



Staff have repaired Warnervale Hall after it was damaged by white ants. The project involved treating the white ants, replacing the floor and repairing other minor damage so the popular community facility could be reopened for public use.

Business Paper

ORDINARY COUNCIL MEETING

23 May 2012



This page is intentionally blank

MEETING NOTICE

The **ORDINARY COUNCIL MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 23 MAY 2012 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosures of Interest	5
1.2	Proposed Inspections and Briefings	6
1.3	Confirmation of Minutes of Previous Meeting.....	10
1.4	Address by Invited Speakers.....	29
1.5	Notice of Intention to Deal with Matters in Confidential Session.....	30

2 MAYORAL MINUTES

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	32
-----	---	----

3 PLANNING REPORTS

3.1	DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby.....	33
-----	--	----

4 GENERAL REPORTS

4.1	Contract Variations and Finalisation - March 2012	44
4.2	Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration)	47
4.3	Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan).....	58
4.4	Making and Fixing of Rates and Charges for 2012-13.....	70
4.5	Determination of Water and Sewer Fees and Charges 2012 - 2013	81
4.6	Council Representation at the Annual General Meeting of the Central Coast Water Corporation	95
4.7	Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting	97
4.8	2011-15 Strategic Plan - March Quarter Review	111
4.9	One Association - Wyong Shire Council Voting Delegates.....	113
4.10	Policy for Public Interest Disclosures	121

5 INFORMATION REPORTS

5.1	Works in Progress - Water Supply and Sewerage	146
5.2	Proposed Major Transport Infrastructure Projects	152
5.3	Operational Activities and Trends Associated with the Animal Care Facility	173
5.4	Activities of the Development Assessment and Building Certification and Health Units.....	177
5.5	Results of Water Quality Testing for Beaches and Lake Swimming Locations	183
5.6	Investment Report for April 2012.....	187
5.7	2 Main Road, Toukley - compliance with order	194
5.8	Outstanding Questions on Notice and Notices of Motion.....	197

6 ANSWERS TO QUESTIONS ON NOTICE

6.1	Q29/11 - Carbon Tax on Council.....	198
6.2	Q16/12 - Audit Tender CCWC.....	201

7 NOTICES OF MOTION

7.1	Notice of Motion - Reduce Single Use Plastic Bag Use in Wyong Shire	202
7.2	Notice of Motion - Lakes Bogged in Green Tape	204
7.3	Notice of Motion - Enhancing Planning Flexibility and Business Viability	207
7.4	Notice of Motion - Mardi Old Farm Rezoning.....	208

8 CONFIDENTIAL ITEMS

8.1	External Legal Advice Stormwater Management Charge
8.2	Contract CPA/158914 - Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and Lake Haven Recreational Centre
8.3	Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah
8.4	Contract CPA/115479 – Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill – Status of Court Proceedings and Negotiations
8.5	Q13/12 - 8 Bush Road, Norah Head

9 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2012/00026 - D02992439

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Susanna Gardiner; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections and Briefings

TRIM REFERENCE: F2012/00026 - D02992452

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Susanna Gardiner; Councillor Services Officer

SUMMARY

There were no proposed inspections for June 2012 at the time of printing this business paper.

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

Date	Briefing	Description	Time	Presented by
23 May 2012	Strategic / Annual Plan	Briefing on the Strategic / Annual Plan	12.00 noon – 12.30 pm	Director Corporate Services
23 May 2012	Wyong Major Infrastructure Study - April 2012 Update - Joint Aviation Capacity Study	To provide feedback to Councillors on the Draft Interim Report prepared for the Key Infrastructure Study. The report identifies the current status of the proposed F3 to F7 Link, proposed High Speed Rail, Second Sydney Airport and Local Major Infrastructure. The General Manager/Mayor will also provide feedback from their Canberra visit in regards to these	12.30 pm – 1.00 pm	Infrastructure Management
23 May 2012	Section 62 Consultation Feedback	To provide feedback to Councillors on the Section 62 consultation on the CLEP 2012	1.00 pm – 1.30 pm	Environment and Planning Services
23 May 2012	Q3 Report	3 rd Quarter 2011/2012 annual plan report	1.30 pm – 2.00 pm	General Manager
23 May 2012	GM's Performance Review	General Manager End of Year Performance Review	2.00 pm – 3.00 pm	Corporate Services
23 May 2012	Business Paper discussion		3.00 pm – 3.30 pm	

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings.

ATTACHMENTS

1 Proposed Schedule of Briefings for 2012 - 23 May 2012 D03005558

Proposed Quarter	PROPOSED DATE	Briefing Title	Director
2nd qtr	6 June 2012	Norah Head Boat ramp Part 1	Community & Recreation Services
2nd qtr	6th June	The Entrance Sea Wall	Community & Recreation Services
2nd qtr	13th June	Section 94 model including credits	Corporate Services/Environment and Planning Services
2nd qtr	13 June 2012	Greening Wyong Strategy	Community & Recreation Services
2nd qtr	13 June 2012	13 June, 2012 -- 1 hour briefing on submissions to the draft to the WSC SP	Corporate Services
2nd qtr	13 June 2012	Briefing by Lake Coal on current & future operations of Chain Valley Colliery	David McConnell - General Manager Lake Coal & Peter Ross - Director LDO
2nd Qtr	13 June 2012	Bushfire Works Plan	Environment and Planning Services
2nd qtr	27 June 2012	Service Standard Review Pt II- results of the Community Consultation	Community & Recreation Services
2nd qtr	June	Iconic Site No 5 – Lakeside Plaza	Environment and Planning Services
2nd qtr	June	Tuggerah Town Centre Masterplan	Environment and Planning Services
2nd qtr	June	Porters Creek Floodplain Risk Management Plan	Infrastructure Management
2nd qtr	June	Tuggerah Lakes Floodplain Risk management Study and Plan	Infrastructure Management
3rd qtr	June	Precincts	Community & Recreation Services
3rd qtr	4 or 11 July	Customer Service Charter	Community & Recreation Services
3rd qtr	July	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services
3rd qtr	22 Aug	Retail Strategy - Post exhibition	Environment and Planning Services
3rd qtr	8 Aug	Affordable Housing Study - Pre exhibition	Environment and Planning Services
3rd qtr	8 Aug	Plan of management central coast caravan parks	Community & Recreation Services
3rd qtr	August	Progress on the Community Strategic Plan (SSV)	Corporate Services
2nd Qtr		Natural Resources Strategy	Environment and Planning Services

Proposed Quarter	PROPOSED DATE	Briefing Title	Director
2nd Qtr		Iconic Development Site No 11 - Council Carpark, Coles, Senior Citizens & Toukley Town Centre	Environment and Planning Services
2nd Qtr		Iconic Development Site No 16 - 216-222 Main Road & Rowland Terrace, Toukley	Environment and Planning Services
2nd Qtr		Iconic Development Site No 13 - Former Shell Service Station, Council carpark & adjoining sites, Main Road, Yaralla Street and Beachcomber Parade, Toukley	Environment and Planning Services
3rd qtr	Oct	RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services
3rd qtr		Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services
3rd qtr		Comprehensive LEP after exhibition	Environment and Planning Services
3rd qtr		Draft Shire-Wide Contributions Plan	Environment and Planning Services
3rd qtr		Iconic development site No 14 - beach parade Canton Beach	Environment and Planning Services
3rd qtr		Toukley Town Centre Masterplan	Environment and Planning Services
3rd qtr		Industrial Land and employment Lands study - Post exhibition	Environment and Planning Services
3rd qtr		Nth Wyong Industrial Precinct - Pre exhibition	Environment and Planning Services
3rd qtr		Frank Balance Park Design	Environment and Planning Services
4th qtr	New Councillors	Urban Design Principles & Concepts	Environment and Planning Services
4th qtr	October	Norah Head Boat ramp Part 2	Community & Recreation Services
4th qtr	October	Full introduction CCWC for the new Council	Corporate Services/
4th qtr	Nov	mid year performance review	Corporate Services
4th qtr		Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services
		Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services
		Central Coast Taxis	Infrastructure Management

1.3 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2012/00026 - D02992457

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Susanna Gardiner; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 9 May 2012.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 May 2012.

ATTACHMENTS

1 Minutes of 9 May 2012 Ordinary Meeting D02998472

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 9 May 2012
COMMENCING AT 5:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews (arrived 5.47 pm), E M McBride (arrived 5.13 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

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

Manager Building Certification and Health and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies. Councillor Matthews and McBride were delayed and would arrive late.

At the commencement of the ordinary meeting report nos 1.1, 2.1, 3.1, 3.2, 4.1, 5.2, 7.2, 7.4, 9.1, 9.2, 9.3 9.4 and 9.5 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

9.4 - Notice of Motion - Council Calls for Thomson's Resignation

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

1 That Council allow meeting practice to be varied.

2 That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 5.2, 7.2, 7.4, 9.1, 9.2, 9.3, 9.4 and 9.5 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 26 April 2012.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Address by Invited Speakers

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

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

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

AGAINST: NIL

2.1 Mayoral Minute - Visit to Canberra

Councillor McBride entered the meeting at 5.13 pm during consideration of this item.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

RESOLVED unanimously on the motion of Councillor GRAHAM:

That Council receive the Mayoral Minute, "Visit to Canberra" and note that the Honourable Mr Simon Crean MP, Minister for Regional Development and the Honourable Mr Anthony Albanese MP, Minister for Infrastructure and Transport and other Ministers will also be in attendance.

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

AGAINST: NIL

3.1 DA 459/2011/D - Modification of the consent for shopping centre at Lake Munmorah to delete Condition No 134 requiring the provision of a regular shuttle bus to surrounding areas

Councillor Vincent left the meeting at 5:23 pm and returned at 5:25 pm during consideration of this item.

Councillor Matthews entered the meeting at 5:47 pm during consideration of this item.

Mr Bob Brooks, representing Doyalson North Chain Valley Bay Progress Association, speaking against the item, addressed the meeting at 5.21pm, answered questions and retired at 5.26 pm.

Mr Warrick Blackman, local resident, speaking in favour of the item, addressed the meeting at 5.26 pm, answered questions and retired at 5.31 pm.

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

- 1 That Council modify the consent having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, and in accordance with the amended conditions detailed in the schedule attached to the report.**
- 2 That Council vary Development Control Plan 2005, Chapter 114 to permit the modified development.**
- 3 That Council advise those who made written submissions of its decision.**

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

AGAINST: NIL

MOTION ARISING FROM ITEM 3.1

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

That Council approach the Roads and Maritime Services for matching funds for the shared pathways in the voluntary planning agreement with Woolworths along the Pacific Highway, Lake Munmorah and if successful use the funds saved to construct a shared pathway from the Pacific Highway, 'Kingfisher Shores' along Tall Timbers Road.

AN AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor BEST:

That Council defer the motion arising to the next meeting of Council.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST AND EATON

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

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

That Council approach the Roads and Maritime Services for matching funds for the shared pathways in the voluntary planning agreement with Woolworths along the Pacific Highway, Lake Munmorah and if successful use the funds saved to construct a shared pathway from the Pacific Highway, 'Kingfisher Shores' along Tall Timbers Road.

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

AGAINST: COUNCILLORS BEST AND EATON

3.2 DA 802/2011 - Alterations and Additions and a Detached Secondary Dwelling at Berkeley Vale

Councillor Best left the meeting at 6:04 pm and returned to the meeting at 6:11 pm during consideration of this item.

Councillor McBride left the meeting at 6:04 pm and returned to the meeting at 6:06 pm during consideration of this item.

Councillor Matthews left the meeting at 6:08 pm and returned to the meeting at 6:12 pm during consideration of this item.

Ms Debbie Fazzolari, resident of Berkeley Vale, speaking against the item, addressed the meeting at 6.03 pm, answered questions and retired at 6.08 pm.

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

1 That Council grant consent having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, and subject to the conditions detailed in the schedule attached to the report with the Section 94 contributions deleted from the consent.

2 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

4.1 Rebuild Alison Homestead at 1 Cape Road Wyong for Wyong District Museum and Historical Society

Councillor Best left the meeting at 6:14 pm during consideration of this item and as a result took no part in voting.

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

- 1 That Council direct the General Manager to prepare a comprehensive report regarding the options included in this report on the means of replacing the Alison Homestead.**
- 2 That Council require the report to include advice from a suitably qualified Heritage Consultant.**
- 3 That Council note that any redevelopment option will require the submission of a development application accompanied by a Heritage Impact Statement as required by the relevant legislation.**
- 4 That Council approve the replacement of Alison Homestead subject to the issue of development consent.**
- 5 That Council approve the work to be undertaken by a Contractor, subject to the insurance claim on the fire damaged property being accepted by Council's Insurer.**
- 6 That Council receive tenders for the relevant contract in accordance with Section 55 of the Local Government Act, 1993.**
- 7 That Council approach the Local Member, Darren Webber MP in regard to his previous commitment to provide financial assistance for the replacement of Alison Homestead.**

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

AGAINST: NIL

5.1 Evaluation and selection of tenders for Contract CPA/209087 - Construction of a New Power Supply for Water Pumping Station 17 and Associated Works

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

- 1 That Council accept the tender from the company nominated as Tenderer '2' in the attached Tender Evaluation Report, for the lump sum amount of \$263,280 (excl GST) for Contract CPA/209087 – Construction of New Power Supply for Ourimbah Pump Station 17 and Associated Works.**
- 2 That Council determine the Tender Evaluation Report Attachment A to the subject report, is to remain 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.**

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

AGAINST: NIL

5.2 Evaluation and Selection of Tenderers for Contract No. CPA/200746 - Asphaltic Concrete Works Category Two - Supply and Lay

Councillor McNamara left the meeting at 6:26 pm and returned to the meeting at 6:28 pm during consideration of this item.

Councillor Best returned to the meeting at 6:28 during consideration of this item.

Councillor Vincent left the meeting at 6:30 pm and as a result did not vote.

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

- 1 That Council accept the tender from the company nominated as Tenderer 1 in the attached Tender Evaluation Report, as the 1st ranked supplier on a panel contract for an initial period of 2 years in the estimated total amount of \$3,717,743.00 (excl GST) for Contract number CPA/200746 – Asphaltic Concrete Works Category 2 Supply and Lay.**

- 2 ***That Council accept the tender from the company nominated as Tenderer 5 in the attached Tender Evaluation Report, as the 2nd ranked supplier on a panel contract for an initial period of 2 years in the estimated total amount of \$5,945,025.00 (excl GST) for Contract number CPA/200746 – Asphaltic Concrete Works Category 2 Supply and Lay.***
- 3 ***That Council determine the Tender Evaluation Report 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.***
- 4 ***That Council approve the contingency amount in Attachment A.***

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

AGAINST: NIL

5.3 Evaluation and selection of tenders for Contract CPA/185863 - Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

- 1 ***That Council accept the tender from the company nominated as Tenderer '2' in the attached Tender Evaluation Report, for the lump sum amount of \$800,000 (excl GST) for Contract CPA/185863 – Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation.***
- 2 ***That Council determine the Tender Evaluation Report Attachment A to the subject report, is to remain 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.***

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

AGAINST: NIL

6.1 Proposed Councillors' Community Improvement Grants

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council allocate an amount of \$3,960 from the 2011-12 Councillors' Community Improvement Grants as follows:

Aftercare PHaMs (\$2000)	To assist client living in severe squalor due to mental health issues	100.00
Camp Breakaway (\$5225) (\$1300 already allocated)	To purchase a bed-bath trolley for people with disabilities.	500.00
Homeless No More (\$2000)	Fundraising walkathon for needy	800.00
Northern Women's Health Centre Wyong (\$500)	Upgrade library with personal development texts	50.00
Positive Support Network (\$1800)	Printing of magazine for Gay & Lesbian Community & people with HIV & Aids	100.00
Razorbacks Junior Rugby Club (Ourimbah) (\$1690.00) (\$100 already allocated)	Repairs due to flooding of Ourimbah Creek	1,590.00
San Remo Tidy Towns (\$1000)	To purchase equipment to maintain San Remo area	100.00
The Lakes Singers (\$300)	Copyright printing & APRA licence - entertain the aged	50.00
Wyong Neighbourhood Centre and Iris Foundation (\$10000)	Slither and Slumber Sleep Out - early intervention projects for prevention of suicide	100.00
Wyong Shire Garden Competition Committee Inc (\$1930)	Function Room hire, expenses for 4 cars & printing of competition schedules	569.60

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

AGAINST: NIL

6.2 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant:

- ***Lot 1 DP 530125, 458-468 Main Road Noraville***
- ***Lot 1 DP 24532, 28 Budgewoi Road Noraville***

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

AGAINST: NIL

7.1 Information Reports

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Information Reports.

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

AGAINST: NIL

7.2 Quarterly Update on Section 94 Contributions

Councillor Vincent returned to the meeting at 6:42 pm during consideration of this item.

Councillor McBride left the meeting at 6:53 pm and was not present during the vote.

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

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

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

AGAINST: NIL

7.3 Disclosure of Interest Returns - 1 January to 30 April 2012

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Disclosure of Interest Returns - 1 January to 30 April 2012.

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

AGAINST: NIL

7.4 Mardi to Mangrove Link Project Status

Councillor McBride left the meeting at 6.53 pm and as a result did not vote.

Councillor Vincent left the meeting at 6:55 pm and as a result did not vote.

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

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

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

AGAINST: NIL

7.5 Outstanding Questions on Notice and Notices of Motion

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

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

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

AGAINST: NIL

9.1 Notice of Motion - Private Construction of Footpath on Southern Side of Alison Road, Wyong

Councillor McBride returned to the meeting at 7.03 pm during consideration of this item.

Councillor Vincent was not present during consideration of this item and as a result did not vote.

Mr Matthews Lusted, addressed the meeting at 6.59 pm, answered questions and retired at 6.08 pm.

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

1 That Council request the General Manager to report on the circumstances surrounding the private construction of the footpath situated on the southern side of Alison Road, Wyong.

