



Wyong Shire Council, Wyong Chamber, Wyong Race Club and Central Coast Tourism had the pleasure of presenting a cheque at the winners post for more than \$1,600 to Camp Breakaway to help them continue their great work supporting families. The money was raised as part of the famous Emirates Melbourne Cup Trophy tour of Wyong Shire. Pictured L-R: Karen McLean (Wyong Chamber), Chris King (Central Coast Tourism), Dawn Caplin (Camp Breakaway), Daniele Siviero (Council), Tony Drew (Wyong Race Club) and Leanne Dyer (Central Coast Tourism)

Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

10 October 2012

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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber,**  
**Wyong Civic Centre, Hely Street, Wyong** on  
**Wednesday 10 October 2012 at 5.00 pm,**  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

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**8 QUESTIONS ON 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.

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2012/00026 - D03138945

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

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 Proposed Inspections and Briefings

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TRIM REFERENCE: F2012/00026 - D03138947

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### SUMMARY

There were no inspections scheduled for the 5 October 2012.

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

Date	Briefing Title/ Description	Presented by
10 October 2012	Integrated Planning and Induction introduction	Integrated Planning Staff
10 October 2012	Committee Review	Director Corporate Services
10 October 2012	Financial Statements 2011/12 presented by CFO	Chief Financial Officer
10 October 2012	Full introduction CCWC for the new Council	General Manager

### RECOMMENDATION

*That Council receive the report on Proposed Inspections and Briefings.*

### ATTACHMENTS

- 1 Proposed Briefing Schedule - 10 October 2012      D03144390

PROPOSED DATE	If more than 30mins required state duration	Briefing Title	Director	STAFF PRESENTING
10-Oct-12	<b>2hrs</b>	Integrated Planning and Induction introduction	Corporate services	
10-Oct-12	<b>1hr</b>	Financial Statements 2011/12 presented by CFO	Corporate Services	Stephen Naven
10-Oct-12	<b>1hr</b>	Full introduction CCWC for the new Council	Corporate Services/GM unit	Michael Whittaker
24-Oct-12		Frank Ballance Park Design	Environment and Planning Services	Paul Bowditch / Ana Lage
24-Oct-12		Service Standards Review Update	Community & Recreation Services	Maxine Kenyon / Darryl Rayner
24-Oct-12		Former Mardi Landfill Remediation	Infrastructure Management	David Witherdin / Norm Yeend
24-Oct-12		S94 Exemption for Secondary Dwellings	Environment and Planning Services	Martin Johnson / David Kitson
24-Oct-12		Options for the Deferred Payment of S94 Contributions	Environment and Planning Services	Martin Johnson / David Kitson
24-Oct-12		LIRS loan	Corporate Services	Stephen Naven
<b>7th Nov</b>	<b>full day (Inc in Clr induction schedule)</b>	<b>Operational Services Review</b>	<b>corporate services</b>	
14-Nov-12		Porters Creek Floodplain Risk Management Plan	Infrastructure Management	Robert Fulcher
14-Nov-12		Dart Energy - Presentation to Council	Infrastructure Management	Greg McDonald
28-Nov-12		Industrial Land and employment Lands study - Prior to exhibition	Environment and Planning Services	Martin Johnson / Scott Duncan
28-Nov-12		Retail Strategy Review	Environment and Planning Services	Martin Johnson / Chris Ferry
28-Nov-12		Q1 Report - Strategic Plan and Financial Update - presented by GM	Corporate Services	
Nov		Media and Communications Protocol	Community & Recreation Services	Janine Crawford/Sue Ledingham
Nov		mid year performance review	Corporate Services	MHK

PROPOSED DATE	If more than 30mins required state duration	Briefing Title	Director	STAFF PRESENTING
Oct/Nov		Tuggerah Lakes Floodplain Risk management Study and Plan	Infrastructure Management	Robert Fulcher
<b>5th Dec</b>	<b>full day (Inc in Clr induction schedule)</b>	<b>Capital Expenditure Proposals – 1st stage consideration-Business Strategies going forward</b>	<b>corporate services</b>	
12-Dec-12		RMS - Pacific Highway Upgrade	Infrastructure Management	Bob Burch
12-Dec-12		Precincts	Community & Recreation Services	Julie Vaughan
12-Dec-12		Toukley Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Gary Hamer
12-Dec-12		Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Chris Ferry
12-Dec-12		Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services	Martin Johnson
12-Dec-12		plan of management central coast caravan parks	Community & Recreation Services	Tara Mills
12-Dec-12		Customer Service Charter	Community & Recreation Services	Sue Ledingham
		Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services	Brian Glendenning/Martin Johnson/Rod Mergan
		Azzurro Blu Lease	GM unit/Corp Services	Brian Glendenning/Brett Phillips



### **1.3 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2012/00026 - D03138949

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 22 August 2012 and Extraordinary Meeting held on 3 October 2012.

#### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 August 2012 and the Extraordinary Meeting of Council held on 3 October 2012.***

#### **ATTACHMENTS**

- |   |  |                     |
|---|--|---------------------|
| 1 | MINUTES - Ordinary Meeting - 22 August 2012      | D03108686           |
| 2 | MINUTES - Extraordinary Meeting - 3 October 2012 | Enclosure D03150025 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 22 August 2012  
COMMENCING AT 5:00 PM**

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**PRESENT**

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews (arrived at 5.21 pm), E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Development Assessment, Manager Land Use Planning and Policy Development, Communications and Marketing Coordinator and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.05 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

The Mayor announced that tonight was the last meeting for three councillors – Councillor Emma McBride, Councillor John McNamara and Councillor Bill Symington have chosen not to stand for re-election in the Wyong Shire local government elections on September 8, 2012. In the Mayor's end of Term comments, he acknowledged all three retiring councillors for being great contributors to the Council.

The Mayor also thanked the General Manager and staff for all their efforts over the last four years and highlighted major achievements for the Term. In particular, he said he was very proud of Council's achievements in building the \$120 million Mardi Mangrove Link to provide water security for the region; establishing the Central Coast Water Corporation; providing new sporting facilities at Hamlyn Terrace and Bateau Bay; building two new surf clubs; progress towards establishing the Warnervale Town Centre; improving financial viability for Council; and the environmental progress and riparian restoration of our creeks and lakes under the Estuary Management Plan (EMP).

The General Manager advised that Wyong Shire Council received a commendation from The Honourable Simon Crean, Minister for Regional Australia, Regional Development and Local Government acknowledging the Council's significant contribution to the Coastal Management Plan. The commendation was presented to Council by the General Manager.

The Director Community and Recreation advised that Council was presented with the final full colour photographic book Coastal Paradise Revealed, showcasing the wonderful coastal landscapes of our region, a project sponsored by Council. The resulting coffee table book coordinated by Ken Duncan includes stunning images by professional and amateur local photographers and is seen as a great opportunity to market and showcase the Wyong region for tourism.

The Mayor acknowledged Mr Grant Mc Bride, former Member for The Entrance, and his wife, who were in attendance at the meeting.

## **APOLOGIES**

There were no apologies.

At the commencement of the ordinary meeting report nos 5.9, 2.1, 2.2, 2.3, 2.4 and 2.5 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**

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#### **4.1 NSW Local Infrastructure Renewal Scheme – Successful Application For A 4% Loan Interest Subsidy**

Councillor McNamara declared a pecuniary interest in the matter for the reason that he lives adjacent to the Warnervale Road construction location, left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.54 pm.

#### **7.1 Notice Of Motion – Insurance Risk Briefing**

Councillor Matthews declared a pecuniary interest in the matter for the reason that she has been personally affected by a change in insurance premiums, left the chamber at 7.38 pm, took no part in discussion, did not vote and returned to the chamber at 8.10 pm.

#### **7.1 Notice Of Motion – Insurance Risk Briefing**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he lives in an area that may be affected and participated in consideration of this matter.

Councillor Best stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because it is a Shire Wide issue.”*

#### **7.2 Notice Of Motion – Disability Friendly Miniature Train Railway**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that Delta Electricity is referred to in the Mannering Park Precinct Committee correspondence and he is an employee of Delta Electricity and participated in consideration of this matter.

Councillor Vincent 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 not advocating that the mini train system go on a Delta Electricity site, but rather the staff facilitate the Northern Lakes Disability Tourism Committee and the Pioneer Diary Model Railway Group to find a suitable site somewhere in the Shire.”*

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

**134/12 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

### **SUSPENSION OF MEETING PRACTICE**

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

**135/12 That Council allow meeting practice to be varied.**

**136/12 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

**137/12 That Council adopt the recommendations contained in the remaining reports, with the exception of report numbers 2.1, 2.2, 2.3, 2.4, 2.5, 4.1, 4.3, 4.5 5.2, 5.9, 5.12, 7.1 and 7.2**

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

AGAINST: NIL

### **1.2 Proposed Inspections and Briefings**

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

**138/12 That Council receive the report on Proposed Inspections and Briefings.**

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

**139/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 August 2012.**

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**1.4 Address By Invited Speakers**

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

**140/12 That Council receive the amended report on Invited Speakers.**

**141/12 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

**142/12 That Council consider the following items simultaneously:**

**Item 2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale**

**Item 2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay**

**Item 2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi**

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

AGAINST: NIL

**2.1 DA 501/2012 - Proposed Detached Secondary Dwelling at Warnervale**

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

**143/12 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report which has been amended to remove the condition regarding Section 94 Contributions.**

**144/12 That Council request the General Manager to advise those who made written submissions of Council's decision.**

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

AGAINST: NIL

**2.2 DA 531/2012 - Proposed Detached Secondary Dwelling at Bateau Bay**

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

**145/12 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report which has been amended to remove the condition regarding Section 94 Contributions.**

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

AGAINST: NIL

**2.3 DA 589/2012 - Proposed Detached Secondary Dwelling and Carport at Mardi**

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

- 146/12 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report which has been amended to remove the condition regarding Section 94 Contributions.
- 147/12 That Council request the General Manager to advise those who made written submissions of Council's decision.

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

**2.4 DA 51/2012 - Additions and Alterations to Existing Dwelling at Mardi**

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

- 148/12 That Council grant consent subject to conditions 1 – 13 as set out in attachment 2 to Item 2.4 DA 51/2012 - Additions and Alterations to Existing Dwelling at Mardi and having regard to the matters for consideration detailed in 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 149/12 That Council request the General Manager to advise the Department of Primary Industries, Catchment and Lands of Council's decision.

**The MOTION was CARRIED** the casting vote of the Mayor.

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

**2.5 State Government "Green Paper" on new Planning Legislation**

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

- 150/12 That Council request the General Manager to lodge a formal submission to the Director General of the Department of Planning and Infrastructure in response to the Green Paper, "A New Planning System for NSW", in accordance with the matters raised in this report and the draft submission to be finalised in accordance with Council's comments.

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

**3.1 Proposed Sale of Lot 1 DP 31313 at 2 Cambridge Circle, Ourimbah**

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

- 151/12 That Council authorise the sale of Lot 1 DP 31313, No. 2 Cambridge Circle, Ourimbah to Mr David Bews for \$42,000 ex gst.
- 152/12 That Council note the offer is consistent with the estimated market value of the property as already determined by a qualified registered valuer at Council's request.
- 153/12 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.
- 154/12 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

**4.1 NSW Local Infrastructure Renewal Scheme - Successful Application for a 4% Loan Interest Subsidy**

---

Councillor McNamara declared a pecuniary interest in the matter for the reason that he lives adjacent to the Warnervale Road construction location, left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.54 pm.

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

- 155/12 That Council delegate authority to the Mayor and General Manager to accept the loan offer and execute the associated contracts under the NSW Local Infrastructure Renewal Scheme for;
- a the interest rate subsidy for the Warnervale Road Culverts Project, with a total project value of \$3,200,000
- b the interest rate subsidy for the Local Roads Pavement Renewal Program, with a total project value of \$5,180,000.
- 156/12 That Council thank the NSW Government for the NSW Local Infrastructure Renewal Scheme through the local Members of Parliament and the Minister for the Central Coast.

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

AGAINST: NIL



**4.2 2013-17 WSC Strategic Planning - Councillor Engagement Process**

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

**157/12 That Council endorse the 2013-17 Strategic Plan Councillor engagement Calender for the consideration of the Incoming Council.**

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

AGAINST: NIL

**4.3 2011-15 Strategic Plan - June Quarter Review**

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Councillor Vincent left the chamber at 7.01 pm and returned to the chamber at 7.03 pm during consideration of this item.

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

**158/12 That Council receive the fourth Quarterly Review Report on progress against the WSC 2011-15 Strategic Plan.**

**159/12 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**

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

AGAINST: NIL

**4.4 Amendment of Statement of Borrowings**

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

**160/12 That Council resolve to amend the Statement of Borrowings in the strategic plan to borrow loan monies in accordance with the NSW Local Infrastructure Renewal Scheme for:**

**a the Warnervale Road Culverts Project, with a total project value of \$3,200,000 requiring loan borrowings of \$3,200,000**

**b the Local Roads Pavement Renewal Program, with a total project value of \$5,180,000 requiring loan borrowings of \$3,930,000.**

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

AGAINST: NIL

**4.5 Committee Review**

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

- 161/12 ***That Council receive the report on Committee Review.***
- 162/12 ***That Council recommend to the incoming Council of 2012 – 2016 an increased governance focus and working effectiveness through a wider use of Council Committees.***
- 163/12 ***That Council recommend to the incoming Council of 2012 – 2016 a consistent and transparent methodology for the purpose and establishment of committees.***
- 164/12 ***That Council recommend to the incoming Council of 2012 – 2016 that Committee charters are standardised particularly in respect of management and governance obligations.***
- 165/12 ***That Council recommend to the incoming Council of 2012 – 2016 that it require all Committees of Council to operate in accordance with Council's Code of Meeting Practice and other Groups in accordance with the Code of Meeting Practice unless varied by the General Manager.***
- 166/12 ***That Council recommend to the incoming Council of 2012-2016 a Committee Structure as outlined in the in the report in the table titled " Proposed Committee Structure".***
- 167/12 ***That Council recommend to the incoming Council of 2012-2016 the placement of existing and proposed groups as outlined in the report in the table titled "Existing and Proposed Groups" subject to the following:***
- a ***The inclusion of appropriate Advisory Groups that provide input to Strategic Committees (eg Community Environment Liaison Group, Cultural Advisory Group, Finance Advisory Group).***
  - b ***The proposed Heritage Advisory Group be categorised as a Statutory Committee.***
  - c ***The clarification of the number and naming of the Mining External Groups.***
  - d ***The confirmation of the status of the Handbrake Turn External Group.***

168/12 ***That Council recommend to the incoming Council of 2012-2016 the Strategic Finance Committee and the Environment Committee be discontinued and form part of the Strategic Corporate Committee and Strategic Environment and Planning Committee, respectively.***

169/12 ***That Council recommend that the incoming Council of 2012-2016 note that an appropriate Councillor Engagement Framework will be developed for the Water Corporation and the Joint Services Business.***

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

AGAINST: NIL

#### **4.6 Final Evaluation for Employee Assistance Program - Joint Tender 2012-15**

***Withdrawn – This Item was listed on the Agenda in error.***

#### **4.7 Funding Allocation for Surf Clubs**

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

170/12 ***That Council approve an allocation of \$234,612.00 for payment to the following surf clubs for refurbishment works:***

- North Entrance Surf Life Saving Club from \$86,154.00***
- The Entrance Surf Life Saving Club from \$86,064.00***
- Lakes Beach Surf Life Saving Club from \$62,393.00.***

171/12 ***That this adjustment be reported to Council through the quarterly review process.***

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

AGAINST: NIL

#### **5.1 Information Reports**

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

172/12 ***That Council receive the report on Information Reports.***

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

AGAINST: NIL

**5.2 CCWC/JSB Project Status Update - August 2012**

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Councillor Best left the chamber at 7.14 pm and returned to the chamber at 7.18 pm during consideration of this item.

Councillor Wynn left the chamber at 7.16 pm and returned to the chamber at 7.18 pm during consideration of this item.

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

**173/12 That Council receive and note the report on the CCWC/JSB Project Status Update - August 2012.**

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

AGAINST: NIL

**5.3 Report of the Central Coast Water Corporation**

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

**174/12 That Council note the report on the activities of the Report of the Central Coast Water Corporation.**

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

AGAINST: NIL

**5.4 Joint Water and Sewer Capital Projects**

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

**175/12 That Council receive the report on Joint Water and Sewer Capital Projects.**

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

AGAINST: NIL

**5.5 Works in Progress - Water Supply and Sewerage**

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

**176/12 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

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

AGAINST: NIL

**5.6 Central Coast Tourism Inc - Update**

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

**177/12 That Council receive the report on Central Coast Tourism Inc - Update .**

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

AGAINST: NIL

**5.7 Investment Report for July 2012**

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

**178/12 That Council receive the Investment Report for July 2012.**

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

AGAINST: NIL

**5.8 End of Financial Year Update on Section 94 Contributions**

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

**179/12 That Council receive the report on End of Financial Year Update on Section 94 Contributions.**

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

AGAINST: NIL

**5.9 Proposed Works on Private Land at Bruce Crescent, Wallarah**

Councillor McBride left the chamber at 6.17 pm and returned to the chamber at 6.20 pm during consideration of this item.

Ms Kylie Albanese, owner speaking against the item, addressed the meeting at 5.47 pm, answered questions and retired at 6.21 pm.

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

- 1 *That Council acknowledge the landowner's belief of a prior commitment to construct rock walls to alleviate stream bank erosion caused by Council's culvert on 380 Bruce Crescent, Warnervale.*
- 2 *That Council request the General Manager to report by the end of October 2012 on a basic rock structure to address erosion and ways to fund this within Council's budget.*

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

*That Council defer consideration of this item to allow further discussions with the property owners.*

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

FOR: COUNCILLORS GRAHAM, WEBSTER AND WYNN

AGAINST: COUNCILLORS BEST, EATON, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON AND VINCENT

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

***180/12 That Council acknowledge the landowner's belief of a prior commitment to construct rock walls to alleviate stream bank erosion caused by Council's culvert on 380 Bruce Crescent, Warnervale.***

***181/12 That Council request the General Manager to report by the end of October 2012 on a basic rock structure to address erosion and ways to fund this within Council's budget.***

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

AGAINST: COUNCILLORS GRAHAM, WEBSTER AND WYNN

**5.10 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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

**182/12 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

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

AGAINST: NIL

**5.11 Activities of the Development Assessment and Building Certification and Health Units**

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

**183/12 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units.**

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

AGAINST: NIL

**5.12 Wildlife Road Kill**

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

**184/12 That Council receive the report on Wildlife Road Kill.**

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

AGAINST: NIL

**5.13 Outstanding Questions on Notice and Notices of Motion**

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

**185/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

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

AGAINST: NIL

**7.1 Notice of Motion - Insurance Risk Briefing**

Councillor Matthews declared a pecuniary interest in the matter for the reason that she has been personally affected by a change in insurance premiums, left the chamber at 7.38 pm, took no part in discussion, did not vote and returned to the chamber at 8.10 pm.

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he lives in an area that may be flood affected and participated in consideration of this matter.

Councillor Best stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because it is a Shirewide issue."*

Councillor Vincent left the chamber at 7.43 pm and returned to the chamber at 7.44 pm during consideration of this item.

Ms Bev Weber, resident, speaking in favour of the item, addressed the meeting at 7.31 pm, answered questions and retired at 7.57 pm.

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

**186/12 That Council request the General Manager to arrange a briefing for the incoming Council on the wider community issues resulting from pressures on the insurance sector.**

**187/12 That Council request the General Manager to ensure the briefing includes coverage of the potential major insurance trends and the risks that will need to be addressed by residents and employers in the Shire.**

**188/12 That Council request the briefing to be held after the induction of the new Council.**

**189/12 That Council request the General Manager to make contact with the NSW Insurance Council to ascertain the facts on how premiums for flood prone properties are assessed.**

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

AGAINST: NIL



## 7.2 Notice of Motion - Disability Friendly Miniature Railway in the North of the Wyong Shire

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that Delta Electricity is referred to in the Mannering Park Precinct Committee correspondence and he is an employee of Delta Electricity and participated in consideration of this matter.

Councillor Vincent 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 not advocating that the mini train system go on a Delta Electricity site, but rather the staff facilitate the Northern Lakes Disability Tourism Committee and the Pioneer Dairy Model Railway Group to find a suitable site somewhere in the Shire."*

Councillor Webster left the chamber at 8.10 pm and returned to the chamber at 8.11 pm during consideration of this item.

Councillor Best left the chamber at 8.16 pm and returned to the chamber at 8.17 pm during consideration of this item.

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

- 190/12** That Council support in principle the Northern Lakes Disability Tourism Precinct Committee in its endeavours to establish a disability friendly miniature railway system in the north of the Wyong Shire.
- 191/12** That Council request the General Manager to investigate possible locations for installing a disability friendly miniature railway system in the north of the Shire, as identified by and in consultation with, the Northern Lakes Disability Tourism Precinct Committee and the Pioneer Dairy Model Railway Group.
- 192/123** That Council request the General Manager to prepare a report in response to the sites identified, outlining the feasibility of each site.

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

AGAINST: NIL

### QUESTIONS ON NOTICE

**Q30/12 Investigate Load Limit on Woodbury Park Drive, Mardi**  
**Councillor Doug Eaton**  
 F2008/03238

*"I have received representations from residents of Woodbury Park Drive, Mardi as to noises from the road cushions, particularly from heavy vehicles. To ameliorate this noise, can staff investigate placing a load limit, perhaps of 5 tonnes, to restrict heavy vehicle traffic on this road?"*

**Q31/12 Carbon Tax Impact on Rate payers**  
**Councillor Greg Best**  
F2011/01862

*“Mr General Manager, further to your staff report, item 4.3 of the 23 May 2012 meeting, staff highlight that the carbon tax will only directly add \$26.45 per annum to the rates. The report goes on to outline “however in real terms the impact on Wyong Shire Council (WSC) cost is estimated to be much higher as materials and services purchased from external suppliers take effect during the year, for example the nature of WSC business is such that significant components of purchase costs will be significantly affected by the tax and passed on to the Wyong Shire operational cost”...“Utility, fuel and energy costs will increase by \$1.9m”... “Waste management anticipated \$4.4m”... “Concrete and bitumen \$1.1m”... “Other indirect costs to suppliers \$4.0m”. These increases represent a huge “uncompensated” increase of \$11.4m to Council and the rate payers, could staff now please provide a new and updated assessment of likely budgetary impacts as a result of the carbon tax to our new 2012 council?”*

**THE MEETING** closed at 8.30 pm.

## **1.4 Address By Invited Speakers**

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TRIM REFERENCE: F2012/00026 - D03138952

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

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

## 2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong

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TRIM REFERENCE: DA/406/2012 - D03054352

MANAGER: Peter Fryar, Manager Development Assessment

AUTHOR: Jenny Webb; Senior Development Planner

### SUMMARY

An application has been received for a two (2) lot Torrens title subdivision of an approved dual occupancy development at No 44A Warner Avenue, Wyong. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This development application is being reported to Council as the applicant is a Councillor.

