



Council rangers go off road; The recent blitz on illegal dumping in the Shire's bushland provided Council with invaluable information to monitor sites and prosecute illegal dumpers.

ORDINARY MEETING

14 October 2009



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MEETING NOTICE

**The ORDINARY MEETING
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 14 October 2009 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	6
1.2	Inspections.....	7
1.3	Address by Invited Speakers.....	8
1.4	Confirmation of Minutes of Previous Meeting.....	9

2 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

2.1	Notice of Intention to Deal with Matters in Confidential Session.....	27
-----	---	----

3 PLANNING REPORTS

3.1	Council Policy Review - Keeping of Animals.....	29
3.2	Planning Agreements Policy - Approval for Exhibition and Adoption.....	31
3.3	Draft Development Control Plan 2005: Chapter 65 On-Site Effluent Disposal In Non Sewered Areas	35
3.4	Wyong Recreation Facilities Strategy	38
3.5	Draft Development Control Plan 2005: Chapter 14 - Tree Management.....	52
3.6	DA/2660/2004 - Proposed Managed Resort Facility, The Entrance - Proposed Deferred Commencement Conditions	57

4 PROPERTY REPORTS

4.1	Proposed Easements for Electricity Purposes over Council land Lot 86A DP 22837 Hakone Rd Woongarah.....	61
4.2	Proposed Easements for Drainage over Lot 568 DP 23729 Delia Avenue, Budgewoi, Lot 479 DP 23729 Woolana Avenue, Budgewoi, Lots 520, 521 and 539 DP 23729 Woodlawn Drive, Budgewoi	64
4.3	Proposed Easement for Electricity Purposes over Lot 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby	68
4.4	Proposed Development Application and Lease of Council Land at Shannon Parade Berkeley Vale to Central Coast Community College	71

5	CONTRACT REPORTS	
5.1	CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation	76
5.2	CPA 160794 - Construction of Northern Section of Link Road, From Sparks Road to Future Development Area.....	84
5.3	CPA 164633 Excavation and Lining of Cell 4.2B at Buttonderry Waste Management Facility	93
6	GENERAL REPORTS	
6.1	Review of Code of Meeting Practice	102
6.2	Proposal to establish a Strategic Finance Committee.....	109
6.3	Reviews Required Under Local Government Act 1993.....	123
6.4	Rate Payment Incentive Scheme	132
6.5	2008-09 Annual Financial Reports	134
6.6	Membership - General Manager Performance Review Panel.....	141
6.7	Proposed Dissolution of Mardi Community Nursery and Associated Section 355 Committee	142
6.8	Fleet Replacement Program for 2009-2010	144
6.9	Alternatives to Fund the Planned Soldier's Point Foreshore Improvement Works in the 2009-2010 Management Plan	146
6.10	Proposed Councillors' Community Improvement Grants	148
6.11	Waste and Sustainability Improvement Payments	151
6.12	Bid to Host the NSW Surf Lifesaving Championships 2011-2013	161
7	BOARD/COMMITTEE/PANEL MEETING REPORTS	
7.1	Minutes - Wyong Shire Grants Committee Meeting - 30 September 2009.....	163
7.2	Minutes - Central Coast Regional Organisation of Councils - 16 September 2009.....	172
8	INFORMATION REPORTS	
8.1	Information Reports	173
8.2	Disclosure of Interest Returns	174
8.3	Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season.....	176
8.4	Mardi to Mangrove Link Project Status	179
8.5	Minutes of the Wyong Shire Senior Citizens' Council Meeting of 27 August 2009.....	182
8.6	Investments for August 2009.....	187
8.7	Outstanding Questions Without Notice and Notices of Motion	191
9	ANSWERS TO QUESTIONS WITHOUT NOTICE	
9.1	Q49 - Timeline Wyong Employment Zone & Q50 - Provisions of Services to Facilitate Wyong Employment Zone.....	204
9.2	Q51 - Status of Current Projects through Federal Funding.....	209
9.3	Q53/09 Tsunami Evacuation Location	211
10	NOTICES OF MOTION	
10.1	Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial.....	212
10.2	Notice of Motion - Woolworths Lake Munmorah and District Medical Centre	213
10.3	Notice of Motion - Popularly Elected Mayor	214
10.4	Notice of Motion - Rezoning of Land at Lot 3 Kanangra Drive, Gwandalan	215
10.5	Notice of Motion - Grants Submissions	216
10.6	Notice of Motion - Discontinuation of Supply of Bottled Water to Council	217
10.7	Notice of Motion - Public Relations Costs Review	218
10.8	Notice of Motion - Request for Minister for Community Services to Review Decision Regarding Age of Child Care Trainees.....	219

11 CONFIDENTIAL ITEMS

- 11.1 Proposed Acquisition of Land at Wyong
- 11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah
- 11.3 Q45 - Cabbage Tree Harbour Surveillance and Security and Q 54 - Project and Legal Matters
- 11.4 General Manager's Performance Review

12 QUESTIONS WITHOUT NOTICE ASKED

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

Kerry Yates
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2009/00008 - D02029036

AUTHOR: ED

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

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

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

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

RECOMMENDATION

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

1.2 Inspections

TRIM REFERENCE: F2009/00008 - D02029044

AUTHOR: MR

SUMMARY

There were no Inspections scheduled for the 7 October 2009 due to the Extraordinary Governance Meeting and briefing/s.

RECOMMENDATION

That Council receive the report on Inspections.

14 October 2009
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.3 Address by Invited Speakers

TRIM REFERENCE: F2009/00008 - D02029157

AUTHOR: MR

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2009/00008 - D02029169

AUTHOR: MR

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

- 1 Minutes of Ordinary Meeting held on 23 September 2009 D02033503

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 23 SEPTEMBER 2009
COMMENCING AT 05:05 PM**

PRESENT

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

IN ATTENDANCE

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

EXECUTIVE MANAGER, MANAGER CONTRACTS AND SPECIAL PROJECTS, MANAGER BUSINESS IMPROVEMENT AND IT, SENIOR STRATEGIC PLANNER, CULTURAL PLANNER, TEAM COORDINATOR AND PROJECT OFFICER.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 05.05 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

THE MAYOR WELCOMED THE COUNCILLORS FROM GOSFORD CITY COUNCIL, COUNCILLOR HOLSTEIN (MAYOR), COUNCILLOR DOYLE (DEPUTY MAYOR) (ARRIVED AT 5.17 PM) AND COUNCILLOR SCOTT.

THE MAYOR REPORTED THAT:

- * THE PREMIER, MR NATHAN REES MP HAS BEEN APPOINTED TO THE POSITION OF MINISTER FOR CENTRAL COAST. MR REES HAS BEEN WORKING VERY CLOSELY WITH OUR LOCAL MEMBER FOR WYONG, MR DAVID HARRIS MP WHO HAS RECENTLY BEEN APPOINTED TO THE ROLE OF PARLIAMENTARY SECRETARY.

COUNCILLOR McBRIDE DELIVERED THE OPENING PRAYER.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 3.3 AND 3.4, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

1.1 Disclosure of Interest**3.1 ADOPTION OF THE WYONG ACTIVE RIVER FORESHORE AND BAKER PARK MASTERPLANS**

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE AND HIS WIFE OWN PROPERTY WITHIN THE MASTERPLAN AREA, LEFT THE CHAMBER AT 7.14 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

3.1 ADOPTION OF THE WYONG ACTIVE RIVER FORESHORE AND BAKER PARK MASTERPLANS

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THE MATTER, FOR THE REASON THAT HER HUSBAND'S FIRM, ANDREWS NEIL, PRODUCED THE ARCHITECTURAL PLANS THAT FORM PART OF THE APPLICATION FOR DA/527/2007, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

9.1 NOTICE OF MOTION – APPOINTMENTS TO THE JOINT REGIONAL PLANNING PANEL

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

COUNCILLOR EATON STATED:

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

9.1 NOTICE OF MOTION – APPOINTMENTS TO THE JOINT REGIONAL PLANNING PANEL

COUNCILLOR SYMINGTON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS AN ALTERNATE COUNCIL APPOINTED REPRESENTATIVE OF JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR SYMINGTON 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."

9.1 NOTICE OF MOTION – APPOINTMENTS TO THE JOINT REGIONAL PLANNING PANEL

THE ACTING GENERAL MANAGER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS ONE OF TWO COUNCIL APPOINTED REPRESENTATIVES ON THE HUNTER-CENTRAL COAST JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

THE ACTING GENERAL MANAGER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE ISSUE BEFORE COUNCIL RELATES TO THE APPOINTMENT OF THE STATE APPOINTED MEMBERS."

9.1 NOTICE OF MOTION – APPOINTMENTS TO THE JOINT REGIONAL PLANNING PANEL

THE ACTING DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS AN ALTERNATIVE APPOINTED REPRESENTATIVE ON THE HUNTER-CENTRAL COAST JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

THE ACTING DIRECTOR SHIRE PLANNING STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE ISSUE BEFORE COUNCIL RELATES TO THE APPOINTMENT OF THE STATE APPOINTED MEMBERS."

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

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

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

AGAINST: NIL

AT THIS STAGE OF THE MEETING THE PROJECT DIRECTOR ADVISED THE MAYOR HAD GRANTED APPROVAL FOR THE FILM RECORDING OF ITEM 3.4 – ENVIRONMENTAL ASSESSMENT – MARDI TO MANGROVE LINK PROJECT. A DVD WILL BE CREATED TO COVER THE WHOLE PROJECT AND THIS RECORDING MAY BE INCLUDED.

1.2 Inspections

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

That Council receive the report on Inspections.

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

AGAINST: NIL

1.3 Address By Invited Speakers

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

1 *That Council receive the amended report on Invited Speakers.*

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

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

COUNCILLOR BEST LEFT THE CHAMBER AT 7.01 PM AND RETURNED TO THE CHAMBER AT 7.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR EATON LEFT THE CHAMBER AT 7.01 PM AND RETURNED TO THE CHAMBER AT 7.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 September 2009 and the Extraordinary Meeting of 16 September 2009.

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

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

2.1 Notice of Intention to Deal with Matters in Confidential Session

COUNCILLOR BEST LEFT THE CHAMBER AT 7.01 PM AND RETURNED TO THE CHAMBER AT 7.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR EATON LEFT THE CHAMBER AT 7.01 PM AND RETURNED TO THE CHAMBER AT 7.02 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor MATTHEWS and SECONDED by Councillor MCNAMARA:

- 1 *That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2)(a) and 10A(2)(g) of the Local Government Act 1993:*
 - 10.1 – *Appointment of Additional Independent Member to the Governance Committee.*
 - 10.2 *Proposed Acquisition of Land at The Entrance*
- 2 *That Council note its reason for considering Report No 10.1 is that discussion is anticipated which concerns the rights of individuals (Section 10A(2)(a)) and Report No 10.2 is that discussion is anticipated which concerns litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g)).*
- 3 *That Council request the General Manager to report on this matter in open session of Council.*

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

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

10.2 Proposed Acquisition of Land at The Entrance

2 That Council note its reason for considering Report No 10.2 is that discussion is anticipated which concerns litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g)).

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

4 That Council consider item 10.1 – Appointment of Additional Independent Member to the Governance Committee in open session.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

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

RESOLVED on the motion of Councillor MATTHEWS and seconded by Councillor MCNAMARA:

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

10.1 – Appointment of Additional Independent Member to the Governance Committee.

10.2 Proposed Acquisition of Land at The Entrance

2 That Council note its reason for considering Report No 10.1 is that discussion is anticipated which concerns the rights of individuals (Section 10A(2)(a)) and Report No 10.2 is that discussion is anticipated which concerns litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g)).

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

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

AGAINST: COUNCILLORS BEST AND EATON

3.1 Adoption of the Wyong Active River Foreshore and Baker Park Masterplans

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE AND HIS WIFE OWN PROPERTY WITHIN THE MASTERPLAN AREA, LEFT THE CHAMBER AT 7.14 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THE MATTER, FOR THE REASON THAT HER HUSBAND'S FIRM, ANDREWS NEIL, PRODUCED THE ARCHITECTURAL PLANS THAT FORM PART OF THE APPLICATION FOR DA/527/2007, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

- 1 That Council adopt the draft Wyong Active River and Baker Park Masterplan incorporating the minor amendments relating to the Wyong Race Club site as identified in the report.**
- 2 That Council note relevant Section 149 Certificates.**
- 3 That Council advise those who made submissions of the decision.**

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

AGAINST: NIL

3.2 Draft DCP 2005: Chapter 112 - Public Art

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

- 1 That Council adopt draft Development Control Plan 2005 Chapter 112 – Public Art in accordance with Clause 21 of the Environmental Planning and Assessment Regulations with a further amendment to broaden the type of development that would be subject to the Chapter to also include government public buildings and retail developments.**
- 2 That Council give appropriate public notice within 28 days and that the revised Development Control Plan become effective from the date of the notice of adoption and apply to Development Applications lodged from this date.**
- 3 That Council note its Section 149 Certificates regarding the adoption of Development Control Plan 2005 Chapter 112 – Public Art.**
- 4 That Council forward a copy of the adopted DCP to the Director-General of the NSW Department of Planning within 28 days of its adoption.**
- 5 That Council advise all those who made submissions of Council's decision.**

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

AGAINST: NIL

3.3 DA 1300/2008 Proposed Dwelling and Demolition of Existing Structures at Hutton Road, The Entrance North

MR PATRICK FABRICATO, OWNER, ADDRESSED THE MEETING AT 5.14 PM, ANSWERED QUESTIONS AND RETIRED AT 5.21 PM.

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

- 1 That consideration of DA/1300/2008 be deferred on the basis that the applicants are willing to amend their plans in order to address the impacts of climate change.**
- 2 That the amended plans address the following issues;**
 - **Relocation of the dwelling to within the footprint of the existing dwelling and outside the coastal erosion hazard lines defined in the SMEC report attached to the staff report;**
 - **Retention of the existing pine tree; and**
 - **The issues raised in the staff report regarding privacy impacts to the adjoining property.**
- 3 That the amended plans be placed on public exhibition and notified to the adjoining neighbours.**
- 4 That determination of the amended plans be dealt with under delegated authority unless the staff recommendation is for refusal.**

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

AGAINST: NIL

3.4 Environmental Assessment - Mardi to Mangrove Link Project

THE DIRECTOR SHIRE SERVICES AND PROJECT DIRECTOR ADVISED THAT AS COUNCIL IS THE APPLICANT THEY WILL BE VACATING THEIR COUNCIL ROLES AT 05.35 PM AND WILL BE AVAILABLE TO ANSWER QUESTIONS IN THE CAPACITY OF THE APPLICANT.

COUNCILLOR BEST LEFT THE MEETING AT 05:47 PM AND RETURNED TO THE MEETING AT 05:49 PM DURING CONSIDERATION OF THIS ITEM.

MR WARWICK O'ROURKE, RESIDENT, ADDRESSED THE MEETING AT 05.35 PM, ANSWERED QUESTIONS AND RETIRED AT 05.51 PM.

MR CHRIS MASTERS, HEAD CONSULTANT REPRESENTING AURECON AUSTRALIA PTY, ADDRESSED THE MEETING AT 05.52 PM, ANSWERED QUESTIONS AND RETIRED AT 06.11 PM.

MR PAUL WISE, APPLICANT, ADDRESSED THE MEETING AT 06.12 PM, ANSWERED QUESTIONS AND RETIRED AT 06.57 PM.

MR LACHLAN SWEENEY, SENIOR ENVIRONMENTAL SPECIALIST REPRESENTING AURECON AUSTRALIA PTY WAS AVAILABLE FOR QUESTIONS.

MR NEVILLE HUTTON, PROJECT MANAGER REPRESENTING GHD WAS AVAILABLE FOR QUESTIONS.

MR BRAD SNEDDON, ENVIRONMENTAL MANAGER REPRESENTING GHD WAS AVAILABLE FOR QUESTIONS.

MR TOM GRANT, PLATYPUS SPECIALIST WAS AVAILABLE FOR QUESTIONS.

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

That Council approve the proposal in accordance with:

- 1 The REF Review of Environmental Factors for the Mardi to Mangrove Link Project, dated June 2009, prepared for Wyong Shire Council by GHD.**
- 2 All identified procedures, safeguards and mitigation measures identified in the REF being undertaken except where amended in this Determination Report.**
- 3 The recommendations presented contained within the Determination Report.**
- 4 That in developing the traffic management plan the applicant be required to meet the objective that traffic delays be minimised to a maximum of 15 minutes, no more than twice an hour.**

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

AGAINST: COUNCILLORS VINCENT AND WYNN

THE MEETING WAS ADJOURNED AT 06.57 PM AND RESUMED AT 07.01 PM.

4.1 Proposed Acquisition by Transport Infrastructure Development Corporation of Part of Brownlee Street, Ourimbah for Ourimbah Commuter Carpark

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

- 1 That Council authorise the compulsory acquisition by Transport Infrastructure Development Corporation of part of the public road being Brownlee Street, Ourimbah for the Ourimbah Railway Commuter Carpark and accept compensation for the acquisition determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the acquisition by Transport Infrastructure Corporation.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL

4.2 Lease of F3 pylon signs over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale

COUNCILLOR MCNAMARA LEFT THE MEETING AT 07:24 PM AND RETURNED TO THE MEETING AT 07:25 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE MEETING AT 07:27 PM AND RETURNED TO THE MEETING AT 07:29 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE MEETING AT 07:57 PM AND RETURNED TO THE MEETING AT 08:00 PM AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council defer this matter for further information on the financial resources of Sports & Outdoor Media and legal advice as to Councils remedies.**
- 2 That Council refer this matter to the Governance Committee for investigation and recommendation.**

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

AGAINST: NIL

5.1 Contract Variations and Finalisation - August 2009

COUNCILLOR VINCENT LEFT THE MEETING AT 07:57 PM AND RETURNED TO THE MEETING AT 08:00 PM AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the Contract Variations Report.

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

AGAINST: NIL

5.2 CPA 94060 - Provision of Communication Services

COUNCILLOR VINCENT LEFT THE MEETING AT 07:57 PM AND RETURNED TO THE MEETING AT 08:00 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council decline to take up the optional extension periods available under Contract No. CPA94060 – Provision of Communication Services with Optus Pty Limited (mobile services) and Macquarie Telecom Pty Limited (Fixed Phone services).**

- 2 That Council authorise the General Manager to purchase all mobile and fixed line telephony services under option J4 as defined in the Government Telecommunications Agreement (RFT 0500024 from NSW Department of Commerce) with Telstra Pty Limited for the next three years, at an estimated annual cost of \$466,500 excluding GST.

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

AGAINST: NIL

5.3 CPA 163676 - Supply and Application of Pavement Markings and Associated Work

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

- 1 That Council accept Tender No 1 from Workforce Road Services Pty Ltd for a period of two years commencing on 1 October 2009. The estimated annual expenditure against this contract is \$272,090.00 (excl GST) however actual expenditure may vary significantly with fluctuations in demand.
- 2 That Council approve an annual contract budget of \$299,299.00 (excl GST) that provides for an annual contingency amount of \$27,209.00 (excl GST), representing approximately 10% of the contract value, to provide for any additional works over the estimated quantities that may become necessary during the course of the works.

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

AGAINST: NIL

6.1 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$4,400 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

6.2 Agreement - Wyong Shire Council Outdoor Social Club Incorporated Purchase of Bus

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

- 1 ***That Council guarantee the loan between the Wyong Shire Council Outdoor Social Club Incorporated and Wyong Council Credit Union.***
- 2 ***The Council authorise the General Manager to execute all documents relating to the guarantee agreement between the Council and the Wyong Shire Council Outdoor Social Club Incorporated.***

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

AGAINST: NIL

7.1 Information Reports

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

That with the exception of report number 7.2, 7.3, 7.4 and 7.5 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

7.2 Activities of the Development Assessment Unit

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

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

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

AGAINST: NIL

7.3 Results of Water Quality Testing for Beaches and Lake Locations

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

- 1 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.**
- 2 That Council request the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee to provide an information report reviewing the possible issues of high level of turbidity as a result of the recent unprecedented dust storm event.**

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

AGAINST: NIL

7.4 Mardi to Mangrove Link Project Status

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

- 1 That Council receive the report on Mardi to Mangrove Link Project Status.**
- 2 That Council notes with concern the number of outstanding easements still to be acquired.**
- 3 That Council receive a briefing within two months on the Tillegra Dam proposal and that an invitation be extended to Hunter Water to attend.**

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

AGAINST: NIL

7.5 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

7.6 Water and Sewerage - Works in Progress

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

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

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

AGAINST: NIL

7.7 Annual Water Supply and Sewerage Performance Reporting

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

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

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

AGAINST: NIL

7.8 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL

9.1 Notice of Motion - Appointments to the Joint Regional Planning Panel

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

COUNCILLOR EATON STATED:

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

COUNCILLOR SYMINGTON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS AN ALTERNATE COUNCIL APPOINTED REPRESENTATIVE OF JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR SYMINGTON 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."

THE ACTING GENERAL MANAGER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS ONE OF TWO COUNCIL APPOINTED REPRESENTATIVES ON THE HUNTER-CENTRAL COAST JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

THE ACTING GENERAL MANAGER STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE ISSUE BEFORE COUNCIL RELATES TO THE APPOINTMENT OF THE STATE APPOINTED MEMBERS."

THE ACTING DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS AN ALTERNATIVE APPOINTED REPRESENTATIVE ON THE HUNTER-CENTRAL COAST JRPP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

THE ACTING DIRECTOR SHIRE PLANNING STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE ISSUE BEFORE COUNCIL RELATES TO THE APPOINTMENT OF THE STATE APPOINTED MEMBERS."

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

That Council urge the State Government to reconsider the appointments to the Joint Regional Planning Panel for the Hunter and Central Coast and ensure that there are Central Coast representatives appointed by the Government actually reside on the Central Coast.

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR SYMINGTON SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE INCLUSION OF THE ROLE OF LOCAL COUNCILS IN THE PLANNING PROCESS AS A LATE ITEM TO THE LGA CONFERENCE.

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

That Council consider a motion of Urgency regarding the inclusion of the role of local councils in the planning process as a late item to the LGA conference due to the deadline for submissions.

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

AGAINST: NIL.

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

U16/09 Local Councils Role in the Planning Process

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

- 1 That Council resolve to support other Councils' in calling on the NSW Premier to instruct his Government to cede planning powers back to Local Government to preserve the role of local Councils' in the planning process.**
- 2 That Council submit this resolution to the LGA Conference as a late submission for inclusion on the agenda.**

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR VINCENT SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROGRESSION OF THE CONSTRUCTION OF THE ROAD INTO WARNERVALE TOWN CENTRE DUE TO THE NEW APPOINTMENT OF THE MINISTER OF CENTRAL COAST.

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

That Council consider a motion of Urgency regarding the progression of construction of the road into Warnervale Town Centre.

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

AGAINST: COUNCILLOR EATON.

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

U17/09 Motion of Urgency - Progression of Construction of the Road into Warnervale Town Centre

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

That the Mayor and Deputy Mayor consult with the Minister for the Central Coast via the Parliamentary Secretary, Mr David Harris MP, Member for Wyong with the view to progressing the construction of the road into the Warnervale Town Centre.

COUNCILLOR'S NOTE

Refer to Answers to Question Without Notice Q048 – Warnervale Town Centre.

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

- 1 That the Mayor and Deputy Mayor consult with the Minister for the Central Coast via the Parliamentary Secretary, Mr David Harris MP, Member for Wyong with the view to progressing the construction of the road into the Warnervale Town Centre.
- 2 That Council provide a copy of the answers to question Q048 to the Parliamentary Secretary for the provision to the Minister for the Central Coast and their attention be drawn to the intransigence of Landcom as the major land owner of the proposed road corridor in contributing to towards the cost of the road.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

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

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

That the Mayor and Deputy Mayor consult with the Minister for the Central Coast via the Parliamentary Secretary Mr David Harris MP, Member for Wyong with the view to progressing the construction of the road into the Warnervale Town Centre.

COUNCILLOR'S NOTE

Refer to Answers to Question Without Notice Q048 – Warnervale Town Centre.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Q54/09 Cabbage Tree Harbour Toe Drainage Project

Councillor John McNamara

F2004/07782

“Could staff provide a detailed Councillor update regarding Cabbage Tree Harbour toe drainage project and legal matters on the cliff top?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.24 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE MEMBERS OF THE PRESS AND PUBLIC EXCLUDED FROM THE MEETING OF THE CLOSED SESSION AND ACCESS TO THE CORRESPONDENCE AND REPORTS RELATING TO THE ITEMS CONSIDERED DURING THE COURSE OF THE CLOSED SESSION BEING WITHHELD. THIS ACTION IS TAKEN IN ACCORDANCE WITH SECTION 10A OF THE LOCAL GOVERNMENT ACT, 1993 AS THE ITEMS LISTED COME WITHIN THE FOLLOWING PROVISIONS:-

“2(a) personnel matters concerning particular individuals (other than Councillors).

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.”

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 9.40 PM AND THE ACTING GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

10.1 Appointment of Additional Independent Member to the Governance Committee

That Council appoint Mr Jason Masters as an independent member of the Governance Committee of Wyong Shire Council with effect from 1 October 2009 until the end of the term of this Council.

10.2 Proposed Acquisition of Land at The Entrance

- 1 That Council seek the dedication of approximately 200m² of land to be bought into Council's public ownership.*
- 2 That Council authorise the proposed draft condition of consent to facilitate Item 1.*
- 3 That Council authorise the payment of reasonable compensation for the acquisition of land as outlined in Item 1. This should be guided by the principles of the Land Acquisition (Just Terms Compensation) Act 1991 and be based on assessment by a qualified valuer.*
- 4 That Council authorise the Mayor and General Manager to negotiate and execute all documents relating to the Transfer.*
- 5 That Council provide a further report on this land, if the current development application is refused by the Court and in any event on the other lands potentially necessary for the waterfront promenade. Such report to include description of existing development and development potentials, options re costings and physical works necessary as well as comments from affected owners.*
- 6 That Council exempt this motion from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00am on Thursday 24 September 2009 for the reason that the matter will form part of Land and Environment Court proceedings to be held on 24 September 2009.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.42 PM.

.....
CHAIRPERSON

2.1 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2009/00008 - D02001746

AUTHOR: SW

SUMMARY

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

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

RECOMMENDATION

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(a)(c)(e) and (g) of the Local Government Act 1993:**
 - 11.1 Proposed Acquisition of Land at Wyong**
 - 11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah**
 - 11.3 Q45 - Cabbage Tree Harbour Surveillance and Security and Q54 - Project and Legal Matters**
 - 11.4 Performance Review of General Manager**
- 2 That Council note its reason for considering Report No 11.1 in confidential session is that it includes information that could confer a commercial advantage on a person with whom the Council will be conducting business, 11.2 includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, 11.3 concerns information that would, if disclosed, prejudice the maintenance of law and 11.4 concerns personnel matters.**
- 3 That Council request the General Manager to report on these matters in open session of Council.**

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

“(1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

2(a) personnel matters concerning particular individuals (other than councillors).

2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

2(e) information that would, if disclosed, prejudice the maintenance of law.

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege”.

3.1 Council Policy Review - Keeping of Animals

TRIM REFERENCE: F2009/00055 - D01993400

AUTHOR: BF

SUMMARY

This report details a review of Council Policy K1 – Keeping of Animals.

Policy K1 is an existing policy which has been reviewed and amended to comply with current legislation and practices in NSW. The policy has also been broadened to cover additional animals such as dogs and cats. This will enhance Council's ability to control and regulate the number of animals being kept on a property together with the conditions in which they are being kept.

RECOMMENDATION

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

BACKGROUND

As part of Council's regulatory responsibilities, the entire Council policy manual is being reviewed to ensure documentation is relevant and current and is available to the public. Shire Planning is responsible for 18 Council policies and these have been reviewed with reference to policy development history, current relevance and to identify opportunities to enhance and update policies.

It is noted that a number of policies were originally instituted by previous Councils and may no longer have particular relevance given changes in population and practice within the Shire over recent decades. For this reason Policy K1 has been reviewed and updated to ensure relevance to current users.

K1 – Keeping of Animals

Policy K1 has been reviewed and amended to incorporate current requirements for the keeping of animals in Wyong Shire. The amendments to this policy are predominantly a result of legislation referred to or used to prepare the existing policy being repealed or amended. The proposed policy now reflects current legislation and codes of practice.

In addition, consultation with staff that apply and deal with the policy identified a number of shortfalls in the policy. To enable the policy to be applied and easily interpreted, a number of requirements have been updated and additional species of animal have been added to the policy. The animals now covered by the policy which previously were not include dogs, cats, geese, turkeys and cockatoos. Other Local Government policies have been reviewed to compare requirements for the newly added animals and the animals previously covered.

An attempt has been made to keep the requirements for the keeping of animals similar to other Councils in NSW and in particular Sydney and the Hunter/Central Coast area, while still taking into consideration the local situation in Wyong Shire.

Additional sections have been added to clarify the term 'residential land' and to provide advice in relation to seeking a variation to the provisions of the policy. Residential Land under K1 includes land that is located within the 2(a), 2(b), 2(c), 2(d) and 2(e) zones, or any other land that is used for residential purposes, and has an area less than 1200m². Residential land with an area greater than 1200m² may be considered as rural land under the provisions of this policy only. A review of the average size of residential land parcels in Wyong Shire and the size of residential land that is considered appropriate to keep certain animals on indicate that land with a size less than 1200m² was not appropriate for rural type animals such as horses. However, there are residential zoned parcels in the Shire that have an area greater than 1200m² and animals such as horses and sheep are kept on these premises with little impact. This size limit is considered reasonable.

Where a person wishes to vary the provisions of this policy they may make written representation to Council outlining the extent of the variation and providing details of the animals and property on which the animal is to be kept. Variations will be considered on a case-by-case basis.

There has also been a section included within the draft policy that identifies which animals are prohibited on residential properties. Under the previous policy these animals were listed in a table which is still the case under the proposed policy; however, to ensure that it is clear an additional section has been included to clearly state which animals are prohibited.

CONCLUSION

It is recommended that policy K1 be exhibited for a period of 28 days. Should there be no significant objections received by Council during the notification period it is recommended that the policy be adopted and incorporated within the Wyong Shire Council Policy Manual.

ATTACHMENTS

- 1 Draft K1 Keeping of Animals Policy Enclosure D01993392

3.2 Planning Agreements Policy - Approval for Exhibition and Adoption

TRIM REFERENCE: F2004/00552 - D01988796

AUTHOR: WW

SUMMARY

This report provides details of the preparation of the Draft Planning Agreements Policy (PAP) and seeks approval to publicly exhibit this draft policy for 28 days. Subject to there being no major objections received, approval is also sought for adoption and commencement of the policy following exhibition.

RECOMMENDATION

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

BACKGROUND

Council has historically relied upon the use of common law agreements (primarily deeds of agreement) to deal with planning issues, including issues regarding development contributions. This included entering into deeds of agreement with developers to carry out works on behalf of Council and developers receiving contribution credits for these works.

The Environmental Planning and Assessment Act (EP&A Act) was amended in July 2005 to provide a new statutory basis for the use of voluntary planning agreements instead of the use of common law agreements when dealing with planning related issues. The new system provided greater accountability and transparency but allowed more flexibility regarding development contributions.

Council only became involved in negotiating planning agreements approximately 18 months ago. Since that time it has become apparent that developers need to be aware of circumstances in which Council will consider entering into a planning agreement and what these agreements would and would not cover.

On 27 May 2009, Council resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Best:

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

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

3.2 Planning Agreements Policy - Approval for Exhibition and Adoption (contd)

A draft policy has now been prepared, providing guidance for developers and staff involved in negotiating planning agreements and aiding in flexibility in terms of payment of development contributions.

DETAILS OF DRAFT PLANNING AGREEMENT POLICY

The draft policy is broken into the following three sections :

Section 1.0 Introduction, provides an introduction to planning agreements, a dictionary of common terms used in the policy and the purposes of the policy, which are:

- (a) *To establish a framework governing the use of Planning Agreements by Council;*
- (b) *To ensure that the framework so established is efficient, fair, transparent and accountable;*
- (c) *To enhance planning flexibility through the use of Planning Agreements;*
- (d) *To broaden the range and extent of development contributions generated by development towards Public facilities in Council's area;*
- (e) *To set out Council's specific policies on the use of Planning Agreements; and*
- (f) *To set out procedures relating to the use of Planning Agreements within Council's area.*

Section 2.0 Policy on the Use of Planning Agreements, sets out the policy and framework relating to the use of Planning Agreements. The objectives and principles of the policy are set out in the section, together with the specific purposes Council will consider as being circumstances to warrant entering into a planning agreement. It is in this section that Wyong Council differs from the policies of other NSW councils by including the following additional purpose:

- (a) *Allow the payment of monetary contributions at various stages of Development which may differ to that specified in an adopted Contributions Plan, pending careful consideration of Public facility delivery and associated financial implications.*

This more accurately reflects the intent of Council's resolution and provides an opportunity for development to continue in the current economic climate. The draft policy also provides for a planning agreement to make provision by a developer for security in respect of the developer's obligations under the planning agreement and for such security to take the form of cash or a bank guarantee.

As the economic climate improves and the property market revives, it is likely that Council will not be under as much pressure to consider deferral of the payment of development contributions. For this reason it is recommended that the policy be reviewed in 12 months from the date of adoption. If, after careful consideration of the economic climate and the financial and public facility delivery impacts on Council, it is considered appropriate the above purpose may be removed from the policy.

Section 3.0 Procedures Relating to the Use of Planning Agreements, outlines the basic procedures for the negotiation, preparation, advertising, execution, enforcement, reviewing and abolishment of Planning Agreements. It also sets out Council's responsibility to keep a Planning Agreements Register, which is available to the public.

A copy of the draft policy is attached to this report.

IMPLICATIONS OF THE DRAFT PLANNING AGREEMENT POLICY

Benefits

Adoption of the draft policy will provide many benefits to Council, the development industry and the community. These include:

- Providing Council staff with a clear policy direction and procedure to follow. This should result in consistent outcomes across the Shire (although having regard to the individual circumstances and merits of each case).
- Enabling Council to negotiate additional benefits for the community from developers beyond standard development contribution guidelines.
- Providing certainty to the development industry regarding the process to follow when considering whether or not to enter into a planning agreement with Council.
- Enhancing flexibility for the development industry in allowing the payment of contributions at various stages of the development.
- Providing a fair, reasonable and transparent process to follow for all stakeholders involved. There should be no surprises during negotiation relating to things like costs of preparation or Council's expectations in relation to outcomes.
- Enhancing accountability through public exhibition requirements and through the requirement to have any Local Environmental Plan (rezoning) or application for development (under Parts 3A or 4 of the EP&A Act 1979) the subject of a planning agreement to be considered by Council or the General Manager/Director Shire Planning.

Costs

Whilst it is acknowledged that there are many benefits in adopting the policy, Council must also consider the costs involved in allowing greater flexibility in the timing of payment of development contributions. These costs are discussed below.

Impact on Contributions Cash Flow and Delivery of Public Facilities

The current timing of payment provides certainty for Council (i.e. developers will not be able to proceed with construction works until such time as contributions are paid) and allows Council to model predicted income and expenditure. This in turn enables other units of Council, such as Open Space and Recreation and Roads and Drainage, to programme work in line with the expected demand created for public facilities.

Council currently has approximately \$30m in Development Contributions for the whole Shire, held as a restricted asset. There is a further \$3m of Development Contributions owed to Council identified in existing development consents. Council's 2009-2010 Management Plan identifies in excess of \$21m worth of public facilities to be funded by Development Contributions this financial year.

Council normally collects in the order of \$12m per year in development contributions; however, due to the current economic climate, income levels have fallen to approximately \$3million per year and are not likely to return to normal levels for several years. As a result, various projects may need to be either delayed or scaled back.

3.2 Planning Agreements Policy - Approval for Exhibition and Adoption (contd)

If Council allows the payment of contributions to be deferred until a later stage of development, it limits Council's ability to allocate funds towards projects that require considerable time to deliver (e.g. a sporting field might take 1-2 years to be designed, approved and tendered and another 1-2 years to be constructed). As such, public facilities may not be provided until after the demand has been generated.

Deferral of payment also limits Council's ability to pool funds and allocate these pooled funds to high priority public facilities. Without this option, many of the larger, more expensive public facilities or infrastructure could not be funded (without external borrowing) or be delivered until a majority of the area had developed and everyone had contributed. This is not considered to be efficient or an equitable delivery of public facilities and would likely lead to concerns being raised by the community that needed facilities are not available.

It is also noted that given the current economic climate, delaying payment of contributions may enable certain developments to proceed which otherwise may not have been able to commence.

Resources

Council's experience is that negotiating, preparing and enforcing planning agreements is very time consuming, with more complicated agreements taking in excess of 12 months to finalise and enforce. Staff time spent negotiating and preparing planning agreements will not be able to be spent on other important tasks such as assessment of development applications (for Development Assessment Staff) and co-ordination of the development contributions system, including preparation and review of contributions plans (for Contributions Staff). It needs to be acknowledged that Development Application processing times and the Future Planning Works Programme may be affected as a result.

Deferral of payment of development contributions may also require resources for following up outstanding contributions. This is not the case currently where payment of development contributions prior to the issue of a Construction Certificate provides certainty for Council (i.e. developers will not be able to proceed with construction until such time as contributions are paid). If a Construction Certificate is allowed to be issued without the payment of contributions, appropriate staff will need to assume responsibility for ensuring compliance with the terms of the planning agreement and commencing dispute action if the terms of the planning agreement are breached or have not been met.

CONCLUSION

It is acknowledged that Council requires a policy for the use of voluntary planning agreements to ensure consistency, transparency, accountability and equity for Council, the development industry and the community. The draft policy attached to this report provides these.

Council must also be mindful of the implications of allowing greater flexibility in the payment of development contributions. Whilst it may stimulate development in the current economic climate, Council must consider its ability to deliver public facilities in a timely and cost effective manner and acknowledge the impact planning agreements may have on resources and work programmes.

It is recommended that Council endorse the draft policy for the purpose of public exhibition.

ATTACHMENTS

- 1 Draft Planning Agreements Policy - Approval for Exhibition and Adoption Enclosure D01990467

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

TRIM REFERENCE: F2009/00614 - D02010019

AUTHOR: BF

SUMMARY

This report details the proposed exhibition of Draft Development Control Plan (DCP) 200: Chapter 65 – On Site Effluent Disposal in Non Sewered Areas. This document has been prepared having consideration for the previous Council draft document prepared in 2003 and with regard to information on available systems and their maintenance, including the introduction of appropriate performance standards.

This chapter is proposed to be publicly exhibited for a period of 28 days.

