

**CRITICAL DATES / TIME FRAMES**

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

**OPTIONS / ALTERNATIVES**

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

**PUBLIC CONSULTATION**

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

**ATTACHMENTS**

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

## **5.2 Evaluation and Selection of Tenders for Contract CPA 210714 - Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace**

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TRIM REFERENCE: CPA/210714 - D03157254

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: John Tennant; Engineer

### **SUMMARY**

Evaluation and selection of tenders for Contract No. CPA 210714 – Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace.

### **RECOMMENDATION**

- 1 That Council accepts the tender from the company nominated as Tenderer '3' in the attached Tender Evaluation Report, for the estimated total amount of \$1,299,319.65 (excl GST) for Contract CPA/210714 – Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

### **BACKGROUND**

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

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

The subject of this report is the tenders invited for the construction of the new stormwater culvert.

The works to be completed under the proposed contract include:

## **5.2 Evaluation and Selection of Tenders for Contract CPA 210714 - Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace (contd)**

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- All earthworks and preparation of foundations including removal and disposal of the existing fibrecrete causeway;
- The construction of a 200mm thick low strength concrete sub-base layer;
- The construction of all mass and reinforced concrete foundations, base slabs, apron slabs, wingwalls and kerb headwalls;
- The supply and installation of all precast box culverts;
- The installation of rip-rap rock upstream scour protection;
- The installation of 'Reno' mattress downstream scour protection.

### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald on 26 June and 3 July 2012, the Central Coast Express Advocate on 27 June and 4 July 2012. Tenders were also advertised on Council's e-Tender website. The advertised closing date for tenders was 26 July 2012.

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

Tenders closed at Council Chambers at 2:00 PM on 26 July 2012.

### **TENDER SUBMISSIONS**

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

- BMD Constructions Pty Ltd
- Bolte Civil Pty Ltd (2 Tenders)
- Carey Constructions Pty Ltd
- Collective Civil Pty Ltd
- Delcare Constructions Pty Ltd
- Eden Constructions Pty Ltd
- Fernandes Constructions Pty Ltd (2 Tenders)
- Kerroc Constructions Pty Ltd
- M & R Civil Pty Ltd (2 Tenders)
- Milbant Constructions Pty Ltd
- Murphy & McCarthy Pty Ltd (2 Tenders)
- Peter Brown Pty Ltd
- Quality Management Pty Ltd
- Robson Civil Projects Pty Ltd
- T E Peck Excavations Pty Ltd
- Tails Civil Pty Ltd

No late tenders were received.

## **5.2 Evaluation and Selection of Tenders for Contract CPA 210714 - Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace (contd)**

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### **TENDER EVALUATION**

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

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

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

Threshold Criteria:

- 1 Compliance with tender documents including lodgement of tender by the specified time.
- 2 Ability to manage financial, environmental, operational and safety risk.

Weighted Criteria:

1. Assessed level of Local Content.
2. Conformity with RFT and specification.
3. Proposed construction methodology/construction programme.
4. The tendered price and its structure as well as any other costs to Council that may be identified.
5. Experience in the specific field.
6. Past performance.

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under the Drainage Capital Works Program (Line Item IM 96).

### **RELEVANT LEGISLATION**

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

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

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

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

## **5.2 Evaluation and Selection of Tenders for Contract CPA 210714 - Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace (contd)**

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### **OPTIONS / ALTERNATIVES**

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

### **PUBLIC CONSULTATION**

The project has been subject to a public consultation process.

### **ATTACHMENTS**

- 1 Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace - Confidential Attachment - Enclosure D03159134

### **5.3 Outcome of Negotiations on the Formation of a Contract for Contract CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Works**

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TRIM REFERENCE: CPA/217073 - D03166420

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: John Tennant; Engineer

#### **SUMMARY**

Report on the outcome of negotiations with companies nominated as Tenderer Nos. 3 and 4 in the attached Tender Evaluation Report on the formation of a contract for Contract CPA/217073 – Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works.

#### **RECOMMENDATION**

- 1 That Council accept the negotiated tender from the company nominated as Tenderer “3” in the negotiated amount of \$396,546.00 (excl GST) for Contract CPA/217073 – Relocation of 11kV and LV Mains, Minnesota Road and Associated Water Supply Works.**
- 2 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

At its meeting of 10 October 2012, Council considered a report on the evaluation of tenders for Contract CPA/217073 – Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works, and:

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

227/12 That Council declines to accept any of the tenders received for Contract CPA/217073 – Relocation of 11kV and LV Mains, Minnesota Road and Associated Water Supply Works.

227/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains information of a confidential nature.

### **5.3 Outcome of Negotiations on the Formation of a Contract for Contract CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Works (contd)**

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229/12 That Council declines to invite fresh tenders for the reasons detailed in the attached Tender Evaluation Report.

230/12 That Council authorise the General Manager to enter into negotiations with the companies nominated as Tenderer 3 and Tenderer 4, for the reasons detailed in the attached Tender Evaluation Report, with a view to entering into a contract in relation to the subject matter of the tender.

#### **TENDER EVALUATION**

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

An amended lump sum price was negotiated with both Tenderer No. 3 and Tenderer No. 4. The negotiated tenders were assessed in accordance with the approved evaluation criteria being:

- a) Level of Local Content;
- b) Price;
- c) Conformity with the RFT and specification;
- d) Experience and performance in the specific field

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

#### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program under the Roads Capital Works Program (Line Item IM 73) and Drainage Capital Works Program (line Item IM96)

#### **RELEVANT LEGISLATION**

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

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

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

Construction will commence in December 2012 and is expected to be completed in February 2013.

#### **OPTIONS/ALTERNATIVES**

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

**5.3 Outcome of Negotiations on the Formation of a Contract for Contract  
CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace  
and Associated Water Works (contd)**

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**PUBLIC CONSULTATION**

The project has been subject to a public consultation process.

**ATTACHMENTS**

- 1 Attachment A - D03166365



## **6.1 Central Coast Research Foundation Sponsorship**

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TRIM REFERENCE: F2004/06974 - D03044935

AUTHORS: Sue Sampson; GM's Support

Brett Phillips; Manager Economic and Property Development

### **SUMMARY**

Central Coast Councils have individually over several years supported the Hunter Valley Research Foundation's locally branded offshoot, the Central Coast Research Foundation (CCRF), through sponsorship that in total of \$10,454 in the 2011/12 financial year.

The Central Coast Research Foundation has approached Councils individually to double the amount of sponsorship for the next three years following a withdrawal of financial support by the NSW Government.

### **RECOMMENDATION**

- 1** *That Council offer the Central Coast Research Foundation sponsorship of \$20,000 in each of the next three financial years, subject to a similar sponsorship from Gosford City Council and that CCRF agrees to explore ways of developing a presence on the Central Coast.*
- 2** *That Council requires the sponsorship be formalised by a written agreement between CCRF and Council clearly articulates deliverables for Council due to the sponsorship.*
- 3** *That Council requires the agreement to be explicit that funding will be provided at the end of each financial year and payable subject to successfully meeting all conditions stipulated in the agreement.*
- 4** *That Council authorises the General Manager to initiate discussions with Gosford City Council, NSW State Government and other regional stakeholders to identify ways and means of establishing a research presence on the Central Coast, in the first instance in collaboration with Hunter Valley Research Foundation/Central Coast Research Foundation.*
- 5** *That this report be referred to CCROC for discussion and agreement with Gosford City Council.*

### **BACKGROUND**

The Central Coast Research Foundation (CCRF) has provided economic and community research and analysis on the Central Coast since it was established in 1998 by the Hunter Valley Research Organisation (HVRF).

In the 2011/12 financial year, CCRF reports the following outputs and outcomes:

## 6.1 Central Coast Research Foundation Sponsorship (contd)

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- Gave voice to the opinions of more than 600 Central Coast residents and 600 business operators about issues that affect their lives, including the economy, the environment, innovation and technology use;
- Invited more than 1,500 Central Coast business and community members to attend an economic update including expert analysis of local, national and international economic conditions – total guest attendance in 2011-12 was 440
- Circulated more than 2,000 CCRF publications including 1,200 *Central Coast At A Glance* and 800 *Central Coast Economic Indicators*
- Responded to over 2,000 information requests through the free enquiries service (Hunter and Central Coast)
- Provided free and unique regional information through the website, with more than 54,000 visits (Hunter and Central Coast)
- Invited input from Central Coast leaders at a regional economy briefing dinner for Reserve Bank economist Dr David Osmond
- CCRF researchers gave several presentations to business and government stakeholders and responded to numerous media enquiries. Media partnership with Business Insider.

CCRF reports that its budget for this activity was \$140,000. Income, including total sponsorship from the Central Coast of \$42,000, was \$54,000. The shortfall was funded by the HVRF, which has been subsidising CCRF operations since its inception.

CCRF says this financial position is no longer sustainable following the NSW Government decision to cease providing support of \$150,000 a year on a \$3 for \$5 matching basis beyond the current financial year. The HVRF is no longer able to underwrite the Central Coast program.

The NSW Government has taken research and statistical information delivery functions in-house, managed by the Strategic Policy and Economics Branch (SPEB) within NSW Trade & Investment. The Department will obtain any future research it needs from HVRF on a fee for service basis.

In 2011, before the withdrawal of government funds, the HVRF Board of Directors determined that CCRF must become self-funding within two years, or be wound up. CCRF has a three-year fundraising plan aimed at securing the necessary support to conduct its research program. If it meets its target, the campaign will build the broad base of support required to sustain the CCRF and to embed it in the region. Alternatively, CCRF research program and services will need to be reduced.

CCRF has approached Councils as part of this fundraising effort with a request to double the current levels of sponsorship. This will enable it to provide stability and certainty, and to plan effectively. CCRF is asking each Council for a commitment of \$60,000 (including GST) to be paid in three equal instalments in each of the years from 2012/13 to 2014/15. This is a 100% increase on funding provided in 2011/12 and would be a total sponsorship of \$120,000 from both Councils over the period.

## 6.1 Central Coast Research Foundation Sponsorship (contd)

The table below outlines CCRF's financial planning over the next three financial years. It shows it will need to raise a substantial amount of funding through sponsorship: CCRF's goal is to raise \$406 000 over three years. In 2011/12 it raised at total of \$42,000, including \$22,546 from 24 Central Coast enterprises other than the Councils.

	2012/13	2013-14	2014/15
<b>Expenditure</b>	\$151,896	\$160,796	\$180,796
<b>Income</b>	\$27,000	\$29,000	\$32,000
<b>Deficit</b>	\$124,896	\$131,796	\$148,796
<b>Targeted sponsorship</b>	\$125,000	\$132,000	\$149,000

It is important to note, for the purposes of considering future directions, that the budget outlined above does not include any fee-for-service research such as the Quality of Life survey currently being conducted by CCRF on behalf of both Councils.

### CURRENT STATUS - ISSUES FOR CONSIDERATION

- 1 CCRF has developed insight gained over 14 years of analysis into the Region's economic and social strengths and challenges. It is a reliable and locally researched source of data and information. This helps policy and decision-makers to understand strengths and weaknesses and predict change within the Region, with the aim of fostering sustainable regional development.

While some of this data is drawn from the Australian Bureau of Statistics much of the information generated by CCRF research is not provided by any other source or organisation. It is distributed widely and made freely available to Central Coast decision makers through the CCRF's website and a free public enquiry service.

- 2 There are regional benefits deriving from the data provided by CCRF but they are difficult to quantify. Arguably, more robust data and analysis at a regional level would aid government decision making regarding infrastructure and development programs for the Central Coast.

It could be assumed that sponsorship levels are an indication of value added to the Region. CCRF conducts an Annual Sponsor Survey that asks about key reasons for sponsorship. Responses include:

- "As a business the information we receive is insightful."
- "To support the work you do in our community."
- "Our organisation uses the CCRF compiled statistics and research in a range of funding applications and forward planning. We appreciate that these resources are provided to the community free of charge, but we also feel that we can afford to contribute to their compilation and for this reason we choose to support CCRF in a small way through our sponsorship."
- "Support for the valuable work done by CCRF and to acquire the results of research carried out."
- "To support relevant information provider"
- "We are keen for CCRF to continue its research into trends on the Central Coast. I would like to see more organisations contribute, so as to increase your revenue and also lessen the load on existing sponsors."

## 6.1 Central Coast Research Foundation Sponsorship (contd)

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- “Maintain connection with research data and to commit to long-term monitoring of community issues.”

A survey of attendees at the May 20121 Economic Update Breakfast found that:

- 87% of respondents had attended a CCRF breakfast before;
  - 100% of respondents would attend another CCRF breakfast;
  - 'Overall value of the function to your organisation' – mean score of 7.7 out of 10
- 3 CCRF suggests there are two scenarios regarding future provision of its research and services.
- Scenario A is to reduce the research program to the annual 'At a Glance' publication and a once a year 'Annual Economic Indicators' update and associated breakfast under existing sponsorship levels.
  - Scenario B is to increase sponsorship levels to maintain the present research program.
- 4 CCRF is based in and serviced from Newcastle and provides no ongoing local employment. It has been CCRF's position that there is insufficient volume of work and funding on the Central Coast to justify a physical presence in the region. From a regional development perspective, it would be desirable to be supporting and developing locally-based expertise to build further local capacity.
- 5 The Regional Economic Development and Employment Strategy (REDES), under the auspices of the Department of Premier & Cabinet and co-ordinated by Regional Development Australia Central Coast, has 7 strategies. Strategy 3 aims to increase knowledge and innovation: a key action within this strategy calls for the establishment of a regional research and information centre that collects economic data and monitors trends in the region.

### PROPOSAL

It is proposed that Council support the CCRF request for sponsorship to ensure that robust economic research data continues to improve and increase the Shire's knowledge base and allow Council to target opportunities for economic development

There are two key Council policy objectives brought into focus by the HVRF/CCRF request for funding.

- Ensuring there is valid, reliable and useful data available to decision makers about the Central Coast.
- Building a local capacity to conduct research and analysis which will be an important step in building regional resilience, reducing financial leakage out of the region, and over the medium term, providing higher level local jobs.

The prospects of increasing the CCRF's regional presence and building the research capacity on the Central Coast over time have been explored in informal discussions with the CCRF, however whilst sympathetic, CCRF are constrained by lack of funding. They are willing to explore a range of options to strengthen CCRF and establish an on-the-ground presence.

In a parallel development, Councils are now locked into a four year planning cycle based on the integrated Planning and Reporting framework. The key outputs from the framework are heavily dependent upon regionally-based research. Council officers are progressively identifying and refining research needs to support this planning cycle.

It is further proposed that Council investigates, in collaboration with other regional stakeholders (including Gosford City Council, the NSW Government, Regional Development Australia Central Coast and the NSW Business Chamber Central Coast) and working with CCRF possibly under the REDES umbrella, how existing and emerging research and analysis need scan be harnessed to development a Central Coast based presence.

It is likely that the dual objectives of tailored research and capacity building can be better achieved if both Councils, as major funders and clients, are represented on the CCRF Board, an option that CCRF is prepared to consider. Board representation on a non-profit research agency would increase regional ownership and help shape the CCRF's strategic direction to better service regional needs.

CCRF have also advised that they would like to develop the following in addition to the benefits offered in the CCRF 2012-13 Sponsorship Proposal:

- A regular monthly meeting between CCRF staff and Wyong Shire Council Economic and Property Development Manager and others in the Economic Development Unit and
- An opportunity for Council management to provide more regular input into the strategic direction of Central Coast Research Foundation.

## **FINANCIAL IMPACT STATEMENT**

Approval of this report will result in an increased expenditure of \$10000 p.a. out of the Economic and Property Development Unit budget. A budget adjustment will be required.

## **CONCLUSION**

Specific economic research for the Central Coast region is seen as extremely valuable for economic development in an area that suffers economically more than other regions of a similar size.

Continued monitoring and reporting of the Coasts economic performance enables business and Government to understand and monitor progress. Economic data at a sub-regional and local level is essential for Wyong to have targeted approach to development.

The CCRF is already established and provides this service.

CCRF is at the risk of failure from the cessation of State Gov't funding if alternative sponsorship(s) do not pick up the gap.

The costs to re-establishing a new business afresh are estimated to be prohibitive but even if not, the downtime for the Coast and Wyong would be inopportune through the period as the Councils' establish the CCWC .

**ATTACHMENTS**

1 Central Coast Research Foundation Fundraising Campaign D03084490



Central Coast Research  
Foundation  
Board of Directors:

**Chairman**

**Dr WEJ Paradise AM**  
Chief Executive -HVRF  
Conjoint Professor  
University of Newcastle  
Director, Tom Farrell  
Institute

**Board Members**

**Mr Graham Baker**  
Innovative Regions  
Facilitator, Central Coast  
Enterprise Connect

**Mr Ken Baker**  
Managing Director  
Halley & Mellows  
Australasia  
Chair, Central Coast NSW  
Business Chamber

**Mr Jim Eve**  
Director, Brown Brothers  
Board Member, Central  
Coast Business Enterprise  
Centre

**Prof. Margaret McMillan**  
OAM  
Professor of Nursing  
(Conjoint)  
University of Newcastle  
Board member, Research  
Centre for Gender Health  
and Ageing  
Member, Central Coast  
Local Health Network  
Governing Council

**Dr Andrew Searles**  
HMRI/HVRF Health  
Research Economist

**Ms Kim Britton**  
Public Relations Manager,  
Central Coast Research  
Foundation

26 July 2012

Mr Brett Phillips  
Manager Economic & Property Development  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Mr Phillips

I am writing in response to a letter dated 12 July 2012, in which you requested additional information to assist you in determining our request for increased sponsorship support for the Central Coast Research Foundation (CCRF) in 2012-13.

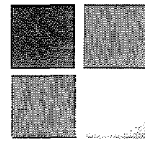
We have provided a more detailed case for support for CCRF's regional research program that includes a detailed budget and an assessment of CCRF's program and its benefits to the Central Coast region. Also included are some additional benefits to Council that would enable our two organisations to collaborate more closely and at a strategic level.

I trust this new submission fulfils your requirements and that Council views our request favourably. Please call me, or our Public Relations Manager Kim Britton, if you would like to clarify anything or need more information.

Your sincerely

Dr W.E.J. Paradise AM  
Chair

Encl. CC Mr Michael Whittaker, GM



CCRF Funding Submission  
A business case for regional support

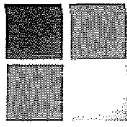
Prepared for  
**Wyong Shire Council**

*Central Coast Research Foundation...*  
*contributing to a sustainable future for the Central Coast*

Prepared by Kim Britton  
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Central Coast Research Foundation  
PO Box 322, Newcastle NSW 2300

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## Central Coast Research Foundation – helping develop the Central Coast’s identity

### INTRODUCTION

The Central Coast Research Foundation (CCRF) was formed by the Hunter Valley Research Foundation (HVRF), with the encouragement of Central Coast Councils, in 1998 to conduct independent economic and social research on the Central Coast. Its strategic directions have been determined by a voluntary Board of Directors including key Central Coast stakeholders.

