



Two 'World Cafe' Forums were held on August 29 to gather information, generate ideas and test existing ideas to develop a Learning Communities Strategy for Wyong Shire. Over 70 people attended representing local services, businesses, community groups and residents.

Business Paper

ORDINARY MEETING

14 September 2011



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 14 SEPTEMBER 2011 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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9.5	Update Report on the Financial Status of the Mardi to Mangrove Link Project	
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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 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02747676

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

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.

14 September 2011
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.2 Address by Invited Speakers

TRIM REFERENCE: F2011/00027 - D02747699
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.3 Proposed Inspections and Briefings

TRIM REFERENCE: F2011/00027 - D02747680

AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Inspections were conducted on 7 September 2011 listed as follows:

Date of Inspection	Location	Requested By
7 September 2011	The Wyong Town Centre Heritage Conservation Area, South Tacoma Road Heritage Conservation Area and Potential heritage item identified as 'streetscape' at 64-78 Pacific Highway, Wyong	Director Environment and Planning and Manager Place Management
7 September 2011	Cabbage Tree Bay Rock Wall	Acting Director Infrastructure Management
7 September 2011	Additional Health Care Facilities (Christadelphian Homes Ltd) Lake Front Village, 1-20 Village Way, Canton Beach (to be determined by JRPP)	Director Environment and Planning

Briefings for 7 September 2011 and this meeting of 14 September 2011 and future meetings to be held in the Wilfred Barrett and Tim Farrell Committee Rooms:

Date	Briefing	Description	Time	Presented By
7 September 2011	CCWC - Cost Benefit Analysis	Central Coast Water Corporation: Under the Voting Shareholders Agreement, endorsed by Council in June, Council is required to prepare a Cost Benefit Analysis of the progression through each phase of the Corporations set up. This briefing is to seek input from the Councillors on a draft project brief that has been prepared to address this requirement	3.00 pm – 4.00 pm	Manager Major Projects
7 September 2011	Proposed list of lands from community to operational	Go through the proposed list for reclassification of lands from community to operational with Councillors	4.00 pm – 5.00 pm	Manager Economic and Property Development / Manager Business Development

7 September 2011	Precinct 7A	This briefing will provide an update on the preferred Precinct 7A Structure Plan which has been developed following consultation with major stakeholders, Councillors and government agencies	5.00 pm – 5.30 pm	Manager Land Use Planning and Policy Development / Senior Strategic Planner
14 September 2011	Iconic Development Sites and Current Key Site No 7 (Klumper) The Entrance	Presentation of the development concept for a Regional Water theme park, hotel, convention centre and residential development at The Entrance	12.30 pm – 1.00 pm	Manager Place Management
14 September 2011	Iconic Development Site No 2 Vacancy Key Site (Neuva Entranda)	Second presentation of the key site proposal responding to the issues raised by Councillors at the previous briefing in May 2011.	1.00 pm – 1.30 pm	Manager Place Management
14 September 2011	Learning Community Strategies	To introduce an overview of the Learning Communities Strategy to Councillors	1.30 pm – 2.00 pm	Manager Community and Cultural Development / Manager Lifelong Learning
14 September 2011	Council's Online	Report on current CapGemini IT Contract and proposed future direction		Director Corporate Services / Chief Information Officer
14 September 2011	Proposed list of lands from community to operational – Part 2	Go through the proposed list for reclassification of lands from community to operational with Councillors	2.30 pm – 3.00 pm	Manager Economic and Property Development / Manager Business Development

A full list of Councillor Briefings for 2011 was adopted by Council at its meeting on 9 February 2011. The latest version of Briefings for 2011 list is available upon request to the General Manager's office.

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

ATTACHMENT

- 1 Updated Briefing Schedule 3rd & 4th Quarters 2011 D02765354

PROPOSED DATE	Briefing Title	Director
14-Sep	Learning Community Strategies	Community & Recreation Services
14-Sep	Iconic Development Sites & Current Proposals - Key Site and Klumper (CONFIDENTIAL)	Environment and Planning Services
14-Sep	Councils Online	Corporate Services
14-Sep	Proposed list of lands from community to operational - Part 2	Corporate Services
Oct	Contributions for Warnervale Town Centre	Major Projects
12-Oct	Concept planning for the Lake Haven Mega Centre Site	Environment and Planning Services
12-Oct	Proposed list of lands from community to operational - part 3	Corporate Services
26-Oct	Proposed list of lands from community to operational Part 4	Corporate Services
02-Nov	Proposed list of lands from community to operational Part 5	Corporate Services
Director to provide proposed date	Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Environment and Planning Services
Director to provide proposed date	Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services
Director to provide proposed date	Desalination	Infrastructure Management
Director to provide proposed date	Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management
Director to provide proposed date	Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management
Director to provide proposed date	Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management
12-Oct	Annual Report and State of the Shire	Corporate Services
12-Oct	Coastal Management plan	Environment and Planning Services
26-Oct	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management
26-Oct	Closed landfill Emission Strategy	Infrastructure Management
26-Oct	The Entrance Town Centre Masterplan	Environment and Planning Services
26-Oct	Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services
26-Oct	Central Coast Sports field Management Strategy	Community & Recreation Services
26-Oct	Natural Resources Strategy	Environment and Planning Services
October	Code of Conduct revision training	Corporate Services
October TBC	RTA (Highway upgrade Wyong township)	Infrastructure Management

PROPOSED DATE	Briefing Title	Director
09-Nov	Engagement Policy and Strategy-feedback from stakeholders	Community & Recreation Services
09-Nov	Biobanking	Environment and Planning Services
09-Nov	DCP 97 - Water Sensitive Urban Design	Environment and Planning Services
09-Nov	Development Control Plan 61 – Car parking	Environment and Planning Services
09-Nov	Clause 14	Environment and Planning Services
23-Nov	Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services
23-Nov	Q1 Annual Plan and Budget	Corporate Services
23-Nov	Draft Wyong Employment Zone DCP and S94 contributions plan (pre exhibition)	Environment and Planning Services
23-Nov	RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services
23-Nov	Settlement Strategy	Environment and Planning Services
23-Nov	Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update, DCP amendment update	Environment and Planning Services
23-Nov	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services
<i>not ready yet</i>	Tuggerah Town Centre Masterplan	Environment and Planning Services
Nov	Water Board Authority Boards papers	Infrastructure Management
Nov	Review of Grants	Community & Recreation Services
Nov	Centennial Coal Mandalong South Exploration drilling program	Corporate Services Environment & Planning Services
23-Nov	Biocertification Update (Warnervale Town Centre and Wyong Employment Zone)	Environment and Planning Services
14-Dec	Learning Community Strategies (Pt 2)	Community & Recreation Services
14-Dec	Community Facilities Strategy	Community & Recreation Services
14-Dec	Briefing/Workshop as a foundation for the WSC SP (2012-2013)	corporate services
14-Dec	DCP 2011	Environment and Planning Services
14-Dec	The Entrance and Toukley Town Centre Masterplan	Environment and Planning Services
??	DCP 113 - Flood Prone Land	Environment and Planning Services
<i>Director to provide proposed date</i>	Committee structure	Corporate Services
<i>Director to provide proposed date</i>	Wyong town centre planning proposal and car parking study	Infrastructure Management
<i>Director to provide proposed date</i>	Plan of Management Central Coast Caravan Parks	Community & Recreation Services

1.4 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2011/00027 - D02696942

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

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

RECOMMENDATION

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

Section 10A(2)(a)

Report No 9.1 – Central Coast Water Corporation – Update Appointment of Directors

Report No 9.2 – Response from The Entrance Town Centre Management – Investigation Update

Section 10A(2)(c) and (d)

Report No 9.3 – Contract – IT Applications Services

Section 10A(2)(d)

Report No 9.4 - Contract No CPA/94424 – Provision of Project Management Services to Deliver Capital Works

Report No 9.5 – Update Report on the Financial Status of the Mardi to Mangrove Link Project

Report No 9.6 – Expressions of Interest – Council Iconic Sites

- 2 ***That Council note its reasons for considering the above reports in confidential session:***

- ***Report Nos 9.1 and 9.2 as it contains personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a))***

- **Report No 9.3 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business (Section 10A(2)(c) and (d) commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret.**
- **Report Nos 9.4, 9.5 and 9.6 as it contains commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret (Section 10A(2)(d).**

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

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

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

2(b) the personal hardship of any resident or ratepayer,

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

2(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the Council, or*
- (iii) reveal a trade secret,*

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

2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,

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

2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.”

14 September 2011
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.5 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02747687

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting held 24 August 2011.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 24 August 2011.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of Council's Ordinary Meeting of 24 August 2011 | D02753639 |
| 2 | Minutes of Confidential Ordinary Meeting - 24 August 2011
(D02753676 - Distributed under Separate Cover) | Enclosure |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 24 AUGUST 2011
COMMENCING AT 5:00:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride (arrived at 5.24 pm), 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, Acting Director Infrastructure Management, Director Corporate Services and Director Community and Recreation Services.

Manager Development Assessment, Manager Place Management, Manager Land Use Policy and Development and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm 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.

Councillor Graham announced that Friday 26 August 2011 is Daffodil Day and noted that the Cancer Council has raised over \$40m for cancer research over the past 25 years and encouraged people to contribute to this worthy cause.

Councillor Webster reported that 18 Japanese exchange students, featured in the photo on front of the Business Paper for this meeting, recently on an exchange program visiting Wyong Shire. She noted that as Wyong Council is no longer in a Sister City relationship with Tanabe this link has been maintained via the Tumby Campus of Tuggerah Lakes Secondary College.

Cr Wynn acknowledged the efforts of Councillor Webster and Councillor Matthews who provided gifts and arranged a barbeque for the Japanese students.

The Director Community and Recreation Services announced that Norah Head Holiday Park was the winner in the Tourist & Caravan Parks category for the 2011 Bluetongue Brewery Hunter and Central Coast Awards for Excellence in Tourism. The Controller of the Holiday Parks, Mr Darrell Priestland, and the Managers of the Norah Head Park, Gavin and Tracy Fleming were presented with the award. She further advised that this park has also been awarded with a Silver Gumnut award for environmental practices.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 2.1 and 3.2 were dealt with first then the remaining reports in order until Questions On Notice which were dealt with prior to moving into Confidential Session. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

3.2 DA/1396/2009/C - Section 96(1)A Modification To Permit The Two Stage Construction Of The Approved GP Super Clinic At Warnervale

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

3.2 DA/1396/2009/C - Section 96(1)A Modification To Permit The Two Stage Construction Of The Approved GP Super Clinic At Warnervale

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

6.6 Draft Minutes – Wyong Shire Grants Committee Meeting – Adjourned 21 July 2011 And Reconvened 10 August 2011

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be a paid worker at this event, left the chamber at 7.00 pm, took no part in discussion, did not vote and returned to the chamber at 7.01 pm.

6.9 Relationship With Central Coast Regional Development Corporation

Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that he is a Director on the Corporation Board, left the chamber at 7.11 pm, took no part in discussion, and returned to the chamber at 7.12 pm.

7.2 Quarterly Update On Section 94 Contributions

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that A. Van Stappen Pty Ltd is mentioned as a creditor in the attachment to this report and this Company is owned by members of his family, left the chamber at 7.12 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

7.12 Status Of GP Super Clinic

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

7.12 Status Of GP Super Clinic

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

U26/11 Motion Of Urgency - Proposed Grant Application For The Wyong Skills Centre

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a Board Member and Chairperson of Central Coast Group Training Ltd, Council's representative and joint applicant for Skills Centre Federal Funding, left the chamber at 7.55 pm, took no part in discussion, did not vote and returned to the chamber at pm.

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

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

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

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

AGAINST: NIL

1.3 Address by Invited Speakers

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

1 That Council receive the amended 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.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

That Council confirm the minutes of the Extraordinary Meeting held on 27 July 2011 and the previous Ordinary Meeting held on 10 August 2011.

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

AGAINST: NIL

Business Arising

In response to a query, on the proposed status of the Chinese Cultural Theme Park, from Councillor McNamara, the Mayor gave the following update:

A delegation from Wyong Council went to Sydney to sign the agreement on behalf of Council and this event had media coverage in China. A formal invitation has been issued to the Consulate General of the People's Republic of China for the Consul General to visit Wyong Shire to inspect this site.

1.5 Notice of Intention to Deal with Matters in Confidential Session

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

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

Report no 9.1- Woongarra Waters Development – Water Quality Credit

2 That Council note its reason for considering Report No 9.1 in Confidential Session are because it may confer a commercial advantage (Section 10A(2)(c)) and disclose Council's legal privilege (Section 10A(2)(g)) should the discussions be held in a non-confidential environment.

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

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

AGAINST: NIL

2.1 Mayoral Minute Graffiti - Tag Means Guilty

Councillor McBride arrived at the meeting at 05:24 pm during consideration of this item.

Councillor McBride left the chamber at 5.29 pm and returned to the chamber at 5.30 pm during consideration of this item.

The Mayor, Councillor Eaton, advised that the title of this Minute has now been changed from "Tag Means Jail" to "Tag Means Guilty".

RESOLVED unanimously on the motion of Councillor EATON:

- 1 That Council request the General Manager to formally approach the State government, via its local member, to reverse the onus of proof for graffiti offences such that the owner of a "tag" is prima facie guilty of a graffiti offence whenever this "tag" appears illegally.**
- 2 That Council request the General Manager to submit this motion to the next NSW Local Government Association Conference for conference support and adoption.**

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

AGAINST: NIL

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan

Councillor Vincent left the chamber at 5.59pm and returned to the chamber at 6.02pm and as a result took no part in voting.

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

- 1 That Council adopt the Lower Ourimbah Creek Floodplain Risk Management Plan.**
- 2 That Council staff immediately commence implementation of the recommendations contained within the Plan.**

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

AGAINST: NIL

Councillor Vincent left the chamber at 5.59pm and returned to the chamber at 6.02pm and as a result took no part in voting.

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council use the exception method to deal with the balance of the Agenda.***

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

AGAINST: NIL

Councillor Vincent returned to the chamber at 6.02pm during consideration of this item.

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

That with the exception of report numbers 5.2, 6.1, 6.3, 6.4, 6.6, 6.7, 6.8, 6.9, 7.2, 7.8, 7.9, 9.1 and 10.1 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

That Council allow meeting practice to be varied to allow Item 7.12 be dealt with in conjunction with Item 3.2 as both these items are related.

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

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 5.37 pm for consideration of this item.

3.2 DA/1396/2009/C - Section 96(1)a Modification to Permit the Two Stage Construction of the Approved GP Super Clinic at Woongarra

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

Mr Tony Sweetnam, Project Manager, addressed the meeting at 5.42 pm, answered questions and retired at 5.53pm.

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

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

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

AGAINST: NIL

The Mayor, Councillor Eaton, resumed the chair at 5.55 pm

4.1 Proposed Acquisition of Land at Palmdale

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

1 That Council endorse the proposal to acquire Lot 1 DP 1012816 No 31 Palmdale Road Palmdale for operational purposes.

2 That Council authorise the General Manager, or his delegate, to attend the sale auction and bid on behalf of Council.

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

AGAINST: NIL

5.1 Extension Of Contracts CPA/145091 - Hire of Minor Plant and Equipment, CPA/145088 - Hire of Plant and Machinery and CPA/145089 - Hire of Tipping Trucks and

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

- 1 That Council agree to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2012 to 31 July 2012.**
- 2 That Council approve an increase of \$325K to the total value of contract CPA/145091 to meet the additional costs for the life of the contract (revised contract value of \$2,500K).**
- 3 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145091 for the period 1 February 2012 to 31 July 2012.**
- 4 That Council agrees to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2012 to 31 July 2012.**
- 5 That Council approve an increase of \$1,600K to the total value of contract CPA/145088 to meet the additional costs for the life of the contract (revised contract value of \$9,700K).**
- 6 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145088 for the period 1 February 2012 to 31 July 2012.**
- 7 That Council agree to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2012 to 31 July 2012 (nil increase to the contract value).**
- 8 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145089 for the period 1 February 2012 to 31 July 2012.**

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

AGAINST: NIL

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

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

- 1 That Council accept all conforming tenders received for the hire of plant and trucks for the operation of Buttonderry Waste Management Facility for inclusion on a priority ranking list for a period of twelve months.**
- 2 That Council authorise the Director Infrastructure Management to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA/198064 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.**
- 3 That Council approve an estimated annual expenditure for all plant and trucks against this contract of \$782,860.00 including a 10% contingency (excl GST) however actual expenditure may vary with fluctuations in demand.**

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

AGAINST: NIL

6.1 2010-11 Annual Plan - June Quarter Review

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

- 1 That Council receive the fourth Quarterly Review report on the WSC 2010-11 Annual Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**
- 4 That Council approve proposed budget "carry-overs" from 2010-2011 to 2011-2012 as contained in the detailed report enclosure.**

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

AGAINST: NIL

6.2 Contract Variations and Finalisation - July 2011

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

- 1 That Council receive the Contract Variations and Finalisation July 2011 report (Attachment 1 and 2).**
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:**

Contract Title	Contract No	Adjusted Contract Value (excl GST)	Additional Budget Approval
Provision of Property Manager Services – Mardi to Mangrove Link Project	CPA/146302	\$774,545.00	\$45,000.00
Provision of Cleaning Services	CPA/178719	\$205,760.00	\$15,600.00

- 3 That Council note the additional expenditures requested are within approved program budgets.**

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

AGAINST: NIL

6.3 Wyong Shire Business Awards

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

- 1 *That Council support the establishment of a Wyong Shire Regional Business Awards event commencing 2012.*
- 2 *That Council request the General Manager to call for Expressions of Interest to form a management committee comprising representatives from Wyong Regional Chamber of Commerce, The Entrance and District Chamber of Commerce, other interested business groups/individuals and Council representatives.*
- 3 *That Council consider a further report on the Management Committee membership, draft Charter and budget to enable the business awards to be held.*

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

That Council defer this matter pending further information and a report being submitted to Council for consideration which includes feedback from the Roundtable of the Presidents of Wyong Shire Chambers of Commerce.

The AMENDMENT was put to the vote and declared CARRIED.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT.

The AMENDMENT became the MOTION

RESOLVED on the motion of Councillor EATON:

That the MOTION be put.

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

AGAINST: COUNCILLORS MCBRIDE AND VINCENT

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

That Council defer this matter pending further information and a report being submitted to Council for consideration which includes feedback from the Roundtable of the Presidents of Wyong Shire Chambers of Commerce.

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

6.4 Warnervale Town Centre July 2011 Progress Report

Councillor Matthews left the chamber at 6.50pm and returned to the chamber at 6.53pm during consideration of this item.

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

- 1 That Council receive the report on Warnervale Town Centre July 2011 Progress Report.**
- 2 That Council decline the Expressions of Interest as lodged but enter into discussions with the interested parties.**
- 3 That staff prepare a further report to Council detailing any favourable options that arise from these discussions.**

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

AGAINST: NIL

6.5 Letter to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11)

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

- 1 That Council receive the report on letters to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11).**
- 2 That Council authorise the Mayor as signatory to the letters to relevant State and Federal Ministers as attached to this report.**

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

AGAINST: NIL

6.6 Draft Minutes - Wyong Shire Grants Committee Meeting - Adjourned 21 July 2011 and Reconvened 10 August 2011

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be a paid worker at this event, left the chamber at 7.00 pm, took no part in discussion, did not vote and returned to the chamber at 7.01 pm.

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

- 1 That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.
- 2 That Council adopt the recommendations included in the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.
- 3 That Council allocate \$1,340 from the 2011-12 Community Benefit Grant program as follows:

Applicant	Project	Amount Recommended
Central Coast Community Women's Health Centre	Assist with holding of Baby Expo - 8 October 2011	\$1,340

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

AGAINST: NIL

6.7 Request for Funding - Central Coast Innovation Plan

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

- 1 That Council agree to partly fund the Central Coast Innovation Plan proposed by The Regional Development Australia (RDA) Innovation Advisory Committee subject to funding limits and conditions.
- 2 That Council limit its funding of the plan to \$20,000 for 2011-12, \$15,000 for 2012-13 and \$10,000 for 2013-14.
- 3 That Council requires the funding to be subject to:-
 - a Gosford City Council making a similar cash contribution and
 - b A satisfactory review by Council of the 2011-12 year's progress before funding for the years 2012-13 and 2013-14 is approved.
 - c A formal Funding Agreement being established between the parties.

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

AGAINST: NIL

6.8 Proposed Memorandum of Understanding and Master planning Exercise with the University of Newcastle & TAFE Hunter Institute, Ourimbah Campus

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

- 1 That Council support the joint master planning process proposed with the University of Newcastle, TAFE, Council and the community to inform the draft Local Environmental Plan process.**
- 2 That Council delegate to the General Manager authority to make minor amendments to the attached draft document, as required by discussion with the partners, and execute the final Memorandum of Understanding with the University of Newcastle.**
- 3 That Council request the General Manager to form a steering committee to oversee the process with representatives of the Central Coast Development Corporation, the University of Newcastle, TAFE and the local community.**

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

AGAINST: NIL

6.9 Relationship With Central Coast Regional Development Corporation

Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that he is a Director on the Corporation Board, left the chamber at 7.11 pm, took no part in discussion, and returned to the chamber at 7.12 pm.

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

- 1 That Council endorse the development initiative of a formal working arrangement with the Central Coast regional Development Corporation (CCRDC).**
- 2 That Council agree to enter into a Memorandum of Understanding (MOU) between Wyong Shire Council (WSC) and CCRDC.**
- 3 That Council authorise the use of the Council Seal on the document.**
- 4 That Council authorise the Mayor and General Manager to execute all documentation related to the establishment and implementation of the Memorandum of Understanding.**

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

AGAINST: NIL

7.1 Information Reports

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

That with the exception of report numbers 7.2, 7.8, 7.9, and 7.12 Council adopt the recommendations contained in the remaining information reports.

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

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 7.12 pm for consideration of this item.

7.2 Quarterly Update on Section 94 Contributions

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that A. Van Stappen Pty Ltd is mentioned as a creditor in the attachment to this report and this Company is owned by members of his family, left the chamber at 7.12 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

Councillor Vincent left the chamber at 7.12pm and returned to the chamber at 7.14 pm during consideration of this item .

Councillor McNamara left the chamber at 7.12pm and returned to the chamber at 7.14 pm during consideration of this item.

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

That Council receive the report on Quarterly Update on Section 94 Contributions.

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

AGAINST: NIL

The Mayor, Councillor Eaton resumed the chair at 7.15PM

7.3 Response from Minister for Transport on Warnervale Village Railway Station and Level Crossing

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

That Council receive the report on Response from Minister for Transport on Warnervale Village Railway Crossing and Level Crossing.

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

AGAINST: NIL

7.4 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

7.5 Activities of the Building Certification and Health Unit and Development Assessment Unit

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

That Council receive the report on Activities of the Building Certification and Health Unit and Development Assessment Unit.

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

AGAINST: NIL

7.6 Results Of Water Quality Testing for Beaches and Lake Swimming Locations

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

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

7.7 Works in Progress - Water Supply and Sewerage

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

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

7.8 Enterprise Risk Management Strategy Project

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

That Council receive the report on Enterprise Risk Management Strategy Project.

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

AGAINST: NIL

7.9 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

7.10 Investment Report for July 2011

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

That Council receive the report on Investment Report for July 2011.

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

AGAINST: NIL

7.11 Proposed Schedule of Ordinary Meetings - 2012

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

That Council receive the proposed schedule of Ordinary Meetings for 2012.

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

AGAINST: NIL

7.12 Status of GP Super Clinic

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

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

That Council receive the report on Status of GP Super Clinic.

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

AGAINST: NIL

7.13 Options for Informing Councillors

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

That Council note the report on Options for Informing Councillors on business matters.

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

AGAINST: NIL

7.14 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

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

AGAINST: NIL

9.1 Notice of Motion - 4WD Environmental Vandalism

Councillor Webster left the chamber at 7.24pm and returned to the chamber at 7.25pm during consideration of this item .

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

- 1 ***That Council note with concern the escalating destruction of riparian vegetation along a large section of the Chittaway area due to illegal 4WD activities.***
- 2 ***That Council seek to block vehicular access to this sensitive environmental area as a matter of urgency.***
- 3 ***That Council recognise the outstanding efforts of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee in its endeavours to stabilise these riverbank systems.***
- 4 ***That Council also recognise that the vast majority of 4WD enthusiasts are responsible off roaders.***
- 5 ***That Council seek to educate off road users as to the importance of sustainable recreation through the various local 4WD associations.***

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND GRAHAM.

PROCEDURAL MOTION**SUSPENSION OF MEETING PRACTICE**

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

- 1 ***That Council allow meeting practice to be varied.***
- 2 ***That Council permit the submission of Questions On Notice prior to moving into Confidential Session to consider Item 10.1 Woongarah Waters Development - Water Quality Credit.***

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

AGAINST: NIL

PROCEDURAL ITEM

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

That Council now move into Confidential Session.

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

AGAINST: NIL

CONFIDENTIAL SESSION

At this stage of the meeting being 7.38 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld.

OPEN SESSION

Council resumed in open session at 7.57 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

10.1 Woongarra Waters Development - Water Quality Credit

- 1 ***That Council approve the final terms in accordance with the attached Deed of Agreement.***
- 2 ***That Council note that Danallam Development Pty Ltd are yet to execute the Deed.***
- 3 ***That Council note that it has previously authorised the General Manager to execute a Deed of Agreement covering the negotiated outcome.***
- 4 ***That Council authorise that Danallam Development Pty Ltd be advised that if the Deed is not executed by Friday, 23 September 2011, then Council will withdraw its offer.***

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR SYMINGTON SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSED GRANT APPLICATION FOR THE WYONG SKILLS CENTRE.

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

That Council consider a motion of Urgency regarding the proposed grant application for the Wyong Skills Centre.

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

AGAINST: NIL

Councillor Best left chamber at 7.58pm and did not return.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a Board Member and Chairperson of Central Coast Group Training Ltd, Council's representative and joint applicant for Skills Centre Federal Funding, left the chamber at 7.58 pm, took no part in discussion, did not vote and did not return to the chamber.

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 7.58 pm for consideration of this item.

The Deputy Mayor, Councillor Graham, ruled that the matter was of great urgency and could be introduced as a motion of urgency.

U26/11 Proposed Grant Application for the Wyong Skills Centre

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

- 1 That Council note and endorse the funding application as submitted to the Federal Government's Community Infrastructure Grants – Youth Commitments Program for the development of the Wyong Skills Centre on Nos 18 – 20 Margaret Street, Wyong for \$2,985,000.**
- 2 That Council undertake an Expression of Interest process for partners to provide a suitable site and build and operate the Wyong Skills Centre.**
- 3 That Council consider a report on the outcome of the Expression of Interest process.**
- 4 That Council reaffirm the request for staff to investigate other larger suitable sites as possible locations for the Wyong Skills Centre.**

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

AGAINST: NIL

The Mayor, Councillor Eaton, did not resume the chair.

QUESTIONS ON NOTICE

Q22/11 Park on Corner of Golf Links Drive and Fishburn Crescent, Watanobbi Councillor Lisa Matthews

“On behalf of concerned residents of Watanobbi, can staff please advise what happened to the mini park on the corner of Golf Links Drive and Fishburn Crescent and will the equipment be replaced?”

Q23/11 Projected Additional Revenue Raised by Charging Schools to Utilise Sports Grounds Councillor Doug Vincent

“Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council's sports grounds and facilities?”

THE MEETING closed at 8.20 pm.

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2.1 Mayoral Minute - Warnervale Railway Station

TRIM REFERENCE: F2010/00500 - D02768083

AUTHOR: Doug Eaton; Councillor

I formally move:

That Council formally advise the State Government of its support for the proposal by the Hannan Group to fund extension and works to the existing railway station at Warnervale and significantly expand commuter car parking.

Note from the Mayor:

At a recent meeting, I was able to introduce an interim solution from local property developer, David Hannan, regarding problems about the funding of the North Warnervale Railway Station, which is still 10 years away in my view.

Mr Hannan plans to fund extensions and works to the existing railway station at Warnervale.

This would involve extending the platform, building an overhead pedestrian walkway and having lifts for disabled access, plus the construction of hundreds of extra commuter carparking spaces.

It would mean trains could terminate at Warnervale, in lieu of Wyong.

In my view, this is a viable interim option given the anticipated time to construct the new station at North Warnervale.

Mr Hannan is seeking Council's support of this proposal which he will be submitting to the Director General, Department of Premier and Cabinet.