RECOMMENDATION

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

INTRODUCTION

Council's existing Development Control Plan (DCP) No 65 – Domestic Wastewater Disposal In Non-Sewered Areas was considered to be at the forefront of technology when it was adopted in July 1995. In line with rapidly advancing technology in this field, the DCP has been reviewed and upgraded in line with the Regional DCP which was produced by Wyong Council staff in consultation with Hunter and Central Coast Councils. Grant funding under the 'Septic Safe' Program in 2003 was utilised to fund the project. While Wyong Council did not adopt the Regional DCP in 2003 Council has utilised this document as a basis for the new draft document proposed for exhibition.

The major amendments incorporated within the draft DCP are as follows:

- The DCP includes the introduction of performance standards for system operation;
- The DCP now reflects the current NSW Environmental Health Protection Guidelines (the 'Silver Book') and AS (Australian Standard) 1547: 2000;
- The DCP now reflects amendments to applicable legislation;
- The DCP now provides more background on the mechanics of available systems and how these systems operate;

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

- The DCP introduces details on the maintenance requirements of various systems;
- The DCP alters the reporting regime to reflect site constraints and the amount of detail required in the report for site feasibility; and
- The DCP brings together all current reference sources of knowledge in relation to On Site Sewage Management.

As such, the draft DCP is considered to provide the best and most up to date information available for both installers and users of On Site Sewage Management Systems. It is recommended that the draft be placed on public exhibition for comment.

STATUTORY REQUIREMENTS

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides for the preparation of a DCP by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a DCP are specified within the EP&A Regulation 2000.

COUNCIL POLICY AND STRATEGIC IMPLICATIONS

Relationship to other Chapters within DCP 2005

This chapter of the DCP will apply in conjunction with other relevant chapters. In circumstances where there may be any inconsistency between the requirements contained in this plan and any other Council Chapter in regards to effluent disposal in non sewerred areas, the provisions of this plan shall apply.

PUBLIC INTEREST

The draft document was also sent to The Hunter, Central Coast and mid North Coast Council's Regional On-Site Sewage Management Committee for comment prior to this report being prepared. The committee suggested that an additional requirement be inserted in section 3.0 of Chapter 65 stating that the general site, environmental and soil conditions of the allotment must not constitute more than a low hazard limitation in terms of the systems effects. This requirement has now been included in the draft document.

Draft DCP 2005 Chapter 65 On Site Effluent Disposal in Non Sewered Areas will be placed on public exhibition for a period of 28 days to provide the public opportunity to lodge submissions. Any submissions will be assessed at the completion of the exhibition period and amendments may be made to the document as necessary.

To ensure that as many people as possible are consulted in this process, it is proposed that notification letters be forwarded to each of the Precinct Committees, Progress Associations and other relevant groups in addition to the standard notice in the Express Advocate and notice on Council's website. In addition relevant community group meetings will be attended to discuss the proposed requirements.

DISCUSSION

The current DCP dated 1995 is based on installation of systems with minimal additional information provided. The draft chapter goes further in providing the public with information on installation, operation and maintenance of systems. By providing additional information the public are assisted to become more aware of their responsibilities when owning an on site sewage management system. As a result it is anticipated that systems will be better maintained resulting in fewer environmental impacts and other potential problems.

The general provisions of the proposed chapter will be very similar to the Regional On Site Sewage Management DCP adopted by The Hunter, Central Coast and mid North Coast Council's Regional On-Site Sewage Management Committee. The proposed Chapter reflects AS1547 and combines this with the Department of Local Government requirements; however, is written in plain English for a broader audience.

CONCLUSION

The draft DCP has been prepared in accordance with legislative and regulatory requirements and is appropriate for public exhibition.

ATTACHMENTS

- | | |
|--|---------------------|
| 1 Draft Chapter DCP No 65 On Site Effluent Disposal In Non Sewered Areas | Enclosure D02010023 |
|--|---------------------|

3.4 Wyong Recreation Facilities Strategy

TRIM REFERENCE: F2008/02015 - D01998499

AUTHOR: BMc

SUMMARY

This report presents the results of the public exhibition of the draft Recreation and Sporting Facilities Strategy. The Draft Plan has been prepared following general and targeted consultation with stakeholders, the general public, staff and Council over a period from 2005. The current draft Strategy was publicly exhibited from 3 June 2009 to 29 July 2009. The Strategy is presented as a revised version of the draft endorsed for exhibition and is recommended for adoption as the Wyong Recreation Facilities Strategy.

RECOMMENDATION

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

BACKGROUND

Council's 2008/09 Management Plan required the completion of Stage 2 of the Recreation Facilities Strategy. A draft document has been completed and exhibited. This document collates parallel activities in recreation planning and presents draft strategies for Recreation and Sporting Facilities which are based upon past and recent consultation with the community, associations and other sector groups together with a comprehensive review of facilities.

There are currently integrated Council projects to implement a Shire Strategic Vision, 4 year Delivery Plan, Strategic Asset Management Strategy and Service Level Agreements for recreation facilities. Where possible, these have been used to prepare the Wyong Recreation Facilities Strategy document and will be used to review the document within two years from adoption.

For the purpose of this, "recreation" is considered to include both active and passive spheres together with sporting facilities.

PROCESS

The Recreation Facilities Strategy has been developed in a process of investigation, consultation and synthesis since the identification of a project to prepare a strategy in the 2006/2007 Management Plan.

In October 2006 the Council endorsed a proposal to split the process into a Review and Strategy for Sporting Facilities initially followed by a Review and Strategy of Recreation Facilities.

A review was presented to the Project Working Group in November 2007 and a Councillor briefing held on the review in May 2008 followed by a further Councillor briefing on the Draft Strategy for Sporting Facilities in June 2008. This briefing determined that the draft strategy be deferred to the next Council for consideration rather than proceed to exhibition at the end of the Council's term of office. Concurrently, work proceeded to conduct research, consultation and synthesis of the strategies for both sporting and recreation facilities in an integrated document.

The draft integrated document was endorsed by Council in April 2009 to proceed to the next stage of public exhibition. The document has now been exhibited and subsequently revised based upon submissions received.

CONSULTATION AND RESEARCH

The current document has been developed using information from previous recreation planning projects conducted by or with the participation of Wyong Council as outlined below. Emphasis has been given to the synthesis of previous research and the identification of gaps in knowledge to be addressed by this project.

These projects include.

- Wyong Open Space Preferences Survey 1988.
- Recreation Plan Surveys 1993-1994.
- Community Plan 1997 - Adopted.
- Draft Sporting Facilities Strategy 2000 - Not adopted.
- Community Plan 2002 - Adopted
- Regional Sporting Facility Strategy (Suter and Associates) 2002 - Not adopted by Wyong.
- Assessing Recreation Demand and opportunities Central Coast Region, DIPNR 2003.
- Warnervale Indoor Aquatic and Recreation Centre Feasibility Study, HM Leisure, 2004 - Not adopted.
- Community Attitudes to Parks and Recreation HVRF for Wyong Council 2005.
- Local Parks Strategy 2005 - Adopted.
- Sporting and Recreation Organisation Surveys 2005.
- Community Plan Consultation and Report 2007 - Adopted.
- Quality of Life on the Central Coast Consultation and Report CSIRO, Wyong and Gosford Councils 2007.

Information gaps identified in the review have been addressed by the following consultations and investigations.

- Sporting Association and Stakeholder Surveys 2008.

3.4 Wyong Recreation Facilities Strategy (contd)

- Sport and Recreation Stakeholder Workshop consultation 2008-2009.
- Time analysis of Sports turf 2008 - 2009.

2008 Consultation with Sporting Associations and Stakeholders

This consultation was conducted with users and providers of major sporting facilities (including Council and Government) in addition to the 2005/2006 surveys conducted with Sporting Associations by the Recreation Planning Officer:

- Baseball, Softball, Football, Oztag, Touch all requesting more sports turf with good justifications.
- Gymnastics, basketball, netball, hockey requesting indoor sports halls.
- Football predicting continued strong growth from a very large base.
- Minimal growth in Rugby Union and Rugby League forecast.
- Potential for joint venture with Lake Macquarie.

Recreation workshops in 2008 – 2009 revealed the following issues as important:

- Walking, cycling, picnicking and fishing are major recreation activities.
- Recreation use is more popular in areas with foreshore and natural vegetation.
- The presence of natural settings on land and water is a major attractor for recreation.
- Activities that promote environmental values are positive.
- There is demand for facilities to support parallel activities in public places across all ages to promote social interaction.
- Maintenance, safety and access are major determinants of satisfaction.
- Paths, seats, shade and toilets are major positive attributes.
- Demand for innovative facilities to promote family uses such as outdoor cinema.

Councillor Engagement

Following the Councillor briefing in April 2009 the draft Strategy and Review was re-issued for Councillor comment. Several Councillors made detailed comments and these were incorporated in to the exhibited draft. All Councillors were again consulted prior to the draft Strategy going to public exhibition.

Stakeholder Engagement

All identified stakeholders were issued with digital copies and, when requested, hard copies of the draft document. Some Internal stakeholders have made detailed comments to improve the effectiveness of the Strategy in achieving its goal and these have been incorporated into the revised draft.

Some external stakeholders have made formal submissions either directly or through Councillors and staff and these are discussed below.

ISSUES RAISED IN SUBMISSIONS

Submissions have been received from Councillors, staff and stakeholders. Specific amendments were made in response to submissions as a means of also illustrating the content of the Strategy. A summary of the issues raised in the submissions together with a Council comment responding to the issues is included in Attachment 1.

AMENDMENTS TO THE DRAFT

- The Strategy has been renamed the Recreation Facilities Strategy to more accurately reflect the integrated nature of facilities that Council both provides and manages.
- Amendments have been made to better target strategic actions only. Specific detailed actions are more appropriately addressed within Operational Plans, and the SSV 4 Year Delivery Plan.
- Specific actions identified following consultation have been communicated to the operational areas of Council.
- A key area of programming activities has been included into the Strategic Actions to better activate and manage recreation facilities.
- The Strategy has been reviewed in the light of the Asset Management Strategy and the Shire Strategic Vision.

RELATIONSHIP TO THE SHIRE STRATEGIC VISION

The Strategy has been amended to better align it with the Shire Strategic Vision

Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.

The Strategy emphasises actions and principles for facilities and settings that will promote social capital, community engagement and stronger connections.

There will be ease of travel within the Shire and to other regional centres. Travel will be available at all hours and be safe, clean and comfortable.

Travel has been a major issue in all recreation consultations over the past 20 years and much of this relates to the use of recreation facilities by the young and the elderly who use alternatives to cars as their primary form of transport.

The Strategy suggests planning principles, promotion and physical attributes that makes travel to facilities and settings safer, more efficient and easier. The Strategy promotes the integration of recreation and incidental exercise.

Communities will have access to a diverse range of affordable and co-ordinated facilities, programs and services.

Consultation identified diversity, access and co ordination as significant determinants of satisfaction. Further the community is seeking programs and services to activate facilities. The Strategy suggests actions that will promote diversity, access and co-ordination of facilities and activate them with programs and services.

Areas of natural value in public and private ownership will be enhanced and retained at a high level in the context of ongoing development.

The exhibited Strategy implicitly supported this objective but has been amended to specifically promote this objective with a strategy contained within Section 4.

There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.

The Strategy promotes public involvement with environmental programs to achieve personal, social, health and environmental benefits for the individual and the community.

FINANCIAL IMPACTS

The Strategy does not identify physical works but does identify strategic actions which would lead to investigations including physical actions and funding opportunities for those actions.

The outcomes of the strategic actions would also be used to inform the updating of the 4 year delivery plan.

CONCLUSION

The Wyong Recreation Facilities Strategy has been developed in conjunction with the community, associations and other stakeholders. It has been exhibited for public comment and some amendments have occurred to address certain issues raised during the exhibition process. It is now recommended for adoption and inclusion in Council's deliberations for the SSV 4 Year Delivery Plan.

ATTACHMENTS

- | | | |
|---|--|---------------------|
| 1 | Wyong Recreation Facilities Strategy Submissions Table | D01998551 |
| 2 | Draft Recreation Facilities Strategy | Enclosure D02001271 |

ATTACHMENT A – SUBMISSION TABLE

Doc No	Issue	Council Comment
D01995657	<p>A requirement for at least 2-4 disabled parking places be made available at all Council sporting facilities and that they be monitored during weekends by Council Rangers.</p>	<p>The Strategy does have a target to increase access and provide equitable distribution of accessible facilities as well as auditing and upgrading existing facilities to accessibility requirements.</p> <p>The Strategy has been amended with a specific requirement to achieve a minimum of two spaces at all sporting facilities and major recreation facilities and recommend monitoring of spaces to dissuade misuse of the spaces.</p>
D01995588	<p>The Central Coast Academy of Sport (CCAS) is a lead agency in sport, supported financially by Wyong Shire Council. We hold a very important position regarding regional sport development. The board of the CCAS believes we are an agency not fully utilised when it comes to strategic planning for sport and recreation. The CCAS wishes to be involved with key discussions regarding linkages to community development.</p> <p>We are certainly interested in establishing a stronger link with both council and sports tourism to create recognition and support for (listed in submission) proposed events/tours.</p> <p>We see a definite need for a major indoor sporting facility within the Central Coast region. A major indoor sporting arena with adequate spectator seating would be a very welcomed addition to the Wyong Shire region and would certainly attract many major events – not only sporting, but entertainment varieties also.</p> <p>The CCAS would like to see the establishment of a sports business taskforce as the basis for the development of an ongoing sport attraction program for the Central Coast/Wyong Shire region. The taskforce would have the mission to create 'economic benefit generated by sport.' The taskforce would focus on four key development areas – taskforce committee membership and operations; initiatives, business attraction and events; partnerships and alliances; and an industry association.</p>	<p>The Strategy included CCAS as a key stakeholder for consultation. The Strategy has been amended to include the CCAS as a liaison body as per the Central Coast Sports Federation.</p> <p>The Strategy recognises the economic, social and cultural benefits of Sports Tourism. The Strategy has been amended to give greater emphasis to co-ordination with external bodies to better assist in supporting and programming inter regional events.</p> <p>Noted. The Strategy recognises there are a broad range of recreational benefits available from a properly managed multi purposes indoor recreation facility with adequate spectator seating.</p> <p>The Strategy supports the development of commercially based sporting facilities and the development of a commercial strategy for its recreation assets. At present both councils have engaged a consultant examining this issue as it is focused on a specific aspect of business development.</p>

Doc No	Issue	Council Comment
D01966628	<p><i>It does not address the wide range of sporting interests played in the Wyong Shire.</i></p> <p><i>There is no mention of fishing.</i></p> <p><i>Strategy ignores motor sports.</i></p> <p><i>Is the croquet facility at Bateau Bay adequate?</i></p> <p><i>It seems that a strategy that only address a narrow range sports, their participation numbers and their assets fails to have any relevance to a large number of the community.</i></p> <p><i>It is hard so see how the Strategy can meet its objectives with such a narrow focus.</i></p>	<p>The Strategy is a strategic level document to guide operational plans - rather than an operational plan itself. It gives weight to recreation across the whole spectrum from elite competitive sport to passive visual access to landscape. It has the goal that opportunities for activity are important to the physical and social health of the community.</p> <p>The Strategy references the need for improvements to water edge facilities for water based recreation in point 5.4 on page 7 and page 5.7 on page 8.</p> <p>The Strategy has been amended to give greater emphasis to the range of water based recreation activities.</p> <p>In Point 6.14, the Strategy references the need for a multi purpose Motor sport facility to be developed. The review document identifies the need for motor sports facilities in the Shire.</p> <p>The current four croquet lawns at Bateau Bay appear to satisfy demand for facilities in the catchment. Council would certainly investigate the need for a facility to serve the north of the Shire if demand is raised by croquet players.</p> <p>The Strategy deals with a range of activities from active to passive recreation. Sporting facilities and major recreation assets represent a significant risk to Council that requires co-ordinated consideration.</p> <p>Consultation in 2003, 2005 and 2008 was held with a range of outdoor and indoor competitive sports and with representatives of the general community and recreation groups. The review also used consultation done for the Community Plan, the CCRF Omnibus Survey and the Warnervale Indoor Aquatic and Recreation Centre in particular as well as a range of other statistical and qualitative analyses.</p> <p>Assessment of time was done on turf grass sports and netball as that is a major issue for these groups in booking facilities from Council and a major financial risk to Council in terms of asset management.</p> <p>The Strategy identifies the foreseeable need to increase capacity for a range of sports including:</p>

Doc No	Issue	Council Comment
		<ul style="list-style-type: none"> • Tennis. • Cycling. • Skating. • BMX. • Mountain biking. • Surf Life Saving. • Surfing. • Canoeing. • Kayaking. • Dragon Boats. • Baseball. • Oztag. • Touch Football. • Basketball. • Futsal. • Gymnastics. • Indoor competitive swimming. • AFL. • Football. • Rugby League. • Rugby Union. • Cricket. • Netball. • Hockey. <p>To attempt to address the breadth of recreation in the Shire, the Strategy also includes recommendations to support facilities and programs for:</p> <ul style="list-style-type: none"> • Community Gardens. • Youth spaces.

Doc No	Issue	Council Comment
		<ul style="list-style-type: none"> • Furniture and exercise opportunities for seniors. • Signage, shade, bike racks and toilets. • Accessible facilities. • Linkages to support incidental exercise. • Shared pathways and bike racks and storage. • Walking. • Cycling. • Water based recreation. • Hierarchy of playgrounds. • Indoor Sports Hall. • Indoor Aquatic and Recreation Centre to serve the north of the Shire. • Negotiate for better access to other sector sporting facilities. • Major commercial sporting facility. • Exercise and fitness programs. • Land care and Dune care. • Volunteer organisations. • Active lifestyle guide to Wyong Shire. • Guides to assist in the planning and staging of events by groups. • Promote health outcomes from facilities. • Support training and facilities for volunteers. • Commercial use strategy for public areas. • Commercially based facilities. • Improving the flexibility of future use of sporting facilities as new demands are identified.
D01989338	<p><i>There does not seem to be any emphasis to forming partnerships to increase the sense of ownership and reduce damage and increase pride.</i></p> <p><i>Provide lighting to courts and skate parks to increase the duration of use and reduce congestion and conflict.</i></p>	<p>The Strategy makes recommendations to increase community engagement and ownership of recreation and it has been amended to specifically suggest opportunities for partnership.</p> <p>The Strategy recommends a review of tennis courts to improve viability and lighting would be encompassed in this review. The Strategy has been amended to include a review of lighting in the proposed review of skate parks and the provision of major youth spaces.</p>

Doc No	Issue	Council Comment
D01973552	<p>Provide dedicated public facilities for casual public use such as gymnastics, archery and high ropes.</p> <p>Shared spaces for all ages could harmonise and reduce segregation between generations.</p> <p>Lake is not specifically mentioned as a primary resource for recreation.</p> <p>Support action to improve promotion of facilities and activities.</p> <p>Healthy lifestyle should be a key focus. Exercise equipment could be provided along shared pathways.</p> <p>The Strategy does not cover seeking funding to run programs rather than just construct facilities.</p> <p>There are activities already occurring which may not be already known or obvious.</p>	<p>It may be difficult to provide archery or high ropes for casual public use in a sustainable or manner with acceptable risk. There are alternatives such as bouldering walls, low ropes, high challenge play equipment that may be acceptable alternatives. The provision and management of access to gymnastics facilities in the future may be able to achieve better casual public access. The Strategy has been amended to recommend increasing challenge in the development of youth spaces and innovative alternatives to play equipment.</p> <p>Noted.</p> <p>The Strategy's reference to water edge facilities has been expanded to specifically reference ocean, beach and lake. Facilities for still water activities are called up in the Strategy. The Strategy references the importance of completing the Estuary Management Plan Recreation Facility works.</p> <p>Noted.</p> <p>The Strategy recommends the provision of facilities and equipment to promote incidental exercise and includes a recommendation to provide exercise equipment along shared pathways.</p> <p>The Strategy recommends Council support for programming and supporting activities. This has been expanded to further emphasise programs and to include seeking other sector funding for programming.</p> <p>The Strategy recommends a range of actions aimed at improving public information about healthy lifestyles and recreation facilities and activities.</p>

Doc No	Issue	Council Comment
D01983916	<p>Has Council got plans to upgrade existing higher quality facilities to make them even better such as installation of grandstand seating at Jubilee Oval?</p>	<p>The Strategy identifies the need for and recommends establishing a hierarchy of facilities but does give more emphasis to bringing more existing facilities to a base level first to improve capacity and sustainability across the whole asset base.</p> <p>For example new facilities are being developed with dedicated seating walls incorporated into cut batters.</p> <p>The Strategy does recommend support for commercially based facilities providing a higher level spectator experience which would also provide a broader hierarchy of facilities.</p>
D01983965	<p><i>The Strategy should have better links to the Shire Strategic Vision especially "Caring Prosperous and Sustainable".</i></p> <p><i>The study offers the opportunity for a West Tuggerah Lakes Reserve being created.</i></p> <p><i>There is an opportunity to address Council's interest in public art within passive recreation areas.</i></p> <p><i>There is a need for a wider application of recreation beyond the dominance of sporting dominating recreation funds.</i></p>	<p>The Strategy has been amended to improve its concordance with the SSV and the outcomes it espouses.</p> <p>The scope of the Strategy was targeted more at facility planning principles rather than land use or acquisition. However the Strategy supports the co-ordinated management of open space areas to achieve environmental and recreation outcomes. The Estuary Management Plan's second stage may better address lake catchment issues. The next stage of asset management will provide an opportunity to address co-ordinated management of isolated land holdings.</p> <p>The strategy has been amended to explicitly recommend the integration of Public Art.</p> <p>The Strategy does recommend expenditure on a broad base of facilities that better reflects the encouragement of healthy lifestyles, social capital and environmental values. There is a significant backlog in the quality and range of facilities of existing sporting facilities that needs to be addressed in the short term in terms of asset management to achieve a reasonable service level.</p>
D01985867	<p><i>The Wyong Bicycle and Shared Pathway Strategy should be incorporated into the list of related documents in the Introduction.</i></p> <p><i>Under Clarity of Decision making include priority for co-location of sporting facilities with existing and proposed bicycle and shared pathways.</i></p>	<p>The Strategy has been amended to reference the Bicycle and Shared Pathway Strategy in the introduction.</p> <p>The Strategy has been amended to include this principle.</p>

Doc No	Issue	Council Comment
	<p>Consider providing affordable venue hire for providers of older adult physical activity who, by encouragement of the Central Coast Health Promotions Service (NSCCH), maintain lower session fees.</p> <p>Consider strategies to minimise car dependence.</p> <p>Develop and promote Transport Action Guides for all facilities, major "trip generators" first.</p> <p>Promote and encourage car pooling.</p> <p>Support and encourage clubs to use technologies to communicate cancellations and venue changes to reduce unnecessary travel.</p> <p>Ensure energy efficient building design when constructing new facilities.</p> <p>Creating safe environments is synonymous with creating active, healthy communities.</p> <p>Integrating the Bicycle and Shared Pathway Strategy with the Recreation Facilities Strategy will ... support the people of the central coast to choose walking and cycling as recreation and transport.</p> <p>Ensure integration with the Wyong Active River foreshore and Baker Park draft Masterplan Report which discusses changes to Wyong pool.</p> <p>Equitable access to public facilities is a fundamental right of the community. Ensuring the public can use facilities when convenient to them (within reason) is critical to people engaging in sport and recreation activities. Beaches, foreshore reserves and parks all form highly attractive spaces for the public and likewise, commercial operators. Council's initiative to manage demand for such assets is to be commended.</p>	<p>The Strategy does not make detailed recommendations on operational issues but does include an action to consider alternative pricing for facilities to promote equitable access for the whole community.</p> <p>Current practice by Council addresses several of these principles. The Strategy has been amended to incorporate these principles.</p> <p>The Strategy incorporates this as an action.</p> <p>The Strategy incorporates this as an action.</p> <p>The Strategy incorporates this as an action.</p> <p>The Strategy incorporates this as an action.</p> <p>Noted. The Strategy supports this.</p> <p>Noted. The Strategy has been amended using results of consultation for the Bicycle and Shared Pathway Strategy and emphasises the importance of movement corridors as multi purpose recreation settings.</p> <p>Noted. This report was recently considered by Council. Any Aquatic Facilities Strategy will incorporate the Council's resolved directions as they apply to Wyong pool.</p> <p>Noted.</p>

Doc No	Issue	Council Comment
	<p>Council's initiative in this regard (Active Lifestyles guide) is to be commended. In addition to preparation, promoting and encouraging use of any active lifestyles guide will be critical to raising awareness of sport and recreation opportunities and attracting people to use them. Consider links from other websites (including www.healthpromotion.com.au) together with use of multi-media to engage youth such as Twitter, Facebook, MySpace, online banners etc. Of course, other traditional media formats such as print (newspaper and magazine), radio, television, billboards, street furniture, shopping centre trolleys etc. should all be considered.</p> <p>Include Transport Access Guides, as mentioned previously at point 1.3 (to provide information at transport interchanges.)</p> <p>Consider other volunteer community organisations such as State Emergency Service, Rural Fire Service, Surf Life Saving Central Coast, etc., which may all offer physical activity opportunities whilst also building social capital. Also, consider staging active art forms, such as dance, in public spaces which can contribute to social engagement, conviviality and cultural development. The Central Coast Health Promotion Service can also provide you with details of 'Active Over 50' physical activity programs currently available to the community.</p> <p>Council's initiative in this regard is to be commended. Staff of the Central Coast Health Promotion Service welcome and encourage liaisons.</p> <p>Perhaps more appropriate for the Bicycle and Shared Path Strategy, however, consider extending lighting (solar if feasible) from perimeters along main paths to facilitate walking and cycling to and from facilities at times which are often associated with increased car travel, particularly evening peak hour.</p> <p>Provide contemporary secure bicycle parking within or associated with any public car parking facilities particularly the ground floor of the proposed new multi-storey car park to be constructed adjacent to Wyong Station. Further, provide end of trip facilities such as lockers and showers at public car parking facilities and/ or within any reasonably near public amenities.</p>	<p>The Strategy has been amended to better emphasise promotion and use of facilities and information.</p> <p>The Strategy has been amended to incorporate this.</p> <p>The Strategy has been amended to include a list of more groups and activities to suggest involvement for Council in promoting and supporting broader range of activities for recreation and active lifestyles.</p> <p>Noted.</p> <p>This initiative may be addressed in individual developments but is better addressed in the Bicycle and Shared Pathway Strategy.</p> <p>The first point is best addressed if the proposal proceeds to approval.</p> <p>The Strategy has been amended to incorporate the second point.</p>

Doc No	Issue	Council Comment
	<p>5.1 Provide facilities to promote incidental exercise.</p> <p><i>Council's initiative in this regard is to be commended. Well designed exercise stations (or outdoor fitness trails/circuits) offer an affordable opportunity for people to engage in physical activity together with acting as functional sculpture pieces, ameliorating the urban landscape. Provision of (facilities) all encourage people to engage in incidental and intended physical activity.</i></p>	Noted.
	<p>6.1 Community Gardens</p> <p><i>Council's initiative in this regard is to be commended. Community gardens are fantastic community assets for a number of reasons.</i></p>	Noted. This facility was a regular feature of consultation.
	<p>6.3 Use planning and compliance to support healthy lifestyles.</p> <p><i>'Healthy planning' presents an exciting and emerging opportunity.</i></p> <p><i>The Central Coast Health Promotion and Public Health units of NSCCH encourage Council to access and use the following sources of healthy planning and design information:</i></p> <ol style="list-style-type: none"> 1 <i>The NSW Premier's Council for Active Living (PCAL) Designing Places for Active Living [2], and/or the National Heart Foundation's Healthy by Design guidelines [3], and</i> 2 <i>NSW Police's Safer by Design Crime Prevention Through Environmental Design (CPTED) principles [1] for minimising crime risk in the design phase - refer to section 79C of the EP&A Act 1979.</i> 	Noted. The Strategy has been prepared using these resources.

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

TRIM REFERENCE: F2005/02982 - D02022278

AUTHOR: PK

SUMMARY

This report details the results of the recent public exhibition of Draft Development Control Plan (DCP) 2005: Chapter 14 – Tree Management. It identifies the resulting changes proposed and recommends that the report and draft Chapter 14 be adopted by Council.

RECOMMENDATION

- 1 That Council adopt Draft Development Control Plan 2005: Chapter 14 - Tree Management and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 14 within DCP 2005 on 28 October 2009;**
- 2 That Council's s.149 Certificates be noted as to the adoption of Chapter 14.**

PRECIS

- Public exhibition of Draft DCP 2005: Chapter 14 - Tree Management was conducted between 27 May and 24 June, 2009.
- No external submissions were received.
- The draft DCP primarily introduces a new listing of vegetation in the vicinity of the Budgewoi Tourist Park at East Budgewoi as Trees of Cultural Significance (s.7.2.5).
- The draft DCP includes the revised Schedule 13 of the National Parks and Wildlife Act, 1974, which lists species identified as Protected Native Plants in NSW (s.7.2.1).
- The draft DCP proposes the reinstatement of the requirement for consent to remove trees listed as Keystone Species (s.7.2.3) and Species of Local Conservation Significance (s.7.2.4), as listed within Chapter 14, s.7.2 - Significant Species Schedule, regardless of their location.
- The draft DCP has been reformatted to align with recently reviewed Chapters and revised to ensure current legal information and contact details are provided.
- The report details consideration of the results of the public exhibition by the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee on 3 September 2009.
- The report recommends that draft Chapter 14 be adopted by Council, to become effective for all applications lodged and any other activities or matters considering trees from 28 October 2009, and that appropriate notifications be made.

INTRODUCTION

DCP No. 2005: Chapter 14 – Tree Management details Council's expectations and requirements for the management of trees and native vegetation when planning, designing and constructing development. It aims to minimise unnecessary injury to, or destruction of trees and native vegetation, to retain healthy individual trees of local amenity and aesthetic value and to facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity and ecological sustainability.

The DCP Chapter also aims to retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable, to detail legislation and controls relevant to vegetation issues and Council's requirements for the submission of sufficient and relevant information by applicants for development consent for the removal of individual trees.

BACKGROUND TO THE PROPOSED AMENDMENTS

Council at its meeting of 26 November 2008, following consideration of a report on *Trees of Cultural Significance at Budgewoi East* by the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee, Council:

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

- 1 That Council endorse the listing of the large stand of old growth paperbark trees, located at East Budgewoi, as Trees of Cultural Significance.*
- 2 That Council amend its Legal and Policy Works Program to incorporate a revision to Development Control Plan 2005, Chapter 14 to list the relevant vegetation as Trees of Cultural Significance.*

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

AGAINST: NIL.”

Having regard to the above resolution, Council has undertaken a review of the vegetation within the area, also noting that the caravan park is located within an area which includes vegetation listed as an Endangered Ecological Community, under the Threatened Species Conservation Act, 1995 (Ch 14, s.7.2.2).

The following background comments were prepared by Council's Arborist:

“The area in and around East Budgewoi, in particular the caravan park, has a vegetation type known as Coastal Sand Mahogany – Paperbark Swamp Forest, which is part of the Endangered Ecological Community described as Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin, and South East Corner bioregions (TSC Act, 1995), i.e., it is part of an existing identified EEC and is not a new and separate EEC, as first thought and exhibited.

The dominant species within the caravan park is Melaleuca quinquinervia or the Broad-leaved Paperbark. The trees are primarily mature in nature and are common throughout the whole caravan park. Melaleuca quinquinervia has so far not been listed as a Tree of Local Conservation significance for the Shire, but is listed under s.7.2.5 as a Tree of Cultural Significance, within the Bateau Bay East and Willow Creek areas (DCP 14 2005 p. 38). The trees are also listed under s.7.2.3 as a Keystone Species, due to their removal having a potential species impact - on the winter food source for the Ringtail Possum and the Squirrel Glider.

The trees already have Endangered Ecological Community status under the Threatened Species Conservation Act, 1995, and the progression to an area of Cultural Significance under Council's DCP would be a natural progression. The vegetation community encompasses the whole of the caravan park, north into the national park. "

DCP 2005: Chapter 14 – Tree Management currently has three vegetation communities that are considered to be of Cultural Significance, i.e., they are significant features of Wyong Shire's cultural landscape. These areas are Bateau Bay East, Willow Creek (Long Jetty) and Wyongah (Ch. 14, s.7.2.5, pages 38 – 47). Applications for the removal of the trees within these areas are considered on a case by case basis, even when within 3 metres of an approved dwelling or outbuilding. Budgewoi East is to be added to s.7.2.5, as the fourth identified vegetation community.

AMENDMENTS PROPOSED

Amendments to the Chapter were made and exhibited to address:

- The listing of the relevant species and the Budgewoi East locality as Trees of Cultural Significance, including a map of the area (Map 4), and a description of the boundaries and species involved;
- The identification of the Endangered Ecological Community under the Threatened Species Conservation Act, 1995;
- A recent revision of Schedule 13 of the National Parks and Wildlife Act, 1974, was also included, which lists species identified as Protected Native Plants in NSW (s.7.2.1); and
- The Chapter was reformatted to align with recently reviewed Chapters and revised to ensure current legal information and contact details are provided.

HISTORY

- DCP 14 was originally adopted by Council in December 2003 and became effective for all applications lodged from 10 December 2003.
- DCP 14 was incorporated within DCP 2005 as Chapter 14, on 6 January 2005.
- DCP 2005: Chapter 14 was amended on 17 July 2006 to enable trees within 3m of approved buildings or structures to be removed without consent; with the exception of species listed under the Threatened Species Conservation Act, 1995 (s.7.2.2) and those located within areas listed as Trees of Cultural Significance (s.7.2.5). Council decided not to apply this exception to Keystone Species (s.7.2.3) and to Trees of Local Conservation Significance (s.7.2.4).

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

- Council, at its meeting of 26 November 2008, following consideration of a report on *Trees of Cultural Significance at Budgewoi East* by the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee:

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

- 1 That Council endorse the listing of the large stand of old growth paperbark trees, located at East Budgewoi, as Trees of Cultural Significance.*
- 2 That Council amend its Legal and Policy Works Program to incorporate a revision to Development Control Plan 2005, Chapter 14 to list the relevant vegetation as Trees of Cultural Significance.*

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

AGAINST: NIL.”

- Following the public exhibition, a presentation on the progress of the proposed amendments was provided by staff to the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee on 3 September, 2009. The Committee endorsed the progress of the amended DCP to Council for adoption.

STATUTORY REQUIREMENTS

Environmental Planning and Assessment Act 1979

Section 74C of the EP& A Act provides for the preparation of DCP by Council, addressing aspects of development. The form, content and methodology for the preparation and adoption of a development control plan are specified in the E P & A Regulation 2000.

The review of further staff comments on the draft provisions within the exhibited Chapter have resulted in refinements to enable the provisions of the document to be clearly interpreted and practically applied. In relation to these amendments, the Regulation provides that:

“Council:

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

It is recommended Council approve the Plan (revised Chapter 14 of DCP 2005), and in accordance with the Regulation, forward a copy of the adopted DCP to the Director-General of the NSW Department of Planning within 28 days.

These comments highlight an apparent contradiction within Chapter 14, that Council seeks to protect Keystone Species and Species of Local Conservation Significance, *unless*, these trees are within 3m of an approved structure (s.7.1.1). This provision was inserted in 2006, following several workshops which highlighted concerns relating to the potential for property damage arising from trees during storm events. The inclusion of Keystone Species and Species of Local Conservation Significance within the species allowed to be removed under the 3 metre rule, was a conscious decision of Council.

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

It is considered that this provision sends a confusing and inappropriate message to landowners, has the potential to excessively impact Keystone Species and Species of Local Conservation Significance and therefore biodiversity within the Shire and that it is contrary to the Objectives of Chapter 14, which emphasise the attributes of tree management, rather than tree removal.

It is therefore proposed to continue to permit the removal of trees within 3m of approved structures in a general sense, but to reinstitute the requirement for consent to remove any trees listed within s.7.2 - Significant Species Schedule, i.e., Protected Native Plants, Threatened Plant Species, Populations and Ecological Communities, Keystone Species, Species of Local Conservation Significance and Culturally Significant Trees, regardless of their location. This is the only substantive change proposed following the public exhibition. Draft Chapter 14 has been revised to address this position and is now recommended for adoption (Enclosure 1).

CONCLUSION

DCP 2005: Chapter 14 – Tree Management has been prepared and publicly exhibited in accordance with legislative and regulatory requirements. Amendments have been made to the draft Chapter since public exhibition, to address the issues and agreed directions identified by Council's staff. The DCP incorporating the revised Chapter 14 - Tree Management is now recommended for formal adoption, with proposed implementation on 28 October, 2009. The introduction period will enable documents associated with the Chapter (such as website content) to be amended. It will also enable a period of time in which to educate staff and the public of the details of the amendments within the Chapter.

ATTACHMENTS

- 1 Draft DCP 14 Tree Management Enclosure D02040621

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

TRIM REFERENCE: DA/2660/2004 - D02028460

AUTHOR: SP

SUMMARY

The purpose of this report is to provide conditions of deferred commencement consent for the proposed Managed Resort Facility and Residential Development in accordance with Council's resolution to grant a deferred commencement consent on 8th July 2009.

Applicant	Terrigal Grosvenor Lodge Pty Ltd
Owner	Terrigal Grosvenor Lodge Pty Ltd and Wyong Shire Council (various road and drainage reserves)
Application No	2660/2004
Description of Land	<i>Eastern site:</i> 31-47 The Entrance Road West, 4 and 11 Bent Street <i>Western site:</i> 9-29 The Entrance Road West, 2-4, Clifford Street, 3-9 Oakland Avenue 11 Bent Street (southern side of Bent Street) and the partial closure of Oakland Avenue (north of Bent Street intersection) and The Entrance Road West (fronting the development site) and adjoining drainage reserves.
Proposed Development	Managed Resort Facility comprising tourist and permanent apartments, with a conference centre, retail area, restaurants, cafes, tavern (converted heritage building), child care centre, indoor amusement park, two levels of basement carpark and associated landscaping.
Properties	Lot 1 and 2 DP 517291 Lot A, C, D DP 382461 Lot 1 DP 25611 Lots 1, 2, 3, 4, SP 20363 Lot 151, DP1078873 Lot 5, DP 790801 Lot 1, 2, 3 DP 571197 Lot 10, 11, 12, DP 23428 Lot 1, 2, 3, 4, DP 367602 Lot 13, DP 23428 Lot 4, DP 326711 Part Lot 7 DP 23196 That part of Oakland Avenue between the northern boundary of Bent Street and southern boundary of The Entrance Road. That part of The Entrance Road extending 10m north of the northern boundaries of the subject allotments fronting The Entrance Road including the extension of the 10m line across the Oakland Avenue intersection. That part of the Entrance Road extending 10m north of the northern boundaries of the subject allotments fronting The Entrance Road.
Site Area	Eastern Site – 13,855m ² Western Site – 15,007m ² 11 Bent Street – 389m ² Oakland Avenue – 1,723m ² (road closure) The Entrance Road West – 2,850m ² (road closure) Total Area = 33,824m²

Zoning	2(g) Residential Tourist Zone and Road reserve
Existing Use	Motel, caravan park, two storey restaurant (heritage item), various dwellings, vacant allotments and NSW Fisheries building
Value	\$97 million (note: valued in 2004) recent estimate \$250 million.

