8060 Fax: (02) 4351 8061  
Email: Ken.Ticehurst.MP@aph.gov.au

## Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire (Attachment 1) (contd)

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Prime Minister of Australia - Media Release - Nuclear Power Station Plebiscites

Page 1 of 1

### Prime Minister of Australia | John Howard

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Media Release

23 August 2007

#### Nuclear Power Station Plebiscites

If Australia is serious about addressing climate change it must consider adding nuclear power to its energy mix, as many other countries are already doing.

Nuclear power is the only reliable source of low emission baseload power now available.

There are no plans to develop nuclear power stations in Australia. The Government will not build nuclear power stations and does not expect to see proposals for private nuclear power stations for 10 to 15 years.

Power stations would only be constructed if they were commercially viable and satisfied strict environmental, non-proliferation, health and safety requirements.

My Government has decided there will be binding local plebiscites conducted in communities where power stations are proposed to be built. This would follow extensive community consultation.

Labor's reckless fear campaign against nuclear power is short-sighted, irresponsible and puts Australia's capability to deal with climate change at risk.

Many countries are investing in nuclear power, with 90 new power stations under construction or consideration. Nuclear energy already represents 16% of the world's electricity generation and contributes to the global abatement of more than two billion tonnes of greenhouse gas emissions.

The Government's priority is to tackle climate change without damaging Australian jobs and living standards. Nuclear power could make a significant contribution to this challenge.

These opportunities are too important to be lost to Australia because of a dishonest Labor fear campaign about nuclear power.



## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**489                      Review of NSW Legislation to Stop Graffiti Vandalism**

F2004/07937 JM

**SUMMARY**

Information report regarding the review of NSW legislation to stop graffiti vandalism.

**RECOMMENDATION**

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

**BACKGROUND**

The NSW Attorney General's Department is reviewing all legislation to stop graffiti vandalism, including consideration of a complete ban on the sale of aerosol paint. The review will also assess and examine the operation, effectiveness and implications of relevant legislation.

The aim of the review is to determine:

- whether the policy objectives of the legislation to reduce graffiti remain valid
- whether the terms of the legislation remain appropriate for securing those objectives, and
- the costs and benefits of the legislation.

The review will assess and examine the operation, effectiveness and implications of the following legislation.

***Crimes Act 1900***

- Section 195 - Maliciously destroying or damaging property

***Summary Offences Act 1988***

- Section 7 - Damaging Fountains
- Section 8 - Damaging or desecrating protected places
- Section 9 (b) - Wilfully mark, by means of chalk, paint or other material, any premises within view from a public place, without the consent of the occupier or person in charge of the premises.
- Section 10A - Damaging and defacing property by means of spray paint.
- Section 10B - Possession of spray paint.
- Section 10C - Sale of spray paint cans to persons under 18

### **Review of NSW Legislation to Stop Graffiti Vandalism (contd)**

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- Section 10D - Unsecured display by retailers of spray paint cans
- Section 30A - Compensation
- Section 33 - Payment towards cost of repairing damage

#### ***Local Government Act 1993***

- Section 67A - Graffiti removal work by agreement with owner or occupier
- Section 67B - Graffiti removal work without agreement of owner or occupier
- Section 67C - Register of graffiti removal work
- Section 631 - Damaging, defacing or polluting public bathing place
- Section 667 - Wilful destruction of notices and signs

#### ***Rail Safety (General) Regulation 2003***

- Section 36 - Graffiti and vandalism

#### ***Children (Community Service Orders) Act 1987***

- Section 5 - Making of children's community service orders
- Section 17 - Obligations of persons subject to children's community service orders

#### ***Crimes (Administration of Sentences) Act 1999***

- Section 112 - Performance of community service work

#### ***Crimes (Sentencing Procedure) Act 1999***

- Section 91 - Removal of graffiti

The review will also assess and examine the feasibility, effectiveness and potential implications of a complete ban on the sale of aerosol paint in NSW, including its usage, points of purchase and any impacts on business and employment such as loss of sales, loss of jobs and costs to date.