3.1 DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale

TRIM REFERENCE: DA/526/2011 - D02753047

AUTHOR: Peter Meloy; Development Planner

MANAGER: Peter Fryar; Manager Development Assessment

SUMMARY

An application has been received for the construction of three proposed industrial buildings at Berkeley Vale. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Due to the value of this application (\$10.5m) it will be determined by the Hunter & Central Coast Region Joint Planning Panel (JRPP) at its meeting to be held on 22 September 2011.

Applicant	Power Projects International Pty Ltd
Owner	Mr K J Kim (Power Projects International Pty Ltd)
Application No	DA/526/2011
Description of Land	10 Corella Close, Berkeley Vale (Lot 2 DP 1129808)
Proposed Development	Three industrial buildings
Site Area	2.512 hectares
Zoning	4(a) (General Industrial Zone)
Existing Use	Vacant
Employment Generation	60 (approx.)
Estimated Value	\$10,500,000

RECOMMENDATION

- 1 ***That Council receive the report on DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale .***
- 2 ***That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.***

Attached is the report being forwarded to the Joint Regional Planning Panel's meeting to be held at Council on 22 September 2011.

ATTACHMENTS

- 1 Report to Joint Regional Planning Panel for 22 September meeting Enclosure D02765052

3.2 DA/459/2011 - Demolition of Existing Structures and Construction of a Shopping Centre including Supermarket, Medical Centre and Speciality Shops, Parking and Landscaping at Lake Munmorah

TRIM REFERENCE: DA/459/2011 - D02753053

AUTHOR: Salli Pendergast; Team Coordinator

MANAGER: Peter Fryar; Manager Development Assessment

SUMMARY

A development application has been received for demolition of existing structures and construction of a shopping centre including a supermarket and speciality shops, parking and landscaping on the site. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Fabcot Pty Ltd C/- The Planning Group
Owner	Fabcot Pty Ltd
Application No	DA/459/2011
Description of Land	275 Pacific Highway, Lake Munmorah, Lot 2 DP.520220
Proposed Development	Demolition of existing structures and construction of a shopping centre including a supermarket, medical centre and speciality shops, parking and landscaping.
Site Area	8.167 hectares
Zoning	3(a) Business Centre and 7(a) Conservation
Existing Use	Vacated Rural Landscape Supplies Centre (Nursery)
Employment Generation	250 (full time, part time, apprentices & casual staff)
Estimated Value	\$14,751,000

RECOMMENDATION

- 1 That Council receive the report on - Demolition of Existing Structures and Construction of a Shopping Centre Development Including a Supermarket and Speciality Shops, Parking and Landscaping at Lake Munmorah.***
- 2 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.***

Attached is the report being forwarded to the Hunter Central Coast Joint Regional Planning Panel's meeting to be held at Council on 22 September 2011.

ATTACHMENTS

- | | | | |
|----------|---|-----------|-----------|
| 1 | Report to Joint Regional Planning Panel | Enclosure | D02766924 |
| 2 | Architectural Plans (A3 Colour) | Enclosure | D02766908 |
| 3 | Draft Conditions of Consent | Enclosure | D02766061 |

4.1 LGP 108 Microsoft Licensing

TRIM REFERENCE: F2004/12042 - D02763003

AUTHOR / MANAGER: Bob Platt; Chief Information Officer

SUMMARY

Evaluation and selection of suppliers for Contract No. LGP108 Microsoft Licensing.

RECOMMENDATION

That Council accept tender no. LGP108 from Local Government Procurement for a period of up to three years (plus extension options of one and three years commencing on August 1, 2011. The estimated annual expenditure against this contract is \$ 250,000 however actual expenditure may vary with fluctuations in demand.

BACKGROUND

The existing Microsoft licensing agreement which has been in place for the past three years expired on July 31, however Microsoft have granted Council an extension as we have been negotiating an outcome whereby we will have a greater level of flexibility, due to potential fluctuations in volumes based upon the formation and operation of the Central Coast Water Corporation.

The negotiation will permit Council licenses to be utilised within the Central Coast Water Corporation due to the affiliate nature of our relationship with CCWC and the definition within the Microsoft Enterprise Agreement.

The new Microsoft Enterprise Agreement provides enhancements over the prior agreement in terms of the following key areas:

- Simplification of our desktop standard operating environment – improves efficiency
- Access to Infopath (internal forms creation tool) – new simplified capability
- Access to Lync (communications tool – instant messaging, presence etc) new capability
- Windows Server 2008 R2 Datacentre - increases our virtual server capability
- Sharepoint provides new and enhanced functionality

OPTIONS

The Microsoft Office applications suite are considered to be the most pervasive application suite in the world whereby virtually all organisations, education facilities, government and consumers utilise the Microsoft Office application suite.

However, prior to commencing on the course of renewing the existing contract an evaluation of alternatives was considered.

4.1 LGP 108 Microsoft Licensing (contd)

The broader solutions that are available currently fall into the categories of either Freeware or Network based applications. Examples of these solutions considered were:

Freeware Applications - OpenOffice.org

Network based applications – Google Applications

Whilst these solutions may appear to provide some financial benefits the real costs need to be carefully analysed as both present some major technical hurdles which are difficult and take time to resolve. Essentially the Corporate Applications suite would need to be certified to operate efficiently with a replacement suite.

Due to the current relatively low penetration of these alternatives to Microsoft Office the cost for gaining certification and associated timeframes make these options untenable.

Information Management will continue to monitor the market and re-assess these options on an annual basis

Tender Process

The Tender Process in this instance has already been carried out by Local Government Procurement and has been prescribed under s55 of the Local Government Act.

LGP 108 –

Microsoft Licensing and Associated Products via Large Account Resellers (LARs) (panel contract) (Attached)

Large Account Resellers (LARs) have been shortlisted by LGP to provide the services and are listed below:

- Corporate Express
- Data #3
- Dell
- Dimension Data
- HP
- Insight

EVALUATION OF TENDERS

Quotations were requested from three of the suppliers designated under LGP108 in order to ensure best value for money. The three quotations were evaluated by a panel of three staff members, the CIO, Network Administrator and Senior Programmer/Analyst.

Selection criteria:

- 1 Price. (40%)
- 2 Proven track record. (30%)
- 3 Value provided by the LAR during the quotation assessment process and or prior exposure. (30%)

4.1 LGP 108 Microsoft Licensing (contd)

The following suppliers quotations were received and are listed in alphabetical order.

Tender	Tendered Lump Sum (Ex. GST)	Status
<i>Corporate Express</i>	\$ 219,279.29	<i>Submitted on time</i>
<i>Data #3</i>	\$ 222,917.54	<i>Submitted on time</i>
<i>Dimension Data</i>	\$ 223,557.85	<i>Submitted on time</i>

Evaluation Table

Quote No	Supplier LAR	Tendered Lump Sum (Ex. GST)	Evaluation Score	Evaluation Score	Evaluation Score	Overall Evaluation Score
			Price	Track record	Value during process	
2	<i>Data #3</i>	\$ 222,917.54	38	28	28	94
1	<i>Corporate Express</i>	\$ 219,279.29	40	25	25	90
3	<i>Dimension Data</i>	\$223,557.85	37	20	20	77

Due Diligence

As this contract is based on a Local Government Procurement contract prescribed under s55 of the Local Government Act all due diligence requirements have already been performed by Local Government Procurement.

Notwithstanding the above, our own experience has shown that the existing contract and Large Account Reseller structure has been tried and proven.

Process Review

As this contract is based on a Local Government Procurement contract prescribed under s55 of the Local Government Act all process review requirements have already been performed by Local Government Procurement.

RISK ASSESSMENT

General

The nature of this contract being structured on an existing and already tried and proven platform under Local Government Procurement and a tried and proven product and services portfolio it is considered that the associated risks are minimal.

4.1 LGP 108 Microsoft Licensing (contd)

Contract Risks

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

Generic Risks

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

Specific Risks Leading to Contract Variations

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

Risk Contingency

The above risks are considered to be Low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$10,000 (excl GST) representing approximately 1.5% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$680,000 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from the responsibility centre as annual transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated value of the arrangement is \$750,000 (\$250,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the arrangement. The total amount ordered under this arrangement could therefore vary if demand patterns alter for this product/service.

TIME-FRAME

The contract will commence on 1 August 2011 and continue through to 31 July 2014. There will be little to no impact in the immediate term however additional functionality and capabilities where appropriate will be progressively introduced over the period of the contract. There are contract extension options available that will be considered prior to contract end.

APPROVALS

No approvals are required.


4.1 LGP 108 Microsoft Licensing (contd)

CONCLUSION

Tender No LGP 108 from Local Government Procurement and Data #3 is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that: the tender be accepted.


ATTACHMENTS

- | | | | |
|----------|--|-----------|-----------|
| 1 | LGP108_V6_Microsoft_Licensing_Buyers_Guide | Enclosure | D02763005 |
| 2 | Corporate express Microsoft Licensing Quote | | D02762991 |
| 3 | Data3 Microsoft Licensing Quotation | | D02762994 |
| 4 | Dimension data Microsoft Licensing Quotation | | D02762995 |



Date: 1/08/2011
Contact: Rob Pleash
Company: Wyong Council

Email:
Phone:
Expiry Date: 15/08/2011



Software & Licensing Quotation

Quote Ref: 010811MU - Wyong Council

Contact: Mark Underwood
Phone: 02 9086 7278
Email: mark_underwood@corporateexpress.com.au
Mobile: 0417 088 886
Fax: 02 9313 8519

Product Number	Description	Unit Ex	QTY	Total Ex	Total Inc
	OfficeProPlus ALNG SA MVL	\$132.88	44	\$ 5,846.72	\$ 6,431.39
	OfficeProPlus ALNG SASU MVL fromOfficeStd	\$68.33	710	\$ 48,514.30	\$ 53,365.73
	OfficeStd ALNG SA MVL	\$97.44	710	\$ 69,182.40	\$ 76,100.64
	CoreCAL ALNG SA MVL DvcCAL	\$45.07	754	\$ 33,982.78	\$ 37,381.06
	VSPremwMSDN ALNG SA MVL	\$1,112.64	1	\$ 1,112.64	\$ 1,223.90
	ExchgEntCAL ALNG SA MVL DvcCAL wSrvcs	\$25.09	1	\$ 25.09	\$ 27.60
	ExchgSvrEnt ALNG SA MVL	\$962.22	3	\$ 2,886.66	\$ 3,175.33
	LyncSvrEntCAL ALNG SA MVL UsrCAL	\$25.58	1	\$ 25.58	\$ 28.14
	LyncSvrEnt ALNG SA MVL	\$962.22	1	\$ 962.22	\$ 1,058.44
	SharePointSvr ALNG SA MVL	\$1,170.13	1	\$ 1,170.13	\$ 1,287.14
	SQLCAL ALNG SA MVL DvcCAL	\$38.85	704	\$ 27,350.40	\$ 30,085.44
	SQLSvrEnt ALNG SA MVL	\$2,041.00	5	\$ 10,205.00	\$ 11,225.50
	SysCtrChgMgrSvr ALNG SA MVL	\$137.51	1	\$ 137.51	\$ 151.25
	WinRmtDsktpSrvcsCAL ALNG SA MVL DvcCAL	\$20.10	99	\$ 1,989.90	\$ 2,188.89
	WinSvrDataCtr ALNG SASU MVL WinSvrEnt 1Proc	\$26.31	8	\$ 210.48	\$ 231.53
	WinSvrEnt ALNG SA MVL	\$559.91	28	\$ 15,677.48	\$ 17,245.23

Total Ex GST	\$ 219,279.29
Total GST	\$ 21,927.93
Total Inc GST	\$ 241,207.22



Terms and Conditions

- * Unless otherwise stated all prices quoted are exclusive of GST and delivery
- * Pricing is subject to change without notice
- * After 14 days from the date of this quotation or in the event of a new calendar month, Corporate Express Australia Limited recommends that prior to placing an order you reconfirm all pricing & availability
- * This quotation is valid only to the company whose name appears above
- * Considerable care has been taken in the preparation of this quotation, however inaccuracies may occur and Corporate Express Australia Limited cannot therefore accept responsibility for any errors or omissions. We would however appreciate advice should any be discovered
- * The items quoted above are correct at time of publishing. All errors and omissions are excluded and no other discounts apply. Corporate Express Australia Limited is not responsible for compensation should this product be withdrawn by the vendor
- * Please request confirmation of all lead time and returns information on Licenses. License orders cannot be cancelled once placed on the Vendor
- * Configuration and freight charges are not included unless otherwise stated
- * A \$15.00 delivery fee (plus GST) may be applicable any boxed product and media. Freight costs are based on standard delivery. Air freight or any other form of special delivery will incur additional costs
- * All other normal trading conditions apply. All trademarks, brand names and product names are the property of their respective owners
- * A 3% surcharge may apply to credit card transactions.

Data#3

Data#3 Limited
 ABN 31 010 545 267
 simon_young@data3.com.au
 Ph: 02 9081 9647
 Fx: 02 9081 9510

Company: WYONG SHIRE COUNCIL
Contact: ROB PLEASH
Email: Rob.Pleash@wyong.nsw.gov.au

Quote No: WYONG0407EA
Date: Monday, 4 July 2011
Contact #: 02 4350 5338

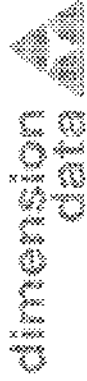
QUOTATION

Part	Description	Qty	Price Ex GST	Price Inc GST	Subtotal Ex GST	Subtotal Inc GST
ENTERPRISE PRODUCTS						
269-05704	OfficeProPlus ALING SA MVL	44	\$ 135.50	\$ 149.05	\$ 5,962.00	
269-07493	OfficeProPlus ALING SASU MVL fromOfficeStd	710	\$ 69.68	\$ 76.65	\$ 49,472.80	
021 05464	OfficeStd ALING SA MVL	710	\$ 99.36	\$ 109.30	\$ 70,545.60	
W06 00021	CoreCAL ALING SA MVL DvcCAL	754	\$ 45.95	\$ 50.55	\$ 34,646.30	
ADDITIONAL PRODUCTS						
77D-00111	VSPromMSDN ALING SA MVL	1	\$ 452.71	\$ 497.98	\$ 452.71	
PGI-00269	ExchEntCAL ALING SA MVL DvcCAL wSrvcs	1	\$ 25.59	\$ 28.15	\$ 25.59	
395 02504	ExchgSvrEnt ALING SA MVL	3	\$ 981.18	\$ 1,079.30	\$ 2,943.54	
7AH 00284	LyncSvrEntCAL ALING SA MVL UscrCAL	1	\$ 26.08	\$ 28.69	\$ 26.08	
H04-00268	SharePointSvr ALING SA MVL	1	\$ 1,193.19	\$ 1,312.51	\$ 1,193.19	
359-00792	SQLCAL ALING SA MVL DvcCAL	/04	\$ 39.62	\$ 43.58	\$ 2,789.28	
810-04760	SQLSvrEnt ALING SA MVL	5	\$ 2,081.22	\$ 2,289.34	\$ 10,406.10	
JA-00162	Sys-CtrCnfgMigrSvr ALING SA MVL	1	\$ 140.22	\$ 154.24	\$ 140.22	
6VC-01253	WinRmtDsktpSrvcsCAL ALING SA MVL DvcCAL	99	\$ 20.49	\$ 22.54	\$ 2,028.51	
P71 01500	WinSvrDataCtr ALING SASU MVL WinSvrEnt 1Proc	8	\$ 26.83	\$ 29.51	\$ 214.64	
P72-00188	WinSvrEnt ALING SA MVL	28	\$ 570.95	\$ 628.05	\$ 15,986.60	
6PH-00235	LyncSvrEnt ALING SA MVL	1	\$ 981.18	\$ 1,079.30	\$ 981.18	
			Total Ex GST:	\$ 222,917.54		
				GST:	\$ 22,291.75	
				Total Inc GST:	\$ 245,209.29	

TERMS AND CONDITIONS

Subject to the following, this quotation is valid for 7 days from the date of its issue, but prices and goods availability are subject to variation without notice. The price set out above is based on the SAU subscription rate at the date of this quotation. This price is liable to change based on exchange rate movements subsequent to the issue of this quotation. Please contact your Data#3 account representative to confirm an updated price at the time of ordering. If you are placing an order for this quotation, a separate and dated contract is formed with Data#3 (our Data#3 Head Agreement (see B3HA no. above) or (ii) another form of written contract expressly agreed between the parties (e.g. government GILC or Procurement GILC or Procurement (or customers) or otherwise (or Data#3's terms of trade which are either set out on the reverse side of this quotation, attached in electronic form or otherwise accessible at: <http://www.data3.com.au/Porter/Data3-Terms-of-Trade>)). Your Data#3 Head Agreement (see B3HA no. above) will issue its invoice upon completion of the Services, if these rates are different, you acknowledge that Data#3 can issue separate invoices under this contract. Prior to the return of any Goods, Data#3's approval must be obtained in writing. Restocking fees may apply. This quotation is based on a single delivery to one location for all Goods set out herein. Any variation to this may incur additional costs and might change. This quotation is strictly confidential.

Wyong Shire Council
 Date: 05.08.2011
 Attention: Rob Pleasner



Product Description	Part Number	Qty	Unit Price	Extended Cost
Enterprise products				
Microsoft OfficeProPlus ALING SA MVL	269-05704	46	\$ 136.37	\$ 6,000.28
Microsoft CoreCAL ALING SA MVL Dvc-CAL	W0G-00021	754	\$ 46.25	\$ 34,872.50
Microsoft OfficeProPlus ALING SASU MVL fromOfficeStd	269-07493	710	\$ 70.12	\$ 49,785.20
Microsoft OfficeStc ALING SA MVL	021-05464	710	\$ 100.00	\$ 71,000.00
Additional Products				
Microsoft ExchangeCAL ALING SA MVL DvcCAL wSrvcs	PGH-00269	1	\$ 25.75	\$ 25.75
Microsoft ExchangeSrvEnt ALING SA MVL	395-02504	3	\$ 987.50	\$ 2,962.50
Microsoft LyncSV/EnCAL ALING SA MVL Us-CAL	7AH-00284	1	\$ 26.25	\$ 26.25
Microsoft SharePointSvr ALING SA MVL	H04-00268	1	\$ 1,200.87	\$ 1,200.87
Microsoft SQLCAL ALING SA MVL DvcCAL	359-00792	704	\$ 39.87	\$ 28,068.48
Microsoft SQLSvrEnt ALING SA MVL	810-04760	5	\$ 2,094.62	\$ 10,473.10
Microsoft SysCl C-igMg-Svr ALING SA MVL	13A-00162	1	\$ 141.12	\$ 141.12
Microsoft VSProwMSDN ALING SA MVL	77D-00111	1	\$ 455.62	\$ 455.62
Microsoft WinRMDSktpSrvcsCAL ALING SA MVL DvcCAL	6VC-01253	99	\$ 20.62	\$ 2,041.38
Microsoft WinSrvDataCl ALING SASU MVL WinSrvEnt 1P-0c	P71-01500	8	\$ 51.93	\$ 415.44
Microsoft WinSrvEnt ALING SA MVL	P72-00188	28	\$ 574.62	\$ 16,089.36

TOTAL	\$ 223,557.85
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*Pricing subject to approval from Microsoft

[Date]05.08.2011 Wyong Shire Council EA Renewal Pricing

5.1 Facilities and Expenses Policy for Councillors

TRIM REFERENCE: F2009/00055 - D02570053

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

In accordance with Section 252 of the Local Government Act 1993, within five months after the end of each year, Council is required to adopt a policy concerning the payment of expenses incurred or to be incurred by, the provision of facilities to the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of Civic Office.

RECOMMENDATION

- 1 That Council declares there are no substantial changes proposed to the Facilities and Expenses for Councillors, having considered s.253 of the Local Government Act 1993 (the Act).**
- 2 That Council adopt the policy (unchanged) on Facilities and Expenses for Councillors as required by s.252 of the Act.**

BACKGROUND

Council is required to adopt a policy concerning the payment of expenses and the provision of facilities for Mayors and Councillors within five months after the end of each financial year.

The current policy was adopted by Council in December 2010 and amended in February 2011.

Section 252 of the Act requires a council to adopt a policy on councillor expenses and facilities by 30 November each year.

Section 253 of the Act provides details of the policy adoption process including:

- Section 253 (1) requires a council to give public notice if its intention to adopt or to amend a policy.
- Section 253 (2) says Council must consider submissions before adoption or amendment.
- Section 253 (3) "Despite sub-sections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial. "
- Subsection 253 (4) requires councils to forward the adopted policy together with the public notice and details of all submissions received to the Division.

5.1 Facilities and Expenses Policy for Councillors (contd)

- Section 253 (5) requires a council to comply with section 253 when proposing to adopt a policy each year even if the council proposes to adopt a policy that is the same as its existing policy.

The Division of Local Government (DLG) has previously advised that “a number of councils appear to *interpret* s.253(3) of the Act as effectively exempting them from giving public notice as part of the annual adoption process if any proposed amendment to the policy is not substantial.”

The DLG further claims that s.253 (3) applies only to proposed amendments to a policy at other times during the year, not to the annual adoption of the policy.

The legislation does not support their view.

CURRENT STATUS

No changes are recommended to the existing policy.

Council must provide the Department of Local Government with a copy of the policy and a summary of the submissions received.

CONCLUSION

The Act requires Council to adopt a policy for Facilities and Expenses for Councillors by 30 November each year.

No changes have been requested or are recommended.

Section 253 (3) of the Act is applicable and exhibition is not required.

ATTACHMENTS

1 Policy F2 - Facilities and Expenses for Councillors D02448414

Council Policy

On

Facilities and Expenses for Councillors

		Date
POLICY No.	F2	
Written By	L Crawley	
Gazette Date		1/3/11
Adopted by Council Resolution (If applicable)	Yes	23/02/1110
Reviewed Date		
Amended Date		
Approved by	Council Resolution No	7.2 23/2/11
Folder No	F2004/07011 F2009/00055 F2004/06497	

A POLICY SUMMARY

- A1 This Policy provides for the payment or reimbursement of expenses and the provision of facilities by WSC to the Mayor and Councillors of Wyong Shire.

B POLICY BACKGROUND

- B1. Section 252 of the Local Government Act 1993 requires the Council to adopt a policy concerning the payment of expenses incurred or to be incurred by the provision of facilities to elected members in relation to discharging the functions of Civic Office.
- B2. Council recognises that elected members and senior management staff often extend considerable personal time and inconvenience in conducting Council business away from the Shire in the best interests of the community.
- B3. The Act's conditions recognise that some personal, additional contribution goes with the job; however where such good-will is provided by individuals materially in excess of reasonable contributions, the transparent reimbursement of expenses is appropriate.
- B4. The purpose of the Policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.
- B5. Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. (s.349 the Act)
- B6. The WSC Code of Conduct provides that council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that council resources are being used inappropriately.
- B7. Section 382 of the Act requires that Council make arrangements for its adequate insurance against public liability and professional liability.
- B8. There is no means of facilitating Councillor reimbursement of expenditure other than by this policy.

C DEFINITIONS

- C1. **The Act** shall mean the Local Government Act 1993
- C2. **The Regulation** shall mean the Local Government (General) Regulation 2005.
- C3. **Council** shall mean the elected members who form the governing body (Council) of the Wyong Shire Council.
- C4. **Wyong Shire Council (WSC)** shall mean the organisation established to administer Council affairs and operations and Council policy and strategies.

- C5. **Councillor** shall mean an elected member of the governing body (Council) including the Mayor.
- C6. **Council Policy** shall mean policy created and approved by the elected members of the Wyong Shire Council.
- C7. **Functions of civic office/civic functions** shall mean functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for WSC and/or for the Wyong Shire community.
- C8. **Council Business** Council and Committee meetings, community meetings within the Shire, attendance at officially sanctioned conferences, functions, seminars and training courses and the shall include the attendance at functions/meetings by Councillors undertaken on behalf of the Mayor.
- C9. **Expenses** shall mean payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in this policy and may be either reimbursed to a councillor or paid directly by WSC for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.
- C10. **General Expense Allowance** shall mean shall mean a sum of money paid by WSC to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe. In accordance with Section 403 of the Regulation this policy does not permit the payment of general expenses.
- C11. **Facilities** shall mean equipment and services that are provided by WSC to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.
- C12. **Greater Significance** shall mean meetings with State or Federal Parliamentarians; networking with other Councillors or special interest groups; inspection of a public works or facility, attendance at urgent Council meetings and/or any other incident of Council business considered urgent or more important.

D POLICY STATEMENTS

Jurisdiction

- D1 This policy covers all elected members of the Wyong Shire Council
- D2 This policy does not confer any delegated authority upon any person.

General Provisions

- D3 No payment or allowance will be made for general expenses.
- D4 Reimbursement will only be paid for expenses incurred by Councillors for the conduct of their civic duties.

Attendance at Conferences, Workshops, Seminars and Training Courses

- D5 WSC will pay for attendance at a maximum of three conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.
- D6 The maximum number of elected members authorised to attend a conference or seminar is three.
- D7 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.
- D8 WSC will meet sustenance expenses for Councillors' attendance at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business.
- D9 No expenses will be paid for functions that are:
- a) not relevant to Council business; or
 - b) where expenses incurred would be directed towards any political fundraising event; or
 - c) for any donation to a political party or candidates electoral fund; or
 - d) for any other private or personal benefit.
- D10 Authorisation for attendance at conferences will be by Council resolution or when impractical, by approval of the Mayor and General Manager.
- D11 WSC will pay costs in accordance with this policy relating to the attendance by authorised delegates at conferences, workshops and seminars for the following:
- a) Registration fees.
 - b) Accommodation.
 - c) Travelling to and from the location.
 - d) Out-of-pocket expenses (meals, fares, etc) incurred in attending the various sessions of conference etc.
 - e) Spouse or partner accompaniment and family on approved occasions.

- D12 Where WSC has incurred costs and a replacement is not nominated by the Mayor and the elected member's non-attendance is not a family or employment or medical emergency, all costs incurred by WSC will be charged to the elected member.
- D13 Elected members must before registration and payment of fees, satisfy themselves:
- a) that the program is likely of benefit to Wyong Council, the Community and/or to his/her professional development as an elected member; and
 - b) that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy.
- D14 Elected members shall attend all conference sessions for which they are registered other than in the following circumstances:
- (a) to attend to a family, employment or medical emergency;
 - (b) where the session demonstrably has no benefit/interest to both Wyong Council and the particular Councillor;
 - (c) to attend to other matters of greater significance to the Council.
- D15 WSC will pay for the attendance at training courses, subject to Council Resolution, for up to three Councillors per course, per year where the total expense for attendance of each councillor is less than \$5000. The monetary limit does not apply to the AICD Company Directors Course.
- D16 Out-of-pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses will be reimbursed.

Spouses and Partners

- D17 WSC will pay the following expenses for spouses or partners accompanied by a Councillor at events or functions officially sanctioned by the Council:
- a) attendance/ticket cost if in the company of a Councillor
 - b) accommodation if in the company of a Councillor
 - c) travel if in the company of a Councillor
 - d) meals and refreshments excluding room fridges.
- D18 Partner tours and incidental costs will not be paid by WSC.

Motor Vehicle Costs

- D19 WSC will pay for the use of a Councillor private motor vehicle for the conduct of business relating to the Council, including attendance at Council, Council Committee and community meetings, inspections and official functions / meetings either:
- a) an annual allowance, paid monthly for use up to 5,000 km per annum, at the Local Government State Award rate for Council staff for under/over 2.5 ct. A statutory declaration for use is required or,
 - b) by claim for usage, paid monthly for use at the Local Government State Award rate for Council staff for under/over 2.5 ct.
- D20 Councillors shall comply with WSC Motor Vehicle Policy.

Travel

- D21 WSC will reimburse Councillors for travel undertaken on Council business.
- D22 WSC will not reimburse travelling expenses where a Councillor attends a community meeting or undertakes an inspection that has not been formally approved by Council or the Mayor.
- D23 Council shall approve overseas travel by resolution which shall include clear and tangible benefits to the community.
- D24 Approval by the Council for overseas travel will be on an individual trip basis.
- D25 Councillors shall ensure travel by the most direct route and use the most practical and economic means of transport.
- D26 WSC will reimburse costs for tolls associated with travel on Council business.
- D27 WSC will reimburse parking fees associated with travel on Council business.
- D28 In accordance with WSC Motor Vehicle policy no reimbursement of traffic or parking fines incurred while travelling on Council business will be given.