RECOMMENDATION

- 1 ***That Council grant a “deferred commencement” consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act subject to the attached draft deferred commencement conditions.***
- 2 ***That Council authorise the General Manager to determine any applications for minor modifications to the approved development plans or consent conditions.***
- 3 ***That Council advise those who made written submissions of the decision.***

INTRODUCTION

The development application is for one of the key sites in The Entrance precinct. The subject site was identified in the preparation of The Entrance Strategy as a potential site for a key tourist resort development.

The development application considered by Council was seeking approval for the following development:

The ‘eastern side’ comprising six buildings of varying heights, setbacks and uses, as follows;

1	El Lago (East)	9 storeys – tourist residential (84 apartments)
2	El Lago (West)	8 storeys – convention centre and tourist residential (71 apartments)
3	Waterfront Building	5 storeys – child care centre, retail and tourist residential (14 apartments)
4	Quarter Deck Building	9 storeys – laundry, gymnasium, pool, retail and tourist residential (51 apartments)
5	Piazza Building	4 storeys – retail and tourist residential (9 apartments)
6	Foreshore Building	5 storeys – amusement park, retail and tourist residential (8 apartments)

The ‘western side’ comprising eight buildings of varying heights, setbacks and uses, as follows:

1	Brentwood Building	4 storeys – permanent residential (24 apartments) with roof terraces
2	Poolside Building	8 storeys – permanent residential (39 apartments) with roof terraces
3	Clifford Building	8 storeys – permanent residential (30 apartments) with roof terraces
4	Pinehurst Building	8 storeys – permanent residential (54 apartments) with roof terraces
5	Winter Garden West	8 storeys – retail and permanent residential (43 apartments) tourist residential (5 apartments) with roof terraces
6	Winter Garden East	4 storeys – residential (16 apartments) with roof terraces

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

7	Lakefront Building	4 – 6 storeys – retail and permanent residential (19 apartments)
8	Promenade Building	4 storeys – retail and permanent residential (1 apartment) tourist residential (13 apartment)
9	Proposed Tavern	2 storeys - commercial

The application was considered by Council at its meeting held on 8 July 2009;

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

- 1 That Council indicate its approval in principle in the form of a deferred commencement consent, subject to the imposition of appropriate conditions.*
- 2 That a report on appropriate conditions be brought back to Council meeting.*
- 3 That in developing the conditions of consent, staff consider the following issues:*
 - Management Plan for maintaining public access through the site*
 - Agreement to appropriate staging of the development*
 - Climate change, including in this instance, sea level rise, increased inundation, increased wave attack and storm surges.*
 - Ability of the Development to comply with BASIX principles.*

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

AGAINST: COUNCILLORS SYMINGTON, VINCENT AND WYNN.

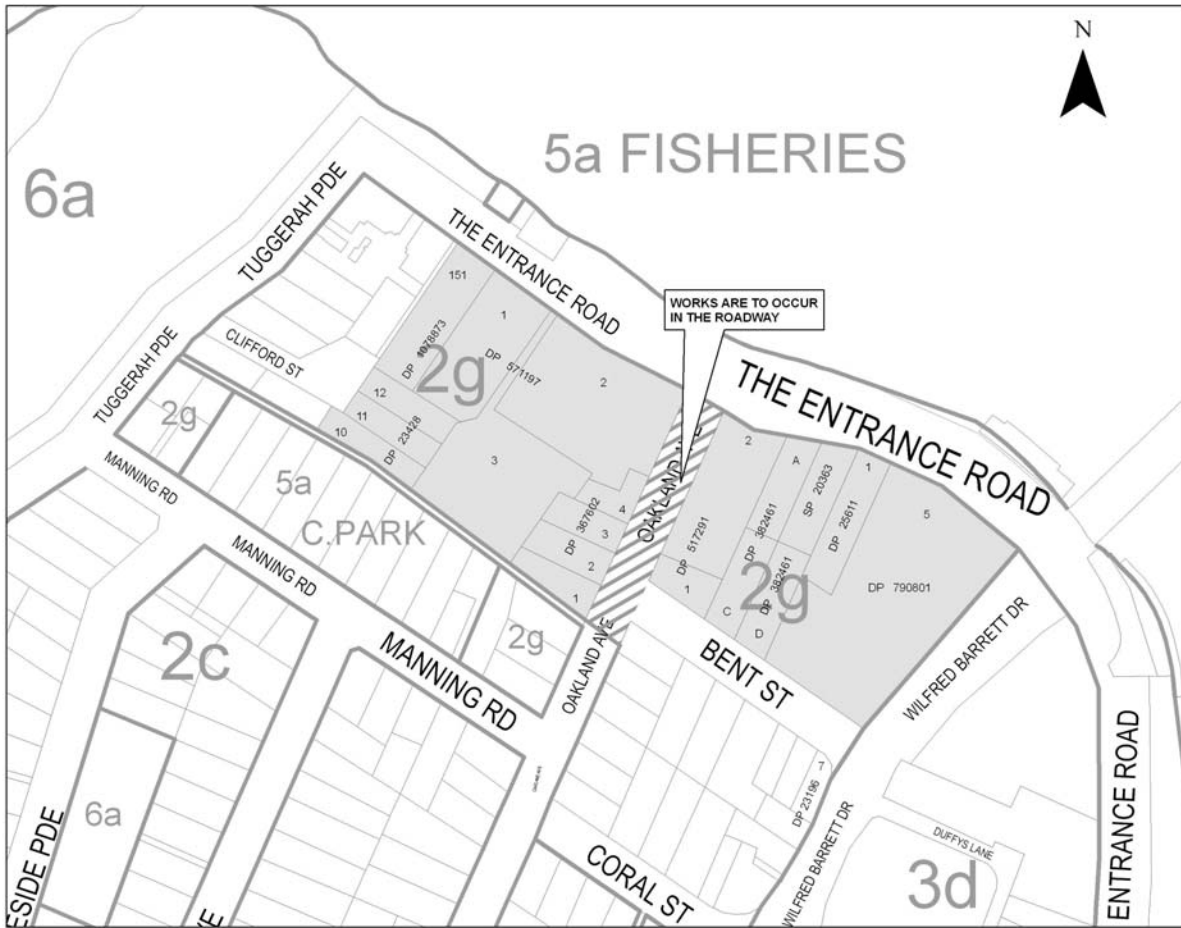
Following Council's resolution to grant a deferred commencement consent to the application, draft conditions have been prepared by Council officers and Government Agencies. In accordance with the resolution, the four matters listed for consideration in developing the deferred commencement conditions have been addressed under the draft conditions. The draft deferred commencement consent conditions are attached to this report for the endorsement of Council.

CONCLUSION

The conditions have been prepared for Council's consideration in accordance with Council's resolution of 8 July 2009.

ATTACHMENTS

1	Locality Plan		D01937145
2	Draft Deferred Commencement Consent -	Enclosure	D02034287
3	General Terms of Approval from Dept Infrastructure, Planning and Natural Resources dated 6 Jan 2005	Enclosure	D02034324
4	Development Plans A3 Colour	Enclosure	D01942279



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

TRIM REFERENCE: F2007/00738 - D02018693

AUTHOR: PF

SUMMARY

Approval is sought to grant easements to Energy Australia for an electricity substation and cabling purposes at Hakone Road, Woongarra.

RECOMMENDATION

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

BACKGROUND

Wyong Shire Council (WSC) owns land, Lot 86A DP 22837 Hakone Road Woongarra which forms part of the new playing fields site proposed for the Woongarra area.

The existing power supply needs to be upgraded as there is insufficient capacity on this site with existing services.

THE PROPOSAL

Energy Australia needs to install a new electrical substation kiosk to provide electrical infrastructure to service the new sports field facilities. This will include power requirements to the new amenities building, sports field irrigation and pump systems, sports field lighting system and associated infrastructure.

Energy Australia requires Council to complete an Agreement to Grant an Easement undertaking to grant easements sought in order for Energy Australia to install its infrastructure in advance of the grant of the easement. This will allow any changes to the design or location during the installation phase.

4.1 Proposed Easements for Electricity Purposes over Council land Lot 86A DP 22837 Hakone Rd Woongarrah (contd)

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

Link to Key Focus Areas

Key Focus Area	How the proposal contributes or links to the Key Focus Areas in Council's Management Plan
Sports Grounds	Woongarrah District Playing Fields

The Energy Australia infrastructure will provide adequate power supply to the proposed new sports ground facility at Hakone Road Woongarrah.

FINANCIAL IMPLICATIONS

Energy Australia will expect WSC to grant the easements at no cost to the grantee on the basis that WSC requires the supply for its purposes. There is no cost to WSC for the grant of the easements.

GOVERNANCE

Lot 86A DP 22837 is classified operational land in accordance with the provisions of the Local Government Act 1993 and there is no impediment to Council granting the easement.

Locality Plan



CONCLUSION

WSC wishes to develop playing fields at Woongarah but needs a significantly upgraded power supply. Energy Australia will provide the required power supply but needs legal access (and protection of assets) to the land for the proposed kiosk sub-station and cable routes etc.

Legal access can be provided by way of defined easements over the land.

Flexibility is required in respect of the final actual easements to allow design and construction to proceed.

ATTACHMENTS

Nil

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

TRIM REFERENCE: F2009/01456 - D02026841

AUTHOR: SB

SUMMARY

Approval is sought to acquire easements for drainage over Lot 568 DP 23729, 58 Delia Avenue, Budgewoi, Lot 479 DP 23729, 57 Woolana Avenue, Budgewoi, Lot 520 DP 23729, 40 Woodlawn Drive, Budgewoi, Lot 521 DP 23729, 42 Woodlawn Drive, Budgewoi and Lot 539 DP 23729, 41 Woodlawn Drive, Budgewoi to enable construction of additional drainage pipes to alleviate flooding of properties.

RECOMMENDATION

- 1 That Council acquire easements to drain water:**
 - **2m wide over Lot 568 DP 23729**
 - **Variable width over Lot 479 DP 23729**
 - **2m wide over Lot 520 DP 23729**
 - **Variable width over Lot 521 DP 23729**
 - **1.75m and 2m wide over Lot 539 DP 23729.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfers and/or Plans and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisitions.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.**

BACKGROUND

Council proposes to upgrade the existing drainage system from Woolana Avenue, Budgewoi through to Lake Munmorah. This will involve replacing and adding to the existing drainage network and will also include full width reconstruction, including kerb and gutter, of part of Woodlawn Drive. Approval is required to acquire easements to drain water over Lot 568 DP 23729, 58 Delia Avenue, Budgewoi, Lot 479 DP 23729, 57 Woolana Avenue, Budgewoi, Lot 520 DP 23729, 40 Woodlawn Drive, Budgewoi, Lot 521 DP 23729, 42 Woodlawn Drive, Budgewoi and Lot 539 DP 23729, 41 Woodlawn Drive, Budgewoi

THE PROPOSAL

Council proposes to alleviate flooding within the area of Delia Avenue, Woolana Avenue and Woodlawn Drive, Budgewoi by the construction of additional drainage pipes within a 2m wide and variable width easements over Lot 568 DP 23729, 58 Delia Avenue, Budgewoi, Lot 479 DP 23729, 57 Woolana Avenue, Budgewoi, Lot 520 DP 23729, 40 Woodlawn Drive, Budgewoi, Lot 521 DP 23729, 42 Woodlawn Drive, Budgewoi and Lot 539 DP 23729, 41 Woodlawn Drive, Budgewoi.

Associated with Stage 4 of the overall project of the drainage upgrade works, it will be necessary to acquire easements 2m wide and variable width over the subject properties to satisfy Council's requirements in respect to the operation and maintenance of the installation.

OPTIONS

The options for the proposal have been considered by Council staff during the planning of the project.

STRATEGIC LINKS

Management Plan

There are no strategic links from this proposal to the Management Plan.

Financial Implications

The proposed drainage reconstruction is part of the 2009-10 rolling works program and the works including easement acquisition are funded from revenue.

Principles of Sustainability

The principles of sustainability were considered by Council staff during the planning of the project.

CONSULTATION

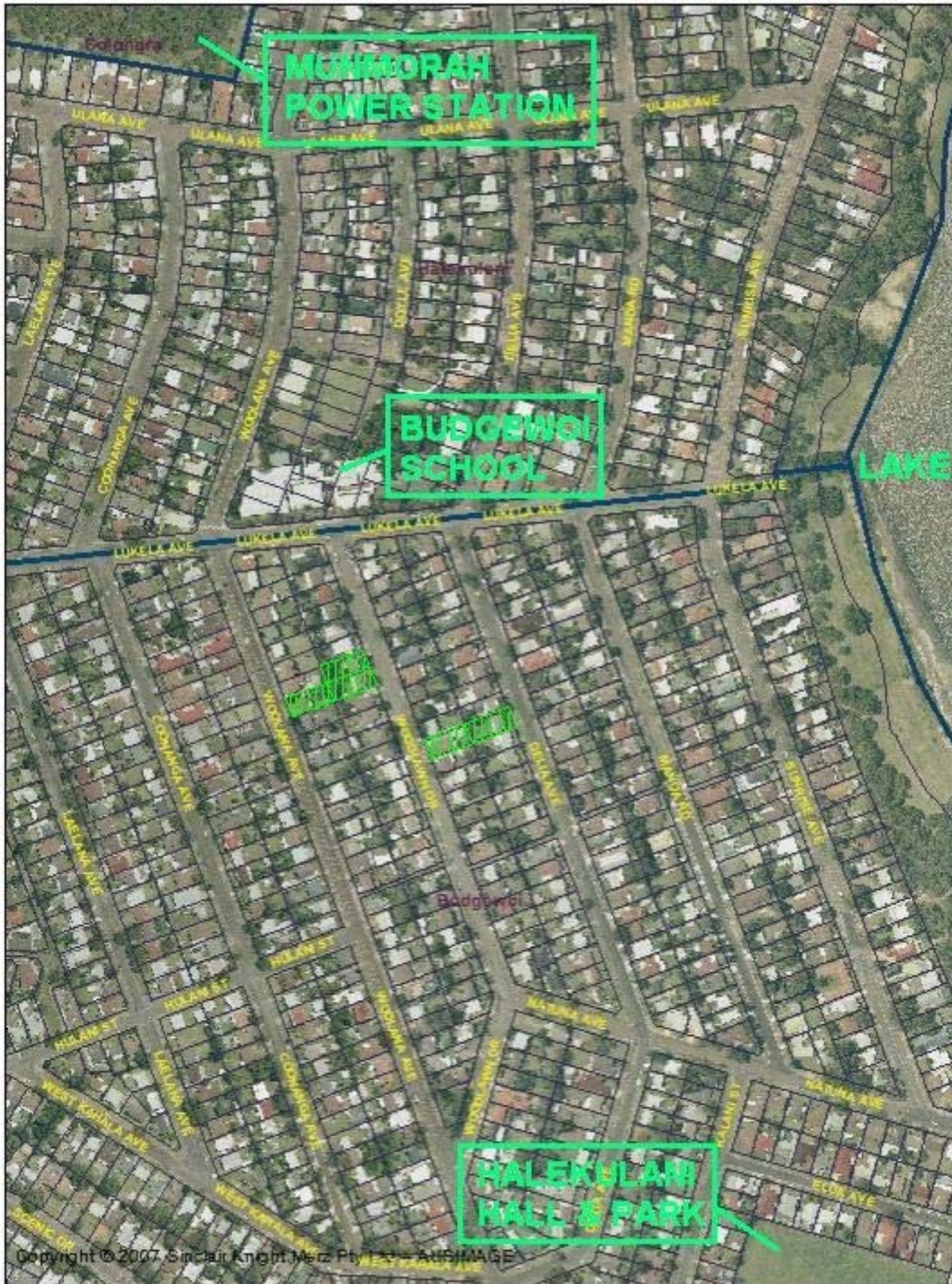
The property owners of Lot 568 DP 23729, 58 Delia Avenue, Budgewoi, Lot 479 DP 23729, 57 Woolana Avenue, Budgewoi, Lot 520 DP 23729, 40 Woodlawn Drive, Budgewoi, Lot 521 DP 23729, 42 Woodlawn Drive, Budgewoi and Lot 539 DP 23729, 41 Woodlawn Drive, Budgewoi Lot 103 DP 24621 have been approached by Council in order to obtain the granting of the easement. A Transfer Granting Easement will be forwarded to the owners for signature and return to Council prior to the works commencing. The granting of the easements and registration of the Transfers Granting Easement will proceed subject to Council's approval.

GOVERNANCE

Council has the authority to acquire land or interests in land for the purposes of the Local Government Act 1993 and if compulsory acquisition is necessary the Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure to be undertaken.

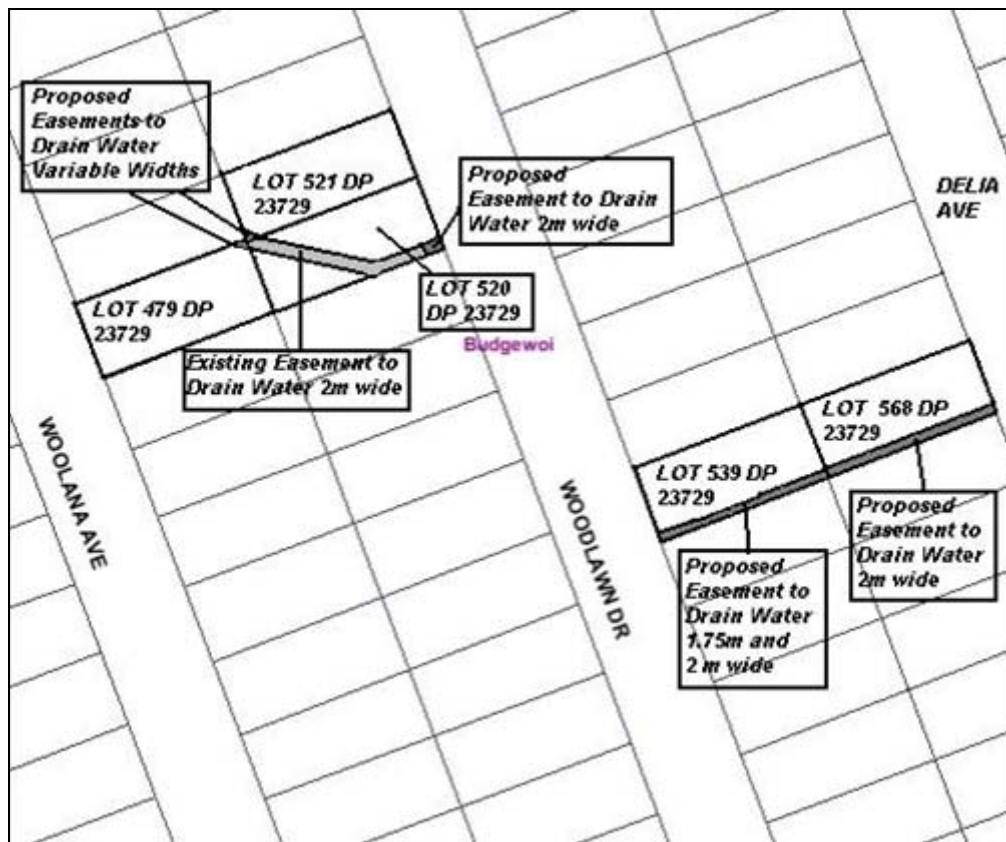
4.2 Proposed Easements for Drainage over Lot 568 DP 23729 Delia Avenue, Budgewoi, Lot 479 DP 23729 Woolana Avenue, Budgewoi, Lots 520, 521 and 539 DP 23729 Woodlawn Drive, Budgewoi (contd)

Aerial Plan showing the location of the lots affected by the easement highlighted (thatched)



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

Plan showing the location of the proposed easements (shaded)



CONCLUSION

The easements required over Lot 479, Lot 520 and Lot 521 DP 23729 are considered by Council as minor connections to the existing 2m wide easement and will alleviate flooding within that area.

The easements required over Lot 539 and Lot 568 DP 23729 are considered to the most beneficial as these properties are affected by the flooding from excessive stormwater flow from Woodlawn Drive and will therefore benefit most from the proposed drainage upgrade.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2009/02129 - D02029652

AUTHOR: SB

SUMMARY

Approval is sought to grant an easement to Energy Australia to enable the installation of a gas extraction system and Power Generation Plant for the generating of electricity from methane gas over Council land.

RECOMMENDATION

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

BACKGROUND

Energy Australia proposes to install an extraction system and power plant to generate electricity from methane gas. Approval is required to grant the easement for electricity purposes over the properties involved.

THE PROPOSAL

Energy Australia requires that Council grant it an easement for electricity purposes 15m wide and variable over Lots 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby for the installation of a gas extraction system by March 2010 and for the construction of a Power Generation Plant by April 2010.

Lots 59, 68 & 153 DP 755271 and Lot 1 DP 822126 are zoned 5A Special Uses Waste Disposal and are classified Operational Land.

The Contract for the said works has been let and therefore access will be required to the affected properties as soon as possible.

Associated with the installation of the gas extraction system and construction of the power generation plant, it will be necessary to grant to Energy Australia an easement 15m wide and variable surrounding the proposed power pole.

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

OPTIONS

Council has the option to:

- 1 Approve the proposed easement, or
- 2 Refuse the proposed easement.

If Council approves the easement, the impact on the Council land is considered minor and Council has no plans for alternate use of the land. Granting the easement will allow Council to progress the electricity supply.

Should Council refuse the granting of the easement it is unlikely Energy Australia will pursue the option to compulsorily acquire the land. This is due to the request for granting of the easement being part of the contract with Council for the installation of the gas extraction system and construction of the power generation plant. Refusal to provide an easement would likely result in the required electricity supply being unavailable to Council.

STRATEGIC LINKS

Financial Implications

Nil

Management Plan

Nil

Financial Implications

Nil

Principles of Sustainability

The principles of sustainability were considered during the negotiations with Energy Australia.

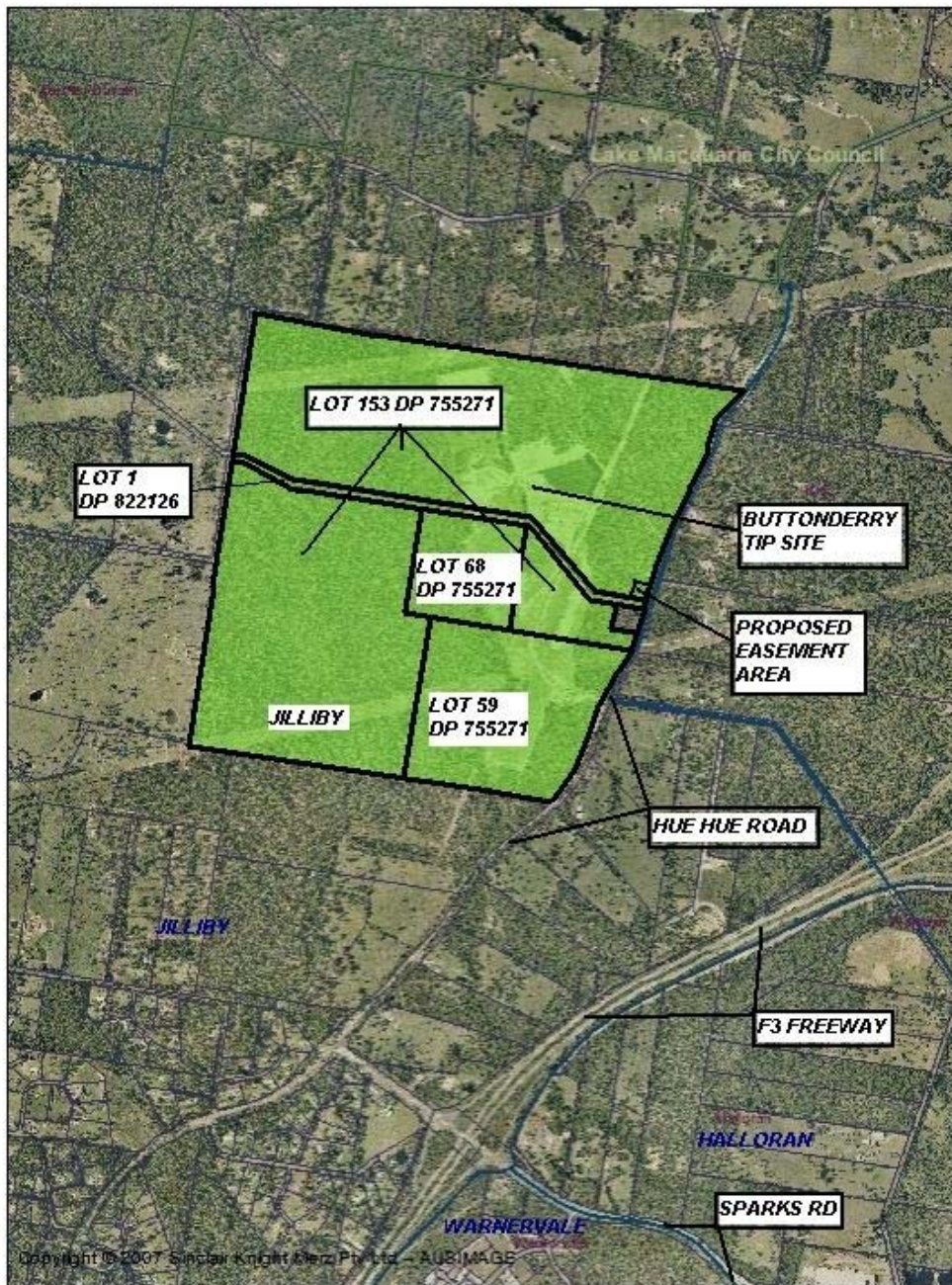
CONSULTATION

Energy Australia has approached Council in order to obtain the granting of the easement. A Deed of Agreement for Easement has been forwarded to Council for signature and return to Energy Australia prior to the works commencing. The granting of the easement and signing of the Deed of Agreement for Easement will proceed subject to Council's approval.

GOVERNANCE

Not applicable.

Plan showing the location of the proposed easement



CONCLUSION

Granting the easement in this instance is for the direct benefit of the Wyong Shire community through facilitating the region's electricity supply. Council's approval is an administrative step for the construction and is required to ensure legal requirements are satisfied in relation to ownership of the land concerned.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2009/02136 - D02030142

AUTHOR: PF

SUMMARY

An application has been received from Tuggerah Lakes Community College Inc for Council to sign a Development Application for the construction of an education facility and associated car park on Crown Reserve Trust land managed by Council being part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale and to subsequently enter into a lease of the site with Council.

RECOMMENDATION

- 1 That Council grant owner's consent for the lodgement of a development application by Tuggerah Lakes Community College for erection of an education facility and associated parking on part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale.**
- 2 That Council, lease part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale to Tuggerah Lakes Community College Inc for the purpose of constructing and operating an education facility and associated parking, subject to development consent being granted.**
- 3 That Council agree the term of the lease to Central Coast Community College Inc be up to a maximum of 20 years at nominal rent on the basis that the Tuggerah Lakes Community College is a community based, not-for-profit incorporated association.**
- 4 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Tuggerah Lakes Community College Inc.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Tuggerah Lakes Community College Inc.**

BACKGROUND

Tuggerah Lakes Community College Inc (TLCC) has applied to have Council sign as the owner of part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale, a development application for the establishment of an education facility and associated car parking and if development consent is granted, for a lease of the site of the proposed education facility for a period of 20 years at nominal rent.

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

THE PROPOSAL

TLCC propose the construction of a straw bale brick (recycled wheat product) sustainable training facility comprising one computer classroom, a multi-purpose childcare room, kitchen and two training rooms, on Crown Land being Berkeley Vale Community Centre (R91284) Reserve Trust comprising Lot 241 DP 755263 and Lot 7026 DP 1030591 at Shannon Parade Berkeley Vale.

Council is the appointed Manager of the Reserve Trust created and the land is site of the Berkeley Vale Old School Community Centre managed by a Committee pursuant to Section 355 of the Local Government Act 1993. TLCC has operated out of the existing Community Centre as a hirer along with other hirers such as play groups, Before and After School Care, Alcoholics Anonymous and the Benevolent Society since 1981.

Use of the Community Centre is restricted due to the competing interests for space and time in the existing facility and TLCC propose to construct a training facility purpose built to suit their needs.

Funding in the amount of \$1.1m has been made available for the infrastructure as a grant to TLCC from the Department of Education, Employment and Workplace Relations.

In support of its application TLCC has advised the following and provided a history of the organisation

“that apart from stimulating the local economy, the aim is to improve vocational outcomes and pathways for its target groups, including but not limited to Indigenous Australians, People with Disability, Youth, Unemployed, Mature Aged, and people from Culturally and Linguistically Diverse backgrounds, while promoting green skills, sustainability and innovation to local businesses and the broader community.”

The facility would be the first of its kind on the Central Coast. A showcase model of enviro architecture and design, using natural and recycled materials, weaving sustainability through education to enhance Vocational Education and Training delivery and allowing TLCC and the Central Coast community to flourish.

The proposed facility will comprise one computer class room, a multi-purpose childcare room for children of parents undertaking a course during the day and art/craft classroom in the evening, two training rooms, break-out space and a kitchen. TLCC niche training markets include priority skills areas such as childcare, conservation and land management (which provides pathways to agriculture, horticulture, landscaping, bush regeneration etc). Business skills and IT are also provided.

Of prime importance is the involvement of the community in this project. Schools, environment and land-care groups, the general public will be invited to participate and learn straw baling and building techniques.

BBQ and picnic facilities and a community native bush tucker garden will be established in the open space in front of and surrounding the building.

History of College

1981 - Tuggerah Lakes Community College (TLCC) was established as Berkeley Vale Leisure Learning, situated in Shannon Parade, Berkeley Vale. A not for profit, community based, incorporated association.

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

1995 - TLCC becomes a registered training organisation - Tuggerah Lakes Community Leisure Learning and Training Centre at the time.

1996 - Computer and Training facility established in the old manager's residence on the grounds of Club Tuggerah

2003 – 3 June, official name change to TLCC Inc.

2004 - Wyong Adult Community Education dissolves, TLCC re-establishes programs in Wyong in partnership with the High School and takes over lease of Room 5, Wyong Old Primary School.

2005 - 06 - Kincumber Community College is wound up and taken over by TLCC.

2007 - January - Professional training facility established in Suite 16/1 Reliance Drive, Tuggerah Business Park.

2002 - Total Students = 1,131; Total Enrolments = 2,565; Total Student Contact Hours = 36,920; Total Income = \$343,655

2008 - Total Students = 3,724; Total Enrolments = 10,376; Total Student Contact Hours = 280,362; Total Income = \$1,143,639

2009 - Current operational sites - Registered Office, Shannon Parade, Berkeley Vale; Tuggerah Training Facility, Reliance Drive; Wyong Old Primary School; Kincumber Community College Cottage. Courses are also run from community centres from Morisset to Umina.

Executive Officers - Sylvia Turner 1981 - Apr 2003; Andrea Cingi Apr 2003 - present. I am on the Board of Directors of Community Colleges NSW (to become Community Colleges Australia) and am the Secretary of the Central Coast Community Council.

TLCC are training specialists for:

Children's Services
Conservation and Land Management
Training and Assessment
Business and IT
Languages and General Adult and Community Education

Partnerships with Australian Customs, Youth Connections, The Darkinjung Local Aboriginal Land Council, The Schools as Community Centres, Life Without Barriers, Breakaway, Frank Baxter Juvenile Detention, Kariong Juvenile Correctional Centre, Family Day Care, the Home and Community Care training project, Volunteering Central Coast and other local organisations and businesses are part of our vibrant and diverse core business.

OPTIONS

Council may sign the Development Application and grant a lease to allow what may be an important community facility to proceed or Council can decline to sign the development application and refuse a lease and the proposal will not proceed.

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

STRATEGIC LINKS

Management Plan

Contribution of Proposal to the Principal Activity

On the basis that the facility is proposed by a not for profit community organisation and to provide education opportunities to disadvantaged groups in Wyong Shire the proposal is likely to contribute to a more sustainable community.

Link to Key Focus Areas

<i>Key Focus Area</i>	How the proposal contributes or links to the Key Focus Areas in Council's Management Plan
Employment Projects	

The facility is proposed to provide education opportunities to disadvantaged groups in Wyong Shire enhancing the employment prospects of those groups and individuals and employment projects is one of Council's key focus areas.

Financial Implications

The proposal is to be funded by grant monies received by TLCC from Department of Education Employment and Workplace Relations

Principles of Sustainability

This proposal will have a positive effect on the development of a healthy, equitable, active and involved community.

GOVERNANCE

Applicable statutes:-

Environmental Planning and Assessment Act for assessment of development application
Conveyancing Act 1919 for leases
Crown Lands Act for dealing with Crown Land
Local Government Act 1993 for Council's management of the land.

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation

TRIM REFERENCE: CPA/154562 - D02030183

AUTHOR: LP

SUMMARY

Evaluation and selection of lump sum tenders for CPA/154562 – Toukley Sewage Treatment Plant Inlet Works Augmentation.

RECOMMENDATION

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

BACKGROUND

The Toukley Sewage Treatment Plant was constructed by the former NSW Department of Public Works in 1986. The inlet works is known to have a number of operational issues including:

- Deterioration/ageing of components such as concrete beams and sluice gates.
- Old technology and inefficient grit handling and classification facilities.
- OH&S issues relating to labour-intensive operation.
- Production of malodorous gasses creating public complaints.

An upgrade strategy study for the inlet works was carried out by the NSW Department of Commerce (DoC) in September 2007. That report recommended the following improvements be implemented to the inlet works to extend the design life to 2031:

- New odour control facilities.
- New screening facilities.
- Upgraded grit management facilities.
- Replacement or remediation of existing concrete structures.

Contract documentation was prepared that incorporated these improvements in the scope of works. This report covers the evaluation and selection of tenders for Contract CPA/154562.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 7 July 2009 and the Central Coast Express Advocate on 8 July 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 6 August 2009.

The invitation documents called for lump-sum tenders based on a detailed specification.

A non-compulsory pre-tender meeting was held at the proposed work site on 16 July 2009 to allow tenderers to become familiar with site conditions.

The following addenda were issued to all prospective tenderers during the invitation period.

- 1 Schedule of Mechanical Equipment and Detailed Design Report (15 July 2009).
- 2 Works As Executed drawings, location of flowmeters, minutes of the site meeting of 16 July 2009, list of attendees at the site meeting and correction to Section 12 of the Returnable Forms and Schedules (17 July 2009).
- 3 Amended electrical drawings, details of rising main flows and clarification of the grit classifier duty (21 July 2009).

Tenders closed at Council Chambers at 2:00 pm on 6 August 2009.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members (one of whom was from a unit other than the one managing the procurement process) using the following threshold and weighted criteria:

Threshold Criteria

- Conformance with Tender documents, including lodgement of tender by specified time.
- Ability to manage financial, environmental, quality and safety risk.

Weighted Criteria

- Conformity with RFT / Specification.
- Proposed methodology / construction program.
- The tendered price and structure; as well as any other potential costs to Council that may be identified.
- Experience in the specific field.
- Management of construction on and interface with operational sites/assets.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation (contd)

To assess tenders against the evaluation criteria the panel used information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the shortlisted tenderers.

The evaluation was conducted according to the following process:

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Shortlisting of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers.
- Independent review of the tender selection process.

Assessment of Receipt

The following tenders were received and are listed in alphabetical order.

No.	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Abergeldie Young Pty Ltd	\$2,189,377.00	Submitted on time
2	Aquatec-Maxcon Pty Ltd	\$1,799,800.00	Submitted on time
3	Carey Constructions Pty Ltd	\$1,757,202.00	Submitted on time
4	Eire Contractors Pty Ltd	\$1,770,000.00	Submitted on time
5	Gongues Constructions Pty Ltd	\$1,863,636.30	Submitted on time
6	Kerroc Constructions Pty Ltd	\$1,945,758.00	Submitted on time
7	Lahey Constructions Pty Ltd	\$1,940,364.00	Submitted on time
8	AJ Lucas Pty Ltd	\$2,196,380.00	Submitted on time
9	Process Engineering Technologies Pty Ltd	\$1,640,427.00	Submitted on time
10	QMC Group	\$2,031,210.00	Submitted on time
11	Thomas & Coffey Pty Ltd	\$1,829,620.00	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender no. 1 (from Abergeldie Young Pty Ltd), Tender no. 4 (from Eire Contractors Pty Ltd), Tender no. 5 (Gongues Constructions Pty Ltd), Tender no. 6 (from Kerroc Constructions Pty Ltd), Tender no. 7 (from Lahey Constructions Pty Ltd) and Tender no. 8 (from AJ Lucas Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

Tender no. 2 (from Aquatec-Maxcon Pty Ltd) contained inconsistencies in the Schedule of Prices where prices were omitted and the total of the prices and the price shown on the Tender Form did not match the sum of the individual items. The tender also contained numerous options, exclusions and departures from the specification as well as comments that modified the General Conditions of Contract. These changes would result in increased cost and risk to Council. This tender did not meet the Threshold Criteria and was considered by the Panel to be non-conforming. The Panel eliminated Tender no. 2 from further consideration.

Tender no. 3 (from Carey Constructions Pty Ltd) was qualified by indicating that provision of "Site services not included elsewhere" was to be determined on site and agreed on cost. The Tender Panel considered this to be a minor discrepancy as only two of the eleven tenders provided a price for this item at an average price of \$23,500.00. The Panel decided for the purposes of tender analysis to add \$23,500.00 to Carey Constructions Pty Ltd price as it does not substantially alter the tender. The tender conformed in all other respects and was progressed to the next stage of evaluation.

Tender no. 9, Process Engineering Technologies, omitted to include a lump sum amount on the Tender Form, but did provide complete prices in the Schedule of Prices as required under the contract. The Tenderer was contacted and confirmed that the omission of the lump sum amount on the Tender Form was an error. The Tenderer provided a completed Tender Form with a lump sum amount, \$1,640,427.00 (excl GST), equivalent to the summation of all previously priced items in the Schedule of Prices. The Tender Panel considered that this was genuine omission and accepted the completed Tender Form. The Tenderer also listed three qualifications. The contents of two of the listed qualifications were found to be just clarifications of the scope of work and had no impact on the works required. The third qualification was found to have some financial impact. The tender was progressed to the next stage of evaluation since it was considered that the above matters did not substantially alter the tender.

Tender no. 10 (from QMC Group) contained a minor inconsistency in that the sum of the prices in the Schedule of Prices was \$5,000.00 greater than the total shown in the Schedule of Prices and the total shown on the Tender Form. However, as the Schedule of Prices is contractually only used to assist in the valuation of claims, the tender was progressed to the next stage of evaluation since it does not substantially alter the tender.