2 That Council request the General Manger to include in the report, but not be limited to, the following:

- ***the Council approvals required and the approvals obtained***
- ***any potential liability and ongoing maintenance issues/costs to Council.***

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

AGAINST: NIL

9.2 Notice of Motion - Ausgrid

Councillor Vincent returned to the meeting at 7:07 pm during consideration of this item.

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

- 1 **That Council request the General Manager to invite Ausgrid to attend a briefing with Councillors and Senior staff to discuss the following topics:**
 - a **Masterplanning of future urban precincts to achieve improved coordination of the location of Ausgrid infrastructure with Council landscaping and street tree planting programs.**
 - b **Enhanced engagement and communication with the community regarding Ausgrid tree maintenance programs and schedules.**
 - c **Request Ausgrid to formally commit to the undergrounding of power lines whenever upgrading and/or relocating existing power lines within urban areas.**
 - d **Invite Ausgrid to be involved in the review of Council's Landscaping Chapter of Development Control Plan 2012 with respect to the selection of appropriate species for street planting.**
 - e **Request Ausgrid to agree that in circumstances where it carries out significant vegetation maintenance on a major road/visually prominent location (such as Wyong Road), Ausgrid will replace the existing vegetation with more appropriate species that will not require significant future maintenance.**

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

AGAINST: NIL

9.3 Notice of Motion - Assisting Housing Affordability

Councillor Best left the meeting at 7.46 pm and returned to the meeting at 7.48 pm during discussion of this item.

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

- 1 *That Council agree in principle to vary its policy on collection of s94 contributions to allow for the contributions to be deferred until later in the development process.*
- 2 *That Council request the General Manager to report back to Council on possible implementation procedures, benefits and disbenefits for approval prior to adoption.*

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

That Council grant Councillor Eaton an extension of time for two minutes to continue with the debate.

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

AGAINST: COUNCILLOR VINCENT

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

That Council defer the motion until more detail and further information with regard to the implementation in other Council areas and all other matters pertaining to the impact this policy would have on Council to provide the infrastructure and facilities planned in the areas of development is provided.

The AMENDMENT was lost on the casting vote of the Mayor.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

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

- 1 That Council 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.***
- 2 That Council request the General Manager to report on possible implementation procedures and benefits and disbenefits back to Council for approval prior to adoption.***

The MOTION was carried on the casting vote of the Mayor.

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

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

9.4 Notice of Motion - Council Calls for Thomson's Resignation

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor Vincent left the meeting at 7:54 pm and returned to the meeting at 7:55 pm during consideration of this item.

Councillor Graham left the meeting at 7:54 pm Councillor Graham returned to the meeting at 7:55 pm during consideration of this item.

Mr Tony Rothwell, community resident, speaking against the item, addressed the meeting at 7.53 pm, answered questions and retired at 7.58 pm.

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

- 1 *That Council considers that the community has lost confidence in the now "independent" Federal Member for Dobell, Mr Craig Thomson, as he now has no legitimacy and no mandate to represent this community due to being originally elected as a Labor Party candidate.*
- 2 *That Council, on behalf of the local community, formally call on Mr Thomson to immediately resign.*

POINT OF ORDER

Councillor Wynn raised a point of order and queried whether the motion under discussion was lawful for consideration by Council.

The Mayor ruled that the motion was not the lawful business of Council and was to be withdrawn.

Councillor Eaton requested a Motion of Dissent be heard but did not articulate a motion.

ABSENCE OF QUORUM – SUSPENSION OF MEETING

Councillors Matthews, McBride and Vincent notified the Mayor of their intention to leave the chamber if Councillor Eaton continued his debate and left the Chamber at 8.08 pm.

The Mayor declared that due to the absence of a quorum the meeting would be suspended for 15 minutes.

RESUMPTION OF THE MEETING

The Mayor reconvened the meeting at 8.15pm with all Councillors in attendance.

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 8.16 pm took no part in discussion and did not vote and returned to the chamber at 8.20 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 8.16 pm took no part in discussion and did not vote and returned to the chamber at 8.20 pm.

The Councillors believed a Motion of Dissent was before them which was voted on as follows:

FOR: COUNCILLORS BEST AND EATON.

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

Councillor Vincent did not vote which, as a matter of law must be taken to be a negative against the Dissent.

9.5 Notice of Motion - Cane Toad Early Detection

Councillor Webster returned to the meeting at 8:20 pm during consideration of this item.

Councillor McNamara returned to the meeting at 8:20 pm during consideration of this item.

Councillor Symington left the meeting at 8:20 pm and returned to the meeting at 8:24 pm during consideration of this item.

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

- 1 *That Council note the imminent infestation of cane toads in Wyong Shire.*
- 2 *That Council take a pro-active approach to the cane toad issue.*
- 3 *That Council develop a strategic, shire wide education and reporting program in relation to cane toads.*
- 4 *That Council note that the cane toad is highly toxic and has the potential to devastate natural wildlife and domestic pets.*
- 5 *That Council investigate all effective measures for response including the use of cane toad detector dogs, as used in Sutherland Shire.*
- 3 *That Council request the General Manager to report findings and defensive initiatives.*

An AMENDMENT was MOVED by Councillor WYNN and seconded by Councillor VINCENT:

That Council embark on an education program, conducted through schools, to identify cane toads throughout the Shire and any suspicious toads be captured and brought into Council for identification.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS MATTHEWS, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON AND WEBSTER

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, MCNAMARA AND WEBSTER

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

QUESTIONS ON NOTICE

Q17/12 Carbon Tax Local Tipping Fee Increases

Councillor Greg Best

F2004/06579

“The carbon tax will result in a huge tipping fee increase I understand it is in the order of some \$30 per household. Could staff please confirm the exact figure per household and per tonne and as to what proactive and preventative measures will be taken in anticipation of an escalation of illegal tipping in local bushland?”

Q18/12 Sea Level Rise Outrage

Councillor Greg Best

F2009/00067

“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?”

THE MEETING closed at 8.30 pm.

1.4 Address by Invited Speakers

TRIM REFERENCE: F2012/00026 - D02992465

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Susanna Gardiner; Councillor Services Officer

SUMMARY

The following person has been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Mr Adam Troy, resident (speaking for the motion)	7.2 – Notice of Motion – Lakes Bogged in Green Tape	203	5 mins

RECOMMENDATION

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

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: CPA/158914 - D02979274

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacque Elvidge; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

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

8.1 – External Legal Advice Stormwater Management Charge

8.2 – Contract CPA/158914 – Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and Lake Haven Recreational Centre

8.3 – Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah

8.4 – Contract CPA/115479 – Rehabilitation and Redevelopment of the Closed Bateau bay Landfill – Status of Court Proceedings and Negotiations

8.5 – Answers to Questions on Notice - Q13/12 – 8 Bush Road Norah Head

2 That Council note the reason for considering items in confidential session:

- **8.1 and 8.5 – 10A(2)(e) information that would, if disclosed, prejudice the maintenance of law**
- **8.2, 8.3 and 8.4 – 10A(2)(c) is that if disclosed it would confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct, business**
- **8.3 – 10A(2)(d)(ii) is that commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council**

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

1.5 Notice of Intention to Deal with Matters in Confidential Session (contd)

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

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

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

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

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

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

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

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

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

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

23 May 2012

To the Ordinary Council Meeting

Councillor

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

TRIM REFERENCE: F2004/09073 - D02993592

AUTHOR: Bob Graham; Councillor

I formally move:

That Council formally seek the support of the State Government for the transfer of land owned by Delta Electricity, a State Government owned power generating company, to Council at no cost to allow the continuing operation of the Extreme Sports Park, Koala Park and Camp Breakaway for the public use benefit.

Note from the Mayor:

Recently Mr David Harris, the former State Member for Wyong, asked if I would consider a Mayoral Minute on the Delta Electricity owned land at San Remo, as many in the community are worried that their access to the public land at Koala Park, the Extreme Sports Park and Camp Breakaway could one day be limited or stopped if the land is sold into foreign ownership. Mr Harris further suggested that, instead, the land could become part of a public trust or managed by Council.

On the basis of the long term use of these lands for the public benefit, it is considered that the land is surplus to the requirements of Delta Electricity, and to continue the public use benefit it would be appropriate for the State Government to have Delta Electricity transfer the land to Council at no cost.

The Camp Breakaway land is Lot 4 DP 734739 Highview Ave, the Extreme Sports Park land is Lot 2 DP 1068216 Highview Ave and the Koala Park site is part of Lot 1001 DP 1150550 Scenic Drive.

3.1 **DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby**

TRIM REFERENCE: DA/159/1993/A - D02989825

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Scott Rathgen; Team Coordinator

SUMMARY

An application has been received for an amendment to Development Consent No. 159/1993 to permit the occupancy of an existing dwelling on the subject property for a two year period. The proposal would effectively create a "detached dual occupancy" which is not permissible under the provisions of Wyong Local Environmental Plan (WLEP) 1991. The proposal is also not considered to be substantially the same development under the provisions of Section 96 of the Environmental Planning and Assessment Act 1979 (EP&A Act)

The application has been examined having regard to the matters for consideration detailed in section 79C of the EP&A Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Kevin Mathews
Owner	Kevin and Roslyn Mathews
Application No	DA/159/1993/A
Description of Land	Lot 21 DP 715159, No 10 Little Jilliby Road Little Jilliby
Proposed Development	Detached Dual Occupancy
Site Area	201 800m ²
Zoning	7A Conservation and 1A Rural Zone
Existing Use	Rural Dwelling

RECOMMENDATION

That Council, refuse the application having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, and in accordance with the appropriate reasons for refusal detailed in the schedule attached to the report.

PRECIS

- The development application is for the modification of condition 4 of DA/159/1993 which states the following; "***The existing dwelling to be demolished or rendered uninhabitable within 3 months of occupation of the new dwelling***".
- The proposal is to modify the condition so that a further 2 years of occupation be granted for the existing dwelling.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

- The legalisation of the occupancy of the dwelling would effectively create a detached dual occupancy.
- The site is zoned 7A Conservation and 1A Rural Zone under the provisions of the WLEP. A detached dual occupancy is prohibited within these zones.
- The proposed amendment from a dwelling-house to a detached dual occupancy is not considered to be substantially the same development under the provisions of Section 96 of the EP& A Act 1979.
- The existing dwelling does not comply with the current bushfire requirements under Planning for Bushfire Protection 2006, and Chapter 65 (Onsite Effluent Disposal In Non Sewered Areas) of Council's Development Control Plan (DCP) 2005.

INTRODUCTION

The Site

The site is a rural property of 20 hectares in area and contains two detached dwellings and a number of outbuildings. The dwellings are sited approximately 150 metres apart on the property and each dwelling has its own separate driveway and garaging for vehicles.

THE PROPOSED DEVELOPMENT

The proposal is to amend condition 4 of Development Consent No. 159/1993 to grant a 2 year occupation period for the existing second dwelling on the property.

SUMMARY

Currently both dwellings are being used for habitable purposes, the original dwelling in contravention of the requirements of Development Consent No. 159/1993.

The legalisation of the occupancy of the dwelling would effectively create a detached dual occupancy. The site is zoned 7A Conservation and 1A Rural Zone under the provisions of the WLEP. A detached dual occupancy is prohibited within these zones and the interest of Condition 4 is to prevent the prohibited use from occurring.

The application for a detached dual occupancy is not substantially the same development, under the provisions of section 96 of the EP&A Act 1979, and under these circumstances the development cannot be approved.

There is also only one On Site Sewage Management licence for the property and accordingly the subject dwelling is discharging waste without a current OSSM licence.

The subject dwelling does not comply with the Planning for Bushfire Protection 2006 and accordingly is not suitable for occupation.

As such it is recommended that the application be refused and the terms of the Order No. 15 issued under the EP&A Act, 1979 be enforced so that the existing dwelling is demolished or rendered uninhabitable.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

HISTORY

The following applications have been approved for the subject property:

BA/2949/1983-Tractor shed
BA/2950/1983-Re-clad and re-roof
BA/386/1986-Garage
DA/159/1993-Rural dwelling to replace existing dwelling
DA/176/1993-Conversion of existing dwelling to form home industry
LA/8111/1995-OSSM absorption system
BA/2364/1995-Dwelling and garage
BA/1280/1997-Pool

An anonymous complaint was received by Council on the 4th October 2011 alleging that both dwellings were currently being occupied without consent from Council. An inspection by Councils Compliance Officer revealed that there are two dwellings on the property both of which are being occupied.

A review of Development Consent No. 159/1993 for a single rural dwelling revealed that it was lodged as a single rural dwelling with the documentation detailing that the existing dwelling would be rendered uninhabitable. The consent was granted with the following condition;

“The existing dwelling to be demolished or rendered uninhabitable within three months of occupation of the new dwelling.”

Subsequently, Council commenced the Order process under the EP & A Act 1979 as follows:

- 10 November 2011. Notice of Intention to issue an Order 15 under the EP&A Act 1979 to comply with the Development Consent.
- 16 December 2011. Order 15 under the EP&A Act 1979 to comply with the Development Consent.

As a consequence of this action, the property owner lodged the Section 96 application to attempt to amend the requirements of Development Consent No. 159/2003.

PERMISSIBILITY

The subject site is zoned 7A Conservation and 1A Rural Zone under the provisions of the WELP 1991.

Two detached dwellings on a property are defined as a Detached Dual Occupancy.

*“**detached dual occupancy** means two dwelling-houses on one allotment of land. “*

Although the proposal is only for a temporary use the approval of the occupancy of the dwelling would effectively result in a “detached dual occupancy”. As this use is prohibited Council does not have the legal authority to grant approval of the application.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

ASSESSMENT

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

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

Environmental Planning and Assessment Act 1979.

The proposal seeks amendment to DA 159/1993 under Section 96(1a) of EP& A Act 1979. Section 96 provides the opportunity to modify an approval where it can be demonstrated that the application is substantially the same development as that originally approved.

Case law (Moto Projects Pty Ltd v North Sydney Council and Basemount Pty Ltd v Baulkham Hills Council) suggests that the implications of Section 96 are essentially a qualitative and quantitative assessment. In brief, do the proposed modifications at the least maintain (or even improve) the quality of the original approval and does the modification retain the residential outcome of the approval.

In this case the number of residential units does not remain the same. The original proposal was lodged and approved as a single rural dwelling. This proposal would result in two detached dwellings on the site which is significant departure from the development approved under the original consent.

The proposal represents a change in the LEP definition from that of a "Dwelling/House" to a "detached dual occupancy". A detached dual occupancy is not permissible within this zone and accordingly it is not a reasonable conclusion that the proposed amendment from a permissible use to a non permissible use could be considered to be substantially the same development.

It is also quite clear that the existence of two dwellings on a site in a rural locality would have a more significant impact upon the surrounding environment particularly where they are located a significant distance apart as is the case with this site. This scenario results in a greater impact on rural vistas by effectively doubling the dwellings and associated disturbance within the curtilage of the dwellings on the property.

Accordingly the proposal is not substantially the same development and therefore cannot be approved pursuant to the provisions of Section 96 of the EP&A Act 1979.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

Wyong Local Environmental Plan 1991

The property is zoned 1a Rural Zone and 7a Conservation. The objectives of the zone are as follows;

“Zone No 1 (a) (Rural Zone)

The objectives are:

- (a) *to protect, enhance and conserve agricultural land in a manner which sustains its efficient, sustainable and effective agricultural production potential, and*
- (b) *to facilitate development requiring a rural or isolated location or associated with agricultural pursuits, and rural industry, provided that it is unlikely to:*
 - (i) *prejudice the present environmental quality of the land within this zone, or*
 - (ii) *generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or*
 - (iii) *prejudice the intent of the objective specified in paragraph (a), or*
 - (iv) *have an adverse impact on the region’s water resources.*

2 Without development consent

Home occupations.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4 of the matter relating to this zone.

4 Prohibited

Aerodromes; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; carparking stations; child care centres; commercial premises; detached dual occupancies; entertainment facilities; exhibition homes; general stores; generating works; hazardous industries; hazardous storage establishments; hotels; housing for older persons or people with a disability; industries; large scale commercial premises; large scale retail premises; light industries; materials recycling depots; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; passenger transport terminals; plant hire establishments; reception establishments; recreation facilities; registered clubs; residential flat buildings; restaurants; road transport terminals; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 7 (a) (Conservation Zone)

1 Objectives of zone

The objectives are:

- (a) to restrict the type and scale of development which will be carried out on land possessing special aesthetic, ecological or conservation values to that compatible with such environments, and
- (b) to allow such development where:
 - (i) it can be demonstrated that it can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of the land referred to in the objective specified in paragraph (a), and
 - (ii) it is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species, and
 - (iii) it is unlikely to have an adverse impact on the region's water resources.

2 Without development consent

Home occupations.

3 Only with development consent

Agriculture; bushfire hazard reduction; communications facilities; community facilities; dams; drainage; dual occupancy buildings; dwelling-houses; home businesses; nutrient control facilities; recreation areas; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone."

Two detached dwellings on a property are defined as a detached dual occupancy.

detached dual occupancy means two dwelling-houses on one allotment of land.

Although the proposal is only for a temporary use, the approval of the occupancy of the dwelling is not permissible as it would effectively result in a detached dual occupancy.

Clause 26 of WLEP 1991 does allow some discretion for temporary use of land as follows;

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

“26 Temporary use of land

“Notwithstanding any other provision of this plan, the Council may at its discretion, subject to consideration of the matters set out in section 79C of the Act, grant consent to the carrying out of development on land for any purpose (not being designated development or contrary to the provisions of any other environmental planning instrument) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.”

The provisions of this clause is not seen to be appropriate in these circumstances as the use has effectively been undertaken in contravention of the consent for a period of approximately 18 years. The approval for a 28 day period would also be of little benefit to the applicant, however it is important to note that the EP&A Act 1979 contains procedures for Council to follow when action it is taking results in residents being made homeless.

Under these circumstances Council does not have any discretion in applying the provisions of the LEP and as the proposal would result in a prohibited development, a detached dual occupancy, Council has no alternative but to refuse the application.

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

The provision of waste facilities.