A detailed five-year budget, included on following pages, outlines the costs of delivering the research program each year and the amount of sponsorship that will need to be received from Councils and other sponsors on the Central Coast to enable CCRF to continue providing its services to the region.

Until now the HVRF has been underwriting the activities of the CCRF, underpinned by the support of the NSW Government. With the withdrawal of NSW Government sponsorship in June 2012, the HVRF is no longer able to provide the level of support required for the CCRF to continue delivering its present program.

The benefits of the provision of research and information to a region have been documented. The following paper also outlines the outputs, outcomes and regional benefits of CCRF’s specific programs. The availability of independent, well-researched information is beneficial to Council and the community in many ways but, above all, it provides the basis of the development of a separate Central Coast profile and identity.

The sponsorship commitment requested of Council by CCRF is considered to be a critical first step in achieving the CCRF Board’s ambitious fundraising goals. Without this significant and keystone commitment, the Central Coast Research Foundation’s future activities in the region are uncertain.

### THE NEED FOR CCRF

#### **Creating a profile for the Central Coast as a Region**

There are numerous instances of ‘regional’ information being cited which aggregates the Central Coast together with the northern suburbs of Sydney. In other cases, the Central Coast is combined with the Hunter Region. Having a regional research and information organisation provides the ability to collect and provide information at the level of Central Coast Region, contributing to the development of a Central Coast regional identity.

Promoting an improved information infrastructure – the knowledge base used by people and firms to manage their financial affairs – is not only good policy but also good economics. According to economic theory, reliable information that is freely available, such as that provided by CCRF, is a public good, which tends to be under-supplied by the private sector.

The provision of the sort of information delivered by CCRF each year is likely to attract investment to the Central Coast. Research supports that there are many ways to attract private investment to a region. Two important mechanisms are low business taxes, and a

high amount of appropriate infrastructure.<sup>1</sup> Infrastructure can be used as an additional (fiscal) policy instrument in the competition between regions for foreign direct investments and business locations.

But not all infrastructure is appropriate to stimulating private investment and attracting businesses. Productive infrastructure is that which provides productive inputs/services to productive processes in firms and thereby increases their output. Examples of productive infrastructure are traffic facilities, which increase the output of vehicle intensive industries, and weather forecasts, which can increase productivity in agriculture.

Research suggests that research results, such as those provided by CCRF, are one of the most important items of productive infrastructure, particularly in increasing productivity in the high value-adding knowledge-based industries<sup>2</sup>.

According to economic research, investments in appropriate infrastructure are desirable as they:

- Attract additional private investments
- Increase the productivity of capital and labour
- Are necessary to cope with future demand
- Contribute to long-term growth
- Contribute to sustainable economic development.<sup>3</sup>

In Australia, a 2003 study commissioned by the Australian Business Foundation to examine what regional infrastructure would provide economic development opportunities found that regions should 'seek to become a magnet for investment in high value-added industries that build new knowledge capabilities, skills and technologies that ultimately become self-sustaining'<sup>4</sup>.

Educational and research institutions, such as CCRF, are a crucial element of this knowledge infrastructure, as are business and training networks and technology diffusion services, the "soft" infrastructure required to support regional firms to improve competitiveness in a business climate where what you know is more important than what you own.

This knowledge infrastructure, provided by CCRF to the Central Coast region for more than 15 years, allows learning to take place within and between organisations, including exchanges between firms, competitors, suppliers, customers and educational institutions. This exchange is facilitated by CCRF's six-monthly Central Coast Economic Update breakfasts, and more recently by a regional briefing dinner for key stakeholders with Dr David Orsmond, Deputy Head of the Reserve Bank of Australia's Economic Analysis department.

A key recommendation from a number of studies is that more resources need to be transferred from physical capital to knowledge infrastructure.

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<sup>1</sup> Dr J. Pauser, *The Provision of Productive Infrastructure – Economic Impacts*, HVRF 2010

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> G. Larcombe, et al, *Regional Infrastructure. New Economic Development Opportunities for the Hunter, Illawarra and Western Sydney Regions*, Australian Business Foundation 2003

**CCRF provides knowledge as a public good**

Information provided by the CCRF is a public good, which has the characteristics of being non-rival and non-excludable. Non-rivalry means that consumption of the good by one individual does not reduce availability of the good for consumption by others; and non-excludability that no one can be effectively excluded from using the good. The knowledge made freely available to everyone by the CCRF's regional research program is one example of a public good. Other examples include fresh air, clean water, lighthouses, open source software, radio and television broadcasts, roads and street lighting.

The characteristics of 'non-rivalry and non-excludability' cause problems for the production of public goods. Economists have argued that they lead to instances of market failure, where markets, driven by self-interest, are unable to provide these goods. There is a good deal of debate and literature on how to measure their significance to an economy and to identify ways in which to provide them.<sup>5</sup>

**CCRF – a unique funding model**

Pure public goods such as the research program of CCRF and its regional outcomes are usually provided by the government and financed from tax revenues. Without significantly increased local support, the public good provided by CCRF's research is under threat.

The Hunter Valley Research Foundation has provided a public good to the Hunter community for over 55 years through a unique funding model, where sponsorship and donations from a wide base of local individuals and organisations collectively contributes to a pool of untied funds that pays for the regional research outputs.

As mentioned, CCRF's operations are heavily subsidised by the Hunter-based sponsors of the HVRF. In 2011, the HVRF Board of Directors determined that CCRF must become self-sustaining within two years, or be wound up. The imperative to fund CCRF locally has become even more pressing with the withdrawal, from July 2012, of the HVRF's State Government support.

CCRF needs the support of Central Coast based sponsors and donors in order to assist in guiding the sustainable development of the Region into the future. The CCRF Board has set ambitious fundraising targets to achieve financial sustainability for the Foundation's program over the next three years. Once an appropriate support base is achieved, the Board plans to establish a locally-based CCRF office.

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<sup>5</sup> J. Hobbs, et al, *The Canadian National Livestock and Poultry Traceability Program*, Dept of Bioresource Policy, Business & Economics, University of Saskatchewan, Estey Centre for Law and Economics in International Trade, 2009

**BENEFITS OF CCRF RESEARCH PROGRAM TO THE REGION**

Council sponsorship has helped the CCRF to maintain a core research program, which provides significant regional benefits. The total CCRF budget for 2011-12 was more than \$140,000, which provided the following outputs, outcomes and benefits to the Region:

**Project – *Central Coast Economic Indicators***

**Time commitment** – 350 hours

**Output** – *Central Coast Economic Indicators* publication six-monthly.

Provides local analysis and interpretation of economic conditions and future prospects based on the collection of primary data from Central Coast households and businesses, who participate in our regional research program.

**Outcome/s** – Monitoring and providing information on Central Coast economic conditions to aid evidence-based decision-making.

**Regional benefit**

Increased business competitiveness, encouragement of high value added knowledge-based industries, provision of unique information and analysis not supplied by the market.

**Project – *Central Coast At A Glance***

**Time commitment** – 50 hours

**Output** – *Central Coast At A Glance* publication (annual)

**Outcome/s** – provide up-to-date demographic and statistical information on the Central Coast Region to assist in planning and decision-making.

**Regional benefit**

An effective tool for business attraction and a planning aid for business, government and community members. Provides a unique information resource for students and researchers. Offers a unique and accessible source of information to aid funding submissions and business case development.

**Project – *Central Coast Business Survey***

**Time commitment** – 155 hours

**Output** – Survey of 300 Central Coast businesses completed six-monthly and information stored in time series database.

**Outcome/s** – Provide information on business confidence, forward orders, innovation and other issues for dissemination in publications, presentations and on website to assist in informed decision-making. Information used to develop economic and social indicators, and monitor and report on business innovation and technology usage.

**Regional benefit**

Allows regional business owners and operators to have their voice heard by policy-makers. Provides a unique data source revealing updated business conditions each half year, as well as economic trends and patterns over time.

**Project – Central Coast Domestic Omnibus Survey****Time commitment** – 210 hours**Output** – Survey of 300 Central Coast residents completed six-monthly and information stored in time series database.**Outcome/s** – Provide information on consumer confidence and other issues for dissemination in publications, presentations and on website to assist business in informed decision-making. Information used to develop economic and social indicators, and monitor and report on environmental attitudes and technology usage.**Regional benefit**

Allows residents to have their voice heard by policy-makers. Provides a unique data source revealing updated economic conditions each half year, as well as domestic consumption trends and patterns over time.

**Project – Central Coast Economic Update functions****Time commitment** – 250 hours**Output** – Two business breakfasts per year attracting 440 in 2011-12. For attendance over time, see graph on Attachment 1. Invitations were circulated to over 1,200 individuals throughout the year. One regional briefing dinner for key sponsors and stakeholders (15 guests) with Reserve Bank deputy governor Dr David Orsmond.**Outcome/s** – Provide up-to-date economic information and analysis to aid evidence-based business planning. Provide an opportunity for business decision-makers to exchange information and form alliances.**Regional benefit**

Informs regional business operators and decision-makers of relevant and up-to-date data relating to micro- and macro-economic conditions, which is unavailable from other sources. Networking encourages regional cooperation and information exchange.

**Project – Central Coast Innovation Plan/Festival****Time commitment** – 350 hours**Output** – CCRF is a key stakeholder, with Enterprise Connect, Regional Development Australia-Central Coast and the University of Newcastle, in developing the ground-breaking Central Coast Innovation Plan. CCRF representative sat on the Central Coast Steering Committee for the 2012 Hunter Central Coast Innovation Festival and the Foundation is a proud participant in the Innovation Festival each year.**Outcome/s** – Conduct leading research to develop measures of business innovation and to monitor levels of innovation in the Region, and the factors that motivate businesses to innovate.**Regional benefit**

Monitoring the success of the Central Coast Innovation Plan will assist in demonstrating its outcomes and level of success in achieving its goals. CCRF efforts to develop measures of business innovation will help regional decision-makers to develop policies to encourage innovation and increased productivity in Central Coast businesses.

**Project – CCRF regional information services**

**Time commitment** – 25 hours

**Output** – Public access to regional information sources including HVRF resource library, free public enquiries service, extensive website, Central Coast facts page and media commentary.

**Outcome/s** – To freely provide access to reliable regional information and analysis that is unavailable through other sources.

**Regional benefit**

A regional information resource improves access to unique Central Coast demographic, economic and social data. A sponsors' enquiries service provides information on available statistics to answer specific research needs and access to research staff for advice.

## AN INVESTMENT IN A STRONG REGION

We invite you to consider funding CCRF under one of the following scenarios:

### Scenario A (Preferred CCRF option)

For an investment of **\$20,000 (+GST)** in 2012-13, Wyong Shire Council will assist the CCRF to continue delivering its unique and effective regional research program, as outlined above.

This continued service scenario is predicated upon both Councils providing support at this increased level, as well as CCRF success in raising further significant support from Central Coast based sponsors.

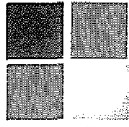
### Scenario B (sponsorship at 2011-12 level)

For an investment of **\$10,000 (+GST)** in 2012-13, Wyong Shire Council will assist the CCRF to deliver a scaled-back version of its regional research program, including:

- 1 Central Coast Business Survey
- 1 Central Coast Domestic Omnibus Survey
- 1 Central Coast Economic Update breakfast function
- 1 *Central Coast Economic Indicators* publication
- 1 *Central Coast At A Glance* publication

In return for Council's support, we are pleased to offer you a package of benefits, as outlined on following pages. **The benefits have been expanded to offer Council more direct involvement in the strategic direction of the CCRF.**

For a detailed five-year budget outlining CCRF's costs and funding needs, please see Attachment 1.



## Benefits offered to Wyong Shire Council as a Principal Major Sponsor

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Please find following the benefits package offered to Wyong Shire Council as a Principal Major Sponsor. We welcome your comments at any time and are happy to discuss any specific elements of our partnership.

### Access to CCRF/HVRF Research Services

- **5% discount on all contract research services**
- **Two COMPLIMENTARY standard questions in a chosen CCRF or HVRF Omnibus Survey (valued at \$1,800)**  
Conducted six-monthly in the Central Coast and Upper Hunter and quarterly in the Hunter Region, the survey seeks opinions from randomly selected households in the respective regions.

The complimentary questions also include a report of the key findings with a breakdown of results for key demographic information collected for sex, age, household size, tenure type and work status/occupation of the respondent.

- **Access to CCRF research staff for expert advice**  
CCRF researchers can provide advice on your organisation's research needs.
- **Free copies of CCRF working papers**  
Free copies of CCRF working papers on topics such as environmental attitudes and uptake of technology are circulated to Principal Major Sponsors as they are completed.

### Sponsors' Enquiries and Information Service

The Research Foundation maintains an extensive library. The library and information service is available to CCRF sponsor representatives. A free call telephone (and email) enquiry service operates for sponsors on weekdays on 1800 000 237 or [info@cctf.com.au](mailto:info@cctf.com.au)

As a Principal Major Sponsor you receive:

- **Access to the Foundation's information service and library, with priority given to Principal Major Sponsor enquiries**
- **Assistance with interpretation and analysis of off-the-shelf material including CData (Australia-wide data collected from the Census)**  
*2011 Census material available in 2012-13*



#### CCRF/HVRF website

Principal Major Sponsors' websites are linked from [www.ccrf.com.au](http://www.ccrf.com.au)  
A new, improved CCRF page with its own domain name was launched in 2012.

#### Publication Mailings (up to one copy per \$500 sponsorship)

Publications are regularly mailed directly to the nominated contacts within Gosford City Council. They include:

- *Central Coast Economic Indicators* (1 or 2 editions/year)
- *Sponsors' News* (4 editions/year)
- *Annual Report*
- *Central Coast at a Glance* (Annual)
- *Investment Projects: Hunter and Central Coast* (4 editions/year)

#### Function Invitations

The Foundation conducts many functions each year. As a Principal Major Sponsor you receive a number of complimentary invitations as well as Sponsor rates to all functions. Invitations are mailed to nominated contacts within your organisation. They include:

- **One complimentary table for 8 guests** at the Central Coast Economic Update breakfast (valued at \$960) – please note there may only be one in 2012-13

#### Promotion using the Wyong Shire Council logo

The Foundation acknowledges its Principal Major Sponsors to business and government representatives and the wider public through a number of its publications. These include:

- ***Sponsors' News*** (4 editions per year)  
Logo prominently displayed on the Sponsors' Page  
Distribution of approximately 700 per edition to other Sponsors, government representatives, the media, libraries etc.  
*Publication available from the HVRF website*
- ***Annual Report***  
Distribution of approximately 2,000 per year to Sponsors, government representatives, general marketing enquiries, the community  
*Publication available from the HVRF website*

A number of the Foundation's functions include a pre-function PowerPoint presentation which features our Principal Major Sponsor's logos. These include:

- **Central Coast Economic Update breakfast**  
Total audience in 2011-12 was 440  
Presentation running time approx. 30 minutes

#### Promotion using the Wyong Shire Council name

The Foundation promotes Wyong Shire Council to business and government representatives and the wider public by displaying your logo on table banners and in programs, and **mentioning them by name** at CCRF function:

- **Central Coast Economic Update breakfast**

The Foundation promotes the support of Principal Major Sponsors to its research clients. Principal Major Sponsors are mentioned on all:

- **Publication mail-out cover sheets**  
Distribution approximately 180 in 2011-12

#### Framed Sponsorship Certificates

- A special presentation of a framed certificate is made each year at the Central Coast Economic breakfast.

#### Communications

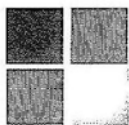
- Annual meeting with the Foundation's Chairman, Dr Wej Paradise AM
- Public Relations Manager and Marketing Manager respond to Wyong Shire Council requests and communications
- Council have an opportunity to provide feedback via our annual Sponsor/Patron Survey

#### ADDITIONAL BENEFITS

In addition to sponsor benefits outlined above, CCRF invite Wyong Shire Council to partner with us in creating a viable future research organisation that is more responsive to the emerging needs of the community.

Potential **NEW** areas for collaboration in return for increased support include:

- An annual meeting for key Council staff with CCRF Chairman, Dr Wej Paradise, and CCRF Senior Research Fellow Caroline Veldhuizen to provide input into the CCRF's research plan;
- Possible secondment of Council personnel to CCRF for collaborative projects;
- Participation by key Council personnel in the CCRF Board strategic planning session for 2012-13;
- The potential for other opportunities for involvement by Council following discussions with the Board of CCRF.



## Benefits provided to Wyong Shire Council in previous financial year

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The following summary outlines the specific benefits provided to you as a Principal Major Sponsor in 2011-12:

### CCRF Research Services

Two complimentary questions were included in the March 2012 Central Coast Omnibus survey to an enlarged survey sample. A report entitled *Community Attitudes Regarding Council's Investment of Resources and Provision of Services* was provided free of charge.

### Name and/or logo exposure through the Foundation's functions

- Including Economic Breakfasts, Annual Dinner, Sydney Luncheon, Lecture Series and Christmas function
- In 2011-12 guests totalled around 2,800 representing business and government and the community.