<b>Applicant</b>	Everitt and Everitt Consulting Surveyors
<b>Owner</b>	Gellamex Pty Ltd
<b>Application No</b>	DA/406/2012
<b>Description of Land</b>	Lot 1 DP 1046294, No 44A Warner Avenue, Wyong
<b>Proposed Development</b>	Subdivision of approved dual occupancy (2 Lot Torrens Title)
<b>Site Area</b>	924.3 m <sup>2</sup>
<b>Zoning</b>	2(a) Residential Zone
<b>Existing Use</b>	Vacant land with an approval for the construction of a detached dual occupancy

### RECOMMENDATION

***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***

### PRECIS

- Proposed Torrens title subdivision of approved dual occupancy development at Wyong.
- The dual occupancy was approved in September 2000 and although the dwellings have not been constructed, the development consent has not lapsed as works associated with the access driveway have been completed and accordingly the works constitute "physical commencement" of the consent.
- The proposed subdivision complies with the minimum lot size under Clause 42D of Wyong Local Environmental Plan 1991 (WLEP 1991).

## **2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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- The proposed subdivision complies with Wyong Development Control Plan (DCP) 2005 Chapter 66 – Subdivision.
- The site is flood affected although as the subdivision relates to an approved dual occupancy, it is considered to be compatible with the objectives and requirements of Council's Flood Prone Land Development policy.
- The owner of the land has been identified as a 'Designated Person'.

### **INTRODUCTION**

#### **The Site**

The site, known as Lot 1 DP 1046294 No 44A Warner Avenue, Wyong, is a battle-axe allotment located on the northern side of Warner Avenue, opposite the intersection with Boyce Avenue. The site is vacant other than boundary fencing and an access concrete driveway which have been constructed. The site is located within an established residential area, comprising mainly single detached dwelling-houses.

The property is fully flood affected by flood waters originating from Wyong River. The Lower Wyong River Floodplain Risk Management Plan (LWR FRMP) identifies the 1% AEP flood level at 2.65m AHD and assigns a flood hazard category of High Hazard Flood Storage. The site is also mapped as bush fire prone land.

#### **The Proposed Development**

The subject development application seeks consent for a 2 lot Torrens title subdivision of an approved detached dual occupancy. Once constructed, each lot would contain a dwelling house, including single garage and private open space. The vehicular access handle is proposed to be shared between both lots, with a right of carriageway and easement for services and easement to drain water also proposed.

Lot 10 is proposed to have an area of 451.8 m<sup>2</sup> and Lot 11 would have an area of 472.5 m<sup>2</sup>. Both proposed allotments comply with the minimum lot size required under WLEP 1991 for the 2(a) Residential Zone.

#### **Summary**

The proposed Torrens title subdivision reflects the approved dual occupancy and achieves the minimum lot size for subdivision of 450 m<sup>2</sup> for the 2(a) Residential Zone under clause 42D of WLEP 1991. The site is flood affected, although as the dual occupancy development has already been approved on the site, the subdivision is considered acceptable having regard for Council's Development of Flood Prone Land Policy and LWR FRMP. The application is recommended for approval subject to conditions of consent.

### **VARIATIONS TO POLICIES**

No variations are proposed.

### **HISTORY**

- In June 2000, three (3) development applications were lodged over Lot 1 DP 846054, No 44 Warner Avenue, being:

## 2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)

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DA/1829/2000 – detached dual occupancy

DA/1830/2000 – 2 lot subdivision

DA/1997/2000 – detached dual occupancy

- DA/1830/2000 for the subdivision of the site was approved and created Lots 1 and 2 in DP 1046294. DA/1829/2000 was approved for a dual occupancy on Lot 2 DP 1046294 (No 44 Warner Avenue) and has been constructed. DA/1997/2000 was approved for a dual occupancy on Lot 1 DP 1046294 (No 44A Warner Avenue). The subject development application proposes the subdivision of the dual occupancy approved under DA/1997/2000.
- DA/1997/2000 was due to lapse on 5 September 2002 if not commenced, although a one year extension was granted in March 2002, with the consent to lapse on 5 September 2003.
- Condition No 2 of DA/1997/2000 required the construction of a driveway and a Construction Certificate application for the driveway was lodged with Council on 28 August 2003 and was approved on 1 September 2003.
- Section 95(4) of the EP&A Act, 1979 states that:

*“Development consent for:*

- (a) the erection of a building, or*
- (b) the subdivision of land, or*
- (c) the carrying out of a work,*

*does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.”*

- A statutory declaration has been submitted, which states that the construction of the driveway began on 3 September 2003 in accordance with the Construction Certificate that was issued, which commenced the consent. As a consequence, works approved under the consent have been “physically commenced” and in accordance with the provisions of Section 95(4) of the EP&A Act.

### PERMISSIBILITY

The subject site is zoned 2(a) - Residential Zone under WLEP 1991 and development for the purpose of a detached dual occupancy remains permissible with consent. The proposed subdivision is considered to be ancillary to the approved dual occupancy and Clause 13 of WLEP 1991 states that a person shall not subdivide land to which this plan applies except with development consent.

Clause 42D of WLEP 1991 also specifically relates to subdivision of land within the 2(a) and 2(e) zones as follows:

*42D Residential subdivision—minimum lot sizes*

## **2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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*The Council shall not consent to the subdivision of land within Zone No 2 (a) or 2 (e) to create two or more allotments one or both of which, or a number of which, have an area of less than 450 square metres unless the consent:*

- (a) is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or*
- (b) in the case of land within Zone No 2 (a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same land and the subdivision will be carried out in conjunction with the dual occupancy development.*

The proposed subdivision will create two lots with proposed Lot 10 having an area of 451.8 m<sup>2</sup> and proposed Lot 11 having an area of 472.5 m<sup>2</sup>. As both proposed lots have an area of at least 450 m<sup>2</sup>, the proposal complies with clause 42D of WLEP 1991.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- State Environmental Planning Policy No 71 – Coastal Protection
- Wyong Local Environmental Plan 1991
- Wyong Development Control Plan 2005 Chapter 58 – Dual Occupancy
- Wyong Development Control Plan 2005 Chapter 66 – Subdivision
- Wyong Development Control Plan 2005 Chapter 70 – Notification of Development Proposals
- Council Policy F5 – Development of Flood Prone Land
- Lower Wyong River Floodplain Risk Management Plan

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **ASSESSMENT**

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

## **2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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

#### **State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71)**

The site is within the Coastal Protection Zone and therefore State Environmental Planning Policy (SEPP) No 71 applies to the development. However, given the minor nature of this application and the site's location away from the foreshore, the proposed subdivision would have no impact on the matters for consideration under Clause 8 of SEPP 71.

In addition, Clause 15 - Effluent Disposal and Clause 16 - Stormwater of SEPP 71 prevent Council from consenting to any development that will dispose of untreated effluent or stormwater. The proposed development is a subdivision of an approved dual occupancy and no untreated effluent or stormwater is proposed to be discharged as a result of the development. As the site is not within a "sensitive coastal location" as defined by SEPP 71, the provisions of Clause 18 relating to subdivision and the adoption of a masterplan by the Minister do not apply.

#### **Wyong Development Control Plan 2005 Chapter 66 – Subdivision**

Section 4.1.3(c) of DCP 2005 Chapter 66 states the following:

*"Land subdivision proposals for detached Dual Occupancy will be assessed in accordance with the design and layout of the approved Dual Occupancy development. The lot size will be determined by adequate services provided for each lot and adequate amenity and privacy for each dwelling".*

The proposed lot layout reflects the approved dual occupancy and allows for the dwelling-house, private open space and garage to be wholly located within each lot. Appropriate right of carriageways and easements for services and drainage are also proposed. Proposed Lot 10 has an area of 451.8 m<sup>2</sup> and proposed Lot 11 has an area of 472.5 m<sup>2</sup>, which complies with the minimum lot size specified under Clause 42D of WLEP 1991.

#### **Wyong Development Control Plan 2005 Chapter 58 – Dual Occupancy**

Section 2.1.2 of DCP 2005 Chapter 58 lists requirements for applications seeking subdivision of dual occupancy housing. The subject application has been accompanied by the necessary documents including proposed plan of subdivision; compliance with the approved development on site; and details of proposed and existing easements and rights of carriageway. The application was also accompanied by a Bush Fire Assessment Report as the site is identified as being bush fire prone.

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

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

The proposed subdivision of the approved dual occupancy would have no impact on the regional and local context and setting.

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

The access handle is proposed to be shared between both lots and the proposed subdivision includes the creation of the necessary right of carriageway. The right of carriageway will



## **2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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allow for legal access to each lot as well as providing suitable manoeuvring areas for vehicles on site.

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

There would be no additional impact on the public domain caused by the proposed subdivision of an approved dual occupancy.

### ***The impact on utilities supply.***

The proposed subdivision would not increase the demand on utilities supply and appropriate easements for services, drainage and sewer are included on the plan of subdivision.

### ***The effect on heritage significance.***

There are no heritage items within the vicinity of the site.

### ***Any effect on other land resources.***

The proposed subdivision would have no impact on other land resources.

### ***Any impact on the conservation of water.***

The proposed subdivision of an approved dual occupancy would have no impact on the conservation of water.

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

The proposed subdivision of an approved dual occupancy would have no impact on the conservation of soils or acid sulphate soils.

### ***Any effect on quality of air and microclimate conditions.***

The proposed subdivision of an approved dual occupancy would have no impact on air quality and microclimate conditions.

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

The proposed dual occupancy subdivision would have no impact on flora and fauna.

### ***The provision of waste facilities.***

The waste collection arrangements for the approved dual occupancy development would be unchanged by the proposed subdivision.

### ***Whether the development will be energy efficient.***

The proposed subdivision would not have any impact on energy efficiency.

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

The proposed subdivision would not be a source of noise or vibration.

## 2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)

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***Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).***

### ***Bush Fire Prone Land***

The site is identified as being Bush Fire Prone Land as it is located within 100 metres of a wetland and drainage reserve to the south of Warner Avenue. As the proposed subdivision relates to residential land, the application is 'integrated development' as it requires a Bush Fire Safety Authority to be issued by the Rural Fire Service (RFS) under section 100B of the Rural Fires Act 1997. The RFS have assessed the application and issued the Bushfire Safety Authority, subject to conditions.

### ***Flood Prone Land***

The property is fully flood affected during a design 1% AEP flood event by flood waters originating from Wyong River. The LWR FRMP identifies the 1% AEP flood level at 2.65m AHD and assigns a flood hazard category of High Hazard Flood Storage.

The affects of predicted sea level rise are anticipated to increase flood levels applicable to the site incrementally over time. Sea level rise has the ability to affect flood levels by increasing the starting water level. The NSW State Government has published various guidelines, which mandate the use of sea level rise benchmarks to consider affects of sea level rise upon flood levels. The upper benchmark of 0.9 metre rise is considered to be applicable to the proposed development, which has the affect of altering the source and severity of flooding.

Considering sea level rise benchmarks, the development is considered to be fully flood affected by flood waters originating from Tuggerah Lakes with a 2100 1% AEP flood level of 3.1m AHD. The differing source and severity of flooding does not alter the flood hazard category of High Hazard Flood Storage. The development controls under Council's Flood Prone Land Development policy apply to the development under 2100 flooding conditions.

Council's Flood Prone Land Development Policy identifies that dual occupancy development is considered to be 'New Development' and that 'New Development' is unsuitable within the High Hazard Flood Storage category. However, as the dual occupancy benefits from a development consent that pre-dates the LWR FRMP and the proposed subdivision does not change the nature of the development or intensify development beyond the existing situation, it is considered to be 'Development in Existing Urban Zones' for the application of the Flood Prone Land Development Policy.

'Development in Existing Urban Zones' is identified as being 'usually permitted' in the High Hazard Flood Storage category and consequently, the proposed subdivision is considered to be compatible with the objectives and requirements of Council's Flood Prone Land Development Policy.

### ***Any risks from technological hazards.***

There are no known technological hazards in the vicinity of the site.

### ***Whether the development provides safety, security and crime prevention.***

## **2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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Safety, security and crime prevention would be unaffected by the proposed subdivision.

### ***Any social impact in the locality.***

The proposed subdivision would have a negligible social impact in the locality, although the completion of the dual occupancy development would contribute to existing housing stock in the area.

### ***Any economic impact in the locality.***

The proposed subdivision would have a negligible economic impact in the locality although would enable separate ownership of each dwelling house once constructed.

### ***Any impact of site design and internal design.***

The subdivision plan is compatible with the approved dual occupancy development and proposes reciprocal rights of carriageway and drainage easements along the shared access handle. The plan is considered to provide satisfactory vehicle access, stormwater and servicing arrangements for the proposed development. Conditions are recommended requiring the certification that all construction has been completed within the appropriate property and easement boundaries prior to the issue of a Subdivision Certificate to ensure correct and effective boundaries.

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

The proposed subdivision does not involve any construction activities.

### ***Any cumulative impacts.***

The proposed dual occupancy subdivision would have no cumulative impacts.

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

### ***Whether the proposal fits in the locality.***

The application is for the subdivision of an approved dual occupancy development which is consistent with development in the locality.

### ***Whether the site attributes are conducive to development.***

The site is fully flood affected and under the adopted LWR FRMP, dual occupancy development would not be supported on the subject site. However, as the subdivision relates to a dual occupancy development for which development consent was granted in 2000, prior to the adoption of the LWR FRMP, the application can be supported in this instance.

**2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong (contd)**

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**ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**

***Any submission from the public.***

In accordance with the provisions of Clause 2.4 of Wyong DCP Chapter 70 – Notification of Development, the application was not notified as it is a subdivision arising from approved development. No submissions were received.

***Any submission from public authorities.***

The NSW RFS has issued a Bush Fire Safety Authority for the development, subject to the following condition:

*“At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones’.*

This requirement is included in the recommended conditions of consent.

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

***Any Federal, State and Local Government interests and community interests.***

The proposed subdivision would have negligible impact and would not be contrary to any government or community interests.

**OTHER MATTERS FOR CONSIDERATION**

***Deeds of agreement etc.***

There are no deeds of agreements related to the proposed development.

***Section 94 Contributions***

The Wyong District and Shire Wide Development Contributions Plans apply to the site. However, contributions were imposed as conditions of consent on the dual occupancy approval and as the current subdivision proposal does not create any additional housing entitlement and does not create any increased demand on services, no additional contributions are applicable to the proposed subdivision.

**Political Donations**

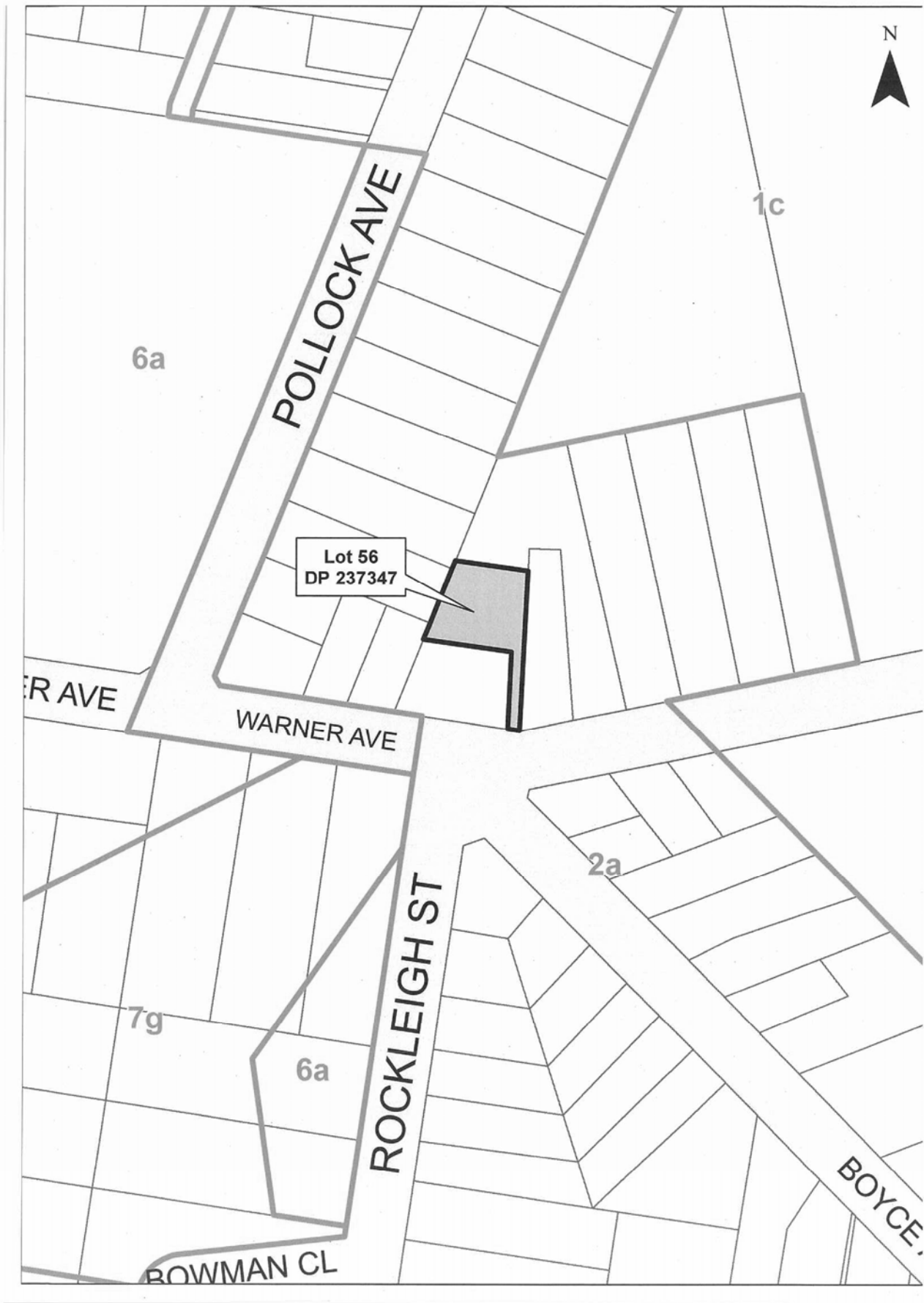
The applicant has advised on the Development Application form that no person with a financial interest in the application has made a political donation or gift as outlined in the Local Government Planning Legislation Amendment (Political Donations) Act 2008.

## **CONCLUSION**

The proposed development is for the Torrens Title subdivision of an approved dual occupancy development at Wyong. The proposed lot arrangements reflect the approved dual occupancy and achieve the minimum lot size of 450 m<sup>2</sup> required for subdivision within the 2(a) Residential Zone under clause 42D of WLEP 1991. The site is flood affected, although as the dual occupancy development has already been approved on the site, the subdivision would not be contrary to Council's policy regarding flood prone land or the adopted LWR FRMP. The application is therefore recommended for approval subject to conditions of consent.

## **ATTACHMENTS**

- |          |                             |           |
|----------|-----------------------------|-----------|
| <b>1</b> | Locality Plan(A4 Colour)    | D03086660 |
| <b>2</b> | Draft Conditions of Consent | D03086292 |
| <b>3</b> | Plan of Subdivision         | D03076477 |



## DRAFT CONDITIONS

### Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Plan of Proposed Subdivision	17527	1	26/4/12	Everitt & Everitt Consulting Surveyors

### Certificates – Application and Approval

- 2 An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

### Prior to Release of Construction Certificate:

*The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.*

No conditions

### Prior to Commencement of Works:

*The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.*

No conditions

### During Construction Works:

*The following conditions must be satisfied during construction works.*

No conditions

## Prior to Release of Subdivision Certificate:

*The following conditions must be satisfied prior to the release of an Subdivision Certificate.*

### Subdivision– Compliance Requirements

- 3 An application for a Subdivision Certificate must be submitted to and approved by the Council under the Conveyancing Act 1919 prior to endorsement of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of Section 157 of the Environmental Planning and Assessment Regulation 2000.
- 4 The submission of details to demonstrate the completion of all works required under Development Consent No 1997/2000 prior to issue of a Subdivision Certificate.
- 5 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 6 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:
  - ‘Positive Covenant’ requiring the registered proprietor, at the issue of the Subdivision Certificate and in perpetuity, to ensure that the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.
  - ‘Right of Carriageway’ as identified on the approved development plans.
  - ‘Easement to Drain Water’ as identified on the approved development plans.
  - ‘Easement for Services’ as identified on the approved development plans.

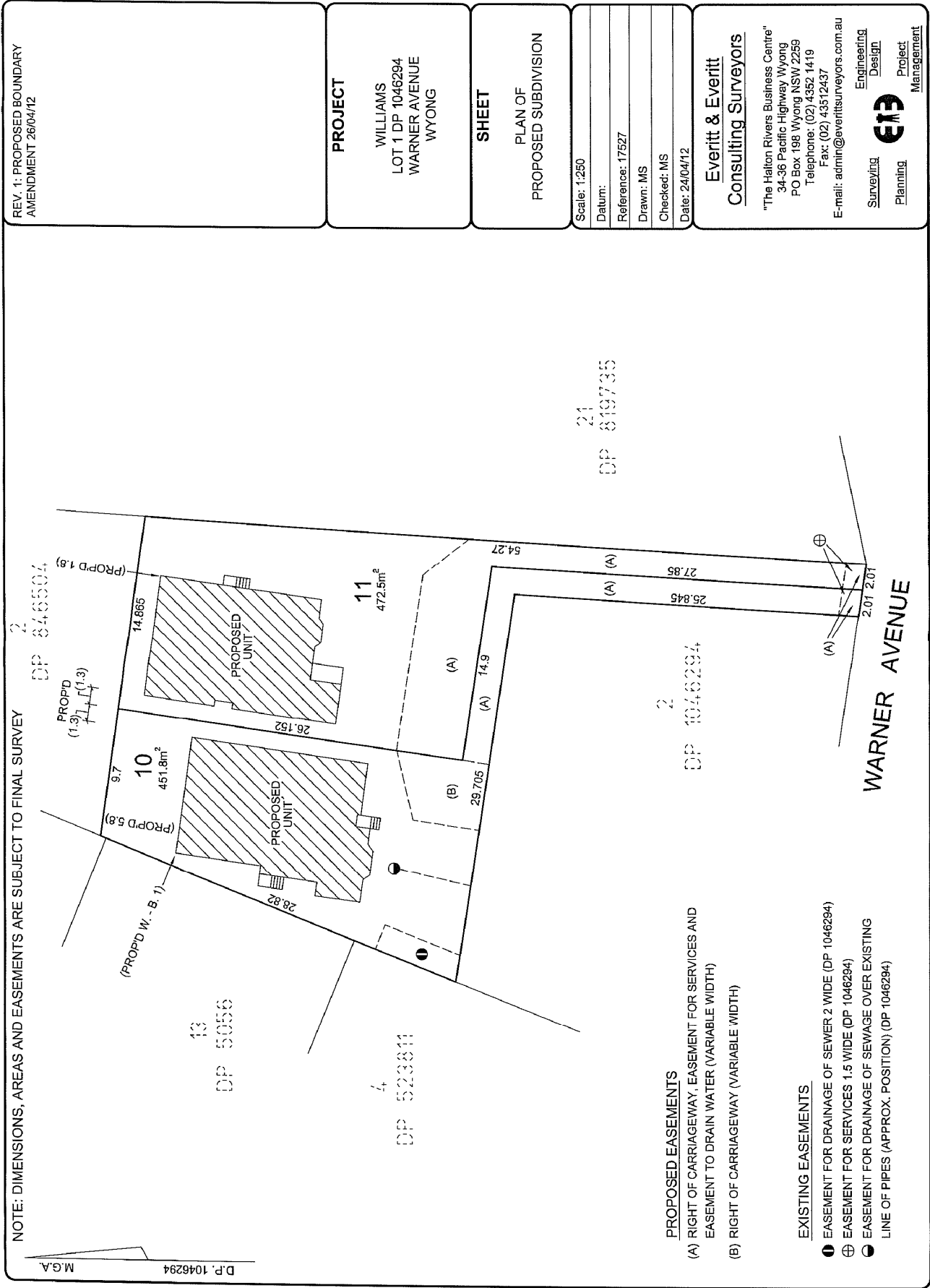
The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.
- 7 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision Certificate. The requirements to obtain a Section 307 Certificate of Compliance are detailed in the Section 306 Notice of Requirements letter attached to this consent.