Tender no. 11 (from Thomas & Coffey Pty Ltd) inserted an additional item in the Schedule of Prices as a contingency sum of \$30,000.00 for dollar rate fluctuations. The lump sum on their Tender Form included the \$30,000.00 plus GST. As this is a lump sum contract the tender was progressed to the next stage of evaluation since it was considered that the above matter was not in contravention of the contract requirements.

Shortlisting

Tenders were shortlisted against the criterion for Price to allow the Tender Panel to concentrate their efforts on reviewing the most competitive tenders.

Tender no. 9 (from Process Engineering Technologies Pty Ltd), Tender no. 3 (from Carey Constructions Pty Ltd), Tender no. 4 (from Eire Contractors Pty Ltd) and Tender no. 11 (from Thomas & Coffey Pty Ltd) tendered competitive prices that were within 10% of the lowest tender. The lowest tender was also 67% of Council's pre-tender estimate for this work. These four tenders were progressed to a full weighted evaluation.

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation (contd)

Tender no. 7 (from Lahey Constructions Pty Ltd), Tender no. 6 (from Kerroc Constructions Pty Ltd), Tender no. 10 (from QMC Group), Tender no. 5 (from Gongues Constructions Pty Ltd), Tender no. 1 (from Abergeldie Young Pty Ltd) and Tender no. 8 (from AJ Lucas Pty Ltd) tendered amounts 18 to 34% higher than the lowest priced tender. Regardless of how these tenders rated on non-price criteria the substantial price difference would make it impossible for these tenders to rate as the preferred option after a full weighted evaluation. These tenders were therefore eliminated to allow the Panel to concentrate its assessment efforts on the four most competitive tenders.

Weighted Evaluation

The four tenders were scored against each of the weighted evaluation criteria (including price and non-price elements) and are listed below in descending order of weighted evaluation scores.

No.	Tender	Adjusted Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score
9	Process Engineering Technologies Pty Ltd	\$1,640,427.00	86
11	Thomas & Coffey Pty Ltd	\$1,829,620.00	71
4	Eire Contractors Pty Ltd	\$1,770,000.00	67
3	Carey Constructions Pty Ltd	\$1,780,702.00	65

Tender no. 3 (from Carey Constructions Pty Ltd) had the lowest weighted evaluation score and contained one qualification that would result in increased cost and risk to Council. This was considered by the Panel as a minor deviation in terms of the scope of work offered. The tenderer included a draft construction program but no methodology. The tendered price of \$1,757,202.00 was 72% of the pre-tender estimate and some 7% higher than Tender no. 9. The Panel progressed Tender no. 3 to the next stage of evaluation.

Tender no. 4 (from Eire Contractors Pty Ltd) contained no qualifications or departures that would result in increased cost and risk to Council. This tender was considered by the Panel to be conforming in terms of the scope of work offered. This tender included a draft construction program, evidence of accreditation of their Corporate OHS Management System, but did not include a construction methodology. Eire is currently undertaking the construction of a new inlet works at Mannering Park STP for Wyong Shire Council to the value of \$1,191,000.00. Their tendered price of \$1,770,000.00 was 72% of the pre-tender estimate and some 7% higher than Tender no. 9. The Panel progressed Tender no. 4 to the next stage of evaluation.

Tender no. 11 (from Thomas & Coffey Pty Ltd) contained no qualifications or departures that would result in increased cost and risk to Council. This tender was considered by the Panel to be conforming in terms of the scope of work offered. The tender included a draft construction program, brief methodology and evidence of accreditation of their Corporate OHS Management System. Thomas & Coffey are currently constructing reticulation and pump station works for Hunter Water Corporation. Their tendered price of \$1,799,617.68 was 73% of the pre-tender estimate and some 10% higher than Tender no. 9. The Panel progressed Tender no. 11 to the next stage of evaluation.

Tender no. 9 (from Process Engineering Technologies Pty Ltd) achieved the highest weighted evaluation score and was complete but for three minor qualifications. These three qualifications were clarified and found to represent a relatively minor financial risk to Council assessed to be \$6,000.00 in cost. As the difference between the lowest two tenders is \$116,775.00, a financial risk of the order of \$6,000.00 was considered very minor.

This tender was considered by the Panel as conforming in terms of the scope of work offered. This tender included a draft construction program and a detailed methodology and provided evidence of accreditation of their Corporate OHS Management System. Recent works by Process Engineering Technologies include sewage treatment works and sewage pump station upgrades for Sydney Water Corporation. Their tendered price of \$1,640,427.00 (excl GST) was very competitive (67% of the pre-tender estimate of \$2,454,000.00). The Panel progressed Tender no. 9 to the next stage of evaluation.

Sensitivity Analysis

As a further assessment of the four highest scoring tenders a sensitivity analysis was conducted on the “non-price” evaluation criteria. This additional evaluation kept the weighted evaluation score for tender no. 9 (Process Engineering Technologies) unchanged but awarded maximum scores for all non-price criteria to the other three tenders. The results did not change the relative position of tender no. 9 as the highest scoring tender and with the lowest contract price.

The Tender Evaluation Panel considered that, in accordance with the Tender Evaluation Plan, Process Engineering Technologies was the preferred tenderer. Any further investigations into the other tenderers would not change the order of relativity between all tenderers.

Tender no. 9 (from Process Engineering Technologies Pty Ltd), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender no. 9 (from Process Engineering Technologies Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council’s independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that Process Engineering Technologies Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Process Engineering Technologies Pty Ltd is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works. Referee checks with several large organisations confirmed that the company was well resourced and co-operative with good safety, time, cost and quality outcomes. The company has in place fully documented Occupational Health, Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Process Engineering Technologies Pty Ltd is 67% of Council’s pre-tender estimate and is considered to represent a reasonable price for the contract works.

Process Review

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

RISK ASSESSMENT

General

When letting a contract various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

The following are the major risks that Council bears in relation to this contract:

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation (contd)

- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.
- The logistics of bypassing the existing rising mains around the new work presents a higher than normal risk to maintenance of the treatment processes. This also could lead to longer times than anticipated. This risk is expected to be mitigated through proper pre planning, liaison with the stakeholders and appropriate work methods.

Risk Contingency

The above risks are considered to be medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$246,000.00 (excl GST) representing approximately 15% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$1,886,427.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

An initial estimate for the work of \$2.2 million (excl GST) was prepared by the design consultant. A separate independent estimator was engaged and provided a similar estimate of \$2.3 million (excl GST).

Funds of \$2.0 million are available to fund the works under Infrastructure Sewerage in the 2009/2010 Management Plan, Line 4.4.9.

TIME-FRAME

The program submitted by Process Engineering Technologies Pty Ltd demonstrates an ability to deliver final documentation for the new works as per the stipulated time frame of 40 weeks from the date of issue of the Letter of Acceptance.

APPROVALS

Part 5 approval has been obtained to allow these works to proceed.

LOCAL CONTENT

The tenderer has indicated that where possible they would be looking to use local Central Coast resources to supplement their specialist staff and sub-contractors. Process Engineering Technologies estimates the local content to be about 2,400 man hours for this project.

CONCLUSION

Tender no. 9 from Process Engineering Technologies Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: CPA/160794 - D02030974

AUTHOR: GK

SUMMARY

Evaluation and selection of combined Schedule of Rates and Lump Sum tenders for CPA/160794 – Construction of Link Road – Sparks Road to future development land.

RECOMMENDATION

- 1 ***That Council accept Tender Number 5 from the Roads and Traffic Authority in the estimated combined Schedule of Rates and Lump Sum total amount of \$7,896,570.04 (excl GST).***
- 2 ***That Council approve a contract budget of \$8,686,570.04 (excl GST) that provides for a contingency amount of \$790,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***
- 3 ***That Council support lobbying of the Roads and Traffic Authority to contribute to the cost of the intersection reconstruction works on Sparks Road at its intersection with the Link Road.***
- 4 ***That Council confirm its intention to use the proceeds, from the sale of Council-owned land located to the south of this section of the Link Road, to bankroll the remaining southern section of the Link Road. This will enable the earliest possible construction of the remainder of the road subject to satisfactory cashflow.***

BACKGROUND

At the Ordinary Meeting of 11 February 2009, Council;

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

- 1 *That Council endorse the proposal to construct the northern section of the Link Road, subject to Federal Government agreement to the existing Auslink grant funds being re-allocated to that section.*
- 2 *That Council defer the construction of the remaining southern section of the Link Road to manage cashflow implications imposed by the project and to better align with present traffic modelling predictions.*
- 3 *That Council endorse the Director of Shire Services decisions with respect to the variations approved to date for Contract CPA/94531 - Investigation and Design Consultancy - Link Road (Watanobbi to Warnervale) and Trunk Water Main (Mardi Dam to Warnervale) with Connell Wagner Pty Ltd.*

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

- 4 *That Council approve additional funding to increase the Contract CPA/94531 amount from \$527,026.95 (including contingency amount and excl GST) to \$2,286,704.49 (excl GST).*
- 5 *That Council cancel the proposal for Contract CPA/127795 – Construction of Link Road and Water Main, Watanobbi to Warnervale and decline to accept any tenders received.*
- 6 *That Council endorse the actions taken by staff in responding to recent Section 94 reforms and directions from the Minister for Planning, including the contents of Council's letter to the Department of Planning dated 30 January 2009.*
- 7 *That Council endorse the preparation of a detailed submission seeking to levy contributions above \$20,000.00 per lot/dwelling under Contributions Plan 7A – Warnervale District and Contributions Plan 3 – the Entrance District.”*

This report deals with actions stemming from Resolution 1 (only) above.

In relation to Resolution 2 above, it is intended to defer construction of the remaining southern section of the Link Road until such time as proceeds from sale of the Council owned land to the south is sufficient to manage the cashflow implications presented by the project. This timing would also be influenced by the amount and timing of any funding contribution from the Roads and Traffic Authority (RTA). Council's costs will be recouped, in the much longer term, from developer contributions.

In response to action by Council staff in respect to Resolution 1, the Federal Government responded favourably to Council's submission to reallocate existing grant funding under the Auslink program (for the full length of the Link Road) to just the northern section of the road and formally advised its agreement on 1 June 2009.

Tenders for CPA/160794 – Construction of Link Road, Sparks Road to the future development area were called and the tenders received are reviewed in this report.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 14 July 2009, the Newcastle Herald on 18 July 2009 and the Central Coast Express Advocate on 15 July 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2 pm Thursday 13 August 2009.

The invitation documents called for a combined schedule of rates and lump sum tender, based on a detailed technical specification and engineering drawings.

A compulsory pre-tender meeting was held at the Civic Centre, followed by a site inspection, on 28 July 2009 to allow tenderers to become familiar with site conditions.

The following addenda were issued to all prospective tenderers during the invitation period.

Addendum 1 – Amendments to the Commercial Conditions of Contract and time for completion of Separable Portion 2 (17 July 2009).

Addendum 2 – Issue of Review of Environmental Factors, Geotechnical Report and Minutes of Pre-Tender Meeting (3 August 2009).

Addendum 3 – Extension of closing date to 20 August 2009 (3 August 2009).

Addendum 4 – Response to Tenderer questions (13 August 2009).

Addendum 5 – Response to Tenderer questions and extension of closing date to 27 August 2009 (19 August 2009).

Addendum 6 – Response to Tenderer questions (20 August 2009).

Addendum 7 – Response to Tenderer questions (20 August 2009).

Addendum 8 – Response to Tenderer questions and issue amended Schedule of Rates (26 August 2009).

Tenders closed at Council Chambers at 2.00 pm Thursday 27 August 2009.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members (two of whom were from the NSW Office of Public Works) using the following threshold and weighted criteria:

Threshold Criteria

- Compliance with the tender documents, including lodgement of tender by the specified time.
- Satisfactory financial capacity.
- RTA pre-qualification to at least category R10 (roadworks up to \$10 million).

Weighted Criteria

- The tendered price and structure, as well as any other potential costs to Council that may be identified.
- Experience in the specific field.
- Recent performance on similar scale projects.
- Successful past implementation of project specific Construction Management Plan including Traffic Management Plan, Environmental Management Plan, Quality Plan, and Safety Management Plan.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees, external advisors and information provided by the shortlisted tenderers.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Shortlisting of tenders.

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

- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers.
- Independent review of the tender selection process.

Assessment of Receipt

The following tenders were received and are listed in alphabetical order.

No.	Tender	Tendered Sum (Excl GST)	Status
1	DownerEDI Works Pty Ltd	\$8,176,353.48	Submitted on time
2	Ford Civil Contracting Pty Ltd	\$8,312,524.20	Submitted on time
2a	Ford Civil Contracting Pty Ltd (Alternative)	\$8,271,954.20	Submitted on time
3	Nace Civil Engineering Pty Ltd	\$9,072,379.13	Submitted on time
4	Robson Civil Projects Pty Ltd	\$7,919,323.93	Submitted on time
4a	Robson Civil Projects Pty Ltd (Alternative)	\$7,869,323.93 *	Submitted on time
5	Roads and Traffic Authority	\$7,896,570.24	Submitted on time
5a	Roads and Traffic Authority (Alternative)	\$7,896,570.24	Submitted on time

* Based on Tenderer's indicative savings of \$50,000.00

All tenders were received on time and progressed to the next stage of the evaluation.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification.

All tenderers were encouraged at the mandatory pre-tender meeting to submit a fully conforming, unqualified tender and to reflect the risk allocation in the tender documents to the contractor in the tendered amount rather than in qualifications and departures. Tenderers were advised to submit any qualifications and departures as an alternative tender.

Tender Number 1 (from DownerEDI Works Pty Ltd) was qualified by a significant departure. The tenderer indicated its inability to accept Clause 3.5.2.2 of the General Conditions of Contract. This clause allocated the risk of reliance on the accuracy of information about existing site conditions and environmental and geotechnical reports included as part of the tender documents on the Contractor and required the contractor to indemnify the Principal against claims for loss from interpretation of the information by third parties. The tenderer's departure from this clause is a significant and unacceptable non-conformance. The tender was eliminated from further consideration.

Tender Number 2 (from Ford Civil Contracting Pty Ltd) was fully conforming and was progressed to the next stage of evaluation. Tender Number 2a (an alternative tender) was also submitted offering a saving of \$40,570.00 (excl GST) for a larger size of noise wall panel. The larger noise wall panels proposed may have an impact on the structural design of the other components in the noise wall supporting the panels. Insufficient detail was provided in the tender to fully assess the proposed alternative. Given the relatively minor potential saving (0.5% of the conforming tender) the evaluation panel determined not to consider the alternative further unless the full weighted evaluation favoured this tenderer.

Tender Number 3 (from Nace Civil Engineering Pty Ltd) was fully conforming and progressed to the next stage of evaluation. No alternative tenders were offered.

Tender Number 4 (from Robson Civil Projects Pty Ltd) was fully conforming and progressed to the next stage of evaluation. Tender Number 4a (an alternative tender) was also submitted that offered an indicative saving of \$50,000.00 (excl GST) if cement stabilisation of existing material won from the site produced a select material zone in the pavement complying with the specification in lieu of importing quarried select material. Given that no testing has taken place to validate that this is a viable option, it presents an unacceptable risk to Council to enter into a contract based on this alternative tender in the event the proposal fails technically. The alternative was not considered further for the purposes of tender evaluation but may be pursued as a potential cost saving variation in the construction contract.

Tender Number 5 (from the NSW Roads and Traffic Authority) was submitted as a conforming tender. By contrast, Tender Number 5a (an alternative tender) sought to amend parts of the General Conditions of Contract relating to Long Service Leave Levy, insurance and indemnity. On closer examination, it was considered the issues raised in the alternative tender may equally apply to the purported conforming tender and jeopardise its status as a truly conforming tender. Clarification was sought from the RTA and the issues were satisfactorily resolved to confirm that the conforming tender was in fact conforming. The conforming Tender Number 5 was progressed to the next stage of evaluation. The alternative Tender Number 5a was eliminated from further consideration as it offered no financial advantage over the conforming offer and was effectively no different in the commercial conditions.

Tender Numbers 2, 3, 4 and 5 were all progressed to the next stage of the evaluation.

Shortlisting

Tender Numbers 2 (from Ford Civil Contracting Pty Ltd), 3 (from Nace Civil Engineering Pty Ltd), 4 (from Robson Civil Projects Pty Ltd) and 5 (from the RTA) were subjected to a sensitivity analysis against Criterion Number 4 – Price. The analysis showed that regardless of how high the non-price criteria were scored for Tender Number 3 (from Nace Civil Engineering Pty Ltd), the substantial price difference to the lowest price tender would make it impossible for this tender to rate as the preferred tender after a full weighted evaluation. Tender Number 3 (from Nace Civil Engineering Pty Ltd) was therefore eliminated from further consideration to allow the panel to concentrate its assessment efforts on the remaining three competitive tenders.

Weighted Evaluation

The remaining tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), and are listed below in descending order of weighted evaluation scores.

A check of the calculation of the summation of the tendered rates multiplied by the estimated quantities of work (in the Schedule of Rates) indicated some minor arithmetical errors in Tender Numbers 4 and 5. The “Adjusted Tendered Sum” in the table below corrects those errors. The minor nature of the errors made no difference to the shortlisting analysis undertaken above.

No.	Tender	Adjusted Tendered Sum (Excl GST)	Weighted Evaluation Score
5	Roads and Traffic Authority	\$7,896,570.04	98
4	Robson Civil Projects Pty Ltd	\$7,919,245.88	97

No.	Tender	Adjusted Tendered Sum (Excl GST)	Weighted Evaluation Score
2	Ford Civil Contracting Pty Ltd	\$8,312,524.20	87

Tender Numbers 4 and 5 achieved similar scores that were considerably higher than Tender Number 2. As a result, Tender Number 2 (from Ford Civil Contracting Pty Ltd) and the alternative Tender Number 2a submitted by that company (given that it was only 0.5% lower than the conforming tender and the price difference would not bring the alternative into contention) were not considered further.

In Criteria Number 5 – Experience in the Specific Field, Tender Number 5 (from the RTA) scored highest as expected from such a large road building organisation. Robson Civil Projects also scored very well in this criterion, but below the RTA. Robson Civil Projects has undertaken major roadworks contracts in the past (1996) for Council (Wyong Road reconstruction between Enterprise Drive and the Pacific Highway, Tuggerah). More recent major roadworks projects have been undertaken at Gillieston Heights (for RTA and a private developer) valued at \$8.5 million.

In relation to Criteria Number 6 – Recent Performance on Similar Scale Projects, Tender Number 5 (from the RTA) scored highest based on a commitment given that the Sydney Road Services division of the RTA will be the contractor and the favourable referee comments provided about that division. Robson Civil Projects also scored well in these criteria. Every referee contacted for Robson Civil Projects was very complimentary regarding the company's competence, co-operation, attitude and commercial fairness. Comments such as "great contractor to work with" and "rate them as one of the top civil companies to deal with" were received.

On Criterion 7 – Successful Past Implementation of Project Specific Construction Safety Management Plan, Traffic Management Plan, Environmental Management Plan and Quality Plan, both the RTA and Robson Civil Projects Pty Ltd scored equally.

Tender Number 5 (from the RTA) achieved the highest overall weighted evaluation score. A price sensitivity analysis was undertaken based on varying the quantities of selected critical items of work estimated in the Schedule of Rates for pay items where the panel considered the actual quantities of work performed under the contract may vary from the estimated quantities. The sensitivity analysis did not alter the relative ranking and maintained Tender Number 5 (from the RTA) as the preferred tender.

Tender Number 5 (from the RTA) was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender Number 5 (from the RTA) was subjected to an independent financial assessment by Kingsway Financial Assessments. In this case, the application of the standard assessment criteria did not demonstrate the actual financial stability and capability of the RTA (i.e. as a State Government entity). Given the status of the RTA, it is considered that further financial assessment is not required and it has the financial capacity to satisfactorily complete this contract.

The division of the RTA submitting the tender (Road and Fleet Services) is pre-qualified with the RTA for roadworks contracts up to \$40 million. Independent to the pre-qualification, the RTA also has third party accreditation (by Global -Mark) of compliance of its environmental management system to AS/NZS ISO 14001:2004, the quality management system to ISO 9001:2008 and the safety management system to AS/NZS 4801:2001. On this basis, no further in-house checks were made on the RTA's management systems.

On the basis of the information provided by the tenderer and independent referees, it is considered that the Road and Fleet Services division of the RTA possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Sydney Road Services has indicated it will utilise local RTA resources in undertaking the works.

The amount tendered by the RTA is approximately 25% below Council's pre-tender estimate. Given that all five of the tenders received were less than Council's pre-tender estimate it is apparent that the estimate was conservative and that the current market is extremely competitive.

Process Review

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

RISK ASSESSMENT

General

When letting a contract various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.

- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks

The following are the specific risks that Council bears in relation to this contract:

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation in the final contract amount compared to the estimated amount. Mitigated through the tender process by requiring specified rates for each work item under a Schedule of Rates arrangement with upper and lower control limits. Contract payments are then calculated by multiplying the actual quantity for each work item by the tendered rate. Actual quantities are confirmed by Council through measurement / survey prior to payment.
- Ground conditions are significantly different to the interpretations in the geotechnical investigation report for the project, leading to additional costs and potential contractual claims for latent conditions. Mitigated by adequate geotechnical investigations and pay items in the Schedule of Rates to cover removal and replacement of unsuitable material in the foundation of the road and other structures.
- Relocation of public utilities including Telstra, Energy Australia and Jemena (gas). Co-ordination of these utility relocations within the construction contract is allocated to the contractor, but in the event of delays to the civil contractor by the utility authorities approved contractors in doing this work, there is potential for the civil contractor to claim costs against Council. Mitigated by emphasis on planning, liaison and communication between the stakeholders to minimise the risk.

Risk Contingency

The above risks are considered to be medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$790,000.00 (excl GST) representing approximately 10% of the estimated contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$8,686,570.04 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Funding for the project is provided from Section 94 Developer Contribution Funds and a Federal Government grant under the Auslink Program (\$5.5 million excl GST). The funds budgeted are sufficient to cover the expected construction contract and project management costs.

Negotiations are presently underway with the RTA to secure an agreement for a contribution from the RTA for the intersection reconstruction works on Sparks Road, which is a State asset. The required funding from Council will obviously be reduced by the extent to which this negotiation is successful. Present budget provisions assume no success, however it is imperative that the RTA contribution be secured due to the impact on the commencement of construction of the southern section of the Link Road.

TIME-FRAME

The contract period is 36 weeks. Allowing for possible wet weather delays it is expected the construction contract will be complete by August 2010.

PLANNING APPROVAL

The required Part 5 planning approval for this project has been obtained.

LOCAL CONTENT

The Sydney Road Services division of the RTA will utilise some local labour resources on the project drawn from the local depots and the majority of materials required for the construction work will be sourced from within the Central Coast.

CONCLUSION

Tender Number 5 (from the Roads and Traffic Authority) is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that this tender be accepted.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: CPA/164633 - D02027677

AUTHOR: NCY

SUMMARY

Evaluation and selection of Schedule of Rates tenders for CPA/164633 – Excavation and Lining of Cell 4.2B at Buttonderry Waste Management Facility to provide the next landfill cell for waste disposal at this facility.

RECOMMENDATION

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

BACKGROUND

General

The current operating landfill cell (cell 4.2A) at Buttonderry Waste Management Facility (BWMF) was constructed in 2005 and is expected to be filled to its capacity by the end of 2010. Investigations and designs have been completed for the next landfill cell (cell 4.2B), which will adjoin the current operating cell. Completion of construction of cell 4.2B in time to receive waste as cell 4.2A reaches capacity was a major objective for the design and construction of the new cell.

The work required under the contract for cell 4.2B will involve approximately 250,000 cu. m. of excavation in earth and rock material, preparation of the base of the cell, installation of the cell lining materials, installation of a gravel leachate drainage layer with collection pipework over the cell floor and construction of a pump-out well with electric pump fitted with automatic controls for removal of leachate from the cell.

All design elements and the construction of the new cell were required to comply with the requirements of the Environmental Protection Licence which regulates the operation of the BWMF. The Environmental Protection Licence also requires that full construction Quality Assurance procedures be maintained throughout the contract works with an independent report to be submitted for approval by the Department of Environment and Climate Change and Water (DECCW) on completion of the work, prior to the granting of a licence to operate the new waste cell.

This report details the process undertaken in the evaluation of tenders and recommends award of the contract to a Central Coast company.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 28 July 2009 and 4 August 2009, the Central Coast Express Advocate on 29 July 2009 and the Newcastle Herald on 29 July 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing time was 2:00 p.m. on Thursday 27 August 2009.

The invitation documents called for Schedule of Rate tenders, based on drawings and a detailed specification. Tenderers were able to consider and propose alternatives that offered a potential saving to Council, however, they were required to submit a conforming tender in addition to any alternative tender.

The public advertisements to tender, the e-Tender website and the invitation documents contained a requirement for tenderers to be prequalified with the Roads and Traffic Authority (RTA) NSW for roadworks valued at over \$5 million or accredited with the NSW Department of Services, Technology and Administration (DSTA) for civil construction general works over \$2.5 million.

This prerequisite was specified to ensure that tenderers had appropriate management structures, extensive previous experience and safety, environmental management and quality management systems in place and in operation. This was important to ensure the works could be completed on time and in accordance with the BWMF's Environmental Protection Licence requirements in regard to quality and environmental management.

A compulsory pre-tender meeting was held at the proposed work site on 12 August 2009 to allow tenderers to become familiar with site conditions and to respond to any specific matters raised by tenderers.

The following addenda were issued to all prospective tenderers via the e-Tender website during the invitation period.

- Clarifications and amendments to the specification in relation to noise emissions, traffic management, disposal of surface waters, fittings for leachate sump and riser (issued on 6 August 2009).
- Minutes of compulsory pre-tender meeting and an amended specification document incorporating Addendum 1 amendments and quality control requirements (issued on 13 August 2009).
- Amended specification table for geotextile physical properties (issued on 24 August 2009).
- Revised drawings relating to leachate sump details (issued on 25 August 2009).
- Further amended specification table for geotextile physical properties (issued on 25 August 2009).

Tenders closed at Council Chambers at 2:00 p.m. on Thursday 27 August 2009.

EVALUATION OF TENDERS

Tenders were evaluated by a Panel of four staff members (one of whom was from a section other than the one managing the procurement process) using the following threshold and weighted criteria.

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

Threshold criteria

- 1 Conformance with the tender documents.
- 2 Ability to manage financial risk.
- 3 Evidence of corporate systems for quality, environmental and OH&S management.

Weighted criteria

- 1 The tendered price and structure, as well as any other potential costs to Council that may be identified.
- 2 Tenderer's recent past experience in the specific field.
- 3 Tenderer's previous performance.
- 4 Proposed cell lining subcontractor experience in the specified field.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the Panel used information obtained from the tender documents and related correspondence, referees and external advisors.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Shortlisting of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers.
- Independent review of the tender selection process.

Assessment of Receipt

The following tenders were received and are listed in alphabetical order.

No.	Tender	Extended Schedule of Rates Total (Excl GST)	Status
1	Burton Contractors Pty Ltd	\$4,195,891.00	Submitted on time
2	Hardy Bros Mining & Construction Pty Ltd	\$7,720,500.00	Submitted on time
3	Nace Civil Engineering Pty Ltd	\$7,276,276.23	Submitted on time
4	Nace Civil Engineering Pty Ltd – Alternative Tender	\$7,158,873.83	Submitted on time

No.	Tender	Extended Schedule of Rates Total (Excl GST)	Status
5	Robson Civil Projects Pty Ltd	\$4,198,468.64	Submitted on time
6	RMA Demolitions Pty Ltd	\$4,586,073.00	Submitted on time
7	RMA Demolitions Pty Ltd – Alternative Tender	\$4,214,578.00	Submitted on time

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

Hardy Bros Mining & Construction Pty Ltd (tender no. 2) and RMA Demolitions Pty Ltd (tenders nos. 6 and 7) are not prequalified with the RTA NSW for roadworks valued at over \$5 million or accredited with the NSW Department of Services for civil construction general works over \$2.5 million. These two companies do not conform to the tender documents and were eliminated from further consideration.

The other tenders were assessed for conformance with the general tender requirements, including the specification. Tender no. 3 (from Nace Civil Engineering Pty Ltd) and Tender no. 5 (from Robson Civil Projects Pty Ltd), conformed to all requirements of the tender documents, contained no qualifications or departures and were progressed to the next stage of evaluation.

Tender no. 1 (from Burton Contractors Pty Ltd) contained two technical qualifications within their tender, by nominating a specific geotextile material for one of the liner layers and a minor technical non-conformance of drainage gravel material. The Panel decided these qualifications were of a minor nature relating to the specification details and could be assessed and accommodated within the detailed evaluation process. This tender was progressed to the next stage of evaluation.

Tender no. 4 (from Nace Civil Engineering Pty Ltd) was an alternative tender offering the use of geotextile layers varying from the specification, with a saving to Council. The tender was progressed to the next stage of evaluation since it was considered likely that the matter could be resolved at a later stage.

Shortlisting

Tenders were shortlisted against Weighted Evaluation Criterion No. 1 – Price. Tender no. 1 (from Burton Contractors Pty Ltd) and Tender no. 5 (from Robson Civil Projects Pty Ltd) tendered competitive prices that were more than 40% lower than the remaining two conforming tenders, being Tender nos. 3 and 4 (from Nace Civil Engineering Pty Ltd).

The main reason for this substantial difference appears to be that Tender nos. 3 and 4 (from Nace Civil Engineering Pty Ltd) have tendered significantly higher rates for the bulk earthworks and site establishment items of the Schedule of Rates. Regardless of how they rated on other non-price criteria the substantial price difference would make it impossible for either of those tenders to rate as the preferred option after a full weighted evaluation. A sensitivity analysis was carried out and confirmed this assessment. Tender nos. 3 and 4 were therefore excluded from further consideration.

Tender nos. 1 and 5 were within 1% of Council's pre-tender estimate of cost (excluding contingency) and both have offered conforming tenders. These two tenders were progressed to a full weighted evaluation.

Weighted Evaluation

Tender no. 1 (from Burton Contractors Pty Ltd) contained two technical qualifications within the tender, as indicated above. These qualifications may be technically acceptable but would either not be known with certainty until final pre-delivery testing or would provide a lesser standard of product than the fully conforming commodity. Tender no. 5 (from Robson Civil Projects Pty Ltd) conformed fully in all respects and also offered a price saving for the use of alternative materials in two areas, almost identical to the materials nominated in Burton Contractors' qualifications to their tender.

In order to enable evaluation of tenders on an equal basis, appropriate assessed adjustments were made to the extended Schedule of Rates total of Burton Contractors' tender, to provide for construction using fully conforming products. The assessed adjustments were made from information provided within the tenders and from information supplied by the tenderers in clarification of their tenders. The assessments were thus made on the basis that the assessed amount would be the most likely cost incurred by Council for variations to the contract for all materials to be fully conforming in all respects.

Tender nos. 1 and 5 were then scored against each of the weighted evaluation criteria (including price and non-price elements) and are listed below in descending order of weighted evaluation scores.

No.	Tender	Assessed Adjusted Schedule of Rates Total (Ex. GST)	Weighted Evaluation Score
5	Robson Civil Projects Pty Ltd	\$4,198,468.64	82
1	Burton Contractors Pty Ltd	\$4,540,891.00	75

Tender no. 5 (from Robson Civil Projects Pty Ltd) scored higher in the weighted evaluation.

Both companies are large, experienced, civil engineering construction companies that have undertaken large and significant projects for a range of clients. Burton Contractors' nominated experience was predominately in major bulk earthworks associated with subdivision developments in the western Sydney area and included some infrastructure works. Robson Civil Projects' nominated experience included major earthworks and associated infrastructure for two large Sydney commercial centre redevelopments, earthworks and civil works for mining infrastructure construction in the Hunter Valley and construction of waste cell 4.2A at Buttonderry for Wyong Shire Council. Robson Civil Projects scored higher for the criterion of recent past experience.

Both companies were reported on by their respective referee contacts as having good to excellent past performance in all areas of enquiry (i.e. performance in time, cost, quality, safety and overall management). On balance, referee comments on Robson Civil Projects' performance were the better by a small margin so that company scored slightly higher for the criterion of past performance.

Both companies nominated the same sub-contractor for installation of the cell lining system although Burton Contractors also nominated a possible alternative sub-contractor. The experience of the nominated cell lining sub-contractor is extensive (as is that of the possible alternative sub-contractor). Both tenders scored equally for the criterion of experience of the cell lining sub-contractor.

Sensitivity Analysis

Due to the closeness of the pricing and the similarity in the experience and performance of both tenders, the tender evaluation was subjected to a sensitivity analysis.

The detailed evaluation was repeated by using the original total extended tender amounts, not adjusted to provide equal, conforming products within both tenders. The result of this re-evaluation was to raise the total score of Burton Contractors to 78 but still retaining Robson Civil Projects as the highest scoring tender with a score of 82.

Tender no. 5 (from Robson Civil Projects Pty Ltd), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender no. 5 (from Robson Civil Projects Pty Ltd) has third party accreditation for safety systems and quality systems. In addition it has RTA prequalification attesting to the company's management structure, financial capacity and the current operation of appropriate quality, safety and environmental management systems for undertaking major civil construction works.

Tender no. 5 (from Robson Civil Projects Pty Ltd) was subjected to an in-house verification of the adequacy of the operation of its occupational health, safety and rehabilitation system. The review concluded that their system was satisfactory.

On the basis of the information provided by the tenderer, Council's independent financial assessor, Kingsway Financial Assessments, reported Robson Civil Projects Pty Ltd as having an acceptable financial assessment.

A further referee was contacted in regard to the past performance of Robson Civil Projects Pty Ltd. The additional enquiry confirmed the outcomes from all previous referee enquiries, verifying the company to have performed from a very good to excellent standard in regard to time, cost, quality, management and overall performance.

Robson Civil Projects Pty Ltd is a Gosford-based contractor with fully documented Occupational Health Safety and Rehabilitation Management, Environmental Management and Quality Management systems in place. The company has a history of successfully completed major contracts similar in nature and scope to the current works, including having successfully undertaken the construction of the adjoining landfill cell at Buttonderry in 2005.

The amount tendered by Robson Civil Projects Pty Ltd is within 1% of Council's pre-tender estimate and is considered to represent a fair price for the contract works in a competitive market. The company has offered a fully conforming and unqualified tender to undertake the works.

Process Review

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

RISK ASSESSMENT**General**

When letting a contract various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed onto the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Completion of the contract for cell 4.2B in time to receive waste as the current cell reaches capacity has been a major objective for the design and construction of new cell. The tender documents provide for liquidated damages to be applied for late completion of the contract and for a bonus to apply for early completion (a maximum limit of \$100,000.00 applies to the bonus for early completion). This arrangement is an appropriate method for the sharing the risks associated with early / late completion under this contract.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required and by availability of liquidated damages for late completion and bonus payments for early completion of contract.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

The following are the major risks that Council bears in relation to this contract.

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- The requirements of BWMF Environmental Protection Licence impacting on the operations of the contractor giving rise to claims for variations. Mitigated by use of designers experienced in landfill design and by the design, specification and quality system being approved by DECCW.
- Operational activities at the landfill conflicting with contract activities creating contract delays and claims for variations. Mitigated by including provisions for accommodating the landfill activities in the contract documents and by minimising possible conflict through undertaking landfill activities outside contract hours whenever practicable.
- The contract provides for payment of a bonus for early completion as well the application of liquidated damages for late completion. Early completion of the contract will result in variations due to bonus payments. Mitigated by savings to operational costs for BWMF through early access to the new cell and shorter duration of impacts of construction activities on BWMF operations.
- Encountering latent conditions in the bulk excavation, including unknown materials type, requiring other works not identified in the design. Mitigated by detailed pre-design geotechnical investigations, by assigning much of the risk for this eventuality to the contractor through the contract documents and by having design work and design review undertaken by experienced consultants / personnel.
- Groundwater being encountered in deeper sections of excavation of sediment materials resulting in variation claims. Mitigated through detailed hydrogeological investigations prior to design, by raising the cell floor level to maintain the bulk of the excavation above the assessed groundwater and by assigning some of the risk for this eventuality to the contractor through the contract documents.
- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Mitigated through the tender process by requiring specified rates for each work item under a Schedule of Rates arrangement with upper and lower control limits. Contract payments are then calculated by multiplying the actual quantity for each work item by the tendered rate. Actual quantities are confirmed by Council through measurement / survey prior to payment.

Risk Contingency

The above risks are considered to be high for this contract given the value and type of contract (Schedule of Rates) and the nature of the work. Accordingly, it is recommended that a contingency sum of \$801,531.36 (excl GST) representing approximately 20% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$5,000,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Sufficient funds are available to fund the works under Strategy 4.5 Waste in the 2009-10 Management Plan, Line item 4.5.13.

A total of \$6 million has been provided for construction of the new cell. This allows for expected contract costs plus non-contract ancillary costs including pre-construction site clearing, project management, contract supervision, survey works and quality assurance geotechnical testing.

APPROVALS

Part 4 Development Consent has been obtained for this project.

DECCW approval of the design and issue of an amended Environmental Protection Licence are required prior to commencement of the new cell. In order to expedite the works, Council has been in communication with DECCW throughout the investigation and design process and the design is currently with DECCW for final review. The design of the proposed cell is the same as the adjoining approved cell and DECCW advise that in principal, no delay is expected in the issue of the amended Licence.

TIME-FRAME

It is expected that the contract will be awarded by 30 October 2009. It has a time for completion of 30 weeks and with possible extensions of time for events beyond the contractor's control (wet weather etc) of six weeks, the estimated date of completion of 9 July 2010 is achievable.

LOCAL CONTENT

The tenderer has indicated that the contract works are expected to generate approximately 491 person-weeks of labour requirements and that 95% of the labour resources employed on the project will be sourced from within the Central Coast with the remaining 5% being sourced from the Sydney area.

CONCLUSION

Tender no. 5 from Robson Civil Projects Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

6.1 Review of Code of Meeting Practice

TRIM REFERENCE: F2004/06502 - D02008236

AUTHOR: ED

SUMMARY

A review of the Code of Meeting Practice has been conducted and changes suggested by Councillors at the briefing conducted on 26 August 2009 are submitted to Council for consideration.

RECOMMENDATION

That Council amend the Code of Meeting Practice as follows:

a *Insert a new Clause 13(6)*

“Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors.”

A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act.

b *Amend Clause 26(1) to*

“Notices of Motion and Notices of Rescission, excluding notices lodged under Clause 39 (2) of the Code of Meeting Practice, shall be lodged in writing with the Supervisor, Councillor Services by 9.30 am on the second Monday preceding a meeting.”

c *Delete Clause 26(6)*

“If a notice of motion is lodged for inclusion in the ordinary meeting business paper, the Mayor may nevertheless determine in the first instance to refer the notice of motion to the General Manager for report and recommendation to Council.”

d *Replace Clause 34 with*

“(a) A Councillor shall, on all occasions when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be).