### CCRF Function Invitations

- 14 complimentary invitations were sent to Council representatives
- 47 other invitations were sent to Sponsor representatives (Sponsor discounts applied)

### CCRF Publications

- Sponsors' name and/or logo was included in Foundation's publications
- Total readership in 2011-12 exceeded 3,500
- 150 publications were mailed or delivered directly to Council representatives

### Other benefits

- Presentation to Council representatives by the CCRF Chairman, Dr Wej Paradice AM at Central Coast Regional Organisation of Councils meeting on Thursday, 31 May 2012

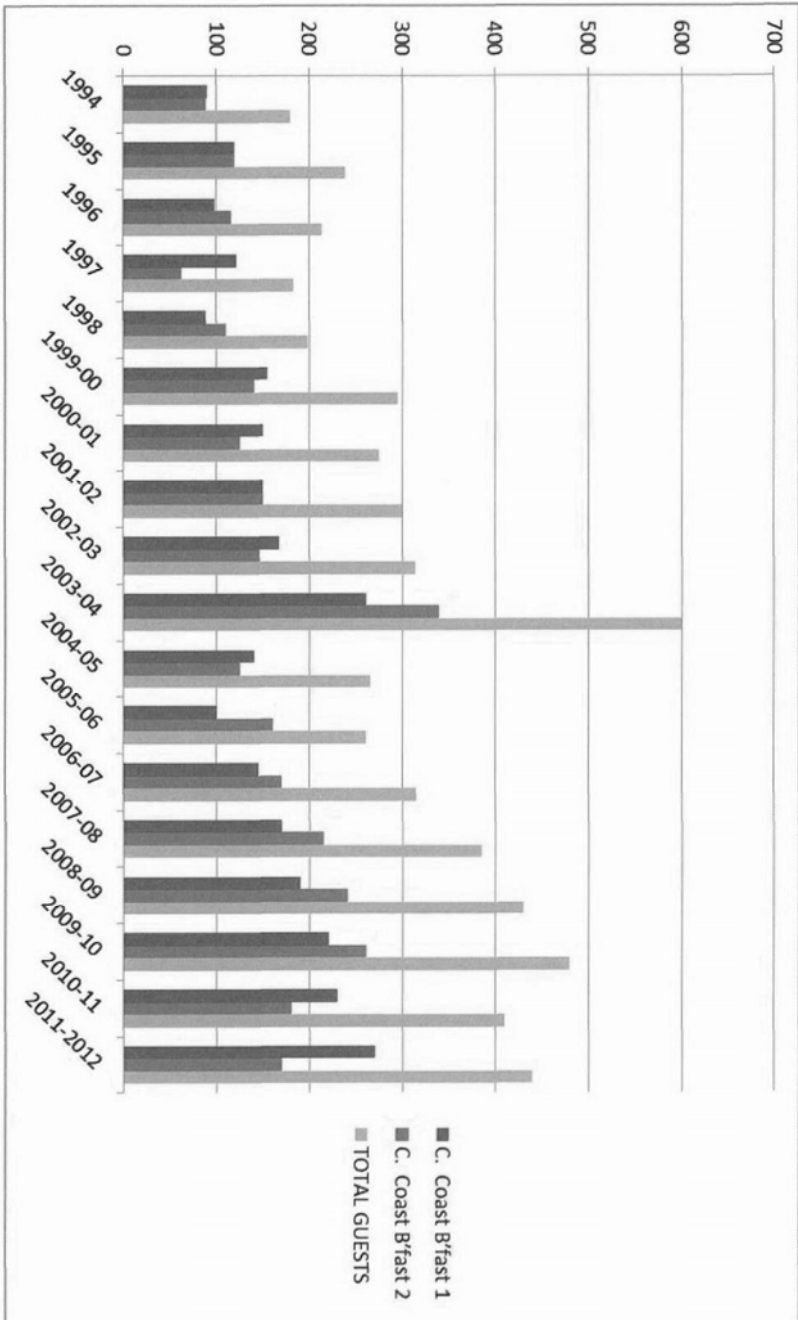
**ATTACHMENT 1****CENTRAL COAST RESEARCH  
FOUNDATION – FIVE YEAR BUDGET****BUDGET**

PROFIT & LOSS	2011-12	2012-13	2013-14	2014-15	2015-16
<b>INCOME</b>					
<i>Total Sponsorship</i>	\$ 32,655	\$ 125,000	\$ 132,000	\$ 149,000	\$ 166,000
<b>Products</b>					
-Omnibus Surveys Income	\$ 6,500	\$ 11,000	\$ 12,000	\$ 14,000	\$ 16,000
<i>Sub-Total</i>	\$ 6,500	\$ 11,000	\$ 12,000	\$ 14,000	\$ 16,000
Miscellaneous Income	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Function Receipts</b>					
-Economy B'fast Briefings	\$ 15,000	\$ 16,000	\$ 17,000	\$ 18,000	\$ 19,000
-Other Functions	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Sub-Total</i>	\$ 15,000	\$ 16,000	\$ 17,000	\$ 18,000	\$ 19,000
<b>TOTAL INCOME</b>	<b>\$ 54,155</b>	<b>\$ 152,000</b>	<b>\$ 161,000</b>	<b>\$ 181,000</b>	<b>\$ 201,000</b>
<b>EXPENDITURE</b>					
<b>ADMINISTRATION</b>					
General Administration	\$ 1,300	\$ 1,300	\$ 1,300	\$ 1,300	\$ 1,300
Organisational development	\$ 7,500	\$ 17,500	\$ 8,500	\$ 9,000	\$ 10,000
Management systems	\$ 800	\$ 800	\$ 800	\$ 800	\$ 800
Board meetings	\$ 800	\$ 800	\$ 800	\$ 800	\$ 800
<i>Sub-Total</i>	\$ 10,400	\$ 20,400	\$ 11,400	\$ 11,900	\$ 12,900
<b>MARKETING</b>					
General marketing	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500
Fundraising	\$ 2,800	\$ 2,800	\$ 2,800	\$ 2,800	\$ 2,800
Economic Update breakfasts	\$ 28,500	\$ 28,500	\$ 28,500	\$ 28,500	\$ 28,500
Other functions	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
General promotional material					
Annual report					
Media releases					
<i>Sub-total</i>	\$ 36,900	\$ 36,900	\$ 36,900	\$ 36,900	\$ 36,900
<b>ECONOMIC INDICATORS</b>					
<b>PUBLICATION</b>					
Data collection	\$ 19,745	\$ 19,745	\$ 19,745	\$ 19,745	\$ 19,745
Prep for printing	\$ 17,051	\$ 17,051	\$ 17,051	\$ 17,051	\$ 17,051
Printing for publication	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
Prep for presentation	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Publication development					
Training					
<i>Sub-total</i>	\$ 41,896	\$ 41,896	\$ 41,896	\$ 41,896	\$ 41,896

At A GLANCE					
Research	\$ 3,300	\$ 3,300	\$ 3,300	\$ 3,300	\$ 3,300
Word processing/printing	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
Marketing					
Sub-total	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300	\$ 5,300
ENQUIRIES					
Research	\$ -	\$ -	\$ -	\$ -	\$ -
Sub-total	\$ -	\$ -	\$ -	\$ -	\$ -
BUSINESS SURVEY					
Methods development	\$ 1,700	\$ 1,700	\$ 1,700	\$ 1,700	\$ 1,700
Data collection	\$ 12,500	\$ 13,000	\$ 14,000	\$ 14,500	\$ 15,000
Data analysis	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500	\$ 2,000
Interpretation	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
Interviewer training	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
Administration	\$ 1,300	\$ 1,300	\$ 1,300	\$ 1,300	\$ 1,300
Reports	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600
Sub-total	\$ 17,300	\$ 17,800	\$ 19,300	\$ 19,800	\$ 20,800
HOUSEHOLD SURVEY (Omnibus)					
Proposal	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300
Admin	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900	\$ 1,900
Questionnaire-CATI	\$ 3,700	\$ 3,700	\$ 3,700	\$ 3,700	\$ 3,700
Data collection	\$ 14,000	\$ 14,500	\$ 15,000	\$ 16,000	\$ 17,000
Interviewer Admin	\$ 2,600	\$ 2,600	\$ 2,600	\$ 2,600	\$ 2,600
Analysis	\$ 3,800	\$ 3,800	\$ 4,000	\$ 4,500	\$ 4,700
Reports	\$ 2,800	\$ 2,800	\$ 3,500	\$ 4,000	\$ 5,000
Sub-total	\$ 29,100	\$ 29,600	\$ 31,000	\$ 33,000	\$ 35,200
New research initiatives	\$ -	\$ -	\$ 15,000	\$ 32,000	\$ 45,000
<b>TOTAL EXPENDITURE</b>	<b>\$ 140,896</b>	<b>\$ 151,896</b>	<b>\$ 160,796</b>	<b>\$ 180,796</b>	<b>\$ 197,996</b>
<b>SURPLUS(DEFICIT)</b>	<b>-\$ 86,741</b>	<b>\$ 104</b>	<b>\$ 204</b>	<b>\$ 204</b>	<b>\$ 3,004</b>

**ATTACHMENT 2**

CCRF Central Coast Economic Update Breakfast function attendance 1994 to 2012



Central Coast Research Foundation

2012-13 Sponsorship Proposal

## 6.2 Review of Code of Meeting Practice

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TRIM REFERENCE: F2004/06502 - D03160033

MANAGER: David Jack, Director

AUTHOR: Lesley Crawley; Manager Corporate Governance

### SUMMARY

A review of the Code of Meeting Practice has been conducted and is proposed for adoption subject to exhibition and receipt of submissions in accordance with the Local Government Act 1993.

### RECOMMENDATION

- 1 ***That Council amend the Code of Meeting Practice in accordance with the table attached to the report.***
- 2 ***That the Council exhibit the amended Code for public comment in accordance with the provisions of the Local Government Act.***
- 3 ***That Council adopt the amended Code of Meeting Practice subject to no significant objections being received as a result of the public exhibition.***

### BACKGROUND

The WSC Code of Meeting Practice was last adopted in November 2011 as a result of an amendment. A comprehensive review of the entire document, in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009, was adopted in March 2011.

Council has recently resolved to amend the code to alter the method of recording voting to align it with the provisions of the Local Government Act, 1993. That amendment and a re-ordering of Chapter 5 – Conduct of Council meetings have been undertaken.

### THE PROPOSAL

It is proposed to amend the Code of Meeting Practice as follows:

<b>Part of Code</b>	<b>Amendment</b>
Definitions	Insert new item Planning Decisions
Section Headings	Minor changes to some section headings (mostly in Chapter 5)
Clause 5.4.1 – Form of Lodgement and	Delete wording not required

## 6.2 Review of Code of Meeting Practice (contd)

Part of Code	Amendment
content of Notice of Motion	
Motions and Amendments	Rename section to Motions and Resolutions of Council  Add new clauses
Section 5.14 Voting	Move part of clause  Add in new clauses
Clause 7.1.4 – Matters to be recorded in the minutes	Amend clause
Chapter 5 – Conduct of Council meetings	Re-ordering of the sections in Chapter five to provide a more logical representation of the conduct of a meeting.

A detailed table of the amendments indicating the current and proposed wording is provided as an enclosure to this report. The table lists Clause headings only unless the wording in the clause has been amended. In that case the entire clause has been listed. Wording changes are highlighted in yellow.

A copy of the draft amended Code of Meeting Practice November 2012 is also enclosed.

### OPTIONS

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

### STRATEGIC LINKS

#### Management Plan

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

#### Contribution of Proposal to the Principal Activity

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



**Link to Key Focus Areas**

Nil

**Financial Implications**

Nil

**Principles of Sustainability**

Nil

**CONSULTATION**

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

**GOVERNANCE**

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

**CONCLUSION**

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

**ATTACHMENTS**

- |   |   |           |           |
|---|---|-----------|-----------|
| 1 | Table of Proposed Amendments WSC Code of Meeting Practice November 2012 | Enclosure | D03180074 |
| 2 | Draft Amended WSC Code of Meeting Practice November 2012                | Enclosure | D03180087 |

### **6.3 Revised Internal Audit Plan To 30 June 2013**

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TRIM REFERENCE: F2004/07245 - D03164889

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Tina Baker; Senior Internal Auditor

#### **SUMMARY**

A Revised Internal Audit (IA) Plan was presented to the Governance Committee at their meeting on 19 September 2012. The Governance Committee recommended the Revised IA Plan for adoption by full Council. Since the Revised IA Plan (reproduced below) was presented to the Governance Committee, further progress has been made on some of the audit work that was underway at the time. In summary:

- The draft report on IT Security has been finalised and the results discussed by the Governance Committee at their meeting of 19 September 2012.
- The Governance Committee meeting on 19 September 2012 was attended by relevant Directors to discuss matters arising as a result of external reviews undertaken in the areas of waste management, plant and fleet and developer contributions.
- The two reports relating to procurement cards transactions (that were in draft at the time the Revised IA Plan was presented to the Governance Committee) have been finalised and distributed to all relevant parties, including Audit & Risk Committee members.
- The Terms of Reference for the ERMS Project review have been agreed and the review will begin week commencing 19 November 2012.
- Terms of Reference for the Fraud and Corruption Risk Assessment have been drafted and are with key stakeholders for comment, before commencing the process to seek expressions of interest from contractors to undertake the review.
- Consultation with Service Unit Managers is underway to help develop the next IA plan (2013-14).
- The Audit and Risk Committee Charter has been revised.
- The terms of office for the current independent members of the Audit & Risk Committee have been extended to June 2013
- The audit tracking system which monitors actions taken on agreed recommendations has been completely overhauled and will be rolled out to the Departments as soon as all the open recommendations from the old system have been transferred across.

**RECOMMENDATION**

***That Council adopt the revised audit plan, as recommended by the Governance Committee at their meeting on 19 September 2012.***

**Revised Internal Audit Plan for 2012-13****1. BACKGROUND**

1.1 A total of 31 audits were scheduled in the revised IA plan for 2011-13. To date:

- 7 have been completed and final reports issued
- 1 (IT Security) is currently at the draft report stage
- 7 are in progress (*5 of these were combined under the Procurement Transactions review and one of these elements – Procurement Cards – is also at draft report stage*)
- 16 have not been started

1.2 It should be noted that of the 16 audits that have not been started:

- 2 of these areas have already been reviewed by external contractors this year (*Plant & Fleet, Developer Contributions*)
- 2 of these areas are the focus of management attention and/or are being reviewed internally by the responsible Service Unit (*Cash Handling, Waste*)
- 4 of these are not formal audits but intended as update reports on the status of work underway by other Service Units (*2 x Major Projects, 2 x IT Strategy Updates*)
- 2 of these are duplicate reviews of audits scheduled for earlier in the work programme and currently underway (*Accounts Payable, Contracts*)

**2. CURRENT STATUS****2.1 Completed Audits (Final Reports Issued)**

Link Road	}	<i>did not form part of 2011-13 IA Plan but were conducted during the period whilst awaiting ratification of the IA Plan</i>
ICAC Burwood report	}	
(Report No: 01/11-12)	}	
1. Corporate Information		Report no: 02/11-13 & 04/11-13
2. RTA DRIVES 2010-11		Report no: 03/11-13
3. Service Delivery Review		Report no: 05/11-13
4. Human Resources		Report no: 06/11-13

- |                               |                                   |
|-------------------------------|-----------------------------------|
| 5. Rezoning                   | Reports no: 07A/11-13 & 07B/11-13 |
| 6. Procurement Project Update | Report no: 08/11-13               |
| 7. RMS DRIVES 2011-12         | Report no: 09/11-13               |

## **2.2 Completed Audits (Reports Currently In Draft)**

- |                                   |   |
|-----------------------------------|---|
| 1. Procurement Cards              | This was originally scheduled as a separate review, but was brought forward to form part of the Procurement Transactions Review (currently in progress). This element alone has generated two separate draft reports (no: 10/11-13 and 11/11-13). |
| 2. IT Security (Content Security) | No formal IA report number. Audit performed by an external contractor and managed by IT Unit.   |

## **2.3 Audits Currently In Progress**

- 1. Procurement Transactions**, which comprises a number of different systems:
  - Procurement Cards – this has highlighted a number of significant issues which have been captured in two separate reports, currently in draft – see above.
  - Supply
  - Accounts Payable
  - Contracts
  - Contractors & Consultants
- 2. Fraud & Corruption Risk Assessment.** No final Terms of Reference have been agreed or issued for this review. Some preliminary information gathering has been undertaken to date, but this needs to be put within the context of an agreed framework for the review to ensure the process followed for this particular risk assessment aligns with the broader corporate-wide risk management strategy and risk assessment processes being undertaken elsewhere in the organisation.
- 3. Closed Audit Recommendations** - no draft or final Terms of Reference were issued for this review. Some initial data analysis has been undertaken but not to the extent that the review has been progressed to any significant degree. Furthermore, a recent exercise undertaken by Directors to review and close off long-standing open audit recommendations will have added to the closed recommendations data pool so the initial analysis will now be out of date.

## **2.4 Audits That Have Not Been Started**

1. Plant and Fleet
2. Emergency Preparedness

3. Major Projects Update
4. IT Strategy Update
5. Environmental Management
6. Developer Contributions
7. Cash Handling
8. ERMS
9. Procurement: Contracts II
10. Procurement: Accounts Payable II
11. Financial Management
12. Waste Management
13. Floodplain Management
14. Major Projects Update II
15. IT Strategy Update II
16. Sponsorship Arrangements

### **3. SUMMARY OF THE PROPOSALS**

3.1 Taking into account all relevant constraints, including other priority IA actions (see section 5 below), it is proposed that the current IA plan is reconfigured to manage and prioritise the remaining work programme to deliver on the most significant reviews that are still outstanding. To facilitate this, it is proposed to assign each of the outstanding audits into one of the following categories:

- a. reviews to be completed or undertaken as part of the current IA work programme using existing/contracted audit resources
- b. reviews to be undertaken by Management and reported to Governance Committee
- c. reviews to be deferred for consideration under the next audit plan
- d. reviews to be dropped from the current IA programme

### **4. DETAILED PROPOSALS AND RATIONALE**

*Reviews To be Completed or Undertaken As Part Of The Current IA Work Programme Using Existing/Contracted Audit Resources*

4.1 **Procurement** – this is a transactional review of five different areas of procurement related activity: supply, accounts payable, contracts, consultants/contractors and procurement cards. This review is well underway and two reports relating to procurement cards are already at the draft stage. It is wholly appropriate therefore that this review is completed using existing audit resources, in line with the current audit plan and agreed Terms of Reference.

4.2 **Fraud & Corruption Risk Assessment** – some fieldwork on this has been undertaken although the scope of the work has not been agreed. As this is a *risk assessment* across the whole organisation rather than a standard audit it is proposed that an external contractor is brought in to undertake the assessment, using a clearly defined scope of work and agreed deliverables. This presents the opportunity to benchmark the organisation against other similar organisations in respect of key fraud and corruption risk vulnerabilities as well as to provide an associated heat map that could inform the IA Plan for the next period. Although it is proposed that this review is effectively outsourced it will still need to be managed closely to ensure that the assessment process (and any recommendations) are aligned to the work already underway to establish consistent enterprise-wide and corporate risk management practices.

4.3 **ERMS** – according to the current IA Plan, the ERMS project plan “*requires two audits of risk management processes, once in mid project (December 2012 quarter) and after the end of the project (December 2013).*” Development of the ERMS is underway in conjunction with Capital Insight and the project is now being managed by a Project Manager in Corporate Services. To meet the requirements of the ERMS Plan, it is proposed that a review of the ERMS is conducted during Q4/12 to determine whether the project is on track, how the stated benefits are being measured, whether they are being realised and the synergies with the existing corporate risk register. It is further proposed that this review is conducted in-house, by Internal Audit.

4.4 **Sponsorship Arrangements** – an audit of this area has not been conducted before. Council’s *Policy on Grants and Sponsorships (Outward from WSC)* was adopted on 23 June 2010. It would be timely to conduct this review to identify how the policy is being interpreted in practice and whether this is exposing Council to any significant risk, in particular around value for money, legal compliance, consistency of application and/or conflicts of interest.

*Reviews To Be Undertaken by Management and Reported to Governance Committee*

4.5 **Waste Management** – a new Waste Manager was appointed in October 2011 and there has been a lot of activity in the Service Unit to manage the active landfill, improve environmental compliance and set up/review key contracts such as for waste collection services. It would be timely therefore for Management to report to the Governance Committee on the progress being made to identify and implement operational improvements and the effectiveness of controls in place to manage compliance with environmental legislation and other key risks that are inherent within waste management operations.

4.6 **Plant & Fleet** – a “Best Value Review of Plant and Fleet” was undertaken by an external contractor (Morrison Low) in early 2012 and a final report was issued in May 2012. Work is also underway with Gosford City Council on the formulation of a Joint Services Business model for plant and fleet services for the two Councils and the Central Coast Water Corporation. It is proposed therefore that Management present their own report to the Governance Committee on the findings and recommendations arising from the Best Value Review and the actions underway to address the issues highlighted.