## **Ongoing Operation:**

*The following conditions must be satisfied during use / occupation of the development.*

No conditions



REV. 1: PROPOSED BOUNDARY AMENDMENT 26/04/12

**PROJECT**  
WILLIAMS  
LOT 1 DP 1046294  
WARNER AVENUE  
WYONG

**SHEET**  
PLAN OF  
PROPOSED SUBDIVISION

Scale: 1:250  
Datum:  
Reference: 17527  
Drawn: MS  
Checked: MS  
Date: 24/04/12

**Everitt & Everitt**  
Consulting Surveyors

"The Hailton Rivers Business Centre"  
34-36 Pacific Highway Wyong  
PO Box 198 Wyong NSW 2259  
Telephone: (02) 4352 1419  
Fax: (02) 43512437  
E-mail: admin@everittsurveyors.com.au

Surveying  
Engineering  
Design  
Project Management

D.P. 1046294 M.G.A.

### **3.1 CPA/186620 - Construction of a Solar Tower at Scaddens Ridge**

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TRIM REFERENCE: CPA/186620 - D03129650

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: Gary Kinney; Project Director

#### **SUMMARY**

Evaluation and selection of tenders for Contract No. 186620 – Construction of a Solar Tower at Scaddens Ridge.

#### **RECOMMENDATION**

- 1** *That Council accept the tender from the company nominated as Tenderer '8' in the attached Tender Evaluation Report, for the lump sum amount of \$150,000 (excl GST) for Contract CPA/186620 – Construction of a Solar Tower at Scaddens Ridge.*
- 2** *That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.*
- 3** *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.*

#### **BACKGROUND**

Council has an existing telecommunications tower erected at Scaddens Ridge on land that is part of Ourimbah State Forest, owned by Forests NSW. Council has occupancy of the site under occupancy Licence No 14416 issued by Forests NSW. The land, accessed from Red Hill Road, is described as Lot 111 DP 755249.

This facility is used by Council for its own telemetry network and two-way communication system. It is also used by other authorities for telecommunications transmitters, including emergency service authorities. The electrical power supply for the site is currently provided by a diesel generator.

The proposed contract is for the construction of a 20 metre high tower, beside the existing telecommunications tower, to house a bank of solar panels to provide electricity to the site. It is intended to keep the existing diesel generator on site as back up, considering the essential nature of the purpose served by the existing telecommunications tower.

The Work involves the construction of reinforced concrete piles and footing and fabrication and erection of a structural steel tower. The design provides for hot dip galvanising of all components rather than a paint corrosion protection system to resist damage during bush fire. It also provides for shop prefabricated and on-site bolted connections to eliminate on-site welding which would result in damage to the galvanising.

### INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald on 26 June 2012, the Central Coast Express on 27 June 2012 and eTender on 26 June 2012.

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

A compulsory pre-tender meeting was held on site on 4 July 2012 to allow tenderers to become familiar with site conditions.

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

- 1 Minutes of the pre-tender meeting held on 4 July 2012, notification of an extension of closing time by one week and clarification regarding supply and installation of solar panels.
- 2 Answers to questions from tenderers, issued 12 July 2012.

Tenders closed at 2.00 pm on 19 July 2012.

### TENDER SUBMISSIONS

Eighteen tenders were received from the following companies and are listed below in alphabetical order.

ACA Ace Construction Australia  
Assetmark Group  
Australian Prestressing Services  
Axis Building Group  
Bridge and Civil Pty Ltd  
Developing Business Pty Ltd  
General Technologies Company Pty Ltd  
Gongues Constructions Pty. Ltd.  
HB Projects NSW Pty Ltd  
Master Fabrication Pty Ltd  
Murphy McCarthy & Associates Pty Ltd  
Northcote Constructions  
Radiolines Pty Ltd  
Risle Holdings Pty Ltd  
RTCommunications Pty Ltd  
Steelworks Engineering Pty Ltd  
Talis Civil Pty Ltd  
Visionstream Australia Pty Ltd

No late tenders were received.

### **TENDER EVALUATION**

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- Assessed level of Local Content.
- Compliance with Tender documents, including lodgement of tender by specified time.
- Evidence of corporate systems to manage quality, environmental, and safety risk.
- Ability to manage financial risk.
- The tendered price and structure; as well as any other potential costs to Council that may be identified.
- Experience in the specific field or with similar structures.
- Past recent performance of Tenderer in contracts of similar nature, supported by referee reports.
- The Tenderer's ability to complete the works within the required timeframe.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under Water & Sewerage project number 15796.

### **RELEVANT LEGISLATION**

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

### **CRITICAL DATES / TIME FRAMES**

If Council resolves to accept the tender, the contract will be awarded at the earliest opportunity after the rescission period following the Council meeting. The contract period for completion of construction is 18 weeks.

**OPTIONS / ALTERNATIVES**

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

**PUBLIC CONSULTATION**

No public consultation specific to this project was necessary and none has occurred.

**ATTACHMENTS**

- 1 T145 Tender Evaluation Report, Confidential Attachment A. CPA/186620 D03133256  
- Construction of a Solar Tower at Scaddens Ridge. -

### **3.2 CPA/191877 - Construction of Warnervale Town Centre Sewer Trunk Main**

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TRIM REFERENCE: CPA/191877 - D03129099

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

Evaluation and selection of tenders for Contract No. CPA/191877 - Construction of Warnervale Town Centre Sewer Trunk Main.

#### **RECOMMENDATION**

- 1 That Council accepts the tender from the company nominated as Tenderer '3' in the attached Tender Evaluation Report for the estimated total value of \$2,063,582.00 (excl GST) for Contract CPA/191877 – Construction of Warnervale Town Centre Sewer Trunk Main.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

Construction works for the development of the Warnervale Town Centre are expected to commence in 2013. In order to facilitate the initial and longer term development of the Warnervale Town Centre Council will need to provide reticulated water supply and sewerage services. Designs for the necessary extension of Council's existing infrastructure network have been completed for some time in anticipation of the development proceeding. This report deals with the tenders received for the construction of a new trunk sewer main from Council's existing sewer reticulation system in Minnesota Road to the proposed Warnervale Town Centre point of connection immediately north of Sparks Road.

The project comprises the construction of approximately 3,082 metres of gravity sewer mains ranging in size from 300 mm to 600 mm diameter.

#### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 24 and 31 July 2012, the Central Coast Express on 27 July and 1 August 2012 and on the eTender system on 19 July 2012 and closed on 23 August 2012.

### **3.2 CPA/191877 - Construction of Warnervale Town Centre Sewer Trunk Main (contd)**

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The invitation documents called for schedule of rates tenders, based on a detailed specification.

Tenders closed at Council's Chambers at 2.00pm on 23 August 2012

#### **TENDER SUBMISSIONS**

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

- Bolte Civil Pty Ltd
- Delcare Constructions Pty Ltd
- Diona Pty Ltd
- Draincorp Pty Ltd
- Eire Contractors Pty Ltd
- EL Civil Pty Ltd
- Hannas Civil Pty Ltd
- Josa Constructions Pty Ltd
- Ledonne Constructions Pty Ltd
- McNamee Constructions Pty Ltd
- Milbant Constructions Pty Ltd
- Murphy McCarthy & Associates Pty Ltd
- Nace Civil Engineering Pty Ltd
- Rob Carr Pty Ltd
- TCM Civil Pty Ltd
- Trazibat Pty Ltd
- Veolia Water Network Services Pty Ltd

No late submissions were received.

#### **TENDER EVALUATION**

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

1. Assessed level of Local Content
2. The tendered price and its structure
3. Experience in the specific field
4. Conformity with the specification
5. Proposed construction programme
6. Past performance



### **3.2 CPA/191877 - Construction of Warnervale Town Centre Sewer Trunk Main (contd)**

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#### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under the Sewer Services Capital Works Program (Line Item IM 113).

#### **RELEVANT LEGISLATION**

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

#### **CRITICAL DATES / TIME FRAMES**

Construction will commence in November 2012 and is expected to be completed in October 2013.

#### **OPTIONS / ALTERNATIVES**

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

#### **PUBLIC CONSULTATION**

The project has been subject to a public consultation process.

#### **ATTACHMENTS**

- |   |           |
|---|-----------|
| 1 Confidential Attachment A to Business Paper - Construction of Warnervale Town Centre Sewer Trunk Main - | D03138829 |
|---|-----------|

### **3.3 CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works**

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TRIM REFERENCE: CPA/217073 - D03142118

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

Evaluation and selection of tenders for Contract No. CPA/217073 - Relocation of 11kV and LV Mains Minnesota Road, Hamlyn Terrace and Associated Water Supply Works.

#### **RECOMMENDATION**

- 1 That Council declines to accept any of the tenders received for Contract CPA/217073 – Relocation of 11kV and LV Mains, Minnesota Road and Associated Water Supply Works.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains information of a confidential nature.**
- 2 That Council declines to invite fresh tenders for the reasons detailed in the attached Tender Evaluation Report.**
- 3 That Council authorise the General Manager to enter into negotiations with the companies nominated as Tenderer 3 and Tenderer 4, for the reasons detailed in the attached Tender Evaluation Report, with a view to entering into a contract in relation to the subject matter of the tender.**

#### **BACKGROUND**

Minnesota Road at Hamlyn Terrace is a major traffic link between the residential areas of Warnervale and Hamlyn Terrace and the Pacific Highway. Traffic volumes are expected to significantly increase with the imminent development of the Warnervale Town precinct. The existing Minnesota Road pavement is narrow and in poor condition. At its lowest point, Minnesota Road incorporates a concrete causeway that is subject to frequent flooding which often requires the road to be closed to traffic.

Council is currently engaged in a project to reconstruct Minnesota Road. The reconstructed road will feature wider traffic lanes and shoulders and a 93 metre long stormwater culvert that will render the road flood free for up to 1 in 100 year storm events. The majority of the construction works are being undertaken by Council's day labour resources with specialist works such as the construction of the culvert and the relocation of power and water utility services being undertaken under contract.

### **3.3 CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works (contd)**

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The subject of this report is the tenders invited for the relocation of the existing overhead high and low voltage power mains and the construction of approximately 135 metres of water main necessary to facilitate the construction of the new stormwater culvert and reconstruction of the road.

The works to be completed under the proposed contract include:

- The relocation of approximately 630 metres of overhead high and low voltage power mains;
- The construction of approximately 123 metres of underground high voltage power mains and spare electrical conduits by horizontal directional drilling;
- The construction of approximately 135 metres of 180mm diameter water main by horizontal directional drilling.

When completed the new high and low voltage power mains voltage supply and electrical substation will become Ausgrid owned assets however, as is usually the case, Ausgrid require the customer (i.e. Wyong Shire Council) to fund the works and manage the procurement process. In this instance, Ausgrid propose to take the opportunity to install additional spare underground conduits to facilitate future expansion of its network. Under the energy supply agreement between Ausgrid and Council, Ausgrid will provide funding for the construction of the spare conduits of \$58,640 (excluding GST). Council is required to fund the balance of the works necessary to relocate the power mains.

The water main component of the works will become a Council owned asset. Its inclusion in this contract was an effort to have all the horizontal drilling works completed by the one specialist subcontractor with a single site establishment.

#### **INVITATION TO TENDER**

The tender was invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 21 August 2012 and in the Central Coast Express on 22 August 2012. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 20 September 2012.

The invitation documents called for lump-sum tenders, based on a detailed specification. Tenderers were also required to nominate a unit rate for the excavation of rock in the event that it is encountered. Due to the nature of the works, only Level 1 Accredited Service Providers were eligible to submit tenders.

#### **TENDER SUBMISSIONS**

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

CLM Infrastructure Pty Ltd  
Connect Infrastructure Pty Ltd  
Poles and Underground Pty Ltd  
Powerserve Pty Ltd  
Yunz Contracting Pty Ltd

### **3.3 CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works (contd)**

---

#### **TENDERS EVALUATION**

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

All submissions were assessed in accordance with the approved evaluation criteria being:

1. Receipt of tender by the closing time;
2. Assessed level of Local Content;
3. The tendered price and its structure as well as other potential costs to Council;
4. Conformity with the RFT and Technical Specification;
5. Experience and proven performance in the specific field.

Details of each tender received and the Tender Evaluation Panel's conclusions in respect to them are contained in the Confidential Tender Evaluation Report - Attachment A.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications in respect to this recommendation.

#### **RELEVANT LEGISLATION**

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

#### **CRITICAL DATES / TIME FRAMES**

It is anticipated that construction will commence in November 2012 and is expected to be completed in February 2013.

#### **OPTIONS / ALTERNATIVES**

Council has the option of proceeding with this contract by resolving to accept one of the non-conforming tenders. This option is not recommended.

#### **PUBLIC CONSULTATION**

The project has been subject to a public consultation process.

#### **ATTACHMENTS**

- |  |           |
|--|-----------|
| 1 Confidential Attachment A to Report on Tenders Received for Contract<br>CPA/217073 - Relocation of 11 kV and LV Mains in Minnesota Road,<br>Hamlyn Terrace and Associated Water Supply Works - | D03142305 |
|--|-----------|

## **4.1 Committee Structure**

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TRIM REFERENCE: F2010/00542 - D03128234

MANAGER: David Jack, Director Corporate Services

AUTHOR: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Reporting information regarding the committee structure for Wyong Shire Council.

### **RECOMMENDATION**

- 1 That Council receive the report on Committee Structure.**
- 2 That Council endorse an increased governance focus and working effectiveness through a wider use of Council Committees.**
- 3 That Council adopt a consistent and transparent methodology for the purpose and establishment of committees.**
- 4 That Council standardise Committee charters/terms of reference particularly in respect of management and governance obligations.**
- 5 That Council confirm all Committees of Council are to operate in accordance with Council's Code of Meeting Practice and other Groups in accordance with the Code of Meeting Practice unless varied by the General Manager.**
- 6 That Council adopt the Committee Structure as outlined in the table titled "Proposed Committee Structure".**
- 7 That Council adopt the placement of existing and proposed groups as outlined in the report in the table titled "Existing and Proposed Groups".**
- 8 That Council adopt the standardised Terms of Reference for Strategic Committees and Advisory Groups.**
- 9 That Council adopt the Terms of Reference Charter for the Audit and Risk Committee.**

### **BACKGROUND**

The following outlines the background and history of the committee structure at WSC.

## 4.1 Committee Structure (contd)

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The Local Government Act 1993 (the Act) enables councils to establish committees and/or other forms of groups to assist or carry out Council's functions such as a Council may delegate.

Committees are established by a council in accordance with s.355 of the Act.

Wyong Shire Council has previously established a range of committees which differ somewhat in terms of purpose, legal standing, meeting frequency, resourcing and performance. There is little consistency across the range of committees in terms of the current arrangements in terms of charter, purpose and responsibility.

Committees have been established for a variety of purposes:-

- functional or advisory needs,
- compliance with the Act,
- strategic analysis and assessments.

The Membership structure of each committee varies. Delegated authority provided by Council varies between nothing and "some". There are committees established jointly with other councils and finally there are also external boards and committees where councillor membership is either required or requested.

The inconsistency resulting from these factors has often given rise to confusion among councillors, the public and staff regarding respective protocols, processes and procedures applicable to each committee.

All committees created and used by Council are established in accordance with the Local Government Act 1993, s.355. Use of the term "s.355 Committees" has previously been taken by most staff, councillors and the community, as limiting the meaning of s355 to the creation of Precinct Committees or Hall committees, when in fact the term applies to all bodies established by Council to carry out its functions. See Governance and Policy Implications section of this report.

Functional and advisory committees are contributors to the decision making process of Council; however these functions do not marry well with strategic discussion and consideration in the committee environment.

Historically many committees that contain both strategic and functional matters within their charters tend to focus on functional matters at the expense of strategic matters due to time and workload constraints.

A briefing of Councillors was held on 25 July 2012 where the current committee structure was reviewed. It was determined that a report be put to the 22 August 2012 Ordinary Meeting in order to recommend to the incoming Council a preferred model for Council Committees for the 2012-2016 Council term.

The briefing generally agreed on an option where:

- Strategic Committees reflect the organisation structure. eg 4 x strategic committees aligned with directorates

## 4.1 Committee Structure (contd)

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- Working parties attached to Strategic Committees to deal with specific matters with a defined life
- Existing committees/advisory groups/working parties to be accommodated
- Consistent naming models (eg Traffic Committee)
- Briefing of Councillors if minutes reported to Council

### CURRENT STATUS

The current committee system has a notable gap. It is obvious that little of the activity undertaken by the current committees, is directed at strategic or policy matters.

Most operate on either a functional basis, or in an advisory capacity, despite Council having established strategic objectives in some individual charters.

It is also clear that the existing structure reflects what has been traditional in Wyong Shire as opposed to being based on a robust strategic approach to managing the governance functions.

The value of utilising a committee structure to carry out defined functions of a council includes:

- a greater volume of matters being considered and
- an ability for the committees to focus on specific matters in greater detail,
- Increased efficiency of time set aside for ordinary meetings of the Council,
- Increased efficiency in the use of individual councillor's time and staff resources;
- a greater focus on strategic and policy matters and
- Opportunities for wider engagement with the community and other external organisations.

Committee work requires greater staff support. This consideration must be balanced with achieving effective outcomes from committee activities.

Effective outcomes are dependent on a committee structure and individual committees being established to achieve specific purposes that add value to the governance of Council. It follows that Charters' for any committee should articulate the specific purpose and a means of demonstrating achievement.

The former Council at its meeting 22 August 2012 considered a review that was undertaken of its committee structure for the term 2008-2012. At that meeting Council resolved to;

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

*1/12 That Council receive the report on Committee Review.*

*2/12 That Council recommend to the incoming Council of 2012 – 2016 an increased governance focus and working effectiveness through a wider use of Council Committees.*

- 3/12 That Council recommend to the incoming Council of 2012 – 2016 a consistent and transparent methodology for the purpose and establishment of committees.
- 4/12 That Council recommend to the incoming Council of 2012 – 2016 that Committee charters are standardised particularly in respect of management and governance obligations.
- 5/12 That Council recommend to the incoming Council of 2012 – 2016 that it require all Committees of Council to operate in accordance with Council's Code of Meeting Practice and other Groups in accordance with the Code of Meeting Practice unless varied by the General Manager.
- 6/12 That Council recommend to the incoming Council of 2012-2016 a Committee Structure as outlined in the in the report in the table titled "Proposed Committee Structure".
- 7/12 That Council recommend to the incoming Council of 2012-2016 the placement of existing and proposed groups as outlined in the report in the table titled "Existing and Proposed Groups" subject to the following:
- a The inclusion of appropriate Advisory Groups that provide input to Strategic Committees (eg Community Environment Liaison Group, Cultural Advisory Group, Finance Advisory Group).
  - b The proposed Heritage Advisory Group be categorised as a Statutory Committee.
  - c The clarification of the number and naming of the Mining External Groups.
  - d The confirmation of the status of the Handbrake Turn External Group.
- 8/12 That Council recommend to the incoming Council of 2012-2016 the Strategic Finance Committee and the Environment Committee be discontinued and form part of the Strategic Corporate Committee and Strategic Environment and Planning Committee, respectively.
- 9/12 That Council recommend that the incoming Council of 2012-2016 note that an appropriate Councillor Engagement Framework will be developed for the Water Corporation and the Joint Services Business.

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

AGAINST: NIL"

This report proposes the revised structure to the new Council for adoption. A separate report on this paper will enable Council to appoint delegates to committees and groups under the new structure.



**THE PROPOSAL**

It is proposed that Council give consideration to the essence of the committee structure and ensure that continuance of any committee is associated with an overall strategy and outcomes that will add value to the governance of Council.

The model proposed below classifies committees/groups by type. It further proposes a consistent naming convention, likely membership, reporting pathways and meeting frequency.

Council is asked to give its consideration to the committee structure and assess each on its merits for providing added value to work of the Council as a whole which includes the extensive workshop and briefing schedule undertaken throughout each financial year.

**Proposed Committee Structure**

<b>Type</b>	<b>Naming Convention</b>	<b>Membership</b>	<b>Reporting</b>	<b>Frequency</b>
Strategic	Strategic ***** Committee	Councillors Only	To Council	Quarterly
Advisory	The ***** Advisory Group	Councillors, community advisors, staff	To Director (and Council if required)	As Req'd
Working Party/Panel	***** Working Party	Councillors, community advisors, staff	To Strategic Committee or Council or Director	As Req'd
Statutory Committee	***** Committee	As per Legislation	NA	As Req'd
Consultative Precincts	***** Community Precinct	Community Reps	Minutes to Councillors for information	As existing
Community Groups managing facilities on behalf of WSC	***** Facility Committee	Community Reps	To Director	As existing
Regional Committee of Councils	***** Regional Organisation of Council	All Councillors	Council	As existing
External Representation	Councillor Delegate to ***** (External Body)	As required	NA	As Req'd

**Committee Type: Strategic**

**Name: Strategic \*\*\*\*\* Committee**

This type would be a Committee of the Council as defined by the Local Government Act. Committees of Council, by definition, only have Councillors as members.