Submissions to the review closed on 31 October 2007. A submission was lodged on behalf of Council outlining the extent of the problem in Wyong Shire Council and highlighting aspects of the current legislation which constrain Council's efforts to combat this problem, including;

- The process required to remove graffiti from private property
- The cost to Council and the community of removal of graffiti vandalism
- Barriers to making cleanup and community service orders
- The need for further support from the State Government for community strengthening programs aimed at graffiti reduction
- The need for support from the State Government for the enforcement of legislation.

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**490 Colour of Life Guards' Uniform**

F2004/06257 DC

**SUMMARY**

This report is in response to the Question without Notice No 109 raised by Councillor Best at the Council meeting held on 31 October 2007 in regard to the colour of Life Guards' uniforms.

**RECOMMENDATION**

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

**BACKGROUND**

At the Council meeting held on 31 October 2007, Councillor Best asked the following Question without Notice:

*"My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?"*

The following report is submitted for Council's information in response to this Question:

Advice from Gosford City Council's Recreation and Leisure Services Unit confirms that the professional life guard uniform is to retain the same colour as the volunteer uniform but incorporate a design change to ensure that the professional life guards are not mistaken for volunteers.

The following information was provided outlining the reasons for this decision;

A question without notice from a Gosford Councillor at a recent Council meeting requested feedback from Council Lifeguards regarding any issues relating to the change of uniform.

Since the 2006/2007 season Gosford City Council Lifeguards have been compiling information relating to incidents that had arisen as a result of Council's professional lifeguards wearing the same colours as the volunteer lifesavers.

For example the feedback suggested that volunteer lifesavers wearing their uniform and selling raffle tickets at different locations and training on the beach during the week had been mistaken for Council's professional lifeguards. This had caused confusion for the public trying to ascertain who was on duty at the beach.

### **Colour of the Life Guard's Uniform (contd)**

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As a consequence of the above, the Gosford City professional lifeguards were asked to submit ideas for a change of design for the uniform whilst retaining the primary colours used by the Surf Life Saving volunteers.

An alternate design was chosen and adopted by Gosford City Council for a twelve month trial. It should be noted that Surf Life Saving Central Coast forwarded a letter of support to Council in favour of the change of design.

The new uniform retains the colours of the volunteer uniform however the design change has both the shorts and shirts in red with the shirt having a yellow strip approximately 125mm wide extending down from under the armpit to the waist (see enclosure).

The Wyong Shire life guards have been wearing the red and yellow uniforms since February 2007. The uniform orders in the original design (at a cost of approximately \$17,000) have already been placed for the 2007/2008 season and no consideration has yet been given to a change of uniform.

The effectiveness of the current uniform design and colour is the subject of ongoing monitoring but no change is proposed. The benefits of the use of universal red and yellow are considered to outweigh other alternatives at this stage.

**Enclosure**

***Colour photos of Wyong and Gosford Councils' Life Guards' Uniforms.***

## WYONG SHIRE COUNCIL

14 November 2007  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

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

F2006/02282 ED:MR

#### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

#### **RECOMMENDATION**

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

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q074 – Mobile Phone Service on Trains Between Newcastle and Sydney  (A response will be reported when reply received from State Rail)	Councillor Eaton	8 August 2007	Corporate Services
Q093 – Minutes of Confidential Meeting held on 29 August 2007 between Councillors and the General Manager  (A response will be reported to the Ordinary Meeting on 28 November 2007)	Councillor Eaton	26 September 2007	General Manager's Unit
Q095 – Staffing Levels at Wyong Council  (A response will be reported to the Ordinary Meeting on 28 November 2007)	Councillor Graham	26 September 2007	General Manager's Unit
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

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

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q105 – Possible Conflict of Interest for Mayor as a State Government Employee  (A response will be reported to the Ordinary Meeting on 28 November 2007)	Councillor Eaton	10 October 2007	Mayor's Office
Q106 – Dog Frisbee Club at Watanobbi  (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Eaton	31 October 2007	Shire Services
Q107 – Strathavon, Wyong  (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Best	31 October 2007	Shire Planning
Q108 – Headland Carpark at Soldiers Beach, Norah Head  (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Best	31 October 2007	Shire Services
Q110 – Purchase of a 3D Fly Through Planning System  (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Stewart	31 October 2007	Shire Planning