**4.7 Developer Contributions** – this area was last audited by IA in 2010. A review by IAB Services was also undertaken during Q2/2012 with their draft report currently being considered by management. A new Senior Contributions Officer was appointed in July 2011 and he is working through Council's financial commitments, works in kind and refund obligations. A further audit of this area would therefore be of limited value at this stage. Instead it is proposed that Management report to the Governance Committee on the outcomes and agreed actions relating to both the IAB review and the internal work undertaken by Council staff to implement a robust Contributions model that underpins future growth within the Shire.

*Reviews To Be Deferred For Consideration Under The Next Audit Plan*

**4.8 Financial Management** – the proposed scope of this review in the current IA Plan is extensive covering numerous topics from budgeting and business plans to reporting, payroll and asset management. The appointment of three new Financial Controllers in late 2011/early 2012 and more recently the new Chief Financial Officer in July 2012 creates opportunities for systems, processes, policies and procedures to be reviewed, revised and upgraded and discussions with the team indicate that this underpins their work agenda. It would be premature therefore to conduct a Financial Management audit at this stage as the new team need some time to review current work practices and implement their own change programme. It is recommended that this review is deferred, with consideration being given in the next audit plan to the possible inclusion of more specific systems that fall within the broad category of 'financial management' such as payroll, budgeting and asset management.

**4.9 Floodplain Management** – the proposed scope of this review in the current IA Plan is also very broad and, in specific areas such as stormwater management, the review would benefit from some technical advice to more fully understand the key risks and appreciate the most effective controls to manage those risks. It is proposed therefore that this review is not carried out as part of the current work programme but instead is carried forward to the next planning period when it can be considered in the full context of Council's broader audit 'universe' and to allow more work to be undertaken on understanding the full extent of the risks it presents.

**4.10 Environmental Management** – the current IA Plan acknowledges that, "*Council is making significant progress in bringing environmental sustainability into its key decision making processes. It has also significantly strengthened its environmental management processes in operational areas and is in the process of implementing an Environmental Management System.*" As with the scope of the reviews on both floodplain and financial management, the proposed scope of this review in the current IA plan is extensive. It is also backwards-looking stating: "*The review will also revisit the recommendations of the Adams Training and Consulting and Aurecon reports issued in 2009 to ensure that the more significant recommendations have been properly addressed.*" It is proposed that the specific elements that fall within this area be reconsidered as part of the next audit plan assessment process to ensure the focus of any review in the new plan is on the areas of greatest risk.

4.11 **Emergency Preparedness** - an audit of this area has not been conducted before. It is important that an organisation of this size, that employs so many local people and with responsibility for the delivery of key infrastructure and services has reliable and tested disaster recovery and business continuity arrangements in place. Likewise, Council needs sound emergency response plans in the event of an adverse occurrence affecting the community and/or LGA. Prior to a formal audit review, it is suggested that Management complete their own gap analysis and proposed corrective action in respect of both disaster recovery/business continuity *and* emergency preparedness (ie adverse event affecting the community, not Council or its employees). This also has links to corporate risks and how effectively they are being managed. It is further proposed that the results of the Management self-assessment are reported to the Governance Committee in due course. These will provide useful information to feed into the next IA Plan to help determine areas of focus for any future review of emergency preparedness/disaster recovery/business continuity.

*Reviews To Be Dropped From The Current IA Programme*

4.12 **Closed Audit Recommendations** – although some work has been undertaken on this review, no Terms of Reference have been drawn up or agreed. The original intention was to review significant closed audit recommendations with a view to re-establishing them as open if it is considered that the associated risk exposure still remains. Not only would it be difficult to form an objective opinion on each of these without actually undertaking extensive audit work to re-test the systems, processes or associated controls, but it also likely to require substantial input from the Service Units. Consequently the value of such a review is questionable and it is unlikely that there would be any appetite (and therefore support) in the Service Units for an audit of this type. Given the work carried out by the Directors recently to review **open** audit recommendations, it is proposed that the Closed Audit Recommendations audit is dropped. However, it is acknowledged that the formal audit follow up process could be more robust in order to validate the implementation of agreed actions so this will be captured as part of ongoing improvements in audit processes and methodology that will be rolled out, going forward.

4.13 **Major Projects Update** (x2) – these are not formal audits but intended as update reports on the status of work underway by the Major Projects Service Units. It is considered that IA can keep in touch with developments as necessary through meetings/briefings with project managers without the need for any formal reporting by audit. As the Governance Committee already receive updates on major projects and the General Manager/Directors are closely in touch with major projects work, it is recommended that these two update reviews are dropped from the current programme.

4.14 **IT Strategy Update** (x2) – as with the Major Projects update, these are not formal audits but were intended simply as update reports by IA on the development and implementation of the IT Strategy. The Joint Services Business model also incorporates IT Services which involves the development of a cross-organisational IT Strategy and requires a heavy investment of the Chief Information Officer's time and focus. As with major projects, IA can keep in touch with IT developments if necessary through occasional meetings/briefings with the CIO or his managers, without the need for any formal audit progress reporting. It is proposed therefore that the two IT Strategy updates are also dropped from the IA plan.



4.15 **Accounts Payable II** – this is a duplicate review of one of the areas in the procurement audit currently underway and so to perform a second review within the current programme would be of little value. It is recommended that this second review is dropped.

4.16 **Contracts II** - this is a duplicate review of one of the areas in the procurement audit currently underway and so to perform a second review within the current programme would be of little value. It is recommended that this second review is dropped.

4.17 **Cash Handling** – the recently appointed Financial Controllers have already started a review of cash handling. As the Service Unit responsible for ensuring cash is being handled and accounted for correctly it is appropriate that Finance continue with their review and so it is proposed that the separate audit by IA of the same area is dropped.

## 5. OTHER PRIORITY IA ACTIONS

5.1 **IA Strategic Audit Plan (from July 2013)** – considerable work needs to be undertaken to develop the next IA strategic plan covering the period from July 2013 onwards. This should involve a thorough risk-based audit needs assessment informed by quantifiable and objective data such as staff numbers, turnover, assets under management, spans or control, location, expenditure etc and underpinned by the corporate and Service Unit risk registers. It is not clear at this stage whether the ERMS strategy and risk registers will be developed in time to feed into the next IA Strategic Plan, so a possible interim solution is for a one year IA Plan to be drawn up covering July 2013 to June 2014 based on best available information. Then in future years, when the risk strategy and risk registers are firmly embedded within the organisation, the IA Strategic Plan can be properly and directly aligned to the risk framework. Subsequently, the risk assessments that are conducted to develop the risk registers will inform the audit programme and the results of internal audits (ie the effectiveness of controls in place to manage identified risks) will feed into the risk registers. This reflects the direct and symbiotic relationship between Risk Management and Internal Audit.

5.2 **IA Team Resourcing & Recruitment** – discussions and decisions are required to determine the future composition of the IA team in respect of skills, qualifications and experience requirements and the reporting lines. The current position descriptions will need to be reviewed and revised to ensure they reflect the full responsibilities of the agreed roles and then the associated recruitment activity will need to be undertaken.

5.3 **Charters** – both the IA and Governance Committee charters need to be reviewed and revised as they are out of date and do not fully reflect actual operational practices. The Governance Committee charter is the most pressing, as the current Committee's legitimacy "expires" with the end of the current Council's term of office so a new Charter should be available for approval at the first meeting of the new Committee in December 2012. This should also include the specific terms of remuneration for the external/independent Committee members (which should be formalised in contracts). Whilst responsibility for revising the Governance Committee Charter does not (and should not) rest with Internal Audit, the requirement is included here because it is a priority item given the need to form a new Governance Committee before the end of the year. Furthermore the IA Charter, which also requires updating, *is* an internal audit responsibility and should align with the Charter for the Governance Committee so there is likely to be some impact on the IA work schedule.

5.4 **Recruitment of Governance Committee External/Independent Members** - the current Governance Committee has been granted special provision to sit for their meetings on 19 September 2012 and 3 October 2012 (to review the annual financial statements). However, a new Committee needs to be convened for the next Council term and this relies on the appointment of external/independent members to form a quorum. The current Governance Committee Charter states: *“Appointment of the independent members shall be made by Council by way of a public advertisement and be for the duration of the Council term.”* So, a formal recruitment exercise for these members of the Governance Committee will need to be undertaken in the very near future to ensure that the proper recruitment process is followed so that the successful candidates are appointed into their roles in time for the Governance Committee meeting scheduled for 5 December 2012. To maintain an appropriate degree of separation for accountability purposes, responsibility for the recruitment of the independent members of the Governance Committee should not fall to Internal Audit but the task is included here on the basis of being a priority action and one which will affect the IA work schedule.

5.5 There are other improvements to undertake within the IA unit but these are not immediate priority items and can be fit around business as usual activity on an ongoing basis.

#### **ATTACHMENTS**

*Nil.*

## **6.4 Draft Minutes of the 19 September 2012 and 5 October 2012 Governance Committee meetings**

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TRIM REFERENCE: F2004/07245 - D03169422

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacque Elvidge; Councillor Services Officer

### **SUMMARY**

To confirm the draft Minutes of the Ordinary Governance Committee meeting held on 19 September 2012 and the Extraordinary Governance Committee meeting held of 5 October 2012.

### **RECOMMENDATION**

- 1 That the Council adopt the minutes of Ordinary and Extraordinary Wyong Shire Governance Committee meetings held on 19 September 2012 and 5 October 2012.**
- 2 That Council note the Committee recommendations from the 19 September 2012 and 5 October 2012 meetings.**

It is noted that the recommendations from the Governance Committee in relation to the Revised Internal Audit Plan and Financial Statements have been previously considered by Council.

Recommendations from the Governance Committee in relation to the Strategy for Reducing Contribution Credits will also be reported to Council separately.

The draft minutes of the 19 September 2012 Ordinary and 5 October 2012 Extraordinary Governance meetings are set out in full below:

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**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL  
HELD IN THE TIM FARRELL AND WILFRED BARRETT COMMITTEE ROOMS AT  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 19 SEPTEMBER 2012  
COMMENCING AT 9.30AM**

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**PRESENT**

Mr Bruce Turner (Chairperson), Mr Jason Masters (external member),  
Councillor R L Graham.

**IN ATTENDANCE**

Acting General Manager  
Director Environment & Planning Services (arrived at 9.34 am)  
Director Infrastructure Management (left at 11.02 am)  
Internal Auditor  
Internal Ombudsman (arrived at 9.43 am)  
Chief Financial Officer (arrived at 10.18 am)  
Chief Information Officer (arrived at 11.35 am)  
Manager Land Use Planning and Policy Development (arrived at 9.34 am)  
Manager Human Resources (arrived at 9.39 am and left at 9.45am)  
Councillor Services Officer  
Team Leader Governance and Councillor Services

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.30 am and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chairperson confirmed the existence of a quorum, which was maintained throughout the meeting.

**APOLOGIES**

The Chairperson advised that the General Manager - Mr Michael Whittaker, General Counsel - Mr Brian Glendenning, and External Member, Dennis Banicevic have advised that they are unable to attend the meeting due to other commitments.

## **6.4 Draft Minutes of the 19 September 2012 and 5 October 2012 Governance Committee meetings (contd)**

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During the course of the meeting reports were dealt with in the following order 1.1, 1.2, 1.3, 3.3, 2.1, 2.2, 2.4, 2.5, 2.3, 2.6, 2.7, 3.4, 2.8, 2.9, 3.1 and 3.2 however for the sake of clarity the reports are recorded in the minutes in their correct agenda sequence.

### **1.1 Disclosure of Interest**

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#### **Disclosure regarding all Agenda items**

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is assisting Cessnock City Council in the establishment of an Audit and Risk Committee, he is the Chairman of the Audit and Risk Management Committees of the Department of Premier and Cabinet, which includes the oversight of DLG and OEH, and the Institute of Internal Auditors, to which he is also a member of the Board, and remained in the meeting.

#### **Disclosure regarding all Agenda items**

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for the NSW Ombudsman Independent Member, Woollahra Council and also provides consulting services to IAB Services and remained in the meeting.

### **RECOMMENDATION**

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

### **1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 21 June 2012**

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#### **RECOMMENDATION**

***That the Committee confirm the adopted minutes of the previous meeting of the Wyong Shire Governance Committee held on the 21 June 2012.***

#### **BUSINESS ARISING**

There was no business arising.

### **1.3 Status Report on Outstanding Actions**

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Director Environment and Planning Services, Ms Gina Vereker, arrived at 9.34 am during consideration of this item.

Manager Land Use Planning and Policy Development, Mr Martin Johnson, arrived at 9.34 am during consideration of this item.

**RECOMMENDATION**

*That the Committee confirm the Status Report on Outstanding Actions for the Wyong Shire Governance Committee.*

**2.1 Revised Internal Audit Plan To 30 June 2013**

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Manager Human Resources, Ms Marie Hanson-Kentwell, left at 9.45 am during consideration of this item and did not return.

**RECOMMENDATION**

- 1 *That the Governance Committee recommend the revised audit plan for adoption by full Council.*
- 2 *That the Governance Committee note the additional internal audit related priority actions that also need to be undertaken up to 30 June 2013.*

**2.2 Other Matters**

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**RECOMMENDATION**

*That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.*

**2.3 2011 - 15 Strategic Plan - June Quarter Review (Q4)**

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**RECOMMENDATION**

*That the Committee note the fourth Quarterly Review (Q4) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 22 August 2012.*

**2.4 Waste Management Audit**

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**RECOMMENDATION**

*That the Governance Committee endorse Council's Action Plan based on the audit undertaken by the Environment Protection Authority and internal staff.*

**2.5 Plant and Fleet Audit**

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Chief Financial Officer, Mr Stephen Naven, arrived at 10.18 am during consideration of this item.

**RECOMMENDATION**

*That the Governance Committee endorse Council's Action Plan based on the audit undertaken by Morrison Low consultants.*

**2.6 Report from Internal Ombudsman**

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The Director of Infrastructure Management, Mr Greg McDonald, left at 11.02 am during consideration of this item and did not return.

**RECOMMENDATION**

*That the Committee note the report of the Internal Ombudsman.*

**2.7 Strategy for Reducing Contribution Credits**

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**RECOMMENDATION**

- 1 *That the Committee recommend to Council to reduce its \$1.1m credit liability under the Southern Lakes plan over time with the payout of these credits with 100% of the contributions collected under that Plan.*
- 2 *That the Committee recommend to Council to allow deed credits to be redeemed as offsets against contribution requirements in accordance with the terms of the deed.*
- 3 *That the Committee recommend to Council to allow non-deed credits and market value land credits to be redeemed as offsets against contribution requirements.*
- 4 *That the Committee recommend to Council to quarantine the redemption of "above market value" land credits pending further negotiations with the parties.*
- 5 *That the Committee recommend to Council to not accept any further dedications of land under CP7A unless the dedication is based on market values.*
- 6 *That the Committee recommend to Council to set a general principle that developers be required, in all future release areas, to dedicate drainage land and environmental land at no cost to Council or provide a management plan and suitable sureties/strategies for its maintenance.*

**2.8 IM Security Audit Summary Report**

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Internal Ombudsman, Ms Lilly Mojsin, left at 11.31 am, and returned at 11.41 am during consideration of this item.

Chief Information Officer, Mr Bob Platt, arrived at 11.35 am during consideration of this item.

Internal Auditor, Ms Tina Baker, left at 11.36 am, and returned at 11.38 am during consideration of this item.

Director of Environment and Planning Services, Ms Gina Vereker, left at 11.48 am, and returned at 11.51 am during consideration of this item.

**RECOMMENDATION**

*That the Governance Committee receive the report on Council's Information Management Security Audit Summary Report.*

**2.9 Risk Register Report**

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**RECOMMENDATION**

- 1 *That the Committee note the status of the WSC registered risks.*
- 2 *That the Committee endorse the revised project approach to Enterprise Risk Management Strategy (ERMS).*

**3.1 Council Committee Structure**

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**RECOMMENDATION**

*That the Committee note the report on Council Committee Structure and the resolution which was adopted by Council on 22 August 2012.*

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

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**RECOMMENDATION**

*That the Committee receive the report on CCWC/JSB Project Status Update - August 2012 which was adopted by Council on 22 August 2012.*



**6.4 Draft Minutes of the 19 September 2012 and 5 October 2012 Governance Committee meetings (contd)**

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**3.3 HR Policy Review Status Report**

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Manager Human Resources, Ms Marie Hanson-Kentwell, arrived at 9.39 am during consideration of this item.

**RECOMMENDATION**

*That the Committee receive the report on HR Policy Review Status Report.*

**3.4 Section 94 Contributions Modeling**

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**RECOMMENDATION**

*That the Committee note the report on Section 94 Contributions Modelling.*

**THE MEETING** terminated at 12.00 pm.

The next meeting is scheduled for Wednesday, 3 October 2012, start time to be determined.

**WYONG SHIRE COUNCIL****MINUTES OF THE  
EXTRAORDINARY WYONG SHIRE GOVERNANCE COMMITTEE OF  
COUNCIL**

HELD IN THE TIM FARRELL AND WILFRED BARRETT COMMITTEE ROOMS AT  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 05 OCTOBER 2012  
COMMENCING AT 11.00 AM

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**PRESENT**

Mr Bruce Turner (Chairperson), Mr Jason Masters (external member) and Councillor D P Vincent (*in attendance via phone link*).

**IN ATTENDANCE**

External Auditor (*in attendance via phone link*)  
General Manager  
General Counsel  
Director of Corporate Services  
Internal Auditor  
Internal Ombudsman  
Acting Chief Financial Officer  
Peter Buchhok – PricewaterhouseCoopers  
Lauren Wright – PricewaterhouseCoopers  
Councillor Services Officer

The Chairperson, Mr Bruce Turner, declared the meeting open at 11.05 am and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chairperson confirmed the existence of a quorum, which was maintained throughout the meeting.

**APOLOGIES**

The Chairperson advised that the Director of Environment and Planning Services and the Director of Community and Recreation Services have advised that they are unable to attend the meeting due to other commitments.

During the course of the meeting reports were dealt with in the following order, 1.1, 3.1, 3.2 and 2.1, however for the sake of clarity the reports are recorded in the minutes in their correct agenda sequence.

## 1.1 Disclosure of Interest

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### **Disclosure regarding all Agenda items**

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the Chairman of the DPC Audit Committee which includes oversight of the DLG and OEH and is also assisting Cessnock City Council to establish an Audit and Risk Committee. He has also been appointed Interim Managing Director for the Institute of Internal Auditors from the 8 October 2012 until a permanent appointment is made. Mr Bruce Turner chose to remain in the meeting and participate in discussion and voting as there are no matters covered at this meeting in relation to these entities.

### **Disclosure regarding all Agenda items**

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risk Committee for the NSW Ombudsman and is an Independent Member of the Audit and Assurance Committee for Woollahra Municipal Council. Mr Jason Masters chose to remain in the meeting and participate in discussion and voting as these conflicts have not influenced him in carrying out his duties.