The role of the Council as the governing body is to consider, determine and review the strategic and policy direction of the organisation via its community plan, its strategic plan (incl. the Four Year Plan) annual plan and policy. The plans are then implemented by the General Manager. Strategic Committees would allow Council additional time to consider the strategic and policy direction in greater detail.

The recent organisational service delivery review has identified an organisation structure which aligns with the quadruple bottom line model of environmental, social, economic and governance services.

Alignment of Council's Strategic Committees with these fundamental objectives would provide for a governance oversight, progressively through each year, of the organisation's progress toward Council's intended contributions to the Community Strategic Plan.

Such committees would inform Council in greater depth on subject matters than the current mechanism of committees and Councillor briefings. The proposal is intended to make better use of Councillor time and concurrently reduce the collective on Councillors.

The proposal is to create 4 x Strategic Committees which reflect the organisation structure.

**Committee Type: Advisory**

**Name: \*\*\*\*\* Advisory Group**

This type would enable Council to establish groups which contain a mix of membership including, Councillors, staff, representatives from other public organisations and community representatives. These groups would perform an advisory function, informing Council on specific topics to support decision making. Some groups would have formal decision making powers due to the legislative structure, however most would advise Council through the relevant Directorate. Many of Council's existing "Committees" would fall under this category.

**Committee Type: Working Party/Panel**

**Name: Working Party**

This type would consist of a group formed to investigate specific matters within a defined timeframe. The Working Party may consist of a mix of Councillors, staff, representatives from other public organisations and community representatives. The groups may be formed as a subgroup of a Strategic Committee or Advisory group or standalone direct from the Council. An example of a current working party is the Art House Working Party.

**Committee Type: Consultative Precincts**

**Name: \*\*\*\*\* Community Precinct**

This group consists of Council's existing Community Precinct Committees which consist of community representatives who provide Council with community feedback relevant to defined geographical areas of the shire. That is, small communities. The consultation vehicle offers a valuable connection into both Shire-wide and precinct related issues.

It is proposed to retain this group with an amendment to the title to reflect its consultative focus.

**Committee Type: External Representation**

**Name: Councillor Delegate to \*\*\*\* (External Body)**

Whilst not a group as such. The role of the Councillor as delegate on various bodies is a decision of Council. Council has traditionally determined these delegates at the beginning of each Mayoral term.

**Type: Statutory Committee**

**Name: \*\*\*\* Committee**

Council is bound by other legislation in addition to the Act, or has created agreements with other organisations to establish various Committees or panels.

- Local Traffic Committee,
- Code of Conduct Review Panel,
- Consultative Committee,
- GM Performance Review Panel,
- Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee

Some of these groups are managed internally by Council and others are managed externally by another authority. Membership is defined by the relevant agreement or legislation.

The legislative context of the Local Traffic Committee is provided below given the interest raised by Councillors at the briefing. The Traffic Management Act enables Council to delegate some of its functions to a staff member to deal with certain functions under the Traffic Management Act.

The Council has delegated these functions to the Manager of Roads. In accordance with the Act, the Officer delegated with such authority may not exercise these functions unless it or he/she has firstly consulted with a local traffic committee (LTC).

The Guidelines provided by the RMS require membership to be 1 representative of the Council, 1 representative of the RMS, 1 NSW Police and the Local Member of Parliament. Council currently has a Councillor as its representative. The Council may choose to have a staff member as its representative.

**Committee Type:- Regional Organisation of Councils (ROC)**

**Name:- \*\*\*\*\*Regional Organisation of Councils**

Section 355 d of the LGA enables Council to exercise its functions jointly by it and another Council or councils of which the councils concerned are members. Council currently is a joint member of the Central Coast Regional Organisation of Councils with Gosford City Council. There is no proposal at this point to amend this structure.

**Committee Type:- Committees managing facilities on behalf of WSC.****Name:- \*\*\*\*\* Facility Committee**

Section 355 (c) of the LGA enables Council to establish a group to exercise a function of Council. WSC has established Committees in the past to manage some of its community facilities on its behalf (eg some community halls). It is proposed to retain this structure.

A list of the current and proposed committees under the new structure is provided below:

Existing and Proposed Groups	Proposed Type	Proposed Name
Beach Liaison	Advisory	Beach Advisory Group
Heritage	Advisory	Heritage Advisory Group
Grants Committee	Advisory	Grants Advisory Group
Senior Citizens Committee	Advisory	Senior Citizens Advisory Group
Sports Committee	Advisory	Sports Advisory Group
Status of Women Committee	Advisory	Status of Women Advisory Group
Community Precinct Committee	Consultative Groups representing geographical precincts	Community Precinct Consultative Panel
Central Coast Business Mentor Services Board (trading as Central coast Business Enterprise Centre)	External	NA
Central Coast Group Training	External	NA
Central Coast Tourism	External	NA
Greater Toukley Vision Inc	External	NA
Public Libraries NSW – Metropolitan	External	NA
Regional Development Australia - Central Coast	External	NA
The Entrance Town Centre Management Corporation Board	External	NA
Wallarah 2 Coal Project Community Liaison Committee	External	NA
Wyong Community Liaison Committee	External	NA
Wyong Council Community Environment Network and WyCare Liaison Group	External	NA

Existing and Proposed Groups	Proposed Type	Proposed Name
Wyong Regional Chamber of Commerce	External	NA
Governance Committee	No Change	NA
Strategic Finance Committee	No longer required included in Corporate Committee	NA
Environment Committee	No longer required included in Environment and Planning Committee	NA
Central Coast Regional Organisation of Councils	Regional Committee	NA
Community Halls Section 355 Committees	Section 355 Committees	Community Facilities Section 355 Committees
Bushfire Management Committee	Statutory External	NA
Centennial Coal/Myuna Colliery Community Consultative Committee	Statutory External	NA
Fire Control District Liaison Committee	Statutory External	NA
Joint Regional Planning Panel	Statutory External	NA
Manning Colliery Community Consultative Committee	Statutory External	NA
Consultative Committee	Statutory Internal	NA
GM Performance Review Panel	Statutory Internal	NA
Local Traffic Committee	Statutory Internal	NA
Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee	Statutory Internal	NA
Community and Recreation	Strategic Committee	Community and Recreation Committee
Corporate	Strategic Committee	Corporate Committee
Environment and Planning	Strategic Committee	Environment and Planning Committee
Infrastructure Management	Strategic Committee	Infrastructure Management Committee
Art House Working Party	Working Party	Art House Working Party

### Investigations

Council requested that the status of the external Mining Groups and the Hand Brake Turn External group be clarified.

Research has been undertaken and the following is advised:

- Hand Brake Turn external Group is not currently operating under a steering committee and therefore does not require Councillor representation at this stage. The group did advise that it is in the process of reviewing its structure and was keen to form a relationship with the Council in the future.

- Mining Committees. There are several mining consultative groups operating which are formed as a result of development approval for mining activities. Some of the groups have staff representation and others request Councillor representation. The groups requiring Councillor representation are:
  - Mannering Colliery Community Consultative Committee
  - Centennial Coal/Myuna Colliery Community Consultative Committee

### **Chairperson of Committees and Other Bodies**

The Act declares that the Mayor shall be the Chair of each committee and the GM has a right of attendance. The Act also provides for a Councillor elected as Chairperson by the Council in the event the Mayor chooses to pass over his/her statutory rights.

In practice the Mayor would nominate which Committees he/she intends to chair for the term of Office (eg 1 year). If the Mayor chooses not to be chairperson of a committee, the Council will elect another chairperson for the term of Office.

Some external and statutory Committees require membership by virtue of office. That is Mayor or Deputy Mayor are members or delegates of the Council. The review of these positions will occur annually after each Mayoral election.

### **OPTIONS**

Council may:

1. Adopt the structure as presented
2. Adopt an amended structure
3. Retain the existing structure.

### **STRATEGIC LINKS**

The proposal to provide Committees of Council with a strategic focus is designed to provide a greater examination of strategic issues to enable Council to make better informed decisions to contribute to its Strategic, 4 year and Annual Plans.

### **Budget Impact**

Any new committees will attract an additional resource in terms of secretariat function and staff involvement. The level of resourcing to support the Committees and panels will be determined and standardised by category.

### **CONSULTATION**

Consultation with Councillors has occurred during this term of Council via several briefings.

## GOVERNANCE AND POLICY IMPLICATIONS

The Local Government Act (the Act) provides for the establishment of committees by the Council to carry out any of its functions. Specifically Section 355 (1a) – (e) states:

*“S 355 How does a council exercise its functions?”*

1 A function of a council may, subject to this Chapter, be exercised:

*(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*

*(b) by a committee of the council, or*

*(c) partly or jointly by the council and another person or persons, or*

*(d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*

*(e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).”*

Subclauses (b), (c) and (d) are relevant to this proposal.

### Section 355 (b)

Section 355 (b) of the Act provides a mechanism for a council to establish **committees** to exercise its functions.

By virtue of Clause 260 (b) of the Local Government (General) Regulation 2005 (the Regulation), a **committee** established by a council has a membership consisting of councillors only:

*“Cl 260 Council may establish committees*

*(1) A council may, by resolution, establish such committees as it considers necessary.*

*(2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.”*

A Strategic Committee would be established under this section.

### Section 355 (c)

Section 355 (c) of the Act provides a mechanism for a council to establish a body to exercise its functions partly or jointly by the council and another person or persons. These bodies do not necessarily require that membership of a councillor or staff member and are not restricted to membership of Councillors only. Council by resolution may delegate certain powers to the body.

Advisory Groups, Working Parties and Community Precinct Consultative Panels would be established under this section.

**Section 355 (d)**

Section 355 (d) of the Act provides a mechanism for a council by resolution to establish a body to exercise its functions jointly by the council and another council or councils.

The distinction between the three establishment paths is critical in terms of other requirements of the Act and Regulation relating to “Committees” and their conduct.

The relationship Wyong and Gosford Councils have established as Central Coast Regional Organisation of Councils (CCROC) has been made under this section of the Act.

**MATERIAL RISKS AND ISSUES**

Nil

**CONCLUSION**

The ability to use committees in varying forms is a tool of governance available to Council within the confines of legislation.

Councillor time is at a premium and engagement with staff and the community on all things by all Councillors creates an onerous and unworkable workload.

Spreading the workload among Councillors reduces the work of the whole of Council and provides for greater focus and depth on matters of strategic importance and community engagement.

The former Council has recommended to the Council of 2012-2016 a Committee Structure which is consistent and adds value to Council decision making.

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Terms of Reference for Strategic Committee  | D03152631 |
| 2 | Terms of Reference for Advisory Group       | D03152629 |
| 3 | Terms of Reference Audit and Risk Committee | D03152577 |





## Terms of reference for: XXX Strategic Committee

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2 Hely Street Wyong  
PO Box 20 Wyong NSW 2259  
**P** 02 4350 5555 **F** 02 4351 2098  
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**W** [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)



<b>APPROVED BY COUNCIL</b>	<b>DATE:</b>
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**History of Revisions:**

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<u>A.</u>	<u>ROLE</u> .....	4
<u>B.</u>	<u>RESPONSIBILITY</u> .....	4
<u>C.</u>	<u>MEMBERSHIP</u> .....	4
<u>D.</u>	<u>ATTENDANCE</u> .....	4
<u>E.</u>	<u>CONDUCT OF THE COMMITTEE</u> .....	5
<u>F.</u>	<u>CHAIRPERSON</u> .....	5
<u>G.</u>	<u>QUORUM</u> .....	5
<u>H.</u>	<u>MEETING SCHEDULE</u> .....	5
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<u>J.</u>	<u>MINUTES AND REPORTING</u> .....	5
<u>K.</u>	<u>SECRETARY</u> .....	6
<u>L.</u>	<u>CODE OF CONDUCT</u> .....	6
<u>M.</u>	<u>CEASSATION OF COMMITTEE</u> .....	6

**A. ROLE**

The role of the XXXXXX Committee is to:

A1 XXXXXXXXXXXXXXX

A2 XXXXXXXXXXXXXXX

A3 The Committee has no authority to make decisions on behalf of the Council.

A4 The Committee has no authority to direct staff.

**B. RESPONSIBILITY**

The XXXXXX Committee is responsible for:

B1 XXXXXXXXXXXXXXX

B2 XXXXXXXXXXXXXXX

**C. MEMBERSHIP**

C1 The Council will determine the membership of the Committee.

C2 The term of membership will be the term of the Council.

C3 A minimum of two (2) Councillor(s).

**D. ATTENDANCE**

D1 Any Councillor may attend the meetings of the Committee.

D2 WSC Staff may attend the meetings of the Committee if directed by the General Manager.

D3 The Committee meetings are open to the public. Addressing the meeting by interested persons is at the discretion of the Committee Chairperson.

D4 Committee members are expected to attend all committee meetings where possible.

D5 Where a Committee Member fails to attend three successive meetings without submitting a satisfactory explanation, a report will be submitted to Council for consideration.

**E. CONDUCT OF THE COMMITTEE**

- E1 The Committee will be conducted in accordance with the Local Government Act 1993 and the WSC Code of Meeting Practice, including but not limited to: Chairperson's responsibilities, setting of agenda, recording of minutes, conduct, voting and quorum.

**F. CHAIRPERSON**

- F1 The Chairperson of the Committee will be elected by the Committee.
- F2 The Chairperson is to have precedence at the meeting and conduct the meeting in accordance with the Local Government Act and the WSC Code of Meeting Practice.
- F3 In the absence of the Chairperson, another Councillor Member of the Committee shall Chair the meeting.
- F4 The Chairperson has the right to refuse a request from a member of the public to address the Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.
- F5 The Chairperson of the Committee shall have a casting vote.

**G. QUORUM**

- G1 The quorum is the majority of members of the Committee.

**H. MEETING SCHEDULE**

- H1 The Committee shall meet at least quarterly.
- H2 The Committee shall meet at times and dates determined by consensus of the Committee.
- H3 The Committee shall meet at the Wyong Civic Centre.

**I. AGENDA**

- I1 The Agenda shall be published on the WSC Website.

**J. MINUTES AND REPORTING**

- J1 Minutes will be taken for all meetings of the Committee.

- J2 Minutes of the meeting shall be reported to the Council for adoption.
- J3 Minutes of the meeting shall be recorded in WSC information management database.
- J4 Minutes shall be published on the WSC Website.

**K. SECRETARY**

- K1 The administration of the Committee shall be undertaken by the Corporate Governance Unit.

**L. CODE OF CONDUCT**

- L1 All Committee Members are required to comply with WSC Policies including the WSC Code of Conduct.

**M. CEASSATION OF COMMITTEE**

- M1 The Committee shall cease to operate 40 days prior to the Local Government Election.



## Terms of reference for: XXX Advisory group

© Wyong Shire Council  
Wyong Shire Council  
2 Hely Street Wyong  
PO Box 20 Wyong NSW 2259  
**P** 02 4350 5555 **F** 02 4351 2098  
**E** [wsc@wyong.nsw.gov.au](mailto:wsc@wyong.nsw.gov.au)  
**W** [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)



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B.	<u>RESPONSIBILITY</u> .....	4
C.	<u>MEMBERSHIP</u> .....	4
D.	<u>ATTENDANCE</u> .....	4
E.	<u>ADVISORY GROUP FACILITATOR</u> .....	5
F.	<u>CHAIRPERSON</u> .....	5
G.	<u>VOTING</u> .....	5
H.	<u>QUORUM</u> .....	5
I.	<u>MEETING SCHEDULE</u> .....	5
J.	<u>AGENDA</u> .....	6
K.	<u>MINUTES AND REPORTING</u> .....	6
L.	<u>SECRETARY</u> .....	6
M.	<u>CODE OF CONDUCT</u> .....	6
N.	<u>CEASSATION OF ADVISORY GROUP</u> .....	6

**A. ROLE**

The role of the XXXXXX Advisory Group is to:

- A1 XXXXXXXXXXXXXXX
- A2 XXXXXXXXXXXXXXX
- A3 The Advisory Group has no authority to make decisions on behalf of the Council.
- A4 The Advisory Group has no authority to direct staff.

**B. RESPONSIBILITY**

The XXXXXX Advisory Group is responsible for:

- B1 XXXXXXXXXXXXXXX
- B2 XXXXXXXXXXXXXXX

**C. MEMBERSHIP**

- C1 The Council will determine the membership of the Advisory Group.
- C2 The term of membership will be the term of the Council.
- C3 A minimum of XXX Councillor(s).
- C4 XXXX Community Representatives.
- C5 Community representatives will be selected by the General Manager in consultation with the Chairperson, on a merit basis, as a result of an expression of interest process. Advice of the successful applicants will be reported to Council for information.
- C6 WSC Staff may be members of the Advisory Group if appointed by Council.
- C7 The Mayor is not automatically a member of the Advisory Group by virtue of Office.

**D. ATTENDANCE**

- D1 Any Councillor may attend the meetings of the Advisory Group.
- D2 WSC Staff may attend the meetings of the Advisory Group if directed by the General Manager.
- D3 The Advisory Group meetings are open to the public. Addressing the meeting by interested persons is at the discretion of the Advisory Group Facilitator.
- D4 Advisory Group members are expected to attend all meetings where possible.
- D5 Where a Member fails to attend three successive meetings without submitting a satisfactory explanation, a report will be submitted to Council for consideration.



**E. ADVISORY GROUP FACILITATOR**

- E1 An Advisory Group Facilitator shall be appointed by the General Manager.
- E2 The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Advisory Group. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee.
- E3 The Facilitator has the right to refuse a request from a member of the public to address the Advisory Group if it is deemed more appropriate for that person to address a formal Council or Advisory Group meeting.

**F. CHAIRPERSON**

- F1 The Chairperson of the Advisory Group will be a Councillor or a staff member.
- F2 The Mayor, if elected by Council to the Committee is not automatically the Chairperson of the Committee.
- F3 The Chairperson is to have precedence at the meeting and shall determine the order of proceedings generally as set by the agenda.
- F4 In the absence of the Chairperson, another Councillor Member of the Advisory Group, the Advisory Group Facilitator or a WSC staff member shall Chair the meeting.

**G. VOTING**

- G1 The Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.
- G2 The Advisory Group Facilitator will determine which items required to be referred to Council.

**H. QUORUM**

- H1 The Advisory Group does not require a quorum to hold a meeting.
- H2 The Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient members at the meeting.

**I. MEETING SCHEDULE**

- I1 The Advisory Group shall meet at least quarterly.
- I2 The Advisory Group shall meet at times and dates determined by consensus of the Group.
- I3 The Advisory Group shall meet at the Wyong Civic Centre.

**J. AGENDA**

- J1 The Agenda shall be set by the Advisory Group Facilitator and include enough detail to enable matters to be considered at the meeting.
- J2 The Agenda shall be distributed at least 3 days prior to the meeting.
- J3 The Agenda shall be published on the WSC Website.

**K. MINUTES AND REPORTING**

- K1 Minutes will be taken for all meetings of the Advisory Group
- K2 The Facilitator shall determine if any individual recommendations are required to be reported to Council for determination.
- K3 Minutes of the meeting shall be forwarded to all Councillors for information.
- K4 Minutes of the meeting shall be recorded in WSC information management database.
- K5 Minutes shall be published on the WSC Website.

**L. SECRETARY**

- L1 The administration of the Advisory Group shall be undertaken by a staff member reporting to the Advisory Group Facilitator.

**M. CODE OF CONDUCT**

- M1 All Advisory Group Managers are required to comply with WSC Policies including the WSC Code of Conduct.

**N. CEASSATION OF ADVISORY GROUP**

- N1 The Advisory Group shall cease to operate 40 days prior to the Local Government Election.



TERMS OF REFERENCE

for the

**AUDIT AND RISK COMMITTEE**

Established	For Council consideration
Reports to	Council
File Reference	F2009/02538
Reviewed	
Review details	

K:\MGAA DOCUMENTS\Committees\Draft Audit and Risk Committee Terms of Reference v1.doc



## TERMS OF REFERENCE

### AUDIT & RISK COMMITTEE

#### 1. ESTABLISHMENT & PURPOSE

The Audit & Risk Committee (ARC) is established to provide the elected Council with advisory assurance in respect of WSC's risk profile, management controls and compliance frameworks.

The Committee is established in accordance with Council's authority granted by Section 355 (d) of the Local Government Act 1993 (the Act).

#### 2. MEMBERSHIP

- 2 Councillors elected by the Council (one being the Mayor)
- All other Councillors are welcome to attend (no voting rights unless appointed as an alternate voting member)
- Two independent members appointed by Council.

Councillors and independent members will be appointed for the term of the Council. Independent members will be eligible for re-appointment. Council will also appoint an alternate councillor member to the Committee who will act as a stand-in as required.

Other councillors are encouraged by way of open invitation to attend the Committee meetings as observers.

The Chair of the Committee will be an independent member and be elected by the Committee. Where the Committee is unable to decide who the Chair is to be then Council will make the decision.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.

#### 3. OBJECTIVES OF THE COMMITTEE

- (a) To ensure that an independent view is taken on the operational matters within the organisations day-to-day business as they impact the key accountabilities



of the Council under law. To provide independent advice on the operational matters of the business.

- (b) To add material value to the management and governance of the organisation.
- (c) To support the General Manager in maintaining organisational competence.
- (d) Specifically the Audit & Risk Committee should advise the Council on the following matters:
  - Effectiveness of WSC risk management framework for identifying and managing Council's financial and business risks.
  - Effectiveness of key controls including policy, procedure and governance processes of activities.
  - Legislative compliance by the organisation
  - Effectiveness of external accountability mechanisms.
- (e) The focus of the Committee should only be on matters of significance and materiality.

#### **4. ROLE of the COMMITTEE**

The Committee has no delegated powers, except those expressly provided by Council.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to this Terms of Reference.

It will also assist Council by providing independent advice on Council fulfilling its responsibilities to ensure that management has an appropriate governance and business framework in place across Council.

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.

#### **5. RESPONSIBILITIES OF THE COMMITTEE**

##### **a) Internal Audit**

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.





- Review the scope of the Internal Audit plan
- Recommend for approval to Council the Internal Audit Plan after consultation with the General Manager.
- Consider the adequacy of Internal Audit resources/funding to carry out its responsibilities including completion of the approved Internal Audit Plan
- Monitor the status of planned activities of Internal Audit as set out in the adopted Internal Audit Plan
- Review audit reports and consider significant issues identified and action taken on issues raised.
- Monitor the implementation of internal audit recommendations by management.
- Monitor and assess the performance and effectiveness of Internal Audit
- Make recommendations on the appointment or removal of the head of Internal Audit

**b) External Audit**

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statements and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Consider significant issues raised in relevant external audit reports and provide independent advice on appropriate action to be taken.