Travel Outside WSC Local Government Area, Interstate and International

- D29 Air Travel shall be at economy rate unless approved by the General Manager and the Mayor in respect of Councillors.
- D30 WSC will pay for air travel insurance.
- D31 The General Manager and the Mayor may determine any corporate membership arrangements (eg Qantas Club).
- D32 WSC will pay for use of a rental car for use at locations where air travel is undertaken for Council business.

Accommodation

- D33 Councillors shall be accommodated in minimum four-star level facilities and higher if practicality determines the need. A higher level than four star is to be approved by the Mayor and General Manager.
- D34 WSC will pay for accommodation costs commencing from the night before the conference/seminar commences, throughout the conference and the night after it concludes and any other night where travel arrangements require.

Care and other related expenses

- D35 WSC will reimburse registered carer's expenses necessary to enable elected members to attend Council business up to \$3,000 per annum, including:
- a) child care expenses
 - b) care of disabled and/or sick immediate family members
 - c) special requirements of councillors such as disability and access needs to allow performance of normal civic duties and responsibilities

Insurance

- D36 WSC will provide insurance to protect the interest and welfare of all Councillors in carrying out the duties of Civic Office and to protect equipment issued to Councillors under this policy as follows:
- a) Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their functions)
 - b) Professional indemnity (for matters arising out of councillors' performance of their civic duties and or exercise of their functions).
 - c) Personal injury while on Council business
 - d) Travel insurance for approved interstate and overseas travel on council business.
 - e) Property insurance for WSC facilities issued to Councillors.

All insurances are to be subject to any limitations or conditions set out in the WSC policy for insurance.

Legal Expenses

- D37 WSC will indemnify or reimburse the reasonable legal expenses of a Councillor in the circumstances described below:

- (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers) (as distinguished from merely something a Councillor has done during his/her term of office); or
- (b) a councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- (c) a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

- D38 WSC will also reimburse legal costs for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- Local Government Pecuniary Interest and Disciplinary Tribunal
- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Division of Local Government, Department of Premier and Cabinet
- NSW Police Force
- Director of Public Prosecutions
- Council's Conduct Review Committee/Reviewer.

provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

- D39 A conduct complaint made against a councillor, resulting in legal costs for a Councillor shall only qualify for reimbursement where a matter has been referred by the General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct.
- D40 Pecuniary interest or misbehaviour matters, shall qualify for reimbursement of legal costs if a formal investigation has been commenced by the Division of Local Government.
- D41 WSC will only reimburse legal costs where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.
- D42 WSC will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- D43 WSC will not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- D44 WSC will not meet legal costs in the following circumstances:
(a) An action in defamation taken by a councillor as plaintiff.
(b) A councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Mayoral Expenses

- D45 The Mayor may provide reasonable hospitality to Councillors, senior staff, politicians, dignitaries, community leaders and the like at Council's expense to a maximum of \$5,000 per annum.
- D46 WSC will provide, maintain and fuel a fuel efficient motor vehicle appropriate to the Office of the Mayor, for use by the Mayor for Council business.
- D47 Private Use of the vehicle is paid for by the Mayor by the reduction of the Mayoral allowance of \$1621p.a. Such amount to be varied on 1 October each year in line with movement in the Consumer Price Index for the 12 months ending 30 June previous.

Telecommunications

- D48 WSC will provide initial installation, rental/lease and maintenance costs for approved equipment.
- D49 WSC will provide communications hardware, for use for Council business:
(a) Laptop or Desktop PC
(b) Tablet computer
(c) Printer
(d) Facsimile
(e) Scanner
(f) USB or WIFI broadband modem
(g) Digital camera
(h) Mobile phone or smart phone
(i) Mobile phone car kit
- D50 The brand/type of equipment will be to WSC standards purchased in accordance with the provisions of WSC Procurement Policy.

- D51 For each Councillor using WSC equipment, WSC will provide for the combined cost of calls, internet access and message bank service, including reasonable private use, up to \$300 per month.
- D52 Councillors may provide some or all private equipment in lieu of WSC equipment and receive reimbursement for capital costs, cost of calls and internet access up to \$500 per month. This will cover:
- a) Laptop or Desktop PC
 - b) Tablet computer
 - c) Printer, Facsimile, Scanner, Digital camera
 - d) USB or WIFI broadband modem
 - e) Mobile phone or smart phone and car kit.
- D53 WSC will provide for WSC equipment, a standard operating environment of software to facilitate Council business (for example email, internet, mapping, MS office suite and other WSC corporate appropriate applications as necessary).
- D54 WSC will not provide for a subsequent installation costs. (for example as a result of moving house or changing vehicles) unless WSC has initiated a change to the equipment or service.
- D55 Elected members using WSC telecommunications equipment or their own private equipment for Council business must comply with WSC's Communications Media Policy (Internet and Email) and Appropriate Use of Email and the Internet Guidelines.
- D56 At the conclusion of a local government term and where a councillor does not intend to stand for re-election, or is not re-elected a councillor may purchase WSC supplied equipment and software at an agreed market price. Leased equipment is not available for purchase.

Postal Expenses

- D57 WSC will reimburse actual postage expenses for Council business up to \$200 per annum.

Councillors

- D58 WSC will provide stationery to be used for Council business, upon request. Stationery includes:
- a) Writing pads, envelopes, box files writing pens / diary / folders up to \$200 per annum
 - b) Business cards 1000 per annum
 - c) Letterhead 1000 per annum
 - d) Paper and printer cartridges 1 set of colour and black per month
 - e) Current edition of Bluett's Local Government Handbook, NSW for councillors (newly elected councillors only)
 - f) One filing cabinet

Corporate Uniform

- D59 WSC will provide a Corporate Uniform on an annual basis except for the issue in the year in which the local government election is held. Corporate Uniform shall consist of:
- (a) Formal clothing – one set including the costs of alterations
 - (b) Climate clothing (shirts and jackets) – one set
 - (c) Protective clothing – one set
- D60 WSC will provide an additional Corporate Dress allocation to the Mayor to facilitate the duties of the office as follows:
- (a) 3 shirts
 - (b) 1 pair of trousers or skirt or dress
 - (c) 1 tie
 - (d) such other clothing as is required to perform the duties of a councillor.

Civic Centre Parking

- D61 WSC will provide an allocated parking space each Council meeting day.

PROCEDURES**Approval**

- E1. Approval for the payment of expenses and provision of facilities not specified will be by the General Manager and the Mayor.
- E2. Disputes in relation to the payment of expenses and provision of facilities shall be resolved by the General Manager.

Adoption

- E3. This Policy will be adopted by Council resolution after public notification in accordance with WSC Policy on Policies.
- E4. This policy will be reviewed and readopted annually in accordance with WSC Policy on Policies.

Amendment

- E5. Mandatory amendments to this Policy due to an amendment to the Local Government Act or Regulations will be made administratively and a report detailing the amendment will be submitted to an Ordinary Meeting of Council.
- E6. Optional amendments to this Policy due to an amendment of the Local Government Act or Regulations will be reported to an Ordinary Meeting of Council for determination.
- E7. This Policy will be amended annually in accordance with the CPI. The amendment will be made administratively and will not be reported to Council.

Reporting

- E8. In accordance with clause 271 of the Regulation and for the purposes of transparency and accountability, WSC is required to include detailed information in its Annual Report about the payment of expenses and facilities to councillors. This will be reported as a total cost for all councillors.
- E9. Section 253 of the Act requires Council to submit a copy of this policy annually to the Division of Local Government.
- E10. The Policy must be publically notified in accordance with Section 253 of the Local Government Act
- E11. The Annual Report shall contain full details of expenses incurred in supporting elected members.

Reconciliation

- E12. Claims for reimbursement of expenses must include receipts and be made in the financial year in which the expense has been incurred, unless otherwise specified in this Policy.
- E13. Approval, reconciliation and reimbursement for all expenses and facilities must occur in accordance with WSC procedure.
- E14. The processes for claim and reconciliation may be varied by the Manager Corporate Governance.
- E15. Amounts owing by an elected member relating to fees or expenses for reimbursements and/or accompanying partner's expenses are to be deducted from amounts due to the elected member under this Policy.

Conferences

- E16. The Mayor may nominate a replacement if an elected member authorised to attend a conference, seminar, external training session or function outside the area is unable to attend the event due to ill health or family emergency.
- E17. The Mayor and the General Manager will determine attendance at a conference, seminar, external training or functions outside the central coast if time does not permit submission to a Council meeting prior to the event and subsequently report to Council.
- E18. Elected members attending conferences must provide a written report detailing the proceedings of the conference. No written report is required for the annual conference of the NSW Local Government and Shires Association.
- E19. Authorisation of attendance at conferences for a spouse or partner will be included in the Council resolution for attendance of the Councillor.
- E20. Elected members may request advance expense payments for trips and conferences. The costs are required to be reconciled through receipts and excess advances returned to WSC.

Motor Vehicles

- E21. The reimbursement of private motor vehicle expenses above 5,000km per annum will require the submission and reconciliation of a log book.

- E22. WSC will provide a vehicle for use by Councillors in undertaking official duties. Availability of this vehicle will be considered when determining the most direct route and the most practicable and economical mode of transport.

Legal

- E23. The payment of legal costs will be approved by the General Manager.

Interview Room

- E24. Elected members will contact WSC reception to reserve an interview room

Communications

- E25. Each elected member is allowed \$1,500 per year for mobile phone car kit installation.

- E26. Expenses reimbursed for use of private equipment will be added to Councillors fees on a monthly basis.

- E27. Upon ceasing to hold Civic Office and elected member may purchase WSC equipment at an amount determined by an independent valuation or return the equipment to Council except in the case where equipment is leased.

5.2 Delegates Report - National Fraud and Corruption Congress 9 -10 May 2011

TRIM REFERENCE: F2004/06517 - D02608184
AUTHOR: Sue Wynn; Councillor

SUMMARY

Councillor Wynn was invited to attend as a speaker at the National Public Sector Fraud and Corruption Congress held in Canberra on 9-10 May 2011.

RECOMMENDATION

That Council receive the Delegates Report from the National Fraud and Corruption Congress – 9-10 May 2011.

BACKGROUND

Council at its meeting of 25 May 2011 resolved on the motion of Councillor Graham and seconded by Councillor McNamara as follows:

- “1 That Council confirm the approval given by the Mayor and Acting General Manager for Councillor Wynn to attend the National Public Sector Fraud & Corruption Congress.
- 2 That Council authorise the reasonable expenses incurred by Councillor Wynn in attending the above Congress.

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

AGAINST: NIL”

Under Clause E18 of the Facilities and Expenses policy states, in part, as follows:

“E18 Elected members attending conferences must provide a written report detailing the proceedings of the conference.”

Councillor Wynn participated on the local government panel at the National Public Sector Fraud & Corruption Congress held in Canberra on 9-10 May 2011. Her report on the Congress is now attached.

ATTACHMENTS

- 1 Delegate's Report - Cr Wynn - National Fraud and Corruption Congress 9 -10 May 2011 D02764902

National Fraud and Corruption Congress – 9-10 May 2011

Report to Council by Councillor Sue Wynn on her attendance at the 2-day National Public Sector Fraud and Corruption Congress, Canberra, 9-11 May 2011. Councillor Wynn was a panel member for the Panel Discussion on 'Developing effective fraud controls for local Councils'

The Congress was a mixture of experts from various Commonwealth and State bodies. It covered many relevant topics for Local Councils and was an extremely worthwhile conference. It focussed my mind on current and emerging areas of risk for Councils and some important ways of tackling and dealing with them in the interest of our staff and the community.

I hope the following transcription of my conference notes are of some interest and assistance to both management and Councillors. I thank Councillor Services for their efforts in transcribing my scriblings. The Conference gave participants a CD which I have, in turn, given to our Internal Auditor.

Roberts, P O Brown Olsen, J (2011) (Miceli & Near)

"Whistling While They Work"

Whistleblower Definition – The disclosure by organisation's members (former or current) of illegal, immoral or unethical (intended or unintended,) conduct to their employers with the view that the organisation may effect change.

Key Messages for staff

- If in doubt report
- Management important
- Don't leave the welfare of your employees to chance

Whistleblowers

- 97% report internally first
- Only 0.1% go to journalists
- 12%, very small proportion of those who witnessed misdemeanours

Management are the worst culprit for poor treatment

There are problems all over the place; NSW is the best at 27.2 out of a possible 72; still needs a lot of work by Ombudsman Office, ICAC

Building Culture

- 97% of any to your attention
- 95% of any for support

- Setting targets within the organisation for dealing with the increased reporting
- Not the same person investigating as the support person
- Whistleblowers angry when issue is referred back by oversight agency

Confidentiality will be eroded over time; get in quickly and investigate (about 3 weeks)

- Training for line managers to afford natural justice
- Bullying 2nd highest reporting 29.5%; greatest response (over 7000 respondents)

Suggest a clear delineation between bullying and legitimate management action

2/3 of Whistleblowers first report to their supervisor

Line managers Need training

Chris Wheeler – Deputy Ombudsman - get to the whistleblower early to “manage expectations”
Small work group; reprisals are a lot more likely
Risk Management - regression analysis – risk factors

John Sheridan, ' Tweeting for your country'

- Why we use social media
- Linked in – professional – body to talk to each other
- Risk – not really

1. Mosman Council

- Get residents to use Flickr to scan in old photos as community engagement then put them up on the Website

Procurement the Victorian Auditor – General's Officer (VAGO)

Perspective by Ronald Mak

Value for money – Quality, quantity, risk

Open fair competition – same information for all; security and confidentiality respected

Risk management – identify; assess; mitigate; monitor; control

Transparency – record keeping, supporting documentation; security of decisions; applications of principles; compliance with established requirements

Probity – fairness; impartiality; integrity

Accountability – clear objectives; accept responsibility; best use of resources; submit to scrutiny

Ethical Behaviour – code of conduct; honesty; integrity; probity; diligence; fairness; trust; respect; consistency; avoidance of conflicts of interest

Procurement process

Four phases (cyclical):

1. plan
2. implement
3. monitor
4. evaluate

Make sure documents are signed

Monitor cumulative payments

Key recommendations

- strengthen probity standards
- strengthen oversight and monitoring of procurement
- train all staff involved to manage conflicts of interest
- independents sit on every tender panel
- Victoria Councils tender procurement policy

Kylie McRae, Councillor Wollongong – Shellharbour**Overcoming Fraud and Corruption in Planning at Local Government**ISSUES

- High unemployment; social issues; promoting development to create jobs :
- General Manager (GM) took direct control of planning
- Property division outcomes focus – GM was very strong
- 'Iconic sites' – lacked separate probity, lack of transparency in reporting
- Ineffective risk management process
- Ineffective audit committee

Recommendations

Standard assessment reports; reasons for variations;

Peer review before final approval; any Development Application (DA) that departs from any standard must go to Independent Hearing and Assessment Panel (IHAP);

SEPP 1 varies beyond 10% goes to Planning Department

10% of DA's by (SE planning); part of KPI's overseen by senior planner and register of variation of DA's

- DA's allocated on the basis of expertise and experience
- Regular internal audit at least every 2 years - currently against the ICAC guidelines

Governance

Andrew Patterson, Internal Ombudsman, Warringah Council**Face to face training – no substitute**

- Every 3 years a fraud risk assessment
- Code of Conduct Wollongong City Council
- Plain English policy – up for adoption
There are 3 sections: Councillors; Council; Contractors
- Every 3 month Governance Committee gets print out of the gifts and benefits register
- There is a Code of Business Ethics
- Staff; contractors; developers must adhere to a Governance Health check – annually , self assessment and placed on the delegates register
- Policy as to whom receive legal fees
- All Council resolutions are entered into a database are tracked and audited every 1 to 2 years

Leadership drives values not vice – versa

Inspection for Pecuniary Interests

Some issues:-

\$25 000/ month – misuse; non payment of mobile phone

Fraud – time sheets

Theft

Misuse of resources

Reporting Lines

- Internal Auditor reports to Internal Ombudsman
- Internal Ombudsman reports to GM but no interference in Ombudsman's activities – reports to GM administratively

Internal Ombudsman has:-

- open access; "own initiative" investigation authority
- separate Annual Report
- Public Report Option – issues without reference to GM

Internal Ombudsman (IO) does all the Code of Conduct training

Produces Education bulletins

Ethical culture building holistic and integrated approach with Human Resources (HR)

- face to face for IO supplied by HR
- separate from induction process
- interactive – experiential
- mandatory and regular – every 2 years for all staff
- work place bullying the dominant reason for ethical culture failure
- "Bully Free Warringah" – mandatory for all staff
- 5 year project in a healthy organisation

Some Quotes

"It's a funny thing about life. If you refuse to accept anything but the best, you often get it."

W. Somerset Maugham

"Excellence is what we repeatedly do. It is therefore not an act but a habit."

"WHO AM I" consistent theme for ethics; morality; code of conduct; ethical culture; integrity etc.

Peter Alexander, Online Services Branch Manager AGIMO Department of Finance and Deregulation

Open Government Declaration

Three new principles:

1. Arming
2. Engaging
3. Participating

Open government in practice

Useful websites, data.gov.au; Social media 2.0; Webguide.gov.au – aov 2.0prmer – highly recommended;

Social media 101 Government 2.0 taskforce report

Govspace blog hosting service – govspace.gov.au

AGIMO Blog agimo.govspace.gov.au

AGIMO Resources

Better outcomes: risks not much greater than using other forms of media – staff themselves the greatest risk

Malware – network controls prevent applications being downloaded to network,

Identify theft – biggest concern

In America 70% rejected applications for jobs after checking out their social media site –

Internal social media policy - do we have one?

-accountability

Guidance Australian Public Service Commission
 APS Values and Code of Conduct in Practice
 Training – when not to reply/ respond – etc

John Hatton

No secrecy in Local Government - especially planning

Jeanette Schroeder-Allen, APF; Awareness and Prevention

- Money – saving – cost/ benefit analysis
- KISS – key message – one message
- Conversation; scenarios – ethical continuum
- McDonalds all Emergency Services receive purchases of half- price; AEP lost case to prevent it.

Karen Fisher, Group Manager –Ethics; Australian Public Service Commission

Merit Protection Commissioner

- Web 2.0 technology - consultation; debate; networks etc; working with other sections; building consensus
- No longer rely on long term socialisation for employees; lots of new managers – average age 31 – coming into the public sector, not working their way up – executive level 1 and 2 – relevant for local government
- Conflicts of interest go to the heart of decision making
- Most difficult to recognise a conflict of interest in our own case (James Berok, Head of Integrity, OECD)
- 4 key components – blueprint APS Ahead of the Game
- Meets the needs of citizens
- Stronger leadership and strategic direction'
- Develop a highly capable workforce
- Increase focus on high standards

Dr Peter O'Hanlon Analytics Strategist and ACT Chapter Head, Institute of Analytics Professionals of Australia

IT Data Mining

- Processing power

Techniques

- Signature and anomaly based algorithms - segmentation; which are the unusual; suspicious; relative to peers
- Statistical models – lots of algorithms available – patterning
- 'Red Flags'

Uses

- Financial
- Benefits
- Taxation
- Corporate
- Advertising

- Gaming etc.

But limited application in employee fraud

1. Invasion of privacy? Corporate data
2. Not in my watch? – potential embarrassment; fatal reputational impact
3. Audit takes care of that – don't they?
4. Will it work?

- Augments existing approaches
- Commonwealth Fraud control requirements

Incremental delivery

- Descriptive/ anomaly based expectations
- Making data available, key sources/ risk based
- Mode based expectations
- Rule based expectations
- Query tools to support audit and investigation

Plus the top 9 'mistakes'

- Wrong expectations
- Bringing all the data together
- Siloed exercise as a pilot (data only)
- Trying to do it all
- Putting it in opposition to other work
- Expecting perfection
- Just using 'red flags'
- Not re-using other related initiatives
- Doing it all "off-line"

What you can expect

The Bad

- Hard work
- Resistance
- Additional workload
- Attention

The Good

- Peace of mind
- Commonwealth savings
- Improved culture
- Increased deterrence
- Greater understanding

Duty of care

Take the next step

peter.c.ohanlon@gmail.com

Price Waterhouse coopers do it through their extended auditing

Internal Audit Bureau

Audit effort shifting from auditing generic controls to the effectiveness of Enterprise Risk Management

1st stage

- Governance, design and execution
- Associated, assurance activities
- Reporting
- Dedicated fraud risk assessments have now become a necessity
- Enterprise risk assessments pick up most major issues
- A Fraud and Corruption Committee that reports to a Fraud and Corruption Resistance Health Check
- Anti- Corruption Framework
- tone at the top
- workplace culture
- fraud hot spots

The Fraud Control Health Check – 10 questions – free self assessments

SDR

- Trigger for some employees who feel “threatened” to become problem gamblers and hence a fraud risk
- 36% Gambling Motivated Fraud, 18 months average length of time before they are caught
- A great network www.corruptionprevention.net

Rory O’Connor – Managing Director O’Connor Marsden and Associates Pty Ltd

Developing effective fraud risk management detection strategies to ensure early responses to fraud threats.

Motivation

4 G’s

- Greed
- Gambling
- Girls
- Guys

Opportunity

- Inadequate controls
- Changing environment

- Prevention
- Detection
- Response

Fraud detection takes at least 12 months; cost

- Reactive – whistleblowers etc
- Proactive – data

Analytical methods

Manual Red Flag – suitable for obvious patterns

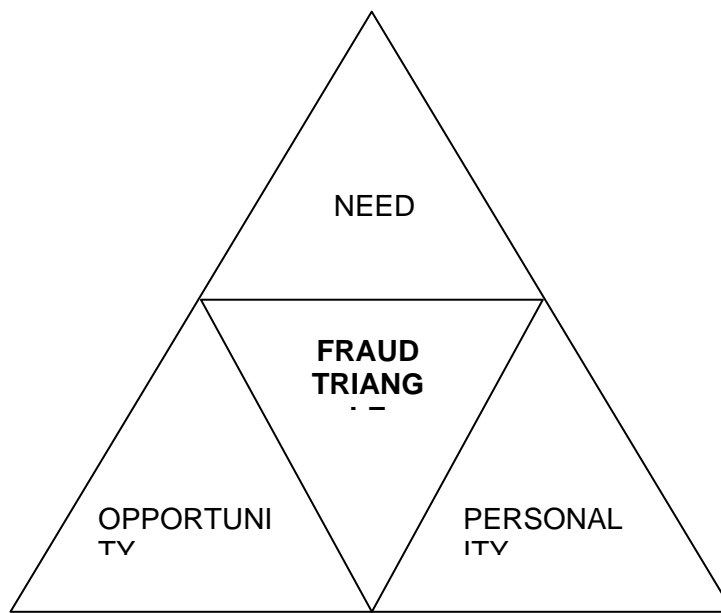
Rules base – suitable for known patterns

Profiling Statistics – suitable for unknown patterns

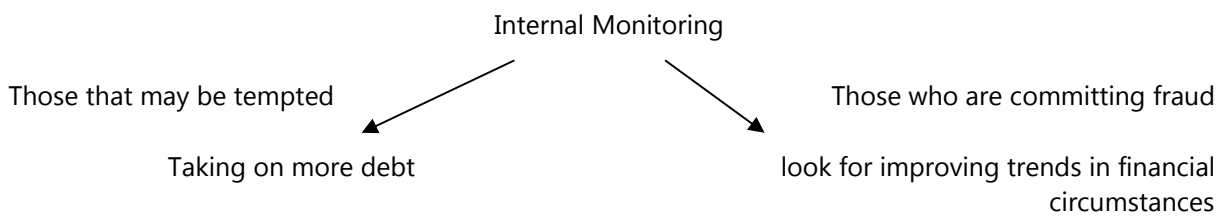
Advanced analytics knowledge – discovery, data mining
E.g. neural networks; cluster analysis; fuzzy logic; predictive modelling
Suitable for complex patterns

Jan Smith – UK External Affairs direction, Call Credit Group

“The only thing worse than not being able to see, is being able to see but having no vision.” – Helen Keller



Spot the fraud



5.3 Delegates Report - Planning for Community Outcomes Conference - 2 June 2011

TRIM REFERENCE: F2004/06517 - D02632240

AUTHOR: Bill Symington; Councillor

SUMMARY

Report submitted by Councillor Symington on attendance at the Planning for Community Outcomes Conference held in Sydney on 2 June 2011.

RECOMMENDATION

That Council receive the Delegates Report on the Planning for Community Outcomes Conference – 2 June 2011.

ATTACHMENTS

- | | | |
|----------|---|-----------|
| 1 | Councillor Symington's Delegates Report - Planning for Community Outcomes 2 June 2011 | D02764919 |
| 2 | Planning for Community Outcomes Conference - Program and Presenters | D02767862 |

Results Based Accountability (RBA) ~ Planning for Community Outcomes.

Introduction:

Why did I select this conference to attend? ... On perusing the promo advertising I was struck with the possibility of finding some proven way to determine measurable outcomes for communities. Council staff, Councillors and residents, often sink a whole lot of time, energy and finances into our communities, yet our capacity to find out how well we do is limited. I considered that it was well worth spending one day in Sydney, to find out for myself if such a method does exist and is it workable at Local Government.

Presenters:

As can be seen from the list attached, there were speakers from USA, UK, NZ, Australian and NSW Governments, Sydney, and Penrith Councils. The keynote speaker, Mark Friedman, presented both of the major morning and afternoon sessions and was a very animated, colourful presenter with a wicked bag of humorous anecdotes that made his sessions enjoyable and well worth the days attendance. Attendees came mainly from NSW Councils but there were a handful of representatives from Victoria and South Australia, Councillors and staff

Mark Friedman is from Santa Fe, New Mexico, and is the founder of RBA and author of the book *"Trying Hard Is Not Good Enough."* He has provided training and consultation in over 40 States and 10 Countries around the world and served as a senior associate at the Centre for the Study of Social Policy in Washington DC for four years following 19 years at the Maryland Department of Human Resources.

The Product:

Results Based Accountability is about a different way of getting from talk to action quickly. It puts forward a method of thinking and taking action together, that is simple, common sense, uses plain language and produces minimum paper. It is about making a difference, not just trying harder and hoping for the best.

The methodology is clearly set out in Mark's easy to read book, but is best taken in small doses supplemented with his accompanying DVD, which is a complete copy of one of his presentations.

I learnt enough on the day to appreciate the content of the program, and believe that there is a way to plan for, and measure, community outcomes. At the same time I recognised that implementation of such an idea needs to start small and grow slowly.

With this in mind, I was also able to convince the conference co-coordinators, to allow two Wyong Shire Council management staff, without charge, to attend a second presentation being conducted for Sydney City Council the following week. This opportunity was confirmed with the co-operation of GM Michael Whittaker and Director Maxine Kenyon.

Summary and Recommendation:

I found the conference very worthwhile as it exposed me to some different ideas around my favourite topic, and the reason I am a Councillor, "engaging and improving your community."

Whilst I am not aware of the costs involved in getting such a dynamic speaker to address Councillors and staff, I believe that it would be in Council's interest to investigate this possibility. Overall costs could be shared between our adjacent Councils if necessary. It could be a catalyst to re-energise and refocus staff and Councillors.

In the meantime, it would be great to see some of the methodology implemented in even a small area, to test the product.

I do not purport to be in a position of enough knowledge to advise, but recommend that anyone interested should borrow the DVD which I purchased and donated to Council. I also purchased the book and am happy to loan this as asked.

I would like to thank my fellow Councillors and Council for allowing me to attend this conference.