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

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>314 – Regional Sporting Facilities</p> <p><i>That staff report on Investigations into the possibility of constructing an integrated regional sporting/educational facility at Warnervale.</i></p> <p><i>That staff report on negotiations / opportunity to provide district sporting facility to service the Tuggerah / Mardi area.</i></p>	Shire Planning	9 August 2006	A report will be submitted to Council's Ordinary Meeting on 28 November 2007.
<p>113 – Senior Citizens Advisory Council</p> <p><i>That Council support formation of Senior Citizens Council and prepare a charter.</i></p>	Shire Services	14 March 2007	A report will be submitted to Council's Ordinary Meeting on 28 November 2007.
<p>196 - Deletion of Gun Nozzle from Refit Kit</p> <p><i>Recommend to the Joint Water Authority the deletion of the Gun Nozzle hose from refit kit. Investigate other items to include in kit.</i></p>	Shire Services	23 May 2007	Held over until the November Joint Water Board Meeting.
<p>224 - Energy Efficiency Initiative</p> <p><i>That councillors be briefed on new and evolving technology to reduce energy consumption.</i></p>	Shire Planning	13 June 2007	Briefing scheduled for 5 December 2007.
<p>282 - Cost of Installing a WIFI Hot Spot in The Entrance Mall Area</p> <p><i>That Council report on the cost, feasibility and advantages of installing a WIFI Hot Spot Zone in The Entrance Mall area, so tourists and locals can get their wireless internet connection.</i></p>	Corporate Services	11 July 2007	A report will be submitted to Council's Ordinary Meeting on 28 November 2007.

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

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
326 - National Natural Disaster Funding  <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received.
398 – Resumption (or Buy Out) Policy  <i>That staff report with a précis on DCP 77 where applies and the controls that this plan limits with regards to the type of nature and development. Numerous issues relating to Coastline Management Plan and Council's buy out policy.</i>	Shire Planning	26 September 2007	A report will be submitted to Council's first meeting of 2008.

<b>Rescission Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
401A – Rescission Motion – Vandalism Across our Shire	Shire Services	26 September 2007	A report will be submitted to Council's Ordinary Meeting on 12 December 2007.



**WYONG SHIRE COUNCIL**

14 November 2007  
To the Ordinary Meeting of Council

Shire Planning Department

**Answers to Questions Without Notice**

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**Q086 – September Business Review Article regarding Wyong Council and the Mayor**

Asked by Councillor Stewart at the Ordinary Meeting held on 12 September 2007  
F2004/07136

*“Having received and read the Editorial by Edgar Adams in the September Business Review, regarding the Wyong Council and our Mayor. I would like Council to seek legal advice on the article regarding defamation. Also if Council has in the past financially supported this magazine, that in the future Council rejects any advertising or any submission of new articles?”*

The following legal advice has been received from Council’s Solicitors, Home Wilkinson Lowry:

*“The relevant potentially defamatory comments are in the context of an article criticising both Wyong Shire Council and Gosford City Council for operating separate and distinct approaches, rather than co-operating as the “Central Coast Region”. It has a stated intention to start the debate on the question of amalgamation of the two Councils.*

*A communication is defamatory if a reasonable person would take a lesser view of the subject of the imputation having read the communication. In this instance, much would appear to depend upon the reader. In our view, it is possible to characterise some of the comments as a positive in respect of the former Mayor Graham, in that he is clearly seen to be advancing and promoting the interests of Wyong Shire Council, being not an unexpected thing, given his position as the then Mayor.*

*There is also arguably a possible defence of fair comment as defined by the High Court in Nationwide News, particularly having regard to the comment ‘its time to start the debate’.*

*On balance, we do not believe the matters worthy of further legal investigation, comment or action.”*

A review of Council’s records reveals that Council does not financially support the magazine, nor does it currently advertise directly with the Central Coast Business Review and has no immediate plans to do so. However, all media outlets are at liberty to access media releases and other public information about Council to use in their publications.

14 November 2007  
To the Ordinary Meeting of Council

Shire Planning Department

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

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**Q090 – New Warnervale Community Centre Report**

Asked by Councillor Eaton at the Ordinary Meeting held on 12 September 2007  
F2004/07280

*“When will the report on the New Warnervale Community Centre and associated land acquisition come to Council?”*

At its confidential session on 26 September 2007, Council considered a report which recommended a preferred site for the location of the Hamlyn Terrace Community Centre.