**c) Enterprise Risk Management**

- Provide advice on the adequacy of Council's current risk management framework, and associated procedures for effective identification and management of Council's financial and business risks,



## 6. MEETING TIMEFRAMES

The ARC shall meet at least four times per year and also meet to receive the draft financial statements.

## 7. INDEPENDENCE AND ACCESS

The Committee is to liaise closely with Senior management and Internal and External Auditors to carry out its responsibilities. Whilst the primary responsibility for financial and other reporting, internal control and compliance with laws, regulations and ethics within Council rests with the General Manager, the Committee will assist the General Manager through its monitoring and review role.

The Committee will have, subject to the requirements of The Act, access to relevant information associated with its responsibilities.

Members of the Committee are encouraged to proactively discuss relevant issues with the General Manager, the External Auditor and/or the Internal Auditor as they arise from time to time.

The full Committee will meet separately with the External Auditor on at least one occasion each financial year. The Chief Audit Officer shall meet separately with the independent members of the Governance Committee on at least one occasion each financial year as requested.

## 8. REPORTING

The Committee shall report to the Council no later than four weeks after each meeting held.

The Committee may receive and consider reports on:

- Audit Plan
- Financial statements
- Quarterly Management performance against annual plan
- Special Investigations
- Reports arising from action items

Each year the Committee Chair will provide an annual report to Council including information on the Committee's principal activities during the year.



## 9. MEETINGS

All meetings are in accordance with the Local Government Act and are to comply with the WSC adopted Code of Meeting Practice.

## 10. QUORUM

A quorum of three members is required for any meeting.

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 may re-schedule the meeting for another time.

Meetings can be held in person, via telephone or via video conference.

## 11. VOTING

A decision must be supported by a simple majority of the votes cast at a meeting of the Committee at which a quorum is present.

If voting is tied, the Chairperson has a casting vote.

No more than two elected Councillors as appointed may vote.

## 12. CHAIRPERSON and their ROLE

The Chairperson will be an Independent Member

Should the elected Chairperson be absent, the Committee shall elect a Chairperson from among its number.

The agenda will be set by the Chairperson in consultation with the General Manager. Items shall be submitted to the nominated Committee Clerk 14 days before the next scheduled meeting date.



If a Committee member wishes to raise an urgent/late item that is not on the agenda, the Chairperson shall determine the appropriate manner for dealing with the matter in accordance with Council's adopted Code of Meeting Practice.

Matters of a confidential nature will be dealt with in accordance with Council's adopted Code of Meeting Practice.

The External Auditor and Chief Auditor Officer shall be given notice of meetings and sent an agenda and reports submitted to the Committee unless determined by the Chair of the Committee and/or General Manager.

### **13. SECRETARY**

The position shall be filled by a Councillor Services staff member appointed by the General Manager

### **14. AGENDA**

The Agenda shall be set by the Chair of the Committee in consultation with the General Manager and will be sent to each member at least one week 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.

### **15. 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.

All minutes must be approved by the Chairperson in consultation with the General Manager and distributed to all members.

#### **16. PROCEDURE FOR CHANGING THE TERMS OF REFERENCE (TOR)**

- (a) The Terms of Reference can only be changed by Council resolution at any time.
- (b) The following procedures shall apply for the Committee to propose an amendment of the Terms of Reference to Council.
- i Proposed changes to the TOR 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 Proposed changes will require a majority vote of the Committee membership
  - iii Amendments to the Terms of Reference will only be effective after a resolution of approval by the Council.

#### **17. TERM**

The Committee shall be appointed for the term of Council within nine calendar months of the Council taking office after an election

Council may also dissolve or amend the Committee in anyway by adopting a resolution at any time.

#### **18. CONFLICTS OF INTEREST**

Committee members must declare any conflict of interest and take appropriate action in accordance with the Code of Conduct at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Independent members are deemed to be designated persons under Section 441 of The Act and will be required to complete a pecuniary interest return in accordance with Section 449 of The Act.



**19. INDUCTION AND TRAINING**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**20. VACANCY**

If for any reason a vacancy in the Committee membership occurs, the position shall be filled by appointment by the Council.

**21. ASSESSMENT ARRANGEMENTS**

The Chair of the Committee, in consultation with the Mayor and General Manager, will initiate a review of the performance of the Committee every four years.

**22. REVIEW THE TERMS OF REFERENCE**

Every four years the Council/Committee will review this Terms of Reference to ensure it remains up-to-date with professional and legislative requirements and make recommendations to Council as appropriate.

Proposed amendments to the Terms of Reference can be effective only after approval by Council.

## 4.2 Appointment to Committees

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TRIM REFERENCE: F2004/06497 - D03128801

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### SUMMARY

Election of delegates to Committees of Council.

### RECOMMENDATION

- 1 ***That Council appoint the following Committees and elect Councillor representatives, for the term of Council, in accordance with the Strategic Committee Terms of Reference:***
  - a ***Community and Recreation Strategic Committee*** ***2 Councillors***
  - b ***Corporate Strategic Committee*** ***2 Councillors***
  - c ***Environment and Planning Strategic Committee*** ***2 Councillors***
  - d ***Infrastructure Management Strategic Committee*** ***2 Councillors***
  
- 2 ***That the Mayor indicate whether he intends to Chair any of the Strategic Committees.***
  
- 3 ***That the Council elect a Chairperson for each of its Strategic Committees.***
  
- 4 ***That Council appoint the Audit and Risk Committee and elect Councillor representatives, for the term of Council, in accordance with the attached Audit and Risk Committee Charter:***
  - a ***Audit and Risk Committee*** ***2 Councillors and an alternate***
  
- 5 ***That Council appoint the following Advisory Groups and elect Councillor representatives, for the term of Council, in accordance with the Advisory Group Terms of Reference:***
  - a ***Beach Advisory Group*** ***0 Councillors***
  - b ***Grants Advisory Group*** ***3 Councillors***
  - c ***Senior Citizens Advisory Group*** ***0 Councillors***
  - d ***Sports Advisory Group*** ***4 Councillors***  
***(1 being***  
***Mayor)***
  - e ***Status of Women Advisory Group*** ***3 Councillors***

6 That Council **appoint** the previous community representatives as at September 2012, to the Advisory Groups in accordance with the Advisory Group Terms of Reference, for the term of Council.

7 That Council **elect** the following Councillor representatives to the Statutory Committees for the term of Council or in accordance with the individual Charters.

a	<b>Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee</b>	<b>3 Councillors</b>
b	<b>Bushfire Management Committee</b>	<b>1 Councillor and 1 alternate</b>
c	<b>Centennial Coal/Myuna Colliery Community Consultative Committee</b>	<b>1 Councillor</b>
d	<b>Fire Control District Liaison Committee</b>	<b>2 Councillors</b>
e	<b>Mannering Colliery Community Consultative Committee</b>	<b>1 Councillor</b>
i	<b>Consultative Committee</b>	<b>2 Councillors (1 alternative)</b>
j	<b>GM Performance Review Panel</b>	<b>All Councillors</b>
k	<b>Local Traffic Committee</b>	<b>1 Councillor and 1 alternate</b>
l	<b>Heritage Committee</b>	<b>1 Councillor (alternate)</b>
m	<b>Joint Regional Planning Panel</b>	<b>1 Councillor</b>

8 That Council **elect** the following Councillor representatives to External bodies or groups for the term of Council or in accordance with the individual Charters.

a	<b>Hunter Central Coast Regional Environmental Management Strategy Information Committee (REMS)</b>	<b>1 councillor</b>
b	<b>Central Coast Business Mentor Services Board (trading as Central coast Business Enterprise Centre)</b>	<b>1 Councillor</b>
c	<b>Central Coast Group Training</b>	<b>Mayor or delegate</b>
d	<b>Central Coast Tourism</b>	<b>GM or delegate</b>
e	<b>Greater Toukley Vision Inc</b>	<b>1 Councillor</b>
i	<b>Public Libraries NSW – Metropolitan</b>	<b>1 Councillor</b>
j	<b>Regional Development Australia - Central Coast</b>	<b>1 Councillor</b>
k	<b>The Entrance Town Centre Management Corporation Board</b>	<b>2 Councillors</b>
l	<b>Wyong Council Community Environment Network and WyCare Liaison Group</b>	<b>1 Councillor</b>



## 4.2 Appointment to Committees (contd)

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- m* **Wyong Regional Chamber of Commerce** **1 Councillor (1 alternate)**
- n* **Central Coast Regional Organisation of Councils Executive Group** **Mayor and Deputy Mayor, 1 Councillor**
- o*

**9 That Council establish the following Working Party and elect Councillor representatives for the term of Council or in accordance with the individual Charters/Terms of Reference.**

- a* **Art House Working Party** **1 councillor**

### **BACKGROUND**

Council may appoint or elect such Committees as it considers necessary (Clause 260(1) of the Local Government (General) Regulations, 2005). When appointing or electing a Committee Council must specify the functions of the Committee, however the functions may be amended from time to time (Clause 261 of the Local Government (General) Regulations, 2005).

Council's Code of Meeting Practice first adopted in 1993, together with subsequent amendments makes provision for the election of Councillors to Committees of Council for the term of the Council. The Code remains in place until Council goes through the procedures to make any amendments.

In accordance with Clause 26 of the Local Government (General) Regulation 2005 In establishing or re-establishing a Committee, Council is required to:

- a* Clearly define the charter/purpose of the Committee.
- b* Determine the membership of the Committee and appoint the members thereto.
- c* Set the timeframe for the Committee to complete its task and submit its reports recommendations to the Ordinary Meeting of Council.
- d* Note in the charter/terms of reference that the Committee has no authority to co-opt persons to its membership.

### **Establishment of Committees**

In accordance with the Local Government Act, former Councillors ceased to hold office on the day of the election. Therefore it is necessary for Council to elect new Council representatives to the various committees.

In accordance with the various charters of Council Committees, it is proposed that the following Committees be reformed as Committees of Council with representatives elected by Council:

**Appointment of the Mayor to all Committees**

In accordance with Section 267 of the Local Government (General) Regulation 2005 the Mayor is an ex-officio member and the Chairperson on all Council Committees. This does not apply to Advisory Groups or Statutory Committees.

If the Mayor does not wish to be Chairperson, Council can appoint another Committee member to be Chairperson. If the Council does not make such an appointment, the Committee may appoint one of its members to be Chairperson.

**Adoption of Terms of Reference for Heritage Committee**

Council may choose to establish a Heritage Committee to assist in completing the objectives and actions of the Heritage Strategy and to assist in conserving and managing the Shire's important heritage buildings, places and items. The establishment of the committee has been pending the review of the structure. In accordance with the new structure, the Heritage Committee would be classified as an internal statutory committee. The terms of reference for the Heritage Committee would be the same as the Advisory Group standard TOR.

**Detail of Committees/Groups as at September 1 2012**

A list of the detail of the committees and groups as at September 2012 is enclosed. The list indicates name and purpose, proposed type under new structure, delegates required, former delegates and meeting frequency.

**ATTACHMENTS**

- 1 Detailed Information on Committees Groups as at September 1 2012 Enclosure D03152537

### **4.3 NSW Local Government Association Conference 2012 - Voting Delegates**

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TRIM REFERENCE: F2004/06351 - D03056622

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

#### **SUMMARY**

The Local Government Association of NSW Annual Conference will be held between Sunday 28 and Tuesday 30 October 2012 and nominate those interested Councillors to attend.

#### **RECOMMENDATION**

- 1 That Council authorise those interested Councillors to attend the Local Government and Shires Association Annual Conference 2012.**
- 2 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.**
- 3 That Council determine the five delegates with voting entitlements should more than five Councillors indicate their intention to attend the conference.**
- 4 That Council note that the opportunity to submit motions has closed, however late motions will only be accepted if the matter is both urgent and emergent.**

#### **BACKGROUND**

The Conference will be held in Dubbo between 28 and 30 October 2012.

#### **CURRENT STATUS**

Councils are entitled to nominate voting delegates on a population basis. Council is entitled to nominate five voting delegates.

In accordance with Section D6 of Council's *Facilities and Expenses Policy for Councillors* the following applies:

*"The maximum attendance (D6) restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association."*

## **THE PROPOSAL**

It is proposed that councillors indicate whether they will be attending the Local Government Conference. At this stage Councillors Nayna and Webster have expressed an interest in attending the Conference.

In accordance with the *Facilities and Expenses Policy for Councillors*, Council may authorise the attendance and reimbursement of expenses for Councillors attending the conference.

## **Motions to Local Government Associations Conference 2012**

The deadline for motions to be submitted and included on the conference papers has passed. Wyong Council has not submitted any motions to the conference this year.

Council may still submit a late motion if it is considered to be both urgent and emergent.

## **Motion Categories**

Motions will be determined to be either Category 1 or Category 2.

Category 1 motions must seek to establish a new policy or position or amend existing policy and it must be of regional, state or national significance.

Category 2 motions are motions which are already covered by existing policy or subject to ongoing lobbying and/or representation. Category 2 motions will be dealt with by the Executive and not by the Conference.

Where councils submit similar motions on related topics, these motions may be grouped and the strategic issue debated at Conference to arrive at a 'Local Government Industry' position.

Motions will be considered under one of four subject headings:

- 1 Services (human services, environmental services, library services, cultural programs, recreation programs, health protection and promotion, development approvals, environmental regulatory activity etc)
- 2 Infrastructure (issues relating to transport, roads, bridges, footpaths, open space, water & sewerage facilities, waste facilities & services, recreation facilities, arts facilities, civic buildings etc)
- 3 Finance (revenue raising, government funding, cost shifting, emergency services levy, waste levy, carbon tax, economic development etc)
- 4 General (land use planning, development approvals, environmental regulatory activity, workforce planning & development, industrial issues, etc)

**OPTIONS**

- 1 Approving attendance of councillors would involve a cost to Council but would ensure that necessary professional development is achieved.
- 2 Not approving attendance of councillors would delay achievement of councillors professional development.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Administration	Corporate Governance	Councillor Facilities, Expenses and Fees		Professional development of Councillors.

**Contribution of Proposal to the Principal Activity**

Councillors are encouraged to attend conferences, seminars and external training sessions that will support their professional development as a councillor. The NSW Local Government Association Conference is an opportunity for councillors to extend their understanding of local government and to learn about views and opinions on modernising its operation

**Long term Financial Strategy**

Nil impact.

**Asset Management Strategy**

Nil impact.

**Workforce Management Strategy**

Nil impact.

**Link to Community Strategic Plan (2030)**

Nil impact.

#### 4.3 NSW Local Government Association Conference 2012 - Voting Delegates (contd)

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##### **Budget Impact**

The table below indicates the approximate cost for attendance at the Conference and associated travel expenses per Councillor:

<b>2012 NSW Local Government Association Conference</b>	<b>(\$)</b>
Registration	\$1200
Travel (Council vehicle / petrol)	(\$150)
Travel (own vehicle)	\$350
Accommodation (based on approx \$160 per night for 3 nights)	\$480
Other disbursements (meals, taxis etc) say	\$400
<b>Total - estimate</b>	<b>\$2,430</b>

In accordance with Facilities and Expenses policy for Councillors WSC will reimburse expenses for three (3) attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses, which consist of sessions conducted over two or more consecutive days.

The maximum attendance restriction on numbers will not apply to attendance by elected members at the annual conference or a special conference of the NSW Local Government Association or National Congress of the Australian Local Government Association.

##### **CONSULTATION**

Councillors were advised of the conference as part of the Councillor Induction Program.

##### **GOVERNANCE AND POLICY IMPLICATIONS**

Conference attendance is permitted under Clause D7 of the *Facilities and Expenses Policy for Councillors*.

##### **MATERIAL RISKS AND ISSUES**

Nil impact.

##### **CONCLUSION**

The conference is an opportunity for Council to ensure issues of concern are debated widely and for councillors to network with other elected representatives from throughout New South Wales.

Attendance by councillor(s) would be necessary if motions are submitted to the conference for consideration.

##### **ATTACHMENTS**

*Nil.*

#### **4.4 Councillor Local Project Fund Policy**

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TRIM REFERENCE: F2010/00542 - D03063502

MANAGER: David Jack, Director Corporate Services

AUTHOR: Lesley Crawley; Manager Corporate Governance

##### **SUMMARY**

This report proposes the adoption of a Policy for the implementation of the Councillor Local Project Fund.

##### **RECOMMENDATION**

- 1 That Council adopt the Councillor Local Project Fund Policy.**
- 2 That Council note the timeframes associated with the Policy.**

##### **BACKGROUND**

At the 2012 Weekend Workshop Councillors developed a list of Councillor Outcomes for the 2012/2013 financial year. One of the 'outcomes' was to 'Introduce a Councillor Improvement fund to the value of \$150,000 (\$15,000 per councillor).

The fund was generally described as a budget allocation to enable individual Councillors to nominate minor community projects/works for action within the financial year.

Whilst the fund seems similar in nature to the Councillors' Community Improvement Grants (CCIG) it is not a grant program in that there is no direct community applicants. No money will be given to direct to any person or group and works must align with Council's overall strategies.

##### **CURRENT STATUS**

Budget for the proposal has been adopted as an allocated budget item for the 2012/2013 Annual Plan. The policy, procedure and timelines to support the proposal are now reported to Council for adoption.

##### **THE PROPOSAL**

It is proposed to establish a Councillor Local Project Fund to enable Councillors to nominate specific minor, strategic projects or works to be undertaken in the community.

Funding for the works is subject to an annual allocation in Council's Annual Plan. The allocation for the 2012/2013 financial year is 150k. The allocation is to be equally distributed amongst the Councillors (ie 15k per Councillor).

The proposal is required to be supported by a WSC Policy and procedures for implementation including an approval path and timeline. The Policy, approval flowchart and timeline documents are attached.

**Procedure**

A flowchart is attached which maps the process including the assessment and approval path. The process is as follows:

- Application submitted by individual Councillor\*
- Register by Corporate Governance Unit
- Assess/specification/costing by relevant Service Unit Manager
- Confirm costing by Finance Unit
- If compliant refer to Director for Review
- Refer GM if applicable
- If not compliant refer back to Corporate Governance and Councillor advised\*
- Compliant applications reported to Council for approval
- Schedule Project/Works
- Complete Works
- Report completed works to Council.

\* Two or more Councillors may agree on a joint proposal for the whole or part of their funding allocation.

\*\*Councillor may submit an alternative proposal if a proposal has been declined.

**Assessment**

Assessment will occur against the criteria contained in the CLP policy.

**Costing**

Costing shall include all costs associated with the project (eg. Approvals, design, construction, staff resources, project management).

Maintenance impost generated as part of the proposal will be considered as part of the assessment. Projects/works that generate a significant ongoing maintenance cost will be declined.

Requests for variations/scope changes will be reassess and submitted for Council approval.

**Timing**

A matrix indicating the timing of the process is attached. The process will be completed within the financial year in which the funds are allocated.

In the financial year of a local government election the allocation process will commence in November.

In all other years allocation may be accessed from July 1<sup>st</sup> onward.

**OPTIONS**

Council may:

1. Adopt the Policy as presented
2. Adopt an amended Policy
3. Reject the policy and reallocate the funding.



**STRATEGIC LINKS****Wyong Shire Council Strategic/ Annual Plan**

Proposals will be assessed to ensure alignment with the WSC strategic plan and the link to the Community Strategic Plan. Proposals not aligned will be declined.

**Long term Financial Strategy**

Allocation to the fund will need to be considered on an annual basis.

**Asset Management Strategy**

The application and assessment process will have regard to the adopted WSC Asset Management Strategy.

**Workforce Management Strategy**

The application and assessment process will have regard to the adopted WSC Workforce Management Strategy.

**Link to Community Strategic Plan (2030)**

Proposals will be assessed to ensure alignment with the WSC strategic plan and the link to the Community Strategic Plan.

**Budget Impact**

Allocation to the fund will be considered on an annual basis as part of the Annual Plan adoption.

The assessment process will include an analysis of any budget impact likely as a result of the proposal.

**CONSULTATION**

Consultation with Councillors, the Executive and the Senior Management Team has informed the Policy and procedure preparation.

**GOVERNANCE AND POLICY IMPLICATIONS**

The allocation of funding is a function of the Council as the governing body. All applications meeting the criteria will be reported to Council for adoption. The policy also provides appropriate governance requirements to manage allocations for the year of local government election.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

Council has indicated that a fund to assist the completion of minor local projects within the current financial year that may not otherwise be achieved.

Adoption of a policy will ensure that projects are scoped, costed and align with the WSC strategic direction and that the outcome is achieved within the current financial year.

**ATTACHMENTS**

1	Policy - Councillor Local Project Fund V2	D03063514
2	Flowchart-Councillor Local Project Fund - Process	D03063509
3	Councillor Local Project Fund timeframe	D03152442



## Wyong Shire Council

### POLICY FOR COUNCILLOR LOCAL PROJECT FUND

**Policy No: XXXXX**

**Policy Author: Manager Corporate Governance**



**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>Authority</b>	<b>TRIM Doc. #</b>
1	5 July 2012	Manager Corporate Governance	
2	11 July 2012	Director Corporate Services	
3			

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## A. POLICY SUMMARY

- A.1. This policy supports the Wyong Shire Council's (WSC) Councillor Local Project Fund (CLP) which provides an avenue for minor projects to be undertaken in the Wyong Shire community.

## B. POLICY BACKGROUND

- B.1. The Council has identified funding in its Annual Plan to enable individual Councillors to nominate minor community projects/works for action within the financial year.
- B.2. The CLP Fund is designed to enable small local projects/works to be completed that are over and above projects included in Council's Annual Plan, Service Unit Business Plans and works programs.
- B.3. The policy recognises that the voting of and the provision of the funds is a function of the Council.
- B.4. WSC is committed to ensuring the process for CLP funding is in accordance with the principles of the WSC Code of Conduct including openness, impartiality and accountability.
- B.5. WSC recognises that the CLP process should not have a detrimental effect on existing work programs.
- B.6. The CLP is not intended to be an additional WSC grant program. The CLP specifically targets projects or works that otherwise would not be undertaken by the Council or are not a priority program under WSC's existing works programs. Proposals that meet the criteria for existing grants programs will be redirected.
- B.7. WSC recognises that additional funding for projects may be offered in partnership with Community and Corporate groups.

## C. DEFINITIONS

- C.1. **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.
- C.2. **The Act** means the *Local Government Act 1993*.
- C.3. **WSC** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C.4. **CLP** means Councillor Local Project Fund.

## D. POLICY STATEMENTS

### Jurisdiction

- D.1. This Policy covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.