Cr Bill Symington



Results Leadership Group Australia presents
Planning for Community Outcomes
A Results Based Accountability™
1 Day Conference with Mark Friedman
author of *Trying Hard is Not Good Enough*
for Australasian Local Government and Councils

Program & Presenters

Results Based Accountability™ - 'Planning for Community Outcomes'



Results Leadership Group Australia presents
Planning for Community Outcomes
A Results Based Accountability™
1 Day Conference with Mark Friedman
 author of *Trying Hard is Not Good Enough*
 for Australasian Local Government and Councils

FINAL CONFERENCE PROGRAMME

8:00am - 8:45am	Registration and Arrival Coffee
9:00am	Welcome SUE RICHARDS Sue Richards, Managing Director of Results Leadership Group Australia and CEO of NSW Family Services Welcome to Country MICHAEL WEST Metropolitan Aboriginal Land Council
9:10am	Opening THE HON PRU GOWARD Minister for Family and Community Services NSW Government
9:20am	Welcome to Sydney Ann Hoban, Director of City Culture & Community City Of Sydney
9:30am	MARK FRIEDMAN Morning Session Principles and the Evolution of Results Based Accountability™
11:00am - 11:30am	Morning tea
11:30am	ROB HUTCHINSON, CBE Pre-recorded session 'Making a Difference' - A National Perspective
11:50am	DEIRDRE RYAN 'Making a Difference' - A NZ Council Perspective



Results Leadership Group®
AUSTRALIA

Results Leadership Group Australia presents
Planning for Community Outcomes
A Results Based Accountability™
1 Day Conference with Mark Friedman
 author of *Trying Hard is Not Good Enough*
 for Australasian Local Government and Councils

12:15pm	Lunch
1:15pm	<p>MARK FRIEDMAN Afternoon Session Local Government 'Open Space' exercise This exercise led and supported by Mark is designed to generate communication, collaboration, innovation, and other solutions to Local Government challenges and transitions.</p>
3:15pm	Afternoon Tea
3:45pm	<p>ANNE HURNI Major Cities Unit - Infrastructure Australia - Australian Government City Outcome Indicators - 'Towards a National Perspective'</p>
4:05pm	<p>KAREN VAN WOUDEBERG Penrith City Council 'Making a Difference' - A Project Perspective</p>
4:25pm	Q & A with MARK and PANEL
5:00pm	Close
5:00pm - 6:00pm	Drinks with Presenters

Trying Hard Is Not Good Enough

*How to Produce Measurable Improvements
for Customers and Communities*

Mark Friedman

5.4 Delegates Report - 2011 Asia Pacific Cities Summit - 6 - 8 July 2011

TRIM REFERENCE: F2004/06384 - D02754160

AUTHOR: Doug Eaton; Councillor

SUMMARY

In July the General Manager and I attended the 2011 Asia Pacific Cities Summit held in Brisbane. The theme for the 2011 Summit was "The Business of Cities" and was attended by more than 1,160 delegates including international business leaders, mayors and government delegations from over 110 cities from throughout Australasia, Asia, the Middle East, Africa, America and Europe.

RECOMMENDATION

- 1 That the report be received and noted.**
- 2 That the Mayor's Accord be ratified by Council.**
- 3 That the Mayor's Accord be forwarded by the Mayor to Asia Pacific Cities that Wyong Shire has connections with and encourage them to join the Accord.**

BACKGROUND

The Asia Pacific Cities summit encourages city-to-city relationships and fosters trade and investment flows within the region. The Summit provides a platform and opportunity for the heads of local and regional governments, business leaders, academic experts and young professionals to share knowledge, develop and share solutions, common agendas and improve city leadership and governance across the Asia Pacific region to ensure a high and sustained prosperity for our cities and quality of life for our people.

The summit opened with addresses from both the Lord Mayor of Brisbane, the Right Honourable Graham Quirk and the Premier of Queensland, the Honourable Anna Bligh followed by a keynote presentation from Sir Richard Branson the founder of Virgin Group.

Mr Branson made mention in his address that Companies and cities are all about people and stated that "geek is sheek". He suggested that we surround ourselves with people who are better than we are and encourage more flexible employment with better work and life balance. Leaders should delegate so they can lead.

Graham Quirk, the Lord Mayor spoke in detail about the flood response and how 60,000 people were organised in twenty four hours to assist with the massive clean up operations. The key to success was clear direction and clear information being given by leaders.

5.4 Delegates Report - 2011 Asia Pacific Cities Summit - 6 - 8 July 2011 (contd)

Keynote presentation on Principled leadership – in the face of change and crisis was given by former Mayor of New York City, Rudy Giuliani who advised that we must have a vision and then a plan to execute that vision. Mayor Giuliani began his first mayoral term and inherited a New York City awash with violence, crumbling infrastructure and residential flight to the suburbs. After ten years and thanks mainly due to Mayor Giuliani New York became America's safest city where economic development thrived and families flocked to live.

He also spoke about cleaning up time square with zero tolerance policing. He suggested leaders need to do an analysis of their city and he spoke about the challenge for the future of cities is finance and building infrastructure within their means.

I also attended a session conducted by IBM on smart cities with smart grid technology to monitor energy and services use for more efficiency and thus lower costs.

The General Manager and I also meet with representatives of the Imett Group who are proposing a car race track tourist development on the Central Coast as previously advised to Council. They expect to be further briefing Council and the State Government within the next few months.

At the Phillips session on energy it was shown how up to 70% savings can be made by combining led lighting with smart technology that dims lights most of the time with the lights sensing when pedestrians, cars etc approach and the light intensity increases only at this time.

The main focus of the conference was on the Mayor's Accord which concerned international and national collaboration between various cities. In common with all Mayors at the conference I signed the accord. A copy of the signed Accord is attached.

Wyong Council received praise as one of only two areas at the summit that could demonstrate an example of international collaboration.

My visit to Hubei Government in December last year and their return visit to council in February have been extremely worthwhile. On their visit to Wyong we introduced a major company in Hubei to the Magenta Golf Resort and as a result a Chinese investor from Hubei has purchased the undeveloped part of Magenta for some \$40m and will invest in further development at the resort.

I was able to talk at the Summit on how Council spoke to the Panan County People's Government from the Zhejiang Province in China and had hosted a delegation from Zhejiang at Council and they were interested in gaining an insight into Council's environmental controls.

Another example given was the collaboration between the Central Coast Mariners and the Chengdu Province in China with an exchange of coaching staff and players.

Wyong Council contributed significantly to the outcomes and enhanced its reputation as a leading Australian Council and I recommend that Council consider sending its Mayor to participate in the next Conference which will be held in Kaohsiung, Taiwan (Republic of China).

ATTACHMENTS

- 1 Delegates report D02766300

Gardiner, Susanna

From: Patty Hsiao [Patty.Hsiao@brisbane.qld.gov.au]
Sent: Wednesday, 27 July 2011 3:40 PM
To: Patty Hsiao
Subject: 2011 APCS Mayors' Accord

Attachments: 2011 APCS Mayors Forum and Accord FINAL.pdf; A1921.jpg



2011 APCS
 ors Forum and A



A1921.jpg

Dear Participating Mayors

I would like to thank you for your participation in the recent 2011 Asia Pacific Cities Summit (APCS) held in Brisbane from 6-8 July. We hope you found value in the Summit which is a Brisbane City Council initiative and an integral part of our economic development agenda for the city to foster international business relations throughout the region. This year's Summit attracted an unprecedented audience to Brisbane of more than 1160 delegates including international business leaders, mayors and government delegations from over 115 cities throughout the regions of Australasia, Asia, the Middle East, Africa, the Americas and Europe.

Please find attached the Mayors' Accord, Brisbane - Australia's New World City Accord 2011, presented and signed by Mayors and Head of Delegation on Friday 8th July 2011.

It is our hope that the Asia Pacific Cities Summit has given your city government both the opportunity and platform to take a global view for new emerging markets and linkages particularly in the Asia Pacific region.

Best regards

APCS Secretariat

 This message has passed through an insecure network.
 Please direct all enquiries to the message author.

THE BUSINESS OF CITIES

6 - 8 JULY 2011

Mayors' Accord

Brisbane – Australia's New World City Accord 2011



2011 ASIA PACIFIC CITIES SUMMIT

Brisbane, Queensland, Australia

brisbane
australia's new world city

Principal Partner



Queensland Government
Australia

An initiative of



Dedicated to a better Brisbane



Introduction

As the world converged on Brisbane for the 2011 Asia Pacific Cities Summit, this year's Summit attracted an international audience of more than 1100 delegates including business leaders, mayors and government delegations from over 110 cities throughout the regions of Australasia, Asia, the Middle East, Africa, the Americas and Europe.

The Asia Pacific region contains more than half of the world's population and will, in a few short years, be the major contributor to the global economy with extensive trading and collaboration with the rest of the world. The region is highly dynamic, with both rapid growth and urbanisation, and cities have become the key means through which growth is promoted and progress achieved.

International leaders and policy makers realise that long-term economic prosperity and productivity growth is increasingly affected by what happens in our cities. In many ways the competition for investment, skilled workers and for business now occurs amongst cities, rather than countries. Looking out over the next decade it can be assumed that the global economic battleground will revolve around the best performing cities of the world.

Today, as our region leads the world out of recession, the global economy's centre of gravity is once again shifting toward the Asia Pacific. This is why the Asia Pacific Cities Summit (APCS) is an integral part of Brisbane City Council's economic development agenda for the city to foster international networks and forge new business relations throughout the region. As a vehicle, the Summit provides a platform and opportunity for the heads of local and regional governments, business leaders, academic experts and young professionals to share knowledge, develop shared solutions, identify common agendas, conduct businesses and improve city leadership and governance across the Asia Pacific region, to ensure a high and sustained prosperity for our cities and quality of life for our people.



Mayors' Forum

The Mayors' Forum of the 8th Asia Pacific Cities Summit was held on Thursday 7th July 2011 and facilitated by Professor Greg Clark, Senior Fellow, ULI, and Chairman of the OECD Local Development Forums. The forum provided the opportunity for Mayors and Heads of Delegations to exchange knowledge and offer solutions to shared issues and included the development of the Mayors' Accord. During this Forum, we reviewed the Summit theme 'The Business of Cities' and discussed our combined efforts to achieve the Summit sub-themes for *Greener Cities*, *Managing Growing Cities*, and *Smarter and Connected Cities*:

- *Greener Cities* - Communities are demanding a commitment to sustainability on a scale never before seen. Communities are also increasingly sceptical of 'green-washing' and city managers are witnessing the community develop a strong understanding of green issues. Increasingly, the economic benefits of green management practices are being appreciated by both governments and businesses.
- *Growing Cities* - The urbanisation of populations continues across the Asia Pacific region and the globe. With growth comes challenges – how to develop or maintain the liveability of a city, protect the cultural fabric of the community, keep pace with societal changes, respond to growth pressures and successfully plan, fund and deliver large infrastructure projects. In 2011 and beyond, successful cities will focus on planning, policy and collaboration to be globally competitive, efficient and attractive for investment flows
- *Smarter and Connected Cities* - World cities of the future must take the lead to keep pace with rapid technological change, anticipate community needs and create networks that connect people, knowledge and services. Connections between and within cities include a myriad of modes – transport, communication, essential services and utilities. Smart cities can create innovative solutions to age-old issues and break through into new thresholds of evolution. The way cities connect their urban centres, connect with neighbouring cities and connect with the world can influence their success enormously.



Participants in the Mayors' Forum
- Thursday 7th July 2011 -

Cr Stephen YARWOOD, Lord Mayor of Adelaide City	Mr Takao ABE, Mayor of Kawasaki City
Cr Henk VAN DE VEN, Deputy Mayor of Albury City	Ms Li Qian, Vice Mayor of Kunming City
Cr Arthur ANAE, Councillor of Auckland Council	Mr Yoshiichi KISHIMOTO, Director General of Kobe City
Cr Graham QUIRK, Lord Mayor of Brisbane City	Cr Steve JONES, Mayor of Lockyer Valley
Cr Adrian SCHRINNER, Deputy Mayor of Brisbane City	Cr Pam PARKER, Mayor of Logan City
Cr Val SCHIER, Mayor of Cairns Regional Council	Cr Jono NAYLOR, Mayor of Palmerston North City
Cr Shar BALMES, Mayor of Casey City	Cr Nick LEGGETT, Mayor of Porirua City
Mr LIU Jiaqiang, Deputy Mayor of Chengdu City	Cr Melva HOBSON, Mayor of Redland Shire
Cr Artin ETMEKDJIAN, Mayor of Ryde City	Cr John BRENT, Mayor of Scenic Rim
Dr YUM Hong-chul, Mayor of Daejeon City	Mr LI Qingjie, Vice Secretary General, Shenzhen M.P.C.
Cr Graeme SAWYER, Lord Mayor of Darwin City	Mr Rudy GIULIANI, 107th Mayor of New York City
Cr Justin TAUNTON, Deputy Mayor of Hills Shire	Dr Ho Pin TEO, Mayor of Singapore North West District
Ms Banda Karthika REDDY, Mayor of Hyderabad City	Mr Abdullah MARJUNID, Deputy Mayor of Subang Jaya
Mr SHIN Dong-Keun, Deputy Mayor of Incheon City	Mr LEE Jae Joon, Vice Mayor of Suwon City
Cr Tim SHADBOLT, Mayor of Invercargill City	Cr Bob ABBOT, Mayor of Sunshine Coast
Cr Paul PISASALE, Mayor of Ipswich City	Mr CHEN Yeong-Ren, Secretary General of Taipei City
Cr Troy PICKARD, Mayor of Joondalup City	Cr Peter TAYLOR, Mayor of Toowoomba Regional Council
Mr LEE Yung-Te, Deputy Mayor of Kaohsiung City	Cr Doug EATON, Mayor of Wyong Shire

Forum Facilitator:

Prof. Greg CLARK, Senior Fellow, ULI, and Chairman of the OECD Local Development Forum

Observers:

Abha JOSHI-GHANI, Head of Urban Development and Local Government Global Practice, The World Bank

Austin KILROY, Urban Economist, Urban Development and Local Government, The World Bank.

brisbane
australia's new world city




Mayors' Accord, Brisbane – Australia's New World City Accord 2011

We, the undersigned Mayors and Heads of Delegations, were inspired and encouraged by the progress of Brisbane, our host and Australia's New World City. Our specific Summit principles for the future are:


1. To encourage growing cities, we recognise that our cities are platforms for business and commerce, trade, innovation, and entrepreneurship. We agree that cities can support the growth of economies by focusing on the needs of businesses, investors, workers, and entrepreneurs. We agree that support for economic growth is essential to extending the life choices and building the income base of our citizens and families, as well as providing resources for public services and amenities.
2. We recognise that environmental challenges and events will continue to occur throughout our region and the risk and recurrence of natural disasters in the Asia Pacific region is a common challenge. We will continue to foster collaboration amongst Asia Pacific cities to ensure sustainability and biodiversity. We will also maintain our shared intention to assist each other when such challenges and events occur.
3. We will support agreed efforts to maintain peace, stability, and security in our cities, and we will combine these with good local services, housing, food supply, water security, sanitation, and education for all. These are the basic underpinnings for the quality of life for our citizens and building more inclusive and accessible cities.
4. To encourage greener cities we recognise that both urban development and city management must proceed in ways which are resource efficient and provide citizens with healthy living conditions, including the appropriate preservation of open spaces. We will continue to innovate on energy generation and utilisation both in city services and in our economies and societies. We will deepen our efforts to encourage sustainability in our use of resources and to promote healthy lifestyles and behaviours for our populations.
5. Our cities will become smarter and better connected if we fully utilise the range of technologies that are now available to enhance environmental, social, and economic performance, and that will benefit our housing, heritage, transportation, communications and city governance. We will increasingly support smart management of cities to achieve improvements in our performance for the good of our citizens and future generations.




2011
ASIA PACIFIC
CITIES SUMMIT
Brisbane, Queensland, Australia




Mayor of Adelaide


 Albury City
D/Mayor of ALBURY


Rep / 
Mayor of Queensland
Nal Scher
Cairns
Mayor of



Mayor of BRISBANE


D/Mayor of CHENGDU



Mayor of City of Casey

D/Mayor of CHITA


Mayor of Dajeon


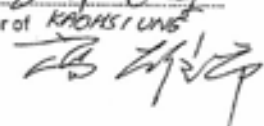

Mayor of DARWIN


D/Mayor of THE HILLS SHIRE COUNCIL


Mayor of HOBART


Mayor of Invercargill


D/Mayor of IPSWICH


D/Mayor of KASHIWA



Mayor of Kawasaki



2011
ASIA PACIFIC
CITIES SUMMIT
Brisbane, Queensland, Australia

Yoshiichi Kishimoto
Rep / Mayor of KOBE

S. J. J. J.
Mayor of Southon Valley Regional Council

[Signature]
Mayor of Palmerston North

Melva E. Hobson
Mayor of Radcliff City

A. D. D. D.
Mayor of RYDE

[Signature]
Mayor of SCONE Rm R/C

[Signature]
Mayor of Singapore

[Signature]
D/ Mayor of PEDULLATH WAREHOUSE
SIRAWA W/A W/E.

[Signature]
Mayor of SONGHIN COAST COUNCIL

Lee Tae Joon
D/ Mayor of Suwon

[Signature]
D/ Mayor of BRISBANE
Taipei city

[Signature]
Mayor of TOOWOOMBA REGIONAL COUNCIL

Yeung R. Chen
Rep / Mayor of TAIPEI

YEASU KOREA
[Signature]
Mayor of YEASU

[Signature]
Mayor of WYONG

[Signature]
Rep / Mayor of
SHENZHEN



Signing of the Accord: Mayors and Heads of Delegations with Ms Penelope Wensley AO, Governor of Queensland

Signatories of the Mayors' Accord - Friday 8th July 2011 -

Cr Stephen YARWOOD, Lord Mayor of Adelaide City
 Cr Henk VAN DE VEN, Deputy Mayor of Albury City
 Cr Arthur ANAE, Councillor of Auckland Council
 Cr Graham QUIRK, Lord Mayor of Brisbane City
 Cr Adrian SCHRINNER, Deputy Mayor of Brisbane City
 Cr Val SCHIER, Mayor of Cairns Regional Council
 Cr Shar BALMES, Mayor of Casey City
 Mr LIU Jiaqiang, Deputy Mayor of Chengdu City
 Mr Alexander ZENKOV, Deputy Mayor of Chita City
 Cr Artin ETMEKDJIAN, Mayor of Ryde City
 Dr YUM Hong-chul, Mayor of Daejeon City
 Cr Graeme SAWYER, Lord Mayor of Darwin City
 Cr Justin TAUNTON, Deputy Mayor of Hills Shire
 Ald Rob VALENTINE, Lord Mayor of Hobart City
 Cr Tim SHADBOLT, Mayor of Invercargill City
 Cr Victor ATTWOOD, Deputy Mayor of Ipswich City

Mr LEE Yung-Te, Deputy Mayor of Kaohsiung City
 Mr Takao ABE, Mayor of Kawasaki City
 Cr Steve JONES, Mayor of Lockyer Valley
 Mr Yoshiichi KISHIMOTO, Director General of Kobe City
 Cr Jono NAYLOR, Mayor of Palmerston North City
 Cr Melva HOBSON, Mayor of Redland Shire
 Cr John BRENT, Mayor of Scenic Rim
 Mr LI Qingjie, Vice Secretary General, Shenzhen M.P.G
 Dr Ho Pin TEO, Mayor of Singapore North West District
 Mr Abdullah MARJUNID, Deputy Mayor of Subang Jaya
 Mr LEE Jae Joon, Vice Mayor of Suwon City
 Cr Bob ABBOT, Mayor of Sunshine Coast Regional Council
 Mr CHEN Yeong-Ren, Secretary General of Taipei City
 Cr Peter TAYLOR, Mayor of Toowoomba Regional Council
 Cr Doug EATON, Mayor of Wyong Shire
 Mr KIM Chung-seog, Mayor of Yeosu City

5.5 Community Feedback and Complaint Management Policy

TRIM REFERENCE: F2007/01445 - D02750291
AUTHOR: Belinda Charlton; Internal Ombudsman
MANAGER: Brian Glendenning; General Council

SUMMARY

Council is required to responsibly manage its interactions with the community and is subject to a number of statutory requirements when dealing with community complaints, notifications and reporting criteria. The attached Policy aims to clarify some of these interactions and sets a strategic framework for the further development and implementation of procedures to ensure improved deliverables when obtaining and interacting with the community on matters of concern or interest to them.

RECOMMENDATION

- 1 That Council adopt the draft Community Feedback and Complaint Management Policy as attached.**
- 2 That Council grant delegation for any minor amendments to the policy to the General Manager.**

BACKGROUND

The Council interacts on a daily basis with members of its community and others. The recording, reporting and appropriate responses to such interactions often relate to matters that are defined as either complaints, requests for service and/or the provision of feedback. It is appropriate for the Council therefore, to consider an appropriate framework and subsequent procedure to guide both the community in its approach to Council and indeed the staff who respond to such approaches on the appropriate manner and expectation of services that will be delivered in such circumstances.

Council does not currently have an adopted holistic Policy or Procedural framework for the appropriate allocation, recording and response to complaint matters, requests for service or provision of feedback that provides a consistent and structured response to such matters.

It is acknowledged that Council still deals with these types of approaches on a daily basis, however consistency in response, overall handling and subsequent reporting may differ dramatically depending upon the initial allocation or receipt of such an approach.

The current practice is also lacking in its proper management of complaint matters in particular it does not permit a structured approach to deal with a complainants dissatisfaction in a three tiered approach, in line with the Division of Local Government Practice Note 9 endorsed by the NSW Ombudsman Office. Such a process would also allow Council to proactively deal with difficult and systemic complaint types or complainants. It would also allow for a proper allocation of resourcing, whereby identified areas of concern are patterned and/or repetitively problematic.

CURRENT STATUS

The Council has no structured holistic mechanisms that are systematically applied across the business to deal with matters of complaint, feedback or service requests. This leads to inconsistencies not only in the timeliness and importance placed on responding to such matters but also in the information provided to the community.

This not only exposes Council to potential liability through the provision of imprecise or inconsistent advice but also in potentially failing to follow the necessary statutory regime for reporting and particular complaint type management. Further it fails to adequately assess business performance across the organisation, whereby resource allocation may require adjustment.

The Council is on notice that the Division of Local Government proposes to undertake a Better Practice Review within the next 12 month period. Setting of an appropriate Policy framework, with the commencement of refined and documented procedures, will assist in demonstrating Council's positive actions undertaken in this regard.

THE PROPOSAL

The adoption of an overarching strategic policy dealing with complaints, service requests and feedback, sets the grounding for the development and implementation of a three tiered procedural approach to dealing with such matters.

Although there has been a wide level of consultation about this Policy, there remains particular individual views about its content and structure. It is however considered to be more beneficial to have an adopted approach, reviewable at least every two years, to set a minimum standard of community expectation and involvement. The failure to have such a Policy and underlying procedural framework risks the Council's reputation in inappropriately or inadequately dealing with matters of complaint, request for service or provision of feedback.

OPTIONS

1. That Council adopt the draft Community Feedback and Complaint Management Policy as attached;
2. That Council adopt the draft Community Feedback and Complaint Management Policy with amendments;
3. That Council reject the proposed draft Community Feedback and Complaint Management Policy and continue operating in an adhoc and unstructured manner currently applied across the business, in dealing with the various complaint, service request and feedback notifications that it receives.

Given the significant consultation that has occurred internally and in the provision of a Councillor briefing, it is considered that Option 1 is the appropriate option to adopt. This will immediately allow for the development of specific procedures for each type of interaction in a three tiered approach that will comply with the Division of Local Government Practice Note 9, endorsed by the NSW Ombudsman and further set a structured approach for compliance with the pending Better Practice Review process.

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>
1	Community & Education	Community & Education involves the establishment of relationships with and between community members. It helps to promote community connectedness and participation and contributes to the quality of life on the Central Coast.	No funding required	Consistent level of service provision to the community ensuring greater avenues for community participation.
12	Administration	Establishing a consistent framework for all Council policies as well as resolving complaints via Council's Ombudsman	No funding required	Clearly defining the activities and service deliverables of the Council which assist the community in their interactions.

Long term Financial Strategy

There are no financial strategy implications in the adoption of this policy.

Asset Management Strategy

There are no asset strategy implications in the adoption of this policy.

Workforce Management Strategy

There are no workforce management strategy implications in the adoption of this policy.

Link to Community Strategic Plan (2030)

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

- a. Expanding and supporting programs that increase participation among all ages.
- c. Encouraging and valuing genuine youth and seniors participation in the community.

Budget Impact

There are presently no budget impacts emanating from the adoption of this Policy. Some resource allocation may be considered in the future, subject to the associated procedures and service standards applied to dealing with each type of interaction held with the community or by the measured level of matters arising within particular areas. These implications are not presently known due to a lack of consistency in the manner in which such approaches are documented, managed and reported.

CONSULTATION

Voluntary direct consultation occurred with the following groups:

- The General Manager;
- The Executive and Senior Management, who were responsible for engaging their relevant staff in the provision of feedback and review of the draft policy;
- Targeted staff areas, who deal with a high level of community interactions, such as customer contact and corporate information; and
- Councillors through a Councillor briefing session.

Indirect consultation occurred with the community in that, prior feedback to the Internal Ombudsman about the handling of complaint matters, service request responses and feedback provision was taken into account in designing the policy detail.

Further, a number of key resources were utilised in appropriately structuring the Policy document and proposed underlying procedural framework, obtained from the Independent Commission Against Corruption, the Division of Local Government, the NSW Ombudsman. Complaint management procedures utilised by other Local Government entities employing Internal Ombudsman positions were also sourced.

GOVERNANCE AND POLICY IMPLICATIONS

Particular complaint types listed within the Policy are governed by strict legislative regimes in relation to the manner in which they are to be handled and reported. The Policy contains a list of associated legislation and related policy and statutory documents which impact particular requirements of the Council in exercising its functions.

A failure to have an adopted Policy such as this, does not extinguish or exclude Council from such statutory obligations, but does in fact make it more difficult and onerous to discharge such obligations.

Council also has obligations to report matters in certain circumstances in its annual report or to other agencies. Further a lack of appropriate standards also risks a failure to notify in accordance with any insurance policy or procedure that Council has negotiated.

MATERIAL RISKS AND ISSUES

The material risks in failing to have an adopted Policy framework as proposed, with the subsequent design and implementation of Procedures underpinning the Policy include:

- Loss of reputation of Council by its community;
- Failure to discharge statutory obligations arising from particular complaint types;
- Poor performance findings in a Statutory Review Process;

- Failure to adequately report and disclose relevant information in accordance with Statutory obligations;
- Indefensible position and increased exposure to liability;
- Increased exposure to negative external review or investigation findings;
- Propensity for improper conduct, bias or unfair dealings with particular individuals or sections of the community to go undetected and unresolved;
- Increased inconsistency in applying standards of service between community members or groups;
- Dealing with matters for which there is no appropriate delegation given;
- Failure to appropriately notify Council's insurers of known liability risks, for which liability may have been limited had such notification occurred; and
- Failure to appropriately comply with good record keeping processes.

CONCLUSION

The adoption of the Community Feedback and Complaint Management Policy provides direction both to the community and to Council staff on the appropriate receipt, allocation and management of approaches that either form a complaint to the Council, request a service from the Council or provide valuable feedback to the Council about its various operations or activities.

Controlling, monitoring, reporting and responding to such matters in a consistent and timely manner creates confidence in the community that the Council is not only listening and responding to their concerns but that community members are actively able to participate in the community and the activities which are delivered to them by the Council.

Open, fair and transparent government is an objective of the policy and the promotion of proper management and responsiveness holds the Council to account. The Policy is the first step in addressing a consistent approach to community interactions that fall within the scope of complaint, request and feedback. This will subsequently be underpinned by the creation of the three tiered complaint management process and specific procedures for the varying approach types.

ATTACHMENTS

- 1 Community Feedback and Complaint Management Policy D02756852



POLICY

Adopted: ##/##/2011
Minute Number: ###/2011
Amended: N/A

FILE NUMBER: #

TITLE: COMMUNITY FEEDBACK AND COMPLAINT MANAGEMENT POLICY

RESPONSIBLE OFFICER: GENERAL MANAGER

BACKGROUND:

Council is responsible for the provision of a vast array of services to the Wyong community. The manner in which these services are delivered can vary and in some instances attract both positive and negative community comment. Customers, Councillors and staff members have the legitimate right to expect acceptable standards of work practice and a professional level of conduct in the delivery of service outcomes.

Council is often assisted in the appropriate conduct of its operations through community feedback. At times the service standard expectations of our customers are not met satisfactorily and these failures form the basis of complaints made to the Council or to other agencies.

Wyong Shire Council is focused on a continual improvement regime and has in place a number of functional areas whose role it is to review complaint information, determine any operational barriers or procedural breakdowns and suggest improvement processes for organisational operations.

Complaints are classified by definition and those more serious or systemic complaints are often coordinated by the Internal Ombudsman generally by referral from the General Manager.

OBJECTIVE:

- To provide guidance to the community on the process for providing feedback to Council about the manner in which staff conduct themselves and/or the manner in which the actual provision of services to the community is undertaken.
- To ensure that the community is freely able to comment on the overall performance of the Council and its staff as it relates to conduct and delivery of service matters, in order that Council can assess its overall performance and in some instances improve on the manner, consistency and delivery of its services to the community which will increase community satisfaction levels and overall confidence.
- To endeavour to provide a mechanism for reporting and responding to complaints addressed to the Council whilst adhering to relevant privacy and natural justice principles.