## **RECOMMENDATION**

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

## 2.1 Consideration of Financial Statements for the 2011/12 Financial Year

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### **RECOMMENDATION**

*That the Governance Committee recommends that Council make the following resolutions in respect of the draft General Purpose, Special Purpose, Special Schedules and Water Supply Authority Accounts:*

- 1.1 That Council adopt the draft Wyong Shire Council financial statements for 2011/12.*
- 1.2 That Council refer the draft Wyong Shire Council financial statements for 2011/12 to external audit.*
- 1.3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2011/12 financial reports as required by legislation.*
- 1.4 That Council fix 24 October 2012 as the date for the presentation of the audited 2011/2012 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.*

3.1 2011/12 Interim Audit - Report from External Auditor

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**RECOMMENDATION**

*That Council receive the report on 2011/12 Interim Audit - Report from External Auditor.*

3.2 2011/12 External Audit - Documentation provided by External Auditor

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**RECOMMENDATION**

*That Council receive the report on 2011/12 External Audit - Documentation provided by External Auditor.*

**GENERAL BUSINESS**

**GB82/12 Council's Phone & Video Conference Facilities**  
**Councillor Doug Vincent**  
F2004/07245

Councillor Vincent advised that it was quite difficult to hear the meeting via phone link and suggested Council look into upgrading their phone conference facilities and research the possibility of video conference facilities for future meetings.

**THE MEETING** terminated at 12.30 pm.

The next meeting is scheduled for Wednesday, 5 December 2012, commencing at 9.30 am.

**ATTACHMENTS**

*Nil.*

## 6.5 Membership of Statutory Committees, Advisory Groups and Working Parties

TRIM REFERENCE: F2004/06497 - D03180066  
MANAGER: Michael Whittaker, General Manager  
AUTHOR: Lesley Crawley; Manager Corporate Governance

### SUMMARY

Reporting information on membership of Statutory Committees, Advisory Groups and Working Parties.

### RECOMMENDATION

*That Council confirm the membership of Statutory Committees, Advisory Groups and Working Parties.*

### BACKGROUND

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

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

### CURRENT STATUS

At its meeting of 10 October 2012 Council considered a report on a review of its committee structure and a report appointing Councillor representation on Strategic Committees, Statutory Committees, Advisory Groups and Working parties.

These groups also contain other members such as WSC staff and community representatives. This representation was not reviewed by Council at that time.

The adopted structure is shown in the table below.

Type	Naming Convention	Membership	Reporting	Frequency
Strategic	Strategic ***** Committee	Councillors Only	To Council	Quarterly
Advisory	The ***** Advisory Group	Councillors, community advisors, staff	To Director (and Council if required)	As Req'd
Working Party/Panel	***** Working Party	Councillors, community advisors, staff	To Strategic Committee or Council	As Req'd

Type	Naming Convention	Membership	Reporting	Frequency
			or Director	
Statutory Committee	***** Committee	As per Legislation	NA	As Req'd
Consultative Precincts	***** Community Precinct	Community Reps	Minutes to Councillors for information	As existing
Community Groups managing facilities on behalf of WSC	***** Facility Committee	Community Reps	To Director	As existing
Regional Committee of Councils	**** Regional Organisation of Council	All Councillors	Council	As existing
External Representation	Councillor Delegate to **** (External Body)	As required	NA	As Req'd

### THE PROPOSAL

It is proposed to review the membership of each adopted Committee or group to ensure that the representation is meeting the current needs of the Council.

#### Strategic Committees

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

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

*"Cl 260 Council may establish committees*

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

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

Membership on WSC Strategic Committee was adopted at Council's meeting on 10 October 2012. No further amendment to the membership is proposed.

#### Statutory Committees

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

- Local Traffic Committee, (internal)
- Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (internal)

## 6.5 Membership of Statutory Committees, Advisory Groups and Working Parties (contd)

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

The table below indicates membership requirements for internal statutory committees are:

Statutory Committee	Legislation /Agreement	Membership Requirements	Current Membership
Local Traffic Committee	Traffic Management Act	1 representative of the Council 1 representative of the RMS 1 NSW Police Local Member of Parliament	1 representative of the Council 1 representative of the RMS 1 NSW Police Local Member of Parliament  (Councillor Rep Cr Nayna – Alternate Cr Webster)
Tuggerah Lakes Estuary Coastal and Floodplain Management Committee	Estuary, Coastal and Floodplain Manuals (NSW Government)	As per guidelines provided in the Estuary, Coastal and Floodplain Management Manuals  (see table attached to this report)	see table attached to this report)  (Councillor Reps Taylor, Troy and Webster)

### **Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC)**

A separate table (attached) indicates membership of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee. The Committee was established as the Estuary Committee in 1995. Since that time the Committee has evolved to include Coastal and Floodplain issues.

In the 1990's, the NSW Government issued guidelines for local Councils to develop and implement individual Estuary, Coastal and Floodplain Management Plans. The Guidelines included models for establishment of and representation on respective Estuary, Coastal and Floodplain committees. The Committees were intended as vehicles of consultation between the council, State Government and the Community. The guidelines were also supported by Section 733 of the Local Government Act 1993 in that:

*“section 733 of the Local Government Act 1993 provides an exemption from liability for certain management actions by councils and the State Government relating to flooding and coastal management, provided these actions were made in good faith. Under this section, councils and the State Government are considered to have acted in good faith if the actions were undertaken substantially in accordance with the principles contained in the specified manual (this document).”*

As each of the Manuals was released by the Government and the associated Council plans were developed and adopted, the Council chose to utilise one committee to manage all three of the plans.

## **6.5 Membership of Statutory Committees, Advisory Groups and Working Parties (contd)**

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Page 1 of the Attachment indicates the membership identified by the State Government Manuals that contributed to the membership of the TLECFMC. Membership was adopted by Council as periodical review of the Committee charter between its inception and current times.

Page 2 of the attachment indicates the current recommended committee membership as a result of updates to the State Government Manuals. The current manuals are less prescriptive in relation to committee membership. In addition the 2005 Floodplain Manual recommends that *“Once the committee has completed the prime task of developing a management plan and associated implementation strategy, and the council has adopted these it is suggested that a limited group remain to oversee implementation.”*

### **Advisory Groups and Working Parties**

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

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

At its meeting of 10 October 2012 Council resolved to establish the following Advisory Groups with the following Councillor membership. The community membership on existing committees was reconfirmed.

### **OPTIONS**

Council may:

1. Adopt the current membership as presented
2. Adopt amended membership for individual committees and advisory groups

### **STRATEGIC LINKS**

#### **Long term Financial Strategy**

Nil

#### **Asset Management Strategy**

Nil

#### **Workforce Management Strategy**

Nil



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

Nil

**Budget Impact**

Nil

**CONSULTATION**

Nil

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil

**MATERIAL RISKS AND ISSUES**

Nil

**CONCLUSION**

Nil

**ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Representation Recommended on Estuary, Coastal and Floodplain Management Committees as per State Government Guidelines | D03181606 |
|----------|--|-----------|

**REPRESENTATION REQUIRED BY THE STATE GOVERNMENT ON COUNCIL COMMITTEE/S AS PER THE FLOODPLAIN, ESTUARY AND COASTLINE MANAGEMENT MANUALS**

Representation	Floodplain Management Manual 2001	Estuary Management Manual 1992	Coastline Management Manual 1990	Tuggerah Lakes Estuary & Coastal Management Committee
Elected members of Council	✓		✓	✓ (4)
Council staff	✓		✓	✓
Community representatives	✓	✓	✓	1 rep from each of: coastal, inter-tidal, Aboriginal, lakes, valleys
Flood affected residential & business areas (people who can effectively inform the community)	✓			
Relevant industry bodies	✓			Delta Electricity (1) Hunter Valley Energy Coal (1)
Action/environmental groups	✓	✓ (concerned with mgt of the estuary)		Birdie-Budgewoi Dunecare
Specific user groups		✓ (e.g. fishermen, recreational users)		TL Commercial Fishing Association
DUAP	✓	✓ (if appropriate)	✓ (planners)	
DLWC	✓	✓	✓ (Soil Conservation Service)	✓ (1) DIPNR
Public Works Department		✓	✓ (coastal engineers)	Same rep as above
SES	✓			
NPWS	✓ (if required)	✓ (if appropriate)		✓ (1)
NSW Fisheries	✓ (if required)	✓ (if appropriate)		✓ (1)
Other relevant government authorities		✓	✓ (if required for ad hoc)	EPA – Estuaries Branch (1) Waterways Authority (1)
Catchment Management Board*	✓			
Catchment Management Committee*		✓		

\* Both the Catchment Management Board and the Catchment Management Committee have ceased to operate and the Catchment Management Authority will carry out most of these functions. The Authority has been set up as a joint partnership between the State and Federal Governments.

Representation	*Floodplain Management Manual 2005  (was Floodplain Management Manual 2002)	Guidelines for preparing coastal zone management plans (Dec 2010)  (replaces the Estuary Management Manual 1992 and the Coastline Management Manual 1990)	Tuggerah Lakes Estuary Floodplain and Coastal Management Committee representatives
Elected Members of Council	✓	Establish a community advisory committee or reference panel to provide ongoing feedback during the preparation of the CZMP. Where such a committee or panel is established, it is important that key stakeholders including public authorities are involved, the terms of reference are clearly defined and council has responsibility for managing the planning process and the contents of the CZMP	✓ <b>3</b> <b>Taylor, Troy and Webster</b>
Council Staff	✓		✓ <b>3</b> (Managers Natural Resources, Estuary Management, Senior Planning Engineer, (various attending as required)
Community	✓		✓ <b>11</b> (1 Commercial Fishing 1 Coastal north, 1 coastal south, 1 valley, 1 estuary and coastal, 1 lakeshore, 1 intertidal and coastline, 2 flooding, 1 Aboriginal

Local Environmental Group(s)	✓		✓ <b>1</b> (Conservation)
Local Industry Body	✓		✓ <b>1</b> (Delta)
DIPNR	✓		<b>4</b> ✓ (DECCW – 1 Coastal and Estuary, 1 Floodplain Management, 1 Hunter Central Rivers Catchment Management Authority, National Parks and Wildlife Management)
SES	✓		<b>1</b> (Police and Emergency Services NSW)
Bureau of Meteorology	✓		<b>0</b>
Welfare Services	✓		<b>0</b>
Other Government Departments			<b>2</b> 1 Department of Primary Industries, Fisheries Industry and Investment, 1 NSW Maritime

## **6.6 Employment and Economic Development Strategic Committee and Heritage Statutory Committee Terms of Reference**

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TRIM REFERENCE: F2010/00500 - D03178865

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

### **SUMMARY**

Report on the Terms of Reference for the Employment and Economic Development Strategic Committee and the Heritage Statutory Committee.

### **RECOMMENDATION**

- 1 That Council adopt the Employment and Economic Development Strategic Committee Terms of Reference.**
- 2 That Council adopt the Heritage Statutory Committee Terms of Reference.**

### **BACKGROUND**

At its meeting held on 10 October 2012 Council resolved to adopt a Committee structure with a governance framework underpinned by consistency across Committee types. A template for standard Terms of Reference (TOR) for Strategic Committees and Advisory Groups was also adopted.

Two TOR's relating to specific committees have now been developed to reflect the roles and responsibilities of the respective committees and are now submitted for Council's consideration.

### **THE PROPOSAL**

The Role and responsibilities for each of the Committees listed below have been developed to ensure that the groups are operating in accordance with the direction of the Council and within the governance framework set by the Council:

- Employment and Economic Development Strategic Committee
- Heritage Statutory Committee.

The Heritage Statutory Committee is a new committee and has not previously met. The TOR for that Committee also recommends membership as follows:

*"The Committee will comprise 6 Community Representatives, 1 Council staff (facilitator's representative) and Council's Heritage Advisor.*

**OPTIONS**

- 1 That Council adopt the terms of reference.
- 2 That Council amend the terms of reference.

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

Nil impact.

**Contribution of Proposal to the Principal Activity**

Nil impact.

**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**

Nil impact.

**CONSULTATION**

The Terms of Reference for the Strategic Committee was forwarded to the Councillors for feedback. Any feedback received was included in the preparation of the TOR.

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil impact.

**MATERIAL RISKS AND ISSUES**

Nil impact.

**CONCLUSION**

The Local Government Act (the Act) provides for the establishment of committees by the Council to carry out any of its functions. The terms of reference define the roles and responsibilities of each committee and are ratified by Council.

**ATTACHMENTS**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Terms of Reference - Employment and Economic Development Strategic Committee | D03178869 |
| <b>2</b> | Terms of Reference - Heritage Committee                                      | D03178872 |



## Terms of reference for: Employment and Economic Development Strategic Committee

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





<b>APPROVED BY COUNCIL</b>	<b>DATE: 10 OCTOBER 2012</b>
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**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1		

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

**A. ROLE**

The role of the Employment and Economic Development Strategic Committee is to:

- A1 Foster employment, economic development and sustainable growth within the Wyong Shire and Central Coast community in alignment with Council's Strategic Plan and other regional strategies.
- A2 Attract and encourage the establishment of new employment economic development generating industries and businesses.
- A3 Support the promotion of Wyong Shire business and industry to local, national and international export markets.
- A4 Support initiatives that enhance the professionalism and competitiveness of Wyong Shire and the Central Coast businesses and industry.
- A5 Contribute to Council's strategic and business planning processes and policy development.
- A6 Promote innovation, education and skills development as key drivers behind the Shire's economic growth.
- A7 The Committee has no authority to make decisions on behalf of the Council.
- A8 The Committee has no authority to direct staff.

**B. RESPONSIBILITY**

The Employment and Economic Development Committee is responsible for:

- B1 Providing strategic advice and guidance to Council on identifying, recommending and supporting projects and initiatives that will, generate employment, economic development and sustainable growth within the Wyong Shire and Central Coast community in alignment with Council's Strategic Plan and other regional strategies.
- B2 Reviewing Council's Strategic documents relating to the Terms of Reference for this Committee.
- B3 Reviewing policy documents relating to the Terms of Reference for this Committee.
- B4 Reviewing employment generating development and infrastructure proposals.
- B5 Engaging with community on matters of employment and economic development.
- B6 Co-operatively engaging with other relevant bodies including Town Centre Managements, the private sector and Government agencies to gain maximise employment and economic development opportunities for the Wyong Shire community and the Central Coast region

**C. MEMBERSHIP**

- C1 The Council will determine the membership of the Committee.
- C2 The term of membership will be the term of the Council.

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

#### **D. ATTENDANCE**

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

#### **E. CONDUCT OF THE COMMITTEE**

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

#### **F. CHAIRPERSON**

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

#### **G. QUORUM**

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

**H. MEETING SCHEDULE**

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

**I. AGENDA**

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

**J. MINUTES AND REPORTING**

- J1 Minutes will be taken for all meetings of the Committee.
- J2 Minutes of the meeting shall be reported to the Council for adoption.
- J3 Minutes of the meeting shall be recorded in WSC information management database.
- J4 Minutes shall be published on the WSC Website.

**K. SECRETARY**

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

**L. CODE OF CONDUCT**

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

**M. CEASSATION OF COMMITTEE**

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



## Terms of reference for: Heritage Committee

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



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A. ROLE..... 4  
B. RESPONSIBILITY..... 4  
C. MEMBERSHIP..... 4  
D. ATTENDANCE..... 5  
E. HERITAGE COMMITTEE FACILITATOR..... 5  
F. CHAIRPERSON ..... 5  
G. VOTING..... 5  
H. QUORUM ..... 6  
I. MEETING SCHEDULE ..... 6  
J. AGENDA ..... 6  
K. MINUTES AND REPORTING..... 6  
L. SECRETARY..... 6  
M. CODE OF CONDUCT..... 7  
N. CEASSATION OF HERITAGE COMMITTEE ..... 7



**A. ROLE**

The role of the Heritage Committee is to:

- A1 Support Council generally in the development and implementation of strategies, policies and programs related to heritage conservation.
- A2 Monitor the aims and objectives of Council's provision for heritage items and places contained within Council's Local Environmental Plan and Development Control Plan and other pertinent documents.
- A3 Identify/consider heritage incentives for development of heritage sites in addition to (and consistent with) those provided in Council's Local Environmental Plan and Development Control Plan.
- A4 Make recommendations on the nomination and deletion of items from the Local Environmental Plan and to identify items of State significance, which necessitate inclusion in the NSW Heritage Office State Heritage Register.
- A5 Raise community awareness of heritage conservation (through publications, seminars, public displays and award recommendations).
- A6 Raise awareness of actions within the community that may result in loss or degrading of heritage items or areas.
- A7 Compile a register of local heritage suppliers, heritage consultants and develop a strong coordinated local heritage network.
- A8 Promote an integrated approach toward heritage including assistance with preparation and coordination of the NSW Heritage Office endorsed Heritage Strategy for Wyong Shire Council.
- A9 Assist Council to develop an Implementation Plan which is consistent with the objectives and actions of the Heritage Strategy.
- A10 Investigate opportunities to liaise with Heritage Committees in nearby Local Government Areas on a regular basis to consider regional conservation and promotion initiatives.
- A11 Promote the natural, cultural and historic heritage of the Wyong Shire Local Government Area and ensure it continues to develop a strong sense of place and identity.
- A12 Assist Council to procure, allocate and administer funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy.
- A13 Advise Council on a range of heritage-related matters which are of interest to the community, in particular, by providing local knowledge and guidance on heritage matters.
- A14 The Heritage Committee has no authority to make decisions on behalf of the Council.
- A15 The Heritage Committee has no authority to direct staff.

**B. RESPONSIBILITY**

The Heritage Committee is responsible for:

- B1 Advising and making recommendations to Council on matters relating to heritage.

**C. MEMBERSHIP**

- C1 The Council will determine the membership of the Heritage Committee.
- C2 The term of membership of the Committee will be the term of the Council.
- C3 The Committee will comprise at least 3 Community Representatives.
- C4 Community representatives will be selected by the General Manager in consultation with the Chairperson, on a merit basis, as a result of an expression of interest process. Advice of the successful applicants will be reported to Council for information.
- C5 WSC Staff may be members of the Heritage Committee if appointed by Council.

**D. ATTENDANCE**

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

**E. HERITAGE COMMITTEE FACILITATOR**

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

**F. CHAIRPERSON**

- F1 The Mayor or a person as appointed by Council will be the Chairperson of the Committee.
- F2 The Chairperson is to have precedence at the meeting and shall determine the order of proceedings generally as set by the agenda.

- F3 In the absence of the Chairperson, the Heritage Committee Facilitator's representative or a WSC staff member shall Chair the meeting.

**G. VOTING**

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

**H. QUORUM**

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

**I. MEETING SCHEDULE**

- I1 The Heritage Committee may meet quarterly or as required.
- I2 The Heritage Committee may meet at times and dates determined by consensus of the Group.
- I3 The Heritage Committee shall meet at the Wyong Civic Centre.

**J. AGENDA**

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

**K. MINUTES AND REPORTING**

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

K5 Minutes shall be published on the WSC Website.

**L. SECRETARY**

L1 The administration of the Heritage Committee shall be undertaken by a Council staff member reporting to the Heritage Committee Facilitator.

**M. CODE OF CONDUCT**

M1 All Heritage Committee Members are required to comply with WSC Policies including the WSC Code of Conduct.