(b) At Meetings of the Council, Councillors, may choose to:

- i sit or stand when speaking.*
- ii read from notes when speaking.”*

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

(q) Questions of which due notice has been given

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

(v) Questions On Notice

BACKGROUND

At its meeting on 10 June 2009, Council resolved in part;

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

- 1 *That a comprehensive review of the Code of Meeting Practice be undertaken, including a briefing and a subsequent report provided to Council.*

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

AGAINST: NIL.”

The requested briefing was held on 26 August 2009.

THE PROPOSAL

Arising from the briefing held on 26 August 2009 the following is proposed:

Clause 13(6)	Insert new item
Clause 26 (1)	Amend
Clause 26 (6)	Delete
Clause 34	Replace with new item

Clause 13 (6)

Insert a new Clause 13 (6) as follows:

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

Clause 26

Amend part (1) of Clause 26 which currently reads:

“All Notices of Motion and Notices of Rescission intended for consideration at any meeting are to be lodged with the Council by 4.00 pm on the second Thursday preceding the meeting, except for notices lodged under clause 39 (2) of the Code of Meeting Practice.”

as follows:

- (1) Notices of Motion and Notices of Rescission, excluding notices lodged under Clause 39 (2) of the Code of Meeting Practice, shall be lodged in writing with the Supervisor, Council Services by 9.30 am on the second Monday preceding a meeting.

Delete part (6) as follows:

“If a notice of motion is lodged for inclusion in the ordinary meeting business paper, the Mayor may nevertheless determine in the first instance to refer the notice of motion to the General Manager for report and recommendation to Council.”

Clause 34

Replace the Clause:

“A Councillor will, on all occasions when in a Council or Committee meeting:

- (a) Address and refer to other Councillors by their official designations (i.e. Mayor, Chairperson or Councillor, as the case may be).*
- (b) At Ordinary Meetings of the Council, Councillors, with the exception of the Chairperson, and those Councillors who are prevented by physical infirmity, shall stand when speaking.”*

with the following:

- (a) A Councillor shall, on all occasions when in a Council or Committee meeting, address or refer to other Councillors by their official designations (i.e. Mayor, Chairperson or Councillor, as the case may be).
- (b) At Meetings of the Council, Councillors, may choose to:
 - i sit or stand when speaking.
 - ii read from notes when speaking.”

Investigations will occur into whether it is possible to display on the overhead screen the name of the current speaker and those queued to speak and the possibility of installing an additional overhead screen in the Chamber. Provision will be made for individual lecterns for Councillors and improved lighting.

The Induction Program for new Councillors and senior staff will include an item on meeting procedures and the provision of a “mock debate”. No further action will be taken on a “mock debate” for current Councillors.

An alternate training package will be provided which will include:

- the process for Notices of Motion,
- business paper processes,
- Joint Council meeting agenda items,
- general familiarity with meeting procedures,
- a list of frequently asked questions
- a list of meeting days and times of adjoining Councils should Councillors be interested in attending those meetings to broaden their local government experience.

DEPARTMENT OF LOCAL GOVERNMENT MEETINGS PRACTICE NOTE 16 AUGUST 2009

The Department of Local Government (DLG) issued an updated Meetings Practice Note – 16 in August 2009. The New Practice Note has undergone a significant facelift, with the text being redrafted to include more helpful subheadings and cross-referencing, improved number formatting, and up-to-date references to the Model Code of Conduct. The Practice Note has been examined against Council’s Code of Meeting Practice (COMP) to determine any inconsistencies. Only one inconsistency has been identified.

Questions Without Notice

Clause 1.4.11 (DLG Practice Note) deals with questions from councillors concerning the appropriateness of having an agenda item entitled Questions Without Notice. The New Practice Note sets out that it is inconsistent with provisions of the Regulation to allow Questions Without Notice to be placed as an agenda item.

Practice Note

1.4.11 Is it appropriate to have as an agenda item “Questions Without Notice”?

Having an agenda item, “questions without notice” is inconsistent with the provisions of the Regulation that require notice to be given of matters to be discussed at council meetings (cl 241).

Allowing questions without notice would avoid the notice provisions of clause 241 of the Regulation. That clause enables all councillors and the public to be aware, by reading the agenda, of matters that will be raised at each meeting. It also enables councillors to give careful thought to any pecuniary interest or conflict of interest they might have in a matter, rather than having to hastily confront an issue during the meeting.

Comment

The DLG was contacted to clarify the Practice Note guidelines concerning the relationship with the notice provisions of Clause 241 of the Regulations and the WSC COMP. The DLG advised that in respect of the Practice Note, “Notice” specifically applies to *“business to be transacted at the meeting”*.

The WSC COMP currently enables Questions without Notice as part of Council’s meeting agenda (Clause 22(1) (v) - Order of Business). Questions are put forward by Councillors as *“notice”* to be answered at a future meeting of Council (Clause 32(7)). Discussion or transaction of business is restricted by Clauses 32(2) and (7) ensuring that sufficient notice is given to respond and no discussion or business is permitted.

It is further noted that the Order of Business Clause set out in the WSC COMP (22 (1) (v)) also provides for Questions of which Due Notice has been given, however this method is seldom used as it requires a Councillor to give 14 days notice (Clause 32 (8)).

Extract from WSC Code of Meeting Practice

“32 Questions May Be Put To Councillors and Council Employees

(1) A Councillor may:

- (a) through the Chairperson, put a question without notice to another Councillor; and
 - (b) through the Chairperson to the General Manager, put a question without notice to a Council employee.
- (Clause 249 of the Local Government (General) Regulation 2005)

However, it is considered better practice for the information to be sought from the appropriate employee prior to the meeting.

6.1 Review of Code of Meeting Practice (contd)

- (2) *A Councillor or a Council employee to whom a question without notice is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.*
- (3) *The Councillor must put every such question directly, succinctly and without argument.*
- (4) *The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.*
- (Clause 249 of the Local Government (General) Regulation 2005)*
- (5) *A Councillor may ask two Questions Without Notice at an ordinary meeting of Council. A copy of each question asked must be handed by the Councillor to the General Manager, or in his or her absence to the most senior member of staff present at the meeting.*
- (6) *A Question Without Notice need not be answered unless endorsed by resolution of Council where, in the opinion of the Chairperson, it would:*
- (a) *normally require the presentation of a report after consideration by a Committee or by the General Manager;*
 - (b) *be regarded as a sensitive issue or be one not likely to have the total support of Council; or*
 - (c) *require the commitment or redirection of significant resources.*
- (7) *Reply to a Question Without Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month or as otherwise directed by the Mayor.*
- (8) *Questions to be listed on the business paper as a question of which due notice has been given must be delivered or posted to the General Manager so as to be received not less than 14 days prior to the Ordinary Meeting of Council at which a reply is requested or expected.*

Suggested Amendment

Given that in current practice, when Questions without Notice are asked, Councillors are effectively giving notice of a question to be answered at a future meeting and that no discussion (transaction of business) of the question ensues and; therefore Councillors are not required to declare interests until the question is answered, it is recommended that the Clause providing for the Order of Business be amended to provide a wording change to "Questions on Notice". To avoid confusion, the amendment should also delete the Clause enabling Questions for which due notice has been given. The proposed amendments are indicated below:

Proposed Amendment to Clause 22 (1) of WSC COMP

Clause No	Current Clause	Action	
22 (1) (q)	(q) Questions of which due notice has been given	Delete Clause	Not currently used and due notice provided by amended clause below.
22 (1) (v)	(v) Questions Without Notice	Replace with new wording as follows: "Questions On Notice"	Complies with DLG Practice Note Guidelines.

Questions on Notice

Clauses 1.4.10 and 5.2.8 DLG Practice Note deal with questions from councillors “On Notice”.

Clause 1.4.10 provides that:

“As responses to questions on notice would be considered council business, responses could form the basis for further motions on the same topic at that meeting.”

Clause 5.2.8 provides that:

*“Where an answer has been provided to a question on notice and a councillor seeks to have a **matter arising** from that question and answer considered by the council, notice should be given to the general manager in the usual way. The general manager can include the item on the **agenda for the next meeting.**”*

The DLG was contacted to clarify the conflict between the two clauses in the Practice Note. The DLG agreed and confirmed the Clauses were in conflict and advised that the provisions of Clause 5.2.8 should prevail given that the intent of the most appropriate form of notice is via a Notice of Motion as provided for in the Act and Regulations.

Comment

No amendment to WSC Code of Meeting Practice required.

OPTIONS

- 1 Amend the Code of Meeting Practice to ensure it meets the requirements of the current Council.
- 2 Reject the suggested changes and retain the current Code of Meeting Practice.

STRATEGIC LINKS

Management Plan

Principal Activity	Key Issue(s) and Objective (s)	Financial Line Item No and Description
Organisation	Council’s Governance framework comprises policies, procedures and corporate standards.	5.4.4

Contribution of Proposal to the Principal Activity

The amendments to the Code of Meeting Practice would ensure smooth and efficient operation of the Council meetings.

Link to Key Focus Areas

Nil

Financial Implications

Nil

Principles of Sustainability

Nil

CONSULTATION

In accordance with Clause 361 of the Local Government Act 1993, Council is required to publically exhibit any change to the Code of Meeting Practice for not less than 28 days with submissions being received for not less than 42 days after the date on which the Code is placed on public exhibition.

GOVERNANCE

Governance issues regarding amendments to and exhibition of the Code of Meeting Practice have been followed.

CONCLUSION

It is appropriate for the changes to the Code of Meeting Practice as referred to above to be implemented.

ATTACHMENTS

Nil.

6.2 Proposal to establish a Strategic Finance Committee

TRIM REFERENCE: F2004/06496 - D02015744

AUTHOR: DJ

SUMMARY

This paper discusses the potential and possible format of a Strategic Finance Committee. Consideration has been made of how such a committee may be structured and proposed Committee Charter is included.

RECOMMENDATION

- 1 That Council note the report on establishing a Strategic Finance Committee (SFC).**
- 2 That Council establish a Strategic Finance Committee in accordance with the attached proposed Charter.**
- 3 That Council determine the membership of the Strategic Finance Committee.**
- 4 That Council requires the Strategic Finance Committee to meet as required.**

BACKGROUND

Introduction

Wyong Shire Council (WSC) is established by legislation as a "Body Politic" (legal status) and is governed by an elected group of ten people known as the Council whose function is similar to that of a company board albeit within a different set of parameters.

The role of the elected Council is one of governance – i.e. "The role of the governing body is to direct and control the affairs of the council in accordance with the Act." (s.223)

Council's governance framework is determined by the Local Government Act 1993 and comprises strategic planning and business plans; governance policies and procedural systems to ensure successful implementation and monitoring of Council's decisions.

Council transparently enacts its role as governor by way of regular consideration of matters placed before council for resolution in a public meeting - except where the need for confidentiality exceeds the public interest.

Council monitors the organisational performance through its employment contract (performance measures) with the General Manager and by way of a Governance Committee established by Council but under external independent control (by voting numbers).

The Governance Committee is the mechanism to provide confidence to Council (and the community), that organisational direction is maintained and that organisational risks are identified and managed.

WSC has not had a finance committee for many years and has either considered financial performance as a full Council, or more lately, through the Governance Committee.

Current Status

Planning processes currently incorporate the short and medium term financial outlook. The new planning regime requires WSC to develop a Long-Term Financial Strategy and to make provision of services in accordance with the SSV and shorter term Four Year Plan

Councillors present at the August 2009 Governance Committee meeting expressed the concept of a "Strategic Finance Committee" (SFC) as a mechanism for ensuring appropriate knowledge in councillors. The object of the concept was for Council to be properly able and informed in the strategic financial aspects of planned performance and the impact of service prioritisation decisions.

The Governance Committee recommended the establishment of an SFC. Council considered the concept at its ordinary meeting in August and expressed a collective view that the full Council has an important role to play in financial strategy and long-term outlook.

Legislation

The right to establish an SFC is given to Council under s355, Local Government Act 1993 (the Act).

Council must establish the Committee in accordance with s.259-s.271 of the Local Government Regulations (General) 2005 (the Regs.)

PROPOSAL

Council wishes to augment the work of the Governance Committee and establish a focus on financial sustainability through a new Council Committee that addresses the strategic decision-making, expenditure prioritisation and financial performance of WSC.

The Committee would specifically consider financial implications of service decisions, the impact of prioritisation decisions, revenue planning, future cost structures at a high level and the organisational performance against plan at a high level.

CONSIDERATIONS

In considering the concept to establish an SFC, Council should be mindful of its obligations under law and of achieving added value to the overall governance of the Shire Council organisation.

Establishing clear objectives and operational parameters of the proposed SFC will be key to attaining improved governance.

Additional, specific considerations:-

Governance Committee Vs Strategic Finance Committee.

The Governance Committee is established to consider, among other issues, the financial performance of the organisation. It considers the quarterly finance and performance reports in addition to the annual accounts for the purpose of assessing financial position, performance and risk. It is not envisaged that this approach will change.

The Strategic Finance Committee is proposed to be the means of focusing attention on financial planning, long-term financial strategies and the financial policies to support those strategies.

Governance Accountability

The LGA 1993 establishes the governance role of the elected Council and its members.

In particular the Council Charter (s.8) provides for Council :-

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government.
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants

Furthermore, it follows that Council's role of governance is dictated by the requirements placed on individual Councillors and s.232 states in part:-

"The role of a councillor is, as a member of the governing body of the council:

- to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program
- to direct and control the affairs of the council in accordance with this Act
- to participate in the optimum allocation of the council's resources for the benefit of the area
- to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions
- to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.

Financial Governance Accountability

The Local Government Act 1993 s.8 in particular sets out Council's Charter which is clear that Council and WSC, the Body Politic, have a direct accountability to the community and to the State Government for the sustainable, effective and efficient financial performance of the organisation.

The extension of that accountability is that financial sustainability must be planned, which also means that revenue streams, services and expenditure must also be understood and well-planned.

Accountability for all decisions demands a sound knowledge of the forces at play when making decisions that affect expenditure.

Council Objectives

The goal for Council in establishing an SFC is improved financial governance. Council's objectives for the SFC should be aligned with the sole purpose of achieving that aim and which include:-

- Well-informed Councillors – on financial matters.
- Directive input (timely) by Council into service and capital asset planning.
- Robust decision-making in respect of prioritisation of services and asset goals.
- Assurance of accepted, robust financial management practice and business operational standards.

Committee Accountability

The Committee would be accountable to Council for its activity and outputs.

Committee Objectives

The SFC itself will require a set of objectives to establish outputs that maximise its contribution to Council aims for having the committee. Council may consider that objectives to be included in the SFC charter, will principally cover aspects of financial management strategy:-

- Timely input in setting planning direction – major service categories and capital programmes.
- Input to the direction of Financial Strategy and Policy.
- Prioritisation impacts – for making recommendations to Council.
- Assurance of robust methodologies – costings, capital business cases and valuations.
- Assurance of robust financial management to accepted business “best practice”.
- Long-term investment oversight.

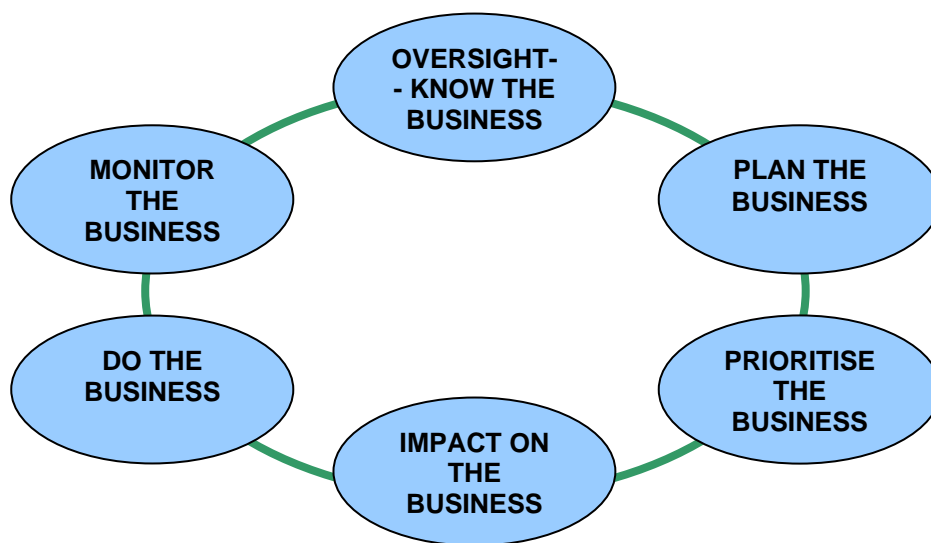
Financial Governance Cycle - Financial Governance in Practice

1. **Oversight** – Knowledge of the business. An appreciation of the cost drivers and the service outputs (service profiles) is essential to understanding the business planning environment and how governance decisions impact the financial structure of the organisation.
2. **Plan** – determining the goals and objectives of the business. The SSV and the role Council will play in contributing to the Community Plan are essential elements in financial governance – these two documents will determine the service range and level that Council believes to be the best use of the community's money.
3. **Prioritise** – applying the planning objectives with robust Decision Frameworks. Inevitably planning of WSC's activities will be restricted by the availability of revenue requiring Council to decide and prioritise what services will be supplied and to what quality and level.

6.2 Proposal to establish a Strategic Finance Committee (cont'd)

4. **Impact** - The final Service Profile impacts the cost structure of the business as do any subsequent changes made during the planning term. Unplanned or ad-hoc decisions by Council must take account of the flow-on impact on the financial performance
5. **Deliver** – Doing the business effectively and efficiently with robust Controls. Once planning and prioritisation is complete the operational accountability of the GM becomes the primary means of control.
6. **Monitoring Performance** – application of the Councillors' financial knowledge in observing the organisational performance at a high level to ensure knowledge is updated, the business cost drivers continue to be understood and that performance reality is applied to subsequent strategic financial decision-making.

Table 1: The Financial Governance Cycle



Structure

The Mayor is required to be the Chairperson s.267 (Regs) of all Council Committees unless he/she chooses to relinquish that position. The Mayor is required to be a member of every committee (s.260 Regs.)

Membership (size) of the Committee is a significant consideration. The direct administrative cost of having a committee has a fixed minimum regardless of committee size. Whilst variations in size may increase administrative costs it is not considered material.

Size also impacts debate time, learning time and the operational effectiveness of the Committee – all of which add more costs. Table 1 (below) considers the size options.

Table 1 Options for SFC Membership

Proposed Committee Size	Benefits/Dis-Benefits	Notes
Whole of Council	<ul style="list-style-type: none"> All councillors receive same information concurrently. Full engagement of all councillors in debate. No administrative gain is achieved by having a full Council committee as opposed to normal Council consideration. Decision-making open to political influence and agendas. Committee working slower. 	<ul style="list-style-type: none"> Given the importance of the topic and individual accountability of Councillors, this option provides the greatest and most current councillor engagement. On the other hand – why have a committee? The legislation and the Code of Meeting practice applies equally to a Council meeting as it does to a Committee meeting.
Six members	<ul style="list-style-type: none"> Council become divided in terms of information distribution. Decision-making remains open to political influence and agendas. Committee working speed improved but still likely to be slow. Divided engagement of councillors in debate – opens potential for a split Council. Cost gain but minor. 	<p>This size gets neither the benefits available to a small committee nor those of a whole of Council committee.</p> <p>It retains the disadvantages of both the other models</p>
Three members	<ul style="list-style-type: none"> A small unit enabling faster working time Greater level of reporting required to inform all councillors. Focus on objectivity maximised. Options for increased meeting frequency 	<p>The small team can function with flexibility. Countering that advantage is that seven councillors would receive much less exposure to the detail.</p> <p>In turn planning work would be increased because of the need to “up-speed” the non-committee members.</p>

Independent members may be considered as opposed to an “All Councillor” membership. Given that financial accountability is a key issue for each councillor, and the reality that external professional advice and support can be purchased, there seems more disadvantage than gain in considering this option.

Operations

Scope

The scope of the SFC’s work would be determined by the objectives set out in the charter considering each objective for the compliance issues, strategies for addressing each objective and identifying and evaluating the choices open to Council.

Table 2 Scope of Committee Operations

Objective	Tasks
1. Input to setting planning direction – major service categories and capital programmes.	<ul style="list-style-type: none"> • Providing specific guidance to Council on the financial implications of future service priorities at Principal Activity level. • Identifying possible changes to Principal Activities based on financial priority and providing Council with guidance on the implications of changes. • Evaluating service and capital choices in terms of financial priorities for Council's consideration • Input early and on-going during the annual planning cycle (AMP, FYP and AP) • Providing specific guidance to Council in respect of asset priorities at Principal Activity level.
2. Input to the direction of Financial Strategy and Policy.	<ul style="list-style-type: none"> • Advising Council on principal future financial options for funding and expenditure. • Identifying and informing Council on the associated risks and benefits of particular strategic options. • Advising Council on the parameters that influence financial strategy • Having ongoing and timely input during the strategic planning cycle (FYP, AMP, and LTFS)
3. Prioritisation - impacts.	<ul style="list-style-type: none"> • Financial evaluation of service option priorities for Council's consideration • Evaluation of prioritisation methods and impacts as influenced by legislation and internal policy. Advice to Council. • Guiding Council on the financial impact of services and asset choices at Principal Activity level
4. Assurance of robust methodologies – costings, capital business cases and valuations.	<ul style="list-style-type: none"> • Consideration of the annual budgets and providing guidance to Council on the content as it relates to intended service levels and asset investment. • Evaluation of significant business cases for major service categories and asset purchases. • Annual evaluation of financial practice against legislation – Regs in particular for the strategic impact. • Evaluation of methods against accepted business “best practice”.
5. Assurance that robust financial management is to accepted business “best practice” standards.	<ul style="list-style-type: none"> • Advising Council on status and options of WSC financial practices. • Annual evaluation of financial practice against legislation. • Benchmarking WSC against business standards
6. Investment oversight.	<p>Consideration of long-term options. Verify compliance with legislation and report to Council Input into strategic investment risk direction and policy</p>

Jurisdiction

The Committee would have jurisdiction over all matters of financial strategy within the same limitations placed on Council in respect of information that Council is not entitled to have – e.g. personal employee information. Jurisdiction would also be limited by the statutory obligations placed on staff and the delegations made by Council to the General Manager.

For the purposes of clarity this means the Committee would have no authority to override the delegations made to the General Manager or statutory obligations placed on any staff by any act or regulations.

The Committee is bound by the Act and Council's Code of Conduct.

Delegations

Council has the option to consider delegating authority to a committee of Council, however given the proposed role of the SFC it is unlikely a delegation would be required that would be of any useful application.

Meetings

Council will need to consider the frequency of meetings in the light of the purpose the SFC is to pursue. A structured meeting schedule is preferable from an administrative viewpoint however it is unlikely to suit the SFC need for flexibility and more frequent meetings during the planning cycle.

Council will need to be mindful that the Act and Code of Meeting Practice dictate requirements for arranging meetings and that a minimum of three weeks advice to staff would be required subject to the preparation work required.

Chairperson

The Chair is the Mayor unless he/she chooses otherwise (s.267 Regs). The Mayor's decision should ideally be made upon the establishment of the SFC and reviewed annually upon the appointment of each Mayor. If the Mayor is elected "at large" by the community, then he/she should decide their chairperson roles upon election and review the position annually.

Recommendations

The SFC may make for recommendations on financial matters to Council.

Deliverables

The SFC should report to Council after each meeting of the committee. Reports should focus on the strategic and governance aspects of financial management and include appropriate comment on each of the objectives outlined above.

Costs

A key consideration for the establishment of a committee is the cost vs benefit of committee operations. The principal elements of cost are:-

- Meeting attendance by elected members.
- Meeting attendance by staff
- Authorship, editing and approval of business papers
- Assembly and printing of business papers
- Downstream impact of debate by the SFC – i.e. implementation of decisions as subsequently adopted by Council

Estimates have not been calculated but would be based on the average activity and time taken by the Governance Committee. In calculating the estimates, consideration would need to be given to the validity of valuing staff time – i.e. it can be argued that existing staff could absorb the workload and no extra cost is actually incurred. However that position is not the reality and the cost of providing additional capability is very real. A second consideration is the consumption of good-will that occurs if adequate resourcing is not provided.

It is relevant to include staff time evaluated at fully absorbed (realistic) cost – actual salaries plus on-costs and support costs.

The number of business papers is also relevant – for the purpose of an estimate it would be appropriate to consider the production of at least five papers as a minimum.

CONCLUSION

Councillors require to be, individually and collectively, well-informed on all financial aspects of the organisation for reasons of their accountability to the community and the community's wish to be assured their Shire is being well-managed and directed in a manner consistent with the Shire Strategic Vision.

Council wishes to ensure that financial aspects of the WSC business are transparent, robust and sustainable.

An SFC is believed to provide the opportunity for Council to improve the financial governance of the organisation by offering an additional focus on the strategic issues, long-term direction and strategic attention to the cost drivers – services and capital expenditure.

ATTACHMENTS

- | | | |
|---|------------------|-----------|
| 1 | Comparison Table | D01984962 |
| 2 | Proposed Charter | D02015816 |

Council	Audit/Governance Committee	Finance Committee	Financial Audits	Quarterly Budget Reports	Annual reports	External Audit matters	Preparation of annual Budget
Wyong	YES	NO	GC	GC	GC	GC	C
Parramatta	YES	NO	AC	C	AC	AC	C
Blacktown	No (considering)	NO	C	C	C	C	Estimates Committee
Lake Macquarie	NO	NO	C	C	C	C	Budget Committee
Hornsby	NO	NO	C	C	C	C	C
Wollongong	YES	NO	AC	AC	AC	AC	C
Newcastle	YES (currently suspended)	NO	AC	C	AC	AC	C
Gosford	NO (proposed)	YES	FC	FC	FC	FC	FC
Penrith	YES	NO (Note 1)	AC	C	AC	AC	C
Baulkham Hills	YES	NO	AC	C	AC	AC	C
Notes	1. Penrith have a finance working party that considers strategic financial policy in particular for property and investment matters.						
GC= Governance Committee							
AC= Audit Committee							
FC= Finance Committee							
C= Full Council							

DRAFT CHARTER STRATEGIC FINANCE COMMITTEE

1 MEMBERSHIP

The Mayor plus that membership determined by Council.

The General Manager is entitled to attend, but not to vote.

2 PURPOSE AND OBJECTIVE:

The goal of the Council establishing the SFC is to provide for improved financial governance of the organisation. The objectives of the SFC would include, among other things:

- Timely input in setting planning direction – major service categories and capital programmes.
- Input to the direction of Financial Strategy and Policy.
- Prioritisation impacts – for making recommendations to Council.
- Assurance of robust methodologies – costings, capital business cases and valuations.
- Assurance of robust financial management to accepted business “best practice”.
- Investment oversight.

Focus of the Committee should be on matters of significance in each area of its responsibilities.

Issues upon which the Committee should advise Council are included below:

Objective	Tasks
1. Input to setting planning direction – major service categories and capital programmes.	a. Providing specific guidance to Council on the financial implications of future service priorities at Principal Activity level. b. Identifying possible changes to Principal Activities based on financial priority and providing Council with guidance on the implications of changes. c. Evaluating service and capital choices in terms of financial priorities for Council’s consideration d. Input early and on-going during the annual planning cycle (AMP, FYP and AP) e. Providing specific guidance to Council in respect of asset priorities at Principal Activity level.
2. Input to the direction of Financial Strategy and Policy.	f. Advising Council on principal future financial options for funding and expenditure. g. Identifying and informing Council on the associated risks and benefits of particular strategic options. h. Advising Council on the parameters that influence financial strategy i. Having ongoing and timely input during the strategic planning cycle (FYP, AMP, and LTFS)

Objective	Tasks
3. Prioritisation - impacts.	j. Financial evaluation of service option priorities for Council's consideration k. Evaluation of prioritisation methods and impacts as influenced by legislation and internal policy. Advice to Council. l. Guiding Council on the financial impact of services and asset choices at Principal Activity level
4. Assurance of robust methodologies – costings, capital business cases and valuations.	m. Consideration of the annual budgets and providing guidance to Council on the content as it relates to intended service levels and asset investment. n. Evaluation of significant business cases for major service categories and asset purchases. o. Annual evaluation of financial practice against legislation – Regs in particular for the strategic impact. p. Evaluation of methods against accepted business “best practice”.
5. Assurance that robust financial management is to accepted business “best practice” standards.	q. Advising Council on status and options of WSC financial practices. r. Annual evaluation of financial practice against legislation. s. Benchmarking WSC against business standards
6. Investment oversight.	Consideration of long-term options. Verify compliance with legislation and report to Council Input into strategic investment risk direction and policy

To report to Council any matters relating to the Central Coast Moving Forward Plan (CCMF).

3 MEETING TIMEFRAMES

The interval between meetings will be established by Council. Meetings will be conducted in accordance with Council's Code of Meeting Practice.

4 DECISION MAKING PROCEDURES

A Committee of the council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.

No powers are delegated to the Committee and minutes must be adopted by Council.

5 QUORUM

A quorum shall be a majority of members – i.e. 50% of the members +1.

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

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

6 VOTING

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee. If voting is tied, the Chairperson has a casting vote.

7 COMMITTEE MEMBERS' NON-ATTENDANCE AT MEETINGS

Committee members are expected to attend all Committee meetings.

8 NON-MEMBERS' ATTENDANCE AT COMMITTEE MEETINGS

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

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

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

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

9 CHAIRPERSON

The Chairperson will be the Mayor or in his / her absence, the Deputy Mayor. Should neither be present, the Committee should elect a Chairperson from among its number.

10 SECRETARY

The position shall be filled by a Councillor Services staff member.

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

11 AGENDA

The agenda will be sent to each Councillor, at least three days before each meeting of the Committee specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

12 MINUTES

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

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

- (a) Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
- (b) A list of persons present.
- (c) Notification of endorsement of minutes from previous the meeting.
- (d) Whether there was business arising from the minutes.
- (e) Notation of reports or correspondence.
- (f) items of general business.
- (g) Time meeting closed, date and venue for next meeting.

13 SUSTAINABILITY

Council is committed to building a better tomorrow through its efforts today - socially, environmentally and economically. Recognising the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity is a key component of all Council activity including Committees established by Council.

The Committee shall ensure that its functions, activities and decision-making are conducted in accordance with Sustainability Principles and that outcomes demonstrate solutions that benefit present and future generations.

14 PROCEDURE FOR CHANGING THE CHARTER

- a Council may amend the Charter by resolution.
- b The following procedures shall apply for the Committee to amend the Charter.
 - i Any proposed changes to the Charter shall be submitted to the Committee Secretary at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
 - ii Any proposed changes will require the support of the majority of the Committee membership.
 - iii Proposed amendments to the Charter can be effective only after approval by the Council.

15 TERM

The Committee will report to the Council and cease operation on 1 September 2012.

The Committee will cease to operate before 1 September 2012 if Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

Established	14 October 2009
Reports to	Council
File Reference	F2004/06496
Reviewed	
Review details	

6.3 Reviews Required Under Local Government Act 1993

TRIM REFERENCE: F2004/06498 - D02022061

AUTHOR: ED

SUMMARY

In the 12 months after a general election, the Council is required under the Local Government Act 1993 to review the Delegations to the General Manager and the Organisational Structure.

RECOMMENDATION

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

BACKGROUND

Council at its meeting of 9 September 2009;

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

- 1* *That Council confirm the current delegations to the General Manager as listed in the attached document.*
- 2* *That Council determine the existing organisational structure is appropriate for the time being.*
- 3* *That Council reconsider the organisational structure and the current delegations to the General Manager at its meeting on 14 October 2009.*
- 4* *That Council hold a briefing on 14 October 2009 on the delegations and senior staff classifications.*

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

AGAINST: NIL”

In accordance with the Local Government Act 1993 Councils are required to:

- *review their delegations within 12 months after each ordinary election (s.380)*
- *re-determine their organisation structure within 12 months after each ordinary election (s.333)*

(DLG Circular 08-47, 18 August 2008)

Delegations to the General Manager

Section 377 of the Local Government Act provides:

“(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- (a) the appointment of a general manager,*
- (b) the making of a rate,*
- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) the acceptance of tenders which are required under this Act to be invited by the council,*
- (j) the adoption of a management plan under section 406,*
- (k) the adoption of a financial statement included in an annual financial report,*
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#) ,*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*

- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council”.*

The existing delegations to the General Manager are attached for consideration.

PROPOSAL

In order to comply with the requirements of the Local Government Act, it is necessary to review the Delegations to the General Manager and the Organisational structure.

Delegations to the General Manager

Council is effectively required by the Act (s.335) to empower the General Manager to perform his/her duties as follows:-

“s. 335 *Functions of general manager*

- (1) *The General Manager is generally responsible for the efficient and effective operation of the council’s organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
- (2) *The general manager has the following particular functions:*
 - *the day-to-day management of the council*
 - *to exercise such of the functions of the council as are delegated by the council to the general manager*
 - *to appoint staff in accordance with an organisation structure and resources approved by the council*
 - *to direct and dismiss staff*
 - *to implement the council’s equal employment opportunity management plan.*
- (3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.”*

Existing delegations to the General Manager (Attachment 1) fulfil Council’s obligations to ensure the General Manager is able to meet his statutory obligations and it is proposed that Council continue those delegations unchanged.

Organisational Structure

A preliminary review of the current organisation structure has been undertaken in order to comply with the requirements of the Local Government Act.

However, any detailed review should only be carried out as part of the development of the Four Year Delivery Plan which is the first step in implementing the Shire Strategic Vision (SSV).

The SSV and the new planning regime make it necessary to review all of Council's current activities, assess the strategic direction and level of service for each and the way in which these services are best delivered. In addition Council should determine the most appropriate organisation structure to deliver these services. It is imprudent to consider any changes until the need for change is established.

The bulk of the work will be done after Council's final adoption of the Shire Strategic Vision in September this year. The review of service levels, structure etc will be a major undertaking for 2010.

GOVERNANCE

Any review, advertising and subsequent adoption is carried out in accordance with the Local Government Act 1993.

CONCLUSION

Council's Code of Conduct and Facilities and Expenses policies have previously been adopted and no further action is required to comply with the statutory requirements.

Delegations to the General Manager have proven to fulfil Council obligations and provide for effective conduct of the GM's statutory responsibilities. No changes are requested and the current document (Attachment 1) adequately defines those delegations.

The existing organisational structure has been in place for some time and has been viewed as being suitable to delivery of services and other current activities. Change in activities is anticipated which may, or may not, require a different structure but such an assessment cannot or should not, be made until the need is identified.

ATTACHMENTS

- 1 Delegations to General Manager D01069172

GENERAL MANAGER-K YATES

*** These delegations are restricted by the Planning Circular issued by the Department of Planning on 14 November 2008 (PS 08-014) which requires all Development Applications where there has been a numerical variation greater than 10% in standards under SEPP 1 to be determined by full Council. This includes those applications recommended for refusal.*

Subject to any direction by the Mayor that the matter in respect of which any function hereinafter set forth is to be exercised shall be referred for its exercise to the Council, the GENERAL MANAGER to exercise the following functions:

- 1 The exercise of all discretionary functions which Council is capable of delegating and is not statutorily prohibited from so doing, but excluding any function which may, by resolution of Council or direction of the Mayor be reserved to Council.
- 2 Carry on the regular water and sewerage services, functions and operations of the Authority in accordance with any resolution or policy of the Authority within the authorities and constraints contained in the adopted Manual of Standard Procedures and any such amendments to the Manual, and including the exercise of all discretionary functions which the Authority is capable of delegating and is not prohibited from so doing under Section 291 of the Water Management Act 2000, but excluding any function which may by resolution of Council as the Authority or direction of the Mayor be reserved to Council as the Authority.

Without limiting 1 and 2 above:

- 3 Carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon, and in accordance with the resolution of Council.
- 4 Pursuant to the provisions of Section 332 and 337:
 - appoint staff in accordance with an organisation structure and resources as approved by the Council;
 - direct and dismiss staff PROVIDED that the General Manager may appoint or dismiss Senior Staff only after consultation with the Council;
 - review contracts of senior staff within limits approved by Council.
- 5 Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land and for the issue of a Certificate of Title in respect of any lands dedicated as a result of the registration of a linen plan of subdivision.
- 6 Sign and seal contracts, documents and plans pursuant to conditions of Development Consent provided that such authority shall not extend to documents associated with the transfer of land to Council at a sale price greater than one dollar (\$1.00) without the specific approval of Council.
- 7 Endorse development applications on behalf of Council as applicant and/or owner, for works previously approved by Council, to be undertaken by Council, or on Council's behalf.
- 8 Sign orders to engage consultants, obtain quotations and authorise the purchase of goods, works and services to the limits authorised in the Manual of Standard Procedures - Purchasing.

GENERAL MANAGER-K YATES (continued)
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- 9 In accordance with the provisions of the Local Government (Tendering) Regulation 1999, determine whether tenders are to be called by open tender, or selective tender after advertising for expressions of interest or selective tendering from recognised contractors.
- 10 Determine the period a tender is to be open for submission of tenders (such period must be a minimum of 21 days).
- 11 Determine a later date for closing of a tender after it has been advertised where circumstances show that the deadline originally set may not allow enough time for meaningful tenders to be submitted.
- 12 In accordance with the adopted procedure appoint consultants and/or firms/persons to contractual positions to undertake functions or arrangements approved by budget and/or created for particular purposes.
- 13 Authorise petty cash claims on consumable items for use within the Department and to a maximum value of \$200.00 (excluding GST) on any one purchase.
- 14 Purchase goods, works and services in accordance with the requirements of the Purchasing Manual and the following monetary limits (excluding GST):

Limit of authority for any one purchase

\$150,000.00 or such greater sum as may be necessary to purchase goods or services for works already approved by Council where such goods or services are purchased pursuant to the provisions of the Local Government Act 1993
All capital and consumable items
- 15 Carry on the regular services, functions and operations of Council in accordance with any resolution, or policy or procedure of Council and within the authorities and constraints contained in the adopted Manuals of Standard Procedures and any such amendments to the Manual.
- 16 Make operating decisions which vary the Manual of Standard Procedures, provided such variations are reported to Council at least once annually.
- 17 Determine matters which are to be included in the business papers for Council and Committee meetings subject to the inclusion of the following items whenever they arise, namely:
 - reports on matters which cannot be determined under delegated authority;
 - reports required to be submitted under any Act or Regulation;
 - reference to any deputations which the Council has agreed to receive;
 - matters requiring a determination of Policy;
 - reports directed by Council to be submitted;
 - matters essential for the Council's information.
- 18 Accept, subject to Governor's approval, loan offers up to the amount approved by the Loan Council and the Department of Local Government for each financial year at interest rates not exceeding that approved by the Loan Council from time to time for the purpose and amounts adopted by specific resolution of Council.