The property does not have a current On Site Sewage Management licence for the subject dwelling; and therefore the property is discharging waste without the appropriate approval. The system is very old and although it appears to be operating effectively the standard approach when considering a new use of a dwelling would be to require the installation of a new system. Should the current system fail it could result in potential health and environmental pollution risks.

Whether the development will be energy efficient.

The existing dwelling would not comply with current energy efficiency requirements as set out by the BASIX legislation. Although there is no new building work proposed that would trigger compliance with this legislation it is relevant to note that structure is substandard in this respect.

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

The property is located in a bushfire prone area and is subject to a bush fire attack. Currently the dwelling would not comply with the requirements of Planning for Bushfire Protection 2006 and accordingly is not suitable for occupation.

Whether the development provides safety, security and crime prevention.

No issues to report.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

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

Whether the proposal fits in the locality.

A detached dual occupancy is prohibited within both the 1a Rural zone and the 7a Conservation zone. The two detached dwellings on a rural property represents a greater development area and intensification of development than does a restricted development site such as an attached dual occupancy. Under these circumstances the development is out of character with the area.

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

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

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

No issues to report

OTHER MATTERS FOR CONSIDERATION

Nil

CONCLUSION

The applicant is seeking to amend the existing condition 4 of DA/159/1993 which would allow the existing dwelling to be used for habitable purposes.

Considering that the zoning under the WLEP prohibits a detached dual occupancy, the development is not substantially the same as the original development, there is no current OSSM licence for the septic system and the dwelling does not comply with the Planning for Bushfire Protection requirements, the proposal cannot be justified. Under these circumstances it is recommend that the application be refused and that the terms of the Order No.15 issued on 16th December 2011 be enforced.

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby (contd)

Locality Plan



ATTACHMENTS

- 1 Draft Reasons for Refusal D02989798

Date: 1 May 2012
Responsible Officer: Doug Tytherleigh
Location: LOT 21 DP 715159
Laurel Glen, 10 Little Jilliby Road, LITTLE JILLIBY NSW 2259
Zoning: 1A Rural Zone7A Conservation
Owner: Mr K S Matthews and Ms R Matthews
Applicant: Mr K S Matthews
Date Of Application: 28 February 2012
Application No: DA/159/1993/A
Proposed Development: Rural dwelling to replace existing dwelling (Amended application)
Land Area: 201800.00

DRAFT REASONS FOR REFUSAL

- 1 Pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979 the development is not substantially the same development as that approved under Development Consent 159/1993.
- 2 Pursuant to the provisions of Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, Local Environmental Plans, a Detached Dual Occupancy is not permissible within the 7a Conservation and 1a Rural zones.
- 3 Pursuant to the provisions of Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979, Waste, the development does not adequately provide for the disposal of effluent on site.
- 4 Pursuant to the provisions of Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979, Natural Hazards, the development does not adequately address the bushfire risk.

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....
Reporting Officer

.....
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein adopted by the Development Assessment Panel:

.....
ADM

.....
ENG

.....
HB

.....
TP

Approved/Refused in accordance with the Development Assessment Panel's decision:

.....
___/___/___

Date

4.1 Contract Variations and Finalisation - March 2012

TRIM REFERENCE :F2007/01410 D02976405
AUTHOR: John McCarthy; Purchasing Coordinator
MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150K in value.

The report covers contract variations processed from the 1 November 2011 to the 31 March 2012.

RECOMMENDATION

- 1 That Council receive the Contract Variations and Finalisation for March 2012.
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (excl GST)	Additional Budget Approval
Provision of Accounting Management Services	CPA/201865	\$209,516.00	\$59,516.00
Stormwater Treatment Works - Colongra Bay Road, Lake Munmorah	CPA/144547	\$333,355.56	\$35,316.06

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

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

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

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

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

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure. The purpose of this report is to seek Council's approval where variations are such that an increase in the approved contract budget is required.

THE PROPOSAL

The report for March 2012 seeks Council's formal approval for additional funding on two contracts.

The variations relate to an increased funds request for the Provision of Accounting Management Services for a temporary hire engagement for Corporate Services as well as a variation to a contract for Stormwater Treatment Works - Colongra Bay Road, Lake Munmorah.

Details of the variations are contained in Attachment 1.

A further contract variation was processed for contract 2328 – Coast Line Management Plan during the reporting period. However, details specific to the conclusion of this contract will be addressed to Council via a separate Council report.

Summary for November 2011 to March 2012 period

Total variations processed for the reporting period	103
Contracts with variations processed in the reporting period	21
Contracts requiring increase to the contract budget estimate	2
Contract where current funds are sufficient to complete	19
Contracts finalised in the reporting period	0

OPTIONS

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

STRATEGIC LINKS

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

FINANCIAL IMPLICATIONS

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

PRINCIPLES OF SUSTAINABILITY

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

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

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

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

CONCLUSION

Council's approval is sought where variations are such that an increase in the approved contract budget is required.

ATTACHMENTS

- 1 Contract Variations - March 2012 (distributed under separate cover) - Enclosure D02976507

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration)

TRIM REFERENCE: F2011/01862 - D02992058

MANAGER: David Jack, Director Corporate Services

AUTHOR: Kerryn Austen; Integrated Planning Officer

SUMMARY

This report provides details of submissions made during public exhibition of the Wyong Shire Council Strategic Plan (2012-16) (the Plan) for consideration by Council to any further consideration of the Plan.

RECOMMENDATION

- 1 That Council receive the submissions listed herein concerning the Draft WSC Strategic Plan 2012-16.**
- 2 That Council determine the outcome of each submission in terms of possible changes to the draft Plan before the final Plan is adopted.**
- 3 That Council amend the WSC Strategic Plan 2012-16 to reflect its consideration of submission number 9v.**

BACKGROUND

At its meeting on 11 April 2012 Council considered a draft corporate strategic plan entitled "Wyong Shire Council Strategic Plan 2012-16". The draft was formulated in keeping with the Local government Act 1993 (the Act) and the NSW State Premier's Department, Division of Local Government Guidelines for integrated planning and reporting.

Under recent amendments to the Act, Wyong Shire Council has been gazetted as a "Group 3" Council which means that Council must fully implement the new integrated planning regime on 1 July 2012. As a Group 3 Council, Wyong has used the integrated planning format for the Plan and has publicly exhibit the draft document.

Council at its meeting held on 11 April 2012 unanimously resolved:-

- "1 That Council adopt the Draft Wyong Shire Council Strategic Plan 2012/16 (the Draft Plan) for public exhibition.**
- 2 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Plan for consideration and possible inclusion in the final plan to be adopted by Council in May 2012.**
- 3 That Council note that no loan monies will be required during 2012/13 to support the planned activities.**

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration) (contd)

- 4 That Council authorise the General Manager to make appropriate corrections in the Draft Plan to eliminate numerical inconsistencies and typing errors.
- 5 That Council approve the minor corrections to the draft Strategic Plan as tabled at the meeting.
- 6 That Council prepare an Executive Summary to accompany the draft Strategic Plan.”

The draft Plan was exhibited for a period of 28 days from 18 April until 15 May, 2012. Exhibition was carried out in keeping with an approved Community Engagement Strategy that included;

- A series of advertisements in the local papers
- Media release issued at all media and picked up by local radio and followed up with interview request with the Mayor
- Newspaper articles in the local paper
- Wyong Shire Council notice board in the local paper
- Exhibition displays at Council's head office, depots, libraries and care & education centres
- A summary document explaining the draft Plan (providing a response form for ease of submissions) distributed at all exhibition locations, as well distributed to community groups, local members and partnership groups
- Electronic notice to all staff through intranet sign-on page
- Letters to all Precinct Committees, Chambers of Commerce, Progress Associations (informing them of the exhibition and providing a CD of the document and a number of summary document to distribute to their members)
- Electronic exhibition of the document and summary document on Councils website with a link to the response form also held on Councils website
- Social media updates through Facebook and Twitter with links supplied to the exhibition material on Council Website
- Posters used in the exhibition
- Presentation to the Precinct Committees
- Presentation to the Senior Council
- 3 public presentations being Blue Haven, The Entrance and Dooralong

SUBMISSIONS

A total of 36 submissions were received in a variety of formats including:-

- e-mail
- Website submission form
- Letter

A copy of every submission received enclosed with this report (confidential). A table summarising the submissions is attached to this report.

When contact details were provided, an immediate acknowledgement was sent to each submitter which also kept them informed of the process.

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration) (contd)

Council staff have also engaged with government agencies and in particular the Office of the Environment and Heritage (OEH) and the Division of Local Government (DLG). Both those organisations have made pertinent and helpful comments in providing guidance for Council especially in respect of the Stormwater Management Charge

The submissions from the public raised a range of different issues, suggestions and in some cases provide comments of support. Many, however, address matters which, while of importance to members of the community, are actually taken up in larger categories of expenditure and service coverage. Consequently these items are not specifically detailed in the Strategic Plan, either as an activity in the Resourcing Strategies, Annual Plan consideration or the 4 year Delivery Program.

Council may, in its consideration of these submissions determine to note any particular issue as being a consideration for operational staff to take up during the course of normal operational activity.

Accordingly the summary shown in Attachment 1 and the recommendations therein allow for recommending changes to the plan that directly affect the content of the document.

The 36 submissions raise multiple issues many of which are related to Council business but unrelated to the Strategic Plan except at a very low level or are enquiries for information and other matters. The recommendations take account of that circumstance.

- Expressions of Support for Council's actions – e.g. the dog fence. (2)
- Request for funding and Capital expenditure projects
- Concern for the increase in Care and Education fees

In brief, the public submissions amount to :-

36 Total

- 19 Concern the child-care fees increasing.
- 6 Request information or compliment Council.
- 9 Other ideas or request capital expenditure items
- 2 Promote a Tuggerah Sporting Facility

COUNCIL'S INTERNAL REVIEW OF THE DRAFT PLAN

Council is not required to make submissions to its own plans however it has an obligation to ensure that in its fine tuning of the document, that any material change is avoided otherwise it would be appropriate to consult formally with the Community a second time.

During the exhibition period staff have continued to make many minor adjustments to the narrative, formatting and correction of typos as permitted by Council's resolution to place the draft Plan on exhibition.

Staff have also been reviewing the capital expenditure planned for the 2012-13 year and been able to apply increased rigour to the estimates and the content of the capital programme.

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration) (contd)

The outcome is a number of changes are proposed to the programme from the draft list submitted in April. The changes include deletions and additions to ensure the programme is as closely aligned to Council's business intentions as is possible.

From the original list of 269 items totalling \$86.6m, 39 have been deleted because they will be completed in the current year or have failed to satisfy the last stage of the business assessment. New items (2) have been added to replace items that are now being done in the current year. The new total \$89.4m is proposed which, in the context of the total capital expenditure and Council overall total expenditure, is not regarded as significant.

CONSULTATION

Community consultation was in accordance with an approved Community Engagement Strategy. This engagement and all submissions received during the public exhibition period are the subject of this report.

In addition to the Community consultation extensive consultation with Councillors, senior management, managers and staff for the formation of the draft Plan.

GOVERNANCE

The exhibition of the Strategic Plan 2012-2016 is an important step in ensuring good governance based on the integrated planning framework. The integrated planning framework provides an additional avenue for transparency and community input into Council detailed corporate planning. As such, it serves as an essential component of good governance as a basis for corporate management that responds to the needs and vision of our growing community.

CORPORATE RISK

The exhibition of the Plan and the community consultation reduces corporate risks arising from business directions not being aligned with the community needs and direction. At the same time, careful review of all submissions is required to ensure that final decisions give preference to the overall community good when weighting up any advantages arising from suggestions made by individual submissions.

CONCLUSION

Council has exhibited the draft Plan in accordance with the Community Engagement Strategy and the requirements of the Act.

Submissions have been analysed and summarised received generally raised concerns regarding Councils proposed rates and charges from those individuals or businesses most directly impacted by cost increases.

Submissions however, did not provide a substantial argument for improvement or major changes to the exhibited Plan.

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration) (contd)

Amendment of the draft Plan as outlined in this report is proposed prior to Council considering the final Wyong Shire Council Strategic Plan 2012-2016 for adoption.

ATTACHMENTS

- | | | | |
|----------|--|-----------|-----------|
| 1 | Submissions Received Wyong Shire Council Strategic Plan 2012-2016 (distributed under separate cover) | | D03008562 |
| 2 | Detailed Submissions Received Wyong Shire Strategic Plan 2012-2016 - | Enclosure | D03008718 |

ATTACHMENT 1

SUMMARY - SUBMISSIONS RECEIVED TO THE
WYONG SHIRE COUNCIL STRATEGIC PLAN 2012-2016
(Incorporating the Annual Plan and the Four Year Delivery Programme)

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
1.	D02979510	Part 4	Expressing appreciation for capital expenditure allocation for dog park fencing	That Council notes the submitter's compliments and formally thanks her. No change recommended
2.	D02979532	Part 4	Commending WSC on proposal for fenced dog park	That Council notes the submitter's compliments and formally thanks her. No change recommended
3.	D02991256		Request for funding to assist in the establishment of the Community Centre at Yarramalong	Community Centre at Yarramalong is not planned or recorded as have a need that is supported by evidence. No change recommended
4.	D02994032	Part 6	Question why the child care fees have increased	Council notes the submitter's concerns and have re-affirmed the decision to raise the fees to pursue full cost recovery. No change recommended
5.	D02995754	Part 6	Question why the child care fees have increased	
6.	D02995782	Part 6	Question why the child care fees have increased	
7.	D02995794	Part 1 Part 1 Part 2	<ul style="list-style-type: none"> i. There is no mention of quality of life of the residents as part of the Community Strategic Plan – e.g. Tuggerah Lakes ecology and beautification. ii. Regularly measure and publish key statistics e.g. water quality iii. Install K &G to streets that do not have it. iv. Complete the shared pathway around Tuggerah Lakes v. Library (The Entrance & Bateau Bay) Suggest we should be careful in spending our money on new facilities due to eBooks. vi. Council should investigate engineering solution to sea level rise predicted by global warming. vii. Long Jetty growth 	<ul style="list-style-type: none"> i. Council considers the CSP adequately addresses the future quality of life for the Shire's residents No change recommended. ii. Council publishes key statistics regularly on statistics. No change recommended. iii. Council considers that kerb and guttering is already part of the road program deemed affordable to Council. No change recommended iv. Complete Shared Pathway Program is included in Plan. No change recommended. v. Council note the submitter's opinion in respect of eBooks. No change recommended vi. Council note the submitter's opinion in respect to Engineering solution to sea level rise predicted by global warming. No change recommended. vii. Long Jetty is now in Council's strategic and CAPEX thinking and is included in the plan. No change recommended.
8.	D02995925	Part 6	Question why the child care fees have increased	Council notes the Submitters' concerns and have re-affirmed the

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
				decision to raise the fees in pursuit of full cost recovery. No change recommended
9.	D02997528	Various	<ul style="list-style-type: none"> i. Need an additional principal Activity – Tourism. ii. Limited exhibition time and public meetings should be at the start of the exhibition rather than the end. iii. Request explanation on why the water supply CAPEX blows out for 2015/16 iv. Carbon Tax issues. v. Consultant Expenditure 	<ul style="list-style-type: none"> i. Council recognises the importance of Tourism and actively supports various strategies to promote the area. However it is a service to the community which is part of other activity. No change recommended. ii. Council notes the suggestion for next year's process and will consider the suggestion further when the new process is being planned. No change recommended. iii. Council staff notes the capital expenditure for 2015/16 takes account for the replacement of Water Pumping Stations. No change recommended. iv. Council has addressed the Carbon Tax issue as far as it is currently able. Content has been included in the Plan. No change recommended. v. Council is asked to consider including a list of Consultants and the project subject in the Plan. Recommended that Council Consider this idea.
10.	D02999383	Various	<ul style="list-style-type: none"> i. Expansion of Mannering Park Shared Pathway not included in the Plan. ii. Require a tidy up of the truck parking area at Mannering Park 	<ul style="list-style-type: none"> i. Council will be considering the Mannering Park Shared Pathway expansion at a later date. No change recommended. ii. Council notes this land is privately owned and Council jurisdiction. No change recommended.
11.	D03001196		Question regarding the funding being allocated for the Lake Macquarie Stormwater Improvements	The majority of the works relating to the stormwater management charge will be allocated to works for the Tuggerah Lakes Estuary Management Plan.