- To enable the remedy of any breaches that have occurred, through the most appropriate agency and/or method of resolution, in accordance with the nature of the complaint and the specific issues raised by the complaint and associated findings.
- To strengthen compliance with the applicable statutory provisions and Council policies in the conduct and delivery of services.
- To offer the General Manager an appropriate opportunity to address and/or rectify any customer dissatisfaction with services or staff performance that have or are being provided by the Council staff, the Council's engaged and/or delegated representatives or Councillors.

DEFINITIONS:

Alternative Dispute Resolution (ADR) Processes

Non-litigious processes utilised for the purposes of resolving disputes, which include mediation, conciliation, facilitation or arbitration. The outcome must remain lawful but is achieved through varying means that allow more scope and latitude than might be achieved via more formal or litigious processes. Parties who submit to an ADR process are held to abide by any binding agreement freely made as part of the process.

Competitive Neutrality

The need to ensure that unfair net competitive advantage does not exist or is applied by a public sector authority when competing in an open market transaction or trading process to the detriment of a non-government entity or individual who does not have an equivalent net competitive position in the particular instance.

Complaint

A set of emotions, facts or reasons that together form an expression of dissatisfaction with one or more services, processes, rules, interactions, decisions or operations engaged in by Wyong Shire Council. [Like terms that also constitute a complaint include: grievance, dispute, concern, breach, difficulty, issue, problem, allegation or accusation.]

Conflict of Interest

Conflicts of Interest occur in two forms, pecuniary which occurs when a person has a financial interest and non-pecuniary which occurs when a person has an interest in a matter that is other than a financial interest. Conflicts of interest may arise but are not limited to, a person's actual or perceived knowledge, involvement, association, relationship or position.

Council

A reference to the Council means Wyong Shire Council and, in context, elected councillors, staff of Council and Engaged Representatives.

Engaged Representatives

Any individual, committee member or contractor who is tasked with undertaking works or services on behalf of the Council.

Feedback

Any form of comment that is either positive or negative that may assist Council in the improvement of its overall operations, performance or in the conduct of its business with individuals or the community at large.

Improper Conduct

Conduct that is considered unacceptable because by its very nature it is either inappropriate serious or systemic conduct, constitutes a breach of Council's adopted Code of Conduct, is illegal, is categorised as maladministration or is a serious or substantial waste of public resources or relates to a failure to properly adhere to functions required by the *Government Information (Public Access) Act 2009*.

Internal Ombudsman

A Council officer who independently represents the broad scope of community interests by identifying impediments to effective administration and acts as a neutral intermediary between the Council and its internal and external customers. The Internal Ombudsman deals with complaints about serious or systemic conduct, coordinates protected disclosures, assists in educating staff about corruption prevention initiatives and provides recommendations following any investigation undertaken.

Maladministration

Maladministration is a term ordinarily applied to public authorities and generally deals with matters that can be termed as an "injustice". Section 26 of the *Ombudsman Act 1974* lists the following conduct types that the NSW Ombudsman considers to be forms of maladministration:

- Contrary to law
- Unreasonable
- Unjust
- Oppressive
- Improperly discriminatory
- In accordance with any law or established practice but the law or practice is, or may be unreasonable, unjust, oppressive or improperly discriminatory

- Based wholly or partly on improper motives, irrelevant grounds or irrelevant consideration
- Based wholly or partly on a mistake of law or mistake of fact
- Conduct for which reasons should be given but are not given
- Otherwise wrong

Privacy Breach

Allegations made about improper dealings with a person's personal information or health information in accordance with the provisions of the *Privacy & Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

Public Interest (Protected) Disclosure

Allegations and disclosures made by a public official about improper or corrupt conduct in accordance with the provisions of the *Public Interest Disclosures Act 1994*.

Public Officer

This is a statutory position set up in accordance with Section 343(1) of the *Local Government Act 1993* to assist the public to gain access to information about the Council's affairs. The Public Officer also coordinates matters relating to Privacy and access to Government information.

Request

The seeking out of further information and/or explanation, or making a request for service provision, in relation to a matter, process or practice undertaken, governed or enforced by Wyong Shire Council. This is not considered to be a complaint but rather an ordinary function of the Council responding to customer requests for service.

PRINCIPLE:

Council as a public authority delivers a diverse range of services to the community and as such has an exhaustive customer base which results in frequent interactions with its residents and other community partners, visitors, government agencies and business alike. As a public authority the Council is charged with ensuring that the delivery of services is undertaken in a transparent, open and accountable manner which is lawful and impartial. Positive and negative feedback, including accolades and complaints, assists the Council in assurance and legally compliant processes and practices. Positive feedback also assists the Council in identifying achievements of individual staff, teams, delegated representatives or Councillors that may otherwise go without proper acknowledgement. Complaints identify to the Council where matters may not have been appropriately handled or where there is a potential information or procedural gap in our service provision.

Whilst feedback, requests and complaints are welcomed, the Council is not an arbitrator of neighbourhood disputes or serial dissatisfied complainants or requestors. Dealing with these matters unacceptably diverts the resources of the Council from its ordinary and proper functions. From time to time, Council is asked to take on this dispute resolution role where complainants are vexatious in their pursuits and matters are brought to Council's attention in bad faith. Wyong Council purports to deal with all of its customers in an appropriate manner. Repetitive and unreasonable complaints will

be dealt with in accordance with the NSW Ombudsman guidelines and those matters are considered purely on merit, however once resolved will undergo a limited review process.

POLICY STATEMENT:

LODGING FEEDBACK, A REQUEST FOR SERVICE OR A COMPLAINT:

Attached to this policy document are a suite of standard forms to assist you in lodging your feedback, request for service or complaint. It is not mandatory that you utilise these forms, however in doing so, it will assist the receiving officer to appropriately register and assign your matter. If the form does not supply sufficient space for you to list your matter, then you are encouraged to attach the particulars and any additional or supporting information to the form.

Provision of Feedback on a Program, Council Staff Member or Councillor

Council appreciates feedback on the manner in which its staff, elected representatives and programs are performed. This identifies to the General Manager what programs, Councillors and staff you were most satisfied or dissatisfied with and why, in a respectful and positive manner.

Feedback should differ from a complaint in that it highlights your personal thoughts and experiences to the Council for the purpose of process improvement or acknowledgement relating to the professionalism and outcomes of a program and how they were achieved. Feedback also enables the writer to make suggested improvements or highlight and acknowledge achievements or accolades as a result.

Feedback is designed to assist the Council in ensuring that the programs and outcomes delivered are done so in a professional, respectful and quality manner and that staff or Councillors who excel beyond their general operational responsibilities in a positive way are appropriately acknowledged.

Request for Service

A request for maintenance, a service or upgrade should be made directly to Customer Services, either in person or over the telephone. Routine operational matters are recorded on a Service Request system and allocated for either a response and/or action. These matters do not form a complaint.

However, a failure to receive a response or action in an appropriate and timely manner to an existing service request or where an impasse occurs which prevents appropriate resolution of the service request, may be lodged as a complaint, where the substance of the complaint is not the service requested but the failure to action the service request.

Formally made Complaints

Complaints received in writing are considered to be formally made. Formally made complaints may be received by way of letter, email or facsimile. Your personal information will be retained in order that the responsible officer if necessary is able to contact you to seek further assistance, such as requesting additional information or clarification on your complaint and to provide you with a response at an appropriate time.

Informally made Complaints

Complaints made in person, where no formal documentation is signed, or complaints made over the telephone, are considered to be informally made complaints. Depending on the nature of your

complaint, you may be subsequently referred to a member of staff, or to the Internal Ombudsman to provide information or assistance to you. These staff members will record your personal details and the details of your complaint. You may be asked to assist in the investigation of any complaint, if necessary through a request for further information or being contactable in order to clarify your complaint and so that a response can be provided to you at an appropriate time. If the nature of your complaint is one that requires a formal complaint process to be followed, then you will be appropriately notified of such a requirement.

Submissions or Objections to Development Related Functions

Development application proposals and other environmental instruments are advertised in accordance with the *Environmental Planning & Assessment Act 1979 (NSW)* requirements. This provides an opportunity for adjoining owners and other interested parties to make comment on proposals being considered. This is a statutory process and is not considered to be a request for service, a provision of feedback, nor a complaint for the purposes of this Policy.

Anonymous Complaints

Anonymous complaints are often very difficult to investigate and resolve due to the fact that the responsible officer has no opportunity to seek additional or clarifying information from the complainant if it is required. Anonymous complaints are discouraged and unless they are about a matter that is considered extremely serious or illegal and have sufficient initial detail supplied to warrant and facilitate a proper investigation process, then these complaints will generally be recorded for information purposes only. If Council is in the position to appropriately deal with such matters, then they will do so, subject to the seriousness of the allegation and the availability of resources. Public Officials are reminded that they have recourse to the *Public Interest Disclosures Act*, which protects their interests in relation to confidentiality and actions of reprisal.

SPECIFIC COMPLAINT TYPES:

Complaints Relating to Staff Conduct by Members of the Public

All complaints made about improper staff conduct must be in writing and addressed as "Complaint - Private & Confidential" and marked for the attention of the General Manager or Internal Ombudsman. Alternatively you may telephone the Internal Ombudsman to discuss the matter in the first instance or for the purposes of making an appointment, in order to identify the most appropriate course of action to get the issue recorded or resolved.

If the complaint is made about the conduct of the Internal Ombudsman it should be addressed to the General Manager.

Complaints Relating to Staff Conduct by Government Officials

If the complaint is being made by a Wyong Council staff member or Councillor, then reference should be made to the Public Interest Disclosures Policy.

All Public Interest (protected) Disclosures made about improper staff conduct must be in writing and addressed as "Public Interest Disclosure - Private & Confidential" and marked for the attention of the General Manager, Internal Ombudsman or General Counsel. Alternatively a meeting may be requested with the Internal Ombudsman to discuss the matter with you in the first instance.

Staff of Wyong Shire Council who are making a Public Interest Disclosure may also approach one of the General Manager's Public Interest Disclosure Officers to make their complaint. Protected complainants must maintain confidentiality and only disclose their complaint information to an authorised Public Interest Disclosures Officer or Coordinator. Reference should be made to the Public Interest Disclosures Policy and Procedures for guidance.

If the complaint is made about the conduct of the Internal Ombudsman or General Counsel it should be addressed and made directly to the General Manager.

Complaints relating to decisions made by the Council or Wyong Shire Council staff

All complaints about decisions made by the elected Council or Wyong Shire Council staff should be addressed to the appropriate Service Unit within the Council as the first point of call for appropriate response. Assistance in identifying the relevant Service Unit or staff member can be provided by the Customer Contact staff.

Complaints relating to Pecuniary or Non-Pecuniary Conflicts of Interest

Council only has the authority to investigate non-pecuniary interest complaints. Guidelines exist in Council's adopted Code of Conduct and Code of Meeting Practice, as well as in statutory provisions contained within the *Local Government Act*, to assist Councillors, staff and persons undertaking particular functions of the Council as delegated, to assist them in considering and dealing with actual or potential conflicts of interest.

Complaints involving allegations of a pecuniary (financial) interest are not investigated by the Council. Complainants are encouraged to address pecuniary interest complaints directly to the Division of Local Government. Any such complaints that are received by the Council are forwarded to the Division of Local Government within the NSW Premier's Department as the appropriate investigative authority.

Complaints about the Conduct of the Mayor or Councillors

All complaints about the conduct of Councillors (elected representatives) of the Council should be made in writing marked "Complaint - Private & Confidential" and marked for the attention of the General Manager. Advice regarding these types of complaints can be sought from the Internal Ombudsman.

Complaints about the Conduct of the General Manager

All complaints about the conduct of the General Manager must be in writing, marked "Complaint - Private & Confidential" and addressed for the attention of the Mayor. Advice regarding these types of complaints can be sought from the Internal Ombudsman.

Complaints about the conduct of the General Manager are assessed by the Mayor in accordance with Council's adopted Code of Conduct.

Complaints relating to Competitive Neutrality Principles and their application

Complaints about the competitive neutrality of the Council's operations or a particular aspect of its operations should be made in writing marked "Competitive Neutrality Complaint - Private & Confidential" and marked to the attention of the General Manager and/or the Public Officer. The Public Officer will investigate your complaint and recommend appropriate actions to the General Manager and where applicable make any mandatory notifications to other agencies.

Complaints relating to Privacy

Complaints about the manner in which your personal or health information has been dealt with or improperly disclosed by the Council should be made in writing marked "Privacy Complaint – Private and Confidential" and marked to the attention of the Public Officer. The Public Officer will assess your complaint and where applicable make a mandatory notification to the Privacy Commissioner.

Complaints relating to Child Protection matters

In certain circumstances, Council staff working in an environment where children are present, have a mandatory reporting obligation to the Director General of the Department of Human Services in accordance with the provisions of section 27 of the *Children and Young Persons (Care and Protection) Act 1998*. In such circumstances, the staff member should also immediately notify the General Manager that such a report has been made.

Staff dealing with such matters may also seek immediate assistance regarding their obligations from the General Counsel.

Complaints Alleging Illegal or Corrupt Activity

Complaints that allege that an illegal or corrupt act or activity has occurred, is occurring or is planned to occur, will be assessed by the General Manager or Internal Ombudsman and where appropriate referred directly to the NSW Police and/or the Independent Commission Against Corruption.

The nature of any such referral will depend upon the detail provided in the complaint and any evidentiary support. The Council is required to follow strict procedures in relation to serious complaints of illegal activity, maladministration, serious or substantial waste of public monies or corrupt conduct.

In certain circumstances the Council will be authorised to maintain carriage of the complaint and any subsequent investigation. This is determined in consultation with the lead agency who has been informed in accordance with the statutory notification process.

Complainants who allege illegal or corrupt activities have or are occurring, maintain the right to make such complaints directly to the relevant statutory authority, whether it be the NSW Police or ICAC, without any obligation to notify the Council.

RELATED POLICIES/STATUTORY DOCUMENTS:

- Public Interest (Protected) Disclosure Policy and associated Procedures
- Code of Conduct
- Code of Meeting Practice
- Privacy Management Plan
- Competitive Neutrality Policy
- Access to Information Policy
- Policy for Probity Management
- DLG Practice Note 9 – Complaint Management in Councils – joint publication of the Division of Local Government and NSW Ombudsman

SUSTAINABILITY IMPACTS:**Environmental:**

There are no environmental impacts associated with this policy.

Economic:

There are no financial or economic impacts associated with this policy.

Social:

The acceptance of feedback, requests for service and complaints are integral to the Council's ability to properly manage its affairs, assess its overall performance and ultimately be accountable to the community for deliverables. Management of these matters in a successful and cooperative way assists the Council in providing open and transparent government services to its customers. Delivery of responsible government administration allows the community to have confidence in the Council and strengthens the relationship between both parties.

STATUTORY REGIME:

- Local Government Act 1993 (NSW)
- Ombudsman Act 1974 (NSW)
- Independent Commission Against Corruption Act 1988 (NSW)
- Crimes Act 1900 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Protected Disclosures Act 1994 (NSW)
- Government Information (Public Access) Act 2009 (NSW)

IMPLEMENTATION RESPONSIBILITY:

Internal Ombudsman - Legal and Risk Unit.

REVIEW DATE:

Within each two year period from the date of adoption.

SCHEDULES

Schedule 1:

- Complaint Form

Schedule 2:

- Request for Service Form

Schedule 3:

- Community Feedback Form



SCHEDULE 1 COMPLAINT NOTIFICATION FORM

1. Details of Complainant:			
Name of complainant:			
Address:			
Postal Address:			
State:		Post Code:	
Email Address:			
Contact Number:		Mobile Number:	
2. Details of Complaint:			
Particulars of Complaint: <i>(Please provide attachment if more room is required):</i>			

Do you have a preferred outcome, if so, what outcome is sought:	
Please list the details of the person(s) being complained about:	1. 2.
Has the complaint been made previously?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If Yes please list the name of the person(s) you have been dealing with:
Do you have any additional information or documentation related to the complaint:	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please attach a copy to this complaint form.
I agree to waive my rights to confidentiality, other than required by law, without further consultation:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Declaration:	
I declare that I have disclosed all relevant information and make this complaint in good faith:	<i>Signature:</i>

4. Office Use Only:	
Date Received by Council:	
Complaint Classification:	
Relevant TRIM Folder Number:	
Receiving Officers Name/Position:	

PRIVACY STATEMENT: The information collected on this form and any supporting documentation is required to enable Council to verify the statements that are made and take actions that it considers appropriate in response. Completion of this form is voluntary; however if you do not provide enough information about the matter, Council may not be in a position to appropriately acknowledge or respond to your statements.

The information will be held within Council's electronic document management system and will be categorised with a low level of internal security to enable multiple staff officers who may need to coordinate appropriate responses, changes in service or other appropriate action ability to access relevant information. The Council will consult with you before considering the public release of any of your personal information unless you specifically waive confidentiality on this form. Without the confidentiality waiver identifying information is accessible only by the Internal Ombudsman, General Manager; or other delegated staff who are given the function of considering your feedback in light of their relevant work functions, staff management or acknowledgements; as well as other government agencies as deemed necessary or by compulsion of law. You have a right to apply to Council to access or amend the information you provide on this form at any time.'



SCHEDULE 2 REQUEST FOR SERVICE FORM

1. Details of Requestor:			
Name of requestor:			
Address:			
Postal Address:			
State:		Post Code:	
Email Address:			
Contact Number:		Mobile Number:	
2. Details of Request:			
Particulars of Request: <i>(Please include relevant details of location, address, time, date, etc.)</i> <i>(Please provide attachment if more room is required):</i>			

Do you have a preferred outcome, if so, what outcome is sought:	
Has the request been made previously and remains unresolved?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If YES please list the name of the person(s) you have been dealing with: If YES, please list the relevant Service Request Number(s):
Do you have any additional information or documentation related to the request:	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please attach a copy to this request form.
I agree to waive my rights to confidentiality, other than required by law, without further consultation:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Declaration:	
I declare that I have disclosed all relevant information and make this request in good faith:	<i>Signature:</i>

4. Office Use Only:	
Date Received by Council:	
Request Classification:	
Relevant TRIM Folder and Service Request Number:	
Receiving Officers Name/Position:	

PRIVACY STATEMENT: *The information collected on this form and any supporting documentation is required to enable Council to verify the statements that are made and take actions that it considers appropriate in response. Completion of this form is voluntary; however if you do not provide enough information about the matter, Council may not be in a position to appropriately acknowledge or respond to your statements. The information will be held within Council's electronic document management system and will be categorised with a low level of internal security to enable multiple staff officers who may need to coordinate appropriate responses, changes in service or other appropriate action ability to access relevant information. The Council will consult with you before considering the public release of any of your personal information unless you specifically waive confidentiality on this form. Without the confidentiality waiver identifying information is accessible only by the Internal Ombudsman, General Manager; or other delegated staff who are given the function of considering your feedback in light of their relevant work functions, staff management or acknowledgements; as well as other government agencies as deemed necessary or by compulsion of law. You have a right to apply to Council to access or amend the information you provide on this form at any time.'*



SCHEDULE 3 COMMUNITY FEEDBACK FORM

5. Details of Author:			
Name of author:			
Address:			
Postal Address:			
State:		Post Code:	
Email Address:			
Contact Number:		Mobile Number:	
6. Details of Feedback:			
Particulars of Feedback: <i>(Please provide attachment if more room is required):</i>			

Do you have a preferred outcome, if so, what outcome is sought:	
Please list the details of the project or person(s) you are referring to:	1. 2.
Do you consider this feedback to be positive or negative?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Do you have any additional information or documentation related to the feedback:	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please attach a copy to this complaint form.
I agree to waive my rights to confidentiality, other than required by law, without further consultation:	<input type="checkbox"/> Yes <input type="checkbox"/> No
I require a response by the Council to the feedback provided:	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Declaration:	
I declare that I have disclosed all relevant information and give this feedback in good faith:	<i>Signature:</i>

8. Office Use Only:	
Date Received by Council:	
Feedback Classification:	
Relevant TRIM Folder Number:	
Receiving Officers Name/Position:	

PRIVACY STATEMENT: The information collected on this form and any supporting documentation is required to enable Council to verify the statements that are made and take actions that it considers appropriate in response. Completion of this form is voluntary; however if you do not provide enough information about the matter, Council may not be in a position to appropriately acknowledge or respond to your statements.

The information will be held within Council's electronic document management system and will be categorised with a low level of internal security to enable multiple staff officers who may need to coordinate appropriate responses, changes in service or other appropriate action ability to access relevant information. The Council will consult with you before considering the public release of any of your personal information unless you specifically waive confidentiality on this form. Without the confidentiality waiver identifying information is accessible only by the Internal Ombudsman, General Manager; or other delegated staff who are given the function of considering your feedback in light of their relevant work functions, staff management or acknowledgements; as well as other government agencies as deemed necessary or by compulsion of law. You have a right to apply to Council to access or amend the information you provide on this form at any time.'

5.6 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2011/01723 - D02751178

AUTHOR: Lisa Martin; Grants Officer

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$10,435 from the 2011-12 Councillors' Community Improvement Grants as follows:

1st Budgewoi Scout Group (\$2000)	to assist with Trivia Night to raise funds for Jamboree 2013	450
1st Ourimbah Scout Group (\$300) (\$180 already allocated)	Natives - plants or trees to use surrounding our hall for children to explore local Flora and Fauna.	120
Brook Coggins (\$1050.00) (\$550 Emergency Payment approved by GM - payment made 15/8/2011)	To assist with costs (levy, uniform, accommodation needed to compete for NSW in the School Sport Australian Cross Country Championships held in Canberra.	550
Central Coast Community Chest (\$5,000-\$10,000)	Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.	500
Central Coast Family Support Service - Grandparents raising grandchildren (\$2000)	Weekend Getaway (respite) Camp	1,000
Central Coast Foster Carers Support Group (\$1000)	Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.	650
Central Coast Multiple Sclerosis (\$2,500)	To give people with MS a holiday at Camp Breakaway at San Remo which also gives their carers a welcome break too.	1,000
Mannering Park Precinct (\$165)	Council fee to use the Point Reserve at Mannering Park to teach children to fish.	165
Northern Women's Health Centre (\$600)	To provide a Calmbirth program to pregnant women and their birth partners.	450
Relay for Life, Mingara 'Team Awesome' (\$2000)	Sponsorship of 'Team Awesome' in Relay for Life	1,750
San Remo Tidy Towns Group (\$500)	To purchase equipment, mowers, hand tools, etc.	500
The Salvation Army Oasis Youth Support Network (\$2000)	Facilitate the workshops at the Salvation Army Oasis Centre	1,350

Warnervale Junior Rugby League Club (\$2000)	Presentation Day costs including trophies/awards and costs related to the running of the day.	450
Wyong Shire Garden Competition Committee Inc (\$1500) Emergency approval by the GM)	Function Centre, including set up and projector and the use of private cars to judge the gardens.	1,500

BACKGROUND

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

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

In accordance with Clause 2.2 of the Councillor's Community Improvement Grants Policy available funding for the 2011/2012 financial year is \$112,500. Clause 2.2 states:

"In the financial year preceding a Local Government election, the allocation to the individual Councillors will be 75% of the allocation identified in Clause 1.1 and will be available to Councillors from 1 July to 31 May of that year."

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

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

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2011-12 financial year. Unspent approvals lapse 31 May 2012.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

Nil impact.

CONCLUSION

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

Councillors' Community Improvement Grants 2011-12

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2011 - 31/05/2012		11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	112,500
Expenditure up to and including Ordinary Council Meeting of 10/08/2011		2,610	3,200	1,785	1,592	1,000	800	1,057	200	1,800	147	14,191
Available allocation as at 10/08/2011		8,640	8,050	9,465	9,658	10,250	10,450	10,193	11,050	9,450	11,103	98,309
Proposed Allocations for 14/09/11												
1st Budgewoi Scout Group (\$2000)	to assist with Trivia Night to raise funds for Jamboree 2013				200						250	450
1st Ourimbah Scout Group (\$300) (\$180 already allocated)	Natives - plants or trees to use surrounding our hall for children to explore local Flora and Fauna.								120			120
Brook Coggins (\$1050.00) (\$550 Emergency Payment approved by GM - payment made 15/8/2011)	To assist with costs (levy, uniform, accomodation needed to compete for NSW in the School Sport Australian Cross Country Championships held in Canberra.							550				550
Central Coast Community Chest (\$5,000-\$10,000)	Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.										500	500
Central Coast Family Support Service - Grandparents raising grandchildren (\$2000)	Weekend Getaway (respite) Camp		300		200						500	1,000
Central Coast Foster Carers Support Group (\$1000)	Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.		200		200						250	650
Central Coast Multiple Sclerosis (\$2,500)	To give people with MS a holiday at Camp Breakaway at San Remo which also gives their carers a welcome break too.	250						250			500	1,000

5.6

Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2011 - 31/05/2012		11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	112,500
Expenditure up to and including Ordinary Council Meeting of 10/08/2011		2,610	3,200	1,785	1,592	1,000	800	1,057	200	1,800	147	14,191
Available allocation as at 10/08/2011		8,640	8,050	9,465	9,658	10,250	10,450	10,193	11,050	9,450	11,103	98,309
Proposed Allocations for 14/09/11												
Mannering Park Precinct (\$165)	Council fee to use the Point Reserve at Mannering Park to teach children to fish.								165			165
Northern Women's Health Centre (\$600)	To provide a Calmbirth program to pregnant women and their birth partners.		100		150						200	450
Relay for Life, Mingara 'Team Awesome' (\$2000)	Sponsorship of 'Team Awesome' in Relay for Life	250		500	500						500	1,750
San Remo Tidy Towns Group (\$500)	To purchase equipment, mowers, hand tools, etc.	100							200		200	500
The Salvation Army Oasis Youth Support Network (\$2000)	Facilitate the workshops at the Salvation Army Oasis Centre				250				600		500	1,350
Warnervale Junior Rugby League Club (\$2000)	Presentation Day costs including trophies/awards and costs related to the running of the day.	200						250				450
Wyong Shire Garden Competition Committee Inc (\$1500) Emergency approval by the GM)	Function Centre, including set up and projector and the use of private cars to judge the gardens.	250	300		250			250			450	1,500
Total Proposed Allocations for 14/09/2011		1,050	900	500	1,750	0	0	1,300	1,085	0	3,850	10,435
Total Accumulated Allocations as at 14/09/11		3,660	4,100	2,285	3,342	1,000	800	2,357	1,285	1,800	3,997	24,626
Balance Uncommitted as at 14/09/11		7,590	7,150	8,965	7,908	10,250	10,450	8,893	9,965	9,450	7,253	87,874

ATTACHMENTS

Nil.

5.7 Roads to Recovery Program

TRIM REFERENCE: F2010/01131 - D02752884

AUTHOR: Jacquie Elvidge; Councillor Services Officer

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

The Roads to Recovery (R2R) Program is scheduled to end in 2014; The Australian Local Government Association (ALGA) is seeking Wyong Shire Council's support to continue the program as well as providing an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

RECOMMENDATION

1 That Council calls on the Federal Government to:

- **Recognise the successful delivery of the Roads to Recovery (R2R) Program by Local Government since the year 2000;**
- **Continue the R2R Program on a permanent basis to assist Local Government in meeting its responsibilities of providing access for its communities;**
- **Continue the R2R Program with the current administrative arrangements; and**
- **Provide an increased level of funding under a future R2R that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

2 That Council formally express its support to continue the R2R Program by writing to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and Local Federal Member of Parliament.

3 That Council formally advise the Australian Local Government Association (ALGA) of its support to continue the R2R Program.

BACKGROUND

Following a strong united Local Government campaign, the Roads to Recovery (R2R) Program was established in the year 2000. The Australian Government's R2R program has become an essential element in Local Government's ability to maintain and upgrade the local roads network. It is an outstanding example of a partnership between the national and Local Government to provide direct funding to local communities.

Further campaigns by local government have been successful in achieving two extensions to the Program, and a funding increase of \$350m per annum in 2009.

Local roads are owned and maintained by Local Government. The cost of this maintenance is immense and is met from rates and funding from State and Federal Governments. Over the years, the amount of funding available to Local Government has not kept pace with the cost of maintaining local roads to acceptable standards. Much local road infrastructure is now reaching the end of its economic life and its replacement cost cannot be met by Local Government alone.