GENERAL MANAGER-K YATES (continued)

- 19 In accordance with a resolution of the Council sign and seal Inscribed Stock Certificates and Transfers.
- 20 In accordance with a resolution of the Council make application to the Governor for approval to raise loans and to sign and seal such application and loan mortgage documents.
- 21 Authorise action to be taken to comply with any policy of Council or any provision of the Local Government Act or of any other law, statutory or otherwise, affecting the Council.
- 22 Authorise servants of Council to issue notices, orders and fines, for infringement of any Act or Regulation as prescribed by that Act or Regulation.
- 23 Approve the emergency allocation of funds in accordance with the Councillors' Community Improvements Grants Policy.
- 24 Approve the destruction of Council records in accordance with the State Records Act 1998 other than the following:
 - a Minute Books of the meetings of the Council and where kept, minute books of the meetings of committees of the Council;
 - b registers of legal records;
 - c deeds of conveyance of land, certificates of title, leases or mortgages of land, contracts for sale of land, and affidavits of service of rate notices;
 - d cemetery and burial registers;
 - e registers and indexes of Council files;
 - f certified copies of electoral rolls, Returning Officers' declarations of elections and of polls and registers of Returning Officers' declarations of elections and of polls;
 - g rate books;
 - h audited annual statements of accounts, reports of the auditor and reports of a local government inspector;
 - i maps of water, sewerage or drainage works;
 - j registers of development consents;
 - k maps and registers of residential districts;
 - l registers of building applications and registers of building approvals;
 - m approved building applications and relevant plans and specifications;
 - n road maps and road registers;

GENERAL MANAGER-K YATES (continued)

- o records of contracts entered into by the Council relating to engineering, building programmes and public works;
 - p any records required to be permanently retained under the General Records Disposal Schedule referred to in subclause (5).
- 25 Pursuant to Chapter 8 Part 2 of the Local Government Act, 1993, Part 11 of the Roads Act 1993 and Section 118A(1) of the Environmental Planning and Assessment Act authorise servants of Council to enter upon private property, pursuant to the provisions of these Acts, for the purpose of carrying out inspections under those Acts.
- 26 Pursuant to Section 34 of the Freedom of Information Act 1989, to act as a review officer for refusals on appeals from decisions of the Public Officer and determine applications for access to information.
- 27 Write off or abandon rates due to Council up to a maximum of \$2,400.00 for any one assessment. The amount shall be \$2,000.00 for combined rates plus an additional \$400.00 for interest and may only be abandoned or written off under the following circumstances:
 - a in accordance with Section 567 of the Local Government Act 1993 (Extra Charges - Hardship);
 - b in accordance with Section 564 of the Local Government Act 1993 (Payment by Arrangement - Extra Charges only);
 - c in accordance with Section 601 of the Local Government Act, 1993 (Hardship - Change in Valuation);
 - d in accordance with Section 607 of the Local Government Act, 1993 and Clause 13 of the Local Government (Rates and Charges) Regulation 1999;
 - e if the property becomes non-rateable;
 - f due to reduction in values by the Valuer General;
- 28 Write off or abandon monies other than rates owing to Council up to a maximum of \$2,000.00 for any one property, individual, or matter, providing he is satisfied the circumstances of the case are either:
 - a The monies are uneconomical to recover.
 - b The debtor involved cannot be traced.
 - c In the case of Water Consumption Charges -
 - i the charge is based upon an incorrect meter reading, a reading from a defective meter; or
 - ii a proportion of the charge is based on water consumption resulting from an undetected defect in an internal water service as certified by a licensed plumber or other appropriate person; or

GENERAL MANAGER-K YATES (continued)

- iii sufficient evidence has been provided to substantiate a claim that the water consumption was beyond the control of the owner/occupier of the land, and/or
 - iv All legal avenues to recover the debt have been exhausted.
- 29 Write off amounts rounded down on a quarterly basis as a result of Council's cash business transaction.
- 30 To exercise the powers conferred by the Director General of the Department of Health under the Food Act, 2003 to close food premises.
- 31 Settle mediated disputes before the Land and Environment Court where Council's position is not prejudiced by the process of mediation, and where such mediation would be of economic benefit. All such matters to be reported to Council upon settlement.
- 32 Approve land dealings by Council staff in accordance with the provisions of the Local Government Code of Conduct which refer to land dealings by staff in respect of land other than their principal place of residence.
- 33 Pursuant to Section 378 of the Local Government Act 1993 and subject to any conditions deemed by the General Manager to be appropriate, delegate wholly or partly the functions set out in Schedules 1 to 70 inclusive of this Manual to the holders for the time being of the office or position nominated in each such Schedule and revoke, wholly or partly any delegation.
- 34 Authorise immediate work to make safe identified problems in the workplace as a result of an Occupational Health and Safety audit, inspection, observation and/or as a result of a risk assessment undertaken by the person responsible for the workplace. These corrective actions are subject to existing delegations imposed on expenditure. Should the corrective action exceed delegated authority, the issue must be immediately referred to the Mayor and/or Council for appropriate action and the area secured to prevent injury.
- 35 In accordance with Section 169(3) of the Heritage Act, 1977, for items listed on the State Heritage Register, determine whether public notice of an application under Section 60 of the Heritage Act, 1977 should be given under Section 61 of that Act.
- 36 In accordance with Section 169(3) of the Heritage Act, 1977, for items listed on the State Heritage Register, approve under Section 63 of the Heritage Act, 1977, an application made under Section 60 of that Act, and all incidental powers, function and duties thereto.
- 37 In accordance with the Heritage Act, 1977, make Interim Heritage Orders.
- 38 Determine concession for registered charities and other nominated organisations for Council facilities.
- 39 The authority to carry out the resolutions of the Central Coast Regional Organisation of Councils in so far as they relate to the distribution of grant funds from State and Federal Governments.

6.4 Rate Payment Incentive Scheme

TRIM REFERENCE: F2004/06159 - D02025055

AUTHOR: DT

SUMMARY

Report of Council's 2009-10 Rate Payment Incentive Scheme.

RECOMMENDATION

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

BACKGROUND

At the Ordinary Meeting of Council on 10 June 2009, it was resolved to again conduct the rate payment incentive scheme in 2009-10.

To be eligible for entry, ratepayers had to have either paid the 2009-10 rates and charges including arrears by 31 August 2009 in full or to have elected to pay their 2009-10 rates in full or by instalments by the direct debit method. It should be noted that ratepayers paying in full received two tickets in the draw whilst those paying by direct debit received a single ticket.

THE PROPOSAL

It is proposed that the rate payment incentive scheme winner for 2009-10 be drawn.

OPTIONS

Continuation of the scheme in 2010-11 will be at the discretion of Council at the time that it adopts rates and charges for that year. This is expected to occur during June 2010.

Council is already committed to the scheme for the 2009-10 period, having resolved to conduct the scheme for 2009-10 at its Ordinary Meeting on 10 June 2009.

STRATEGIC LINKS

Management Plan

Principal Activity	Key Issue(s) and Objective (s)	Financial Line Item No and Description
Organisation	Improve the efficiency and effectiveness of the organisation	5.3 - Return from Banks & Securities (General)

Contribution of Proposal to the Principal Activity

A financial benefit estimated in the order of \$71,000 is expected to be realised by Council as a result of the cash flow benefits resulting from the early payment of rates and through reduced payment transaction costs resulting from ratepayers electing to pay using the direct debit method.

Link to Key Focus Areas

There is no direct link to any Key Focus Areas

Financial Implications

At the conclusion of the rate payment period a total of 6,595 ratepayers had elected to pay their rates in full, a decrease of 515 on the previous year. It is reasonable to assume that the global financial crisis has contributed to this decrease.

For the purpose of estimating the benefit to Council through additional interest opportunity it has been assumed that 50% of those who paid in full, did so as a result of the scheme.

Whilst it is difficult to determine how many ratepayers paid their rates in full as a result of the incentive scheme, even if as few as 250 ratepayers paid in full as a result of the scheme, the benefit to Council in additional interest opportunity would still exceed the total cost of running the scheme.

Additionally, 2,620 ratepayers elected to pay their instalments by direct debit, an increase of 145 on the previous year.

Costs

Shopping Voucher	<u>\$5,000</u>
Total	<u>\$5,000</u>

Additional Revenue and Savings

The additional revenue from projected investments and administrative savings is estimated around \$76,000. Therefore, the net gain to Council after costs is around \$71,000.

Principles of Sustainability

Nil

CONSULTATION

Details of the scheme were included with each rate notice issued by Council in July this year.

GOVERNANCE

Section 4G of the Lotteries and Art Unions Act 1901 permits the conduct of gratuitous lotteries such as our Rate Payment Incentive Scheme without a permit.

CONCLUSION

Conduct of the scheme provides Council with a financial benefit through increased investment income or reduced payment processing costs.

ATTACHMENTS

Nil.

6.5 2008-09 Annual Financial Reports

TRIM REFERENCE: F2004/06596 - D02027684

AUTHOR: CT

SUMMARY

Council is required to prepare, submit to audit, adopt and present to the community (and Government) a set of financial reports in accordance with relevant legislation.

The process by which this occurs is dictated by the legislation and the next steps are detailed below. Council is required to formally resolve the necessary actions.

RECOMMENDATION

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

BACKGROUND

In accordance with Section 413(1) of the Local Government Act 1993 (LGA) Council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.

On 7 October 2009, the Governance Committee recommended to Council that Council consider the adoption of the following resolutions in respect of the General, Special and Water Supply Authority Accounts:

"That Council adopt the Draft 2008-09 Financial Reports;

- 2 That Council refer the Draft 2008-09 Financial Reports to External Audit;*
- 3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute the required Certificates in relation to the Draft 2008-09 Financial Reports as required by relevant legislation;*

- 4 That Council provide a copy of the Financial Reports and Audit Opinion to the Department of Local Government and the Australian Bureau of Statistics in accordance with Section 417(4) and (5) of the Local Government Act 1993.
- 5 That Council fix 11 November 2009 as the date for the presentation of the audited 2008-09 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.”

THE PROPOSAL

It is proposed that Council consider and accept the recommendation of the Governance Committee to formally adopt the end-of year draft accounts for final audit opinion.

General Purpose Financial Reports

Section 413(2) (c) of the Local Government Act requires Council to prepare a statement in the approved form as to its opinion on those financial reports.

Council's Responsible Accounting Officer and the General Manager certify that the 2008-09 General Purpose Financial Reports have been prepared in accordance with the LGA 1993, the Local Government (General) Regulation 2005, Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.

A statement in the approved form is included as Attachment 1.

Special Purpose Financial Reports

The Local Government Code of Accounting Practice and Financial Reporting requires Council to make a statement as to its opinion on Council's Special Purpose Financial Reports.

Council's Responsible Accounting Officer, and the General Manager certify that the 2008-09 Special Purpose Financial Reports have been prepared in accordance with the NSW Government Policy Statement "*Application of National Competition Policy to Local Government*", the Department of Local Government Guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*", the Local Government Code of Accounting Practice and Financial Reporting and the Department of Water and Energy Best Practice Management of Water Supply and Sewerage Guidelines.

A statement in the approved form is included as Attachment 2.

Wyong Shire Council Water Supply Authority Reports

In addition to the General Purpose and the Special Purpose Reports a separate set of financial reports as required by the Public Finance and Audit Act 1983 have been prepared for the Wyong Shire Council Water Supply Authority. The Public Finance and Audit Act requires Council to make a statement as to their opinion on the Financial Report.

Council's Responsible Accounting Officer and the General Manager certify that the financial reports have been drawn up in accordance with the provisions of the Public Finance and Audit Act 1983, applicable Australian Accounting Standards, the requirements of the Water Management Act 2000 and other mandatory professional reporting requirements.

A statement in the approved form is included as Attachment 3.

Completion of Audit

The above mentioned statements form part of the General Purpose, Special Purpose and Water Supply Authority financial reports and they are required to be made prior to the completion of the audit of those financial reports. The 2008-09 Financial Reports are presented to Council in draft form at this stage and are required to be audited in accordance with Sections 416 and 417 of the LGA 1993.

The Draft 2008-09 Financial Reports are being considered by Council's Governance Committee on 7 October 2009 and audited reports will subsequently be presented to the Council meeting on 11 November 2009, in accordance with Section 419 of the LGA 1993.

CONCLUSION

The accounts represent Council's formal financial performance and position for 2008-2009.

Presenting final year-end accounts is a statutory requirement dictated by statutory prescribed process.

Council must adopt the draft accounts before the External Auditor will provide their formal opinion for inclusion in Council's Annual Report.

ATTACHMENTS

1	Statement on Council's General Purpose Financial Reports		D02029276
2	Statement on Council's Special Purpose Financial Reports		D02029275
3	Statement on Wyong Shire Council Water Supply Authority Financial Report		D02029274
4	Minutes - Wyong Shire Governance Committee Meeting - 7 October 2009 (distributed under separate cover)	Enclosure	D02044793
5	Amendments to the Draft Financial Reports		D02045363

Wyong Shire Council

Annual Financial Statements for the year ended 30 June 2009

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report;

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 14 October 2009

.....
Robert Graham
Mayor

.....
Lisa Matthews
Deputy Mayor

.....
Kerry Yates
General Manager

.....
David Jack
Responsible Accounting Officer

Wyong Shire Council

Special Purpose Financial Reports for the year ended 30 June 2009

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Reports have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the

- NSW Government Policy Statement *“Application of National Competition Policy to Local Government”*
- Department of Local Government guidelines *“Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality”*.
- The Local Government Code of Accounting Practice and Financial Reporting
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines.

To the best of our knowledge and belief, these Reports

- present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
- accord with Council’s accounting and other records

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 14 October 2009:

.....
Robert Graham
Mayor

.....
Lisa Mathews
Deputy Mayor

.....
Kerry Yates
General Manager

.....
David Jack
Responsible Accounting Officer

Wyong Shire Council Water Supply Authority

Financial Report for the year ended 30 June 2009

Statement by Councillors and Management made pursuant to section 41c (1b) and (1c) of the Public Finance and Audit Act 1983

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

1. The financial report presents a true and fair view of the financial position of the Wyong Shire Council Water Supply Authority as at 30 June 2009 and its performance, as represented by the results of its operations and its cash flows for the year ended on that date
2. The financial report has been prepared in accordance with Australian Accounting Standards (including Australian Accounting Interpretations), the *Public Finance and Audit Act 1983* and the Public Finance and Audit Regulation 2005
3. We are not aware of any circumstances at the date of this statement that would render any particulars included in the financial report to be misleading or inaccurate.

.....
Robert Graham

Mayor

.....
Lisa Matthews

Deputy Mayor

.....
Kerry Yates

General Manager

.....
David Jack

Responsible Accounting Officer

Wyong Shire Council

Amendments to Draft Financial Statements – 7 October 2009

At the Governance Committee Meeting on the 7 October the 2008-2009 Draft Financial Reports for Wyong Shire Council and the Wyong Shire Council Water Supply Authority (WSA).

Based on discussions at the Governance Committee the following presentation amendments were proposed by the members of the Governance Committee;

- Income Statement and Cash Flow Statement for Wyong Shire Council be updated to show specific Note references to Note 16 Significant Variations from Original Budget (pages 3 and 6).
- Note 6(c) - Restricted Cash Assets and Investments be updated with information relating to the reserves used to finance the advance to Water Fund (page 27).
- Note 18 - Contingencies be updated to reflect asbestos contaminated material at the Toukley Treatment works (page 53).

Following on from the Governance Committee the External Auditor and Internal Auditor made the following recommendations on minor display and wording which have also been updated:

- Note 11(b) - Reconciliation of Cash Flow Movements, itemise the unwinding of the present value discount on Tip Provisions (\$1.2m) (page 35).
- Note 18 – Contingencies, amend Department of Environment and Climate Change (DECC) to Department of Climate Change and Water (DECCW) (page 53).
- Note 20 – Revaluation reserves and retained earnings, reword description of the Tip Asset adjustment from “recalculation of depreciation of tip asset” to “write-off of non-operational tip assets” (page 56).
- Special Purpose Financial Reports – Other Business Activities – Income Statement and Balance Sheet change “Caravan Parks” to “Holiday Parks” and “Child Care Services” to “Care and Education” (page 71 and 74).
- Wyong Shire Council Water Supply Authority – Note 10(b) Statement of cash flows, rename “Gain on disposal of assets” to “Fair Value revaluation of assets” (WSA page 28).

The version of Special Schedule 7 – Condition of Public Works (page 92-93) has been updated with the final version which reflects updated asset values and depreciation inclusive of all year end asset movements.

6.6 Membership - General Manager Performance Review Panel

TRIM REFERENCE: F2004/06395 - D02028725

AUTHOR: SW

SUMMARY

A new Councillor member is required to be appointed to the General Manager – Performance Review Panel.

RECOMMENDATION

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

BACKGROUND

As recommended by the Department of Local Government (DLG) guidelines a General Manager Performance Review Panel was established in 2007 with the following representation:

Mayor, Deputy Mayor and one Councillor.

Councillor Matthews was appointed to the Panel on 1 October 2008 as the Councillor member and given her recent appointment as Deputy Mayor, it is now necessary for another Councillor to be nominated.

ELECTION PROCEDURE

- The Mayor will call for nominations by Councillors for appointment to the panel.
- If only one nomination is received, the Mayor will declare that person elected to the Panel.
- If more nominations are received, the Mayor shall conduct a ballot by the open voting system in accordance with Schedule 7 of the Local Government (General) Regulations, 2005.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2005/01059 - D02029150

AUTHOR: LS

SUMMARY

This report details the activities of Mardi Community Nursery and the associated Section 355 Committee. At the meeting held 3 September 2009 the Committee members resolved that the Mardi Community Nursery be discontinued and the Section 355 Committee be disbanded. It recommends that Council resources are redirected to alternate community nurseries.

RECOMMENDATION

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

BACKGROUND

The Community Tree Planting Project was a partnership project between Wyong Shire Council and the Central Coast Community Environment Network (CCEN now CEN) in 2003/2004. The main source of funding was through a \$50,000 grant from Council's State of the Shire process. The State of the Shire funding provided monies for the employment of the equivalent of one full-time project officer, tools, equipment and the materials, of which \$15,000 was used, for the construction of the nursery. The CCEN provided plants funded through Natural Heritage Trust (NHT) as well as administration facilities, tools, a work-space and community access.

The Community Nursery, situated in front of the Council Nursery at Mardi, was opened in November 2004. To date the Nursery has produced over 20,000 tubestock for planting in the Shire, mostly at the Pioneer Dairy site. It was established to provide a community resource for the propagation and planting of local native plant species and to foster community awareness of the role and importance of local native plants.

The Nursery was established to provide environmental care groups (such as Landcare, Dunecare, Bushcare, etc.) with plants that have been grown in the area from local seed stock. In addition, private land owners were intended to access the nursery to grow stock for their own bush regeneration projects. The trees grown by the Nursery were intended to provide a supplemental resource for Council for local native trees and shrubs. A 355 Committee was established to oversee the management of the nursery.

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

Council also granted \$2,000 “seed funding” to the Community Nursery so that soil, fertiliser and other supplies could be purchased. The 355 Committee noted that to enable the Nursery to become self-sufficient it would be necessary for the Committee to recover some of its ongoing operating costs to cover the purchase of materials and equipment as required. A draft amendment to the Committee charter was proposed in late 2005 to enable the group to recover the cost for plants propagated at the facility through the sale of plants. This amendment was never enabled as meetings ceased in 2006.

Current status

The last Section 355 Committee meeting was held 28 April 2006.

From April 2006 to August 2009 the nursery was used by volunteers from the Pioneer Dairy Landcare group to propagate seeds in the heated propagation beds.

On 3 September 2009, the Section 355 Committee members, CEN representatives and Pioneer Dairy Nursery users resolved to discontinue the Committee and no longer participate in the Mardi Community Nursery project. It was supported that the materials be distributed to Landcare Community Nurseries. The land allocated for the use of the community nursery will be incorporated back into the existing Council nursery.

Landcare projects are serviced by nurseries at WyCare, Norah Head, Glenvale School, Pioneer Dairy, CEN's nursery at Pioneer Dairy, Blue Haven Public School, small backyard operations and local provenance nurseries. An additional community nursery is proposed for Budgewoi Caravan Park to service northern Dunecare groups.

These nurseries are located in close proximity to the users' project area and have a high usage. The nurseries are managed by volunteers with minimal input from Council staff. Materials to support the nurseries are provided through Council's Landcare budget, subject to the group applying for financial support. This financial year, materials will be provided to WyCare, Norah Head, Glenvale School and the proposed nursery at Budgewoi.

The materials at Mardi can be distributed to Landcare community nurseries, where use of these facilities is higher. This should be a transparent process, determined through an expression of interest process and determined by a panel of staff.

At the 3 September meeting, Committee members requested that the contributors and volunteers involved in the Mardi Community Nursery are formally acknowledged for their participation in the project. The project resulted in the propagation and planting of around 100,000 native plants at Pioneer Dairy and is considered to have had a successful conclusion.

ATTACHMENTS

Nil.

6.8 Fleet Replacement Program for 2009-2010

TRIM REFERENCE: F2009/01524 - D02029164

AUTHOR: JB

SUMMARY

This report details the significant purchases associated with the Fleet Replacement Program, 2009/2010.

RECOMMENDATION

Council approve the Fleet Replacement Program for 2009/2010.

BACKGROUND

Fleet Services is a Section within the Depots and Fleet Services Unit. This is a highly cost effective, self-funded provider of fit for purpose equipment, labour and materials to all Council Units. This is accomplished through the supply and co-ordination of a range of internal and external heavy plant, vehicles, equipment, skilled machine operators, casual labour and quarry-based construction materials. Each of Council's Operational Units hires or purchases these services/materials in order to complete its activities to meet Councils overall social, economic and environmental objectives.

The full cost of the service, including all operating costs, administration, maintenance and funding for replacement of Council-owned equipment when it reaches the end of its serviceable life, is included in the internal hire rates. These internal hire rates are benchmarked each year against external hire providers (tendered rates) and compare very favourably. Council continues to use external service providers in specialist areas and when demand for equipment exceeds the capacity of Council-owned equipment.

The following indicates the range of the Section's internal fleet:-

Plant/equipment type	Examples of plant/equipment	Number of Council owned items end 2008/2009	Replacement value (\$)
Heavy plant	Excavators, graders, Backhoes and rollers	64	8,197,000
Trucks	Prime movers and bogey trucks	116	10,989,000
Light Vehicles	Cars and utes	312	10,040,000
Small plant	Mowers, brush cutters, trailers and quad bikes	1404	4,118,000

Fleet Replacement Program

A Fleet Replacement Program is in place to ensure that fleet is replaced when it reaches the end of its economically-viable lifespan with Council. Details of the 2009/2010 program are as follows:-

Plant/equipment type	Number vehicles being replaced 2009/2010	Purchase cost (\$)	Trade in (\$)	Nett Change Over (\$)
Heavy Plant	6	655,000	72,000	583,000
Trucks	13	865,000	151,600	713,400
Light Vehicles (Passenger)	71	2,130,000	780,000	1,350,000
Light Vehicles (Commercial)	55	1,668,000	672,000	996,000
Small Plant	-	650,000	50,000	600,000
Office/Workshop	-	275,000	-	275,000
TOTAL		6,243,000	1,725,600	4,517,400

Specific items of purchase exceeding \$150,000 each that are incorporated in the above table include:-

- Heavy Plant – one of Motor Grader (est. \$330,000 purchase cost, with the old unit realising an estimated \$30,000 re-sale value). Procurement will be via the Local Government Procurement contract.

Note that a recent resolution of Council was to bid at auction for the purchase of a second hand grader. We were unsuccessful at auction with the bids exceeding the maximum level recommended by staff as providing value for money. Subsequent searching of the second hand market has identified alternatives that again exceed “value for money” after allowing for negotiation.

- Trucks – two of trucks (est. up to \$250,000 each with the old units realising an estimated \$40,000 each in re-sale value). The trucks excluding bodies will be procured via the State Government contract. Truck bodies are not available under this contract and will be purchased through competitive (multiple) quotes. Note that the cost of each body is est. to be less than \$50,000.

Procurement under State Government contract and Local Government Procurement contract are exempt from the Public Tendering Section 55 requirements of the Local Government Act.

All other planned purchases are within existing delegations.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2004/07006 - D02029194

AUTHOR: BS

SUMMARY

Changes to Management Plan, line 2.1.11 from \$240,000 in the draft version to \$60,000 in the proposed version showing a reduction of \$180,000. The \$60,000 funds remaining reflects the actual cost estimates to complete the original scope of work scheduled for the Soldiers Beach Headland and foreshore.

RECOMMENDATION

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

BACKGROUND

At its meeting on 9 June 2009, Council resolved in part;

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

10 That Council report on alternatives to fund the planned Soldier's Point Foreshore Improvement Works in the 2009/2010 Management Plan."

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

AGAINST: BEST."

Over the past number of years substantial works have been undertaken in the vicinity of Soldiers Beach headland and surf club. These works included upgrades of both the headland and main car parks, replacement of stair access to the beach, extensive landscaping, installation of fencing and a whale viewing platform. Funding for these projects has been accessed through Council-managed holiday park profits. These funds required approval of the work schedule and budget from the Department of Lands. The \$180,000 reduction of funds initially included in Management Plan, line 2.1.11, was intended for the re-surfacing of the overflow car park at Soldiers Beach, as part of the cluster plan proposed a number of years ago. However, it was determined that the re-surfacing works to the overflow car park were not required.

Requests for Works at Soldiers Beach

For the 2009-10 financial year further works were scheduled. These works were discussed with the President of the Norah Head Ratepayers' Association and are listed below:-

- Provision of turf on the southern side of the Surf Club, as a matter of urgency.
- Provision of appropriate plants/trees for landscaping in the Surf Club car park areas.
- Provision of bollards at the northern end of the main headland car park at the edge of the kerbing, to prevent vehicles driving onto the pedestrian area.

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

- Protection of the two shell middens which face the ocean on the eastern side of the car park.
- Provision of a plaque on the existing rock facing east in the pedestrian area, making reference to Captain Cook's presence in the area in 1770.
- Provision of an information display providing details of whale migration and the types of whales that can be seen during the migration time. Also to include reference to the headlands that can be seen to the south.
- Provision of stainless steel fencing to close off sand dune areas around the new access stairway recently constructed by Wyong Shire Council.
- Removal of the broken wire fence at the base of dunes at the beach line and provision of a new fence to close off access to dunes where the new stairway has been constructed.
- Removal of rusted star pickets left in the dunes when Council constructed the new stairway and replacement of dune protection fences.
- Provision of additional bench seating and rubbish bins in the pedestrian areas east and south of the main car park.
- Extension of the drainage pipe from the surf club (near vehicle concrete driveway to beach) to prevent the presently occurring erosion of sand.
- Provision of bollards to prevent vehicles driving up the steep bank on the northeastern side of the hind dune car park, damaging plants and the shared pedestrian/cycle way.
- Retention of existing native vegetation within the car park areas to the hind dune car park.

Of these 13 requests, all are completed or are anticipated to be completed this financial year. Works to the rear hind dune overflow carpark will be limited to vegetation control and a general tidy-up as discussed with the President of the Norah Head Ratepayers' Association.

A further request, which was not part of the original schedule, is for the replacement of the dilapidated timber crib wall on the south-eastern side adjacent to the area used by surfers to gain access to the water. This work will require extensive investigation, design and construction work. The cost of these works will need to be assessed and consideration to whether funding will be allocated to this project against other priorities. Grant applications will be made for the investigation works.

CONCLUSION

Of the 13 requests, all are completed, or are anticipated to be completed this financial year, therefore, no additional funds are required to meet the agreed works program.

ATTACHMENTS

Nil.

6.10 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2009/01723 - D02031441

AUTHOR: SG

SUMMARY

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

RECOMMENDATION

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

BACKGROUND

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

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

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Management Plan

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

Contribution of Proposal to the Principal Activity

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

6.10 Proposed Councillors' Community Improvement Grants (contd)

Link to Key Focus Areas

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

Financial Implications

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

Principals of Sustainability

Nil.

CONSULTATION

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

GOVERNANCE

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

CONCLUSION

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

Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 23/09/09	1,475	2,400	4,100	3,299	3,056	1,150	250	3,950	3,290	1,750	24,720
Available allocation as at 23/09/2009	13,525	12,600	10,900	11,701	11,944	13,850	14,750	11,050	11,710	13,250	125,280
Proposed Allocations for 14 October 2009											
Budgewoi Dunecare (\$3,500)								800		2,700	3,500
Coast Shelter (\$9,000) (\$600 allocated)										500	500
Doyalson, Wyee, Budgewoi Lions Club Inc (\$1,000)				500	500						1,000
Fairhaven Services (\$4,800) (\$450 allocated)										250	250

6.10 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2009-10 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 23/09/09		1,475	2,400	4,100	3,299	3,056	1,150	250	3,950	3,290	1,750	24,720
Available allocation as at 23/09/2009		13,525	12,600	10,900	11,701	11,944	13,850	14,750	11,050	11,710	13,250	125,280
Proposed Allocations for 14 October 2009												
Manning Park Community Precinct Committee (\$550)	Assist to purchase community notice board for public display	100						200			250	550
Northlakes Public School (Schools as Community Centres Program) (\$1,000)	Assist to purchase special resources to support the "my time" playgroup for children with chronic illnesses or disabilities					250			500			750
Pioneer Dog Training School (\$2,000) (\$400 allocated)	Assist with insurance, ground fees, training, stationery and administration costs, equipment maintenance and trailer registration	500									500	1,000
Toukley Torchbearers for Legacy (any amount)	Assist with costs for advertising for Harry Moore OAM Legacy Golf Day at Toukley Golf Club, 20 September 2009	100				250		250	400			1,000
Wadalba Community School (\$500)	Assist with funding for annual Presentation Ceremony	100						150			250	500
Wyong Public School P&C (\$448)	Assist with printing of a student newspaper			448								448
Total Proposed Allocations for 14/10/2009		800	0	448	500	1,000	0	600	1,700	0	4,450	9,498
Total Accumulated Allocations as at 14/10/2009		2,275	2,400	4,548	3,799	4,056	1,150	850	5,650	3,290	6,200	34,218
Balance Uncommitted as at 14/10/2009		12,725	12,600	10,452	11,201	10,944	13,850	14,150	9,350	11,710	8,800	115,782

ATTACHMENTS

Nil

6.11 Waste and Sustainability Improvement Payments

TRIM REFERENCE: F2004/06762 - D02038630

AUTHOR: EB

SUMMARY

Report on the Waste and Sustainability Improvement Program (WaSIP) managed by the Department of Environment, Climate Change and Water (DECCW) and selection of high priority projects proposed for funding under this program during 2009-10. It is estimated that Council will receive approximately \$550,000.00 (excl GST) under this program in 2009-10.

RECOMMENDATION

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

BACKGROUND

In late July 2009 DECCW advised Council of changes to the Waste and Sustainability Improvement Payments Program that has been operating since 2006. Under this program it is estimated that Council will receive funding of \$550,000.00 in 2009-10 providing ongoing waste standards are met, a Sustainability Action Plan is lodged by 30 October 2009 and a Strategic Waste Action Plan is provided by April 2010.

The changes require Council to identify projects that will improve sustainability and will be funded from the proposed grant of \$550,000.00 in 2009-10. The projects to be submitted to DECCW as part of the Sustainability Action Plan must outline measurable targets and demonstrate how they will deliver improvements in the areas of waste and/or sustainability across the local government area. Once funding is received the projects must be implemented and a financial report outlining expenditure submitted to DECCW by 30 June 2010.

The purpose of this report is to seek Council's endorsement of the four high priority projects listed in Appendix A to be submitted to DECCW as part of the Sustainability Action Plan. These projects were presented at the Councillor Briefing held on 23 September 2009.

TIMEFRAMES

Council only received advice of changes to the WaSIP Programme on 29 July 2009. Details of the required timeframes for 2009-10 are shown in the following table:

Date	Action required
29 July 2009	Details received on the WaSIP program
13 August 2009	Workshop conducted by DECCW on WaSIP program
31 August 2009	GM to sign Certificate committing Council to meeting the standards set in previous years and the current year
30 October 2009	Submission of Sustainability Action Plan detailing projects that will be implemented as a result of receiving WaSIP.
October 2009	Receive WaSIP payment from DECCW
30 April 2010	Submit Waste Action Plan together with copy of Council resolution endorsing the actions
June 2010	Submit financial report to DECCW

The late notification of the changes to the WaSIP program meant that Council has been given very little time to investigate and prepare detailed project submissions. Nonetheless four high priority projects have been developed and are submitted for Council's endorsement in this report. These are shown in Attachment A and are:

- a) Provision of high risk waste collection service for e-waste, batteries and fluorescent light bulb and tubes (estimated \$110,000.00).
- b) Replacement of air-conditioning units in buildings C and D of Civic Centre (estimated \$240,000.00).
- c) Temporary engagement of a Waste and Sustainability Improvement Officer (estimated \$100,000.00).
- d) Increase purchase of Green Energy for the Civic Centre from current level of 25% to 50% (estimated \$100,000.00).

ASSESSMENT OF PROJECTS

In response to the requirement of the WaSIP Program staff investigated a broad range of projects for compliance with the program requirements. Due to the tight timeframes to be met some projects were deemed unachievable. Others did not provide sufficient benefits to justify further consideration.

A total of nine suitable projects were placed on an eligibility list. Four of these were given highest priority based on their economic, social and environmental benefits to Wyong Shire Council and the community. The four recommended projects are shown in Attachment A. The five remaining five projects are shown in Attachment B for possible implementation in future years.

ADDITIONAL REQUIREMENTS - STRATEGIC WASTE ACTION PLAN

In addition to the Sustainability Action Plan to be submitted by 30 October 2009, Council must also prepare a Strategic Waste Action Plan by 30 April 2010. This plan must contain performance milestones that will contribute to Council reaching the 2014 NSW municipal waste target of diverting 66% of domestic waste from landfill. This plan must be submitted together with a copy of the Council Resolution endorsing the actions outlined in this plan.

Actions are being taken to ensure this Plan is submitted by the due date with the required information.

CONCLUSION

DECCW requires the nomination of projects outlining how the estimated funds of \$550,000.00 to be received in 2009-10 under the WaSIP Program will be spent.

After consideration of nine priority projects it is recommended that Council endorse the four high priority projects identified in this report for submission to DECCW as part of the Sustainability Action Plan. This plan is required to be submitted to DECCW by 30 October 2009 in order for Council to participate in the Waste and Sustainability Improvements Payment Program.

The changes to the WaSIP Program mean that Council will need to review its future waste projects and revenue from tipping fees and Domestic Waste Management Charge. The 2009-10 funding shortfall will be covered from funds from the Waste Reserve.