At that meeting, Council resolved to proceed with the acquisition of the preferred site. Council’s Property Section is currently proceeding with negotiations to acquire the site.

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

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### **Q092 – Update on Progress of the Klumper Entrance Development**

Asked by Councillor Eaton at the Ordinary Meeting held on 26 September 2007  
DA/2660/2004

*“Could Council report, confidentially if necessary and/or in briefing, on progress of the Klumper Entrance Development?”*

The *Klumper Entrance Development* refers to the proposal for the redevelopment of a significant area west of The Entrance Bridge for a Managed Resort Facility. The proposed development application seeks approval for a total of 509 apartments (tourist and permanent), with a conference centre, retail area, restaurants, cafes, tavern (in the converted heritage building), child care centre, indoor amusement park, two levels of basement carpark and associated landscaping. The development application was lodged in late 2004 and has been the subject of a number of amendments to resolve significant engineering and design issues.

The development application has been the subject of extensive ongoing negotiations between staff and the applicant’s consultant team both prior to lodgement and during the assessment of the application. Significant concerns remain with the development proposed in regard to urban design and amenity issues arising from the current design of the permanent residential housing, non compliance with State Environmental Planning Policy No 65 and the non compliance with the building height map under Wyong Local Environmental Plan 1991. At the end of 2006, Council staff completed assessment of the development and reported the application to Council’s Development Management Panel with a recommendation for refusal.

Given the importance of the site in achieving Council’s objectives for the redevelopment of The Entrance, Council agreed to the applicant’s request that a panel of prominent design professionals be involved in the review of the current application. The applicant originally sought a review of only the issues that Council had relied on in raising objection to the application. Council staff however felt that the review needed to encompass the whole development, rather than the issues in isolation. This was agreed and the panel will review the whole development and its compliance with the applicable controls. It was hoped that the involvement of external professionals would facilitate an improved outcome on the site and that significant amendments would be made to the design as a result of their review. Council however, will remain the determining authority for the application and it would be a matter for the applicant to review the proposal in the light of the expert panel’s comments, should amendments be recommended to the current design.

Council’s agreement to the engagement of a panel of experts was forwarded to the applicant on 4 June 2007. Further correspondence was received by Council in August detailing the applicant’s difficulty in engaging an appropriate panel of professionals to review the current design.

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

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#### **Q092 – Update on Progress of the Klumper Entrance Development (contd)**

Following receipt of the Question Without Notice, staff contacted the applicant's consultant seeking an update on the development application. Correspondence was subsequently received on 11 October 2007, identifying that a panel has now been engaged to undertake the review, although no timeframe has been given for its completion. The development application remains on hold awaiting the outcome of this review.

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

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#### **Q097 – Daley – Waugh Neighbour Dispute**

Asked by Councillor Pavier at the Ordinary Meeting held on 26 September 2007  
DA/1338/2006

*“Could we have a brief report on staff’s efforts with regards to the Daley – Waugh neighbourhood dispute?”*

Due to the privacy issues involved, this information was provided to Councillors by means of a Councillor Business Update on 7 November 2007.

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

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**Q099 - Official Opening of Jubilee Oval**

Asked by Councillor Stewart at the Ordinary Meeting held on 26 September 2007  
F2004/08150

*"When will Council be officially opening Jubilee Oval?"*

The official opening of Jubilee Oval will be held on Saturday 8 December 2007 from 8.30 am to 10.30 am.

The function will incorporate a public breakfast and has been scheduled to avoid clashes with users of the Oval.

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

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### **Q101 - Annual Fishing Competition at Mangrove Creek Dam**

Asked by Councillor Veugen at the Ordinary Meeting held on 26 September 2007  
F2004/06840

*“Could staff report on the possibility of stocking Mangrove Creek Dam with native sport fish with the aim that when these fish have grown to a mature size that an annual fishing competition be held with a catch and release policy. The report to include a response from Central Coast Tourism on this proposal?”*

The then Public Works Department, in 1984, was commissioned by the Gosford-Wyong Councils' Water Authority (GWCWA) to develop a Catchment Management Plan for the Mangrove Creek Dam Catchment. This Plan, based on an assessment of risks and benefits of various options recommended a closed catchment approach and was endorsed by the GWCWA and both Gosford and Wyong Councils. On several occasions since 1984 various activities including fishing and collection of native flowers within the catchment have been considered and, consistent with the above plan, refused.