**N. CEASSATION OF HERITAGE COMMITTEE**

N1 The Heritage Committee shall cease to operate 40 days prior to the Local Government Election.

## **6.7 Wrack Harvesting**

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TRIM REFERENCE: F2004/11674 - D03183425

MANAGER: Greg McDonald, Director

AUTHOR: Robert Fulcher; Manager Asset Management

### **SUMMARY**

This report is provided in response to a Notice of Motion raised at Council's Ordinary Meeting held on 24 October 2012. At this meeting, Council:

"RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

- 1 *That Council recognise the need to double the wrack collection from Tuggerah Lakes, both through increased weed harvester operation and by collection from the lake foreshores.*
- 2 *That Council include in its draft budget for 2013 – 2014 provision for such increased collection costs.*
- 3 *That Council request the General Manager to submit a report to Council on "green tape" restrictions curtailing wrack collection/removal.*
- 4 *That Council direct the Mayor and the General Manager to raise the State Government agencies' "green tape" restrictions with the Minister for the Central Coast at their regional forum meeting on 9 November 2012 and seek exemption/relaxation.*
- 5 *That Council request the General Manager to submit a report to Council on the adequacy of existing equipment to achieve significant increase in wrack removal."*

### **RECOMMENDATION**

***That Council receive and note this report.***

### **BACKGROUND**

#### **Wrack**

Wrack is the accumulation of dead marine vegetation such as seagrass leaves that have been shed and is floating in the lake. It can also be comprised of algae or other vegetative matter. Seagrass is a deciduous plant, shedding its leaves a couple of times a year. The wrack then floats or is wind driven towards the shore where it accumulates and decomposes.

Wrack can build up in certain areas due to the weather conditions, profile of the foreshore, and presence of man made structures. These factors decrease the ability for wrack to naturally drift along the foreshore and back out into the lake.

### **Dredging**

In addition to wrack harvesting, Wyong Shire Council has dredged The Entrance Channel when needed since 1993. Dredging the channel helps the tidal flow between the ocean and Tuggerah Lakes. To undertake dredge activities, Council needs a licence under the *Protection of the Environment Operations Act 1997* (POEO Act) and approval from the Land and Property Management Authority.

Currently Council holds an Environment Protection Licence No 3200 with the Environment Protection Authority. This licence allows the extraction up to 100,000m<sup>3</sup> of sand from The Entrance Channel per year. The Anniversary date for this licence is January and it is renewed annually. Council is required to publicly demonstrate its compliance with monitoring and reporting conditions within the licence.

**Council will need to apply to the NSW Environment Protection Authority to amend this licence.**

### **CURRENT STATUS**

Currently, the wrack collection program is designed to make the shorelines adjacent to our prominent public foreshores across Lake Munmorah, Budgewoi Lake and Tuggerah Lakes more aesthetically pleasing and to promote active recreation such as swimming and boating. Wrack collection also contributes, to some extent, to improving lake water quality.

Wrack harvesting within the areas that are collectively known as Tuggerah Lakes have been licensed and approved by **Department of Primary Industries (Fisheries)** for 5 years, valid until 30 June 2016. To complement wrack harvesting areas, some non harvesting areas or natural areas have been left as control areas for future comparison, so it can be determined if wrack harvesting causes detrimental effects to the environment.

The Department of Primary Industries (Fisheries) approval requires specific conditions to be met including

- Remove wrack only using the current machine which has been assessed as permissible.
- No living vegetation (this includes seagrass beds and saltmarsh), other than macro algae, is permitted to be removed.
- Adhere to the Part 5 assessment undertaken with the permit application.
- Can not harm marine vegetation, riparian vegetation or water land outside the work footprint approved under the permit.
- Management practices required (design of the harvester, staffing, operational practices) to limit impact on sygnathids species (Syngnathids are a family of fish which includes seahorses, pipefishes, and weedy and leafy sea dragons).

- These licenses are valid until 30 June 2016.

### Operating Requirements

The harvester was purchased in 1999 for \$460,000 and essentially consists of a flat bottom boat propelled using two large paddle wheels with a series of conveyors to lift floating wrack out of the water. Over the past 12 months the harvester removed approximately 4,000 m<sup>3</sup> (1,000T - dried) of wrack from the lake with a 2012/13 operating budget of \$367,000.

The collected wrack is transported by the harvester, and redeposited on designated 'weed pads' at strategic locations along the foreshore, specifically designed and approved by Council to dry out the wrack. Once dried, this wrack is recollected with heavy machinery and transported for lawful disposal at the Buttonderry Waste Management Facility. It is estimated that disposal costs are greater than \$90,000 per year in waste management fees and transport costs.

Where the wrack is of high quality and has no contaminants, on occasion it can be used in dune restoration projects with **specific approval from the Office of Environment and Heritage**.

Two full time staff hold the necessary operating licences to operate the harvester and alternate between the operation of the harvester and dredge. Relief plant pool staff make up outstanding operational requirements

Due to the harsh operating environment, the harvester is prone to regularly breaking down. There is no need to purchase a new harvester is regularly maintained and key components renewed. Continued operation will involve a review of the harvester's depreciation costs.

The harvester is not able to remove wrack that is blown on to the foreshore areas. To collect this material, it is proposed to use a low impact ground pressure tractor (brand name Truxor) to collect the foreshore weed and push it back in to shallow water so it can be collected by the harvester.

### OPTIONS

In order to fulfil the Council direction to double wrack removal, the following options are proposed.

#### 1. Operate under existing Licence

- Environmental matters
  - Maintain existing licence to harvest from public foreshore areas with a community benefit
  - Operationally, Council increase the volume of wrack harvested from within the licensed areas **without the need for additional licence approvals or modifications**
  - Lodgement and payment of Development Application fee with Council for additional wrack storage drying areas along the foreshore to dry additional wrack.
- Improved operating efficiency

- Harvested wrack to be transported by alternative means (flat bottom barge) to drying areas along the foreshore - at present the harvester spends close to 70% of its time transporting wrack to the shoreline. The introduction of a transport barge will allow the harvester to operate more efficiently.
  - Increase the return frequency of the harvester to a particular site for collection ***without the need for additional licence approvals or modifications***
  - Implement operational efficiencies to ensure operation times of the wrack harvester is maximised.
  - The use of the proposed transport barge will minimise the stress on the harvesting machine by avoiding it having to undertake stop, start and manoeuvring operations for disposal and it can continue with harvesting uninterrupted
- Reduce cost implications
    - Maximise drying of wrack to minimise waste management disposal fees
    - Gain specific exemption from **Office of Environment and Heritage** to reuse wrack on rehabilitation projects

## 2. Modify existing Licence to cover additional foreshore areas

- Improved level of service
  - Harvesting additional areas will benefit private landholders with direct frontage to the lakes
- Environmental matters
  - May reduce time spent on public foreshores
  - Modification to be granted from Department of Primary Industries (Fisheries) under Part 2 & 7 of the Fisheries Management Act 1994.
  - Same licence expiry date 30 June 2016 (currently 12 months into current licence)
  - Complete and submit for amendment under Part 2 & 7 of the Fisheries Management Act 1994 including a Part 5 Environmental Impact Assessment (EIA) to demonstrate the proposed increased wrack harvest areas will have no adverse impacts
  - ***Note: Previous Part 5 EIA identified No Threatened populations or endangered ecological communities are present within the lake system therefore only requiring Part 5 EIA under EP&A act 1979***
  - Lodgement and payment of administrative fee to Department of Primary Industries (Fisheries) for modification of existing licence
  - Lodgement and payment of Development Application fee with Council for additional wrack storage drying areas along the foreshore to dry additional wrack.
  - Gain specific exemption from **Office of Environment and Heritage** to reuse wrack on rehabilitation projects
- Reduce cost implications
  - Maximise drying of wrack to minimise waste management disposal fees



### 3. Submit Application for 'new' Licence to cover additional foreshore areas

- Improved level of service
  - Harvesting additional areas will benefit private landholders with direct frontage to the lakes
- Environmental matters
  - Licence and Approval to be granted from Department of Primary Industries (Fisheries) under Part 2 & 7 of the Fisheries Management Act 1994
  - Licence expiry date would be 5 years from date of determination.
  - Complete and submit application under Part 2 & 7 of the Fisheries Management Act 1994 including a Part 5 Environmental Impact Assessment (EIA) to demonstrate the proposed increase of wrack harvesting will have no adverse impacts
  - **Note: Previous Part 5 EIA identified No Threatened populations or endangered ecological communities are present within the lake system therefore only requiring Part 5 EIA under EP&A act 1979**
  - Lodgement and payment of administrative fee to Department of Primary Industries (Fisheries) for creation of new licence
  - Lodgement and payment of Development Application with Council for additional storage drying areas along the foreshore to dry additional wrack.
  - Gain specific exemption from **Office of Environment and Heritage** to reuse wrack on rehabilitation projects
- Reduce cost implications
  - Maximise drying of wrack to minimise waste management disposal fees

### **THE PROPOSAL**

Option 1 can commence as soon as funds are allocated in 2013/14 to allow the capital purchase of operating equipment such as a barge and Truxor for an estimated cost of \$500,000. The actual cost of purchasing this equipment is not known at this stage

A full operational and cost benefit analysis is required to determine the most appropriate equipment configuration to maximise the usage of the existing wrack harvester, storage and drying of wrack on land and appropriate method for wrack disposal.

Once funds are allocated, completion of operational and cost benefits, purchase of equipment, approval gained for additional wrack storage and drying areas, obtain approval to reuse collected wrack both at Buttonderry WDF and on rehabilitation projects can be better utilised (say six months lead time).

Option 2 is an extension of and is similar to option 1 but it will allow the collection of wrack from additional foreshore areas. It will not see additional volumes of wrack collected above those in Option 1. Allow a further six months to obtain the necessary approvals to modify the current approval. The costs of any necessary studies to obtain associated approvals are not known at this stage.

Option 3 is an extension of Option 2 and involves a new approval being obtained. Allow an additional twelve months for this approval.

## 6.7 Wrack Harvesting (contd)

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It is proposed to implement Options 1 and 2 initially with option 3 being implemented when the present licence expires and requires renewal.

### 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>
Community & Recreation	Wrack harvesting	Coordinating the development and sustainable maintenance of recreation facilities		

#### **Contribution of Proposal to the Principal Activity**

The proposal will make the foreshore more accessible for boat users, swimmers and recreational users.

#### **Long term Financial Strategy**

Increased capital and recurrent operational costs will be involved.

#### **Asset Management Strategy**

Not applicable.

#### **Workforce Management Strategy**

Will require increase in staffing numbers with relevant qualifications.

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

The proposal links to the following objective:

*Areas of natural value will be enhanced and maintained.*

#### **Budget Impact**

Budget will be impacted by the need for increase in capital, staff and recurrent operational expenses. This has not been accurately costed at this stage.

### CONSULTATION

At this stage, there have been no external consultation. Key internal stakeholders were asked to provide advice / recommendations on options.

**GOVERNANCE AND POLICY IMPLICATIONS**

Nil impact

**MATERIAL RISKS AND ISSUES****Material risks**

Under Option 1, there is no risk as Council already has relevant approvals, we are only increasing the frequency and volume of wrack removed.

Under Options 2 and 3 risks / issues are:

- Not getting approval to do work.
- Requirement to undertake ecological assessments on current controlled sites before gaining approval for future wrack collection.

**CONCLUSION**

It is recommended that as the first step, implement Option 1 as soon as funds are available.

In parallel with this begin making arrangements for Option 2 (to vary the present licence) with a view to implement Option 3 (permanent licence amendment) by 2016.

This licence has no requirement or conditions of consent restricting the volume of wrack that can be removed or the frequency of harvesting of wrack from identified harvest areas. Operational changes and budget considerations should also be implemented in 2013/14 to further maximise the efficiency of wrack removal from the Lakes in conjunction with option 1.

**Option 1** can then be pursued during 2012/13, with possible implementation later in 2013/14.

**ATTACHMENTS**

*Nil.*

## **7.1 Information Reports**

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TRIM REFERENCE: F2012/00026 - D03174295  
MANAGER: Lesley Crawley, Manager Corporate Governance  
AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

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

### **RECOMMENDATION**

***That Council receive the report on Information Reports.***

### **ATTACHMENTS**

*Nil.*

## 7.2 Quarterly Update on Section 94 Contributions

TRIM REFERENCE: F2004/00552 - D03157271

MANAGER: Gina Vereker, Director

AUTHOR: Sandy Rose; Contributions Officer

### SUMMARY

This report provides the current status of Council's Section 94 and drainage contributions (excluding water and sewer) for the beginning of July 2012 to the end of September 2012.

### RECOMMENDATION

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

### BACKGROUND

The following table shows the year to date budgeted Section 94 income per Contribution Plan compared with the year to date actual income.

Contribution Plan	Section 94		
	Actual Income YTD	Budgeted Income YTD	Variation YTD
Budgewoi	\$0	\$0	\$0
The Entrance	\$66,162	\$131,250	-\$65,088
Gorokan	\$10,723	\$0	\$10,723
Warnervale*	\$1,260,706	\$441,250	\$819,456
Ourimbah	\$20,403	\$0	\$20,403
Southern Lakes	\$0	\$0	\$0
San Remo	\$0	\$14,500	-\$14,500
Toukley	\$8,561	\$0	\$8,561
Wyong	\$127,652	\$0	\$127,652
Shire Wide	\$68,553	\$16,750	\$51,803
Northern Districts	\$0	\$24,000	-\$24,000
<b>Total</b>	<b>\$1,562,760</b>	<b>\$627,750</b>	<b>\$935,010</b>

Contribution Plan	Drainage		
	Actual Income YTD	Budgeted Income YTD	Variation YTD
Budgewoi	\$0	\$0	\$0
The Entrance	\$0	\$0	\$0
Gorokan	\$0	\$0	\$0
Warnervale**	\$302,681	\$125,000	\$177,681
Ourimbah	\$0	\$0	\$0
Southern Lakes	\$0	\$0	\$0
San Remo	\$0	\$0	\$0
Toukley	\$0	\$0	\$0
Wyong	\$0	\$0	\$0
Shire Wide	\$0	\$0	\$0
Northern Districts	\$0	\$0	\$0
<b>Total</b>	<b>\$302,681</b>	<b>\$125,000</b>	<b>\$177,681</b>

Section 94A income for July 2012 to September 2012 is \$62,880.

\* This income is from 2 developments in Warnervale. In August twenty one units in Hamlyn Terrace with s94 contributions of \$613,173 was approved. In September a forty four lot subdivision in Woongarah with s94 contributions of \$647,534 was approved.

\*\* This income is from 2 developments in Warnervale. In August twenty one units in Hamlyn Terrace with drainage contributions of \$88,681 was approved. In September a forty four lot subdivision in Woongarah with drainage contributions of \$214,000 was approved.

The total projected S94 income for 2012/13 is \$3,000,000 (including drainage). Projected income was based upon forecasting development activity and the review of previous years actual income received.

### Unfunded Liabilities

In accordance with an outcome of the Councillor workshop held 10-11 February 2012, a strategy has been developed to manage current and potential future unfunded liabilities. A report and a draft strategy will be presented to a future Ordinary meeting for Council's consideration.

### ATTACHMENTS

Nil

### **7.3 Operational Activities and Trends Associated with the Animal Care Facility**

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TRIM REFERENCE: F2006/01779 - D03172142

MANAGER: Gina Vereker, Director

AUTHOR: Jody Hinds; Chief Ranger

#### **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 a first quarter financial year analysis for 2012/13.

#### **RECOMMENDATION**

*That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility.*

#### **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 first quarter of the 2012/13 financial year.

#### **Wyong Shire Companion Animal Strategy**

Council's Companion Animal Strategy has 5 key objectives:

## 7.3 Operational Activities and Trends Associated with the Animal Care Facility (contd)

### 1. To have fewer animals arrive at the ACF

The objective to have fewer animals arriving at the animal care facility is being achieved with a downward trend across each of the areas from which animals arrive at the facility.

Comparison of 1st Quarter Activities – July to September 2012	2009/10	2010/11	2011/12	2012/13 1 <sup>st</sup> quarter only
<b>Animals 'Arriving' at the ACF</b>	<b>1615</b>	<b>1422</b>	<b>1307</b>	<b>527</b>
<b>*Total in facility at start of month</b>	Not available	Not available	171 392 <b>*563</b>	47 54 <b>*101</b>
<b>Seized animals transferred to Council's ACF</b>	19 329 <b>348</b>	3 281 <b>284</b>	2 229 <b>231</b>	0 98 <b>98</b>
<b>Dumped</b>	391 713 <b>1104</b>	392 625 <b>1017</b>	217 768 <b>985</b>	83 224 <b>307</b>
<b>Surrendered by owners</b>	34 129 <b>163</b>	16 105 <b>121</b>	11 80 <b>91</b>	7 14 <b>21</b>

### 2. To increase the number of animals released to their owners

**Result:** The number of seized animals released to their owners is remaining high.

Comparison of 1st Quarter Activities – July to September 2012	2009/10	2010/11	2011/12	2012/13
<b>Released to owner (from the ACF)</b>	25	18	31	12
• Cats	607	495	605	199
• Dogs	<b>632</b>	<b>513</b>	<b>636</b>	<b>211</b>



**7.3 Operational Activities and Trends Associated with the Animal Care Facility (contd)**

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**3. To increase the number of animals sold**

**Result:** Efforts to promote the sale of cats and dogs from the animal care facility is on track this is due to the efforts of staff and the volunteers that work at the ACF to socialise and walk the animals.

<b>Comparison of 1st Quarter Activities – July to September 2012</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Sold</b>				
• Cats	105	159	120	36
• Dogs	221	254	203	41
	<b>326</b>	<b>413</b>	<b>323</b>	<b>77</b>

**4. To increase the number of animals released to re-homing organisations**

**Result:** Council continues to work effectively with the rescue groups.

<b>Comparison of 1st Quarter Activities – July to September 2012</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Released to organisations for rehoming</b>				
• Cats	89	22	21	23
• Dogs	119	96	128	45
	<b>208</b>	<b>118</b>	<b>149</b>	<b>68</b>

**5. To increase the number of animals saved (expressed as a % of total animals arriving at the ACF)**

**Result:** The total number of animal's saved, expressed as a % of total animals at the ACF was 86% (527).

Of the 78 animal's euthanased:

18 were dogs of Restricted breed.

14 Dangerous.

16 due to illness or injury.

7 feral cats

23 that that had displayed vicious or unacceptable aggressive behaviour.

Excluding vicious, ill and diseased cats and dogs the euthanasia rate of healthy animals was at **0%**.