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
12.	D03002557	Various	<ul style="list-style-type: none"> i. The community should be involved in the planning of Major Plans. ii. Council should develop local waste depots so the community can drop off electronic waste. iii. Roads need better maintenance. iv. Stormwater channels along Berkeley vale need regular cleaning out. v. Efficient and effective use of ratepayer money for projects. 	<ul style="list-style-type: none"> i. Council notes the submitter's view on the Plan process No change recommended. ii. Council could consider the establishment of local collection centres. Investigation will be required and could be adopted at a later date. No change recommended. iii. Council may consider an increase to the road maintenance standards which will require further investigation and adoption at a later date. No change recommended. iv. Council notes the submitter's concern in respect of the regular cleaning of stormwater channels. No change recommended. v. Council notes the submitter's advice and confirms the Plan and staff pursue efficient & effective use of public monies at all times. No change recommended.
13.	D03002705	Part 1	<ul style="list-style-type: none"> i. Re-open the Council nursery. ii. Better weed control on high visual areas (roads and pathways). iii. Beautification works at shire entry points Link pathways with theme Walking Wyong. iv. Approach schools and TAFE to undertaking work experience (construction) of shelters and Landcare. v. Increase services for tidy town goals. vi. Combine maintenance works for parks, gardens & ovals. vii. Council to be proactive rather than reactive 	<ul style="list-style-type: none"> i. Council maintains the nursery for its own needs and does not consider it an appropriate investment for the use of public funds beyond that need. No change recommended. ii. Council notes the request for improved weed control and reaffirms that an increase in weed control activity is planned for 2012-13 in the Strategic Plan. No change recommended. iii. Council will continue through its established maintenance programs, to ensure the entrances to the Shire and other areas reflect the care and appearance of community pride. No change recommended. iv. Council is establishing a Youth Employment Strategy during 2012-13 that will take up the work development of young people in a cohesive manner. The program is incorporated in the Plan. No change recommended. v. Council notes that it is pursuing a Tidy Towns initiative. No change recommended. vi. Council staff are already in the process of rationalising how maintenance is undertaken efficiently and is already taken up with the planned activity at service

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
				levels. No change recommended. vii. Council agrees with the submitter and has taken a very proactive mind-set into the plan as is demonstrated by the major project to establish a Central Coast Water Corporation. No change recommended.
14.	D03002874	N/A	Request an upgrade to the front fence and the shed at the rear of site at the Rates Payers Hall Bungary Rd, Norah Head	Council considers this issue is a part of its regular maintenance programme which is catered for in the Plan. No change recommended.
15.	D03002968	N/A	The need for a Tuggerah/Mardi sports field due to a growing population and the current need to drive to Bateau Bay to play sport	Council acknowledges the concerns in respect of access to sports fields and re-affirms its Open Space strategies which include future developments in a planned manner to suit the needs of the times. No change recommended
16.	D03003054	N/A	The need for a Tuggerah/Mardi sports field as the current field is not suitable for organised sports.	
17.	D03003448	N/A	Would like a large private residential property at Ourimbah to be included in any future development in Ourimbah	Council notes the suggestion and will take account of the idea when the opportunity arises. No change recommended
18.	D03004376	Various	<ul style="list-style-type: none"> i. Confirmation on service level for 2012/13 and beyond. ii. Information request on the Landcare review undertaken in 2011/12. iii. Allocation of funds for the expansion of the nursery. iv. Suggestion for local park improvements. v. Questions regarding current and future CAPEX. vi. Appreciation for the nominated Major Projects 	<p>Council confirms its committed to maintaining current service levels however it is noted that funding restrictions and cost increases will continue to place pressure on that ideal. No change recommended.</p> <p>Council notes the Submitter's other comments and questions and will include detail in its formal response. No change recommended.</p>
19.	D03003962	Part 2	Disappointment at the small budget allocated to environmental activities	Council notes that, in fact it spends a great deal of its funds on protection of the environment and other environmental activities throughout its entire range of services. The formal response to the submitter will include detail of that coverage. No change recommended.

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
20.	D03005130	Various	<ul style="list-style-type: none"> i. Timing of meeting. ii. Document size and need for extensive consultation. iii. Unknown financial impact of the CCWC. iv. Amount of capital expense for Water and Sewer. v. Capital expenditure C&R 49 needs more detail of what it relates to. vi. Capital expenditure E&P 7 - is this works funded by the Stormwater levy and if so allocation of this money. vii. Rolling works program for roads and drainage in Mannering Park. 	<p>Council is not yet able to qualify the detail in respect of how the CCWC will be formed and on what business arrangement with the Shareholding Councils.</p> <p>No change recommended.</p> <p>Council notes the Open Space Strategy is yet to be confirmed but it will require identification of funding in the budget process.</p> <p>No change recommended.</p> <p>Council notes the Submitter's comments and questions and will include detail in its formal response.</p> <p>No change recommended.</p>
21.	D03005166	Part 6	Child Care fee increase - fees increasing on an ad-hoc bases rather than annually	<p>Council notes the submitter's concerns and have re-affirmed the decision to raise the fees to pursue full cost recovery.</p> <p>No change recommended</p> <p>Council notes the submitter's concerns and have re-affirmed the decision to raise the fees in pursuit of full cost recovery.</p> <p>No change recommended</p> <p>Council notes the submitter's concerns and have re-affirmed the decision to raise the fees in pursuit of full cost recovery.</p> <p>No change recommended</p>
22.	D03005167	Part 6	Child Care fee increase	
23.	D03005168	Part 6	Child Care fee increase	
24.	D03005169	Part 6	Child Care fee increase	
25.	D03005170	Part 6	Child Care fee increase	
26.	D03005171	Part 6	Child Care fee increase	
27.	D03005172	Part 6	Child Care fee increase	
28.	D03005173	Part 6	Child Care fee increase	
29.	D03005174	Part 6	Child Care fee increase	
30.	D03005360	N/A	Trouble downloading document	<p>Council notes submitter's issue and will ensure access to the website is reviewed. The comment is not specifically relevant to the content of the plan.</p> <p>No change recommended</p>
31.	D03005868	Part 6	Child Care fee increase	<p>Council notes the submitter's concerns and have re-affirmed the decision to raise the fees in pursuit of full cost recovery.</p> <p>No change recommended</p> <p>Council notes the submitter's concerns and have re-affirmed the decision to</p>
32.	D03006904	Part 6	Child Care fee increase	
33.	D03006907	Part 6	Child Care fee increase	

	TRIM No	Plan Ref.	Submission Detail	Staff Recommendation
34.	D03006907	Part 6	Child Care fee increase	<p>raise the fees in pursuit of full cost recovery. No change recommended</p> <p>Council notes the submitter's concerns and have re-affirmed the decision to raise the fees in pursuit of full cost recovery. No change recommended</p>
35.	D03006907	Part 6	Child Care fee increase	
36.	D03006913	Part 6	Child Care fee increase	

4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan)

TRIM REFERENCE: F2011/01862 - D02992471

MANAGER: David Jack, Director Corporate Services

AUTHOR: Kerryn Austen; Acting Manager Integrated Planning

SUMMARY

This report presents the Wyong Shire Council Strategic Plan 2012-2016 (the Plan) for Councils adoption.

RECOMMENDATION

- 1 That Council adopt the WSC Strategic Plan (2011-2015) complete with the changes proposed in this report.**
- 2 That Council approve the estimates of income and expenditure as detailed in this report and the Plan.**
- 3 That Council authorises the General Manager to make final minor changes to the plan to ensure correctness and clarity**
- 4 That Council set the rate and charge rebates to pensioners for the year 2011-2012 in accordance with the relevant legislation and Council's current policy.**
- 5 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management that are funded in part or whole by The Entrance Town Centre Special Rate:**
 - a All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - b All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**
 - c All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**

- 6 ***That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Greater Toukley Vision that are funded in part or whole by the Non Residential Properties Toukley Area Special Rate :***
- a ***All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.***
- 7 ***That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong-Tuggerah Chamber of Commerce that are funded in part or whole by the Non Residential Properties Wyong Area Special Rate :***
- a ***All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.***
- b ***All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:***
- ***North of the Wyong River from Tacoma in the east to the F3 Freeway in the west;***
 - ***East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;***
 - ***South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the***
 - ***Intersection of Pollock Avenue, but to include Lot 400 DP 1114793 (being to the north of the Pacific Highway);***
 - ***The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.***

BACKGROUND

The Local Government Act (the Act) was amended in 2009 to introduce the Integrated Planning and Reporting Framework (IPRF) for Council operations and business planning. Those amendments provided for a staged introduction of what is effectively a new strategic planning system.

Under the new Integrated Planning program Wyong Shire Council was eventually classified as a "Group 3" council which means that Wyong must fully implement the new Integrated Planning Framework by 1 July 2012.

The Integrated Planning Framework requires Council to adopt an Annual Plan and a 4 yr Delivery Program Plan prior to 30 June each year.

4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan) (contd)

The Planning Framework identifies the need for resource planning, longer term thinking (4 yr) and short term (Annual) horizon rigour in Council's business plans, however the two key drivers of Council's role and operations did not receive specific focus except as a consequence of other requirements.

Those drivers are:

- Council's intended contribution to the Community Strategic Plan over the planning horizon and beyond – this driver establishes, at a high level, the Principal Activities in which Council will engage.
- Council's detailed service and activity profile which establishes the precise cost structure and nature of resourcing strategies.

The consequence of those two considerations has been that Council formulated a Draft Wyong Shire Council Strategic Plan 2012-16 (the Plan) to ensure all key elements are seen together in a cohesive alignment. The content reflect this completeness in accordance with the Act and the requirements of Division of Local Government.

The Draft Plan was exhibited for 28days from the 18 April until 15 May 2012.

Council received and has considered 36 submissions and determined that most have either been taken up within the plan (but may not show specifically due to the level of issue) or that Council's position remains unchanged from the Draft Plan.

Council had substantial operating losses for the past five years peaking with an operating shortfall of \$30m in 2009/10, Council is now on the path of recovery with a proposed shortfall of <\$10m for 2012/13. This situation has arisen from a combination of many factors including:

- Rate capping by State government since the 1970's. In the 10 years from 1995-2005, rates in NSW increased by a mere 25% compared with the CPI increase over the same period of 56%
- Increased volume, demand and public expectation for community services
- Cost shifting where other levels of government have transferred responsibilities to local government without financial compensation (e.g emergency services, weed management, collecting waste levies etc)
- A growing population within Wyong Shire
- Need for maintenance and replacement of assets. Almost all NSW councils have find that way they have planned, managed and appreciated roads, bridges and building in the past is inadequate.

**4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016
(incorporating the Annual Plan and 4 Year Delivery Plan) (contd)**

CURRENT STATUS

The Plan enhances the State government's minimum requirements by providing an improved display of the connections between Council Plan and the Community Strategic Plan. The Plan also displays a clear connection through colour identification of the pages from the Principal Activities to the Services to the Capital Expenditure, to the Fees and Charges made by Council.

Table 1

Summary of Requirements	Content in the Plan
4 Year Delivery Plan (called the Delivery Program" in the legislation)	
Must address the objectives and strategies of the community Strategic Plan	Clear linkages are shown in the Plan in part 1,2 & 5 and appendix 1, 2, 4
Must inform and be informed by the Resourcing Strategy	Part 2 of the Plan includes and is integrated with the 4 Strategies in part 5 that form the Resourcing Strategy
Must address the full range of Council operations	This is covered by the Principal Activities of Council detailed in Part 1 & 2
Must allocate high-level responsibilities for each action or set of actions	Each Principle Activity identifies products delivered by specified Service Units within Council detailed in Part 2.
Financial estimates for the four year period.	Included in the Plan under Part 2, 3 & 4
Must consider priorities and expected levels of service derived during formation of the Community Strategic Plan.	Considered as outlined in Appendix 1
Annual Plan (Operational Plan)	
Must include the Statement of Revenue Policy.	Part 6 – Statement of Revenue Policy
Must be accompanied by a map showing where various rates apply.	Contained within Part 6 – Statement of Revenue Policy
Must be a sub-plan of a delivery Program	The Plan includes both the Annual Plan and the 4 Year delivery program under the Principal Activity Tables in Part 2.
Must allocated responsibility for each project, program or activity	Each Principle Activity identifies products delivered by specified Service Units within Council detailed in Part 2. Capital Expenditure is itemised.
Must identify suitable measures to determine	Refer Part 2 under Service Performance

Summary of Requirements	Content in the Plan
the effectiveness of projects, programs and activities.	Indicators and Part 7 Appendix 4
Must include a detailed budget for the year	Refer Part 3 Financing Council 2012-16.

Submissions

Submissions to the Plan may or may not be directly relevant as submitters commonly express unrelated issues or ask questions in addition to putting forward ideas or proposals for Council to consider a change of approach on any given matter.

Staff have analysed the submissions for content that would impact the Strategic Plan and made appropriate recommendations for Council's consideration. Councillors were provided with a copy of every submission to enable Council to consider the submissions individually as well as the staff recommendations.

Council staff have also made a number of minor adjustments to the plan after it was placed on exhibition as part of refining the quality and focus of the Plan. These alterations are generally in the nature of narrative improvement, rigour of detail, accuracy/correctness, numerical alignment and finally formatting and typos.

THE PROPOSAL

It is proposed that Council adopt the final WSC Strategic Plan as adjusted since the Draft Plan and complete with the changes identified below.

The proposed Plan has been formulated to provide a robust pathway to long-term financial sustainability that ensures Wyong Shire Council:-

- Has an ongoing ability for the next five years to its current level and/or a chosen level of service
- Can maintain its assets at optimal condition given the service levels required by Council
- Has the ability to meet the financial impact of any likely significant unplanned event (e.g. major flooding)

Additional to its fiscal health, Council has also taken up its responsibilities to pursue the environmental, social and cultural well-being goals of the community in considering its activities and contribution to the Community Strategic Plan.

Construction of the Plan Document

The major elements of the plan are:-

- Councils contribution to the Community Strategic Plan
- 4 Year Delivery Plan
- Annual Plan
- Major Projects
- Key performance indicators

4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan) (contd)

- Budget for 2012/13 and projected budget for the following four years (including a capital works program)
- Workforce Management Strategy
- Information Management Strategy
- Asset Management Strategy
- Long Term Financial Strategy
- Statement of Revenue Policy (including Fees and Charges)

Major features of the Plan

- Annual Plan and 4 Year Delivery Plan budgets based on clear deliverables and affordability of services (i.e. living with the income available)
- Recognition that the pathway from deficit to achieving financial break-even will take time (estimated to be achieved in 2015)
- Recognition that achieving a desirable balance in the condition balance in the condition and functionality of Councils operating assets will also take time, but starts with this Plan
- Recognition that Information Management is a key portion of Council business resulting in Wyong Council include an Information Management Strategy as part of Resources Strategy
- Development and expansion of the revenue program and sources
- A capital works budget of \$???m for 2012/13
- Increase spending on roads and bridges
- Increased spending on essential services
- Decreased spending on essential services
- Conditioned allocation of a Stormwater Management Charge for properties west of the freeway
- An increase in the domestic waste charge
- Principal Activity and service costs based on the “fully absorbed” methodology to allow for transparent recovery of costs through income
- Continuation of the waste remediation and land-fill remediation programs
- Acknowledgment of the impact of the establishment of the Central Coast Water Corporation
- In accordance with State Government Rate-Pegging Legislation, rate revenue has been increased by 3.6% in 2012-13 from that raised in 2011-12 resulting in an increase in the general rate of 3.73% including recovery of income lost on valuation objections

- Increase fees and charges (generally +/- 4%) with new and the continued focus on cost recovery and user-pay principles)
- Clearly lays out Councils contribution to the Community Strategic Plan
- Budgets in the Strategic Plan are based on a “fully-absorbed” costing methodology

CHANGES (proposed) FROM THE DRAFT PLAN (as exhibited)

Council has previously considered submissions proposing changes to the draft Plan arising from exhibition and made determinations in respect of the subject matter raised in the submissions.

It is proposed the Draft Plan be modified so following changes are included in addition to the minor changes to narrative improvement/alignment, rigour of detail, accuracy/correctness, numerical alignment, finally formatting and typos:-

Table #2 Plan Adjustments (notable)

Part	Subject	Draft	Final
1	Wyong Shire in a Snapshot		Figure adjustment for facilities provided and additional facilities added to the list
1	Increasing State Costs		A table has been included detailing the cost shifting from Council to State Government
1	Scenario Analysis – Impact of the central Coast water Corporation on Council Strategic Plan		The impact to the Information Management Strategy has been included
2	Annual Plan and 4 Year Delivery Plan		No material change
3	Average Residential Ratepayer	<p>The average residential ratepayer has a property value of \$185,247 and</p> <p>A water usage of 157Kl per annum (which is the average residential demand for all residences).</p> <p>The increase for the average residential ratepayer, as shown below, is \$135.89 per annum or approximately \$2.61 per week, based on continuation of existing rating structure.</p>	<p>The average residential ratepayer has a property value of \$185,104 and water usage of 160Kl per annum (which is the average residential demand for all residences).</p> <p>The increase for the average residential ratepayer, as shown below, is \$137.27 per annum or approximately \$2.64 per week, based on continuation of existing rating structure.</p>

Part	Subject	Draft	Final
4	Capital Expenditure	Capital Expenditure 2012/13 \$86.59m	Capital Expenditure 2012/13 \$89.4m
4	Capital Expenditure	Capital works program summary by Principal Activity	Summary table included showing new, upgrade and renew
4	Capital Expenditure	Capital Expenditure Program	<p>Item brought forward to 2011/12</p> <p>C&R 4 - Lake Haven Library Window Treatment \$14k</p> <p>C&R 5 - Tuggerah Library Air Conditioning \$16k</p> <p>C&R 7 - Toukley Library Security upgrade \$11k</p> <p>C&R 8 - Tuggerah Library Window Treatment \$19k</p> <p>C&R 9 - Tuggerah Library Security Upgrade \$5k</p> <p>C&R 10 - Lake Haven Library Security Upgrade \$5k</p> <p>C&R 13 - Community Facility Equipment Upgrade \$50k</p> <p>C&R 19 - Upgrades to Nursery \$100k</p> <p>C&R 31 - Purchase high output mower \$130k</p> <p>C&R 32 - Vales Point car park upgrade \$50k</p> <p>C&R 44 - Baker Park Netball Post Replacements \$30k</p> <p>C&R 45 - Statutory improvements and upgrades \$74.5k</p> <p>C&R 46 - Statutory improvements and upgrades - Swimming pool \$29.5k</p> <p>C&R 47 - Statutory improvements and upgrades - Swimming Pool \$34.5k</p> <p>C&R 60 - Holiday Parks - Replace powerheads \$145k</p> <p>IM 8 - Purchase Water Tank \$20k</p> <p>IM 147 - Renew guttering admin buildings and truck bay \$60k</p> <p>IM 150 - SES-Replace Plant & Machinery \$80k</p>
4	Capital Expenditure	Capital Expenditure Program	<p>Items refined or removed from 2012/13</p> <p>C&R 17 - Community Facilities - \$500k</p> <p>C&R 21 - Shelly Beach Amenities block \$140k</p> <p>C&R 27 - Trailer Parking - Saltwater Creek Boat Ramp Long Jetty \$485k</p> <p>CR 42 - San Remo Extreme Sports Park 3rd Stage \$50k</p> <p>C&R 48 - Masterplan Development and Implementation Extreme Sports Park \$5k</p> <p>C&R 51 - Asset Upgrade - Kanwal Child Care \$20k</p> <p>C&R 52 - Asset Upgrade - Tom Stone Child Care \$30k</p> <p>C&R 53 Asset Upgrade - NorthLakes Childcare \$15k</p> <p>C&R 54 - Asset Upgrade - Treelands Child Care \$25k</p> <p>C&R 55 - Asset Upgrade - Spotted Gum Child Care</p>

Part	Subject	Draft	Final
			\$20k C&R 56 - Asset Upgrade - Karinya Child Care \$20k C&R 58 - Outdoor Playground upgrade at Treelands Child Care \$27k C&R 64 - Outdoor playground upgrade at Kanwal \$25k IM 14 - Ourimbah Shops Carpark - improvements to traffic flow \$25k IM 15 - Chittaway Rd - Carpark (Opposite School) \$80k IM 58 - Emerald No.1 – Footbridge \$5k IM 59 – Slade Park – Footbridge \$5k IM 60 – Myrtle Brush – Footbridge \$5k CS 13 - COL Middleware \$500k CS15 - Performance Management Appraisal online tool \$225k IM 162 - Charmhaven Store Racking Replacement \$20k
4	Capital Expenditure	Capital Expenditure Program	New item included in 2012/13 Mardi to Mangrove \$7.3m
5	Resourcing Strategies		Further details of the impact of the Carbon Tax
6	Statement of Revenue Policy		Included - Map 10 – Stormwater Management Charges East of F3
6	Financial Statements		No material impact on the “bottom line”. Overhead model has been simplified to share overhead cost on a transparent and fair basis. The former model had been in place for many, many years and is not now relevant.
7	Submissions No.9	None	Appendix 5 That council consider adding a list of proposed consultant expenditure.