The closed catchment approach is consistent with the Australian Drinking Water Guidelines (ADWG) 2004, which provides a framework which ensures drinking water safety and quality through the application of a considered risk management approach. The closed catchment approach is a proactive measure that aims to reduce the risk of contamination of the water supply resulting from run-off that has been contaminated by human activities.

The closed catchment management approach adopted at Mangrove Creek Dam is similar to that of other drinking water supply dams in the Hunter and Sydney regions. Chichester Dam in the Hunter and Cataract, Woronora, Avon, Nepean and Cordeaux Dams in the Sydney area are managed as closed catchments. Due to the extent of the Waragamba Dam Catchment, Sydney Catchment Authority has implemented a 3km exclusion zone surrounding the dam where public access is restricted to designated viewing platforms and picnic areas that drain away from the dam.

Consistent with this closed catchment approach to managing Mangrove Creek Dam, the Councils have purchased all land within the catchment.

Stocking Mangrove Creek Dam with fish would encourage access to the catchment for illegal fishing. Such access would be extremely difficult to control due to the extent and nature of the catchment and would lead to the following risks to the water supply:

- Destruction of native vegetation caused by 4-wheel-drives and motorbikes illegally entering the catchment. This would lead to increased erosion and sediment entering the dam.
- Pathogenic micro-organism contamination as a result of human faeces and rubbish left in the catchment
- Petrol and oil product contamination from boats and vehicles.

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

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These risks are considered to be unacceptable and accordingly, the continuation of a closed catchment policy is considered appropriate.

Central Coast Tourism (CCT) has been contacted and has advised that there have been no significant enquiries received regarding the possibility of stocking Mangrove Creek Dam with fish for recreational or competition fishing purposes. CCT advise that considerable resources would be required to promote and operate any commercial fishing operation within the Mangrove Creek Dam catchment should such an option be pursued.



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

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### **Q102 – Condition of the Tiles in The Entrance CBD**

Asked by Councillor Stewart at the Ordinary Meeting held on 10 October 2007  
**F2004/07982**

*“Would Council please look urgently at the condition of the tiles in The Entrance CBD as the replacement tiles are dark grey and match nothing. There is also a patch of plain cement which has been there for some time with no further work being undertaken. There are still many, many damaged tiles which still have to be replaced. There have been two very hard slips reported over the past few weeks. Council urgently needs to address these problems. When will this be happening?”*

The following information provides background to the issue of tile repairs and replacements at The Entrance CBD, and explains what actions have been taken or are planned for maintaining these tiles.

The coloured paving tiles used throughout The Entrance CBD are made from reconstituted granite and were manufactured in Japan by Ryowa International. Ten thousand tiles have been laid in a stylised wave pattern in vibrant colours throughout the Town Centre. This is considered to contribute in a significant way to the experience of visiting The Entrance. Maintenance and repairs to the tiles in order to retain the existing visual appearance of the public areas has been given a priority, and selecting replacement tiles has been based on maintaining this appearance.

Tiled surfaces require ongoing maintenance due to the damage they incur from heavy usage, cleaning and general wear and tear. Work was undertaken in April and August of this year to replace nearly 300 broken or badly cracked tiles using the stockpile of replacement tiles specifically purchased for this purpose when the original tiling was completed in 1996. This work consumed all remaining light grey tiles, and necessitated the use of the darker grey tiles from Council's stockpile to complete the work and ensure the safety of the area for visitors. This is the reason why some areas of the tiling currently have a temporary different appearance.