- D.2. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

**General**

- D.3. Amendment to this policy will occur in accordance with the procedure for Organisational Policy establishment contained in the WSC Policy for the Establishment of Policies.
- D.4. It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy
- D.5. WSC will consider in each Annual Plan the allocation of funding for the CLP.
- D.6. Each Councillor is allocated a one tenth share of a total amount identified for CLP in the WSC Annual Plan.
- D.7. Funding will be for projects/works carried out by WSC staff or WSC appointed contractors.
- D.8. Funding will be for projects/works carried out on Council land or buildings.
- D.9. Proposals for works/projects on private land or facilities or for commercial or private benefit to groups or individuals, or for proposals not located in Wyong Shire are not eligible for CLP funding.
- D.10. In the financial year of a Local Government Election the allocation process will commence in November. In the financial year of an election, no commitments, payments or related publicity may be undertaken from the date of publication of the Notice of Election until after polling day.
- D.11. In all other years, the allocation may be accessed from July onwards.
- D.12. Projects/works which, in the opinion of the General Manager, generate significant ongoing maintenance costs will not be eligible.
- D.13. Any asset retained at the completion of the project/works will remain in WSC ownership.
- D.14. Community groups and/or commercial sponsors may contribute funds toward the project/works however the total cost of the project must be available prior to approval of the CLP component.
- D.15. Proposals must contribute to the objectives of WSC Strategic Plan.
- D.16. The Council's Code of Conduct including declarations of interest shall apply.
- D.17. Proposals will be subject to WSC Procurement processes.
- D.18. Councillors may nominate a further proposal should an initial proposal be declined.
- D.19. Projects/Works are to be completed in the financial year in which they are approved.
- D.20. Proposals that are not able to be scheduled for completion within the financial year will be declined.
- D.21. Two or more Councillors may agree on a joint proposal for the whole or part of their CLP funding.

- D.22. Proposals for projects identifying an additional service will be scheduled for a specific time period and discontinued once allocation is exhausted.

**E. POLICY IMPLEMENTATION - PROCEDURES**

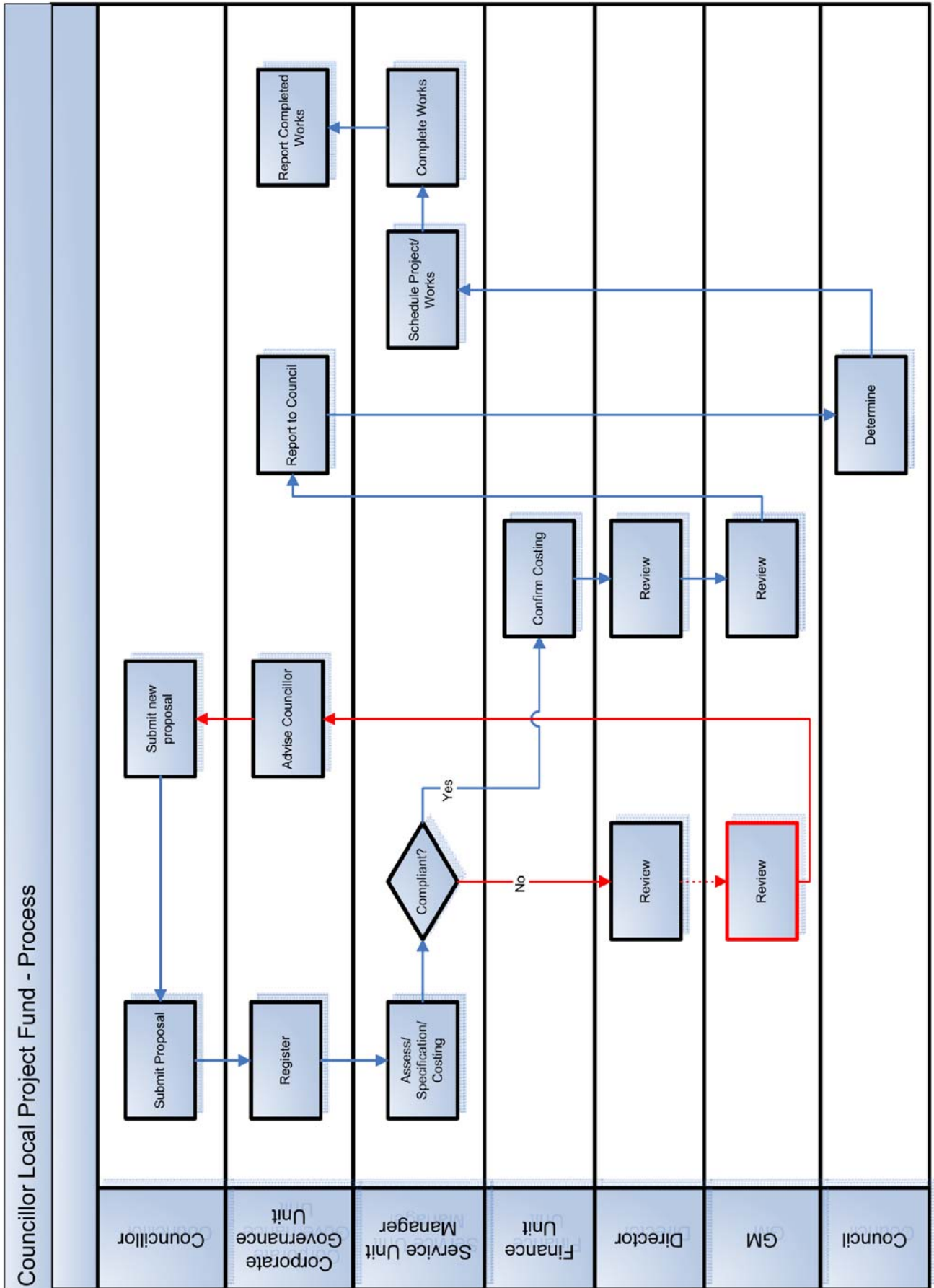
- E.1. A quarterly status report for progress and completed works will be provided to Council.
- E.2. One round of nominations will occur each financial year.
- E.3. Nominations will be assessed by staff and reported to Council for approval.
- E.4. Unspent funds will lapse at the end of the financial year.
- E.5. Councillors may nominate one or more project as long as the total cost of the project does not exceed the individual Councillor allocation.
- E.6. A letter of Agreement will be executed between all parties prior to WSC accepting funding from third parties to contribute to project/works.
- E.7. Nominations must be submitted on the approved application form.
- E.8. The estimated cost of projects/works will include all necessary costs for approvals, licences, project management, staff resources, community consultation and design and construction.
- E.9. Requests for variations and/or scope changes will be re- assessed and submitted for Council approval in accordance with the original procedures.
- E.10. An estimate of ongoing maintenance costs shall be reported to Council.
- E.11. The process will be administered by the WSC Manager, Corporate Governance.

**Publicity**

- E.12. CLP funding is intended to have a direct benefit to the community. It is important that the process is transparent and that the contribution made by the Council is recognised appropriately.
- E.13. All publicity associated with the projects/works shall be in accordance with WSC's media protocols.
- E.14. In the year of the Local Government Election promotion or advertising of the projects/works will occur during the regulated period for electoral matter via the General Manager as spokesperson for WSC.

**Associated documents**

- E.15. WSC Code of Conduct
- E.16. WSC Procurement Policy
- E.17. Councillor Local Project Fund Procedures





Councillor Local Project Fund Timeline (Election Year)																	
Task	Responsibility	July	August	September	October	November 1 - 7	November 8 - 30	December 1-14	December 15-31	January 1- 14	January 15 - 31	February 1-14	February 15-28	March	April	May	June
1 Submit Proposal on Application Form	Councillor																
2 Register and initial check - clarify with Councillor if required	Corp Gov Unit																
3 Assess/Specifications/Cost	SUM																
Finance Confirm Costing	Finance Unit																
4 Review by Director/GM	Director/GM																
5 Report to Council	Corp Gov Unit																
6 Council Determination	Council																
7 Schedule & Undertake Project Works	SUM																
8 Report Outcomes to Council	Corp Gov Unit																

Councillor Local Project Fund Timeline (Non- Election Year)																	
Task	Responsibility	July	August	September	October	November 1 - 7	November 8 - 30	December 1-14	December 15-31	January 1- 14	January 15 - 31	February 1-14	February 15-28	March	April	May	June
1 Submit Proposal on Application Form	Councillor																
2 Register and initial check - clarify with Councillor if required	Corp Gov Unit																
3 Assess/Specifications/Cost	SUM																
Finance Confirm Costing	Finance Unit																
4 Review by Director/GM	Director/GM																
5 Report to Council	Corp Gov Unit																
6 Council Determination	Council																
7 Schedule & Undertake Project Works	SUM																
8 Report Outcomes to Council	Corp Gov Unit																

## **4.5 2011/12 Annual Financial Reports**

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TRIM REFERENCE: F2011/02800 - D03113664

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Mellissa McKee; Corporate Planning Executive

### **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 adopt the draft Wyong Shire Council financial statements for 2011/12 as presented.**
- 2 That Council refer the draft Wyong Shire Council financial statements for 2011/12 (as presented) to external audit.**
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2011/12 financial reports as required by legislation.**
- 5 That Council fix 24 October 2012 as the date for the presentation of the audited 2011/12 financial statements 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 5 October 2012, the Governance Committee reviewed Council's 2011/12 Annual Financial Statements and resolved to recommend to Council that Council consider the adoption of the following resolutions in respect of the General Purpose, Special Purpose, Special Schedules and Water Supply Authority Accounts:

- 1 That the Governance Committee recommends that Council consider adopting the following resolutions in respect of the draft General Purpose, Special Purpose, Special Schedules and Water Supply Authority Accounts:**
  - 1.1 That Council adopt the draft Wyong Shire Council financial statements for 2011/12.**

- 1.2 That Council refer the draft Wyong Shire Council financial statements for 2011/12 to external audit.
- 1.3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2011/12 financial reports as required by legislation.
- 1.4 That Council fix 24 October 2012 as the date for the presentation of the audited 2011/2012 financial statements 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.

At the time of writing this report the Governance Committee is yet to meet and review the 2011/12 Financial Statements. Should the Governance Committee request changes to the Statements a late Council report for 10 October 2012 will be issued with the amendments as per the Governance Committee Meeting of 5 October 2012.

### **Completion of Audit**

The 2011/12 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 Local Government Act 1993.

Once the Annual Statements have been referred to audit and the formal audit reports received, the Audited Reports will subsequently be presented to the Council meeting on 24 October 2012, in accordance with Section 419 of the LGA 1993.

### **General Purpose Financial Reports**

Section 413(2) (c) of the Local Government Act (LGA) 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 2011/12 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.

### 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 2011/12 Special Purpose Financial Reports have been prepared in accordance with the NSW Government Policy Statement "*Application of National Competition Policy to Local Government*", the Division 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 NSW Office of Water, Department of Environment, Climate Change and Water Guidelines.

### 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.

Statements in the approved form are included as Attachment 1 for execution.

### CONCLUSION

The accounts represent Council's formal financial performance and position for 2011/12.

Presenting final year-end accounts is a statutory requirement.

Council must adopt the draft accounts before the External Auditor will provide their formal opinion for inclusion in Council's Annual Report.

### ATTACHMENTS

- |   |  |           |
|---|--|-----------|
| 1 | WSC 2011/12 General Purpose Financial Reports, Special Purpose Financial Reports and Water Supply Authority Reports: Statements by Councillors and Management 2011/12 (unsigned) | D03148731 |
| 2 | Wyong Shire Council Financial Reports 2011/12 (D03152524 - distributed under separate cover)   | Enclosure |
| 3 | Wyong Shire Council Water Supply Authority Financial Reports 2011/12 (D03148953 - distributed under separate cover)  | Enclosure |

## Wyong Shire Council

### General purpose financial statements for the year ended 30 June 2012

### 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 Statements have 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, these statements:

- present fairly the Council's operating result and financial position for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render the Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 10 October 2012:

.....

**Mayor**

.....

**Deputy Mayor**

.....

Michael Whittaker  
**General Manager**

.....

David Jack  
**Responsible  
Accounting Officer**

## Wyong Shire Council

### Special purpose financial statements for the year ended 30 June 2012

#### Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been drawn up in accordance with:

- The *Local Government Code of Accounting Practice and Financial Reporting*.
- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*".
- The Division of Local Government guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*".
- The NSW Office of Water, Department of Environment, Climate Change and Water guidelines "*Best-Practice Management of Water Supply and Sewerage*".

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 10 October 2012:

.....

**Mayor**

.....

Michael Whittaker  
**General Manager**

.....

**Deputy Mayor**

.....

David Jack  
**Responsible  
Accounting Officer**

## Wyong Shire Council Water Supply Authority

### Financial Statements for the year ended 30 June 2012

### Statement by Councillors and Management made pursuant to section 41c (1b) & (1c) of the Public Finance and Audit Act 1983

Pursuant to section 41c (1b) & (1c) of the *Public Finance and Audit Act 1983* we state that:

1. These financial statements present a true and fair view of the financial position of the Wyong Shire Council Water Supply Authority as at 30 June 2012 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 statements have been prepared in accordance with the *Public Finance & Audit Act 1983*, Australian Accounting Standards, including Australian Accounting Interpretations, and the *Public Finance & Audit Regulation 2010*.

We are not aware of any circumstances at the date of these statements that would render any particulars included in the financial statements to be misleading or inaccurate.

Signed in accordance with a resolution of Council made on 10 October 2012:

.....

**Mayor**

.....

**Deputy Mayor**

.....

Michael Whittaker  
**General Manager**

.....

David Jack  
**Responsible  
Accounting Officer**

## **4.6 Rate Payment Incentive Scheme 2012-13**

---

TRIM REFERENCE: F2004/06159 - D03131797

MANAGER: Carlton Oldfield, Financial Controller

AUTHOR: Darryl Telfer; Revenue Accountant

### **SUMMARY**

Report of Council's 2012-13 Rate Payment Incentive Scheme.

### **RECOMMENDATION**

***That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2012-13.***

### **BACKGROUND**

At the Ordinary Meeting of Council on 23 May 2012, it was resolved to again conduct the rate payment incentive scheme in 2012-13.

To be eligible for entry, ratepayers had to have either paid the 2012-13 rates and charges including arrears by 31 August 2012 in full or to have elected to pay their 2012-13 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.

### **CURRENT STATUS**

Eligibility for entry in the draw is closed. Entries have been prepared for a draw from the barrel by the Mayor to determine the winner of the incentive scheme prize.

At the conclusion of the rate payment period, a total of 5,968 ratepayers had paid their rates in full, an increase of 142 on the previous year.

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. The estimated benefit is based upon the investment return to Council through the earlier investment of these funds, at the 90 day bank bill rate, currently 3.57% p.a. as at 13 September 2012.

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 357 ratepayers did so in response to the scheme, the benefit to Council in additional interest opportunity would cover the value of the scheme's prize.

Additionally, 2,990 ratepayers elected to pay their rates in full or by instalments using direct debit, an increase of 184 on the previous year.



## 4.6 Rate Payment Incentive Scheme 2012-13 (contd)

Although not eligible for inclusion in the rate payment incentive scheme, at the time of issue of the 2012-13 rate notices 1872 ratepayers had elected to pay by direct debit on weekly, fortnightly, four weekly or monthly intervals, an increase of 144 or 8.3% over the previous year.

### THE PROPOSAL

It is proposed that the rate payment incentive scheme winner for 2012-13 be drawn.

### OPTIONS

Continuation of the scheme in 2013-14 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 2013.

Council is already committed to the scheme for the 2012-13 period, having resolved to conduct the scheme for 2012-13 at its Ordinary Meeting on 23 May 2012.

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Administration	Financial Operations	Financial Sustainability		Moves operating result towards breakeven

#### Contribution of Proposal to the Principal Activity

Nil impact.

#### Long term Financial Strategy

Nil impact.

#### Link to Community Strategic Plan (2030)

Contributes to financial sustainability.

**Budget Impact**

Funding already provided within the Service Unit Business Plan.

**CONSULTATION**

Details of the scheme were included with each rate notice issued by Council in July this year.

Additionally the scheme was advertised in Council's Shirewide column in the Central Coast Express on Wednesday 29 August 2012 and in a stand alone quarter page advertisement in the Friday 24 August 2012 edition of that newspaper.

**GOVERNANCE AND POLICY IMPLICATIONS**

Council is already committed to the scheme for the 2012-13 period, having resolved to conduct the scheme for 2012-13 at its Ordinary Meeting on 23 May 2012.

Section 4 of the Lotteries and Art Unions Act 1901 provides that certain charitable and non-profit organizations (being organizations not formed or conducted for private gain) are authorized to conduct lotteries. The rate payment incentive scheme prize value of \$5,000 is the maximum allowable under the relevant regulations.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

Conduct of the scheme provides Council with a significant financial benefit through increased investment income or reduced payment processing costs.

**ATTACHMENTS**

*Nil.*

## **4.7 Report on Debts Written off**

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TRIM REFERENCE: F2004/06592 - D03131832  
MANAGER: Carlton Oldfield, Financial Controller  
AUTHOR: Devini Susindran, Financial Accountant

### **SUMMARY**

This report details the debts written off by Council in the year ended 30 June 2012.

### **RECOMMENDATION**

*That Council receive the report on debts written off for the year ended 30 June 2012.*

### **BACKGROUND**

WSC's raises revenue and manages debt recovery in accordance with the Local Government Act (1993) and the Local Government (General) Regulations 2005. Council has limited the value of debts that can be written off without Council resolution, under Clause 213 (2) to a value of up to \$10,000. WSC is required to report to Council on amount written off below this value in accordance with these regulations.

Debt recovery is actively managed within Wyong shire Council. All property related debts are recovered on an on-going basis and failing that at the time of sale of the property. All non property related debts deemed irrecoverable are written off as per approved delegations.

### **CURRENT STATUS**

This report details all debts written off in the financial year ended 30 June 2012. It should be noted that these debts were largely small in nature and were approved in accordance to staff and General Manager's delegations.

The total written off for the year ended 30 June 2012 amounted to \$9,568.06 consisting of 4,575 matters all below the limit requiring a Council Resolution.

### **CONCLUSION**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 213, it is certified that the debts written of for the year ended 30 June 2012 have been made in accordance with the Act, the Regulations and Council's Debt Recovery Policies.

Council continues to actively monitor and manage its debtors to minimise its risk. Greater emphasis is placed on encouraging payments and promoting settlement plans. All possible avenues of collection are investigated prior to a decision is made to write off a debt.

### **ATTACHMENTS**

- 1 Schedule of debts written-off for the year ended 30 June 2012 - D03133930

## **5.1 Information Reports**

---

TRIM REFERENCE: F2012/00026 - D03139002

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

*That Council receive the report on Information Reports.*

### **ATTACHMENTS**

*Nil.*

## 5.2 Tuggerah Lakes Unsustainable Fishery

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TRIM REFERENCE: F2004/07986 - D03039841

MANAGER: Gina Vereker, Director

AUTHOR: Jane Doyle; Senior Administration Support Officer

### SUMMARY

Reporting on a response from Mr Oliver Philpot, Chief Executive Officer, Central Coast Tourism to Council's Letter in relation to Tuggerah Lakes Unsustainable Fishery.

### RECOMMENDATION

***That Council receive the report on Tuggerah Lakes Unsustainable Fishery.***

### BACKGROUND

Council at its meeting held on 26 April 2012 resolved unanimously on the motion of Councillor Best and seconded by Councillor Eaton:

- "1 That Council note with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.*
- 2 That Council seek confirmation from Department of Primary Industries – Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.*
- 3 That Council note that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.*
- 4 That Council seek guidance from Central Coast Tourism Inc. and the Professional Fishing Association (PFA) as to the potential tourism and local lifestyle benefits that would flow from more recreational sustainable fishery.*
- 5 Council notes that Australian Tourism groups have found there to be a high level of interest in watching Commercial Fishers ply their time honored traditional methods which involve no high tech aids and are based on the same methods used on Tuggerah Lakes for the last 150 years.*

- 6 *That Council note there is a growing trend in Australians consumer behaviour to demand local fish and crustacean supplies from a trusted Australian controlled source to ensure quality and food safety. In fact, the mullet fishery was named only last week as one of the most sustainable fisheries and hence people should be eating this fish. Mullet is one of the major fish catches by Commercial Fishers in the Tuggerah Lake system and is not targeted by recreational anglers.*
- 7 *That Council note that the Tuggerah Lakes are owned and controlled by the NSW state government.*
- 8 *That Council lobby its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries .*
- 9 *That Wyong Shire Council, through its Tuggerah Lakes Estuary and Coastal Management Committee and Tuggerah Lakes Estuary Plan is continually working to improve the water quality and habitat of the Tuggerah Lakes and its environs which will also enhance sustainability of this fishery.”*

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

AGAINST: NIL

A response has now been received from Mr Oliver Philpot, Chief Executive Officer, Central Coast Tourism which follows:

**Subject: Tuggerah Lakes Sustainability of Fishing**

*“Hi Michael,*

*Thanks for your recent letter requesting information regarding the importance of recreational angling to tourism in the Tuggerah Lakes local area and the Central Coast.*

*Central Coast Tourism has investigated this matter, and unfortunately there is little information available in the way of tourism statistics that would provide an indication of the size/ makeup of this segment to either the Central Coast, or the Tuggerah area. We also understand Destination NSW does not filter their tourism statistical information by this type of activity, so there appears to be no data available at all at the broader NSW level either.*

*We have also spoken to representatives at Lake Macquarie Council and they have stated that they do not collect any information of this nature for us to benchmark against.*

*All that being said, we have spoken to The Entrance Town Centre Management who have, for many years, issued fishing licences to the public. The sale performance of the past two years is attached for your information, and provides some insight into a decline in fishing licenses sold.*

*Michael, please let me know if we could be of any further assistance and apologies we couldn't provide more detailed insight from a tourism perspective. "*

Kind Regards,

Oliver Philpot

**Chief Executive Officer**

**Central Coast Tourism**

**Chairperson**

#### **ATTACHMENTS**

- 1 Fishing Licences for The Entrance Visitor Information Centre (A4 colour) D03039876

Fishing Licence for The Entrance Visitor Information Centre												
	2010/2011					2010-2011	2011/2012					2011-2012
	Fish Licences	3 days	1 mth	1yr	3yrs	Totals	Fish Licences	3 days	1 mth	1 yr	3 yrs	Totals
July	\$1,438.10	78	19	19	2	118	\$1,632.00	75	16	18	6	115
August	\$1,467.00	81	8	27	1	117	\$1,425.00	45	5	24	5	79
September	\$2,412.00	115	23	38	4	180	\$1,947.00	99	13	32	3	147
October	\$2,628.00	116	14	39	8	177	\$2,559.00	105	14	41	7	167
November	\$2,190.00	106	19	34	4	163	\$2,640.00	84	18	49	6	157
December	\$8,289.00	271	100	129	21	521	\$3,273.00	88	30	37	17	172
January	\$5,946.00	360	68	90	10	528	\$5,079.00	156	54	64	21	295
February	\$2,921.70	125	24	45	7	201	\$2,121.00	76	25	28	7	136
March	\$2,715.00	145	20	41	5	211	\$903.00	38	6	18	1	63
April	\$2,964.00	130	25	43	8	206	\$1,983.00	70	9	27	9	115
May	\$1,542.00	57	10	21	6	94	\$774.00	21	9	18	0	48
June	\$1,053.00	65	7	12	3	87						
<b>Totals</b>	<b>\$35,565.80</b>		<b>337</b>	<b>538</b>	<b>79</b>	<b>2603</b>	<b>\$24,336.00</b>	<b>857</b>	<b>199</b>	<b>356</b>	<b>82</b>	<b>1494</b>



### **5.3 Investment Report for August 2012**

---

TRIM REFERENCE: F2004/06604 - D03127325

MANAGER: David Jack, Director Corporate Services

AUTHOR: Devini Susindran; Financial Accountant

#### **SUMMARY**

This report details Council's investments as at 31 August 2012.