STRATEGIC LINKS

Link to Community Strategic Plan 2030

The Wyong Shire Strategic Plan 2012-16 clearly shows what Council intends to do during 2012/13 and in the subsequent three years to achieve the community’s priorities outlined in the updated Community Strategic Plan (2030) through specific service delivery while at the same time ensuring that there is “best value” provision of essential community services.

Financial Implications

The Wyong Shire Strategic Plan 2012-16 provides for a sustainable pathway towards operating “break-even” point by 2015 as detailed in Councils Long Term Financial Strategy . Any departure from planned expenditure programs will have a negative affect on that target unless balancing (i.e. cost savings) strategies accompany changes in expenditure priorities.

Carbon Price

The 3.6 % rate pegging increase in 2012-13 includes a carbon price advance of 0.4%. For the average residential this equates to \$4.45 per annum or \$0.09 per week.

The carbon price will impact Councils as consumers of inputs primarily through electricity consumption and as producers of emissions through the operations of landfills.

Consumers of Inputs

The 0.4% rate peg increase for the carbon price is to assist Council to meet higher prices arising from the introduction of the carbon price from 1 July 2012. Suppliers will begin passing on the increased cost of the carbon price from 1 July 2012. Electricity prices will account for around half the impact of the carbon price as consumers of inputs, while the other half are likely to be those related to construction (steel, bitumen, concrete and timber).

Producers of Emissions

It has been determined that Council's Buttonderry Waste Management Facility will exceed the 25,000 tonne threshold, set by the Federal Clean Energy Future legislation, and will be liable for its emissions from 1 July 2012.

Council sets its Domestic Waste Management charges based on the reasonable cost of providing the service. Taking into account the impact of the carbon price, Council's Domestic Waste Management Charge will increase by \$43 in 2012-13 (or \$0.83 per week) of which \$22 relates to the introduction of the carbon price.

At WSC the estimated direct impact on the average ratepayer due to the introduction of a carbon price in 2012/13 is summarised in the table below:

Item	Impact on Average Residential Ratepayer due to Carbon Price
Rate peg increase 0.4% rate peg increase to assist Councils to meet higher prices arising from the introduction of the carbon price from 1 July 2012	\$4.45 per annum or \$0.09 per week
Domestic Waste Management Charge To meet future carbon price liability	\$22.00 per annum or \$0.42 per week
Water & Sewer Charges Electricity prices impacted by carbon price	Will be included in future IPART pricing.

However in real terms the impact on WSC costs is estimated to be much higher as materials and Services purchased from external suppliers takes effect during the year. For example the nature of WSC business is such that significant components of purchased costs will be significantly affected by the tax and passed on the WSC operational costs.

4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan) (contd)

E.G. :-

Utilities, Fuel & Energy costs will increase by	\$1.9m
Waste management anticipated to be	\$4.4m
Concrete & Bitumen	\$1.1m
Other indirect costs (suppliers to suppliers)	\$4.0m

N.B. The indirect downstream imported costs (Other indirect costs) above are difficult to quantify with any accuracy however given the many various pricing structures the tax will pass through *en route* to WSC a 2% impact is a reasonable estimate.

The State Government allowance of 0.4% included in the rate pegging will produce \$300,000 of additional income which is estimated to be a long way short of the amount that will be needed.

Principles of Sustainability

The Wyong Shire Council Strategic Plan 2012-16 identifies the 10 Sustainability Principles on which Council bases its operations. It is been formulated to clearly identify the services contributing to the sustainability “quadruple bottom line” of the environment, economy, society and civic leadership. It pays particular attention to addressing issues impacting the long term financial sustainability of Council.

CONSULTATION

The formation of the Plan has required extensive consultation between Councillors, Council staff and the community. Community consultation was in accordance with an approved Community Engagement strategy.

This engagement and all submissions received during the public exhibition period are the subject of a separate report to Council which precedes this report seeking adoption of a Plan.

Consultation has included public meetings held around the Shire (3) and a meeting with all the Precinct Committees who are one of Council’s major links into the community.

The public meetings were well attended by staff and Councillors, however the public turnout was most disappointing with only ten people in total attending.

GOVERNANCE AND POLICY IMPLICATIONS

As a “group 3” council this is the first Wyong Shire Council Strategic Plan 2012-16 under the new Integrated Planning framework and this is a significant milestone in implementing the integrated planning framework and providing an improved structured approach to civic leadership and governance.

The Strategic Plan provides a clear roadmap for activities of major projects. It identifies the assets, workforce and financial resources necessary to achieve it and various programs and provides a system for measuring and monitoring the results over the course of the plan.

MATERIAL RISKS AND ISSUES

Formation and adoption of Council Strategic Plan 2012-16 provides clear direction for the upcoming financial year and beyond. The accompanying asset, workforce, information management and long term financial strategies ensure that limited resources are allocated on a priority bases and are available to maintain essential community services while providing programs for the forthcoming year. In doing so, it migrates significant risks arising from ad hoc decision-making and provides long term direction.

CONCLUSION

Council has formulated the Wyong shire Strategic Plan 2012-16 in accordance with the Integrated Planning Framework as detailed in the Local Government Act and the DLG Planning and Reporting Guidelines.

Council has enhanced the minimum requirements for the Plan by encapsulating the (IPRF) in a Strategic Plan that adds Council's business and service considerations along with a detailed Information Technology Strategy.

Council has determined that it will only provide services within its available income (i.e. living within its means)

Council has demonstrated a direct connection between the Community Strategic Plan 2030, Councils strategies as a business and the services that it will provide to the community.

The draft Plan as been exhibited in accordance with the legislation and Council has considered the submissions received in response to the exhibition.

Final proposed changes to the draft plan resulting from submissions are detailed herein.

ATTACHMENTS

Nil.

4.4 Making and Fixing of Rates and Charges for 2012-13

TRIM REFERENCE: F2004/07006 - D02976308
MANAGER: David Jack, Director Corporate Services
AUTHOR: Darryl Telfer; Revenue Accountant

SUMMARY

Subject to the adoption by Council of the Strategic Plan 2012-16 incorporating the Annual Plan and 4 year Delivery Plan, Council is to formally make the 2012-13 rates and charges for the period 1 July 2012 to 30 June 2013.

RECOMMENDATION

- 1 ***That Council make the following ordinary rates for 2012-13 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492-494, 497-500, 535-537 of the Local Government Act 1993:***

<i>Ordinary Rate Category Under Section 493</i>	<i>Ordinary Rate Sub Category Under Section 529</i>	<i>Base Amount</i>	<i>% revenue sourced from base amount for each category</i>	<i>Ad Valorem Amount (cents in the \$)</i>
<i>Farmland</i>		<i>\$168.00</i>	<i>7.82%</i>	<i>0.2312</i>
<i>Residential</i>		<i>\$168.00</i>	<i>19.32%</i>	<i>0.3789</i>
<i>Mining</i>		<i>\$168.00</i>	<i>0.10%</i>	<i>7.6548</i>
<i>Business</i>		<i>\$168.00</i>	<i>6.21%</i>	<i>0.7064</i>
<i>Business</i>	<i>Major Retail</i>	<i>\$168.00</i>	<i>0.32%</i>	<i>1.0596</i>

- 2 ***That Council make the following special rates and amounts for 2012-13 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492, 495, 497-500, 535-538 of the Local Government Act 1993:***

<i>Special Rate</i>	<i>Base Amount</i>	<i>% revenue sourced from base amount for each Special Rate</i>	<i>Ad Valorem Amount (cents in the \$)</i>
<i>The Entrance Town Centre</i>	<i>\$76.00</i>	<i>13.05%</i>	<i>0.2885</i>
<i>Non Residential Properties Toukley Area</i>	<i>\$76.00</i>	<i>10.06%</i>	<i>0.2372</i>
<i>Non Residential Properties Wyong Area</i>	<i>\$76.00</i>	<i>17.67%</i>	<i>0.1053</i>

- 3 That Council adopt the following descriptions of rateable land to which each special rate will apply for 2012-13, pursuant to Section 538 of the Local Government Act 1993:**
- a The Entrance Town Centre Special Rate will apply to the following rateable land:**
- i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - ii All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**
 - iii All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**
- b The Non Residential Properties Toukley Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.**
- c The Non Residential Properties Wyong Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:**
- i The suburb known as Watanobbi.**
 - ii The suburb known as Wyong, bounded by the following:**
 - North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.**
 - East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.**
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, (being to the north of the Pacific Highway).**
 - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

- 4 That Council make the following schedule of annual charges for stormwater management services for 2012-13, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993:

Stormwater Management Charge	Unit of Charge	Charge
Residential	Per property	\$25.00
Residential Strata	Per lot	\$12.50
Residential Company Title	Per Company Title complex apportioned according to the number of shares in the company owned by each shareholder	\$25.00
Business	Per 850 square metres or part thereof of the land area of the property to a maximum of \$5,000 per property	\$25.00
Business Strata	Per 850 square metres or part thereof of the land area of the strata complex to a maximum of \$5,000 per strata complex, apportioned equally to each lot within the strata complex	\$25.00
Business Company Title	Per 850 square metres or part thereof of the land area of the Company Title complex to a maximum of \$5,000 per Company Title complex, apportioned according to the number of shares in the company owned by each shareholder	\$25.00

- 5 That Council apply the Stormwater Management Charge to all properties in the Shire eligible under Section 496(a) of the Local Government Act 1993 and located east of the F3 Freeway.
- 6 That Council make the following annual Domestic Waste Management Charges for 2012-13, pursuant to Section 496 of the Local Government Act 1993:

Description	Charge each
Domestic Waste Management Availability Charge	\$58.00
Domestic Waste Management Charge	\$460.00
Domestic Waste Management Charge West of F3 Freeway	\$390.00
Domestic Waste Management Charge – 240 litre Waste Upgrade	\$144.00
Domestic Waste Management Charge – Additional 240 litre Waste Bin Service	\$435.00
Domestic Waste Management Charge – Additional 140 litre Waste Bin Service	\$299.00
Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service	\$ 70.00
Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service	\$ 70.00
Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin - price per service	\$ 15.50
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin - price per service	\$ 16.50
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service	\$ 15.50
Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service	\$ 15.50

- 7 That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.
- 8 That Council make the following Waste Management Charges for 2012-13, pursuant to Section 501 of the Local Government Act 1993:

Description	Charge each
Waste Management Charge – 140 litre Waste Bin Service	\$ 299.00
Waste Management Charge – 240 litre Recycling Bin Service	\$ 70.00
Waste Management Charge –240 litre Vegetation Bin Service	\$ 70.00
Waste Management Charge - 240 litre Waste Bin Service	\$ 429.00
Waste Management Charge - 660 litre Waste Bin Service	\$1,732.00
Waste Management Charge - 1.1 cubic metre Waste Bin Service	\$2,445.00
Waste Management Charge - 1.5 cubic metre Waste Bin Service	\$3,294.00

- 9 That Council apply a proportional charge adjustment, calculated on a weekly basis, where Domestic Waste Management or Waste Management services commence or cease during the year.
- 10 That Council charge the maximum interest rate as specified by the Minister for Local Government and published in the Government Gazette in respect of overdue rates and charges levied under the Local Government Act 1993 and this interest be calculated on a daily basis using the simple interest method in accordance with Section 566 of the Local Government Act 1993, for the period of 1 July 2012 to 30 June 2013.
- 11 **Incentive Scheme**
- a That Council offer an incentive scheme for those eligible ratepayers who elect to pay, their 2012-13 Rates and Charges in full by 31 August 2012 and for those ratepayers who elect to pay by direct debit.
- b That Council implement the incentive scheme in accordance with the rules detailed in Attachment 1.
- c That Council consider a report detailing the success or otherwise of the scheme following the scheme period.

BACKGROUND

Ordinary Rates

The Statement of Revenue Policy, contained in the Strategic Plan 2012-16, proposes that Council levy Ordinary Rates in accordance with the Ad Valorem method (land value x rate in the \$) with a base amount of \$168.00 for each category.

Additionally the Statement of Revenue Policy, contained in the Strategic Plan 2012-16, proposes to continue the existing rates structure including the continuation of the Business Sub Category of Business Major Retail which was introduced in 2011-12 in accordance with Section 529 of the Local Government Act 1993. The Business Major Retail sub category is to apply to the shires major retail precincts of Bay Village Bateau Bay, Lake Haven Shopping Centre and Mega Centre and Westfield Tuggerah.

Special Rates

Council has previously adopted the following special rates:

- * Special Rate - The Entrance Town Centre
- * Special Rate - Non Residential Properties Toukley Area
- * Special Rate - Non Residential Properties Wyong Area

When reviewing these special rates, a number of scenarios on the make-up of the rates were examined, with a base charge and an ad valorem component being adopted. This achieved an equitable distribution of rates compared to the benefit derived from expenditure of revenue raised by the respective special rates.

In terms of Section 536 of the Local Government Act 1993, it is proposed that for 2012-13 Council again levy a base charge with an ad valorem component on the above special rates. This will achieve a similar equitable distribution of the rating burden compared to the benefit derived from expenditure of revenue raised by the respective special rate.

The proposed base rate for the above special rates is to be set at \$76.00.

Stormwater Management Charge

The State Government during 2005-06, approved the provision of a new funding mechanism to improve the management of urban stormwater in NSW. The Local Government Amendment (Stormwater) Act 2005 amended the Local Government Act 1993 to allow councils the option to make a charge for the provision of stormwater management services outside their capped rate arrangements.

In July 2006 the Stormwater Management Charge Guidelines were issued. In accordance with the Local Government Amendment (Stormwater) Act (under Section 496(a) of the Local Government Act 1993) Council introduced a Stormwater Management Charge in 2006-07 to provide funds towards the implementation of the Tuggerah Lakes Estuary Management Plan, as well as undertake works on the Shire's other waterways.

In determining the Stormwater Management Charge that will apply in 2012-13 to all applicable rateable properties in the shire, Council must give consideration the following relevant matters:

- i. The Stormwater Management Service Charge Guidelines, as required by Section 23A of the Local Government Act 1993; and
- ii. That all land that is subject to this charge is "urban land" for the purposes of cl. 125A of the Local Government (General) Regulation 2005; and
- iii. The cost of providing the service exceeds the maximum charges allowable under cl. 125A(4) of the Local Government (General) Regulation 2005.

Stormwater management is an activity that impacts Wyong Shire residents and the sustainability of the natural environment. The activity includes the creation and management of facilities that restores and maintains nature's way of keeping our environment healthy and vibrant, in the face of the continued urban development.

All water ends up in the natural stormwater network which flows into the creeks and rivers systems and onwards to the Shire's lakes, estuaries and coastline. Some natural waterways are not visible being underground. Stormwater management is a whole of community responsibility.

For 2012-13 the scheduled works will focus on existing large open gross pollutant traps around the lakes shore. These were installed many years ago and are due for replacement with more effective treatment measures which can be located further away from our lakes system and be easier to maintain. It will not be possible to remove or replace all of these traps however each will be assessed to develop priorities and feasibility for replacement.

A significant emphasis is also directed to the provision of water-quality treatment devices designed to protect the lakes systems and other receiving waters from the discharge of polluted stormwater. Council predominantly utilises the income from the Stormwater Management Charge to construct new stormwater improvement devices. The majority of these works at this stage are constructed as part of the implementation of the Tuggerah Lakes Estuary Management Plan.

A Stormwater Management Charge will apply to all rateable properties categorised as either Residential or Business (in accordance with Sections 516 and 517 of the Local Government Act 1993) in the Shire east of the F3 Freeway.

Vacant properties (ie those without impervious surfaces), land owned by the Crown that is used for public housing and land west of the F3 Freeway are not subject to this charge.

The annual charge is used to undertake specific works that are not funded from other sources. Council can only use the revenue from the Stormwater Management Charge on specific works relating to the management of stormwater, and not on its other areas of responsibility.

Valuations

In 2012-13 Council will be using the latest valuations from the Valuer General's Department for the calculation of ordinary rates and, where applicable, special rates. These valuations have a base date of 1 July 2011, as a general revaluation of land was undertaken in Wyong Shire for the 2012-13 rating year.

Revaluations usually occur every three years for local government rating purposes.

Rate Pegging

In accordance with State Government Rate-Pegging Legislation, rate revenue has been increased by 3.6% in 2012-13 from that raised in 2011-12.

Carbon Price

The 3.6 % rate pegging increase in 2012-13 includes a carbon price advance of 0.4%. For the average residential this equates to \$4.45 per annum or \$0.09 per week.

The carbon price will impact Councils as consumers of inputs primarily through electricity consumption and as producers of emissions through the operations of landfills.