In 2006 a decision was made to purchase additional replacement tiles as the existing stockpile was becoming depleted after nearly ten years of repairs and replacements. Negotiations were well advanced with the original supplier Ryowa International in November 2006 to purchase additional tiles for maintenance purposes when the company closed their factory in Japan without notice. It was later determined that the company subsequently opened a new factory in China. At the same time, the company's English language webpage was removed and it ceased to respond to correspondence from Council. Despite various efforts by staff, including a request for assistance to the Japanese embassy in Australia, further contact with the company has not been possible to date. However, further contact with the company is being pursued as it is considered that a replacement programme maintaining the same colour and pattern as the existing tiles is the preferred strategy for Council over the next decade.

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

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The purchase of replacement maintenance tiles through the original Australian tile supplier, was considered but not pursued due to the significantly higher cost (nearly three times the cost of dealing directly with the manufacturer).

Negotiations with a new supplier have commenced with a view to purchasing the replacement tiles in the same colour and samples of the new range of tiles which have claimed higher slip resistance characteristics. It is anticipated that the samples will take 6 weeks to arrive in Australia.

Due to changes in the company's manufacturing process the replacement tiles will be one quarter the size of the existing tiles but of very similar colour to the original tiles. Some tiles of this size have been used to form the chessboard near the northern end of the stage area. Importantly, the actual size of the tiles is not considered to have a significant impact on the overall appearance of the paving in comparison to the colour. Only reconstituted granite tiles are made in the colours used at The Entrance. It is expected that over time the smaller replacement tiles will eventually cover larger areas but will not detract from the overall appearance of the tiled areas of the CBD.

In the interim, alternative tiles were also extensively investigated to determine if other suppliers could provide suitable replacement tiles. These alternative tiles did not have the same size, colour or surface properties as the existing tiles. The yellow, and in particular, the blue tiles were a very pale tone and if used would contrast starkly with the existing colour scheme. The use of such tiles would necessitate a full replacement programme across the whole area rather than a maintenance programme as intended.

Firm dates for the delivery of replacement tiles are being sought at present. Early advice is that it is likely to be April 2008. Tile replacement is best undertaken in the 'quiet' season between Easter and the September school holidays to minimise disruption to visitors. The anticipated supply date fits well with this program. In the interim, emergency repairs to light grey tiles to ensure the safety of pedestrians will use the existing dark grey tiles. These will be replaced once the light grey tiles again become available.

It is expected that the current tiles, subject to procurement of suitable tiles, can be maintained for a further period of approximately ten years. At that time a review will be required to determine if a different design of tile is required to complement and refurbish The Entrance CBD.

The concrete patch evident to the north of The Entrance Hotel was left as the result of an upgrade to the electrical services for the hotel. This will also be the connection point for the Fisherman's Wharf Development and it will be opened up again to enable a new electrical service to be provided to this project. Once the electrical work is completed the tiled surface will be reinstated to match the surrounding area. It is anticipated that this electrical work will be completed in late March 2008.

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

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The number of slips being reported on the tiled areas has significantly decreased in recent years and especially since revisions were made to legislation allowing claims to be brought against Council. Eleven notifications of slips were received in 2005, three in 2006 and there have been six to date for 2007. To date, none of the notifications referred to have progressed to claims against Council.

Due to the nature of the public areas at The Entrance there will always be opportunities for slips to occur due to foodstuffs and other materials being dropped on the pavement. A high intensity maintenance programme is in place to minimise these incidents. Council has also instituted other measures to minimise this risk, including the installation of special low-slip tiles on pram ramps. This work is expected to be completed by the beginning of December 2007. Further extensions to the rubberised softfall area around Vera's Watergarden is also being arranged to replace tiles. This work will also be completed by early December 2007.

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

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#### **Q103 – Oasis Youth Centre**

Asked by Councillor Forster at the Ordinary Meeting held on 10 October 2007  
F2004/11275

*“Can Councillors be given a briefing on current status of Oasis Youth Centre – including the current funding status, current activities/programs run at the Centre, and attendance/participation rates and what future plans are in place for the Centre?”*

A Councillor briefing will be held on 5 December 2007 to present updates on programs, services, attendance rates and future plans of the Oasis Youth Centre.

As Oasis Youth Centre involves a lease agreement between Council and The Salvation Army, the Centre Manager will be invited to update Councillors at the briefing on current programs and services. The governance and future partnership arrangements will also be outlined as part of this briefing and will be the subject of a future report to Council following the briefing