## 7.3

### Operational Activities and Trends Associated with the Animal Care Facility (contd)

Comparison of 3rd Quarter Activities – July to March 2012	2009/10	2010/11	2011/12	2012/13
<b>Animals 'Euthanased'</b>	<b>281</b>	<b>299</b>	<b>161</b>	<b>78</b>
<b>Euthanased Restricted Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> • Dogs only	<b>3</b>	<b>8</b>	<b>17</b>	<b>18</b>
<b>Euthanased Dangerous Dogs (Category 1<sup>st</sup> introduced in 2007/08 reporting period)</b> • Dogs only	<b>32</b>	<b>25</b>	<b>23</b>	<b>14</b>
<b>* Euthanased – Owners Request (Does not include dangerous or restricted dogs)</b> • Cats • Dogs	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* Euthanased – Unsuited for re-homing (Does not include dangerous or restricted dogs)</b> • Cats (incl. feral) • Dogs	NA	46 68 <b>114</b>	23 47 <b>70</b>	16 15 <b>31</b>
<b>* Euthanased – Unable to re-home (Does not include dangerous or restricted dogs)</b> • Cats • Dogs	83 77 <b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* Euthanased – Due to illness/disease/injury (Does not include dangerous or restricted dogs)</b> • Cats • Dogs	55 31 <b>86</b>	124 28 <b>152</b>	34 17 <b>51</b>	8 8 <b>16</b>
Total animals euthanased as a % of animals arriving at the ACF over the period (including Restricted, Dangerous, Ill, Diseased, unsuitable for rehoming)	<b>281/1615 = 17%</b>	<b>299/1422 = 21%</b>	<b>161/1870* = 8.6%</b>	<b>78/527 = 14%</b>
Animals euthanased (not including Restricted, Dangerous, Ill, Diseased, unsuitable for rehoming {inc feral cats})	160/1615 = 10%	114/1422 = 8%	60/1870* = 3%	0/527 = 0%
<b>Animals died at ACF</b> • Cats • Dogs	13 9 <b>22</b>	7 10 <b>17</b>	3 5 <b>8</b>	2 0 <b>2</b>

**7.3 Operational Activities and Trends Associated with the Animal Care Facility (contd)**

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**ATTACHMENTS**

*Nil.*

## **7.4 Chinese Theme Park Proposal - Status Update**

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TRIM REFERENCE: F2011/00192 - D03176019

AUTHOR/ MANAGER: Brett Phillips; Manager Economic and Property Development

### **SUMMARY**

Reporting on the current status of the proposed Chinese Theme Park at Warren Road Warnervale.

### **RECOMMENDATION**

*That Council receive the report on Chinese Theme Park Proposal - Status Update.*

### **BACKGROUND**

- Council purchased the subject land in late 1977 for \$30,000.
- The land was zoned 4E - Regional Industrial and Employment Development Zone in 1997. The current lot was created by subdivision in October 1999 in conjunction with the development of the Warnervale Business Park and has been owned by Council since that time.
- In 2004 Council lodged a development application (DA 3130/2004) to subdivide 8 Hectares of land into 2 industrial allotments. The application was subject to intense scrutiny by Government Agencies and Council and was ultimately approved in February 2007, approximately 3 years after lodgement. The cost of the supporting information and studies, including a Species Impact Statement, for the development application was in the vicinity of \$300,000.
- The establishment of the Wyong Employment Zone (WEZ) resulted in an additional 7 Hectares of industrial zoned land being added to Council's 8 Hectare parcel. However the additional 7 Hectares can not be developed until the biocertification issue associated with the WEZ is resolved. Current information indicates that the Bio-certification issue associated with the WEZ is unlikely to be resolved in the foreseeable future.
- Council undertook works to establish substantial commencement on the subdivision and cleared the 8 Hectares the subject of DA/3130/2004 in early 2012. The costs of the works currently undertaken by Council are in the Vicinity of \$2 million.

- In August 2010 Council received a letter from the Australia China Cultural Foundation (ACCFI) Incorporated seeking a site to develop a Chinese Museum. Council responded indicating interest in the project and a meeting was arranged for the Foundation members to present their vision to the Mayor. The meeting was held in October 2010 where it was revealed that the project would inject up to \$500 million into the local economy.
- Council determined that the project had merit and decided to continue to work with the ACCFI and identify a Council owned site that would permit the establishment of such a project .A 15 Hectare site of industrial zoned land located to the west of Warnervale Airport in the Warnervale Business Park was identified as a site capable of meeting the requirements of the proposal.
- ACCFI advised Council that in China major projects must have the support of Government and financial support for the project would be restricted if such support was not forthcoming. Council advised ACCFI that it would be unlikely that Council would wish to be actively involved in the project but Council may be prepared to enter into an appropriate lease arrangement.
- Council staff continued to work with members of ACCFI to progress the proposal. In March 2011 Council considered a Mayoral Minute in relation to the proposal from ACCFI to develop a Chinese Theme Park on Council owned land at Warnervale. Council resolved among others matters to enter into a co-operation agreement to continue to progress the project.
- This agreement was formally entered into on the 15<sup>th</sup> August 2011 with the Mayor Doug Eaton and the President of ACCFI Bruce Zhong signing the agreement. The terms of the agreement identified that Council granted ACCFI a non exclusive licence to enter the land for the sole purpose of carrying out investigatory works to support the development of the project. The period of the agreement was from the 1<sup>st</sup> July 2011 to the 30<sup>th</sup> June 2012, with the agreement having now lapsed.
- During the period of the agreement ACCFI engaged consultants Cardno to undertake a desktop review of environment, engineering and planning constraints with regard to the proposed development.
- The review concluded that significant constraints to the development were unlikely. The review also identified that the current zoning of the property, INI-Industrial would not permit all of the proposed uses, however, this matter could be addressed by making a submission to rezone the land to permit the proposed land use through the exhibition period of LEP 2012. The cost of this review undertaken by Cardno is reported to be in the vicinity of \$250,000.
- Council has received a number of visits and documents from Chinese delegates during the past two years with many influential businessmen and Government officials indicating support for the project, however all support is dependant upon the issue of land tenure and zoning issues being resolved.
- Recently a change in the committee of ACCFI occurred with several members of the executive resigning and ultimately ACCFI becoming known as Australia China Theme Park P/L. Their President Bruce Zhong remained on the executive and continues to lead negotiations between his committee and council.

## CURRENT SITUATION

- As the negotiations continued it became more obvious that the provisions of Public Private Partnerships (PPP) under the requirements of the Local government Act 1993 would make it difficult for Council to retain any interest in the site.
- At a Councillor briefing session held in June 2012 an update of the current situation was presented with particular emphasis being placed on the financial models available to this project. In August 2012 an offer to purchase the site from Council was received from Bruce Zhong president of the Australia Theme Park P/L, however this offer was considered unacceptable to Council with a response being forwarded detailing Council position in the matter.
- In October 2012 Council received a conditional offer to purchase the site for \$10,000,000 from the Australia Theme Park P/L. The conditions imposed inappropriate risk and obligations on Council and as such the offer was rejected and the Australia Theme Park P/L was advised accordingly.
- Council staff are currently preparing a land economics report on the site that will be used to guide future decision making on this site. The results of this analysis should be finalised by Monday 12 November.

## THE SITE

The land was purchased in 1977, with several other properties in the immediate area being purchased in following years. The land was acquired for expansion of the Warnervale Airport with an approved development application for a second runway incorporating some of the current allotment.

The site is currently described as Lot 3 DP 1007500 Warren Road Warnervale with a total area of 179.277 Hectares. The site includes Warnervale Airport and a portion of Porters creek wetland. Lot 3 DP 1007500 was created in the late 1990's as a result of the development of the Warnervale Business Park.

The site is serviced with road access and water to the western boundary, sewer access however is located approximately 200m to the south of the site. It is understood that Council have a designs to extend the sewer to a point that would provide connect to this site however these plans are currently on hold.

The 15 hectare parcel proposed to contain the Chinese Theme Park forms part of Lot 3 DP 1007500. Should the project proceed the proponents will be required to lodge a development application to subdivide the 15 hectares from the parent allotment to create a new separate allotment for this site.

## THE PROPOSAL

It is intended that the village will be a working village with accommodation, shops, restaurants, galleries and tourist accommodation.

The proposal is expected to cost in the vicinity of \$500 million making it one of the largest private sector developments in Wyong Shire and the Central Coast.

The current zoning INI – Industrial does not permit all the activities proposed by the development. A rezoning to permit commercial uses on the site is required either through a planning proposal and the gateway process or by preparing and submitting a planning proposal during the exhibition of LEP 2012.

### **CONCLUSION**

This proposal is at a key decision point that will require careful consideration by Council prior to a definitive decision on a way forward. To help guide this decision making process staff are preparing a land economics report which will clearly present all the options for this site at which point Council will be fully informed to make a decision on sites future.

### **ATTACHMENTS**

- 1 Chinese Theme Park Proposal - Site Evaluation (Confidential Attachment) -

D03184692

## **7.5 Outstanding Questions on Notice and Notices of Motion**

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TRIM REFERENCE: F2012/00026 - D03174299

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

### **SUMMARY**

Report on outstanding Questions on Notice and Notices of Motion.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 14 November 2012 | D03173654 |
|---|---|-----------|



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1.	Environment and Planning Services	<p>8.7 - Notice of Motion - Tree Vandalism Norah Head</p> <p>1 <i>Note with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</i></p> <p>2 <i>Direct the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.</i></p> <p>3 <i>Direct the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.</i></p>	8 February 2012 Cr Symington / Cr Wynn	F2012/00194  A report on this item will be submitted to November meeting.
2.	Environment and Planning Services	<p>Q18/12 - Sea Level Rise Outrage</p> <p><i>"Madam Acting General Manager, as reported in the local media the coast community is outraged at the prospect and impact of proposed sea level rise policy particularly as it will affect in Wyong Shire alone some 20 local suburbs and up to 10,000 individual homes. As this draft policy is having a profound affect on insurance and property value issues, planning, building and site usages, I respectfully request this matter now be reported urgently to Council. Could staff please advise when this would be?"</i></p>	9 May 2012 Cr Best	F2009/00067 - D03003223  Report will be prepared upon receipt of updated direction from the State Government.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
3.	Environment and Planning Services	<p>9.3 Notice of Motion - Assisting Housing Affordability</p> <p>1 <i>agree in principle to vary its policy to allow collection of s94 contributions for the contributions to be deferred until later in the development process.</i></p> <p>2 <i>request the General Manager to report on possible implementation procedures and benefits and disbenefits back to Council for approval prior to adoption.</i></p>	<p>9 May 2012 Cr Eaton/Cr Best</p>	<p>Report being prepared for November round of meetings.</p>
4.	Environment and Planning Services	<p>7.1 Notice of Motion - Housing Jump Start</p> <p><i>That Council direct the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.</i></p>	<p>27 June 2012 Crs Eaton/Graham</p>	<p>F2008/02302</p> <p>A report regarding this item is being prepared and will be submitted to Council late 2012</p>
5.	Environment and Planning Services	<p>Q29/12 - General Store Compliance</p> <p><i>"I have received numerous representations with regard to the ongoing issue of compliance of a general store in Norah Head that now seats some 50-60 patrons "The General Store" can be booked online for functions or private gatherings, could you please outline how this activity has been able to be approved in a residential area under the guise of a general store? As this matter has been ongoing for some 6 months your response would be appreciated at your earliest convenience to assist those in question."</i></p>	<p>25 July 2012 Cr Best</p>	<p>Awaiting advice from Legal Counsel on this matter.</p>

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6.	Corporate Services – Economic & Property Development	<p>8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North</p> <p>11/7/12      <i>That Council <u>note</u> the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.</i></p> <p>1/12            <i>That Council, as an advocate on behalf of the local community of our Shire's north, <u>request</u> the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.</i></p> <p>2/12            <i>That Council <u>request</u> the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780 hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.</i></p> <p>3/12            <i>That Council <u>request</u> the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.</i></p>	8 August 2012 Crs Best/Eaton	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p>4/12 That Council <u>request</u> the General Manager to reiterate to the relevant agencies the matters with regard to community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.</p>		
7.	Infrastructure Management	<p>8.3 Notice of Motion - RV Friendly Town - Trial in the North of the Wyong Shire</p> <p>5/12 That Council <u>support</u> the Northern Lakes Regional Chamber of Commerce in its endeavours to pilot the "RV Friendly Town" concept in the North of the Wyong Shire.</p> <p>6/12 That Council <u>request</u> the General Manager to investigate options for installing two RV dump sites in the North of the Shire in consultation and conjunction with the Northern Lakes Regional Business Chamber and the Northern Lakes Disability Tourism Precinct Committee.</p> <p>7/12 That Council <u>request</u> the General Manager to submit a report detailing two feasible RV dump sites in the North of the Shire for piloting and trialling the RV Friendly Town concept, with one dump site being predominantly a "disability friendly" dump site, to Council for consideration.</p>	8 August 2012 Crs Vincent/ Symington	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
8.	Infrastructure Management	<p>8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme</p> <p>8/12      <i>That Council <u>note</u> with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.</i></p> <p>9/12      <i>That Council <u>request</u> the General Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.</i></p> <p>10/12     <i>That, subject to resolution 4, Council <u>request</u> the General Manager to trial the scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.</i></p> <p>11/12     <i>That Council <u>direct</u> the General Manager to provide an indicative and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.</i></p> <p>12/12     <i>That Council <u>request</u> the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.</i></p>	8 August 2012 Crs Best/Eaton	Investigations will take place and response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
9.	Environment and Planning Services	<p>7.2 Notice of Motion - Disability Friendly Miniature Railway in the North of the Wyong Shire 190/12 <i>That Council <u>support</u> in principle the Northern Lakes Disability Tourism Precinct Committee in its endeavours to establish a disability friendly miniature railway system in the north of the Wyong Shire.</i></p> <p>191/12 <i>That Council <u>request</u> the General Manager to investigate possible locations for installing a disability friendly miniature railway system in the north of the Shire, as identified by and in consultation with, the Northern Lakes Disability Tourism Precinct Committee and the Pioneer Dairy Model Railway Group.</i></p> <p>192/123 <i>That Council <u>request</u> the General Manager to prepare a report in response to the sites identified, outlining the feasibility of each site.</i></p>	22 August 2012 Crs Vincent/Wynn	Investigations will take place and response will be submitted to a future meeting of Council.
10.	Corporate Services	Q31/12 Carbon Tax Impact on Rate payers <i>“Mr General Manager, further to your staff report, item 4.3 of the 23 May 2012 meeting, staff highlight that the carbon tax will only directly add \$26.45 per annum to the rates. The report goes on to outline “however in real terms the impact on Wyong Shire Council (WSC) cost is estimated to be much higher as materials and services purchased from external suppliers take effect during the year, for example the nature of WSC business is such that significant components of purchase costs will be significantly affected by the tax and passed on to the Wyong Shire operational cost”...“Utility, fuel and energy costs will increase by \$1.9m”... “Waste management anticipated \$4.4m”... “Concrete and bitumen \$1.1m”... “Other indirect costs to suppliers \$4.0m”. These increases represent a huge</i>	22 August 2012	Response to be submitted to 28 November 2012 Ordinary meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		"uncompensated" increase of \$11.4m to Council and the rate payers, could staff now please provide a new and updated assessment of likely budgetary impacts as a result of the carbon tax to our new 2012 council?"		
11.	Environment and Planning Services	<p>7.2 Notice of Motion - Sea Level Rise Removal</p> <p>1 That Council <u>acknowledge</u> that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.</p> <p>2 That Council <u>acknowledge</u> the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.</p> <p>3 That Council <u>resolve</u> that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.</p> <p>4 That Council <u>request</u> the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council's review.</p> <p>5 That the General Manager <u>provide</u> an urgent briefing to Council on the implications of the State Government's recent coastal reforms.</p> <p>6 That the General Manager <u>report</u> back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.</p>	10 October 2012 Councillors Nayna & Taylor	Investigations will take place and a response will be submitted to a future meeting of Council.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p>7 In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.</p> <p>8 That Council <u>write</u> to all holders of existing DA's that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.</p> <p>9 That Council <u>waive</u> all fees associated with any such Section 96 applications.</p>		
12.	Corporate Services	<p>7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections</p> <p>1 That Council <u>note</u> the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.</p> <p>2 That Council <u>conduct</u> a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).</p> <p>3 That Council <u>include</u> in the review the following matters:</p> <p>(a) Identification of legislative constraints and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.</p>	10 October 2012 Councillors Best & Webster	Investigations will take place and a response will be submitted to a future meeting of Council.



No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p>(b) <i>The “contractual” arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).</i></p> <p>(c) <i>Issues around WHS obligations for booth workers, liabilities and responsibilities.</i></p> <p>(d) <i>Improved provision of disabled and aged access at polling places, particularly pre-poll booths.</i></p> <p>(e) <i>Feedback received from electors.</i></p> <p>(f) <i>Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.</i></p> <p>(g) <i>Any other matters identified by the General Manager in the course of the election process.</i></p> <p>4 <i>That Council <u>request</u> feedback from those Councils who used the NSW Electoral Commission.</i></p>		
13.	Community & Recreation Services	<p>7.4 Notice of Motion - Wyong Skills Centre</p> <p>1 <i>That Council <u>advise</u> the Department of Education, Employment and Workplace Relations (DEEWR) that it now wishes to proceed with the Wyong Skills Centre in partnership with Central Coast Group Training at its site at Bounty Close at Tuggerah.</i></p>	10 October 2012 Councillors Nayna & Troy	Joint letter from WSC and CCGT was sent to DEEWR on Friday 12 October 2012. DEEWR have confirmed receipt of this correspondence but were unable to provide any further advice on timing. Initial discussions with Council and CCGT staff occurred.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p>2 That Council <u>request</u> the Department of Education, Employment and Workplace Relations (DEEWR) to confirm that grant funding of some \$2.8 million is still available for this purpose and for DEEWR to advise the process and/or criteria required to access these funds</p> <p>3 That Council <u>develop</u> and submit, in partnership with Central Coast Group Training in accordance with DEEWR, guidelines a joint application within one month.</p> <p>4 That Council <u>authorise</u> the General Manager to approve the joint application and submission to DEEWR, subject to Council ratification.</p> <p>5 That Council <u>determine</u> that this item be actioned immediately due to its urgent nature.</p> <p>6 That Council <u>advise</u> DEEWR of this resolution by close of business on Friday 12 October 2012.</p> <p>7 That Council <u>develop</u> to its satisfaction a suitable agreement with Central Coast Group Training with regards to this initiative.</p> <p>8 That Council <u>authorise</u> appropriate resourcing to undertake this task and the funding of these resources be considered at the September budget review.</p>		