Consumers of Inputs

The 0.4% rate peg increase for the carbon price is to assist Council to meet higher prices arising from the introduction of the carbon price from 1 July 2012. Suppliers will begin passing on the increased cost of the carbon price from 1 July 2012. Electricity prices will account for around half the impact of the carbon price as consumers of inputs, while the other half are likely to be those related to construction (steel, bitumen, concrete and timber).

Producers of Emissions

It has been determined that Council's Buttonderry Waste Management Facility will exceed the 25,000 tonne threshold, set by the Federal Clean Energy Future legislation, and will be liable for its emissions from 1 July 2012.

Council sets its Domestic Waste Management charges based on the reasonable cost of providing the service. Taking into account the impact of the carbon price, Council's Domestic Waste Management Charge will increase by \$43 in 2012-13 (or \$0.83 per week) of which \$22 relates to the introduction of the carbon price.

Rate Payment Incentive Scheme

For 2012-13 it is proposed that Council again offer a payment of \$5,000 to the winner or their nominee as the prize for the 2012-13 rate payment incentive scheme.

To ensure Council gains the maximum return on the incentive scheme, in addition to those ratepayers who elect to pay their rates in full by 31 August 2012, it is proposed that those ratepayers who commit to paying their rates in full by 31 August 2012 or by quarterly instalments using the Direct Debit method also be included in the draw.

Under the Direct Debit system ratepayers authorise the transfer of funds from their Bank, Building Society or Credit Union on the date the payments are due. All payments are then received by Council by electronic funds transfer.

Previous analysis undertaken has indicated the savings to Council of around \$6.00 per assessment will be achieved by ratepayers committing to pay by this method. This is a result of the transaction cost of eight cents for the Direct Debit system compared to a cost of \$1.65 per transaction for Post Office collections.

As the greatest financial benefit to Council is for ratepayers to pay in full, it is proposed that ratepayers who elect to do so receive two tickets in the draw and that those ratepayers paying by quarterly instalments using the Direct Debit method receive a single ticket.

THE PROPOSAL

That Council formally make (strike) the rates and charges as detailed within the recommendation of this report for the 2012-2013 financial year.

The proposed rates and annual charges reflect those contained in Council's in the Strategic Plan 2012-16 incorporating the Annual Plan and 4 year Delivery Plan. Any variance from the general structure of the rates and charges contained in the Exhibition version of the Strategic Plan 2012-16 would require Council to re-exhibit the document. That in turn would significantly defer the levying and collection of 2012-13 rates and charges.

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

The proposed rates and annual charges are the funding source of a multitude of Council's General Fund operations.

Contribution of Proposal to the Principal Activity

The proposed rates and annual charges represent approximately 39% of Council's total operating revenue for 2012-13.

Budget Impact

The budget impact of the Rate Strike is detailed in the Strategic Plan for the year 2012-2013. The yield from Rates and Annual Charges is forecast to be \$136.44m

CONSULTATION

Consultation with the general community has occurred through Council's Exhibition Draft Strategic Plan 2012-16.

GOVERNANCE AND POLICY IMPLICATIONS

Council is required to formally make rates and charges prior to levying same in order to comply with the relevant provisions of the Local Government Act 1993.

CONCLUSION

Council has compiled an operating budget in its Annual Plan through a rigorous process of considering the services and activities in which it will engage to meet the needs of the community.

Council has considered that budget in regard to the Rate Pegging increase allowed by the State Government and applied the maximum rise in accordance with the Determination.

Council has considered the making of rates and annual charges in accordance with the applicable legislation and regulations established by the NSW Government.

Council in making the rates and annual charges has given proper consideration to the requirements in Guidelines gazetted by the Division of Local Government in accordance with Section 23A of the Act.

Council is in a position to consider all the factors relevant to adoption of the recommended rating structure.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Rate Incentive Scheme Conditions of Entry 2012-13 - Attach 1 | D02992997 |
| 2 | Comparison of Rates and Charges 2012-13 - Attach 2 | D02993038 |

RATE INCENTIVE SCHEME CONDITIONS OF ENTRY

- The competition is open to all eligible ratepayers of Wyong Shire Council who have paid all rates and charges, including arrears, by 31 August 2012 or who elect to pay their rates by direct debit. All ratepayers who meet these criteria will automatically be entered into the competition.
- Ratepayers who elect to pay in full by 31 August 2012 will receive 2 tickets, with ratepayers paying in full or by quarterly instalments using the Direct Debit method receiving a single ticket.
- The winner will be drawn at a meeting of Wyong Shire Council.
- The winner will be notified by Mail and the result will be published in a local newspaper.
- Rate payments made by Federal and State Government Departments and other public instrumentalities are not eligible to enter.

Comparison of Rates and Charges

	Unit of Charge	2011-12	2012-13 Exhibition Draft Strategic Plan	2012-13 Final Strategic Plan
Ordinary Rates				
Farmland	Cents in \$	0.2004	0.2317	0.2312
Residential	Cents in \$	0.3405	0.3793	0.3789
Mining	Cents in \$	7.6885	7.6571	7.6548
Business	Cents in \$	0.6300	0.7097	0.7064
Business – Major Retail	Cents in \$	0.9450	1.0644	1.0596
Base Amount – all categories	Each	\$162.00	\$168.00	\$168.00
Special Rates				
The Entrance Town Centre	Cents in \$	0.2360	0.2897	0.2885
Non Residential Properties Toukley Area	Cents in \$	0.2228	0.2368	0.2372
Non Residential Properties Wyong Area	Cents in \$	0.0910	0.0966	1.0596
Base Amount – all Special Rates	Each	\$73.00	\$76.00	\$76.00

	Unit of Charge	2010-11	2011-12 Exhibition Draft Strategic Plan	2011-12 Final Strategic Plan
Domestic Waste Management				
Availability	Each	\$55.00	\$58.00	\$58.00
Domestic Waste Management - Service	Each	\$417.00	\$460.00	\$460.00
Domestic Waste Management – West of F3	Each	\$350.00	\$390.00	\$390.00
240 litre upgrade	Each	\$125.00	\$144.00	\$144.00
Additional 240 litre waste bin	Each	\$378.00	\$435.00	\$435.00
Additional 140 litre waste bin	Each	\$255.00	\$299.00	\$299.00
Additional 240 litre recycling bin	Each	\$67.00	\$70.00	\$70.00
Additional 240 litre vegetation bin	Each	\$67.00	\$70.00	\$70.00
Additional Short Term Extra Service – 140 litre waste bin	Per service	\$14.70	\$15.50	\$15.50
Additional Short Term Extra Service – 240 litre waste bin	Per service	\$15.50	\$16.50	\$16.50
Additional Short Term Extra Service – recycling bin	Per service	\$14.70	\$15.50	\$15.50
Additional Short Term Extra Service – vegetation bin	Per service	\$14.70	\$15.50	\$15.50
Waste Management (non domestic)				
140 litre waste bin	Each	\$255.00	\$299.00	\$299.00
240 litre recycling bin	Each	\$67.00	\$70.00	\$70.00
240 litre vegetation bin	Each	\$67.00	\$70.00	\$70.00
240 litre waste bin	Each	\$378.00	\$429.00	\$429.00
660 litre waste bin	Each	\$1,550.00	\$1,732.00	\$1,732.00
1.1 cubic metre waste bin	Each	\$2,164.00	\$2,445.00	\$2,445.00
1.5 cubic metre waste bin	Each	\$2,913.00	\$3,294.00	\$3,294.00

	Unit of Charge	2010-11	2011-12 Exhibition Draft Strategic Plan	2011-12 Final Strategic Plan
Stormwater Management Charge				
Residential	Per property	\$25.00	\$25.00	\$25.00
Residential Strata	Per lot	\$12.50	\$12.50	\$12.50
Residential Company Title	Per company title complex apportioned according to shareholding	\$25.00	\$25.00	\$25.00
Business	Per 850 m ² or part thereof - maximum charge of \$5,000	\$25.00	\$25.00	\$25.00
Business Strata	Per 850 m ² or part thereof - maximum charge of \$5,000 – apportioned equally to each lot	\$25.00	\$25.00	\$25.00
Business Company Title	Per 850 m ² or part thereof - maximum charge of \$5,000 - apportioned according to shareholding	\$25.00	\$25.00	\$25.00

4.5 Determination of Water and Sewer Fees and Charges 2012 - 2013

TRIM REFERENCE: F2004/06782 - D02984996
AUTHOR: Michelle Best; Financial Accountant
MANAGER: Kim Fitcher; Chief Financial Officer

SUMMARY

This report details the proposed Water Supply, Sewerage and Drainage Fees and Charges for 2012-13.

RECOMMENDATION

- 1 That Council approve the water, sewerage and drainage Service Charges set out in Attachment 1**
- 2 That Council note the amount of revenue to be raised by way of the Service Charges is estimated at \$73,371,000.**
- 3 That Council classify all land for the purpose of levying Services Charges according to the following factors:**
 - a whether the land is residential or non residential;**
 - b where the land is residential, by the intensity of the use of the land; and**
 - c the nature and extent of the water or sewerage services connected to each individual allotment.**
- 4 That Council determine the Service Charges shall be levied in accordance with the Water Management Act 2000.**

BACKGROUND

Council is required to determine the water and sewerage charges no later than one month before the beginning of each charging year in accordance with Section 315 of the Water Management Act 2000.

Council's water and sewerage charges are also subject to approval by the Minister for Water following determination by the Independent Pricing and Regulatory Tribunal (IPART).

IPART made a four-year determination concerning Council's water and sewage charges on 15 May 2009.

The 2012-13 proposed fees and charges have been calculated using the base prices and formula specified in the 2009 IPART Final Price Path Determination.

4.5 Determination of Water and Sewer Fees and Charges 2012 - 2013 (contd)

A component of the price calculation formula is the annual increase in the Australian Consumer Price Index (CPI) published by the Australian Bureau of Statistics.

CURRENT STATUS

Service Charges for Water & Sewage contained in the Wyong Shire Council Strategic Plan 2011-15 on exhibition were calculated using an estimated increase in CPI.

The official increase in CPI has now been released, requiring all calculations to be updated for Council's approval. The variance between "estimated" and "actual" movement in the CPI was 0.06%.

The following table summarises the Fees and Charges for 2012-13 and shows a comparison between proposed Fees and Charges 2012-13 and those levied in 2011-12 for a typical residential ratepayer who consumes 160kL of water per annum.

Comparison Charges 2011-12 - 2012-13 based on a "Typical Residential Ratepayer"

Consumption 160kL per annum

	2011-12 Charges	2012-13 Charges	Increase 2011-12 to 2012-13	% Increase 2011-12 to 2012-13	Draft 2012-13 Strategic Plan
Council Water Service Charge	\$142.32	\$167.35	\$25.03	17.59%	\$167.25
Climate Change Levy**	\$15.21	\$15.09	-\$0.12	-0.08%	\$15.09
Total Water Service Charge	\$157.53	\$182.44	\$24.91	15.81%	\$182.34
Water Usage (160kL)	\$316.80	\$339.20	\$22.40	7.07%	\$332.84 [^]
Sewerage	\$450.31	\$463.44	\$13.13	2.92%	\$463.18
Drainage	\$87.23	\$89.77	\$2.54	2.92%	\$89.72
Total	\$1,011.87	\$1,074.85	\$62.98	6.22%	\$1,068.08

N.B. **Climate Change Fund - The Climate Change Fund was introduced by the NSW Government in 2005, and requires Water Authorities to make an annual contribution. Council's required annual contribution is \$950,000. To recover this contribution, 2012-13 Water Service Charges incorporate a levy of \$15.09 per property, calculated in accordance with the methodology specified by IPART.

[^] Average household consumption has been updated to reflect latest available data. The Draft Strategic Plan used average consumption of 157kL.

CONCLUSION

The estimated revenue to be raised from Water, Drainage and Sewer Service Charges based on the IPART Determination for 2011-12 is \$73,371,000.

IPART determines the methodology and limits of calculating Service Charges for water, sewage and drainage.

Council staff have complied with all requirements pertaining to the setting of new Service Charges. Adoption by Council is required to formalise the revenue source.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | 2012-13 Water sewer and Drainage proposed Fees and Charges -
Council Report - Attachment | D02992995 |
|---|---|-----------|

PROPOSED WATER, DRAINAGE AND SEWERAGE FEES AND CHARGES – 2012-13

Being constituted as a Water Supply Authority under the Water Management Act 2000 all of Council's water, drainage and sewerage charges are subject to approval by the Minister for Water following determination by the Independent Pricing and Regulatory Tribunal.

Water, drainage and sewerage charges for 2012/13 are as per The Independent Pricing and Regulatory Tribunal Water – Determination and Final Report - May 2009.

Pension Rebates - Water and Sewerage Service Charges

Council provides a reduction of 50% of the water service charges levied up to a maximum of \$87.50 and a further reduction of 50% of sewerage service charges levied up to a maximum of \$87.50. Of these reductions 55% is reimbursed by the New South Wales Government.

The estimated total amount of the pension rebate in 2012/13 is \$2,562,000.

2.3.1 Water Supply Service Charges

The proposed charges for water supply are as follows:

Metered Service per Nominal Pipe/Meter Size(mm)	Water Service Charge	Base Service Charge	PLUS: State Government "Climate Change Fund" \$15.09 per Service	Total Water Service Charge \$
20		167.35	15.09	182.44
25		261.47	15.09	276.56
40		669.36	15.09	684.45
50		1,045.88	15.09	1,060.97
80		2,677.47	15.09	2,692.56
100		4,183.54	15.09	4,198.63
150		9,412.98	15.09	9,428.07
200		16,734.18	15.09	16,749.27
250		26,147.81	15.09	26,162.90
Non-Specified Pipe/Meter Size		Formula: (Meter Size) ² x \$167.35/ 400	15.09	Formula: (Meter Size) ² x \$182.44/ 400 + \$15.09.

The total yield in 2012/13 from this charge is estimated to be \$12,359,000.

2.3.2 Water Usage Charge

All water consumed is proposed to be charged at the rate of \$2.12 per kilolitre.

The total yield in 2012/13 from this charge is estimated to be \$24,910,000.

Pricing for water supply service and usage charges for each property type is as follows:

Property Type	Water Service Charges	Water Usage Charges
Strata Title Properties	Where water usage to residential strata titled property is measured through a common meter, each individual strata title lot is levied a service charge of \$182.44 (Inclusive of the Climate Change Levy of \$15.09).	Water usage is to be apportioned and charged to the various lots in the strata plan in accordance with the schedule of unit entitlement and charges to the strata title owners at the rate of \$2.12 per kilolitre.
Retirement Villages	Where water usage is measured through a common meter, the service charge is to be commensurate with the size of the meter.	Usage consumed through the common meter is to be charged at the rate of \$2.12 per kilolitre.
Community Development Lot	Where water usage to a community development lot is measured through a common meter only, the service charge is to be commensurate with the size of the meter and this charge is apportioned to the various lots in the community development lot in accordance with the schedule of unit entitlement	Usage consumed through the common meter is to be apportioned and charged to the individual unit owners in accordance with the unit entitlement at the rate of \$2.12 per kilolitre.
Company Title Dwelling	Where water usage to a company title dwelling is measured through a common meter only, each individual company title dwelling be levied a service charge of \$182.44 (Inclusive of the Climate Change Levy of \$15.09).	Water usage is to be charged to the owner of the company title building (within the company title dwelling) at the rate of \$2.12 per kilolitre.
Vacant Land	Vacant land which is not connected to the water supply system but is reasonably available for connection to the water supply system will be levied at the rate of \$182.44 (Inclusive of the Climate Change Levy of \$15.09).	No charge
Nominal Service Size	Where water pressure requires larger sizes of pipes and meters a charge as assessed by Council will apply.	
Water Fire Service	There is no charge for a separate Water Fire Service. Where a property has a combined fire and commercial service the property will be charged a Water Service Charge – Metered Service commensurate with the meter size.	
Part Year Charges and Fees	For those properties that become chargeable or non-chargeable during the year a proportional charge or fee calculated on a daily	

Property Type	Water Service Charges	Water Usage Charges
Metered Standpipes	basis is applied. Where Council provides a metered standpipe for the temporary access to the water supply, the water service charge commensurate with meter size will be charged, calculated on a pro-rata basis.	Usage consumed through a metered standpipe will be charged at the rate of \$2.12 per kilolitre.

2.4 SEWERAGE SERVICE CHARGES

2.4.1 Residential Sewerage Charges

Single Residential Properties Including Residential Strata Properties and Company Title Dwellings

It is proposed to continue the current charging structure based on a service charge for each residential property. The proposed charge is \$463.44 for each single residential property/lot/dwelling. There is no usage charge for this category.

The total yield in 2012/13 from this charge is estimated to be \$26,404,300.

2.4.2 Metered Non-Residential Charges

Non-Residential customers are those that do not meet the classification as a single residential customer. These include non strata titled residential units and Retirement Villages. Council has adopted a pay for use charging policy for Non-Residential customers based upon a service charge and a usage charge.

Non-residential properties connected to the sewerage system will be levied a sewerage service charge based on meter size and a sewerage usage charge. Where the sum of these charges is less than the non-residential minimum sewerage charge, the non-residential minimum will be charged instead.

A discharge factor is applied to the charge based on the volume of water discharged into Council's sewerage system.

Meter Size (mm)	Meter Charge (\$)
20	\$166.96 x discharge factor
25	\$260.87 x discharge factor
40	\$667.84 x discharge factor
50	\$1,043.50 x discharge factor
80	\$2,671.35 x discharge factor
100	\$4,173.97 x discharge factor
150	\$9,391.44 x discharge factor
200	\$16,695.90 x discharge factor
250	\$26,087.50 x discharge factor
Non-specified Pipe/Meter Size	(Meter Size) ² x \$166.96 / 400 x discharge factor.