In recognition of the growing backlog in local road maintenance, the Federal Government established the Roads to Recovery Program, which has had two phases.

The [first R2R program](#) provided \$1.2billion between February 2001 and June 2005.

The R2R program was of such importance to local government, ALGA, in association with its member associations, conducted a strong and focused [Renew R2R campaign](#) during 2002 and 2003 to have the program renewed beyond June 2005.

This culminated in the Australian Government announcing in January 2004 that, as part of the new AusLink initiative, a new R2R program will provide a further \$1.2billion over the four years from July 2005 to June 2009.

CURRENT STATUS

From 2009-10 to 2013-14 allocations for the Roads to Recovery program are:

- \$1.75 billion (\$350 million in 2009-10) to be distributed to Australia's Local Councils, State and Territory Governments responsible for local roads in the unincorporated areas (where there are no councils) and the Indian Ocean Territories.
- WSC has been allocated \$5,130,675 for the R2R "Life of Program" Allocation for the period of 2009-10 to 2013-14.

The Roads to Recovery (R2R) Program is scheduled to end in 2014.

THE PROPOSAL

That WSC support the ALGA's proposal for the R2R Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them control over the works to be funded.

OPTIONS

Council can choose to support the ALGA's proposal which may result in continuation of funding from the R2R Program as well as an increase in funds.

Council can choose to not support the ALGA's proposal; under this option the R2R Program would continue without change until it ends in 2014.

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>
Principal Activity 8 - Roads	Road & Stormwater MGT and Roads	Continuation of this funding relates to all WSC's 1 year and 4 year actions for Principal Activity 8 – Roads, as it would assist with Council's aim to provide and maintain quality roads infrastructure throughout the Shire.	External funding from the Australian Government R2R Program	Continuation of this funding could potentially contribute to achieving the following KPI's: <ul style="list-style-type: none"> - Pavement condition target rating of 6 by 2014/15 - Kilometres of shared pathways constructed per annum – target of 0.5km per annum from 2011-15

Long term Financial Strategy

This proposal aligns with the WSC Long Term Financial Strategy by contributing to the target to increase funding for asset maintenance and renewal.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

This proposal links to, and could potentially assist in achieving; the following priority objective outlined in the Community Strategic Plan (2030):

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

Budget Impact

Nil Impact.

CONSULTATION

The ALGA and Australian Government - Department of Infrastructure and Transport websites.

GOVERNANCE AND POLICY IMPLICATIONS

Nil Impact.

MATERIAL RISKS AND ISSUES

Nil Impact.

CONCLUSION

The decision to support the ALGA's proposal for the R2R Program to be made permanent at a rate that recognises the backlog of needs on local roads, and a continuation of the current popular and successful arrangements, would provide WSC with certainty of funding in the future, as well as control over the works to be funded.

Continuation of the R2R Program would be of best interest to WSC as it would assist in achieving Council's aim to provide and maintain quality roads infrastructure throughout the Shire.

ATTACHMENTS

- 1 Letter from the ALGA - Roads to Recovery Program 2011 D02708341



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

28 July 2011

Mayor Eaton
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mayor Eaton

Roads to Recovery Program

We achieved the Roads to Recovery Program because of strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions to the Program and a funding increase to \$350m per annum in 2009. By the time the current Program ends in 2014 more than \$4.5 billion in additional funding will have been provided for local roads.

It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. The Australian Local Government Association (ALGA) commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.

ALGA will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November.

Our campaign needs the support of every council and in advance of the launch I am asking your council to pass a resolution of support. A suggested text for your council's motion is attached.

The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them the control over the works to be funded.

8 Geils Court Deakin ACT 2600 PHONE: 02 6122 9400 EMAIL: alga@alga.asn.au
ABN 31 008 613 876 FAX: 02 6122 9401 WEB: www.alga.asn.au

You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at this time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the review of the Financial Assistance Grants and the Henry Taxation Review recommendations on road user charging. You may be assured that ALGA will be making the strongest possible representations to these reviews to protect and improve local government's financial position.

As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament to advise them of councils' support for a new Roads to Recovery Program. I have enclosed some possible text for such letters which you might find useful. To help coordinate the campaign, I would appreciate your advice when council has passed this motion.

Our advocacy on this vital issue will be strengthened by a show of unity and it is important that as many councils as possible attend the Congress in Mount Gambier for the launch of the Roads to Recovery campaign to show local government's strong support for its extension. I will be writing separately with a brochure on the arrangements for the Congress. In the meantime you can register for the Congress using the ALGA website and take advantage of cheap "early bird" registrations rates.

I have no doubt that by working together we can successfully take the argument to the Federal Government on Federal local road funding and achieve a new Roads to Recovery program.

Yours sincerely

A handwritten signature in black ink that reads "Genia McCaffery". The signature is written in a cursive style with a large, prominent "G" and "M".

Mayor Genia McCaffery
President

**TEXT OF POSSIBLE COUNCIL RESOLUTION ON THE ROADS TO
RECOVERY PROGRAM**

[insert name of council] calls on the Federal Government to:

- recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
- continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- continue the Roads to Recovery Program with the current administrative arrangements; and
- provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

DRAFT LETTER TO PRIME MINISTER, MINISTER FOR INFRASTRUCTURE AND TRANSPORT, LEADER
OF THE OPPOSITION AND OPPOSITION TRANSPORT SPOKESMAN
XXXXXXX
XXXXXXXXX
Parliament House
CANBERRA ACT 2600

[Insert date]

Dear XXXXXX

Roads to Recovery Program

I am writing to advise you of a resolution recently passed by Council concerning the Roads to Recovery Program which ceases in June 2014. This is an important and popular Federal program that provides funding directly to local government to address the road infrastructure backlog on local roads and has been very gratefully received by local government and local communities.

Local government's analysis shows that the backlog of needs on local roads remains high and is now about \$1.2 billion annually. The size of this backlog means that there is no possibility of local government being able to address the roads needs with their limited funding base.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters. Without out the Roads to Recovery funding access to the basic services such as health, education and economic and social needs will begin to decline for communities.

Council considered and passed the following resolution on [insert date]:

[insert name of council] calls on the Federal Government to:

- **recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
- **continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
- **continue the Roads to Recovery Program with the current administrative arrangements; and**
- **provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

Council urges you to consider this resolution as the (*government/opposition*) develops its future transport infrastructure funding programs.

Yours sincerely

Mayor

DRAFT LETTER TO YOUR LOCAL MP
Mr/Ms X, MP
Member for
Parliament House
CANBERRA ACT 2600

[Insert date]

Dear Mr/Ms X

Roads to Recovery Program

I am writing to advise you of a resolution recently passed by Council concerning the Roads to Recovery Program which ceases in June 2014. This is an important and popular Federal program that provides funding directly to local government to address the road infrastructure backlog on local roads and has been very gratefully received by local government and local communities..

Local government's analysis shows that the backlog of needs on local roads remains high and is now about \$1.2 billion annually. The size of this backlog means that there is no possibility of local government being able to address the roads needs with their limited funding base.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters. Without out the Roads to Recovery funding access to the basic services such as health, education and economic and social needs will begin to decline for communities.

Council considered and passed the following resolution on [insert date]:

[insert name of council] calls on the Federal Government to:

- **recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
- **continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
- **continue the Roads to Recovery Program with the current administrative arrangements; and**
- **provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

Council urges you to bring this resolution to the attention of government ministers and shadow ministers whenever the opportunity arises.

Yours sincerely

Mayor

5.8 NSW Local Government Association Conference 2011

TRIM REFERENCE: F2004/06351 - D02756306

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

The Local Government Association of NSW Annual Conference will be held between Sunday 23 and Wednesday 26 October 2011. Council has the opportunity to submit motions and nominate any interested Councillors to attend.

RECOMMENDATION

- 1** *That Council authorise interested Councillors to attend the Local Government and Shires Association Annual Conference 2011.*
- 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 consider any late motions to be submitted to the conference at this meeting.*

BACKGROUND

The Conference will be held in Shoalhaven between 23 and 26 October 2011.

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 three Councillors 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.

It is further proposed that Council resolve any further motions to be submitted to the Conference.

Motions to Local Government Associations Conference 2011

Council has previously resolved to submit two motions to the LGA Conference 2011, they are as follows:

- Graffiti Outrage
- Tag Means Guilty

In order to have motions included in the Conference Business Paper the motions were required to be submitted to the LGA by 5 August 2011.

The 'Graffiti Outrage' motion is listed on the Conference business paper, however the motion on 'Tag Means Guilty', adopted by Council at its last meeting will be submitted to the Conference as a late motion.

Late motions are received up to close of business on Friday 7 October 2011 and will be published in the LG Weekly on Friday 14 October 2011. Late motions will be categorised using the same methodology as motions received prior to the cut off date (see categorisation below) and will then be published in the LG Weekly on 14 October 2011.

The Local Government Association of NSW issued a draft business paper and a copy was distributed Councillors for information.

Motion Categories

Motions should be classified into one of the three categories below:

- 1 Good governance of the Conference or the Association.
 - a The adoption of Standing Orders;
 - b Amendments to the Constitution;
 - c Matters of compliance by the Association with any legislative provision;
 - d The finances of the Association; or
 - e The health and welfare of staff members of the Association.
- 2 Matters not covered by existing policy and matters involving change of policy.
- 3 Reaffirmations of existing policy or issues of a specific local nature.

Motions grouped under category 1 shall be given priority over category 2 and category 3 motions and shall be discussed in the order in which they appear in the business paper.

Motions grouped under category 3 shall be adopted under a general motion – subject to the reservation that, should any delegate wish any motion to be taken from category 3 for general discussion, it shall open to the delegate to request Conference to do so. IN view of the importance of some motions in category 3, especially those of an urgent nature, the Executive is empowered to resubmit those it considers to be important for Conference's consideration.

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.

Budget Impact

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

2011 NSW Local Government Association Conference	(\$)
Registration	\$1155
Travel (Council vehicle / petrol)	(\$100)
Travel (own vehicle)	\$400
Accommodation (based on approx \$160 per night for 3 nights)	\$480
Other disbursements (meals, taxis etc) say	\$400
Total - estimate	\$2,435

CONSULTATION

The Facilities and Expenses Policy for Councillors has been advertised with no submissions received.

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.

5.9 Contract Variations and Finalisation - August 2011

TRIM REFERENCE :F2007/01410 D02762686
AUTHOR: John McCarthy; Purchasing Coordinator
MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

This paper reports on variations, proposed variations or finalisations to contracts with a value greater than \$150,000.00 (excl GST).

The report covers contract variations processed in August 2011.

RECOMMENDATION

- 1 That Council receive the *Contract Variations and Finalisation August 2011 report (Attachment 1 and 2)*.**
- 2 That Council note the *additional expenditures requested are within approved program budgets*.**

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that contracts of an estimated value greater than \$150,000.00 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract, or may be expressed as a specific dollar value.

The need to vary contracts (explained above) arises out of differences in estimating strategies where two extremes denote a range of risk that offers Council a choice of budget/estimate methodology.

Council estimates on the basis of known costs of assessment, design and construction. This approach allows budgets to maximise the number of works undertaken in an annual program, at the optimal risk level of programs being materially curtailed as unforeseen needs arise.

Budgets for projects are established within the Annual Plan. When tenders are called, specific approvals are sought from Council in accordance with section 55 of the Act. It is not uncommon for additional approvals to be sought within the approved project budget as un-forecast changes (from the tender approval) occur in the works.

THE PROPOSAL

The report for August 2011 is for information purposes only. All reported contract variations are currently within resolved contract estimates.

Summary for August period.

Contracts with variations processed in August 2011	4
Contracts requiring increase to the contract budget estimate	0
Contract where current funds are sufficient to complete	4
Contracts finalised in August 2011	1

OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations.
Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly reporting of variations. - Local Government Act requirements in relation to Tenders.

CONCLUSION

Variations detailed in this report are driven by "normal" contract issues.

The reported contracts are within planned expenditure in terms of coverage, quantity and quality.

ATTACHMENTS

- | | | |
|---|-----------------------------------|-----------|
| 1 | Contract Variations - August 2011 | D02762869 |
| 2 | Contracts Finalised - August 2011 | D02762874 |

Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and/or Lake Haven Recreation Centre

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value Of Variations	(f) = (e) + Actual Contract Value	Source Of Funds	Expenditure to Date		
Individual Variations for Reporting Period												
Description							Value	Description			Value	
							\$				\$	
158914	27-05-2009	YMCA of Sydney	1,261,375.00	1,530,000.00	125,188.03	33,410.27	158,598.30	1,419,968.30	Management Plan lines 1.7.13 and 1.7.14 Pools & Recreation Centre	1,033,379.00		
Variation 10	<p>Previous Lake Haven Recreational Centre Management LeisureCo Pty Ltd went into liquidation leaving the centre with an unpaid 2009 Energy Australia account. The current centre management YMCA of Sydney has paid this account on behalf of Council.</p> <p>This variation is payment to YMCA for the outstanding electricity account that was paid by YMCA.</p>							5,073.40	<p>Variation 11</p> <p>Additional safety awareness signage was required at The Entrance Ocean Baths. The current centre management contractor, YMCA of Sydney have arranged and paid for the signs to be manufactured and supplied on Council's behalf.</p> <p>This variation is payment to YMCA for the signage purchase that was paid by YMCA.</p>			3,120.00
Variation 12	<p>One of the gas boilers at Toukley Aquatic Centre has required emergency repair works. The boiler is used for heating the water in the hydrotherapy pool on a daily basis.</p> <p>The current contract holder for the centre management is YMCA. YMCA has arranged and paid for the emergency repair works to be undertaken on the</p>							2,733.91	<p>Variation 13</p> <p>Several pool pumps Toukley Aquatic Centre have required emergency repairs.</p> <p>The current contract holder for the centre management is YMCA. YMCA have arranged and paid for these pump repairs to be undertaken on</p>			882.75

<p>boiler on Council's behalf.</p> <p>This variation is for payment to YMCA for the repair works done to the gas boiler that were outside the contract conditions.</p>		<p>behalf of Council.</p> <p>This variation is for payment to YMCA for these repair works undertaken on the pool pumps. Repair works to pool pumps and fixed assets at Council's Aquatic Centres are Council's responsibility.</p>	
<p>Variation 14</p> <p>Repairs to several toilets were required at Toukley Aquatic Centre.</p> <p>The current contract holder for the centre management is YMCA. YMCA have arranged and paid for these repairs to be undertaken on Council's behalf.</p> <p>This variation is for reimbursement to YMCA for out of pocket expenses regarding these repair works undertaken at Toukley Aquatic Centre.</p> <p>Repair works to plumbing and fix assets at Council's Aquatic Centres are Council's responsibility.</p>	<p>600.00</p>	<p>Variation 15</p> <p>This contract is a three year fixed term contract with the option to extend a further two years. Provisions for rise and fall adjustments have been specified within the condition of contract. This variation is for rise and fall adjustments to monthly contract payments for the second and third years of the contract term.</p> <p>CPI adjustments for the 2010/11 term was 3.1%. CPI adjustments for the 2011/12 term was 3.6%</p>	<p>21,000.21</p>

The contract is in its second year of operation of a three year contract.

With the information currently available, the contract budget as approved by Council is considered sufficient. At this time, no further increase to the contract budget is therefore sought.

Toukley Sewage Treatment Plant Inlet Works Augmentation.

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value Of Variations	(f) = (a) + (e) Actual Contract Value	Source Of Funds	Expenditure to Date	
154562	14-10-2009	Process Engineering Technologies Pty Ltd	\$ 1,640,427.00	\$ 1,886,427.00	\$ 117,233.00	\$ 26,604.40	\$ 143,837.40	\$ 1,767,358.00	Capital works refurb treatment plants 4.4.9	\$ 1,758,561.00	
Individual Variations for Reporting Period											
Description						Value	Description				
Variation 16 Repairs to damaged step screen of the Inlet works by the Contractor. During maintenance works, Council electricians inadvertently allowed the screen to operate in the reverse direction for some time. This caused progressive damage to the movable and stationary bars of the step screen. Repairs of the step screen was necessary for the operation of the inlet works. Work under the contract is estimated at 99% complete.						\$ 26,604.40					

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

Sewer Main Rehabilitation - Various Locations in Wyong Shire

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
173205	25-8-2010	Interflow Pty Limited	835,769.29	84,230.71 33,000.00 953,000.00	77050.26	29653.50	106,703.76	942,473.05	Sewer Fund. Sewer Mains- Area 3. Replacement Works	882,729.49
Variation 4	Condition assessment and relining of Asbestos Cement sewer mains additionally identified as requiring urgent rehabilitation by the Asset maintenance staff. Repairs help to avoid sewer main failure, resulting surcharge and complaints from residents.									
Variation 5	Three sections of the sewer mains in Lake Haven Drive adjoining the shopping centre were found to have numerous cracks and tree root intrusions by the Operation staff. As they required urgent rehabilitation, the Manager, Water and Sewer, agreed to include them within the scope of the current sewer rehabilitation contract works. Repairs help to avoid sewer main failure, resulting surcharge, complaints and to avoid major inconvenience in a busy shopping centre environment.									
				10,253.50						19,400.00
Project is 99% complete.										

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

Soldiers Beach Surf Lifesaving Club (SLSC)

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + Contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value Of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source Of Funds	Expenditure to Date \$
184454	22-9-2009	National Buildplan Group Pty Limited	2,503,904.00	2,784,344.00	Nil	93,022.47	93,022.47	2,596,926.47	2.5 Million Federal 725K Surf Clubs Redevelopment	2,580,593.00
Variation 1										
The positioning of the new surf club building necessitated removal of the existing rear staircase. A temporary scaffold stair was provided to comply with the egress provisions of the BCA..										
Variation 17										
The architectural plan called for glazed sections in the shaft; the lift supplier was nominated along with their design. The design did not include the glazed sections and the inclusion prompted the variation.										
Variation 3										
The original scope of work did not include the removal of the power pole positioned in the footprint of the new building. An external consultant was engaged to prepare an Energy Aust compliant design and the variation was necessary to disconnect and remove the pole.										
Variation 13										
The scope of work called up steel roller shutters which would have rusted up within the first 12 months; the shutters at Wamberal Surf Club suffered this problem. To ensure longevity of performance the shutters were changed to aluminium										
Variation 10										
The structural support for the ocean facing windows was inadequate; the design called for the window mullions to be extended to the high level steel structure. Window framing cannot be used for										
Variation 11										
The original hydraulic design called for all water supply to both Club and Public usage to be singularly metered. The Club will pay for their own usage, a separate meter had to be provided to capture public usage.										

			bulkhead framing. Horizontal SHS members were added to secure the window heads and provide framing for the bulkhead.	
Variation 9 The structural design of the precast panels were amended after the tenders were received - the change initiated the additional claim. The original design was a single layer of SL92 mesh, the amended design called up 2 layers of SL92.		10,350.00	Variation 7 Provide an additional stand for the second solar panel collector cell - the scope of works only called up one panel stand	781.20
Variation 6 To enhance the club's longevity and appearance against the corrosive salt air, the builder was directed to use stainless steel fixings such as screws, brackets, threaded rod, clips etc.		3,496.94	Variation 39 A Provisional Sum of \$80,000 was allowed for Kitchen & Bar fitout. The tendered figure was \$39,684.20 over the allowance. The additional cost and scope was discussed with the Council asset planner who approved the additional expenditure.	39,684.20
Variation 18 The setout for the steel columns and the ocean facing windows was changed to allow the subsill to be continuous and increase waterproofing protection. As a result the steel columns stood proud of the glazed wall and had to be encased		2,973.33		

Project is 99% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient no increase to the contract budget is therefore sought.

Attachment 2
Contracts Finalised Aug 2011

SIGNIFICANT CONTRACTS FINALISED – AUGUST 2011							
Contract Number	Date of Council Award	Name of Contractor	Contract Description	Contract Price Type	Approved Expenditure Ex. GST \$	Final Contract Value Ex. GST \$	Comments
CPA/187299	23 Feb 2011	Ampcontrol Service NSW	Purchase and Removal of surplus materials and equipment from Ourimbah Water Pump Station (WPS17).	Lump Sum	16,775.00 (Income)	16,775.00	This was a revenue contract for the removal of surplus materials. Income received was as per contract conditions.

5.10 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010

TRIM REFERENCE: F2011/01857 - D02766051

AUTHOR: Brian Glendenning; General Counsel

SUMMARY

In July 2011 the Division of Local Government delivered to the Minister for Local Government and to the Chief Executive of the Division of Local Government (in his capacity as delegate of the Director General) the final report ("the DLG Report") on the results of the s.430 investigation into Council. A copy of that DLG Report was provided to the General Manager on 4 August 2011. A copy of the DLG Report was presented to the governing body of Council on 10 August 2011, as required by s.433(3) of the *Local Government Act 1993*.

Section 434(1) of the *Local Government Act 1993* requires that prior to 19 September 2011 Council give notice to the Minister for Local Government of the things done, and the things proposed to be done, to give effect to the recommendation contained in the DLG Report. Attachment 1 sets out the proposed notice to the Minister. In order to meet the statutory timeframe, any amendment to the proposed Attachment should be considered and resolved in full at this meeting so that the written notice can be dispatched the following day.

RECOMMENDATION

That Council endorse the letter that is Attachment 1 to this report as the Notice that Council is required to provide to the Minister for Local Government by s. 434(1) of the Local Government Act 1993, being notice of the things done or proposed to be done to give effect to the recommendations contained in the report on the investigations in to "Body hire" arrangements operating at Wyong Shire Council between January 2007 and May 2010.

BACKGROUND

On 14 January 2010 the Deputy Director General of the Division of Local Government ("DLG") of the Department of Premier & Cabinet approved an investigation into Wyong Shire Council pursuant to s. 430 of the *Local Government Act 1993*.

On 26 May 2011 the General Manager received a letter from the DLG along with a draft report into that investigation. That letter invited Council to make a submission in reply prior to the DLG finalising and publishing the report on the s.430 investigation. Council had until close of business on Friday 24 June 2011 to make any submission in reply to the proposed fourteen (14) recommendations and the content of the draft report.

Councillors were, in strict confidence, provided with a copy of the draft report. A confidential Councillor briefing was held on Wednesday 8 June 2011. In accordance with Council's resolution of 22 June 2011 a detailed and confidential submission was provided to DLG.

5.10 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010 (contd)

A meeting between representatives of the DLG and Council was also held prior to finalisation of the final DLG Report.

On 4 August 2011 the General Manager received a copy of the final report to the Minister for Local Government and the Director-General (to use the correct statutory term) on the results of the s. 430 investigation in to Council. That final report was formally presented to the governing body of Council on 10 August 2011, as required by s. 433(3) of the *Local Government Act 1993*.

Council is required by s. 434(1) of the *Local Government Act 1993* to give written notice to the Minister for Local Government of the "*things done or proposed to be done*" to give effect to any of the recommendations contained in the final report. That notice must be given to the Minister prior to 19 September 2011. To meet that requirement it is essential that the content of Council's notice be determined at this Ordinary Meeting of Council.

The final report contains eleven (11) recommendations, detailed in Part 2.10 of that report. Six of those recommendations are directed to Council and the remaining five recommendations are directed to DLG. The formal notice to be given to the Minister should respond to all eleven (11) recommendations in so much as it is appropriate and where an action is specifically the function of another agency, the Council seeks to provide appropriate support to that agency as reasonably required.

Attachment 1 to this report to Council is the suggested notice to be given to the Minister.

It is acknowledged that there will be a number of significant actions that will be undertaken at the General Manager's direction to ensure better practice processes and initiatives continue to be reviewed, implemented and embraced throughout the Council. In order that such a process is properly managed, the General Manager has already engaged a Project Control Group to guide and assist the Executive Management Team to best practice. The PCG will initially consist of the following positions which the General Manager may amend from time to time as considered appropriate:

- The General Manager, Mr Michael Whittaker
- The Internal Ombudsman, Miss Belinda Charlton
- Manager Workplace Change, Mr Darryl Rayner
- Project Director (CPM Team 2), Mr Doug Marchant
- Manager Community Engagement, Ms Sue Ledingham

The initialisation of this group further represents the Council's commitment to positive process change in a managed form.

CURRENT STATUS

The Council is required to provide a written response to the Minister for Local Government prior to, Monday 19 September 2011 in accordance with S434 of the *Local Government Act 1993*.

5.10 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010 (contd)

OPTIONS

- 1 Council adopt the draft response to the final Investigation report, contained as Attachment 1 to this report, to be sent to the Minister for Local Government in accordance with S434 of the *Local Government Act 1993*; or
- 2 Council adopt an alternate reply, to be sent to the Minister for Local Government in accordance with S434 of the *Local Government Act 1993*.

CONCLUSION

It is recommended that the Council provide the suggested response in reply, which comprises Attachment 1 to this report.

ATTACHMENTS

- 1 Draft Reply from Wyong Shire Council to Minister for Local Government regarding S430 Investigation D02767096

IO: F2011/01306
Mr Michael Whittaker

15 September 2011

The Hon. Don Page MP,
Minister for Local Government,
Level 33, Governor Macquarie Tower
1 Farrier Place
SYDNEY 2000

By email: office@page.minister.nsw.gov.au

Dear Minister,

**REPORT OF THE SECTION 430 INVESTIGATION INTO "BODY HIRE" ARRANGEMENTS
OPERATING AT WYONG SHIRE COUNCIL BETWEEN JANUARY 2007 AND MAY 2010**

A copy of the abovementioned report ("the 430 Report") was presented to the Ordinary Meeting of Wyong Shire Council ("Council") on 10 August 2011. This letter contains the notice that Council is required to provide to you pursuant to s.434(1) of the *Local Government Act 1993*, which states:

"A council must, within 40 days after presentation to it of a Departmental representative's report, give written notice to the Minister of the things done or proposed to be done to give effect to any recommendations contained in the report".

BACKGROUND

Prior to providing you with Council's specific responses to the 11 recommendations set out in Part 2.10 of the 430 Report, Council believes it is useful to provide you with some background information so that Council's specific responses to the 11 recommendations can be considered in the correct context.

- Since the current General Manager's appointment on 17 May 2010 Council has taken immediate and substantial steps to address the issues raised in the investigation by the Division of Local Government ("DLG"). This is noted at [592] on p199 of the 430 Report. Those steps include the following:
 - On 19 May 2010 a Notice was served on the current General Manager that required Council to provide information and records to the DLG. Council complied with that Notice, producing over 65GB of records and information to the DLG.
 - At the Ordinary Meeting of Council on 26 May 2010 the governing body of Council resolved *inter alia* to phase out the so-called "body hire" arrangements. All "body hire" arrangements have been terminated, with the majority of those arrangements terminated prior to December 2010. The DLG was informed of progress with the phasing out of those arrangements and has indicated its acceptance of the manner in which those arrangements were terminated.
 -

- In August 2010 Deloitte Touche Tohmatsu ("Deloitte") were engaged by Council to undertake an independent review of Council's tendering, procurement and contract management arrangements. That review was undertaken in September 2010 and October 2010, and Deloitte delivered its final report in March 2011 ("the Deloitte Report"). The Deloitte Report included the following primary recommendations:
 - *That Council centralise its procurement function.* Council has completed an organisation wide restructure, as part of its Service Delivery Review, that included combining Council's former purchasing function with its former contract and project management functions within the one unit - the Contract and Project Management Unit of the Infrastructure Management Department. Recent appointments within that Unit include a new Service Unit Manager and a new Contract Services Manager, the latter reporting directly to the former. The position description for the Contract Services Manager includes the following:
 - *"Develop and maintain systems and processes that allow tender and contract documentation to be reviewed, monitored and reported on to demonstrate consistency, compliance, transparency and integrity in [Council's] contract management procedures".*
 - *"Provide direction and advice across the whole organisation on contractual matters to ensure that [Council] achieves and maintains the highest standard of contract management procedures, including overseeing and reporting on all existing and new contracts from the tender stage through to finalisation of the contract."*
 - *"In conjunction with Internal Audit and the various contract user sections of [Council], carry out ongoing monitoring of contractual arrangements and the management of contracts to ensure that they are meeting the required standards..."*

There has also been an appointment of a new Director Infrastructure Management who is responsible for the overall direction and implementation of change management within the newly formed Contract and Project Management Unit. Other relevant positions within the revised organisation structure of Council include:

- Internal Ombudsman, to provide probity and ethics advice. This position is one of the Public Interest Disclosure Coordinators.
- General Counsel, an in-house solicitor to provide independent but easily accessible legal advice to Council and its staff. This position is the other Public Interest Disclosure Coordinator.
- *That Council continue to pursue external opportunities for cost effectiveness.* Deloitte specifically recommended that Council consider use of LGSA's Local Government Procurement processes, NSW Procurement's procurement processes, and collaborative arrangements with other local councils. Council has continued to pursue such external opportunities, which has (relevantly) included engaging specialist contract personnel using NSW Procurement's "C100 - Contingent Staff" procurement process and becoming a member of the Hunter Councils' Contract Panel.