ATTACHMENTS

- 1 High Priority and Remaining Projects D02038670

Attachment A: Four High Priority Projects Recommended for Funding in 2009/10

Project No	Project Title	Summary of Project	Estimated Cost (excl GST) in 09-10
1	<p>High Risk Waste Collection and Recycling (e-waste, batteries, fluorescent tube and globes)</p>	<p>Background: This project will provide residents with an avenue for recycling; e-waste, household cadmium-zinc and lithium batteries and fluorescent globes and tubes. As part of the project a biannual e-waste collection will be held along with an on-going drop off facility for e-waste at Buttonderry Waste Management Facility (BWMF). Drop off locations at Councils Civic Centre and major libraries will also be available for fluorescent globes and tubes.</p> <p>Target: To divert 100t of e-waste, 1t of household cadmium-zinc and lithium batteries, and 12,000 globes/tubes from landfill per annum.</p> <p>Environmental Benefit: Preventing hazardous toxins from being deposited in landfill and reducing the demand on finite resources such as precious and heavy metals via recycling the goods into new products.</p> <p>Community Benefit: Opportunity provided to the community to contribute to sustainability. Convenience of program through provision of e-waste drop off days, drop off service for e-waste at Buttonderry Waste Management Facility and drop off for globes and batteries at Council Civic Centre and major libraries.</p> <p>Economic Benefit: The program could provide funding to comply with a Council resolution to hold a biannual e-waste collection as no budget allocation was made for the 2nd e-waste collection later this financial year.</p>	\$110,000.00

Project No	Project Title	Summary of Project	Estimated Cost (excl GST) in 09-10
2	Replacement of Air conditioning system (Stage 1) to improve energy efficiency	<p>Background: The Wyong Shire Council Civic Centre and Chambers have been identified in the Energy Savings Action Plan as one of the top ten energy producing sites. It is made up of four buildings (A,B,C & D). Two air-conditioning units have been servicing buildings C & D for approximately 50 years and have been operating well past their design life. The units are operating at 1960's efficiencies which are far below present day efficiencies. Together they consume considerable electricity and contribute unnecessary greenhouse gases into the atmosphere.</p> <p>Target: To upgrade the two major air-conditioning units in the Wyong Shire Council Civic Centre.</p> <p>Environmental Benefit: The project will result in an efficiency improvement from 1.43 to 2.7 EER (Energy Efficiency Ratio = energy out / energy in) and greenhouse gas reduction of 96 tonnes of Carbon dioxide equivalents (CO₂-e) per annum.</p> <p>Community Benefit: The air-conditioning units require replacement within the next five years as they are operating past their design life. Funding their replacement with the grant funds will allow the diversion of general fund to other more visible community programs.</p> <p>Economic Benefit: Savings due to reduced maintenance and equipment replacement as well as reduced energy consumption will result in cost savings of \$40,000.00 - \$50,000.00 per annum reducing the payback period to about five years.</p>	\$240,000.00

Project No	Project Title	Summary of Project	Estimated Cost (excl GST) in 09-10
3	Temporary engagement of Waste & Sustainability Improvement Officer	<p>Background: Considerable work is needed to compile the Sustainability Action Plan and implement the projects under the program. The time needed exceeds the capacity of existing staff and a project co-ordinator is required to bring all the elements together. This Officer can also prepare Council to apply for further funding in 2010/2011.</p> <p>Target: To develop and manage the Sustainability Action Plan and initiatives created under the Waste and Sustainability Improvement Program.</p> <p>Environmental Benefit: The Officer will provide the time and resources to develop and implement measurable programs which will improve Council's environmental bottom line in the areas of waste, biodiversity, water, energy, climate change, transport and sustainable purchasing.</p> <p>Community Benefit: Community will receive a range of adequately resourced and funded sustainability programs designed to benefit the community with social and environmental outcomes.</p> <p>Economic Benefit: Approx. \$550,000.00 will be received on approval of the 2009/10 Action Plan. A financial report must be submitted at the end of the year detailing project expenditure. However, failure to meet the specified commitments may lead to Council having to repay the funds received. The provision of a dedicated Officer will give Council the best possible chance of ensuring the projects and the funding are adequately funded and spent.</p>	\$100,000.00

Project No	Project Title	Summary of Project	Estimated Cost (excl GST) in 09-10
4	Green Energy	<p>Background: GreenPower is renewable energy certified under the Australian National Government Renewable Energy Accreditation Program. It is run by the NSW Government on behalf of the other Australian states and territories. GreenPower is different from other renewable energy options such as Clean Development Mechanism (CDM) which was developed under the Kyoto Protocol as the projects must meet a range of accreditation standards, which overseas programs are not required to meet. Many of these programs have been criticised for not actually contributing to net decreases in emissions</p> <p>Target: To increase the amount of GreenPower (GP) purchased for Wyong Shire Council Chambers from 25% to 50%.</p> <p>Environmental Benefit: A 50% purchase will result in saving in additional 445 t of CO₂ pa, 75% purchase will save an additional 890 t CO₂ pa and 100% will save an additional 1335 t of CO₂ pa. GreenPower is renewable energy certified under the Australian Government Renewable Energy Program and must meet accreditation standards. This ensures that it genuinely contributes to net decreases in greenhouse gas emissions and ensures a real contribution to mitigating the impacts of climate change.</p> <p>Community Benefit: By investing in Australian renewable projects Wyong Shire Council will help develop the renewable energy industries within Australia, support the creation of new jobs and assist in a genuine transition of Australia to a low carbon economy. It will also provide leadership to businesses and citizens throughout the Wyong Shire community.</p> <p>Economic Benefit: This will benefit Council economically as when the Carbon Pollution Reduction Scheme is introduced in 2011 Council will need to purchase carbon credits. Reducing the amount of CO₂ emitted will reduce the number of carbon credits which need to be purchased.</p>	\$100,000.00
Total high priority projects			\$550,000.00

Attachment B: Remaining Projects for Consideration in Future Funding Years

Project No	Project Title	Summary of Project	Estimated Cost (Ex GST) in 09/10
5	Waste Composition Audit at Buttonderry Waste Management Facility (BWMF)	<p>Target: To conduct a waste composition audit at the Buttonderry Waste Management Facility in order to calculate greenhouse gas (GHG) emissions from the site.</p> <p>Environmental Benefit: Develop a sound understanding of the quantities of GHG's emitted from the site and provide Council with the baseline data needed to manage these responsibly.</p> <p>Community Benefit: Council is able to undertake sustainability measures that ensure waste and associated GHG emissions are appropriately managed.</p> <p>Economic Benefit: Council is required to undertake these measures, however no budget is available in 2009/10. Funding this project from the WaSIP program allow the diversion of waste funds to other more visible community programs.</p>	\$40,000.00
6	Waste Education Centre BWMF	<p>Target: To reduce the impacts of contamination and reduce waste to landfill by establishing an education facility and education program at Buttonderry Waste Management Facility.</p> <p>Environmental Benefit: The facility will form part of a suite of measures tailored to reducing waste and increasing recycling from the local domestic waste stream. This will contribute to Council meeting a domestic waste diversion rate of 66% by 2014.</p> <p>Community Benefit: Community will be provided with an opportunity to develop a deeper understanding of the impacts of waste and recycling and how this contributes to achieving sustainability.</p> <p>Economic Benefit: The project will contribute to achieving the diversion rate of 66% by 2014, thus ensuring that future WaSIP payment can be secured.</p>	\$20,000.00

Project No	Project Title	Summary of Project	Estimated Cost (Ex GST) in 09/10
7	Waste Watchers Program	<p>Target: To increase the current waste and litter education program delivered by Keep Australia Beautiful from 8-15 schools to 16 – 30 schools per annum.</p> <p>Environmental Benefit: To reduce the impact and occurrence of litter by changing the culture of school children and educating them on waste and litter management.</p> <p>Community Benefit: Community educated and provided with an opportunity to learn more about waste, recycling and sustainability. Cultural change encouraged amongst the community.</p> <p>Economic Benefit: Considerable benefits exist for Council in tackling litter and waste management proactively. Council employs 3 full time litter collection officer and rangers spend considerable time issuing fines for litter and dumped rubbish. Changing the littering culture of the community over time through education and enforcement will result in less litter and free up these Council resources to be spent elsewhere.</p>	\$12,000.00
8	Litter Management Enforcement / Education Officer	<p>Target: To appoint a temporary education/enforcement officer to facilitate the reduction of the impact and occurrence of litter.</p> <p>Environmental Benefit: Reduced litter across the Wyong Shire measured visually by the litter collection officers.</p> <p>Community Benefit: Community can be provided with an opportunity to learn more about waste, recycling and sustainability which may result in a cultural change and improved amenity and increased community pride amongst residents.</p> <p>Economic Benefit: Council invests significant resources to combat and clean up litter and dumped waste. Reducing the impacts of litter and waste through greater community awareness and pride may result in the diversion of waste funds to other community programs.</p>	\$100,000.00

Project No	Project Title	Summary of Project	Estimated Cost (Ex GST) in 09/10
9	Installation of Solar Panels on Council facilities (Childcare Centres Community Halls BWMF)	<p>Target: Reducing Council's carbon footprint and increase the use of renewable energy by putting solar panels in various Council buildings such as the childcare centres, on Community Centres and at the Buttenderry Waste Management Facility.</p> <p>Environmental Benefit: A 20% reduction of power in childcare centres, saving 4t CO₂ per centre per annum. Community Centres made electricity neutral, saving 2.5t CO₂ per centre per annum. 40% reduction of power in the site office at Buttenderry Waste Management Facility, saving 5t of CO₂ per annum, a 5% reduction in power at Council Chambers, saving 89t CO₂ per annum.</p> <p>Community Benefit: Community engagement in sustainability via highly visible and practical sustainability measures. Leadership provided by the Council to encourage and inspire the community to move toward renewable energy.</p> <p>Economic Benefit: Reduced electricity costs. The Community Centres for example can feed electricity back into the grid at 60 cents per KWH on the days when these centres are not used making them cost and electricity neutral.</p>	<p>Childcare Centres: \$24,000.00 per centre</p> <p>Community Halls \$6,000.00 per Hall</p> <p>BWMF \$22,000.00</p> <p>Civic Centre Chambers \$320,000.00</p>
10	Installation of Water Tanks at Council facilities (Childcare Centres, Community Halls)	<p>Target: To conserve water and educate the children and community about water conservation through the installation of water tanks and water saving devices in childcare centres and community centres.</p> <p>Environmental Benefit: Decreased water use in childcare centres and community halls contributing to the sustainability of the Central Coast's water supply.</p> <p>Community Benefit: Community engagement in sustainability via highly visible and practical sustainability measures.</p> <p>Economic Benefit: Reduced water consumption and reduced demand on the Central Coast's water supply with flow on economic benefits.</p>	<p>Childcare Centres: \$12,000.00 per centre.</p> <p>Community Halls \$22,000.00 per Hall</p>

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

TRIM REFERENCE: F2006/00977 - D02042535

AUTHOR: GM

SUMMARY

Report on Gosford City Council's decision to withdraw their support for the Central Coast bid to conduct the 2011, 2012 and 2013 State Surf Lifesaving Championships.

RECOMMENDATION

That Council receive the report on the Bid to Host the NSW Surf Lifesaving Championships.

BACKGROUND

On 22 July 2009, Council:

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

That Council prepare a joint submission with Gosford City Council to seek the 2011, 2012 and 2013 State Surf Lifesaving Championships.

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

AGAINST: NIL"

At the Gosford City Council meeting held on 4 August 2009, that Council resolved as follows:

"A Council Officers liaise with Wyong Shire Council and SLSCC Officers to prepare and submit a joint submission to host the 2011, 2012 and 2013 NSW Surf Life Saving Championships.

B If the Expression of Interest is successful, a further report be brought back to Council outlining the funding split between Gosford City and Wyong Shire Councils and options to fund the hosting fee of \$60,000."

At a joint meeting of Councils held on 19 August 2009, both Councils unanimously resolved to support the bid for the New South Wales State Surf Lifesaving Championships.

DISCUSSION

On behalf of both Councils, Central Coast Surf Lifesaving submitted an expression of interest to Surf Lifesaving NSW to host the State Surf Lifesaving Championships.

After an assessment of our submission Surf Lifesaving NSW advised the applicant Surf Lifesaving Central Coast, that changing venues would defeat the purpose of their thrust to hold the titles for two years at one location and to negate this intention would cause logistical problems for Surf Lifesaving NSW. The bid if successful had proposed to hold the first event at Shelly Beach and the second at Umina Beach, sharing the event between the two local government areas of the Central Coast.

As part of the expression of interest process, Surf Lifesaving NSW has requested that one location be identified for the minimum two year period by 30 September 2009.

Upon receiving this information Gosford City Council considered a late report at its meeting on 22 September 2009. Staff provided the following options for Council's consideration;

“Option 1 - Council support the event being held at a Wyong Shire Council location, which would include 50% financial contribution from Gosford City Council.

Option 2 - Council seek to hold event at a Gosford City Council location with Wyong Shire Council supporting the event, which would include 50% financial contribution from Wyong Shire Council.

Option 3 - The event is held at a Wyong Shire Council location and is supported and funded 100%.by Wyong Shire Council.

Option 4 - The event is held at a Gosford City Council location and is supported and funded 100% by Gosford City Council.

Option 5 - A location in each Council area is submitted, with each Council funding their own area if successful.”

Gosford City Council adopted the following recommendation;

“A Gosford City Council adopt Option 3 as detailed in the body of the report, allowing for a submission from Surf Life Saving Central Coast for Wyong Shire Council to host the 2011,2012 and 2013 State Surf Life Saving Championships.

B Advice be provided to Surf Life Saving Central Coast prior to the 30 September 2009 confirming Council's position.”

As a result of the decision by Gosford City Council, which was made without consultation with Wyong Shire Council, Central Coast Surf Lifesaving contacted Wyong Shire Council and sought advice on the matter. Due to the short notice available to advise Surf Lifesaving NSW of Wyong Council's position on this very important matter, the Mayor and General Manager discussed the issue and based on the considerable economic and social benefits of an event such as this to the community it was decided to advise Surf Lifesaving Central Coast that Wyong Shire Council would fund and conduct the bid on its own.

CONCLUSION

State Surf Lifesaving championships will attract over 10,000 people to the Central Coast over a period of two weekends and inject a significant economic boost to the region. It is also an opportunity to showcase the region to a wider audience. Should the bid be successful The Entrance and Shelly Beach areas will be the forefront of this exposure.

It is therefore recommended that the report be noted and the decision of the Mayor and the General Manager to pursue this event be supported.

ATTACHMENTS

Nil.

14 October 2009

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

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

TRIM REFERENCE: F2008/02110 - D01964570

AUTHOR: ED

SUMMARY

A meeting of the Wyong Shire Grants Committee was held on 30 September 2009.

RECOMMENDATION

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

BACKGROUND

A meeting of the Wyong Shire Grants Committee was held on 30 September 2009. The minutes of that meeting are attached.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of the Wyong Shire Grants Committee Meeting 30 September 2009 | D02037975 |
|---|---|-----------|

WYONG SHIRE COUNCIL**MINUTES OF THE
WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL
HELD IN THE COMMITTEE ROOMS
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 30 SEPTEMBER 2009
COMMENCING AT 3.02 PM**

PRESENT

COUNCILLORS D J EATON (CHAIRPERSON), L A MATTHEWS, D P VINCENT AND ACTING MANAGER GOVERNANCE AND ADMINISTRATION SERVICES.

IN ATTENDANCE

ACTING MANAGER CUSTOMER AND COMMUNITY SERVICES, PROJECT OFFICER AND AN ADMINISTRATION ASSISTANT.

THE CHAIRPERSON, COUNCILLOR D J EATON, DECLARED THE MEETING OPEN AT 3.02 PM AND ADVISED THAT THE MEETING IS BEING RECORDED.

APOLOGIES

AN APOLOGY FOR INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR R L GRAHAM.

COMMITTEE RECOMMENDATION

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

1.1 Disclosures of Interest

**3.1 COMMUNITY BENEFIT GRANTS - APPLICATIONS - TRIMESTER 1 - 2009-10
- SAN REMO NEIGHBOURHOOD CENTRE INC**

COUNCILLOR VINCENT DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WILL BE A VOLUNTEER AT THE SAN REMO/BLEU HAVEN COMMUNITY CHRISTMAS CELEBRATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM A VOLUNTEER FOR THE EVENT."

COMMITTEE RECOMMENDATION

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

2.1 Confirmation of Minutes of Previous Meeting**COMMITTEE RECOMMENDATION**

That the minutes of the previous Wyong Shire Grants Committee Extraordinary Meeting held on 17 June 2009 be accepted.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

3.1 Community Benefit Grants - Applications - Trimester 1 - 2009-10**RECOMMENDATION**

- 1 *That Council allocate \$31,835.34 from the 2009-10 Community Benefit Grant program as follows:*

Applicant	Project	Amount Recommended
1st Tumby Scout Group of Scouts Australia (NSW)	Supply of 2 camp marquees	\$2,120.00
Australian Sea-Bird Rescue (Central Coast)	Purchase of Vessel for Sea-Bird Rescue	\$3,600.00
Bateau Bay PCYC	Feel Free Art - A Crime Prevention Strategy	\$2,950.00
Camp Breakaway	50% Rates Rebate	\$2,793.10
Country Women's Association - Mannering Park Branch	50% Rates Rebate	\$976.87
Cynthia Street Neighbourhood Centre	KBT Community Nursery	\$3,500.00
Lake Munmorah Progress Association	Community Information Audio Visual Equipment Project	\$1,407.00
Long Jetty & District Senior Citizens Club Inc.	Partial Upgrade of Club Premises	\$3,494.00
Long Jetty Hospital Auxiliary	Supply of Walking Aids	\$1,381.00
NSW Active Retirees & Mentors Inc - Central Coast sub committee	"MENTORLINK"	\$1,350.00
San Remo Neighbourhood Centre Inc.	San Remo/Blue Haven Community Christmas Celebration	\$5,200.00
Wyong Family History Group Inc.	Jilliby Cemetery Book Upgrade	\$910.00
Wyongah Progress Association	50% Rates Rebate	\$1,141.37
YMCA of Sydney - Lake Haven Recreation Centre	Supporting and Developing Wyong's Young People	\$1,012.00
Total		\$31,835.34

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

Applicant	Amount Asked	Project	Comments
Coastal a Cappella	\$2,750.00	Vocal Workshop & Chorus Coaching	Project is a Workshop run by International Vocal Coach from USA. Better fit with Cultural Sponsorship Program. Could breach 1.10 i - "Funds to stage or fees to attend a conference, congress or seminar." No benefits to wider community. Mainly beneficial to Coastal a Capella members. Have provided applicant with information on Cultural Grants.
Indian Educational & Cultural Association of Australia	\$13,000.00	Yoga-Meditation, Lecture Series on Life Philosophy, Indian Vegetarian Cooking Classes	Request for equipment - 2 quotes received. Clause 1.10 d "Applications for the following are ineligible: 'Capital Expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes'." No clarity as to linkage between project and equipment sought. Furthermore such equipment will exist long after the project/s cease - no long term business plan to show continued use of equipment. Purpose of funding also could be in breach of clause 1.10 l "Funds to stage or fees to attend a conference, congress or seminar". No fee will be charged for the programmes. Attendees will be requested to complete feedback forms to gauge/monitor success rating. Cultural and community mix.
Lake Munmorah Progress Association	\$1,407.00	Community Information Audio Visual Equipment Project	Purchase of equipment to assist in providing better information sharing with local community. The LMPA organises briefings for the community with Council NGO's and other service groups. Equipment required - Data Projector, Portable Screen, Surge Protection Power Board and Laser Pointer. Have not sought funding from other sources. 1.10 d "Applications for the following are ineligible: 'Capital Expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes'." 2 quotes provided. Council currently utilises their own portable equipment when addressing the community at various meetings.
The Entrance Town Centre Management	\$22,000.00	Central Coast Country Music Festival	No degree of self funding yet financials show great potential to self fund. No Cert. of Incorporation or similar. No Insurance documentation. Ongoing funding provided through CBG for this event in previous years: 06/07 - \$10,000, 07/08 - \$10,000,
Toukley and Districts Art Society Inc.	\$5,000.00	Additional Professional Easel & Porcelain Workshops	Better suited to Cultural Grant. Have advised applicant accordingly and emailed application form and documentation relating to Cultural Grants.

Applicant	Amount Asked	Project	Comments
The Entrance Town Centre Management	\$22,000.00	Central Coast Country Music Festival	No degree of self funding yet financials show great potential to self fund. No Cert. of Incorporation or similar. No Insurance documentation. Ongoing funding provided through CBG for this event in previous years: 06/07 - \$10,000, 07/08 - \$10,000,
Toukley and Districts Art Society Inc.	\$5,000.00	Additional Professional Easel & Porcelain Workshops	Better suited to Cultural Grant. Have advised applicant accordingly and emailed application form and documentation relating to Cultural Grants.

COMMITTEE RECOMMENDATION

- 1 That Council allocate \$27,125.34 from the 2009-10 Community Benefit Grant program as follows:

Applicant	Project	Amount Recommended	Committee Comment
1st Tumby Scout Group of Scouts Australia (NSW)	Supply of 2 camp marquees	\$2,120.00	Support for one marquee only on the basis of the broader /wider community benefit as the marquee is used for other community events eg. KDO, Relay for Life
Australian Sea-Bird Rescue (Central Coast)	Purchase of Vessel for Sea-Bird Rescue	\$3,600.00	On the basis that the equipment supports the activities of the service to the broader community and that alternate funding through CDSE is not available until 2010
Bateau Bay PCYC	Feel Free Art - A Crime Prevention Strategy	\$2,950.00	Financials now received. On the basis that the project involves art course for young offenders and youth at risk
Camp Breakaway	50% Rates Rebate	\$2,793.10	Complies with guidelines and funds are available
Country Women's Association - Mannering Park Branch	50% Rates Rebate	\$976.87	Complies with guidelines and funds are available
Cynthia Street Neighbourhood Centre	KBT Community Nursery	\$3,500.00	On the basis that the project offers volunteer residents skill development in Horticulture through TAFE Outreach and in partnership with Housing NSW and Community Greening

Applicant	Project	Amount Recommended	Committee Comment
Long Jetty & District Senior Citizens Club Inc.	Partial Upgrade of Club Premises	\$3,494.00	On the basis that the club offers a broader service to the community via a large member base and increased activities targeted at other groups in the community
NSW Active Retirees & Mentors Inc - Central Coast sub committee	"MENTORLINK"	\$1,350.00	On the basis that longterm benefits proposed to provide youth with greater opportunities with available career pathways, appreciation of their community and extending boundaries for different generations to connect in a positive way
San Remo Neighbourhood Centre Inc.	San Remo/Blue Haven Community Christmas Celebration	\$5,200.00	Aims to develop and strengthen sense of community through common celebration. Funds will be used for sound and staging, insurance/council fees, security and advertising.
Wyongah Progress Association	50% Rates Rebate	\$1,141.37	Complies with guidelines and funds are available
Total		\$27,125.34	

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

Applicant	Amount Asked	Project	Staff Comments	Committee Comments
Coastal a Cappella	\$2,750.00	Vocal Workshop & Chorus Coaching	Project is a Workshop run by International Vocal Coach from USA. Better fit with Cultural Sponsorship Program. Could breach 1.10 i - "Funds to stage or fees to attend a conference, congress or seminar." No benefits to wider community. Mainly beneficial to Coastal a Capella members. Have provided applicant with information on Cultural Grants.	Support staff comments
Indian Educational & Cultural Association of Australia	\$13,000.00	Equipment for yoga-meditation, Lecture Series on Life Philosophy, Indian Vegetarian Cooking Classes	Request for equipment - 2 quotes received. Clause 1.10 d <i>"Applications for the following are ineligible: 'Capital Expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes'."</i> No clarity as to linkage between project and equipment sought. Furthermore such equipment will exist long after the project/s cease - no long term business plan to show continued use of equipment. Purpose of funding also could be in breach of clause 1.10 i <i>"Funds to stage or fees to attend a conference, congress or seminar"</i> . No fee will be charged for the programmes. Attendees will be requested to complete feedback forms to gauge/monitor success rating. Cultural and community mix.	Support staff comments and in addition the activities have no level of self funding

Applicant	Amount Asked	Project	Staff Comments	Committee Comments
Lake Munmorah Progress Association	\$1,407.00	Community Information Audio Visual Equipment Project	Purchase of equipment to assist in providing better information sharing with local community. The LMPA organises briefings for the community with Council NGO's and other service groups. Equipment required - Data Projector, Portable Screen, Surge Protection Power Board and Laser Pointer. Have not sought funding from other sources. 1.10 d "Applications for the following are ineligible: 'Capital Expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes'." 2 quotes provided. Council currently utilises their own portable equipment when addressing the community at various meetings.	Senior citizens group would be best placed as applicant. Broader community has access to equipment. Demonstrate project that will assist the broader community
Long Jetty Hospital Auxiliary	\$1,381.00	Supply of Walking Aids	Equipment - 1 x Forearm/heavy duty seat walker and 1 x heavy duty walking tutor. Clause 1.10 d "Applications for the following are ineligible: 'Capital Expenditure unless the applicant can demonstrate an exceptional need and show that the equipment applied for is vital to the project and cannot be procured from any other source. In such instances, Council will require two written quotes'." Funding provided in previous rounds of CBG for similar equipment	The group hasn't shown linkage between the use of equipment for their programs benefitting the community
The Entrance Town Centre Management	\$22,000.00	Central Coast Country Music Festival	No degree of self funding yet financials show great potential to self fund. No Cert. of Incorporation or similar. No Insurance documentation. Ongoing funding provided through CBG for this event in previous years: 06/07 - \$10,000, 07/08 - \$10,000,	Shown no capacity to self fund and therefore compliance with guidelines which aim to increase self-funding rather than encourage recurrent grant funding. May come under Tourism funding

Applicant	Amount Asked	Project	Staff Comments	Committee Comments
Toukley and Districts Art Society Inc.	\$5,000.00	Additional Professional Easel & Porcelain Workshops	Better suited to Cultural Grant. Have advised applicant accordingly and emailed application form and documentation relating to Cultural Grants.	Support staff comments
Wyong Family History Group Inc.	\$910.00	Jilliby Cemetery Book Upgrade	The republication of the Jilliby Cemetery Book as upgraded 2002. Will provide information to researchers and interested parties. Original print last done in 2002 has been fully distributed.	The group will show a profit from the Community Benefit grant provided and no demonstration of where the profit would assist projects for the broader community benefit
YMCA of Sydney - Lake Haven Recreation Centre	\$1,012.00	Traineeships for YMCA	Slight discrepancy in amount requested - \$2,500 (pg 1) and \$2,632 (pg. 10). Project aims to provide traineeships to indigenous youth in the health and fitness industry with a view to increasing skills of indigenous youth, increase their engagement in community life, enhance their quality of life. Part recommendation as CBG does not fund wages.	Support staff comments in relation to wages and in addition note that training component would be funded by other Government programs. An application that proposed a program for the broader community would more likely be favourably considered.

3 That the Community Benefit Grants business papers include the Community Benefit Grants Guidelines.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 4.33 PM.

THE NEXT MEETING OF THE WYONG SHIRE GRANTS COMMITTEE WILL BE HELD ON 18 NOVEMBER 2009.

14 October 2009

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

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

TRIM REFERENCE: F2004/06390 - D02031453

AUTHOR: ED

SUMMARY

A meeting of the Central Coast Regional Organisation of Councils was held on 16 September 2009.

RECOMMENDATION

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

BACKGROUND

A meeting of the Central Coast Regional Organisation of Councils was held on 16 September 2009. The minutes of that meeting are attached.

ATTACHMENTS

- 1 Minutes - Central Coast Regional Organisation of Councils - 16 September 2009 Enclosure D02031426

8.1 Information Reports

TRIM REFERENCE: F2009/00008 - D02029177

AUTHOR: MR

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

Nil.

8.2 Disclosure of Interest Returns

TRIM REFERENCE: F2008/01598 - D01958007

AUTHOR: ED

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns.

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September each year. Newly appointed staff are also required to lodge a Return within three months of being appointed to a designated position.

With the exception of seven staff who are on annual / parental leave, all required Disclosures have been submitted. Section 449 also specifies that the General Manager must table the returns lodged under these Sections and, in accordance with this Section of the Act, the returns for the period 1 July 2008 to 30 June 2009 are tabled, together with those new staff who commenced in designated positions between 1 July and 30 September 2009.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

ATTACHMENTS

1 Disclosure of Interest Returns 1 July to 30 September 2009 D02032057

**Disclosure of Interest Register
1 July – 30 September 2009**

New Designated Persons – Staff

Battese, John
Coventry, Peter
Hammond, Shayne
McDonald, Steven
Macauley, Sean
Sherar, Brett

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

TRIM REFERENCE: F2004/07102 - D02026577

AUTHOR: AP

SUMMARY

The Rural Fire Service (RFS) in conjunction with Wyong Shire Council has implemented a range of strategies and initiatives to enhance the preparation and response by the RFS and the community to any bushfire event.

RECOMMENDATION

That Council receive the report on Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season.

BACKGROUND

At its meeting held on 12 August 2009, Council;

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

- 1 That Council recognise and thank the some 500 Rural Fire Service (RFS) volunteers for their outstanding contribution to our community.*
- 2 That, with the fire season nearing, Council receive a report on the broader operational activities of the RFS and their preparedness to respond to what may be a most challenging bush fire season.”*

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

AGAINST: NIL”.

BROADER OPERATIONAL ACTIVITIES

The Rural Fire Service within Wyong Shire comprises 12 operational brigades and four support brigades with a total membership of 562 volunteers.

Since January 2009 Volunteers have committed some 9,500 hours in responding to 464 incidents, with only a small percentage of those being bush fires. The average turn-out time was 7.5 minutes, and 15.6 minutes for rural area brigades. On top of this there were in excess of 17,000 hours in training, educating the community, and undertaking risk reduction work.

Additionally, some 6,200 hours have been committed to improving skills, nearly 10,000 hours in maintaining skills through brigade drills, and 884 hours in community engagement activities; ranging from fetes, festivals, street meets, guest speakers, school information newsletters, etc.

PREPAREDNESS

The fire fighting fleet of 34 vehicles comprises 11 heavy, three medium, and six light tankers, as well as 14 mop-up tankers. The average age is six years with all but two under 15 years of age.

Risk reduction activities undertaken by the RFS are primarily to assist land owners/managers with their responsibilities for managing fuels, these include several larger burns completed over the cooler months of July, August and September.

The RFS reports that initiatives currently being implemented to enhance preparation and response include:

- Immediate Response Unit (IRU) manned during weekdays by volunteers to guarantee an immediate response to emergency calls.
- Strategies for use of aircraft for early reconnaissance and water-bombing intervention, with logistical support arrangements.
- Strategies to brief local communities likely to be affected by a wildfire, by trained personnel, to advise on likely impact, preparation requirements, and evacuation considerations.
- Focus on incident command functioning of brigade officers to ensure effective and efficient management of incidents and resources.
- Liaison with local media providers establishing processes to enable real-time accurate and timely information to any affected or potentially affected communities.
- Co-operative arrangements to access additional resources from adjoining districts.
- Pre-incident planning for identified areas of potential bush fire risk.
- Pre-season operational briefing of senior brigade officers.
- Raised public awareness of fire safety and preparedness through a range of public activities, events, street meetings, and local community newsletters.
- Regular operational briefing information sheets.
- Upgrading of radio base station equipment, pagers, paging equipment, and portable radios.
- Upgrading and installation of remote weather stations at Yarramalong, Charmhaven, and Gwandalan, and access to weather stations in other areas to assist in tracking weather behaviour.
- Pre-season operational readiness inspection of vehicles and equipment.
- Pre-season meeting of key fire fighting agencies.
- Pre-season servicing of major appliances.
- Improved functionality of the Emergency Operations Centre (EOC) for the co-ordination of major emergencies and support to bush fire emergencies.

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

- Arrangements for logistical support to operations through Council infrastructure.

A Councillor inspection of the Wyong Shire Emergency Operations Centre and Wyong Rural Fire Service headquarters at Charmhaven is proposed.

ATTACHMENTS

Nil.

8.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02026612

AUTHOR: CC

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline

CURRENT STATUS

Expenditure to date

\$20.4m

Project Estimate

\$125m - \$170m

Design Status

	Investigation & Preliminary Design	Concept Design	Detailed Design
Wyong River Off-take Structure & Pumping Station (Work Package (WP) 1, WP2)	100%	100%	95%
Wyong-Mardi Rising Main (WP3)	100%	100%	98%
Wyong-Mardi Inlet (WP4)	100%	90%	90%
Mardi-Mangrove Transfer Pumping Station (WP6)	100%	100%	90%
Mardi-Mangrove Transfer Main (WP7)	100%	90%	90%
TOTAL	100%	95%	93%

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	☑
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	☑
EOI closes	30 July 2009	30 July 2009	☑

8.4 Mardi to Mangrove Link Project Status (contd)

Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009		<input type="checkbox"/>
Award Construction Contract	December 2009		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- 55 privately owned properties require easements.
- 4 out of 6 agreements signed for additional land required for construction.
- Application notices for compulsory acquisition of easements issued to 22 landholders.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	32	58%	55%

Stakeholder Liaison

Community

- Display at Erina Fair Shopping Centre (long-term display).
- Media release on REF approval by Council.
- Story in Rural Grapevine
- New information brochures available at Customer Service Centres and Libraries. Brochures mailed to community groups and special interest groups.

Landholder

- Mail-out to landholders advising REF Approval.
- Application notices for compulsory acquisition of easements issued to 22 landholders.
- Nine correspondence items have been received in September. Responses up to date.

Government

- Briefing with Craig Thompson, Federal MP for Dobell. Organising update briefings for other MPs.
- Liaising with Department of Water and Energy (DWE) on outcome of water licences upgrade applications.

Risk Profile

A Risk Workshop for the overall Project was held on 17 September to update the Mardi to Mangrove Link Project Risk Register. Previously identified risks were reviewed to determine their status and risk consequence plus new risks for the remainder of the project duration were identified in order to consider appropriate mitigation measures. Ten high risks have been closed as a result of the workshop (acknowledging risks passed or mitigated).

8.4 Mardi to Mangrove Link Project Status (contd)

All identified risks will be reviewed with individual "Risk Owner" in order to determine, where possible, further risk mitigation measures. This is an ongoing task for the project duration.

The Project Team is working on a revised format to present this information to Council.

Incidents

There have been no OH&S or environmental incidents during the last reporting period.

Major Achievements / Issues

The REF was approved by Council on 23 September.

The second Early Tenderer Involvement (ETI) workshop was held on the 30 September and 1 October.

All four prospective tenderers have been assessed by the evaluation panel and will be invited to tender on 16 October 2009.

The third progress report to Department of Environment, Water, Heritage and The Arts (DEWHA) and invoice for \$2.6 million was submitted on 10 September for achievement of Milestone 2B of the Federal Government Funding Deed (the completion of the draft Request For Tender documentation). Payment has not yet been received.

ATTACHMENTS

Nil.

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

TRIM REFERENCE: F2008/00407 - D02026623

AUTHOR: AE

SUMMARY

Report on the Minutes of Senior Citizens' Council meeting held on 27 August 2009.

RECOMMENDATION

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

BACKGROUND

A meeting of the Wyong Shire Senior Citizens Council was held on 27 August 2009. The minutes are included as Attachment 1.

ATTACHMENTS

- 1 Wyong Shire Senior Citizens Council – Minutes of 27 August 2009 D02021455

MINUTES OF THE WYONG SHIRE SENIOR CITIZENS COUNCIL MEETING

Location:	<i>Wyong Shire Council Civic Centre – Tony Sheridan Function Room</i>	Date:	<i>27 August 2009</i>
Chair:	<i>Annette Evans</i>	Time:	<i>1:00pm-4:00pm</i>
Present:	<i>June Goss, Juliet Axford, Allen Booth, Bruce Kirkness, Maryanne Housham, Patricia Parperis, Dawn Thompson, Bruce Pyke (Cr Greg Best entered meeting 1:35pm)</i>		
Apologies:	<i>Luigi Bruni</i>		
Acknowledgement	<i>Acknowledge the Traditional Custodians of the land and pay our respects to the Elders both past and present</i>		
Declaration of Pecuniary Interest	<i>No significant conflict of interest issues noted by any members</i>		
Minute Secretary:	<i>Kay Segal</i>	Folder:	<i>F2008/00407</i>

Item Description		Responsibility
1.	ADOPTION OF PREVIOUS MINUTES	
1.1	That the minutes of the meeting of 23 July 2009 be adopted as a true record. Moved: Bruce Pyke Seconded: Dawn Thompson	AE
2.	BUSINESS ARISING FROM PREVIOUS MINUTES	
2.1	Park Bench Design Update Students Natasha and Bradley are continuing with design works. Teacher David Winter will send copies of designs for the next meeting.	AE
2.2	Youth Engagement Strategy Consultation Feedback Patricia Parperis and Bruce Kirkness attended the forum. It was organised using the 'World Café' model. This means that participants are presented with issues for discussions that were identified at other youth-specific forums. A range of ideas for the future were discussed. Youth involvement was inspirational. The young people were very positive and idealistic; however some concern was expressed about whether the practicalities of key issues would also be addressed. Sara Elrick (Youth Council member) would like joint dialogue with the Senior Citizens Council (SCC).	PP/BK
2.3	Positive Aging Survey Results Survey results have been collated and a summary of the responses arranged in table form. Annette presented a draft report for further discussion and resolution at the September meeting. The development of a Positive Ageing Strategy for Wyong Shire was noted. This has been identified in the 2008 Wyong Shire Community Plan and therefore it is anticipated that this information and the subsequent report will assist with the future development of that Strategy.	AE/JG/BP

	Item Description	Responsibility
2.4	<p>Climate Change Workshop</p> <p>Bruce Kirkness was in attendance. Ideas tabled and narrowed to five main issues. Majority of the discussions were around the condition of the lakes and retention ponds for run off. These works are for the whole of the Wyong Shire, with particular interest in retention ponds in new areas. The workshop was attended by people from a range of ages and suburbs with in the Wyong Shire.</p>	BK
2.5	<p>Broadband for Seniors Kiosk Update</p> <p>The Wyong Village Plaza does not have the appropriate community infrastructure to set up a 'kiosk' there.</p> <p>Annette spoke with Adam Holland (Supervisor, Tuggerah Library) who is interested in obtaining more details about the concept for the library.</p>	AE
2.6	<p>Aged Housing – Motion Update</p> <p>At the Ordinary Meeting of Council, 12 August 2009, Cr Doug Eaton put forward a motion 'Aged Housing Strategic Planning' that was resolved unanimously.</p>	AE
2.7	<p>Performing Arts Centre Update</p> <p>At the Ordinary Meeting of Council on 12 August 2009 Councillor Greg Best put forward the following question without notice:</p> <p>"At the Senior Citizens' Council meeting, discussions were held regarding the proposed performing arts centre in Wyong. The Senior Citizens' Council highlights its strong support for such important and cultural infrastructure and requests a progress report/update and also could their committee be of any assistance in developing this project?"</p>	AE
3.	GENERAL BUSINESS	
3.1	<p>Consultations with Department of Transport and Infrastructure (formerly Ministry of Transport)</p> <p>Allen Booth attended the Consultation held with the Transport Working Group and tabled a report. He said that any submissions should be presented before 30 September 2009.</p> <p>Bruce Pyke attended the Consultation that was organised by the Wyong Shire Council Senior Traffic Engineer Bob Burch in conjunction with Bob Thomas - Regional Transport Co-ordinator Central Coast Local and Community Transport. Bruce will present a draft paper for discussion at the next meeting. Copies will be posted to members by 11 September.</p>	AB/BP

3.2.1	<p>WSC Senior Citizens Council Review</p> <p>Councillor Greg Best spoke on behalf of himself and Councillor Doug Eaton, and requested consideration of a change to the time of the meetings. He said that he was more available after 3:00pm and preferred a 4:00pm start.</p> <p>June Goss, on behalf of the members, stated that 4:00pm was too late, especially in winter.</p> <p>Councillor Best proposed that the meeting times be 2:00pm to 5:00pm and include 2:00pm to 3:00pm for Guest Speakers, with General Business from 3:00pm. He and Councillor Eaton could attend from 3:00pm to 4:00pm.</p> <p>Members agreed that these new times would operate during the daylight savings months. The first meeting from 2:00pm to 5:00pm will be October 2009.</p>	ALL
3.2.2	<p>WSC Senior Citizens Council Review Questionnaire</p> <p>Further discussion held over to September meeting.</p> <p>Members will receive a summary of all responses to the questionnaire by Friday 10 September.</p>	
3.4	<p>Seniors Week Ideas</p> <p>Allen Booth proposed the development of a Trivia Day with the support of the Wyong RSL.</p>	ALL
4.	GUEST SPEAKER	
4.1	<p>Stuart Slough – Cultural Planner – Future Planning</p> <p>Presentation on The Wyong Cultural Centre as per attachment.</p>	INFO
5.	INFORMATION SHARING	
5.1	<p>NSW Seniors Achievement Award nominations close on 25 September.</p> <p>Seniors Week funding applications close on 18 September.</p> <p>Community Builders funding open.</p> <p>Memory Van project is being operated by Alzheimer's Australia and will be in various locations around the Shire during Dementia Awareness Week in September/October 2009.</p>	ALL
6.	CORRESPONDENCE	
6.1	Correspondence – Out –	AE
6.2	<p>Correspondence – In</p> <p>COTA Consumer Forum invitation</p> <p>Alzheimer's Australia Memory Van project</p>	AE

	The meeting closed at 4:00pm	
8.	NEXT MEETING	
8.1	24 September 2009 1:00pm – 4:00pm Wyong Shire Council Civic Centre, Tony Sheridan Function Room	

8.6 Investments for August 2009

TRIM REFERENCE: F2004/06604 - D02029286

AUTHOR: SJG

SUMMARY

The following report details of Council's investments as at 31 August 2009.

RECOMMENDATION

That Council receive the report on Investments for August 2009.

BACKGROUND

Conservative management of the Wyong Shire Council's (WSC) investment portfolio throughout the last financial year provided a defence against the world financial crisis. Nevertheless, Council's investments in managed funds were impacted by the loss of market confidence and liquidity, resulting in a decline in market valuations in the first half of last financial year.

During this time Council put in place a strategy "hold to maturity" strategy which minimised the negative effects of realising under-valued assets.

The changes to the Minister's Order in 2008 have meant that Council's portfolio of managed fund investments have remained "grandfathered" and subsequent investments have been predominately in term deposits. From Christmas 2008, the Federal Government has put in place initiatives to restore confidence in financial markets, giving Council the ability to shift investments into the banking sector when possible and practical.