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
14.	Environment and Planning Services	<p>7.1 Notice of Motion - Increase Wrack Collection from Tuggerah Lakes</p> <p>1 That Council <u>recognise</u> the need to double the wrack collection from Tuggerah Lakes, both through increased weed harvester operation and by collection from the lake foreshores.</p> <p>2 That Council <u>include</u> in its draft budget for 2013 – 2014 provision for such increased collection costs.</p> <p>3 That Council <u>request</u> the General Manager to submit a report to Council on “green tape” restrictions curtailing wrack collection/removal.</p> <p>4 That Council <u>direct</u> the Mayor and the General Manager to raise the State Government agencies’ “green tape” restrictions with the Minister for the Central Coast at their regional forum meeting on 9 November 2012 and seek exemption/relaxation.</p> <p>5 That Council <u>request</u> the General Manager to submit a report to Council on the adequacy of existing equipment to achieve significant increase in wrack removal.</p>	Councillors Troy & Taylor 24 October 2012	Report currently being prepared.
15.	Infrastructure Management	<p>7.2 Notice of Motion - Daily Traffic Jams Through Wyong Township</p> <p>1 That Council <u>recognise</u> the importance of delivering the Pacific Highway upgrade through Wyong, linking up with the new Tuggerah Straight works as this is an economically vital road corridor providing business and job opportunities.</p>	Councillors Best & Webster 24 October 2012	Report currently being prepared.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
		<p>2 That Council <u>recognise</u> that having regard to the State Government annual budgetary processes, the need to now facilitate its agreeance/concurrence on this road upgrade to meet the new budgetary cycle.</p> <p>3 That Council <u>give</u> certainty to the hundreds of residents that live with the real prospect of the Pacific Highway upgrade bypass being funnelled through their residential streets, resulting in major loss of amenity, safety and property values/forced resumptions.</p> <p>4 That Council <u>formally give</u> the RMS its support and concurrence for the through town Pacific Highway upgrade favouring the maximum parking option to assist local businesses and finally get this road started.</p> <p>5 That Council <u>request</u> the General Manager to provide a report to Council in support of the RMS's preferred option along the existing Pacific Highway corridor that was exhibited in November 2011.</p> <p>6 That Council <u>note</u> opportunity in the existing Pacific Highway corridor option to provide incremental improvements through the life of the project.</p>		
16.	Environment and Planning Services	<p>Q33/12 EPA Pile Burning Penalties                      "Mr Mayor, could you confirm if the EP&amp;A, under the protection of the Environment Operations (clean air) Regulations 2010, only have the right to issue pile burning permits, could staff look into this and what affect it may have, if any, on Council's Draft Pile Burning Policy?"</p>	Councillor Best 24 October 2012	Response currently being prepared.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
17.	Environment and Planning Services	Q34/12 Extension of Draft Pile Burning Policy Exhibition <i>"Mr Mayor, to assist our local rural community on the issue of the Draft Pile Burning Policy now on public display, could Council extend the exhibition period for one month until the 26 November 2012?"</i>	Councillor Best 24 October 2012	Response currently being prepared.
18.	Corporate Services	Q35/12 Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill <i>"Could staff please advise of any State of Federal Funding Schemes that may be available to purchase sections of remaining undeveloped land at Wadalba Hill for conservation purposes?"</i>	Councillor Greenwald 24 October 2012	Response currently being prepared.
19.	Infrastructure Management	Q36/12 Update on Charmhaven Walkway <i>"Could staff please advise and update on the pedestrian crossing, ramp, slow bars, bench and ends for the Charmhaven walkway at Moala parade, Charmhaven?"</i>	Councillor Vincent 24 October 2012	An answer to this question will be submitted to the Ordinary Meeting of Council held on 28 November 2012.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
24 OCTOBER 2012**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Various	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <p>7.6 - Notice of Motion – Warnervale Town Centre Viability</p> <p>8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes</p> <p>Q109/10 – Regional Hospital Cutbacks</p> <p>8.2 - Notice of Motion - Development Applications for Retail Liquor Outlets</p> <p>8.6 - Notice of Motion - Proliferation of Alcohol Outlets</p> <p>Q34/11 - Purchase of Sections of Remaining Undeveloped Land at Wadalba Hill</p> <p>8.5 - Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver</p> <p>8.6 - Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works</p> <p>9.2 - Notice of Motion – Ausgrid</p> <p>7.1 - Notice of Motion - Reduce Single Use Plastic Bag Use in Wyong Shire</p> <p>7.3 - Notice of Motion - Enhancing Planning Flexibility and Business Viability</p>	<p>24 February 2010</p> <p>12 May 2010</p> <p>14 July 2010</p> <p>13 October 2010</p> <p>12 October 2011</p> <p>12 October 2011</p> <p>14 December 2011</p> <p>8 February 2012</p> <p>8 February 2012</p> <p>9 May 2012</p> <p>23 May 2012</p> <p>23 May 2012</p>	Resolved at the 24 October 2012 meeting to take no further action on these items and remove them from the action log
2	Corporate Services	<p>7.1 Notice of Motion - Insurance Risk Briefing</p> <p>186/12 <i>That Council request the General Manager to arrange a briefing for the incoming Council on the wider community issues resulting from pressures on the insurance sector.</i></p> <p>187/12 <i>That Council request the General Manager to ensure the briefing includes coverage of the potential major insurance trends and the risks that will need to be addressed by residents and employers in the Shire.</i></p> <p>188/12 <i>That Council request the briefing to be held after the induction of the new Council.</i></p> <p>189/12 <i>That Council request the General Manager to make contact with the NSW Insurance Council to ascertain the facts on how premiums for flood prone properties are assessed.</i></p>	<p>22 August 2012</p> <p>Cr Best/Eaton</p>	Karl Sullivan from Insurance Council of Australia attended WSC from 12 to 1pm on 7 November 2012 for Councillor briefing on general insurance issues which was arranged as an outcome this Notice of Motion.

14 November 2012

To the Ordinary Council Meeting

Councillor

## **8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club**

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TRIM REFERENCE: DA/2391/2000/A - D03174201

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 14 November 2012 he will move the following Motion:

*“That Council extends the same arrangements to the Northern Lakes Rugby League Sport and Recreation Club that was offered to the Ourimbah Soccer Club in regard to the water and sewerage developer charges currently levied on the new amenities building.”*

### **GENERAL MANAGER’S NOTE**

Council received a letter from the Northern Lakes Rugby League Sport and Recreation Club (NLRLSRC) dated February 16, 2012 requesting permission to recommence construction work on their amenities block and the waiving of any development fees or charges.

The original development application was submitted by the club in 2000 for a 40m x 8m club amenities block that consisted of change rooms, canteen and a club house. DA 2391/00 was prepared for this development. Condition 8 of the DA included the requirement to pay water contributions of \$49,620.90 and sewerage contributions of \$16,967.28. These contributions were based on a calculated 8ET loading less a 3ET credit for the existing amenity block (i.e. total of 5ET for DA 2391/00). The \$65,776 water contributions referred to in the more recent discussions are indexed from the 2000 advice in line with iPART's determinations.

The land that the development is proposed is leased from the Crown by NLRLFC on a similar basis as the surf clubs.

The site that includes a small amenities block and two playing fields was provided with a 50mm water service in 1990 by Council at no cost to the club. No water contributions were levied at this time. The club also had installed an onsite waste water recycling system to handle waste generated by the site.

In February 2012 Council wrote to the NLRLSRC advising that the only outstanding condition remaining to be addressed under the Development consent was the payment of the developer contributions totalling \$65,776.74. As a subsequence of this letter NLRLSRC made representation through Councillor Vincent to receive permission to restart building works and for Council to waive any development fees and contributions.

## **8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club (contd)**

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A review of the developer contributions were subsequently undertaken and confirmed that the development fell within the Developing Servicing Plan (DSP) for the Lake Munmorah Rural South Scheme that formed the basis of the \$65,776.74 contribution outlined in previous Council correspondence. However the review also identified that water and sewerage services for the development have been provided through the Lake Munmorah Rural North Scheme that attracted different contribution rates. The contribution was subsequently reassessed to \$18,949.15 (28.8% of the original contribution figure of \$65,776). The reduced contribution can be attributed to the fact that the DSP for the Rural South Scheme was based on an undeveloped "green field" site that required the construction of all associated water and sewerage servicing infrastructure whereas the Rural North DSP was essentially a fully developed site.

The club was formally advised of this decision under Council's letter dated April 11, 2012 and also advised that contributions for the development would not be waived as the development would be consuming available infrastructure within the developing servicing area.

Further discussions with the club this month indicated that they had received Council's letter but had not recommenced work due to the unavailability of volunteer workers.

It should be noted that if the same arrangements as the Ourimbah Soccer Club received (35% Club/ 65% Council) is applied to Northern Lakes Rugby League Sport and Recreation Club, it would result in the Club paying \$23,021.60.

### **COUNCILLORS NOTE**

The attached information has been provided by Northern Lakes Rugby League Sport and Recreation Club



**8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club (contd)**

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***NORTHERN LAKES RUGBY LEAGUE SPORT  
& RECREATION CLUB***

*PO BOX 6073, LAKE MUNMORAH NSW 2259*

Attention: Councillor Doug Vincent  
Subject: DA/2391/2000



Dear Doug,

I am writing on behalf of the Northern Lakes Rugby League Sport and Recreation Club clubhouse committee. We are a non profit organisation providing sporting facilities for the local northern community of Wyong Shire.

We currently have an approval to undertake the construction of a new clubhouse on our privately leased premises known as Gumbayah Oval in Tall Timbers Road, Lake Munmorah.

This DA was obtained several years ago and due to lack of funds very little progress had occurred. Additionally, when NLRLFC decided to seek funds and commence major construction, Council was unable to locate the paper file attached to our project for a long period of time.

Since January 2011 we have been working closely with Council staff to meet any requirements needed to facilitate this project including the lodgement of a Construction Certificate application for the development.

Since this time we have attempted to meet all requests made of us from Council, some of which have not been promptly forthcoming and added once other matters have been attended to. We have demonstrated a high level of patience during this process.

We were able to secure a \$30,000 State Grant towards the slab construction and ensured this grant was validated by pouring the slab. Additionally, we secured a \$50,000 state grant to assist construction costs and commenced putting the external block work up using this money. We were under the assumption that this was possible as to the best of our knowledge we had complied with all matters raised by Council. During this time Council then issued us with a stop work order as they believed all issues had not been addressed including the waiving of associated development costs.

## 8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club (contd)

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This stop work order has resulted in a number of vandalism incidents where damage has been sustained to both the existing block work and the stored materials. Given our grant was only valid for 6 months we were also unable to comply with its conditions, but fortunately have secured an extension till the end of March 2012.

Through the patience and perseverance of VOLUNTEERS we have finally addressed all issues with Council we believe, with the exception of the development fees and contributions. We need to urgently recommence construction so as to expend the full \$50,000 before the end of March deadline at which time all grant monies will need to be returned.

This project is funded solely from the time and effort of non-paid community members who are seeking grants wherever possible. At this time we will be seeking additional funds to complete the project and would like favourable consideration from Council under the Community Matching Fund program. It would be fruitless to apply for this fund if all it would do is pay Council development and contribution fees.

All other local Rugby League Clubs benefit from state of the art Council provided facilities and well maintained ovals plus many have additional Leagues Club funds as support. Our club is self-funding and our estimate in our spending on oval maintenance alone is between \$20,000 and \$25,000 per annum in materials and labour (most of which is volunteer). We supply nearly all our own water from an onsite dam and irrigation facilities we self-installed.

We provide a facility for up to 300 Junior Rugby League, 100 senior rugby league and 250 touch football players plus an enormous supporter base of local families. We allow our facility to be used by local schools, community groups and representative functions from outside the area all of which facilitate visitors to the Shire. We actively support local entertainment such as the two Movie nights run by Burnside in 2010. and supported by Council. This will continue and be enhanced by the use of the completed clubhouse as a community hall.

Council would need to spend millions on building and then fund the ongoing associated costs of maintaining such a facility. To expect an organisation such as ours attempting to provide better community facilities to then find more funds to contribute to Council is unrealistic.

## 8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club (contd)

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This project cannot progress any further and will fold if Council requires any fees and contributions from us. We are seeking your assistance in consideration of waiving any application or associated development fees in regard to our Construction Certificate application to assist us further towards our ultimate clubhouse goal.

This matter requires urgent attention to the following:

1. Immediate permission to recommence building to allow compliance with the \$50,00 grant by 31 March 2012 and
2. Waiving of any development fees and contributions.

The long term future of sport in the northern part of the Shire requires your support.

I am happy to provide further information as required. I thank you for your time and I look forward to your favourable response.

Tracy Lindley                      16/2/12  
Clubhouse Secretary  
0419 291704                      e mail: [tracy.lindley@optusnet.com.au](mailto:tracy.lindley@optusnet.com.au)

(on behalf of Bill Sandell-Hay President NLRLFC)

8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club  
(contd)



Daryl Mann/djm  
DA/2391/2000/A  
11 April 2012

Northern Lakes Rugby League Sports & Rec Club Inc  
C/- The Secretary  
PO Box 73  
LAKE MUNMORAH NSW 2259

Attention: Mr Paul Fletcher

Dear Sir

**Property:** 2 Tall Timbers Road  
DOYALSON NORTH NSW 2262  
**Proposal:** Sporting complex improvements and clubhouse (Amended Application)

I refer to your recent communication with the Mayor's Office in relation to Council's letter dated 8 February 2012 regarding the payment of water supply contributions for the above development.

These contributions cover Council's costs in the provision of water infrastructure to the developed area. The contributions are applied based upon the demand the development will have on Council's infrastructure and are applied consistently to similar developments throughout the Shire. Therefore Council does not have the ability to waive the contribution.

The above property falls within the Development Servicing Plan for the Lake Munmorah Rural South Scheme. This Plan forms the basis of the \$65,776.74 Water Supply contribution outlined in Council's letter dated 8 February, 2012. However, a review of the work undertaken to date to connect the property to Council's water supply and sewerage system indicates that these services have been provided through the Lake Munmorah Rural North Scheme (that is the north side of Tall Timbers Road) which requires a different contribution. Accordingly the contribution for this development has been reassessed and the appropriate contribution is \$18,949.15.

As stated above Council is unable to waive the payment of this contribution. Accordingly payment of the revised contribution of \$18,949.15 is required to enable Council's consideration of your application for a Construction Certificate as outlined in Condition 8 of Development Consent DA/2391/2000.

Yours faithfully



Andrew Pearce  
Acting Director  
Infrastructure Management



2 Hely Street, Wyong NSW 2259 | PO Box 20, Wyong NSW 2259 | P 02 4350 5555 | F 02 4351 2098 | E wsc@wyong.nsw.gov.au | W www.wyong.nsw.gov.au

14 November 2012

To the Ordinary Council Meeting

Councillor

## **8.2 Notice of Motion - Lakes Federal Funding Expenditure Report**

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TRIM REFERENCE: F2004/06377 - D03181312

AUTHORS: Adam Troy; Councillor

Lloyd Taylor; Councillor

Greg Best; Councillor

Councillors Troy, Taylor and Best have given notice that at the Ordinary Council Meeting to be held on Wednesday 14 November 2012 they will move the following Motion:

- "1 That Council note assurances given by staff at the 1 November 2012 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee that all projects currently being conducted through Caring For Our Country Federal (CFOC) funding are on track.*
- 2 That Council request an urgent confirmation report formally detailing the progress of each project against budget and compliance with funding guidelines and criteria.*
- 3 That Council recognises and appreciates the recent supportive comments by the Member for Dobell in Parliament endorsing Council's outstanding performance and an example of best practice in environmental project management with regards to the current lakes projects.*
- 4 That Council note the \$20m CFOC funding program is now drawing to a close and environmental indicators are still showing decline (WSC SoE report, 2011).*
- 5 That Council request the General Manager to report on what dialogues and initiatives are in train to secure further funding to continue these vital Lakes restoration works."*

### **RESOURCES**

If staff time is required to interrogate expenditure and budgets further to the audited June financial statement and the September statement and prepare the report, it is estimated it will take the equivalent of 2 staff 2 days to complete.

14 November 2012

To the Ordinary Council Meeting

Councillor

### **8.3 Notice of Motion - Council Advocate for End to So-called Scientific Whaling**

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TRIM REFERENCE: F2004/07706 - D03181412

AUTHORS: Lloyd Taylor; Councillor

Adam Troy; Councillor

Greg Best; Councillor

Councillors, Taylor, Troy and Best have given notice that at the Ordinary Council Meeting to be held on Wednesday 14 November 2012 they will move the following Motion:

- "1 That Council note the increasing local employment and economic benefits associated with the growing phenomena of whale watching.*
- 2 That Council note that these animals are currently migrating down our local coastline only to be slaughtered in the Antarctic "whale sanctuary" aboard industrial factory ships.*
- 3 That Council condemn in the strongest possible terms, as an advocate on behalf of our local community, the continuing abuse of international laws by those insistent on continuing so-called scientific whaling of endangered whales*
- 4 That Council lend its voice, as a matter of urgency, to peak community and environmental groups in formally condemning this practice via correspondence to the Japanese embassy and our State and Federal Ministers for the Environment.*
- 5 That Council congratulate the local Whale Dreamers Festival Group that conducts the highly successful community whale awareness campaign known as the "Whale Dreamers Festival."*
- 6 That Council direct the General Manager to report on progress to date and Council's assistance with the 2013 Whale Dreamers Festival."*

#### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within the Community and Recreation Services Department. It is not envisaged that any additional resources would be required.

14 November 2012

To the Ordinary Council Meeting

Councillor

#### **8.4 Notice of Motion - Mobility Scooter Recharge Initiative**

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TRIM REFERENCE: F2004/06695 - D03181475

AUTHOR: Greg Best; Councillor

Councillors Best has given notice that at the Ordinary Council Meeting to be held on Wednesday 14 November 2012 he will move the following Motion:

- "1 That Council note the huge growth in mobility scooter usage that assists our ageing and disabled population.*
- 2 That Council investigate the possible provision of conveniently located scooter power – up stations/points at key locations including public buildings in order to further assist these groups to access services and recreational pursuits.*
- 3 That Council seek to identify strategic industry partners to assist and/or sponsor any such mobility assistance program, with a view to it becoming cost neutral."*

#### **RESOURCES**

The implementation of this NOM will be undertaken by existing staff within Council. It is not envisaged that any additional resources would be required.

14 November 2012

To the Ordinary Council Meeting

Councillor

## **8.5 Notice of Motion - Erosion of Yellawa Island, The Entrance**

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TRIM REFERENCE: F2004/06947 - D03181524

AUTHORS: Lloyd Taylor; Councillor  
Adam Troy; Councillor

Councillors Taylor and Troy have given notice that at the Ordinary Council Meeting to be held on Wednesday 14 November 2012 they will move the following Motion:

- “1 That Council note with concern the erosion of Yellawa Island, adjacent to The Entrance Bridge, which is home to the iconic 80 year old date palm.
- 2 That Council urgently investigate the permissibility and feasibility of using Council's dredge and geo-bags to repair the erosion and provide support to the date palm.
- 3 That Council delegate and direct the General Manager to carry out such work subject to permissibility, feasibility and at a reasonable cost (i.e. less than \$50,000).
- 4 That Council use this initial trial as an opportunity to capture important hydrological data with a view to the future possible use of the technology in the stabilisation of the channel precinct.
- 5 That Council direct the General Manager to report to Council on the outcomes of this proposal.”

### **RESOURCES**

The proposal to stabilise the erosion and reclaim some of Yellawal Island will require the obtaining of approvals and licences from a number of state government authorities, including Fisheries, OEH and Land and Property Management. Those approvals will involve the need for environmental, engineering and hydraulic studies and a review of dredging practices and will therefore involve some costs for consultancies and a period of time before the best engineering solution can be determined and sound designs and cost estimates can be prepared.

Staff will be pleased to provide a further detailed report on these matters should Council resolve to proceed with the island stabilisation work