- *That Council undertake a comprehensive “end to end” review of its procurement processes with a view to amending its procurement policy and procedure framework.* A draft revised Procurement Policy has been prepared and circulated internally for comment. Further Council has implemented a “Tendering and Contract Management Review Project Plan”, which includes a Project Team to be led by the newly appointed Contract Systems Manager from the Contract and Project Management Unit of the Infrastructure Management Department and includes the Service Unit Manager for that Unit as well as the Internal Auditor and Chief Financial Officer.
- Council has implemented a substantial upgrade to its “PowerBudget” accounting software, which permits reporting down to an individual transaction, if desired. This enhances Council’s ability to track expenditure on contracts.
- Council has two experienced and well respected internal auditors who undertake audits in accordance with the audit plan adopted by the governing body of Council, on the recommendation of Council’s Governance Committee. Council’s Governance Committee is comprised of two councillors and three highly experienced and independent auditors, and reports to the governing body of Council.

RESPONSE TO THE ELEVEN RECOMMENDATIONS IN THE 430 REPORT

Council will form a Project Control Group (“PCG”) which will be responsible for the timely completion of things that are required to be done to meet the recommendations that Council agrees with. The PCG will be comprised of Council’s Internal Ombudsman, Manager of Community Engagement, Manager of Workplace Change, and Project Director of Team 2 of the Contract and Project Management Unit.

The PCG will be required to liaise with the Project Team responsible for the “Tendering and Contract Management Review Project Plan”, to ensure that the tasks undertaken by or for the PCG are consistent with the implementation of the “Tendering and Contract Management Review Project Plan”. The PCG will report directly to the Executive Team of Council, which comprises the General Manager and four Directors.

Council gives the following notice of the things done or proposed to be done to give effect to the recommendations contained in the 430 Report. For convenience by reference to the recommendations set out in Part 2.10 of that Report.

Recommendation 1: Council should establish a procedural requirement that ensures that former staff may only be engaged by the Council as a contractor or consultant pursuant to a competitive process and that the appointment process is independently reviewed.

Council agrees with Recommendation 1, and will achieve this by amending its procurement policies so that there is a requirement for prospective consultants and contractors to declare whether they or any of their key staff or stakeholders has been employed by Council in the past 2 years. If a relevant person has been employed by Council in the preceding 2 years the consultant or contractor will not be engaged other than by way of a tender or other competitive process and where there is internal independent review of the proposed engagement. Council will complete this task prior to 30 November 2011.

Recommendation 2: Council's Internal Auditor should undertake regular audits to ensure compliance with Council's current procedures governing the engagement and management of temporary contract personnel.

Council agrees with Recommendation 2.

The current adopted Internal Audit Plan makes specific reference to the s. 430 investigation insofar as proposing a compliance review of the engagements of professional services contractors and consultants and to undertake at least four contract audits. Council considers this will satisfy the requirements of Recommendation 2.

However, on 31 August 2011 the Governance Committee endorsed a revised Internal Audit Plan that proposes to increase audit activity in the procurement area in response to the 430 Report so that Council's internal auditors will now spend at least 65 days on review of procurement related activities in the two years to 30 June 2013. The proposed revised Internal Audit Plan also makes specific reference to consultants and contractors. The governing body of Council will consider the revised Internal Audit Plan shortly. Council considers that if the proposed revised Internal Audit Plan is adopted by Council that it will exceed the requirements of Recommendation 2.

In addition to the formal audits undertaken by the Council's internal auditors, the newly appointed Contracts Systems Manager within the Contract and Project Management Unit will also have a substantial role in the periodic independent review of compliance with Council's procurement processes and adopted policies. This role has been designed to attract a candidate with specific legal qualifications and relevant practical experience to assist senior Council management and Council's internal auditors to identify potential non-compliance with Council's policies and where appropriate, report potential breaches.

Recommendation 3: Council should amend staff delegations to ensure that the delegation to vary contracts is defined by reference to the total value of expenditure under a contract (inclusive of all variations) and not just the value of the variation being approved.

Council agrees with Recommendation 3. Prior to 31 October 2011 the General Manager will, pursuant to s.378 of the *Local Government Act 1993*, issue an addendum to those delegations that include the function to vary contracts so that those delegations are limited in the manner set out in Recommendation 3.

Further, when Council undertakes its next comprehensive review of delegations Council's General Manager will ensure that all delegations made by him under s.378 of the *Local Government Act 1993* revised delegations are consistent with Recommendation 3.

Recommendation 4: Council should ensure that staff delegations, the Procurement Policy and all associated procurement and contract management procedures are consistent with the Division's Tendering Guidelines by requiring estimated contract values to include on-costs such as GST.

Council agrees with Recommendation 4 and will require all estimated contract values to include on costs. However, with regard to GST, Council has received legal advice and its position is that the proper interpretation of cl. 163(2) of the *Local Government (General) Regulation 2005* is that it prescribes a limit of \$150,000 exclusive of GST.

Council is also of the view that Recommendation 4 is inconsistent with other legislative provisions concerning GST. Council proposes to seek a private ruling from the Australian Taxation Office on this issue and will provide a copy of that private ruling to the Division of Local Government.

In terms of the legal effect of the Guidelines, Council notes that in October 2009 the Director-General (to use his statutory term) adopted the "*Tendering Guidelines for NSW Local Government*" pursuant to s.23A(1) of the *Local Government Act 1993*. From that time all local councils, including Council, were required by s.23A(3) of the *Local Government Act 1993* to take those Tendering Guidelines "*into consideration*" before exercising any of their relevant functions. The Tendering Guidelines do not impose mandatory requirements.

Recommendation 4 will require Council to expend significant resources to amend delegations, policies and procedures. If the desire to ensure that the limit prescribed by cl. 163(2) of the *Local Government (General) Regulation 2005* is to be inclusive of GST then Council submits the most appropriate course of action is for cl. 163(2) to be amended so that the prescribed limit is expressed to be inclusive of GST. If that course is pursued Council would submit that the limit also be increased from \$150,000 to \$200,000, as the \$150,000 has applied since 26 August 2005 and the real cost of contracts has exceeded CPI increases.

Recommendation 5: Council should amend the "Instruction to Extend Temporary Contract Personnel" form prescribed under "Procurement Procedure P251: Contract Management – Provision of Temporary Contract Personnel" to require the following additional information:

- *What other options have been considered for completing the outstanding work required and why they have been discounted; and*
- *What the cumulative value of the contract will be with the approval of the extension.*

Council agrees with Recommendation 5, and will amend the said form prior to 31 October 2011.

Recommendation 6: Council should amend "Procurement Procedure P251: Contract Management – Provision of Temporary Contract Personnel" to require contract managers to undertake a review of the contractor's performance prior to determining whether to extend their allowable hours.

Council agrees with Recommendation 6, and will amend the said procedure prior to 31 October 2011.

Recommendation 7: The Chief Executive of the Division of Local Government should furnish a copy of this report to the Independent Commission Against Corruption for its information.

Whilst this is a matter for the Chief Executive of the Division of Local Government (and so requires nothing to be done by Council), Council does not object to the Chief Executive of the Division of Local Government providing a copy of the report to the Independent Commission Against Corruption for the information of that Commission.

Council notes that in paragraph 588 of the final investigation report, the author of the report states “I have not identified evidence of “body hire” contracts being awarded for improper or corrupt purposes...”.

Recommendation 8: The Division of Local Government should conduct a further full Promoting Better Practice review of Wyong Shire Council within the next 12 months.

Council agrees with Recommendation 8 but respectfully requests that the Promoting Better Practice Review take place after November 2012, to allow for the next local government elections and the induction of the then newly elected governing body of Council to take place.

Council will assist the Division of Local Government in the planning for and conduct of the Promoting Better Practice review.

Recommendation 9: In conducting future Promoting Better Practice reviews of councils, the Division of Local Government should monitor the following council practices with a view to ensuring compliance with statutory obligations:

- ***The treatment of the status of temporary contract personnel***
- ***The variation of contracts***
- ***The appointment of temporary contract personnel to identified positions within a council's organisational structure***

Council agrees with Recommendation 9, and offers to assist the Division of Local Government in the planning for and conduct of the Promoting Better Practice reviews of other local councils if the Division of Local Government considers that will be of assistance.

Recommendation 10: The Division of Local Government should issue a circular to councils:

- ***to raise awareness of the issues identified by this investigation,***
- ***to invite them to reflect on their own practices in relation to those issues, and***
- ***to advise them that the Division intends to monitor these practices in future Promoting Better Practice reviews of councils.***

Council agrees with Recommendation 10. No action is required by Council.

Council does however wish to acknowledge that the agreement provided relates to the raising of issues that emanated from the investigation findings and that such a circular should limit its references to staff of Wyong Shire Council, especially given that the primary decision making positions involved in the past practices of the Council have left the employment of the Council. Council is mindful to protect the health, safety and wellbeing of its current employees, the overriding majority of which had no involvement in procurement practices or whose involvement was at the express direction of former staff with decision making powers.

Recommendation 11: *In its next review of the Local Government Act 1993 and Local Government (General) Regulation 2005, the Division of Local Government should consider the following issues:*

- *Whether there is a need for the Act (and/or the Regulation) to provide clearer guidance on what constitutes a contract for services as distinct from an employment contract for the purposes of section 55,*
- *Whether, in a competitive market for the use of professional, consultancy and other services required for the delivery and maintenance of infrastructure, the current requirements of the Act and Regulation unduly inhibit councils' capacity to compete with other organisations for the use of such services,*
- *Whether the current tendering threshold of \$150K is appropriate.*
-

Council agrees with Recommendation 11, and will make submissions to the Division of Local Government in respect to those issues at that Division's next review of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

OTHER MATTERS

Council makes no further comment on the remainder of the 430 Report.

This letter is submitted to you pursuant to a resolution of the Ordinary Meeting of Council on 14 September 2011.

Please don't hesitate to contact me on 02-43505201 if you have any questions.

Yours sincerely,

Michael Whittaker
General Manager

6.1 Information Reports

TRIM REFERENCE: F2011/00027 - D02754336

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

6.2 Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission

TRIM REFERENCE: F2008/00735 - D02750901

AUTHOR: Jane Doyle; Senior Administration Support Officer

MANAGER/ DIRECTOR: Gina Vereker; Director Environment and Planning Services

SUMMARY

Reporting on a response from the Premier of NSW, Mr Barry O'Farrell MP and the Hon Brad Hazzard MP, Minister for Planning and Infrastructure and Minister Assisting the Premier on Infrastructure NSW in relation to Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.

RECOMMENDATION

That Council receive the report on Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.

Council at its meeting held 8 June 2011, resolved on the motion of Councillor Wynn and seconded by Councillor McNamara:

- "1 That Council write to the NSW Premier and the Minister for Planning and Infrastructure with regard to the recent approval under Part 3A of the developments at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission:
- a *Condemning the decision of the previous government to approve the development.*
 - b *Requesting a meeting with the Member for Swansea Gary Edwards MP and the Member for Lake Macquarie Greg Piper MP to ask for their assistance in returning the development to the relevant Councils for determination of implementation of the decision.*
 - c *Outlining its concerns regarding the number of lots retained and the fact that the approval was issued prior to the finalisation of the relevant Development Control Plan.*
- 2 That Council be advised of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination."

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

6.2 Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission (contd)

Correspondence has now been received from the Premier of NSW, Mr Barry O'Farrell MP and the Hon Brad Hazzard MP, Minister for Planning and Infrastructure and Minister Assisting the Premier on Infrastructure NSW in relation to Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission and are attached for your information.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Response from the Hon Brad Hazzard MP, Minister for Planning and Infrastructure and Minister Assisting the Premier of Infrastructure NSW | D02748334 |
| 2 | Response from the Premier of NSW Mr Barry O'Farrell MP | D02708015 |



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
Wyong NSW 2259

11/13355

Dear Mr Whittaker,

I refer to your letter concerning the recent approvals of Part 3A applications at Gwandalan and Catherine Hill Bay.

I acknowledge the concerns raised by some of your Councillors about the approval of the two applications. The applications were reviewed and determined by the Planning Assessment Commission (PAC), subject to a number of strict conditions.

The PAC is independent of the Government, the Department of Planning and Infrastructure and the Minister. It plays an important role in improving transparency and independence in the planning process. The PAC provided an additional level of expert scrutiny of the determination of the applications.

I am advised that following a review of the Gwandalan DCP by the PAC, and inclusion of recommended changes, the DCP was adopted by the Director General on 23 June 2011. The Department then wrote to Council advising of this decision, and included a copy of the DCP for your information. The DCP is also now available to view on Department's website <http://majorprojects.planning.nsw.gov.au>.

In relation to the Coal and Allied application at Gwandalan, this has substantially progressed under the Part 3A system and will continue under that pathway and be determined by the PAC. This is consistent with my recent announcements about the repeal of Part 3A.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brad Hazzard', written over a large, faint circular watermark.

HON BRAD HAZZARD MP
Minister

16.8.2011

I note that I understand there may be an appeal over Catherine Hill Bay but am awaiting confirmation



20 July 2011

Mr M Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Whittaker

Thank you for your letter of 14 July, 2011 regarding development approvals under Part 3A of the *Environmental Planning and Assessment Act 1979* at Gwandalan and Catherine Hill Bay.

I have read your letter and appreciate why you have been prompted to write.

I note that at its meeting of 8 June, 2011 that the Council also resolved to write to the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, and I suggest initially contacting the Minister to discuss the matter further.

Thank you for taking the time to write to me.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Barry O'Farrell'. The signature is written in a cursive, flowing style.

Barry O'Farrell MP
Premier

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community

TRIM REFERENCE: F2010/00500 - D02675613

AUTHOR/ MANAGER: Rob Van Hese; Manager Regulation and Compliance

SUMMARY

A recent District Court case involving Warren Shire Council has highlighted the need for local councils to actively and appropriately respond to reports of uncontrolled or aggressive dogs. Warren Shire Council was found to be liable for damages exceeding \$123,000 to the father and the brother of a four year old child that was mauled and killed by at least one pig hunting dog. The Court found that Warren Shire Council had breached its statutory duties under the *Companion Animals Act 1998 (CAA)*. This decision emphasises the onus placed on local councils to discharge their statutory function properly.

Wyong Shire Council has well defined processes that assist it to meet its legal obligations in respect to dangerous dogs and restricted dogs.

RECOMMENDATION

That Council receive the report on Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community.

BACKGROUND

The provisions in the Companion Animals Act 1998 (CAA) concerning restricted and dangerous dogs

The CAA imposes higher burdens on the owners of "restricted" dogs and "dangerous" dogs, and so recognises that those dogs present a greater risk to the public and other animals than other dogs. It does this in two ways.

Firstly, the CAA imposes significantly higher maximum penalties for offences involving "restricted" dogs and "dangerous" dogs. One of those offences carries a maximum penalty of \$55,000 and/or 2 years imprisonment. These higher penalties are intended to provide an enhanced deterrence to breaching the CAA.

Secondly, the CAA imposes additional control requirements on owners of "dangerous" dogs and "restricted" dogs. Those additional control requirements that are imposed on a dog that is "restricted" or has been declared "dangerous" including the following:

- The dog must be desexed.
- The dog is not to be in the sole charge of a minor.
- The dog must wear a prescribed distinctive collar at all times.
- The dog is kept in an appropriate enclosure at the place where the dog is usually kept.

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community (contd)

For the 3 months after the dog is declared “dangerous” or “restricted” the enclosure must be capable of securing the dog and prevent the entry of children.

Thereafter the dog must be kept in an enclosure that is fully enclosed, of a prescribed minimum size, and constructed of prescribed sturdy materials so the dog cannot escape from, and minors cannot gain access to, that enclosure. Each gate providing entry to the enclosure must be kept locked and have a self-closing and self-closing mechanism.

- Warning signs with the words “WARNING DANGEROUS DOG” must be erected on the enclosure and in a prominent location on the premises.
- Whenever the dog is outside its enclosure it must be muzzled and be on a leash, chain or chord that is secured to or held by a “competent person”.

The CAA provides that dogs of the following breeds are “restricted dogs”, and prescribes a process for Council to declare a dog to be “restricted”:

- (a) American pit bull terrier or pit bull terrier,
- (b) Japanese tosa,
- (c) dogo Argentino,
- (d) fila Brasileiro,

The CAA also has a process by which Council can declare a dog to be “dangerous”. A dog is “dangerous”, for the purposes of the CAA, if it has attacked, killed, repeatedly threatened to attack, repeatedly chased, or displayed unreasonable aggression towards a person or animal (that is not vermin) without provocation, or is kept or used for the purposes of hunting.

The District Court decision involving Warren Shire Council

The facts in *Kuehne V Warren Shire Council* [2011] NSWDC are summarised below:

- On 20 July 2006 Tyra Kuehne, a four year old child, was mauled by at least one of six dogs owned by Thomas Wilson. Tyra died as a result of the injuries sustained during the mauling.
- The mauling took place in the rear yard of Mr Wilson’s property at 29 Garden Ave, Warren. The Court found that the rear yard was incapable of keeping the dogs in or children out.
- Mr Wilson’s dogs were third or fourth generation pig hunting dogs. The Court accepted expert evidence that “a dog trained for pig hunting was likely to be more aggressive” (at [102]) and “it can be concluded that the death... as a result of this dog attack is consistent with the behaviour that might be expected from a group of dogs used for hunting where they are highly aroused. This is particularly likely to occur if the hunting dogs are of the type and temperament used for pig hunting” (at [105]).

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community (contd)

- There was extensive evidence that the dogs that were involved in the mauling had been the source of “*perpetual complain*” to Warren Shire Council, most of which were that the dogs roamed outside Mr Wilson’s property. Some of the complaints were that the dogs were aggressive and had previously bitten at least two people (one of whom was a child).
- Warren Shire Council’s Rangers had numerous dealings with Mr Wilson about the dogs roaming and alleged attacks by those dogs, but did not seek to declare any of the dogs as “dangerous”. One of the complainants (who lived across the street from the dogs and was the father of one of the then Rangers) gave evidence that his son had said “*the Council won’t do anything about it*”.
- Critical records of one of those Rangers were lost when items were stolen from his Council vehicle.

The Court made the following relevant findings:

- “*Residents of Warren depended on the Council to exercise its statutory obligations in respect of dangerous dogs. The CAA gave the Council the necessary powers. The residents of Garden Avenue were personally interested in the control of the dangerous dogs that lived at Number 29. In my view, this reliance created a right to sue for damages for contravention of the Council’s statutory duties so that a duty of care existed*” at [130].
- “*...the dogs’ history as pig hunters was sufficient to enable their classification as dangerous...*”, at [142].
- “*...there was a clear and apparent obligation on the part of the Council to exercise its powers under the CAA and have the dogs declared dangerous. It must follow that the failure to take this action was a breach of its duty*”, at [153].
- “*The risk of a child obtaining access to the backyard is not insignificant... a reasonable person (or entity), armed with the powers of the Council, would have taken precautions to avoid the risk...there was a high probability that harm would occur if precautions were not taken. Serious harm was very likely if a child wandered, unsupervised, amidst a pack of hunting dogs. The burden of declaring the dogs dangerous was little*”, at [155].
- “*Ultimately I am satisfied that but for the Council’s failure to act, as and when it should have, the attack on Tyra would not have occurred*”, at [170].

The Court decision means that:

- 1 Local councils need to respond promptly to complaints made about dogs expressing aggressive behaviours, and an assessment of the dog(s) needs to be undertaken and a recorded decision made in response to the complaints;
- 2 When deciding whether or not to declare a dog as “dangerous” it is appropriate for a local council to consider the risk of harm that might result if the dog is not declared to be dangerous.

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community (contd)

- 3 A system needs to be in place to ensure that complaints about aggressive dogs are investigated and that there is a careful assessment about whether Council should take regulatory action, such as whether to declare a dog to be “dangerous” under the CAA;
- 4 Record keeping is important. It is important that responses to complaints about dogs and any decisions subsequently made in respect of whether orders or declarations made pursuant to the CAA are clearly recorded.

WYONG COUNCIL’S CURRENT PROCESSES

The effectiveness of the CAA depends largely on a proactive approach by Council to identify and deal with aggressive dogs. Wyong Council has a comprehensive management plan which is actively managed to ensure Council meets its obligations under the CAA. Important elements of that management plan include;

- Standard Operating Procedures to assist and guide staff in the investigation, reporting and enforcement process in relation to dog attacks.

One such procedure concerns the declaring of dogs as “dangerous” under the CAA. If a Council Ranger forms the view that a dog fits the definition of a “dangerous” dog and that it is appropriate for Council to seek to declare that dog to be “dangerous”, the Ranger will give the owner of that dog notice of its intention to declare the dog “dangerous”. The owner has seven (7) days to object to the proposed declaration.

A panel consisting of the Manager Compliance and Regulation, the Chief Ranger and the investigating Ranger then considers all relevant circumstances, including any objections made by the owner of the dog, before deciding whether the dog will be declared dangerous. If the decision is made to proceed with declaring the dog dangerous, the owner will be given notice of the declaration which will include details of the additional control requirements that the owner is required to comply with in respect to the declared dangerous dog and informing the owner of his or her right to appeal against the declaration to the Local Court.

- Regular monitoring of the existence, sale, proposed sale, ownership or breeding of Restricted Dogs within the Shire.
- The annual inspection of 98 properties within the Shire identified on the Companion Animals Register as the place of residence for thirty-six (36) dogs declared Dangerous and sixty-two (62) Restricted breed dogs e.g. Pit-Bulls. Those inspections are made to ensure compliance with the additional control requirements imposed under the CAA in respect to dogs that have been declared to be dangerous or are a restricted breed. The CAA provides for penalties of up to \$16,500 for not complying with these onerous conditions. Inspections are scheduled to be undertaken over July – September for the 2011/12 financial year.
- All Rangers receive formal training in dog temperament assessment provided by the RSPCA.

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community (contd)

To put this in context, during 2010/11 Council Rangers responded to 2,412 dog complaints consisting of the following:

- 812 loose/roaming dogs;
- 643 requests for pick-up or surrender; and
- 434 vicious/attacking dogs.

There were also 523 barking dog complaints investigated.

Actions in response to the 2,412 complaints (not including barking dogs) resulted in the following:

- 576 dogs being seized, with 169 returned to their owners by Rangers in the field;
- 62 Dangerous or Restricted breed dogs were euthanased;
- 134 penalty notices were issued;
- 108 dogs were declared a Nuisance;
- 31 dogs were declared dangerous; and

As at the end of the March 2011 Quarter (being the most recent information available from the Division of Local Government (DLG)) Council had reported 184 dog attacks to the DLG, as required by the CAA.

On average, the number of dog attacks that occur within the Shire on an annual basis represents only 0.46% of the 39,618 identified dogs residing in the Shire.

IS THERE A NEED TO REVISE COUNCIL'S PROCEDURES AS A RESULT OF THE DECISION IN KUEHNE V WARREN SHIRE COUNCIL?

Comments from Council's General Counsel

Council has a well developed, robust and comprehensive management plan to assist in the proper exercise of Council's obligations under the CAA. That management plan provides for:

- the prompt investigation of reports of aggressive dogs,
- a process where by Council may declare dogs to be "dangerous" for the purposes of the CAA,
- the monitoring of compliance with the additional control requirements imposed on owners of "restricted dogs and dogs declared to be "dangerous", and;
- surveillance of unlawful breeding and sale of restricted dogs. Wyong Council also keeps proper records of reports of aggressive dogs and of the processes it employs under the CAA.

Council's procedures (subject to ongoing proper implementation), are an effective means of ensuring that Council exercises its functions under the CAA in a proper manner, and so avoids the pitfalls encountered by Warren Shire Council.

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community (contd)

The management plan provides Council with a system that includes Standard Operating Procedures to assist and guide staff in the investigation, reporting and enforcement process in relation to dog attacks, a clear and robust system for the declaring of dogs as “dangerous”, and for the audit of compliance with the additional control requirements that are imposed on owners of dogs that are “restricted” or have been declared to be “dangerous”.

ATTACHMENTS

Nil.

6.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02755286
AUTHOR: Daniel Kemp; Engineer
MANAGER: Daryl Mann; Acting Manager Water and Sewerage

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Financial – refer to corresponding Confidential Report (Meeting of 14 September 2011) on the Update on the Financial Status of the Mardi to Mangrove Link Project.

Overall Construction Status (excluding Commissioning)	Completion Date:	30 September 2011	% Work Complete:	99%
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Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		30 September 2011	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%

6.4 Mardi to Mangrove Link Project Status (contd)

Work Package 2 – Wyong River Pump Station	19 February 2010		99%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		100%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		100%

Milestone 2:		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
Milestone 3:		30 October 2011*	60%
Commissioning	1 August 2011		
(Dates as per JH latest program C19) * excl 2 week contractor's float			

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011	25 September 2011	<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011	4 April 2011	<input checked="" type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- Pipe laying has been completed on all properties.

6.4 Mardi to Mangrove Link Project Status (contd)

- 50/56 properties have been restored (excluding minor outstanding works).
 - Works have been 100% completed by John Holland on 50/56 properties (assuming hydro testing is satisfactory and valves have been completed).
 - 37/56 landholders have signed releases.
 - Easement Plans have been prepared for all properties.
 - Key property and landholder issues at present include:
 - Key focus is on meetings with landholders to close out restoration issues – progressing well
 - Slow progress in getting JHG to complete minor outstanding restoration work and to properly repair driveways damaged during construction.
-

Stakeholder Liaison

Media

- Traffic updates, including details of restoration works, continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- A media alert and release was issued for the system launch media event.
- Media articles on the system launch event were featured in various local and national broadcasts and publications.

Resident communication

- Weekly traffic emails continue to be sent to more than 30 households who have sought direct updates. The focus of these updates has changed from construction to restoration.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

Other

- The turning on of the system media launch was held on 31 August. The event was attended by the Parliamentary Secretary for Sustainability and Urban Water.
 - The date for the Community Celebration Day has now been set for Sunday 16 October. This will coincide with the start of National Water Week. Invitations will be distributed shortly.
 - A community celebration event is being planned for October. This will coincide with the end of National Water Week.
-

Incidents

- No significant Environmental or safety incidents occurred in the last period.
 - Ongoing monitoring of siltation controls at Ingram property.
-

Major Achievements / Issues

- Work Package 1: Work on this package has been completed
- Work Package 2: Work on the Wyong River Pump Station has also been effectively completed.
- Work Package 3: Work on this package has been completed
- Work Package 4: Construction of the Mardi Dam Discharge Structure has been completed.
- Work Package 6: Construction of the Mardi to Mangrove Transfer Pump Station has been completed. Commissioning of the transfer pump station has now commenced.
- Work Package 7: Construction of the pipeline is now completed. All the hydrostatic pressure testing is complete, commissioning has now commenced.
- Work Package 18: Wyong River weir has now been completed



Mardi to Mangrove System launch
(Work Package 6)

ATTACHMENTS

Nil.

6.5 Operational Activities and Trends Associated with the Animal Care Facility

TRIM REFERENCE: F2006/01779 - D02760759

AUTHOR/MANAGER: Rob Van Hese; Manager Regulation and Compliance

SUMMARY

At its meeting held on 12 August 2009, Council resolved that a quarterly trend analysis of operational activities at the Animal Care Facility be undertaken and be reported to Council on a regular basis. This report provides an end of financial year analysis for 2010/2011.

RECOMMENDATION

That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2010/2011.

BACKGROUND

Council at its meeting held 12 August, 2009, resolved, inter alia, unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

"7 That Staff provide a quarterly trend analysis and operational activities report to Council."

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

AGAINST: Nil

This report addresses the abovementioned resolution in regard to Council's Animal Care Facility (ACF) operations for the 2010/2011 financial year.