Pricing for sewerage supply service and usage charges for each non-residential property type is as follows:

Property Type	Sewerage Service Charges	Sewerage Usage Charges
Non-Residential Properties		The usage charge is to be based on the estimated volume of metered water usage discharged into the Council's sewerage system. Metered water usage is to be multiplied by a discharge factor, based on the type of premises to estimate the volume of water discharged.
Non-Residential Properties - Minimum Charge	The proposed minimum amount payable for a non-residential customer is \$463.44.	The price for sewerage usage charges is proposed to be 83.00 cents per kilolitre.
Non-Residential Properties - Community Development Lots	The sewerage service charge for a community development lot is calculated by: the non-residential sewerage usage charge commensurate with meter size apportioned to the various lots in the community development lot in accordance with the schedule of unit entitlement.	The price for sewerage usage charges is proposed to be 83.00 cents per kilolitre.

Property Type	Sewerage Service Charges	Sewerage Usage Charges
Nominal Service Size	Where water pressure requires larger sizes of pipes and meters a charge as assessed by Council will apply.	The price for sewerage usage charges is proposed to be 83.00 cents per kilolitre.
Sewerage Service Fees – Exempt Properties	For all properties exempt from service charges under Schedule 4 of the Water Management Act 2000 it is proposed that a fee be charged, in accordance with Section 310(2) of the Act, of \$65.43 per annum for each water closet and \$23.17 per annum for each cistern servicing a urinal where installed.	No usage charges apply.
Sewerage Service Charges – Vacant Land	It is proposed that the charge for sewerage services on vacant land which is not connected to the sewerage system but is reasonably available for connection to the sewerage system is \$347.59.	No usage charges apply.

The total yield in 2012/13 from all non-residential sewer charges is estimated to be \$2,164,000 for service charges and \$846,000 for usage charges.

2.4.3 Liquid Trade Waste Charges

Liquid trade waste means all liquid waste other than sewage of domestic nature. A summary of the trade waste policy outlining the property classifications and charges is as follows:

Classification A	Low risk liquid trade waste. Is of low volume and/or strength and has standard non-complex pre-treatment requirements.
Classification B	Medium risk liquid trade waste (<20KL per day) with prescribed pre-treatment requirements.
Classification C	High risk and large liquid trade waste dischargers which are not nominated as a Classification A or B discharger and/or involve a discharge volume of over 20 kl/day
Classification S	Acceptance of septic tank waste, pan waste and ship-to shore pump-outs into Council's sewerage system. Private pumping stations are included in Category S.

Categories and the charging components associated with the Categories for liquid trade waste:

Pricing for Liquid Trade Waste discharges from the above classifications (excluding Classification S) is calculated based on the following three categories.

Liquid Trade Waste Discharge Category	Liquid Trade Waste Application Fee	Annual Trade Waste Fee	Re-inspection Fee	Liquid Trade Waste Usage Charge/kl	Excess Mass Charges/kg	Non-compliance Excess Mass Charges	Septic Waste Disposal Charge	Sewer Usage Charge
<p>Category 1 Liquid Trade Waste Dischargers are those conducting an activity deemed by Council as requiring nil or minimal pre-treatment equipment and whose effluent is well defined and or relatively low risk to the sewerage system. The volume discharge to sewer is deemed to be low. Also included are Classification A or B activities with prescribed pre-treatment but low impact on the sewerage system.</p>	Yes	Yes	Yes	No	No	No	No	No
<p>Category 2 Liquid Trade Waste Dischargers are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised. The volume discharged to sewer may be approved up to 20KL/day.</p>	Yes	Yes	Yes	Yes	No	No	No	No
<p>Category 3 Liquid Trade Waste Dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (generally over 20KL/day) of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds 20 kl/day becomes a Category 3 discharger.</p>	Yes	Yes	Yes	No	Yes	Yes	No	No
<p>Category S Liquid Trade Waste Dischargers are those conducting an activity of transporting and/or discharging septic tank waste, pan waste and ship to shore pump-outs into the sewerage system. Private pumping stations are included in Category S.</p>	Yes	Yes	Yes	No	No	No	Yes	No
	Yes	Yes	Yes	No	No	No	No	Yes

2.4.4 Trade Waste Charges

Charge Component	Basis	Category	Proposed Charge \$
Trade Waste Application Fee	<p>The application fee covers the cost of administration and technical services provided in processing an application on a scale related to the category into which the discharger is classified, and reflects the complexity of processing the application. It includes processing change of ownership of the discharger.</p> <p>The application fee for Category 2 dischargers covers the primary treatment device e.g. grease arrestor, with an additional fee for each subsequent treatment device.</p> <p>The application fee for Category 3 dischargers includes allowance for two site visits during the construction stage. Additional site visits will incur an extra cost.</p> <p>The Application Fee for Category S discharges covers the cost of administration and one inspection of the installation.</p>	Category 1	48.18
		Category 2	61.32
		Category 3	940.44
		Category S – Residential	50.64
		Category S – Non-Residential	204.77
Annual Trade Waste Fee	This fee recovers the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.	Category 1 Category 2 Category 3 Category S - Residential Category S- Non-Residential	84.26 337.04 566.16 45.03 91.46
Re-inspection Fee	Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented. Council will impose a fee for each re-inspection. The re-inspection fee will be based on full cost recovery.	All Categories per inspection	79.00
Trade Waste Usage Charge	The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers. Either one of two charges is applicable.	Compliant pre-treatment equipment Non-compliant pre-treatment equipment.	0.80/KL 14.47/KL
Excess Mass and Non-compliant Excess Mass Charge	Excess mass charges will apply for the substances specified that are discharged in excess of the deemed concentrations in domestic sewage.		0.70 / kg
Biochemical Oxygen Demand Suspended Solids Total Oil and Grease Ammonia (as Nitrogen)	Non-compliant excess mass charges will apply for the substances specified that are discharged in excess of the Trade Waste Approval Limit. The nominated charges are applied in accordance with the formulas contained in Council's Liquid Trade Waste Policy.		0.90 / kg 1.26 / kg 0.70 / kg

Charge Component	Basis	Category	Proposed Charge
Total Kheldhal Nitrogen			0.17 / kg
Total Phosphorus			1.44 / kg
Total Dissolved Solids			0.04 / kg
Sulphate (as SO4)			0.13 / kg

In addition to the substances listed above, the following excess mass charges will apply per kilogram of waste discharged in excess of the Liquid Trade Waste Policy Guideline Acceptance Limits. Non-compliant excess mass charges will apply for trade waste discharged in excess of the Liquid Trade Waste Approval Limit. The nominated charges are applied in accordance with the formulas contained in Council's Liquid Trade Waste Policy.

Substance	Proposed Charge \$	Substance	Proposed Charge \$	Substance	Proposed Charge \$
Aluminium	0.70 / kg	Fluoride	3.54 / kg	Organoarsenic compounds	710.99 / kg
Arsenic	0.70 / kg	Formaldehyde	1.44 / kg	Pesticides general (excludes organochlorines and organophosphates)	710.99 / kg
Barium	35.54 / kg	Herbicides/defoliants	710.99 / kg	Petroleum Hydrocarbons (non-flammable)	2.37 / kg
Boron	0.70 / kg	Iron	1.44 / kg	Phenolic compounds (non-chlorinated)	7.11 / kg
Bromine	14.21 / kg	Lead	35.54 / kg	Polynuclear aromatic hydrocarbons (PAH's)	14.47 / kg
Cadmium	329.15 / kg	Lithium	7.11 / kg	Selenium	50.03 / kg
Chloride	No Charge	Manganese	7.11 / kg	Silver	1.31 / kg
Chlorinated Hydrocarbons	35.54 / kg	Mercaptans	71.10 / kg	Sulphide	1.44 / kg
Chlorinated Phenolics	1,421.97 / kg	Mercury	2,369.95 / kg	Sulphite	1.57 / kg
Chlorine	1.44 / kg	Methylene Blue Active Substances (MBAS)	0.70 / kg	Thiosulphate	0.25 / kg
Chromium	23.70 / kg	Molybdenum	0.70 / kg	Tin	7.11 / kg
Cobalt	14.47 / kg	Nickel	23.70 / kg	Uranium	7.11 / kg
Copper	14.47 / kg	Zinc	14.47 / kg	Zinc	14.47 / kg
Cyanide	71.10 / kg				

The total yield in 2012/13 from this charge is estimated to be \$874,700.

Septic Waste Disposal Charges (Category S)

Council intends to continue its current practice of pricing in accordance with the provisions of s.310(2) of the Water Management Act 2000 and cl.6 of the Water Management (Water Supply Authorities) Regulation 2004. The maximum fees for the period 1 July 2012 to 30 June 2013 to be as follows:

Service	Unit	Service Fee
Residential		
Fortnightly effluent removal and disposal service	annual	1,067.61
Additional effluent removal and disposal service	service	41.32
Sludge removal and disposal services		
• Septic tanks with a capacity up to 2750 litres	service	299.49
• Septic tanks exceeding 2750 litres or AWTS with one tank	service	388.56
• AWTS with more than one tank	service	579.63
• Sludge disposal only (collection organised by customer)	kilolitre	32.27
Non-Residential		
Commercial effluent removal and disposal service	kilolitre	13.69
Sludge removal and disposal services		
• Septic tanks with a capacity up to 2750 litres	service	299.49
• Septic tanks exceeding 2750 litres or AWTS with one tank	service	388.56
• AWTS with more than one tank	service	579.63
• Sludge disposal only (collection organised by customer)	kilolitre	32.27
Septic and Chemical Toilet Charges		
Volume charges will apply for each kilolitre of waste specified, that is discharged to the sewerage system.	kilolitre	15.80

The total yield in 2012/13 from this charge is estimated to be \$40,000.

Chemical Closet Charges (Category S)

In accordance with the provisions of Section 310(2) of the Water Management Act 2000, and Clause 6 of the Water Management (Water Supply Authorities) Regulation 2004, it is proposed the maximum fees for the period 1 July 2012 to 30 June 2013 be as follows:

Type of Service	Cost of Service \$
Annual Fortnightly service	1,538.73
Each requested weekly special service	29.97

The total yield in 2012/13 from this charge is estimated to be \$20,000.

It should be noted that Trade Waste Charges apply in addition to Sewer service charges. Where properties discharging Liquid Trade Waste become chargeable or non-chargeable for a part of the financial year a proportional charge calculated on a weekly basis is to apply.

2.5 DRAINAGE SERVICE CHARGES

In its Determination of Council's 2009/10 charges, the Independent Pricing and Regulatory Tribunal approved the introduction of a drainage service charge.

Residential Charges

Single Metered Residential Properties

The proposed charge is \$89.77 for each single residential property/lot/dwelling. There is no usage charge for this category.

The total yield in 2012/13 from this charge is estimated to be \$4,549,000.

Metered Non-Residential Properties

Non-Residential Properties are those that do not meet the definition of Residential Properties or Multi Premises Properties. It is proposed to use the charging structure detailed below for Non-Residential Properties that are serviced by a water meter:

Meter Size (mm)	Meter Charge \$
20	89.77
25	140.27
40	359.08
50	561.06
80	1,436.31
100	2,244.24
150	5,049.54
200	8,976.96

Charges for meters not specified above are calculated using the formula (Meter Size)² x \$ 89.77 / 400
The total yield in 2012/13 from this charge is estimated to be \$482,000.

Nominal Service Size

Where water pressure requires larger sizes of pipes and meters a charge as assessed by Council will apply.

Multi Premises Properties

The proposed charge is \$67.33 for each Multi Premises property that is serviced by a common water meter or multiple common water meters.

Multi Premises properties include;

- a) Strata Title lots
- b) Company Title dwellings
- c) Community Development lots
- d) Retirement Village units and
- e) A part of a building lawfully occupied or available for occupation (other than those described in paragraphs a) to d) above.

Multi Premises properties do not include hotels, motels, guest houses or backpackers' hostels.

The yield from these charges in 2012/13 is estimated to be \$722,000.

Interest on Overdue Charges

In accordance with Section 356 of the Water Management Act 2000 Council charges interest on all charges which remain unpaid after they become due and payable. Interest will be calculated on a daily basis using the simple interest method.

The due dates for payment of annual charges are as follows:

- If payment is made in a single instalment, the instalment is payable by 31 August 2012.
- If payment is made by quarterly instalments, the instalments are payable by 31 August 2012, 30 November 2012, 28 February 2013 and 31 May 2013.
- For water usage charges, the account is due 30 days after posting date.

The rate of interest applied to overdue charges levied under the Water Management Act 2000 will be the maximum rate of interest allowable under that Act calculated on the RBA cash rate plus 6%, currently 9.75% p.a.

4.6 Council Representation at the Annual General Meeting of the Central Coast Water Corporation

TRIM REFERENCE: F2004/08792-02 - D02975522

MANAGER: Michael Whittaker, General Manager

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

SUMMARY

This report recommends arrangements for the exercising of Voting Shareholder rights, obligations and functions at the Annual General Meeting of the Central Coast Water Corporation.

RECOMMENDATION

That Council resolve that its Voting Shareholder rights, obligations and functions be exercised at the Annual General Meeting of the Central Coast Water Corporation by the Mayor and General Manager acting jointly.

BACKGROUND

The first Annual General Meeting (AGM) of the Central Coast Water Corporation (CCWC) is anticipated to be held in June 2012. The Councils are Voting Shareholders in the CCWC, with each Council holding one share. Each Voting Shareholder (i.e. each Council) is entitled to one vote at the AGM.

The Voting Shareholders Agreement approved by the Councils on 17 February 2011 is silent on how the Councils will be represented at General Meetings and exercise their rights as Voting Shareholders. The Constitution does state that a Voting Shareholder may make any appointment or give any consent, approval, requisition, authorisation or notice under the Constitution, including any written resolution, by way of a document signed by the Mayor and the General Manager.

DISCUSSION

Revisions to the Voting Shareholders Agreement are proposed to:

- (a) remove the current anomaly that exists between the Voting Shareholders Agreement and the Service Level and Funding Agreements relating to the role of the previous GWCWA and the timing of its transfer to the CCWC;
- (b) revise relevant dates to take account of the delay in the appointment of the CCWC Directors from that originally envisaged; and
- (c) simplify the administration of the Agreements and the CCWC during its initial establishment phase.

Under the proposed amendments to the Voting Shareholders Agreement, a clause will be added to make it explicit that the rights, obligations and functions of each Voting Shareholder will be exercised by the relevant Mayor and General Manager acting jointly.

It is proposed to submit the revised Voting Shareholders Agreement to both Councils for consideration at the meeting of the Central Coast Region of Councils (CCROC) in June 2012. Given that the CCROC meeting and the CCWC AGM are to be held in June 2012, interim arrangements for the exercise of Voting Shareholder rights at the CCWC AGM are required to be in place. These arrangements would extend until such time as the proposed amendments to the Voting Shareholders Agreement have been considered and the amended document approved and signed. It is therefore recommended that the Voting Shareholders be represented at the CCWC AGM by the Councils' Mayors and General Managers as this is consistent with long term arrangement to be proposed.

ATTACHMENTS

Nil.

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting

TRIM REFERENCE: F2004/07245 - D02994787

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

SUMMARY

To submit of the Minutes of the Ordinary and Confidential Session of 30 November 2011 Governance Meeting, which were confirmed by the Governance Committee at its meeting on 21 March 2012, for adoption. To submit the and Draft Minutes of the Ordinary and Confidential Session of the 21 March 2012 Governance Committee Meeting for consideration by Council.

RECOMMENDATION

- 1 That the Council adopt the confirmed minutes of Ordinary and Confidential Session of the Wyong Shire Governance Committee Meeting held 30 November 2011 which were confirmed by the Committee on 21 March 2012 as amended to update some departure and return times to read as "am".**
- 3 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 21 March 2012.**
- 4 That Council request the General Manager to have the Senior Executive Team review the Outstanding Internal Audit Agreed Action List and provide comments back to the next meeting of the Governance Committee to be held on 21 June 2012.**
- 5 That Council request the General Manager to have the Report on Statement of Business Ethics updated by the Manager Contract and Project Management to reflect current practice and re-submitted to the Committee for consideration to the next Governance Committee meeting o be held on 21 June 2012.**

BACKGROUND

Council, at its meeting of 8 February 2012, adopted the Draft Minutes of the Ordinary and Confidential Session of the 30 November 2011 Governance Meeting. These minutes were confirmed by the Governance Committee at its meeting of 21 March 2012. (see Attachments 1 and 2)

The draft minutes of the 21 March 2012 Governance Meeting are set out in full below:

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 21 March 2012
COMMENCING AT 9:30 AM

PRESENT

Mr Bruce Turner (Chairperson), Mr Jason Masters (external members), Councillor B Graham (Mayor) and Councillor S Wynn(arrived at 9.46 am).

IN ATTENDANCE

General Manager, Director Environment And Planning Services, Director Corporate Services (for part of meeting), Corporate Planning Executive (for part of meeting), Manager Land Use Planning And Policy Development, General Counsel, Internal Auditor, Senior Internal Auditor, Internal Ombudsman and a Councillor Services Officer.

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.36 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

APOLOGIES

Notification was received from Councillor Sue Wynn who advised that she will be a late arrival to the meeting.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for the Department of Premier and Cabinet, Audit and Risk Committee which has oversight of the Division of Local Government and the Office of Environment and Heritage (OEH), 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 both the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman and Member of the Audit and Risks (A & R) Committee at Woollahra Municipal Council and remained in the meeting.

RECOMMENDATION

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

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting (contd)

1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 30 November 2011

RECOMMENDATION

- 1 *That the Committee confirm the Ordinary and Confidential Minutes of the Meeting of the Wyong Shire Governance Committee Meeting, held 30 November 2011, which were adopted at Council's Ordinary Meeting of 8 February 2012.*
- 2 *That the Committee note that departure and return times are incorrectly recorded as "pm" in the Minutes of the Ordinary Meeting under the following items:*
 - *Report 1.1 - Disclosure of Interest*
 - *Report 2.1 - Enterprise Risk Management Strategy*
 - *Report 2.6 - 2011 – 15 Strategic Plan – September Quarter Review (Q1) and*
 - *Declaration of Interest under Information Reports*

and request that these times be amended to read as "am".