#### **RECOMMENDATION**

*That Council receive the Investment Report for August 2012.*

#### **BACKGROUND**

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, Ministerial Investment Order issued February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The remaining investment in Blackrock Care and Maintenance Fund, continues to be wound up progressively and is expected to be liquidated by 2016.

#### **CURRENT STATUS**

##### **Managed Funds**

The Blackrock Care and Maintenance Fund, a "grandfathered" investment, is valued at \$5.63m, and produced an unrealised gain in August of \$0.10m or 1.75%. The fund continues to perform well over the longer-term, outperforming bank bills by more than +250bps over 1,2 and 3 years as at the end of August.

The residual balance of the fund is held with distributions of capital being paid out, as assets in the fund mature or are sold.

##### **Cash and Term Deposit Funds**

Cash flows in August were managed through maturities and investments in new term deposits with a net in-flow of \$9.37m including the first rates instalment.

**Table 1 Movement in Cash and Term deposits**

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in cash on call		3.60%		(\$6,621,000)
Bendigo Bank	6	5.88%	Aug 2012	(\$10,000,000)
NAB	5	5.85%	Aug 2012	(\$5,000,000)
Bankwest	3	5.50%	Aug 2012	(\$5,000,000)
IMB	2	4.80%	Nov 2012	\$5,000,000
ANZ	7	5.00%	Feb 2013	\$5,000,000
ING	7	5.16%	Mar 2013	\$5,000,000
Bendigo Bank	9	5.00%	May 2013	\$5,000,000
Suncorp	6	5.15%	Feb 2013	\$5,000,000
ING	8	5.13%	Apr 2013	\$5,000,000
Bank Of Queensland	48	5.20%	Aug 2016	\$6,000,000
<b>TOTAL</b>				<b>\$9,379,000</b>

Return on cash and term deposits for August 2012 was \$0.68m.

**Total Funds**

Total net return for August 2012 was \$0.78m consisted of \$0.68m of interest earnings and \$0.09m of unrealised capital gains on the Blackrock Care and Maintenance Fund.

**Table 2 Investment Portfolio by Risk Category**

Investment Class	August 2012 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	17,432	100	3.30
Term Deposits	139,001	1,244	5.79
Managed Funds	5,629	174	19.76
<b>Total Investments</b>	<b>162,062</b>	<b>1,518</b>	<b>5.93</b>

Year to date returns in August of 5.93% is favourable when comparing with the benchmark BBSW YTD Bank Bill Index of 3.77% and Council guidelines of BBSW + 10 basis points. The year to date return excluding capital gains on managed funds of \$0.18m is 5.23%.

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB Long term or above) and time horizon of the investment concerned.

Cash-at-call was managed within normal levels with an increased inflow due to rates instalments towards the end of August with the further investments to be made in early September 2012.

### 5.3 Investment Report for August 2012 (contd)

The target maximum limit in each category and the current spread of investments is listed in Table 3. The portfolio is currently over-weight in A1 but this is a positive position due to these investments offering the best rates selected for the investment time frame.

**Table 3 – Portfolio Credit Framework**

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation August 2012	Comments
A1	10.0%	77.40%	
A2	75.0%	16.04%	
A3	10.0%	2.47%	
Unrated	15.0%	4.09%	Includes Managed Funds
<b>TOTAL</b>	<b>110%</b>	<b>100.0%</b>	

Investment transactions and earnings during August 2012 are shown in Table 4 - Portfolio Performance.

**Table 4 – Portfolio Performance**

	Full Year 2011-12 \$m	July 2012 \$m	August 2012 \$m	Full Year 2012-13 \$m
<b>Movement in Assets</b>				
<b>Opening Balance</b>	<b>136.86</b>	<b>153.81</b>	<b>152.55</b>	<b>153.81</b>
Capital Gain/(Loss) – (see below)	(0.09)	0.08	0.10	0.18
Net Cash/Investments (Withdrawals)	17.04	(1.34)	9.41	8.07
<b>Closing Balance</b>	<b>153.81</b>	<b>152.55</b>	<b>162.06</b>	<b>162.06</b>
<b>Trading Position</b>				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	(0.09)	0.08	0.10	0.18
Interest Earnings	8.14	0.66	0.68	1.34
<b>Total Return for Period</b>	<b>8.05</b>	<b>0.74</b>	<b>0.78</b>	<b>1.52</b>

Movements in investments comprised the changes in, valuation, new investments and redemptions during August are shown in Table 5 – Changes in valuation and redemptions.

**Table 5 Changes in valuation, new investments and redemptions.**

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.04	
	Net movement	Investment / (Redemption)	<u>(6.62)</u>	<b>(6.58)</b>
Term deposits	Ref. Table 1	Redemptions	(20.00)	
		Investments	<u>36.00</u>	<b>16.00</b>
Borrowing costs	Westpac deposit Fund	Amortisation	<u>(0.01)</u>	<b>(0.01)</b>
Managed Funds	Black Rock	Capital Distribution	-	
		Capital Gain /( Loss)	<u>0.10</u>	<b>0.10</b>
<b>TOTAL</b>				<b>9.51</b>

### Interest and Investment Returns

Year to-date returns as at 31 August 2012 on council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.37m or 32.11% favourable variance when compared to the year to-date budget to August 2012.

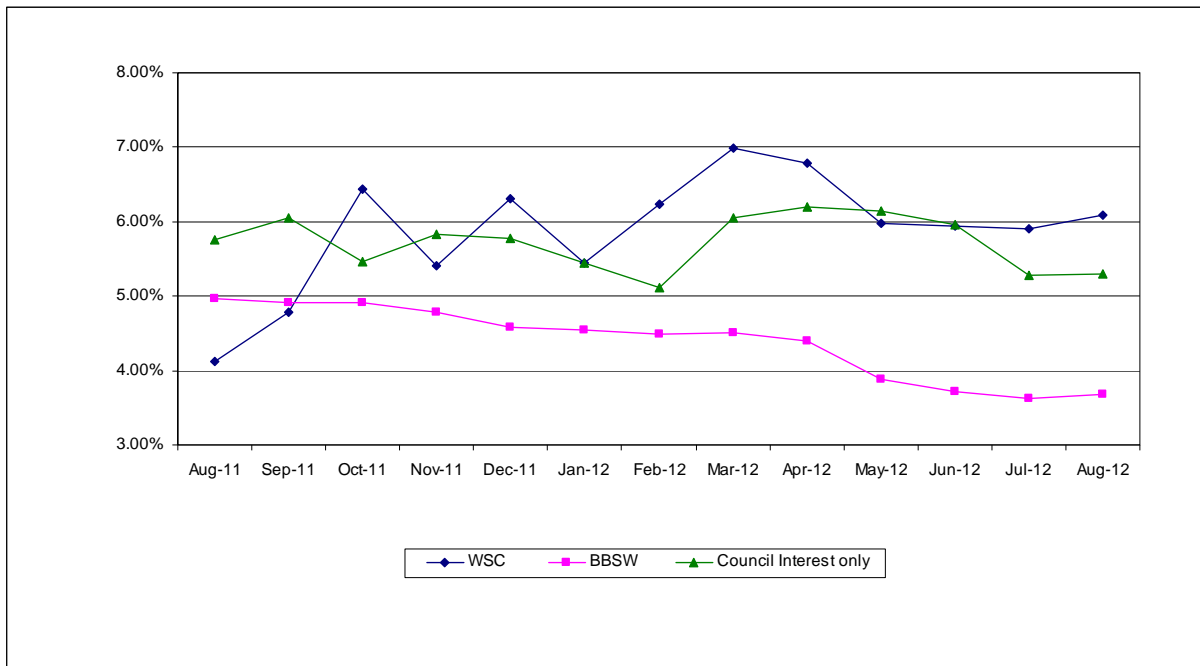
**Table 6 Annual Investment Portfolio Performance as at 31 August 2012**

Investment Source	FYR Revised Budget \$ '000	YTD Interest Actual \$ '000	YTD Change in valuation Actual \$ '000	YTD Net Actual \$ '000	YTD Net Budget \$ '000	Variation YTD Budget \$ '000
General Fund	4,170	840	103	943	695	<b>248</b>
Water	1,550	228	32	260	258	<b>2</b>
Sewerage	1,176	276	39	315	196	<b>119</b>
<b>Total</b>	<b>6,896</b>	<b>1,344</b>	<b>174</b>	<b>1,518</b>	<b>1,149</b>	<b>369</b>

Interest rates in the month, on term deposits ranged from 4.80% to 5.92% with the exception of Heritage Bank at 7.25% and these rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for August of 3.62%.

### Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the BBSW Bank Bill Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:



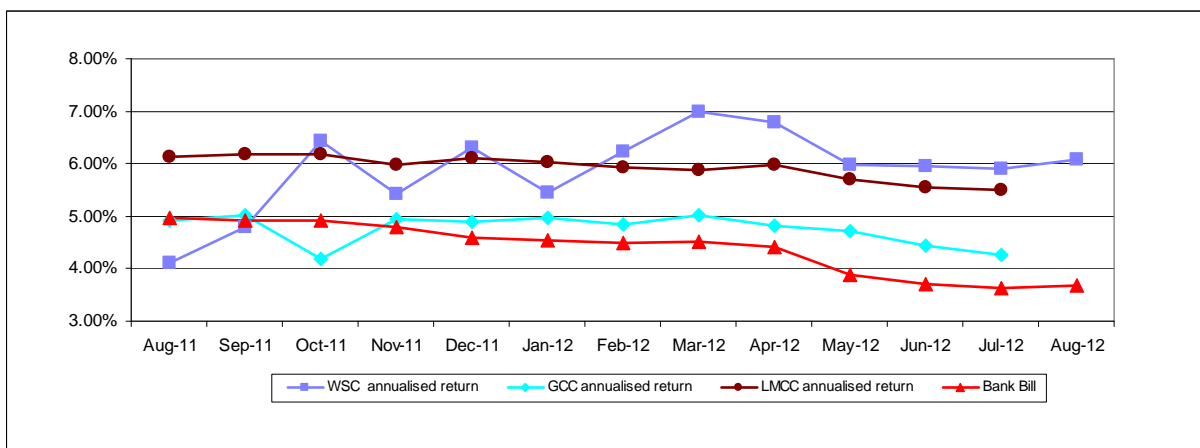
Council: *Council Total Return (Interest and Investments)*  
 Bank Bill: *BBSW Bank Bill Index*  
 Council Interest Only: *Council Interest Earnings*

**Comparison to Neighbouring Councils**

Council’s yield of 5.91% for July and 6.08% for August compare favourably to neighbouring Councils; Lake Macquarie City Council (5.49% - July) and Gosford City Council (4.26% - July).

There is a one month lag in the information available for neighbouring Councils as reports for August were not available at the time of writing this report.

**Table 8 Portfolio Return - Comparison to Neighbouring Councils**

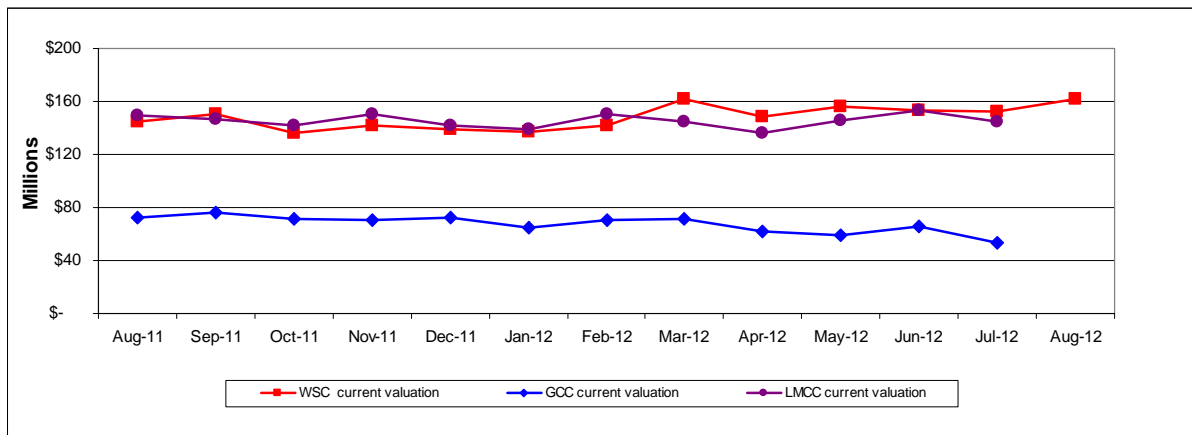


## 5.3 Investment Report for August 2012 (contd)

WSC's investment portfolio at the end of July was \$152.55m and August was \$162.06m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City Councils (refer Table 9).

However Council's cash position must be viewed relative to its high debt levels (predominantly in the Water and Sewer Business) at the end of June 2012 and June 2011 amounting to \$197.58m and \$190.26m respectively. In comparison Gosford City Council and Lake Macquarie City Council held debts of \$132.75m and \$53.71m respectively at 30 June 2011.

**Table 9 Total Investment – Comparison to Neighbouring Councils**



### 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 2012 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

### CONCLUSION

Council continues to allow its grandfathered managed funds to liquidate over time. The majority of investments are now held in term deposits in accordance with the provisions of the ministerial investment order.

Investments continue to be conservatively managed to ensure that value is added to the fixed interest portfolio and Council will continue to re-define its long term investment strategy as the level of managed funds in the portfolio reduces.

### ATTACHMENTS

- 1 Summary of Investment by Type - August 2012 D03130570

Wyong Shire Council Summary of Investments - By Type As at 31 August 2012								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO	PORTFOLIO	INCOME FOR MONTH OF AUGUST	INTEREST RATES % p.a.
		Short Term	Long Term		BALANCE 31.07.12 \$	BALANCE 31.08.12 \$		
<b>CASH AT CALL:</b>								
Westpac	Corporate Investment Account (AA)	A1	AA	Daily	17,835,299	17,253,998	38,700	3.60
Commonwealth	At Call	A1	AA	Daily	6,174,342	174,342	0	3.50
Bendigo/Adelaide	At Call	A2	A	Daily	-	-	987	
UBS	Cash Account	A1	AA	Daily	4,004	4,004	0	
<b>Total Cash At Call</b>					<b>24,013,645</b>	<b>17,432,344</b>	<b>39,687</b>	
<b>TERM DEPOSITS &amp; BONDS</b>								
<u>Short term deposits &amp; bills</u>								
Bankwest	Term Deposit	A1	AA	07/08/2012	5,000,000		4,521	5.50
Bendigo/Adelaide	Term Deposit	A2	A	27/08/2012	10,000,000		41,845	5.88
NAB	Term Deposit	A1	AA	30/08/2012	5,000,000		23,240	5.85
Westpac	Deposit Bond	A1	AA	24/09/2012	4,007,325	4,000,964	24,563	4.40
Bankwest	Term Deposit	A1	AA	26/09/2012	5,000,000	5,000,000	22,082	5.20
SunCorp	Term Deposit	A1	A	30/09/2012	10,000,000	10,000,000	50,279	5.92
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/09/2012	1,000,000	1,000,000	4,756	5.60
SunCorp	Term Deposit	A1	A	24/10/2012	7,000,000	7,000,000	35,374	5.95
IMB	Term Deposit	A2	BBB	01/11/2012		5,000,000	2,630	4.80
SunCorp	Term Deposit	A1	A	02/11/2012	5,000,000	5,000,000	24,078	5.67
Bendigo/Adelaide	Term Deposit	A2	A	07/11/2012	5,000,000	5,000,000	23,993	5.65
SunCorp	Term Deposit	A1	A	22/11/2012	5,000,000	5,000,000	22,507	5.30
SunCorp	Term Deposit	A1	A	22/11/2012	5,000,000	5,000,000	22,507	5.30
					<b>67,007,325</b>	<b>52,000,964</b>		
<u>Medium Term Deposits</u>								
ANZ	Term Deposit	A1	AA	06/12/2012	7,000,000	7,000,000	34,660	5.83
NAB	Term Deposit	A1	AA	27/12/2012	10,000,000	10,000,000	44,164	5.20
Bendigo/Adelaide	Term Deposit	A2	A	18/01/2013	5,000,000	5,000,000	21,233	5.00
ING	Term Deposit	A1	A	27/01/2013	5,000,000	5,000,000	21,785	5.13
ING	Term Deposit	A1	A	27/02/2013	5,000,000	5,000,000	21,615	5.09
ANZ	Term Deposit	A1	AA	27/02/2013		5,000,000	21,233	5.00
Suncorp	Term Deposit	A1	A	27/02/2013		5,000,000	2,822	5.15
ING	Term Deposit	A1	A	13/03/2013		5,000,000	17,671	5.16
NAB	Term Deposit	A1	AA	27/03/2013	10,000,000	10,000,000	47,849	4.99
ING	Term Deposit	A1	A	29/04/2013		5,000,000	2,811	5.13
Bendigo/Adelaide	Term Deposit	A2	A	28/05/2013		5,000,000	2,740	5.00
					<b>42,000,000</b>	<b>67,000,000</b>		
<u>Non - Current</u>								
Westpac	Term Deposit	A1	AA	05/03/2014	10,000,000	10,000,000	49,005	5.77
Bank of Queensland	Senior Bond	A2	BBB	02/08/2016		6,000,000	25,644	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	24,630	7.25
					<b>14,000,000</b>	<b>20,000,000</b>		
<b>Total Term Deposit &amp; Bonds:</b>					<b>56,000,000</b>	<b>87,000,000</b>	<b>640,237</b>	
<b>CASH MANAGEMENT FUNDS:</b>								
<u>Non - Current</u>								
BlackRock Care & Maintenance Fund		UNRATED	UNRATED	2016 (Estimate)	5,531,960	5,628,588	96,628	
<b>Total Cash Management Funds</b>					<b>5,531,960</b>	<b>5,628,588</b>	<b>96,628</b>	
<b>Current</b>					<b>133,020,970</b>	<b>136,433,308</b>		
<b>Non-Current</b>					<b>19,531,960</b>	<b>25,628,588</b>		
<b>TOTAL</b>					<b>152,552,930</b>	<b>162,061,896</b>	<b>776,552</b>	

## **5.4 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2012/00026 - D03139005

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Report on outstanding Questions on Notice and Notices of Motion.

### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions on Notice and Notices of Motion.*

### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 10 October 2012 | D03115793 |
|---|--|-----------|



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1	Environment and Planning Services/General Counsel	9.5 - Notice of Motion – Sea Level Rise Notification 1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i> 2 <i>Text of the letter be endorsed by Council.</i>	24 February 2010 Cr Eaton / Cr Graham	F2009/00067 A report will be submitted to Council once additional information has been provided by the General Counsel.
2	General Manager's Department - Major Projects	7.6 - Notice of Motion – Warnervale Town Centre Viability <i>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i>	12 May 2010 Cr Eaton / Cr Best	F2004/00535-07 D02226279 Once the Development Control Plan and Section 94 Contribution Plan have been endorsed by the appropriate authority a report will be provided to Council.
3	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Cr Eaton	F2004/12208 Report drafted and being reviewed taking into account the CLEP template and proposed CLEP clauses. A report is being prepared for late 2012.
4	Corporate Services	Q109/10 – Regional Hospital Cutbacks <i>“It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?”</i>	13 October 2010 Cr Best	F2004/11290 A response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
5	Environment and Planning Services	<p>8.2 - Notice of Motion - Development Applications for Retail Liquor Outlets &amp; 8.6 Notice of Motion - Proliferation of Alcohol Outlets</p> <p>1 <u>Make representation to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.</u></p> <p>2 <u>If the crime prevention partnership Committee group can not form a working party then Council will <u>establish</u> a licensed premises reference group comprising of:</u></p> <p>a) Council Officers, including Rangers</p> <p>b) NSW Police Local Area Commander</p> <p>c) A NSW Office of Liquor and Gaming Representative</p> <p>d) Central Coast Area Health Representative</p> <p>3 <u>Reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.</u></p> <p>4 <u>Make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:</u></p> <p>.....(Please see minutes for complete resolution.)</p>	<p>12 October 2011</p> <p>Cr Wynn / Cr Best</p>	<p>F2004/07052</p> <p>Meeting held to establish reference group. Councillor Business Update being prepared</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6	Environment and Planning Services	<p>Q34/11 – Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill</p> <p><i>“Could staff please advise on any State or Federal funding schemes that may be available to purchase sections of the remaining undeveloped land at Wadalba Hill for conservation purposes?”</i></p>	<p>14 December 2011</p> <p>Cr Vincent</p>	<p>F2005/00562</p> <p>A report is being prepared for submission to a Council meeting late 2012.</p>
7	Environment and Planning Services	<p>8.5 - Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver</p> <p>1 <u>Reaffirm</u> its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.</p> <p>2 <u>Note</u> the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.</p> <p>3 <u>Support</u> this initiative thereby establishing a regional approach to affordable housing.</p> <p>4 <u>Waive</u> Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.</p> <p>5 <u>Receive</u> the report in a timeframe for inclusion in the 2012-13 Annual Plan.</p> <p>6 <u>Implement</u> the trial by way of reporting those relevant development applications to Council for determination.</p>	<p>8 February 2012</p> <p>Cr Best / Cr Symington</p>	<p>F2004/00552</p> <p>Report on outcomes of trial to be prepared for October/November meeting of Council.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
8	Environment and Planning Services	<p>8.6 - Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works</p> <p>1 <u>Request</u> the General Manager to investigate options contained within relevant legislation to enable longer term approvals (including licences) to be issued for annual and repeat activities undertaken by Council within, on the foreshore and adjacent to the Shire's lakes, and other locations in relation to Part 5 Assessments.</p> <p>2 <u>Request</u> the General Manager to report back on the current costs borne by Council due to the need to apply for approvals and licences on an individual basis, with a view to minimising and/or avoiding any unnecessary waste of staff resources and ratepayer funds.</p>	8 February 2012 Cr Symington / Cr Eaton	<p>F2004/07773</p> <p>Input being sought from Council's Legal Counsel. Letters will then be prepared to various State Government Departments.</p> <p>A report will be prepared once advices are received.</p>
9	Environment and Planning Services	<p>8.7 - Notice of Motion - Tree Vandalism Norah Head</p> <p>1 <u>Note</u> with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</p> <p>2 <u>Direct</u> the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</p> <p>3 <u>Direct</u> the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.</p>	8 February 2012 Cr Symington / Cr Wynn	<p>F2012/00194</p> <p>A report on this item will be submitted to October meeting.</p>