WYONG SHIRE COMPANION ANIMALS STRATEGY

Council's Companion Animals Strategy has 5 key objectives;

1 To have fewer animals arrive at the ACF.

Result: A 9% reduction in the number of animals arriving at the ACF from a peak of 2116 in 2009/10 has been achieved. This is due, in part, to an increase of 28% in the number of roaming and/or lost animals returned to owners in the field by Council Rangers as an alternative to transferring the animals to the ACF. In addition, the reduction has also been achieved by making surrenders of animals to the ACF a less attractive option through increased fees and charges and staff providing support and advice on alternatives to surrender e.g. behaviour modification tips, access to community dog training organisations.

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Council 'Seizure' Activity	793	848	644	539	567	579
Seized						
• Cats	0	3	1	6	20	3
• Dogs	793	845	643	533	547	576
	793	848	644	539	567	579
Returned to owner (by Rangers in the field)						
• Cats	0	0	0	0	0	0
• Dogs	166	242	45	96	132	169
	166	242	45	96	132	169
<i>Transferred to Council's ACF</i>						
• Cats	0	3	1	6	20	3
• Dogs	627	603	598	437	415	407
	627	606	599	443	435	410
Animals 'Arriving' at the ACF	1386	1286	1210	1924	2116	1932
Transferred to Council's ACF						
• Cats	0	3	1	6	20	3
• Dogs	627	603	598	437	415	407
	627	606	599	443	435	410
Dumped						
• Cats	155	66	15	413	545	507
• Dogs	368	384	401	755	936	854
	523	450	416	1168	1481	1361
Surrendered by owners						
• Cats	4	33	2	43	37	20
• Dogs	232	197	193	270	163	141
	236	230	195	313	200	161

2 To increase the number of animals released to their owners (expressed as a % of total animals arriving)

Result: Although the number of animals released to their owners fell in real terms by 104, when expressed as a % of total animals arriving there was actually a 2% performance improvement. Current strategies around identification & registration together with Council Rangers pursuing owners that fail to respond to seizure notices should see this number increase significantly over the next few years. Returning to a full staff compliment of 4 FTE at the ACF will also assist in this area.

6.5 Operational Activities and Trends Associated with the Animal Care Facility (contd)

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Released to owner (from the ACF)	1	0	1	12	35	24
• Cats	300	305	320	623	801	708
• Dogs	301/1386	305/1286	321/1210	635/1924	836/2116	732/1932

3 To increase the number of animals sold (expressed as a % of total animals arriving)

Result: Pricing changes introduced in the 09/10 budget and continued through 10/11 is improving the number of cats and dogs sold from the ACF. The 9% (42) real growth in animal sales compared to 09/10 is anticipated to continue with the consolidation of the current pricing strategy through 11/12 and the full compliment of 4FTE staff.

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Sold						
• Cats	2	1	0	26	187	193
• Dogs	68	79	120	261	281	317
	70/1386	80/1286	120/1210	287/1924	468/2116	510/1932

4 To increase the number of animals released to re-homing organizations

Result: The 146% (353) fall in the number of animals released to animal re-homing organisations, although disappointing to staff, has been explained by animal welfare organisations as a vote of confidence in the way the ACF is managed and operated and particularly by the significant reduced euthanasia rate. Re-homing organisations are now focusing their efforts on rescuing animals from other facilities that have not made the transition from 'high kill' as Wyong did. Staff are working with community volunteers to establish a rescue and foster care group specifically for Wyong.

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Released to organisations for rehoming	87	39	1	215	96	28
• Cats	179	175	118	303	165	137
• Dogs	266	214	119	518	261	165

5 To increase the number of animals saved – (expressed as a % of total animals arriving at the ACF)

Result: Regrettably, the number of animals euthanased, expressed as a % of total animals arriving at the ACF has increased from a low of 16.5% in 09/10 to 21% in 10/11. This, however, included 62 dogs that had displayed vicious or unacceptable aggressive behaviour and 206 cats and dogs destroyed on the recommendation of Council's contracted Vet due to illness, disease or injury. Continuous improvement in the management and operation of the ACF with a particular focus on staff development, animal behaviour modification and community engagement through a Wyong rescue and foster care group will see the 'save' rate climb to the 11/12 target of at least 90%

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Animals 'Euthanased' (* - category 1st introduced in 2008/09 reporting period)	711	652	645	381	349	411

6.5

Operational Activities and Trends Associated with the Animal Care Facility (contd)

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Euthanased (only category used prior to 2007/08 reporting period) • Cats • Dogs	68 635 703	62 589 651	13 612 625	NA	NA	NA
Euthanased Restricted Dogs (Category 1 st introduced in 2007/08 reporting period) • Dogs only	NA	NA	10	13	5	19
Euthanased Dangerous Dogs (Category 1 st introduced in 2007/08 reporting period) • Dogs only	NA	NA	4	47	42	43
* Euthanased – Owners Request (Does not include dangerous/restricted dogs) • Cats • Dogs	NA	NA	NA	0	0	0
* Euthanased – Unsuitable for rehoming (Does not include dangerous/restricted dogs (Category 1 st introduced in 10/11 reporting period)	NA	NA	NA	NA	NA	56 87 143
* Euthanased – Unable to re-home (Does not include dangerous/restricted dogs) • Cats • Dogs	NA	NA	NA	131 136 267	91 98 189	0
* Euthanased – Due to illness/disease or injury (Does not include dangerous/restricted dogs) • Cats • Dogs	NA	NA	NA	14 22 36	77 36 113	166 40 206
Animals euthanased as a % of animals arriving at the ACF over the period.	703/1386 = 50.7%	651/1286 = 50.6%	639/1210 = 52.8%	363/1924 = 18.9%	349/2116 = 16.5%	411/1932 = 21%

ATTACHMENTS

Nil.

6.6 Excellence in Aged Living

TRIM REFERENCE: F2011/01889 - D02729193

AUTHOR/ MANAGER: John Pearce; Senior Development Manager

SUMMARY

Excellence in Aged Living is an initiative of the Council to create sustainable employment, attract business investment and development to and within the Shire through the continued growth of the retirement industry.

The project opens opportunities for council to take a leadership role in promoting the Shire as a Shire of Excellence in Aged Living, by benchmarking high service levels in developments through planning instruments and demonstration projects.

RECOMMENDATION

That Council receive and note the report on the Excellence in Aged Living Project.

BACKGROUND

The Excellence in Aged Living project is an initiative of Council which sought to adopt a strategic target of creating 5,000 jobs over 10 years by creating Wyong Shire Council as a "Nationally recognized district of excellence in aged housing".

CURRENT STATUS

Following initial research and review a Business Plan was developed to address the strategic aims of the project in a sustainable way. This draft Business Plan was presented to the Executive and subsequently to the Councillors. The Business Plan aims to proactively respond to the Shires strategic advantages and attract investment in Aged Living developments and their support sectors. It identifies four key benefit areas from the project:

Target Outcome 1 - Social Outcomes

Increased social connectivity and interaction between existing retirement villages and aged facilities including Aging in Place to promote networking, social integration and activity programs. Increased employment growth and skill training opportunities.

Target Outcome 2 - Cultural Outcomes

Promotion of the aged traditions and capabilities through multi cultural society events, local arts and crafts exhibitions, religious society events, tourism events, volunteered skill force.

Target Outcome 3 - Financial Outcomes

Wyong Shire is open for business. Wealth creation for Council through development of facilities through PPP arrangements, increased business activities with the local government area.

Target Outcome 4 - Developable Outcomes

Planning legislation that mandates a focus on meeting the needs of local aging populations by simplifying policy and planning with benchmarking, providing a varied spectrum of accommodation options.

The project was presented at a Councillor Briefing 3rd August 2011. Councillors agreed for this report endorsing the project be presented to Council.

THE PROPOSAL

The scope of work is defined as the processes that are required to produce the project outputs. Council will take a leadership role in promoting Wyong Shire as a Shire of Excellence in Aged Living, by benchmarking high service levels in developments through planning instruments, agreement with developers and service providers which would also attract “knock-on” business and investors associated with retirement industry.

Part of the Project	Description	Responsibility
Engage expert panel	<ul style="list-style-type: none"> • EOI process to seek volunteer members with broad cross sector involvement, to participate initially for twelve months. Retirement Industry specialists, financiers, medical services, transport agencies • Invited representatives to include: Staff WSC, Councillor from WSC, CEO CCDC, Regional Coordinator Premiers Dept. Define project and media scope and Action plan for 2011. • Workshop to identify strategic advantages of the Shire for this initiative. • Workshop to review road blocks to be addressed • Determine marketing/ branding approach 	<i>Project Manager</i>
Engagement of Registered Clubs	<ul style="list-style-type: none"> • Engage directly with the Registered Clubs industry in the Shire to develop pilot projects and assist in facilitating the developments 	<i>Project Manager</i>
Prepare a register of sites	<ul style="list-style-type: none"> • Prepare an analysis of available appropriately zoned & sized land across the shire. • Feed information gained from the review into the dLEP process. 	<i>Project Manager</i>
Development engagement	<ul style="list-style-type: none"> • Council briefing on proposed landholder engagement process • Discussion / engagement with land holders and interested parties. • Briefing with landholders/ interested parties on the development process. • Determine project budget and equity splits. • Necessity to consider supportive industry and business 	<i>Project Manager</i>

6.6 Excellence in Aged Living (contd)

Part of the Project	Description	Responsibility
Review of local planning instruments	<ul style="list-style-type: none"> Confirm funding from State for LEP resourcing Review current instrument drafting against the project goals. Ensure proposed changes are supportive of the outcomes sought and increase flexibility for alternative means of increasing density. Standardise the DCP process Confirm resourcing 	<i>Project Manager</i>
Council owned land	<ul style="list-style-type: none"> Undertake a feasibility of council owned sites for development Complete the feasibility to develop land based on a schematic architectural design. Consider at this stage if council would take the proposal and contractual arrangement with partner. 	<i>Project Manager</i>

OPTIONS

1. Implement the attached Project Business Plan
2. Do Nothing other than the activities that already occur in Council's operations.

Option 1 is recommended.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Principal Activity	Service	Key Activity and Objectives	Financial Line Item No and Description	Impact on Key Performance Indicators/ Service Performance Indicators
Principal Activity 3	Economic & Property Development	Strengthening the economic base of the Shire by prompting economic development as well as creating employment opportunities.	No impact on financial line item	
Principal Activity 6	Environment & Land Use	Strategic planning, policies, and controls over land-use to maintain a high quality of life.	No impact on financial line item	
Major Projects	Corporate planning process	High priority project, designated by the General Manager as being of high importance.	Impacts on financial line item	

Contribution of Proposal to the Principal Activity

Principal Activity 3 – Economic & Property Development

This Principal Activity is aligned with Council's property portfolio. Key activities of the Principal are;

- Revenue opportunities
- Property investment

Economic development and development strategy

Principal Activity 6 – Environment & land Use

Land assets that generate income that can be used to enhance services for the community.

Major Projects

This project is currently managed through the Major Projects Unit.

Long term Financial Strategy

The project strategically aligns with Council's Long Term Financial Strategy that deals with the 5-10 year horizon. Council's mix of challenges is driven by being a designated centre of growth.

The project may contribute to resolving some of the issues facing Council such as population growth, economic development and jobs in the community.

Asset Management Strategy

The project meets the desired outcomes with Council's Asset Management Strategy, ensuring the right assets are built and well managed through sound planning and integration with the Community Strategic Plan and Long Term Financial Strategy.

Workforce Management Strategy

The project will promote Wyong Shire Council's Workforce Management Strategy contained in the Wyong Shire Council Strategic focusing on a number of staff management approaches, including;

- Leadership and development
- Staff engagement surveys
- Mentoring programs

The project will also help to retain current professional and managerial roles within the Shire itself.

Link to Community Strategic Plan (2030)

The proposal is linked to the Community Strategic Plan to achieve best quality of life in the future and focuses on the community's long term aspirations of the eight priority objectives of the Shire Strategic Vision.

Budget Impact

This project will require funding through its Whole of Life. A Preliminary Budget has been prepared up to the establishment of an expert panel. A copy is in Appendix F of the attached Project Business Plan.

Funding for this particular phase will be a one off requirement. Additional funding will be required in future depending on the outcome of the project. This will be considered in the corporate planning process for 12/13.

Specific funding for this project has not been included in the annual plan. Options of funding for this particular phase will be limited to a direct commitment from Council that is currently accommodated in the Major Projects Unit budget.

Following the expert panel, a market research study would be recommended to determine directional outcomes of demographics, price points, favoured locations and built form product. This market research study would be in the cost vicinity of up to \$20,000 (budget estimate only, unfunded). This will build on the existing preliminary work.

CONSULTATION

The project Strategic Business Case was presented to the Executive Team which approved the business case and recommended the project be presented to Wyong Councillors.

The Strategic Business Case and Fact Sheet were presented at a Councillors briefing on the 3 August 2011. No external consultants have been engaged to the project to prepare the business case.

Stakeholders, their interest and appropriate actions have been identified in the attached business plan.

GOVERNANCE AND POLICY IMPLICATIONS

The recommendation of this report does not affect Councils policies or procedures, nor requires amendment to Councils policies or procedures.

The recommendation of this report does not affect any legislation, Acts, Regulations or legal requirements.

MATERIAL RISKS AND ISSUES

A detailed risk analysis document has not been prepared at this stage but the framework that will be utilised is provided in the attachment.

CONCLUSION

This project has the potential to deliver on the core Principal Activities identified in the Wyong Shire Council Strategic Plan 2011 – 2015.

The project as identified in the Strategic Plan as a Major Project it works with Councils “Integrated Planning Framework” promoting the Asset Management Strategy, Workforce Management Strategy and long Term Financial Strategy.

The Business Plan that builds on the initiative of the Council places particular emphasis on short and / or long term revenue strategies, sustainable employment opportunities, investment and promotion of Wyong Shire through a growth industry.

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Attachment 1- Aged Living Project Business Plan | Enclosure | D02757134 |
| 2 | Confidential Attachments - Aged Living Project Business Plan
(D02757133 - Distributed under Separate Cover) | Enclosure | |

6.7 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2011/00027 - D02754027

AUTHOR: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Report on outstanding Questions without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 14 September 2011 | D02755352 |
|---|--|-----------|

No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Environment and Planning Services	<p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee <i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p> <ul style="list-style-type: none"> • <i>The Terms of Reference (charter, roles, responsibilities and function);</i> • <i>Possible membership</i> • <i>Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</i> 	9 September 2009 Cr Wynn / Cr Best	A report is being prepared for a Council meeting held in October 2011.
2	Environment and Planning Services	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <ol style="list-style-type: none"> 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	Affected properties identified, waiting on Council's senior Counsel to submit additional information for the report to be submitted to Council.
3	General Department - Major Projects	<p>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></p>	12 May 2010 Cr Eaton / Cr Best	A consultant's brief has been issued to complete this review. Review of the submissions is being completed
4	Environment and Planning Services	<p>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></p>	14 July 2010 Cr Wynn / Eaton	<p>A briefing was held on 11 May 2011. This report to Council needs to be reviewed following the submission of the Natural Resources Management Strategy draft to Council. A Report is being prepared for the November 2011 round of meetings.</p>
5	Community and Recreation Services	<p>8.2 - Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i></p>	27 October 2010 Cr Graham / Cr Eaton	Councillor briefing has been postponed. A Councillor Business Update to be submitted by mid-September to address the issue.

No	Department	Question Asked / Councillor	Meeting Asked	Status
6	General Department - Major Projects	<p>2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age</p> <p>Adopt a strategic target of creating 5,000 local jobs over 10 years. The following strategies would be involved in reaching this target:</p> <p>a Establish a register of sites appropriate for development of aged housing.</p> <p>b Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</p> <p>c Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</p> <p>d In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</p> <p>e Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</p> <p>f Work with local registered clubs to encourage their participation.</p> <p>g Call for expressions of interest to form an expert panel to advise Council on this initiative.</p>	10 November 2010 Cr Eaton	A Council report is being prepared for September 2011 which will include a project plan consistent with the project scope discussed with the Councillors at the recent briefing.
7	Corporate Services	<p>9.1 - Notice of Motion – Women's Committee</p> <p>1 Include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</p> <p>2 Consider participation / membership to include Councillors, staff and community reps.</p>	10 November 2010 Cr Matthews / Cr Webster	A report is being prepared for a Council meeting held in October 2011.
8	Community and Recreation Services	<p>Q114/11 – Memorandum of Understanding with Department of Housing</p> <p>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</p>	23 February 2011 Cr Best	A meeting was held with representatives of Housing NSW on 5 July to discuss and finalise the MOU. The final draft MOU will now be forwarded to ET for endorsement.

No	Department	Question Asked / Councillor	Meeting Asked	Status
9	Infrastructure Management	Q2/11 – Odour in Water at Chain Valley Bay North Residents in the Chain Valley Bay North area have reported that their town water smells “fishy”. Could Council staff please advise if there is any <u>link</u> between the recently reported manganese levels in the water and the fishy smell. If no <u>link</u> exists, could staff please advise what might be causing the fishy smell?	9 March 2011 Cr Vincent	Due to no specific location provided for the complaint, other than it was in Chain Valley Bay, Council’s flusher cleaned the mains in Chain Valley Bay in April and could not find any problems which related to the particular request. Records since this date indicate no similar problem. A Councillor Business Update is being prepared.
10	Community and Recreation Services	10.1 - Notice of Motion - Storage of Dinghies on Foreshore in Wyong Shire 4 That, if the policy is adopted it be communicated thoroughly to the broader community prior to any implementation.	27 April 2011 Cr Wynn	A Councillor Business Update will be submitted in September 2011.
11	Infrastructure Management	7.1 - Notice of Motion - Regional Push to Reinstate F3 Link 1 That Council <u>form</u> a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government. 2 That Council <u>urge</u> the Regional Partnership to take-up Mr Swan’s offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.	25 May 2011 Cr Best / Cr Eaton	A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received. A follow up email has been sent from the General Manager to the Minister for Central Coast, Minister for Resources and Energy.
12	Environment and Planning Services	7.2 – Notice of Motion – Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission 2 That Council be advised of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.	8 June 2011 Cr Wynn / Cr Vincent	Letters have been issued to relevant members and ministers on 19 July 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
13	Community and Recreation Services	Q16/11 – Status Report on Delay in Purchasing Relocatable Security Cameras “Can staff provide a status report on the delay in purchasing the relocatable security cameras, previously approved by Council resolution, in the ongoing fight against graffiti?”	8 June 2011 Cr Symington	Quotes have been obtained for cameras; Council is currently finalising external security contractors. A draft Councillor Business Update has been completed. Currently awaiting advice from Contracts & Special Projects before it can be submitted.
14	Community and Recreation Services	6.1 - Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services <i>That Council lobby the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.</i>	13 July 2011 Cr Graham / Cr Webster	Letter has been drafted.
15	Environment and Planning Services	6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head 1 <i>That Council acknowledge the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</i> 2 <i>That Council request the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</i> 3 <i>That Council request the report be prepared in partnership with the appropriate agencies and indigenous community.</i> 4 <i>That, upon consideration of the requested report, the local land council be invited to address the Council meeting.</i>	13 July 2011 Cr Best / Cr Vincent	This NOM has been put on the Environment and Natural Resources Work Programme and timing will depend on the availability within the works programme to undertake unallocated projects unlikely to occur prior to the 2nd quarter.

No	Department	Question Asked / Councillor	Meeting Asked	Status
16	Community and Recreation Services	<p>9.1 – Notice of Motion – Registered Clubs</p> <p>1 <i>That Council support the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.</i></p> <p>2 <i>That Council provide a letter of support which outlines the important role played by clubs in our community.</i></p> <p>3 <i>That Council formally advise the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms.</i></p>	27 July 2011 Cr Graham	Letters currently being prepared.

No	Department	Question Asked / Councillor	Meeting Asked	Status
17	Environment and Planning Services	<p>9.3 - Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys</p> <p>1 <i>That Council <u>call on</u> the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>2 <i>That Council <u>support</u> residents on the Central Coast by <u>requesting</u> the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>3 <i>That Council <u>direct</u> the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>4 <i>That Council <u>commend</u> the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>5 <i>That Council <u>direct</u> the General Manager also write to the Member for Dobbell on the status of the his proposed private members bill.</i></p>	27 July 2011 Cr Vincent	NOM has been actioned to appropriate staff member to prepare a letter for resolution 1.

No	Department	Question Asked / Councillor	Meeting Asked	Status
18	Infrastructure Management	7.2 - Notice of Motion - Proposed Major Transport Infrastructure Projects <i>That Council request the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.</i>	10 August 2011 Cr Eaton	A meeting has been arranged for the relevant staff to discuss preparation of a scoping brief for the report.
19	Environment and Planning Services	Q21/11 - Cost of Health Surveillance Inspections <i>"Mr Mayor my question is on behalf of the small business community that is one of the largest employers in the current economic times and are doing it tough. I have received representation from shopkeepers in the food sector that require health surveillance inspections through Council's Health Department The advice that I have received is that costs for these inspections have sky rocketed. Could you please provide Council with cost increases over the past five years for these services and the rational behind these decisions?"</i>	10 August 2011 Cr Wynn	An answer to this question is being prepared for a meeting in October 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
20	Environment and Planning Services	<p>Notice of Motion – 4WD Environmental Vandalism</p> <p>1 <i>That Council note with concern the escalating destruction of riparian vegetation along a large section of the Chittaway area due to illegal 4WD activities.</i></p> <p>2 <i>That Council seek to block vehicular access to this sensitive environmental area as a matter of urgency.</i></p> <p>3 <i>That Council recognise the outstanding efforts of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee in its endeavours to stabilise these riverbank systems.</i></p> <p>4 <i>That Council also recognise that the vast majority of 4WD enthusiasts are responsible off roaders.</i></p> <p>5 <i>That Council seek to educate off road users as to the importance of sustainable recreation through the various local 4WD associations.</i></p>	24 August 2011 Cr Best/ Cr Wynn	Investigations are being undertaken to seek to block vehicular access to the site.

No	Department	Question Asked / Councillor	Meeting Asked	Status
21	Community and Recreation Services	<p>U26/11 - Proposed Grant Application for the Wyong Skills Centre</p> <p>1 <i>That Council <u>note and endorse</u> the funding application as submitted to the Federal Government's Community Infrastructure Grants – Youth Commitments Program for the development of the Wyong Skills Centre on Nos 18 – 20 Margaret Street, Wyong for \$2,985,000.</i></p> <p>2 <i>That Council <u>undertake</u> an Expression of Interest process for partners to provide a suitable site and build and operate the Wyong Skills Centre.</i></p> <p>3 <i>That Council <u>consider</u> a report on the outcome of the Expression of Interest process.</i></p> <p>4 <i>That Council <u>reaffirm</u> the request for staff to investigate other larger suitable sites as possible locations for the Wyong Skills Centre.</i></p>	24 August 2011 Cr Symington	Council has commenced the project planning required to implement the Expression of Interest process required by this resolution.
22	Community and Recreation Services	<p>Q22/11 - Park on Corner of Golf Links Drive and Fishburn Crescent, Watanobbi</p> <p>"On behalf of concerned residents of Watanobbi, can staff please advise what happened to the mini park on the corner of Golf Links Drive and Fishburn Crescent and will the equipment be replaced?"</p>	24 August 2011 Cr Matthews	A Councillor Business Update will be submitted in September 2011 to respond to this question.
23	Corporate Services	<p>Q23/11 - Projected Additional Revenue Raised by Charging School to Utilise Sports Grounds</p> <p>"Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council's sports grounds and facilities?"</p>	24 August 2011 Cr Vincent	An answer to this question will be submitted to a Council meeting in October 2011.

QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE 24 AUGUST 2011

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Community and Recreation Services	10.2 – Notice of Motion – San Remo Xtreme Sports Park	25 August 2010 Cr McBride / Wynn	Report included in this Business Paper.
2	Community and Recreation Services	Q13/11 - Disabled Mini Train Tourist Project	25 May 2011 Cr Vincent	An answer to this question is included in this Business Paper.
3	Community and Recreation Services	Q14/11 - Suggested sites for Disabled Mini Train Tourist Project	25 May 2011 Cr Vincent	An answer to this question is included in this Business Paper.
4	Environment and Planning Services	7.1 – Notice of Motion – Closure of Coal Fired Power Station at Lake Munmorah	8 June 2011 Cr Wynn / Cr Best	Letter posted 19 August 2011.
5	Infrastructure Management	11.2 - Notice of Motion – Improved Taxi Services	23 February 2011 Cr Best / Cr Webster	This item has been included in the briefing schedule for 14 September 2011.

7.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06893 - D02745249

AUTHOR/ MANAGER: Peter Fryar; Manager Development Assessment

7.1 Q13/11 - Disabled Mini Train Tourist Project and Q14/11 - Suggested sites for Disabled Mini train Tourist Project

The following questions were asked by Councillor Vincent at the Ordinary Meeting on 25 May 2011:

“Could staff please provide an update on the issues surrounding the proposed sites identified in the North of the Shire for the Disabled Mini Train Tourism Project?” and “Could staff also suggest any additional sites that may be suitable in the North of the Shire for the Disabled Mini Train Tourism Project?”

In December 2010 the Pioneer Dairy Steam Railway Inc, sought Council land for use for the purposes of a miniature railway.

The Club was advised that Crown Land under Council's care and control in Ruttleys Road, Vales Point may be suitable for the activity subject to development consent of Council.

There are some obvious constraints associated with the proposed use of the Ruttleys Rd site and Council would not be able to guarantee that development consent would be granted.

Any development application submitted for the proposed use of the subject site would need to be accompanied by a Statement of Environmental Effects and may require the preparation of a Flora and Fauna study depending on the extent of the land clearing involved.

The Model Railway Club was encouraged to contact Central Coast Tourism which may be able to access start up funding for its venture that may assist with DA compilation.

However, without a guarantee of success the Club was reluctant to commit to any expenditure and subsequently withdrew its interest in establishing its project on the land.

Two other Council sites identified by the Club, one at Tacoma and the other at Pollock Ave North Wyong were deemed unsuitable by Council for the reason that they are wetland and Regional Sports facility respectively.

Any other sites in the north of the shire that Council may suggest as having potential for the establishment of the Clubs project will come with the same rider as the land at Ruttleys Rd in that Council will not be able to guarantee development consent.

ATTACHMENTS

Nil.

8.1 Notice of Motion - Proposed Public Meeting - Coal Mining Projects

TRIM REFERENCE: F2004/07706 - D02765014

AUTHOR: Sue Wynn; Councillor

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 14 September 2011 she will move the following Motion:

- “1 That Council convene a public meeting in late October 2011 for all residents from Doyalson to Wyee Point to Gwandalan to discuss the extension and expansion of coal mining operations in the area and its implications for residents, the environment, infrastructure and Council operations.
- 2 That the public meeting be held in a central location in the north of the Shire.
- 3 That Council invite representatives from the coal mining companies to present their current proposals.
- 4 That Council provide staff to facilitate the public meeting and to outline Council's responses to the current proposals.
- 5 That Council record the issues raised at the public meeting and seek responses for the public from the coal mining companies involved.
- 6 That Council invite the State Members for Wyong, Swansea and Lake Macquarie and the Minister for the Central Coast to the public meeting.”

COUNCILLOR'S NOTE

LDO Coal and Centennial Coal Mannering Colliery both have extension and expansion projects before government in both the Fassifern and Great Northern seams. Other seams above these have already been extensively mined.

The coal mining is to be conducted under some housing, roads and Lake Macquarie.

Extensive subsidence has already occurred in Chain Valley Bay, the Pacific Highway, Ruttleys Road and other areas in the north.

8.2 Notice of Motion - Coal Seam Gas (CSG) Inquiry

TRIM REFERENCE: F2004/07706 - D02765043

AUTHOR: Sue Wynn; Councillor

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 14 September 2011 she will move the following Motion:

“That Wyong Shire Council

- 1 *Write and thank the State Government for banning the chemicals used in the fracking process.*
- 2 *Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;*
- 3 *Call on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and*
- 4 *Calls on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and independently assessed.*
- 5 *Rejects suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.*
- 6 *Place a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands. ”*

14 September 2011
To the Ordinary Meeting

Councillor

8.3 Notice of Motion - Sporting Ground Fees and Charges for Local Schools

TRIM REFERENCE: F2004/07706 - D02765028

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Meeting to be held on 14 September 2011 he will move the following Motion:

- "1 That Council undertake a review of the fees and charges currently being paid by local schools to utilise the Shire's community sporting grounds.*
- 2 That Staff consult with and prepare a report, in conjunction with local schools, to better understand the need for schools to regularly utilise the Shire's community sporting grounds.*
- 3 That Council applaud the outstanding contributions made by our local schools in the area of Personal Development Health Physical Education (PDHPE)."*