CURRENT STATUS

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

In August 2009, the total net return was \$0.91m consisting of interest earnings \$0.31m and capital gains \$0.60m. Council's total investments as at August 2009 (Table 1) are as follows:

Table 1 Investment Portfolio by Risk Category

	August 2009	Year-to-Date Total Returns	Year-to-Date Returns Interest Only	Year-to-Date Returns Interest Only
	\$ '000	%	%	\$ '000
Cash at Call	35,214	2.83	2.83	125
Term Deposits	49,686	4.58	4.58	323
Cash Plus Funds	8,520	18.79	1.11	18
Cash Management Funds	24,726	19.71	14.61	569
Enhanced Income Funds	13,316	21.01	0.00	0
Total Investments	131,462	10.22	5.39	1035

8.6 Investments for August 2009 (contd)

Overall the year to date total returns are all favourable to the UBSA Index however interest returns for the Cash Plus Funds and Enhanced Income Funds year to date are minimal. This is due to the fact that interest distributions from our managed funds only occur periodically and up to the end of August only \$18K had actually been received from the LGFS 12-Month Cash Facility, which has returned 9.99% (annualised).

Investment transactions and earnings during August 2009 are shown in Table 2 Portfolio Performance. The increase in investments from \$123m to \$131m is predominately due to inflows from the first rates instalment.

Capital gains of \$0.6m were across the board being Macquarie Income \$192,000, Aberdeen \$151,000, and Blackrock Care & Maintenance \$264,000.

Table 2 Portfolio Performance

	July 2009 \$m	August 2009 \$m	Year to Date 2009/10 \$m
<i>Movement in Assets</i>			
Opening Balance	99.22	122.83	99.22
Capital Gain/Loss – (see below)	0.28	0.60	0.88
Net Cash/Investments(Withdrawals)	23.33	8.03	31.36
Closing Balance	122.83	131.46	131.46
<i>Trading Position</i>			
Capital Gain/(Loss) Realised	-	-	-
Capital Gain/(Loss) Unrealised	0.28	0.60	0.88
Interest Earnings	0.73	0.31	1.04
Total Return for Period	1.01	0.91	1.92

Interest returns year to date continue above budget by \$0.3m with August returns in line with budget.

Council's holdings in managed funds and the manner in which interest on these funds is distributed makes it extremely difficult to predict interest earnings in terms of timing and month. However, Council's term deposits continue to yield above the UBSA (Union of Switzerland Australia) Bank Bill Index for August with investments ranging from 4.00% to 4.5% against Benchmark of 3.02%. This is with the exception of the T-Corp Term Deposit which Council is required to hold with T-Corp as part of Worker's Compensation self-insurance.

Table 3 Interest Only Performance

Investment Source	YTD Budget \$ '000	YTD August \$ '000	Var. \$ '000
General Fund	409	557	148
Water (all)	75	68	23
Sewerage (all)	283	380	97
Total	767	1035	268

Black Rock Care and Maintenance Fund

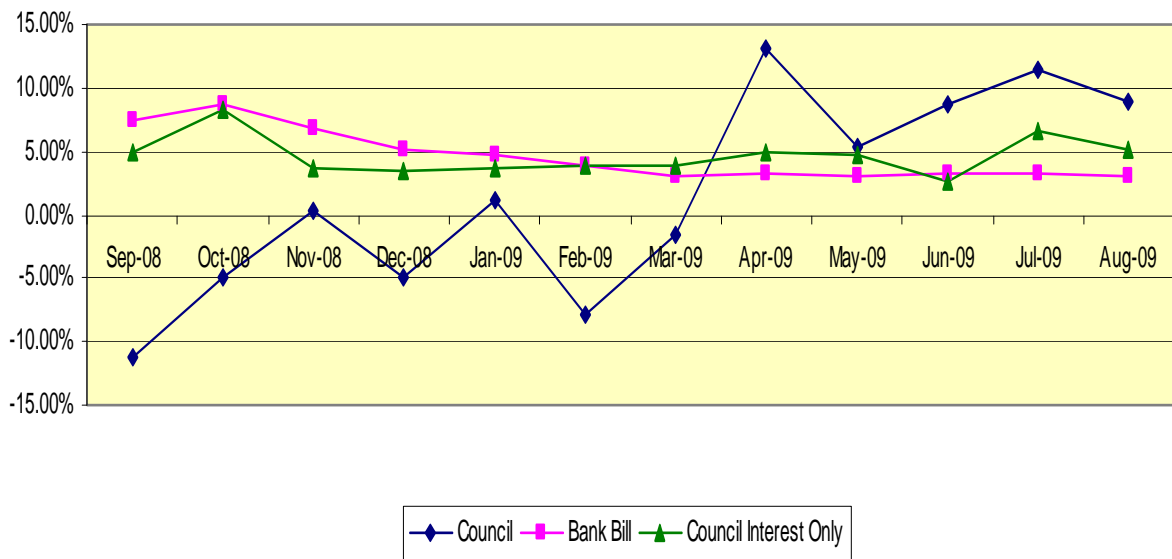
The total return for the month of August was \$0.26m. Regular close monitoring of the status of this investment continues and the “hold to maturity” strategy is seeing positive gains as markets have improved.

Monthly Annualised Returns

Council’s overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This index is in common use among councils and is a measure of the top rated reliable cash rates. Using the index for Council establishes a minimum performance comparison.

A graph detailing the monthly return on a 12 monthly basis is as follows:

Table 4 Monthly Annualised Returns (Interest and Capital Movements) Portfolio Performance Comparison to UBSA Bank Bill Index



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 August 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council’s trading position continues to show an accumulated unrealised loss of capital value but the portfolio’s ability to “ride-out” market volatility remains strong due to a diversified, low risk management approach. Continuing in this direction is essential for minimising long term capital loss and loss of interest income.

NB. The year end accounts for 2008/09 recognised all unrealised losses in full however as these assets improve in value they will be recognised as income in forthcoming periods.

ATTACHMENTS

- 1 Details of Investments as at 31 August 2009 D02033449

Wyong Shire Council				
Summary of Investments - By Type				
As at 31 August 2009				
FUND MANAGER	MATURITY	PORTFOLIO BALANCE \$	INCOME FOR MONTH \$	YIELD % p.a.
CASH AT CALL:				
ANZ High Yield Cash Account (AA)	Daily	32,036,180	51,294	2.00
BT Institutional Managed Cash (AAA)	Daily	3,178,074	9,348	3.57
Total Cash At Call		35,214,254	60,642	
TERM DEPOSITS & BONDS				
Allied Irish Bank Term Deposit	28/08/2009	-	2,906	4.10
ANZ Term Deposit	12/01/2010	5,000,000	18,048	4.25
ANZ Term Deposit	20/11/2009	5,000,000	17,836	4.20
Bank of Qld Term Deposit	13/11/2009	5,000,000	18,473	4.35
BankWest Term Deposit	02/03/2009	2,000,000	6,795	4.00
CitiBank Term Deposit	28/09/2009	1,000,000	3,822	4.00
NAB Term Deposit	12/01/2010	10,000,000	36,521	4.30
SunCorp Term Deposit	18/01/2010	5,000,000	18,473	4.35
T-Corp (WorkCover NSW)	02/12/2009	9,460,000	24,911	3.10
Westpac Deposit Bond	24/09/2012	4,225,849	24,429	5.13
Westpac Term Deposit	27/10/2009	3,000,000	10,192	4.50
Total Term Deposit & Bonds:		49,685,849	182,404	
CASH PLUS:				
Aberdeen Cash Plus Fund (A)	To be liquidated 2009	7,186,399	153,247	Variable
ING Enhanced (A)	To be liquidated 2009	35,546	27	Variable
LGFS 12-Month Cash Facility	Open Ended	1,297,781	10,450	10.10
Total Cash Plus		8,519,725	163,724	
CASH MANAGEMENT FUNDS:				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	9,765,798	264,456	Variable
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	14,960,414	43,894	3.57
Total Cash Management Funds		24,726,212	308,350	
ENHANCED INCOME:				
Macquarie Income Cash Plus (A)	Open Ended	13,316,068	192,449	Variable
Total Enhanced Income		13,316,068	192,449	
TOTAL		131,462,108	907,568	

8.7 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2009/00008 - D02029193

AUTHOR: MR

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

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

Question Asked / Councillor	Department	Meeting Asked	Status
Q52/09 – Condition of the Date Palm Tree at The Entrance <i>“Could an arborist investigate the condition of the date palm tree on Yellawa Island which is located next to The Entrance bridge and outside the Dunleigh Caravan park (in Tuggerah Lake)?”</i>	Shire Services	9 September 2009 Cr Webster	A response will be submitted to Council's meeting of 11 November 2009.

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>1 That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i> <i>2 That the Local Government Association via its annual conference be invited to support this initiative</i> <i>3 That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received. A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008 former Cr Stewart / Cr Graham	<p>A report will be subject to future briefing session for Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>295 – Wyong Pool Maintenance Policy</p> <p>1 <i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p>2 <i>That the Mayor and General Manager report to Council on discussions.</i></p>	General Manager's Unit	25 June 2008 former Cr Pavier / Cr Graham	Discussions continuing with Administrator.
<p>298 – The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Briefing of Council likely in third quarter of this budget year.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – Motor Sports Facility</p> <p>1 <i>That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.</i></p> <p>2 <i>That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.</i></p> <p>3 <i>That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.</i></p> <p>4 <i>That Council investigates possible locations for a motor sport and driver education facility based on user group requirements.</i></p> <p>5 <i>That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr McNamara / Cr Vincent</p>	<p>Expressions of Interest (EOI) have been called and advertised in the local newspaper and on Council's Website on 1 July and 8 July 2009.</p> <p>The EOI period closed on 17 July 2009. 174 completed questionnaires were received, as well as 53 emails and letters expressing support for the Wyong Automotive Racing Precinct (WARP) project.</p> <p>Investigations into possible locations for the WARP are underway.</p> <p>Councillor Briefing held on 23 September 2009 and a report will be submitted to Council in November 2009.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	Shire Planning	25 February 2009 Cr Best / Cr Matthews	A report on this matter will be submitted to Council’s meeting of 11 November 2009.
<p>10.5 – Local Preference Policy</p> <p>1 <i>That Council adopt a local preference policy to be included in the evaluation of tenders, quotations and Council procurement.</i></p> <p>2 <i>That the potential impact of this criteria on stimulating the local economy and creating local jobs be evaluated.</i></p> <p>3 <i>That a policy be prepared and submitted to Council for consideration.</i></p>	Corporate Services	27 May 2009 Cr McBride / Cr Eaton	A future workshop briefing to be scheduled and a report to follow.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>11.3 – Notice of Motion – Toukley Gathering of the Clans</p> <p>1 <i>That Council note the offer by “Brackets and Jam” to host and facilitate the 2009 Toukley Gathering of the Clans and that Council support their initiative.</i></p> <p>2 <i>That Council’s Grants Committee consider an allocation of funds for the 2009 Toukley Gathering of the Clans at an extraordinary meeting to be held on 17 June 2009.</i></p> <p>3 <i>That Council consider a report on the cost benefits of appointing a Shire wide events co-ordinator.</i></p>	Corporate Services	10 June 2009 Cr Best / Cr Vincent	Items 1 and 2 where considered at the Extraordinary Meeting of Council’s Grants Committee held on 17 June 2009. A briefing on item 3 will be conducted during November and will be followed by a report.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Notice of Motion – Community Gardens</p> <p><i>That Council develop a Strategic Policy for Community Gardens which involves the following:</i></p> <ol style="list-style-type: none"> 1 <i>That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:</i> <ol style="list-style-type: none"> a <i>Establish community gardens in new and existing residential areas in partnership with local residents.</i> b <i>Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.</i> c <i>The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.</i> d <i>That clearly identifies Council's roles and responsibilities.</i> 2 <i>That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.</i> 3 <i>That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.</i> 4 <i>That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.</i> 5 <i>That the policy be developed in partnership with the Community Development Unit.</i> 	<p>Shire Planning</p>	<p>22 July 2009 Cr Wynn / Cr Graham</p>	<p>A report will be prepared for Council's consideration once community consultation has been completed.</p> <p>The draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Notice of Motion – Youth Employment Target</p> <ol style="list-style-type: none"> 1 <i>That Council adopt in principle, a long term youth employment target of 15% of its workforce in recognition of the appalling local youth unemployment rate of some 38.7%.</i> 2 <i>That Council provide a report on:</i> <ol style="list-style-type: none"> a <i>implementation strategies to achieve this target in compliance with the Anti-Discrimination Act, Equal Employment Principles and;</i> b <i>current youth employment levels, job profiles filled and availability by young employees.</i> 3 <i>That Council include in the annual Equal Employment Opportunity (EEO) report a section on youth employment and movement towards the target and that this report be an information report to a formal Council Meeting.</i> 4 <i>That Council forward this motion to the Local Government Association Conference for consideration by all Councils for adoption and also for the Conference to consider a resolution to the State Government seeking an amendment to the Anti-Discrimination Act requiring Councils to also report in their EEO report on youth employment levels.</i> 5 <i>That Council make a submission to the Keep Australia Working Forum regarding our region's Youth Employment Problem.</i> 	<p>Corporate Services</p>	<p>22 July 2009 Cr Eaton / Cr McNamara</p>	<p>A report will be provided to Council's meeting on 11 November 2009.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion – Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	<p>Response will be made to the Minister seeking exemption from application of the Special Infrastructure Contributions.</p> <p>Workshop to be arranged for November 2009. This workshop is to incorporate NOM 10.3 "Aged Housing Strategic Planning"</p>
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its "Greenfield" urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council's strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	A workshop will be arranged for November 2009 and will incorporate 10.2 NOM - Review of Fees for Home Buyers.
<p>9.3 Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures is in progress for all areas of Wyong Shire and will be completed this calendar year. The Asset Management Strategy will include assessment of foreshore structures. Future Planning will use this as part of the Foreshore Open Space Plan scheduled for the 2010-11 Financial Year.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 Notice of Motion - Dredging of Tumbi Creek</p> <p>1 That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.</p> <p>2 That Council engage a suitable independent expert to review the report produced in item 1 and also the Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.</p>	Shire Planning	26 August 2009 Cr Graham/Cr Best	Independent expert being sought. A report will be submitted upon receipt of the expert's report.
<p>8.1 Notice of Motion – Energy Reduction Targets</p> <p>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</p> <ul style="list-style-type: none"> • the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council); • vehicle and small plant fleet; and • Buttonderry landfill site. <p>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</p> <p>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A Councillor briefing followed by a report will be scheduled for the first quarter of 2010.
<p>8.2 Possibility for the Establishment of an Environmental Committee</p> <p>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee.</p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A report will be submitted to Council on 9 December 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 Notice of Motion – Management of Water Supply</p> <p>1 <i>That further to: the Gosford Wyong Councils' Water Authority's 24 August water storage report (shown below) indicating our prime water storage facility Mangrove Creek Dam (MCD) is now at 28.4% and that actual consumption data indicates a clear trend of increased consumption against 2008 despite current restriction initiatives; and this situation has a high probability of being exacerbated through advice from both the Bureau of Meteorology & Department of Primary Industries that the Southern Oscillation Index (SOI) in the Pacific is consistent with the early stages of developing El Nino & that the odds of this event are more than 50%, double the normal risk of an El Nino in any year; That Council, now as a matter of urgency in partnership with the GWCWA, <u>review</u> water supply, consumption and trigger level policies with a view to better managing remaining stocks while avoiding a repeat of the 2006-07 events leading to MCD deteriorating to 10.3% and the need for planning to construct costly desalination plants.</i></p> <p>2 <i>That with the prospect of a repeat El Nino and the emerging effects of climate change on water supplies, staff <u>provide</u> a briefing to Council on the current supply status/durability and as to how water plan 2050 is performing against changing conditions.</i></p> <p>3 <i>That Council <u>refer</u> this item to the next meeting of the Gosford Wyong Councils Water Authority.</i></p>	Shire Services	9 September 2009 Cr Best / Cr Wynn	<p>This matter has been included in the agenda for the next Gosford-Wyong Councils' Water Authority meeting.</p> <p>A briefing on these matters will be provided to Council as part of the regular board paper briefing.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.6 Notice of Motion – North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan</p> <p><i>That taking into account recent verbal advice from the Department of Planning and Department of Environment, Climate Change and Water (DECCW) regarding the delays associated with the preparation of the North Wyong Shire Structure Plan (NWSSP) and Central Coast Regional Conservation Plan (CCRCP):</i></p> <p>1 That Council <u>express</u> its concerns to the DECCW and the Minister for Climate Change regarding the delays associated with the preparation of the CCRCP.</p> <p>2 That Council <u>recognise</u> that any delay will impact upon the timing of the completion of the Shire wide Settlement Strategy, and consequently the gazettal of Wyong LEP 2011.</p> <p>3 That Council <u>request</u> that the Department of Planning, DECCW and the two relevant Ministers to publicly exhibit both the draft NWSSP and draft CCRCP concurrently to ensure that the Wyong Shire community is made fully aware of content of both documents and is given an opportunity to comment on both documents at the same time.</p> <p>4 That Council also <u>raise</u> its concerns that should the two documents not be finalised concurrently, the implications of this will be that Council will be faced with the responsibility of assessing the environmental attributes of a development site on a case by case (ie individual development application) basis, thereby putting conservation outcomes at risk and placing additional cost to the development industry.</p> <p>5 That Council <u>thank</u> the Members for Wyong and Swansea for their support on this issue.</p> <p>6 That Council staff <u>report</u> on the implications of the delay of the Gazettal of the Wyong LEP 2011 in particular in bringing forward appropriate spot rezonings.</p>	<p>Shire Planning</p>	<p>9 September 2009</p> <p>Cr Eaton / Cr Best</p>	<p>Letters to address resolutions 1 – 5 have been issued. A report addressing resolution 6 will be submitted to Council on 11 November 2009.</p>

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

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
Q045 – Cabbage Tree Harbour Surveillance <i>Council staff advise the cost to date of maintaining surveillance/security at Cabbage Tree Harbour and when this surveillance is expected to conclude?</i>	22 July 2009 Cr Eaton	Response included in this business paper.
Q49/09 – Timeline Wyong Employment Zone <i>“What timeline are Council staff giving to potential developers in the WEZ?”</i>	26 August 2009 Cr Matthews	Response included in this business paper.
Q50/09 – Provisions of Services to Facilitate Wyong Employment Zone <i>“What are the current expectations for the provisions of water, sewerage and other services to facilitate this development, in relation to the WEZ?”</i>	26 August 2009 Cr Matthews	Response included in this business paper.
Q53/09 – Tsunami Evacuation Location <i>“Could information be added to the Council website on locations within Wyong Shire that people should evacuate to in the event of a tsunami warning?”</i>	9 September 2009 Cr Webster	Response included in this business paper.
Q54/09 Cabbage Tree Harbour Toe Drainage Project <i>“Could staff provide a detailed Councillor update regarding Cabbage Tree Harbour toe drainage project and legal matters on the cliff top?”</i>	9 September 2009 Cr McNamara	Response included in this business paper.
11.1 – Notice of Motion – Review of the Code of Meeting Practice <i>1 That a comprehensive review of the Code of Meeting Practice be undertaken, including a briefing and a subsequent report provided to Council.</i> <i>2 That Council offer an orientation to the Council Chamber and familiarisation with the Code of Meeting Practice/Meeting Procedure including mock debate to new Councillors.</i>	10 June 2009 Cr McBride / Cr Best	Response included in this business paper.
10.5 – Notice of Motion – Code of Meeting Practice <i>1 That Council incorporate into the proposed review of its Code of Meeting Practice an amendment to enable a Councillor to request a development application under Part 4 or an assessment under Part 5 be reported to a meeting of Council for determination.</i> <i>2 That Council determine the above provisions following a review of the relevant provisions currently in place at adjoining Councils.</i> <i>3 That this proposal require the application be made by a minimum of two Councillors.</i> <i>4 That the review consider the number of submissions required to automatically trigger a report to Council.</i>	8 July 2009 Cr Symington / Cr McBride	Response included in this business paper.

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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
<p>10.7 – Notice of Motion – Activities of the Rural Fire Services RFS</p> <p>1 That Council recognise and thank the some 500 Rural Fire Service (RFS) volunteers for their outstanding contribution to our community.</p> <p>2 That, with the fire season nearing, Council receive a report on the broader operational activities of the RFS and their preparedness to respond to what may be a most challenging bush fire season.</p>	<p>12 August 2009 Cr Best / Cr Vincent</p>	<p>Response included in this business paper.</p>

ATTACHMENTS

Nil.

9.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/07714-03 - D02007873

AUTHOR: SJD

9.1 Q49 - Timeline Wyong Employment Zone & Q50 - Provisions of Services to Facilitate Wyong Employment Zone

The following questions were asked by Councillor Matthews at the Ordinary Meeting on 26 August 2009:

"What timeline are Council staff giving to potential developers in the WEZ?"

"What are the current expectations for the provisions of water, sewerage and other services to facilitate this development, in relation to the WEZ?"

The response to these two Questions Without Notice which relate to the Wyong Employment Zone (WEZ) has been combined below.

TIMELINE FOR DEVELOPMENT IN THE WEZ

The question of what timelines are being given to potential developers can only be answered with a number of qualifications as it is dependent on which particular part of the WEZ is being discussed and what issues are required to be resolved before development is approved. A map showing the different parts of the WEZ is provided in the attachment.

General issues

State Environmental Planning Policy (SEPP) (Major Projects), 2005 (Amendment No 21) requires any new industrial development in the WEZ to have a Section 94 Contribution Plan and Development Control Plan (DCP) in place before a development consent is granted.

Council is currently working with the Department of Planning to resolve their concerns relating to affordability of contributions in the WEZ. The Department has requested a 20-30% reduction in WEZ contributions, however, Council believes there is little ability to reduce contributions below current rates. The Draft Contribution Plan cannot be finalised/adopted without the Department's authority. It is anticipated that a contributions plan will be adopted in early 2010.

The WEZ DCP has been drafted and is ready to be adopted, however, in order to ensure consistency between the WEZ DCP and Section 94 Contribution Plan, both of these documents need to be endorsed by Council concurrently.

These documents must be adopted by Council before Council can consent to development applications within certain parts of the WEZ. It should also be noted that proponents have the option of entering into a Voluntary Planning Agreement (VPA) with Council in lieu of a Section 94 Contribution Plan being in place.

In late January 2009 the Department of Planning (DOP) asked Council to review its draft Contribution Plan for the WEZ with a view to reducing contributions by 20-30% in order to provide a better return for developers. At the same time, the State Government imposed a new State Infrastructure Contribution (SIC) of \$91,000 per hectare on the WEZ. Council's review is still ongoing, and needs to be finalised before the WEZ Section 94 Contribution Plan and DCP is finalised. The Roads and Traffic Authority (RTA) has also not yet accepted its apportioned share (as proposed by Council) of the costs of upgrading the intersections along Sparks Road. This issue needs to be resolved before the Section 94 Contribution Plan for the WEZ can be finalised.

The Department of Environment, Climate Change and Water (DECCW) is withholding biodiversity certification for the project pending an internal legal review of this process across NSW. A draft Management Plan has been prepared for conservation areas within the WEZ, but this cannot be finalised until DECCW provides guidance on what changes (if any) are needed to obtain biodiversity certification. The WEZ is likely to receive biodiversity certification, but not until sometime in 2010 on present indications.

There is no reason why development applications could not be lodged once the Section 94 Contribution Plan and DCP are in place (with/without biodiversity certification providing the site does not have significant biodiversity challenges).

Warnervale Industrial Estate (existing)

The existing Warnervale Industrial Estate already has a DCP and a Section 94 Contribution Plan in place. Development in the part of this WEZ is presently happening and has been for a number of years. For example, the Woolworths Distribution Centre and Bluetongue Brewery are already located within this part of the WEZ.

The Warner Industrial Park (WIP)

The Warner Industrial Park (WIP) is undergoing a separate approval process through the Part 3A Assessment process with the Minister for Planning. Proposals for the development of Precinct 14 within the WEZ for the purposes of an Industrial Park (Warnervale Industrial Park) are currently being reviewed by the DOP. Precinct 14 is likely to receive Concept and Project Approval by the Minister of Planning by late 2009 or early 2010. If this occurs, site work might commence in the WIP in 2010. A separate DCP will apply to this site and a Voluntary Planning Agreement (VPA) is in the process of being negotiated with Council and the applicant, which will have the same function as a Section 94 Contribution Plan. The DCP which will regulate development on this site will be a State DCP which means that it must be endorsed by the Minister for Planning.

Other parts of the WEZ

Property owners in the WEZ have been advised that Council is not able to consider development applications for most forms of development until such time that a DCP and Section 94 Contribution Plan (or appropriate VPA) is in place.

It should be noted that Council staff have been in discussions with a number of landowners concerning the lodgement of preliminary development applications in order to provide early feedback on development proposals. Discussions have occurred with certain land owners fronting Sparks Road and Mountain Road, Halloran in the WEZ in response to development enquiries.

PROVISION OF SERVICES TO FACILITATE DEVELOPMENT IN WYONG EMPLOYMENT ZONE

The main infrastructure items which are required to service development within the WEZ are provided below.

Trunk Water and Sewer

The Warnervale Industrial Estate is already serviced by water and sewer. However the remainder of the WEZ is unserviced. Construction work on trunk water and sewer will commence in 2010. Council has contractual commitments for investigation and design of water and sewer infrastructure to service the WEZ. The Part 5 application for the WEZ water main has been lodged and is under assessment. The Part 5 application for the WEZ sewer main is expected to be lodged shortly. No construction contracts are yet in place.

Tendering and construction of the water and sewerage infrastructure for the WEZ will take approximately 10 months. Council will monitor progress of the development of the land to trigger the need to call tenders for the infrastructure. Both of these developments will require access to water and sewerage during 2010 on present indications. Developer contribution funds are available to complete investigation, design and planning approval and undertake construction at the appropriate time.

Stormwater Harvesting

The Porters Creek Stormwater Harvesting Scheme was developed to protect Porters Creek Wetland from the effects of urbanisation. The urbanisation of the Porters Creek catchment with hard paved surfaces and roofs will increase water runoff into local waterways and Porters Creek Wetland. The increased volume and lower quality of water has the potential to significantly affect waterway and wetland health. The scheme seeks to capture, treat and reuse excess water. Any excess stormwater above predeveloped conditions is proposed to be diverted away from the Porters Creek wetland.

This scheme requires significant up front capital expenditure to construct major pump stations and pipelines which connect and discharge excess water into Wyong River. However, much of this capacity will not be used for a number of years as full development of the WEZ will take a significant amount of time to achieve. Financially, the scheme will allow staged construction to align with development as it occurs.

Current planning indicates that Precinct 14 will be the first area connected to the scheme with infrastructure expected to be in place by mid 2011. The current programme is seeking to achieve this timeline. Other development within the Porters Creek catchment located west of Link Road will be able to progressively connect into the major stormwater re-use pipeline, which will be located adjacent to the F3 freeway, which will service Precinct 14 and other parts of the WEZ.

Interim stormwater treatment provisions will be applied to new development as part of the WEZ Integrated Water Cycle Management (IWCM) Strategy which will enable 50% of the developable industrial land to be released in the WEZ prior to it being connected to the Porters Creek IWCM Scheme. However, this will mean that development of the remainder will need to be limited until the scheme is operational. This has been done to allow some development to proceed without all of the infrastructure being in place to implement the scheme in full.

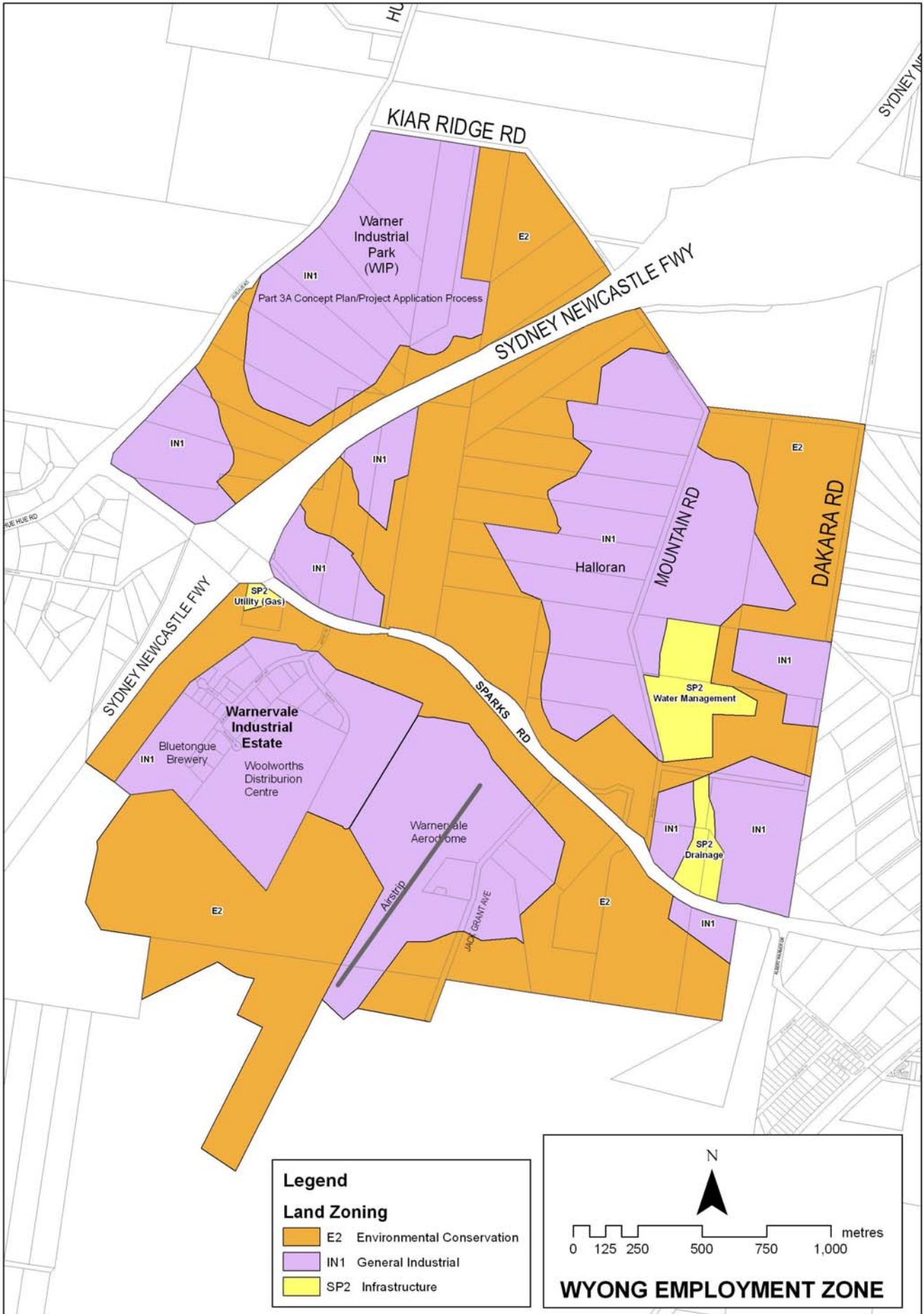
Traffic and Intersection Upgrades

A number of intersections along Sparks Road will require upgrading to provide a safe and adequate level of service for future development in the WEZ. The timing of intersection upgrades will be determined by the timing of the development accessing the respective roads. The RTA has not yet accepted its apportioned share (as determined by Council) of the costs of upgrading the intersections.

There is also uncertainty as to the extent of works the State Government will fund through the SIC. Council is attempting to resolve these issues and a number of high level meetings have been held in an attempt to achieve this with representatives from the RTA, DOP and the NSW Premier's Department. This issue needs to be resolved before Council's Section 94 Contributions Plan can be finalised.

ATTACHMENTS

- 1 WEZ - Warnervale Industrial Park - Part 3A D02025391



9.2 Answers to Question Without Notice

TRIM REFERENCE: F2008/02556 - D02007986

AUTHOR: ML

9.2 Q51 - Status of Current Projects through Federal Funding

The following question was asked by Councillor Webster at the Ordinary Meeting on 26 August 2009:

“Could staff advise on the status of the current projects funded by the first round of the federal funding which are due to be completed by the end of September?”

BACKGROUND

At the Ordinary Meeting held 10 December 2008 Council endorsed five projects to be undertaken using Federal Infrastructure Grant program funds of \$1.53M incl GST (\$1.39M excl GST). All projects were required to be completed by 30 September 2009.

PROJECTS

The status of the five projects is summarised below. Detailed designs and any necessary approvals were arranged during the first half of 2009, with construction programmed from June to September for most projects. All monetary figures shown exclude GST.

The official opening dates for the projects are currently being arranged with the Federal Government and are likely to be in October and November 2009.

Canton Beach Playground

The total budget allocated for the Canton Beach Playground project is \$553,000 through Federal Government and Local Government funding. This comprises \$473,000 Federal grant funds with \$30,000 from Holiday Parks, \$3,000 from Cultural Planning, \$30,000 from Open Space Playground program and \$17,000 from Water and Sewerage funds for pump station maintenance.

The main playground area works were completed by the beginning of October. The opportunity was taken to also upgrade associated areas such as the toilet block, roadworks and general landscaping using Council funds. These will be completed before the official opening on 24 October 2009.

New Toilet Block at Saltwater Creek Reserve

The total budget allocated for the new toilet block at Saltwater Creek Reserve is \$90,909 from Federal grant funds.

The new toilet block building was available for use at the beginning of October. Connecting pathways were also provided to the carpark and playground. The existing toilet block was programmed for removal following the opening of the new facilities.

9.2 Q51 - Status of Current Projects through Federal Funding (contd)

Six New Netball Courts at Baker Park, Wyong

The total project budget for the construction of the six new netball courts at Baker Park, Wyong is \$704,000. The total budget has been obtained by Federal grant funds of \$364,000 with \$200,000 from Wyong Netball Association, \$100,000 from State Government and \$40,000 from Council.

The site foundations have proved to be difficult with numerous soft spots requiring remediation. Wet weather and soft spots have delayed the project and increased costs.

The concrete courts and goalposts for all courts were completed by the beginning of October, with final court surface and linemarking to be applied following a curing period for the courts. The Federal Government has been advised of the slight delay to full project completion. The official opening of the courts is expected to be 28 November 2009.

Shared Pathway at Mannering Park

The total project budget for this section of the shared pathway system is \$235,000 (Federal grant funds.)

900 metres of shared pathway were completed and available for use by the beginning of October. Establishment of restored turf areas will continue as required.

Shared Pathway at Buff Point

The total project budget for the shared pathway section at Buff Point is \$250,000 (Federal grant funds.)

Approximately 200 metres of pathway were completed by the beginning of October including 70 metres of elevated boardwalk. This area presented a number of challenges due to the thick weed cover and steep slopes. Establishment of landscaping works will continue as required.

CONCLUSION

Final dates for the official opening of all projects will be dependent on the Federal Government confirming the suitability of three possible dates offered by Council for each project. Some dates have already been accepted.

These projects have required close co-ordination and co-operation between staff, contractors and the community through all phases of final design, approval and construction. The projects will provide the community with valuable assets to improve recreation and lifestyle opportunities.

ATTACHMENTS

Nil.

9.3 Answers to Question Without Notice

TRIM REFERENCE: F2004/00210 - D02029400

AUTHOR: ED

9.3 Q53/09 Tsunami Evacuation Location

The following question was asked by Councillor Webster at the Ordinary Meeting on 9 September 2009:

“Could information be added to the Council website on locations within Wyong Shire that people should evacuate to in the event of a tsunami warning?”

NSW has a State Disaster Plan and the Tsunami Emergency Plan is a sub plan of that Disaster Plan. The State Emergency Rescue Act and the SES Act allows for sub plans which have the force of law and can be enacted at any time. The Sub Plan details how the SES communicates this to the community.

The SES has advised that any response would be divided into three groups – pre event (warning and preparation), during (how resources are managed) and post event (issue of all clear which is the responsibility of SES).

The likely warning of a tsunami hitting our coast from South America is 15 hours which gives time to prepare, but from the continental shelf could be as little as 30 minutes or if further afield could be 90 minutes to three hours.

The State Emergency Services Regional Controller and staff from Department of Community Services are reluctant to identify on the web specific sites for evacuation in the event of a tsunami due to the need to assess the event as it occurs. The general advice is that locations should be well outside the expected impact area, 1km from the coast and 10m or more above sea level. The suggestion is that the information in the Tsunami plan, eg move to higher ground, second story etc would be the best information to add to the web site together with the advice to listen to ABC radio for identified evacuation sites should an evacuation be required.

ATTACHMENTS

Nil.

14 October 2009
To the Ordinary Meeting

Director's Report
Councillor

10.1 Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial

TRIM REFERENCE: F2007/00876 - D02034305

AUTHOR: GB

Councillors Best and Webster have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

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

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

TRIM REFERENCE: RZ/7/2004 - D02034331

AUTHOR: GB

Councillor Best has given notice that at the Ordinary Meeting to be held on 14 October 2009 he will move the following Motion:

- "1 That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now report what progress has been made, outlining key issues for resolution and indicative timeframes.*

- 2 That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah."*

10.3 Notice of Motion - Popularly Elected Mayor

TRIM REFERENCE: f2004/06511 - D02034367

AUTHOR: GB

Councillors Best and Eaton have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

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

GENERAL MANAGER'S NOTE

On 28 May 2008, Council;

“RESOLVED on the motion of Councillor Stewart and seconded by Councillor Graham:

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

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

AGAINST: COUNCILLORS BEST, EATON AND ROSE.”

Given the newly elected Council and the need for a substantial number of high priority briefings, this issue is yet to be scheduled.

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

TRIM REFERENCE: F2004/08072 - D02034514

AUTHOR: BS

Councillors Symington and Wynn have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

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

10.5 Notice of Motion - Grants Submissions

TRIM REFERENCE: F2004/06321 - D02034708

AUTHOR: EM

Councillors McBride and Matthews have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

- "1 That a Councillor briefing be conducted on Grants Submissions; considering but not limited to the status of current Federal Infrastructure Grants.*
- 2 That a register of Council grant applications to external bodies be developed and made available on the Wyong Shire Council intranet. That this register indicate the current status of applications (ie submitted, pending, successful, unsuccessful) and the grant submission."*

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

TRIM REFERENCE: F2004/06963 - D02034730

AUTHOR: SW

Councillors Wynn and McBride have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

- "1 That Council stop purchasing bottled water and provide instead jugs of filtered water and glasses.*
- 2 That the cost savings and environmental benefits be reported to Council."*

14 October 2009
To the Ordinary Meeting

Director's Report
Councillor

10.7 Notice of Motion - Public Relations Costs Review

TRIM REFERENCE: F2004/00040 - D02034741

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 14 October 2009 he will move the following Motion:

“That staff Report on current costs of public relations/communication and dedicated staff resources efficiency and potential savings.”

14 October 2009
To the Ordinary Meeting

Director's Report
Councillor

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

TRIM REFERENCE: F2004/07558 - D02034745

AUTHOR: DE

Councillors Eaton and Matthews have given notice that at the Ordinary Meeting to be held on 14 October 2009 they will move the following Motion:

“That Council write to the Minister for Community Services requesting the Minister to review the Department of Community Services’ decision to restrict child care trainees to over 18 years, discriminating against Year 10 and 11 potential trainees.”