No	Department	Question Asked / Resolution	Meeting Councillor	Asked/ Status
10	Environment and Planning Services	<p>Q18/12 - Sea Level Rise Outrage</p> <p><i>“Madam Acting General Manager, as reported in the local media the coast community is outraged at the prospect and impact of proposed sea level rise policy particularly as it will affect in Wyong Shire alone some 20 local suburbs and up to 10,000 individual homes. As this draft policy is having a profound affect on insurance and property value issues, planning, building and site usages, I respectfully request this matter now be reported urgently to Council. Could staff please advise when this would be?”</i></p>	<p>9 May 2012 Cr Best</p>	<p>F2009/00067 - D03003223</p> <p>Report will be prepared upon receipt of updated direction from the State Government.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11	Environment and Planning Services	<p>9.2 Notice of Motion – Ausgrid</p> <p><i>Request the General Manager to invite Ausgrid to attend a briefing with Councillors and Senior staff to discuss the following topics:</i></p> <ul style="list-style-type: none"> <li>a <i>Masterplanning of future urban precincts to achieve improved coordination of the location of Ausgrid infrastructure with Council landscaping and street tree planting programs.</i></li> <li>b <i>Enhanced engagement and communication with the community regarding Ausgrid tree maintenance programs and schedules.</i></li> <li>c <i>Request Ausgrid to formally commit to the undergrounding of power lines whenever upgrading and/or relocating existing power lines within urban areas.</i></li> <li>d <i>Invite Ausgrid to be involved in the review of Council's Landscaping Chapter of Development Control Plan 2012 with respect to the selection of appropriate species for street planting.</i></li> <li>e <i>Request Ausgrid to agree that in circumstances where it carries out significant vegetation maintenance on a major road/visually prominent location (such as Wyong Road), Ausgrid will replace the existing vegetation with more appropriate species that will not require significant future maintenance.</i></li> </ul>	<p>9 May 2012</p> <p>Cr Wynn/Symington</p>	<p>Briefing has been arranged for 2013.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12	Environment and Planning Services	<p>9.3 Notice of Motion - Assisting Housing Affordability</p> <p>1 <i>agree in principle to vary its policy to allow collection of s94 contributions for the contributions to be deferred until later in the development process.</i></p> <p>2 <i>request the General Manager to report on possible implementation procedures and benefits and disbenefits back to Council for approval prior to adoption.</i></p>	9 May 2012 Cr Eaton/Cr Best	Report being prepared for November round of meetings.
13	Infrastructure Management	<p>7.1 Notice of Motion - Reduce Single Use Plastic Bag Use in Wyong Shire</p> <p>1 <i>That Council <u>acknowledge</u> the efforts taken by some local businesses, residents and environmental groups to reduce the number of single-use plastic shopping bags used throughout the Shire.</i></p> <p>2 <i>That Council <u>acknowledge</u> that single-use plastic bags in the waste stream cause pollution, lasting many hundreds of years as they photo degrade rather than biodegrade into ever smaller pieces. The bags are a major litter problem in our parks, bush land and waterways and can result in the injury and death of many animal species both inside and outside of Wyong Shire such as turtles, cetaceans and birds.</i></p> <p>3 <i>That Council <u>write</u> to State and Federal Government Ministers urging them to introduce legislation that would ban or impose a levy on free single use plastic shopping bags as a timely measure that:</i></p>	23 May 2012- Cr Wynn/Cr Vincent	<p>Waste staff met with Cr Wynn on 4 July to clarify the scope and scale of actions required as part of this NOM. A plan and timeline to complete these actions is currently being developed.</p> <p>Addressing the environmental, social and economic impacts of plastic bags forms part of a broader Litter and Illegal Dumping program being developed in collaboration with staff across Council.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<ul style="list-style-type: none"> <li>▪ <i>shows solidarity with the stated position of the LGSA in supporting extender producer responsibility by retailers and waste reduction at the source,</i></li> <li>▪ <i>notes the lack of legislation to impose a levy on free single-use plastic bags</i></li> <li>▪ <i>reinforces a levy or ban as an important NSW state and national measure to decrease packaging litter, already successfully modeled by national retailers, Target, Aldi and Bunnings; by legislation passed in the states of South Australia, Northern Territory and ACT; by towns such as Coles Bay (Tasmania) and Mogo (southern NSW) in 2003, and planned by the City of Freemantle Council in 2012.</i></li> </ul> <p>4 <i>That Council <u>contact</u> major retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from Wyong Shire.</i></p> <p>5 <i>That Council <u>engage</u> with the Wyong Shire community in a process of creating awareness and education with regard to the degradation caused by plastic pollution including behavioural change away from our throwaway, disposable, single use attitude and awareness around the excessive plastic packaging of many products.</i></p>		



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
14	Environment and Planning Services	<p>7.3 Notice of Motion - Enhancing Planning Flexibility and Business Viability</p> <p>1 That Council <u>proceed</u>, as soon as practicable, to place on public exhibition its draft Settlement Strategy, subject to Department of Planning and Infrastructure concurrence.</p> <p>2 That Council <u>proceed</u>, as soon as practicable to place on public exhibition those parts of the draft DCP, that can be adopted prior to the DLEP, which would increase planning flexibility and/or development viability, including but not limited to the car parking and engineering chapters.</p> <p>3 That Council <u>authorise</u> the General Manager to determine which parts of the DCP to proceed to exhibition.</p> <p>4 That Council <u>nominate</u> an exhibition period of two months.</p> <p>5 That Council <u>receive</u> a further report on the results of the exhibition including consideration of adoption of these policies.</p>	<p>23 May 2012 Crs Eaton/Webster</p>	<p>Point 1 - Council is awaiting concurrence from Dept of Planning and Infrastructure</p> <p>Point 2 - Exhibition will commence 25 July 2012.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
15	Corporate Services – Economic & Property Development	<p>5.1 Notice of Motion - Hunter Link Opportunities</p> <p>1 <i>That Council <u>note</u> that the F3 freeway extension to Branxton is due for completion in about 1 year.</i></p> <p>2 <i>That Council <u>note</u> that the link will reduce travel time from Wyong Shire to the Hunter mines to around 1 hour in comparison to travel from Newcastle to the mines of around 90 minutes.</i></p> <p>3 <i>That Council <u>investigate</u> the opportunities for employment and economic development that the completion of this link will provide.</i></p>	13 June 2012 Crs Eaton/Graham	<p>F2004/07086</p> <p>Investigations will take place and response will be submitted to a future meeting of Council.</p> <p>Point 2 - Exhibition completed. Report being prepared for Council adoption 2nd meeting in October.</p>
16	Environment and Planning Services	<p>7.1 Notice of Motion - Housing Jump Start</p> <p><i>That Council <u>direct</u> the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.</i></p>	27 June 2012 Crs Eaton/Graham	<p>F2008/02302</p> <p>A report regarding this item is being prepared and will be submitted to Council late 2012</p>
17	Environment and Planning Services	<p>Q29/12 - General Store Compliance</p> <p><i>"I have received numerous representations with regard to the ongoing issue of compliance of a general store in Norah Head that now seats some 50-60 patrons "The General Store" can be booked online for functions or private gatherings, could you please outline how this activity has been able to be approved in a residential area under the guise of a general store? As this matter has been ongoing for some 6 months your response would be appreciated at your earliest convenience to assist those in question."</i></p>	25 July 2012 Cr Best	<p>Awaiting advice from Legal Counsel on this matter.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
18	Corporate Services – Economic & Property Development	<p>8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North</p> <p>11/7/12      <i>That Council <u>note</u> the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.</i></p> <p>1/12            <i>That Council, as an advocate on behalf of the local community of our Shire's north, <u>request</u> the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.</i></p> <p>2/12            <i>That Council <u>request</u> the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780 hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.</i></p> <p>3/12            <i>That Council <u>request</u> the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.</i></p> <p>4/12            <i>That Council <u>request</u> the General Manager to reiterate to the relevant agencies the matters with regard to</i></p>	8 August 2012 Crs Best/Eaton	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p><i>community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.</i></p>		
19	Infrastructure Management	<p>8.3 Notice of Motion - RV Friendly Town - Trial in the North of the Wyong Shire</p> <p>5/12 <i>That Council <u>support</u> the Northern Lakes Regional Chamber of Commerce in its endeavours to pilot the "RV Friendly Town" concept in the North of the Wyong Shire.</i></p> <p>6/12 <i>That Council <u>request</u> the General Manager to investigate options for installing two RV dump sites in the North of the Shire in consultation and conjunction with the Northern Lakes Regional Business Chamber and the Northern Lakes Disability Tourism Precinct Committee.</i></p> <p>7/12 <i>That Council <u>request</u> the General Manager to submit a report detailing two feasible RV dump sites in the North of the Shire for piloting and trialling the RV Friendly Town concept, with one dump site being predominantly a "disability friendly" dump site, to Council for consideration.</i></p>	8 August 2012 Crs Vincent/ Symington	Investigations will take place and response will be submitted to a future meeting of Council.
20	Infrastructure Management	8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme	8 August 2012 Crs Best/Eaton	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Councillor	Asked/ Status
		<p>8/12 That Council <u>note</u> with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.</p> <p>9/12 That Council <u>request</u> the General Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.</p> <p>10/12 That, subject to resolution 4, Council <u>request</u> the General Manager to trial the scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.</p> <p>11/12 That Council <u>direct</u> the General Manager to provide an indicative and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.</p> <p>12/12 That Council <u>request</u> the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.</p>		
21	Corporate Services	<p>7.1 Notice of Motion - Insurance Risk Briefing</p> <p>186/12 That Council <u>request</u> the General Manager to arrange a briefing for the</p>	<p>22 August 2012 Cr Best/Eaton</p>	<p>Karl Sullivan from Insurance Council of Australia will attend WSC from 12 to 1pm on 7 November 2012 for Councillor briefing on general insurance issues which has been arranged as an outcome for the above</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p><i>incoming Council on the wider community issues resulting from pressures on the insurance sector.</i></p> <p>187/12 <i>That Council <u>request</u> the General Manager to <u>ensure</u> the briefing includes coverage of the potential major insurance trends and the risks that will need to be addressed by residents and employers in the Shire.</i></p> <p>188/12 <i>That Council <u>request</u> the briefing to be held after the induction of the new Council.</i></p> <p>189/12 <i>That Council <u>request</u> the General Manager to make contact with the NSW Insurance Council to ascertain the facts on how premiums for flood prone properties are assessed.</i></p>		mentioned Notice of Motion.
22	Environment and Planning Services	<p>7.2 Notice of Motion - Disability Friendly Miniature Railway in the North of the Wyong Shire</p> <p>190/12 <i>That Council <u>support</u> in principle the Northern Lakes Disability Tourism Precinct Committee in its endeavours to establish a disability friendly miniature railway system in the north of the Wyong Shire.</i></p> <p>191/12 <i>That Council <u>request</u> the General Manager to investigate possible locations for installing a disability friendly miniature railway system in the north of the Shire, as identified by and in consultation with, the Northern Lakes Disability Tourism Precinct Committee and the Pioneer Dairy Model Railway Group.</i></p> <p>192/123 <i>That Council <u>request</u> the General</i></p>	22 August 2012 Crs Vincent/Wynn	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<i>Manager to prepare a report in response to the sites identified, outlining the feasibility of each site.</i>		
23	Infrastructure Management	Q30/12 Investigate Load Limit on Woodbury Park Drive, Mardi <i>"I have received representations from residents of Woodbury Park Drive, Mardi as to noises from the road cushions, particularly from heavy vehicles. To ameliorate this noise, can staff investigate placing a load limit, perhaps of 5 tonnes, to restrict heavy vehicle traffic on this road?"</i>	22 August 2012	The answer to this question will be submitted to the 10 October, 2012 Council meeting.
24	Corporate Services	Q31/12 Carbon Tax Impact on Rate payers <i>"Mr General Manager, further to your staff report, item 4.3 of the 23 May 2012 meeting, staff highlight that the carbon tax will only directly add \$26.45 per annum to the rates. The report goes on to outline "however in real terms the impact on Wyong Shire Council (WSC) cost is estimated to be much higher as materials and services purchased from external suppliers take effect during the year, for example the nature of WSC business is such that significant components of purchase costs will be significantly affected by the tax and passed on to the Wyong Shire operational cost"... "Utility, fuel and energy costs will increase by \$1.9m"... "Waste management anticipated \$4.4m"... "Concrete and bitumen \$1.1m"... "Other indirect costs to suppliers \$4.0m". These increases represent a huge "uncompensated" increase of \$11.4m to Council and the rate payers, could staff now please provide a new and updated assessment of likely budgetary impacts as a result of the carbon tax to our new 2012 council?"</i>	22 August 2012	Investigations will take place and a response will be submitted to a future meeting of Council.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
22 AUGUST 2012**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Corporate Services – Economic & Property Development	<p>7.2 Notice of Motion - Council Calls to Stop Community Building Partnership Cuts</p> <p>1 <i>That Council <u>note</u> that Wyong Shire has received in excess of \$2,000,000 for community and infrastructure projects from the State Government's Community Building Partnership program in 2009, 2010 and 2011.</i></p> <p>2 <i>That Council <u>note</u> that this funding has assisted the Council and the community to undertake many worthwhile projects such as:</i></p> <p>a <i>Wyong Shire Council – Baker Park Northern Carpark and Recreational Space - \$22,400.</i></p> <p>b <i>Wyong Shire Council – Upgrade of Community Reserve - \$30,000.</i></p> <p>c <i>Soldiers Beach Surf Lifesaving Club – Club fitout - \$59,909.</i></p> <p>d <i>Toukley and District Senior Citizens Club Inc – replacement of bowls room roof - \$30,000.</i></p> <p>e <i>San Remo Community Garden - Establishment of a Permaculture Education centre - \$25,000.</i></p> <p>f <i>Northern Lakes Rugby League Sport and Recreation Club – Construction of Clubhouse and Amenities block - \$50,000.</i></p> <p>3 <i>That Council <u>note with concern</u> media reports that the NSW Treasurer will cut the funding provided through the Community Building Partnership by one third (from \$400,000 to \$300,000) in the 2012-13 State Budget.</i></p> <p>4 <i>That Council <u>note with concern</u> any reduction in funding available to Community groups and the Council from the State Government places financial pressure on the Shire's ability to invest in infrastructure and deliver quality local services.</i></p> <p>5 <i>That Council <u>call on</u> the O'Farrell Government not to cut the funding available through Community Building Partnership in the 2012-13 State Budget, and instead make a full allocation of \$35 million available for community groups and Councils to invest in local infrastructure.</i></p>	27 June 2012 Crs Vincent/ Matthews	Letter to State Government Community Building Partnership Grants Dept with copy to Darren Webber MP forwarded 17/8/2012 – action now complete.



## **6.1 Answers to Question on Notice**

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TRIM REFERENCE: F2008/03238 - D03115869  
MANAGER/AUTHOR: Andrew Pearce; Manager Roads & Stormwater

### **6.1 Investigate Load Limit on Woodbury Park Drive, Mardi**

The following question was asked by Councillor Doug Eaton at the Ordinary Meeting on 22 August 2012:

*"I have received representations from residents of Woodbury Park Drive, Mardi as to noises from the road cushions, particularly from heavy vehicles. To ameliorate this noise, can staff investigate placing a load limit, perhaps of 5 tonnes, to restrict heavy vehicle traffic on this road?"*

This request was considered by the Traffic Assessment Panel (TAP) at its meeting held on 13 September 2012. The TAP consists of staff members from across the disciplines of transport planning, asset management, engineering design, road safety and regulatory.

It was recognised that the traffic calming devices were installed following requests from residents in relation to speeding vehicles and accident history. Generally there has been a general acceptance of the devices by the majority of residents and positive comments have been received from the Police.

It is considered that any notable noise of vehicles travelling over the top of the cushions would relate to smaller trade utilities or trailers, and not larger vehicles, as the cushions are designed in such a way so to allow larger vehicles such as buses to traverse either side of the cushions.

It is further considered that the application of a load limit will have minimal impact on the use of the road by heavy vehicles given both buses and any other heavy vehicles using the road to service the area are legally entitled to do so. Load Limit restrictions do not apply to heavy vehicles that are not 'through' traffic and have a business destination in the local area or to heavy traffic where the owner/driver may live in the area.

Accordingly, in consideration of the above, the Panel is of the belief that a load limit of five tonnes was not warranted in Woodbury Park Drive.

## **ATTACHMENTS**

*Nil.*

10 October 2012

To the Ordinary Council Meeting

Councillor

## **7.1 Notice of Motion - Consistent Regulations for Residents Living Near the Water**

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TRIM REFERENCE: F2004/07706 - D03080735

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 8 August 2012 he will move the following Motion:

- "1 That Council acknowledge that s149 planning certificates issued by Wyong Shire Council do not include any reference to sea level rise.*
- 2 That Council acknowledge the significant confusion created by the lack of certainty in the current NSW State Government direction and the impact and hardship this has on our community.*
- 3 That Council raise its significant concerns with local State members of Parliament and the Minister for the Central Coast and seek their support in lobbying the Government to provide a clear direction and a consistent approach across the State regarding sea level rise and the information to be provided to the community in s149 planning certificates."*

### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. It is not envisaged that any additional resources would be required.

### **COUNCILLORS NOTE**

- This motion is not about the science behind sea level rise.
- There are in excess of 50 Local Government Councils in NSW that are affected by sea level rise of which only 16 have issued s149 notifying property owners.
- The message needs to be consistent across all Local Government areas in NSW that are affected.

### **ATTACHMENTS**

*Nil.*

## **7.2 Notice of Motion - Sea Level Rise Removal**

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TRIM REFERENCE: F2009/00067 - D03145502

AUTHORS: Luke Nayna; Councillor

Llyod Taylor; Councillor

Councillors Luke Nayna and Lloyd Taylor have given notice that at the Ordinary Council Meeting to be held on 10 October 2012 they will move the following Motion:

- “1 That Council acknowledge that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.*
- 2 That Council acknowledge the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.*
- 3 That Council resolve that its sea level rise policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.*
- 4 That Council request the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council’s review.*
- 5 That the General Manager provide an urgent briefing to Council on the implications of the State Government’s recent coastal reforms.*
- 6 That the General Manager report back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.”*
- 7 In circumstances where existing Government legislation or policy conflicts with Council’s policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.*

### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Environment and Planning Services Department. It is not envisaged that any additional resources would be required to provide the required briefing and Council report.

10 October 2012

To the Ordinary Council Meeting

Councillor

### **7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections**

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TRIM REFERENCE: F2010/00500 - D03146950

AUTHOR: Greg Best; Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on Wednesday 10 October 2012 he will move the following Motion:

- “1 That Council note the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.
- 2 That Council conduct a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).
- 3 That Council include in the review the following matters:
  - (a) Identification of legislative constraints and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.
  - (b) The “contractual” arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).
  - (c) Issues around WHS obligations for booth workers, liabilities and responsibilities.
  - (d) Improved provision of disabled and aged access at polling places, particularly pre-poll booths.
  - (e) Feedback received from electors.
  - (f) Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.
  - (g) Any other matters identified by the General Manager in the course of the election process.”

**RESOURCES**The proposal is identified as a part of the works in the 2012-2013 Corporate Governance Unit Service Unit Business Plan and will be undertaken using existing resources.

10 October 2012

To the Ordinary Council Meeting

Councillor

## **7.4 Notice of Motion - Wyong Skills Centre**

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TRIM REFERENCE: F2010/00500 - D03148261

AUTHORS: Luke Nayna; Councillor

Adam Troy; Councillor

Councillors Luke Nayna and Adam Troy have given notice that at the Ordinary Council Meeting to be held on 10 October 2012 they will move the following Motion:

*“That Council write to the Department of Education, Employment and Workplace Relations to confirm there is still funding available for the Wyong Skills Centre and the process and/ or criteria required to be met for Council to seek these funds be used for the proposed Wyong Skills Centre in partnership with Central Coast Group Training.”*

### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Community and Recreation Services Department. It is not envisaged that any additional resources would be required.

### **COUNCILLORS NOTE**

In May 2009, Wyong Shire Council and Central Coast Group Training (CCGT) made a joint application to secure funding for a Wyong Skills Centre to be located in Margaret Street Wyong which was operated by CCGT and owned by Council.

Since that time, Council has made various decisions about the location, the service model and the partnership arrangements. The last Council resolution from 14 March 2012 resolved the following:

- “1 That Council respectfully decline the offer to make application to the Federal Governments Community Infrastructure Grants – Youth Commitments Program, due to the strict criteria which Council believes does not deliver on the objectives of meeting the needs of a full service skills centre for the community.*
- 2 That Council direct the General Manager to write to the Department of Education Employment and Workplace Relations and Central Coast Group Training advising them of Council’s decision.”*

Central Coast Group Training have recently expressed interest in revitalising this partnership to deliver the Wyong Skills Centre in the site at Tuggerah Business Park previously identified in discussions with Council and CCGT.

Wyong Shire Council and the Central Coast has a high youth unemployment (statistics provided below) and the value that a project like the Wyong Skills Centre would have would be extensive in our community.

## 7.4 Notice of Motion - Wyong Skills Centre (contd)

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### Unemployment Rate and Youth Unemployment in Wyong Shire

#### Unemployment Rate

In March 2012 the Shire had an unemployment rate of 8.1% compared with 5.2% for NSW and 5.1% for Australia. Unemployment rates have historically been 2-5% higher than State and National rates.

#### Youth Unemployment

Media and parliamentary reports have quoted a youth unemployment rate of around 40% on the Central Coast. This figure has been checked with both the Australian Bureau of Statistics (ABS) and Department of Education, Employment and Workplace Relations (DEEWR).

DEEWR has confirmed that this statistic is not the unemployment rate but a rate of the number of young people seeking full-time work as a proportion of the total number of young people in full-time work plus those seeking full-time work. Note, in this statistic, those young people seeking work may already be in "work" but still be able to be registered and receiving the Centrelink allowance which brings this groups into the count used by DEEWR in their data

Unemployment rates by age are sourced by the Australian Bureau of Statistics, Labour Force Data by Age (Cat no. 6291.0.55.001).

#### Unemployment Rates 15-19 year olds

	Gosford-Wyong Region	NSW
June 2012	17.9	16.7

#### Unemployment Rates 20-24 year olds

	Gosford-Wyong Region	NSW
June 2012	12.6	8.1