1.3 Status Report on Outstanding Actions

RECOMMENDATION

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

1.4 Address by Invited Speakers

RECOMMENDATION

- 1 *That the Committee receive the report on Invited Speakers.*
- 2 *That the Committee agree that meeting practice be varied to allow this item to be dealt with at the start of the meeting.*

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting
and Draft minutes of 21 March 2012 Governance Committee Meeting
(contd)

2.1 Notice of Intention to Deal with Matters in Confidential Session

RECOMMENDATION

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

Report no. 4.1 External Audit Tender Report

- 2 *That Council note its reason for considering Report No 4.1 in Confidential Session is because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, should the discussions be held in a non-confidential environment.*
- 3 *That Committee request the Chairperson to report on this matter in open session of Committee Meeting.*

3.1 Wyong and Local Environmental Plan - Revised Project Schedule, Format
and Disclosure of Pecuniary Interests

Councillor Wynn arrived at the chamber at 9.46 am during consideration of this item.

Ms Gina Vereker, The Director Environment and Planning, addressed the meeting at 9.45 am and provided further information regarding the development of the *Composite Local Environmental Plan*, the statutory requirements and the processes involved and left the meeting at 10.23 am.

Mr Martin Johnson, the Manager Land Use and Policy Development, answered questions during discussions on this item and left the meeting at 10.23 am.

RECOMMENDATION

That the Committee receive the report on Wyong and Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests.

3.2 Enterprise Risk Management Strategy

RECOMMENDATION

That the Committee receive the Enterprise Risk Management Strategy report.

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting (contd)

3.3 Critical Path Reporting on Major Projects

RECOMMENDATION

That the Committee note that a Report on Critical Path Reporting on Major Projects will be tabled at the next Governance Committee Meeting.

3.4 2011 - 15 Strategic Plan - December Quarter Review (Q2)

RECOMMENDATION

That the Committee note the second Quarterly Review (Q2) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 22 February 2012.

3.5 Information Management Status Report

RECOMMENDATION

That the Committee receive the report on Council's Information Management status.

3.6 Report from Internal Ombudsman

RECOMMENDATION

That the Committee note the report of the Internal Ombudsman.

3.7 Compliance Reviews

RECOMMENDATION

That the Committee note the Report on Compliance Reviews.

3.8 Legal Matters/issues

RECOMMENDATION

That the Committee note the report on Legal Matters/Issues.

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting (contd)

3.9 Risk Register Report

RECOMMENDATION

That the Committee receive the status of WSC registered risks, as tracked by the Corporate Risk Register, noting its inconsistencies and anticipating improvement through the ERM Strategy post 30 June 2013.

3.10 Internal Audit Report

The General Manager left the meeting at 11.04 am and returned at 11.20 am during consideration of this item.

RECOMMENDATION

That the Committee receive the Internal Audit Report and the Committee emphasise the importance of delivering the agreed Internal Audit Plan.

3.11 Status Report on Outstanding Internal Audit Agreed Actions

RECOMMENDATION

- 1 *That the Committee receive the Status Report on Outstanding Internal Audit Agreed Actions.*
- 2 *That the Committee request the General Manager to have the Senior Executive Team review the Outstanding Internal Audit Agreed Action List and provide comments back to the next meeting of the Governance Committee.*

3.12 Report on Statement of Business Ethics

RECOMMENDATION

- 1 *That the Committee receive and note the Report on Statement of Business Ethics.*
- 2 *That the Committee request the General Manager to have this Statement updated by the Manager Contract and Project Management to reflect current practice and re-submitted to the Committee for consideration to the next Governance Committee meeting.*

3.13 Other Matters

The Director Corporate Services, Mr David Jack and the Corporate Planning Executive, Ms Mellissa McKee joined the meeting at 12.25pm during discussions on this item.

RECOMMENDATION

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

CONFIDENTIAL SESSION

At this stage of the meeting being 12.27 pm (the General Counsel, Internal Auditor, Senior Internal Auditor, Internal Ombudsman and the Councillor Services Officer left the meeting and the Committee moved into Confidential Session for consideration of the following confidential item.

CONFIDENTIAL ITEM

4.1 External Audit Tender Report

OPEN SESSION

The meeting resumed in Open Session and the General Manager reported the decisions of Closed Session as follows:-

4.1 External Audit Tender Report

RECOMMENDATION

- 1 *That the Committee endorse the External Audit Tender Report for presentation to Council with enhancement in the following areas:*
 - a *Quality of Audit Firm*
 - b *Price*
 - c *Comparison with number of other Council's*
- 2 *That the Committee request the General Manager to consider the inclusion of an appropriate clause in the contract that states "Council has discretion to preclude the successful tenderer from other Council consultancies if there is a perceived conflict of interest."*

**4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting
and Draft minutes of 21 March 2012 Governance Committee Meeting
(contd)**

THE MEETING terminated at 12.45 pm.

ATTACHMENTS

- | | | | |
|----------|---|-----------|-----------|
| 1 | Confirmed Minutes of the of the 30 November 2011 Ordinary Meeting Wyong Shire Governance Committee | | D02852612 |
| 2 | CONFIDENTIAL Minutes - Governance Committee Meeting - 30 November 2011 (Distributed under Separate Cover) - | Enclosure | D02852619 |
| 3 | CONFIDENTIAL Minutes - Governance Committee Meeting - 21 March 2012 (Distributed under Separate Cover) - | Enclosure | D02963566 |

WYONG SHIRE COUNCIL

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

**HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 30 November 2011
COMMENCING AT 9:30:00 AM**

PRESENT

Mr Bruce Turner (Chairperson), Mr David Holmes and Mr Jason Masters (external members), Councillor B Graham (Mayor) and Councillor S Wynn(arrived at 9.45 am).

IN ATTENDANCE

General Manager, The Director Corporate Services, Internal Auditor, Senior Internal Auditor, External Auditor, Mr Dennis Banicevic, and an administration staff member.

The chairperson, Mr Bruce Turner, declared the meeting open at 9.34 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded. He also confirmed the existence of a quorum, which was maintained throughout the meeting.

APOLOGIES

Apologies were received from The Internal Ombudsman, Ms Belinda Charlton, who is currently on maternity leave and the General Counsel, Mr Brian Glendenning, who was unable to attend this meeting.

1.1 Disclosure of Interest

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for of the Audit and Risk Committee for the Department of Premier and Cabinet which includes the DLG, and remained in the meeting.

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 both the Independent Commission Against Corruption and the NSW Ombudsman and remained in the meeting.

Mr David Holmes, Independent Member, declared a pecuniary interest for the reason that he has a small shareholding in Cap Gemini and remained in the meeting.

2.1 Enterprise Risk Management Strategy

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the matter for the reason that his firm Price Waterhouse Coopers (PWC) is a tenderer for the Enterprise Risk Management Strategy, left the meeting at 10.57 am, took no part in discussion, and returned to the meeting at 11.06 am.

3 Information Reports (which relate to the Central Coast Water Corporation)

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the information reports for the reason that his firm Price Waterhouse Coopers (PWC) is currently engaged as the External Auditor for Wyong Council, left the meeting at 11.50 am, took no part in discussion, and returned to the meeting at 12.13 pm.

RECOMMENDATION

That Members now disclose any conflicts of interest in matters under consideration at this meeting.

1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 29 June 2011 and Extraordinary Meeting 5 October 2011

RECOMMENDATION

- 1 *That the Committee confirm the amended minutes of the meeting of the Wyong Shire Governance Committee Meeting held 29 June 2011 (reconvened on 31 August) which were adopted at Council's Ordinary meeting of 12 October 2011 with the following inclusions:*
 - a *That Council endorse the change of Chairperson of the Governance Committee from Mr David Holmes to Mr Bruce Turner.*
 - b *That Council acknowledge the contributions of the inaugural external member, Mr David Holmes in his role as Chair for the Governance Committee.*
 - c *That Council recommends to the Governance Committee to alternate the start times of its meetings to allow full time working Councillors to attend.*
 - d *That Council investigate and report on appropriate technology to allow a voice or video real time participation by Councillors at Committee meetings.*
 - e *That Council authorise the Mayor and the GM to discuss with Mr Holmes his date of retirement from the Governance Committee.*
- 2 *That the Committee confirm the minutes of the meeting of the Extraordinary Wyong Shire Governance Committee Meeting held 5 October 2011 which were adopted at Council's Ordinary meeting of 26 October.*
- 3 *That the Committee confirm the minutes of the extraordinary meeting of the Wyong Shire Governance Committee Meeting held 5 October 2011 which were adopted at Council's Ordinary meeting of 26 October 2011.*

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

1.3 Status Report on Outstanding Actions

RECOMMENDATION

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

2.1 Enterprise Risk Management Strategy

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the matter for the reason that his firm Price Waterhouse Coopers (PWC) is a tenderer for the Enterprise Risk Management Strategy, left the meeting at 10.57 am, took no part in discussion, and returned to the meeting at 11.06 am when discussions had concluded on this item.

RECOMMENDATION

That the Governance Committee receive the Enterprise Risk Management Strategy report.

2.2 Compliance Reviews

RECOMMENDATION

That the Governance Committee note the Report on Compliance Reviews.

2.3 Information Management Report

RECOMMENDATION

That the Committee receive the report on Council's Information Management status.

2.4 Legal Matters/issues

RECOMMENDATION

That the Committee note the report on Legal Matters/Issues

2.5 Risk Register Report

RECOMMENDATION

That the Committee note the development and enhancements that are being incorporated into the Corporate Risk Register.

2.6 2011 - 15 Strategic Plan - September Quarter Review (Q1)

RECOMMENDATION

That the Committee note the first Quarterly Review (Q1) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 23 November 2011.

Mr Dennis Banicevic, the External Auditor, left the meeting at 11.50 am, prior to commencement of discussions on Information Reports, and returned to the meeting at 12.13 am.

3.1 Major and Significant Project Update

RECOMMENDATION

That the Committee receive the report on Major and Significant Project Update and endorse the title of Critical Path Reporting on Major Projects for future reports to the Committee on this issue.

3.2 Office of the Internal Ombudsman

COMMITTEE RECOMMENDATION

That the Committee note that a Report from the Office of the Internal Ombudsman will be tabled at the next Governance Committee Meeting.

3.3 Internal Audit Report

RECOMMENDATION

That the Committee receive the Internal Audit Report and in future the Internal Auditor to provide all Committee members with copies of any individual internal audit reports when they are issued.

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

RECOMMENDATION

That the Committee receive the report on Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010 which was considered by Council on 12 October 2011.

3.5 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests

RECOMMENDATION

That the Committee receive the report on Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests which was adopted by Council on 12 October 2011.

3.6 Review of Dates and times of Governance Committee Meetings - 2012

RECOMMENDATION

That the Committee adopt the following schedule of meeting dates for 2012, alternative start times and standard agenda items for the Governance Committee.

Governance Committee Date	Required Agenda Items	Ordinary Meeting Date
Wed 21 March (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	26 April
Wed 20 June (5.00pm – 8.00pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	25 July
Wed 19 September (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	22 August
Wed 3 October (tentative) (5.00pm – 8.00pm)	Extraordinary Meeting subject to Audit timetable. • Annual Financial Statements	Next available meeting
Wed 5 December (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	First meeting in 2013

Information Reports (which relate to the Central Coast Water Corporation)

Mr Dennis Banicevic, External Auditor, declared a non-pecuniary significant conflict of interest in the information reports for the reason that his firm Price Waterhouse Coopers (PWC) is currently engaged as the External Auditor for Wyong Council, left the meeting at 11.50 am, took no part in discussion, and returned to the meeting at 12.13 pm.

3.7 Other Matters

COMMITTEE RECOMMENDATION

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

CONFIDENTIAL SESSION

CONFIDENTIAL ITEMS

4.1 ICAC Investigations

RECOMMENDATION

That the Governance Committee receive the report on the ICAC Investigations.

THE MEETING terminated at 12.36 pm.

4.8 2011-15 Strategic Plan - March Quarter Review

TRIM REFERENCE: F2010/01472 - D02998360

AUTHOR: Mellissa McKee, Corporate Planning Executive

Director: David Jack, Director Corporate Services

SUMMARY

This paper reports on Wyong Shire Council's progress performance as measured against the organisation's Strategic Plan for 2011-2015. The report covers the period for the nine months ended 31 March 2012 (Q3).

RECOMMENDATION

- 1 That Council receive the third Quarterly Review Report on progress against the WSC 2011-15 Strategic Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**

BACKGROUND

Council is required to review its progress each quarter in accordance with the Wyong Shire Annual Plan and s.203 of Local Government (General) Regulations 2005.

Council now prepares a Strategic Plan incorporating the 4-Year Delivery Program and the Annual Plan. Reporting on progress is in accordance with the Plan in terms of actual business performance against budget, the relevant Performance Indicators, Actions and Major Projects detailed therein.

Council is classified in "Category 3" for conversion to the Integrated Planning and Reporting Framework, but has established and is working to, a 2011-2012 Strategic Plan to the new standard required by the Framework.

The Local Government Act requires Council to report quarterly on its performance and at least every six (6) months on progress with respect to each Principal Activity set out in the Strategic Plan.

The quarterly report is presented in the necessary format and is considered to satisfy both requirements.

CURRENT STATUS

The third quarter of 2011-2012 (Q3) has seen Council's financial position continue to be challenged. The year commenced with an original budgeted operating deficit of \$14.9m which inevitably is under pressure as the year's activity varies from that originally intended.

Committed and works in progress commitments from 2010-2011 resulted in \$2.3m in operating carry-overs being brought forward, placing upward pressure on Council's targeted operating result. This combined with negative income trends has resulted in a significant Q3 review of operating budgets to achieve a revised full year budget forecast of a (\$14.7m) operating short-fall, to 30 June 2012.

Overall the majority of service levels can be maintained within the fiscal target, and ensure Council remains on track to reverse the operating short-falls.

The detailed 2011-12 Q3 Management and Budget Report is included as an enclosure.

The nature of the changes being made is now approaching a point where further refinements to the cost structure outside of those planned for the out-years 3 & 4 are going to be very difficult to find if Council continues to add to the service levels without subtracting from elsewhere.

Financial Implications

Staff have proposed a number of variations that require Council approval and are outlined in the enclosed report.

CONSULTATION

All departments were consulted and involved in the preparation of this report.

GOVERNANCE

Quarterly reporting of Council's financial and operating performance is mandatory.

CONCLUSION

All requirements of the relevant legislation governing management reporting have been met.

The Responsible Accounting Officer considers that Council's financial position is "satisfactory" – not withstanding that further continued management actions/decisions are required to maintain that position.

The financial position represented by the report leaves no room for relaxation of tight budgetary controls, by all concerned.

ATTACHMENTS

1 Business Report Q3 - March 2012 Enclosure D03006698

4.9 One Association - Wyong Shire Council Voting Delegates

TRIM REFERENCE: F2004/06389 - D02998407

MANAGER: David Jack, Director Corporate Services

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

This report provides Council with an update regarding the progress towards One Association (an amalgamation of the Local Government Association and the Shires Association). It also seeks Council's determination of voting delegates for the secret ballot on the matter of One Association.

RECOMMENDATION

That Council nominate seven Councillor/s as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.

BACKGROUND

The Local Government Association of NSW and the Shires Association of NSW have agreed in principle to form One Association to represent Local Government in NSW based on 27 principles agreed to by the two Associations.

The issue of One Association has been discussed over many years and is now entering into the establishment phase.

A copy of information from the Presidents of both Associations, which included the draft constitution, voting rights, membership and directors rights was forwarded to Councillors in November 2011 and is enclosed. See enclosure.

CURRENT STATUS

The Executive Committees of both Associations each separately took important formal steps for progressing the proposal to establish "One Association" to the next stage, which is to have the proposal submitted to a secret postal ballot of delegates of the members of each Association.

On the 17 April 2012 the Shires Executive and on 20 April 2012 the Local Government Association Executive passed the formal resolutions authorising the two Associations to jointly apply to Fair Work Australia for its approval for the submission of a proposed amalgamation ballot.

4.9 One Association - Wyong Shire Council Voting Delegates (contd)

The Shires Association Executive unanimously resolved in favour of the resolutions. The Local Government Association Executive adopted the resolutions by a majority of 21 to 3. The formal documentation has been lodged with Fair Work Australia. Shortly Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates.

Two separate secret postal ballots will be held; one will be a ballot of LGA member's delegates, and the other will be a ballot of SA members' delegates. Both ballots need to achieve a majority of "yes" votes to enable the formation of One Association.

It is anticipated that the ballots will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

Council as a Member of the Local Government Association is required to supply a list of its voting delegates for this ballot.

THE PROPOSAL

All Councils are requested to supply the following to the Association by 31 May 2012:

- 1 The full name of their voting delegate/s, and,
- 2 The private mailing address of the delegate/s

The Association will use this information to prepare the Roll of Voters for the Australian Electoral Commission.

NUMBER OF WYONG SHIRE COUNCIL DELEGATES

The numbers are calculated under the **current** rules of each Association, so for:

- Shires Association members, each has one voting delegate, and for
- Local Government Association Members it depends on the member's population, and is calculated in accordance with the following scale:

Group No.	Population	Delegates
1	Less than 10,000	1
2	10,000 - 20,000	2
3	20,000 - 50,000	3
4	50,000 - 100,000	4
5	100,000 - 150,000	5
6	Over 150,000	7
7	County councils	2
8	Aboriginal Land Council	27

(To independently determine a Council's population see the latest release of Australian Bureau of Statistics publication 3218.0)

The data contained in the ABS publication, 3218.0 indicates the 2011 population of Wyong Shire is 152

FREQUENTLY ASKED QUESTIONS

The Associations have provided councils with a list of Frequently Asked Questions (FAQ's) and corresponding answers to assist with their deliberations. The FAQ's and answers are provided as an Attachment to this report.

OPTIONS

Council may either choose to participate in the ballot or decline to participate in the ballot.

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

Nil

Budget Impact

Nil

CONSULTATION

The proposal to form One Association has been discussed in various forums over previous years. A list of the more recent consultation is detailed in the attached FAQ document provided by the Associations.

GOVERNANCE AND POLICY IMPLICATIONS

Nil

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

The proposal to form One Association to represent the interests of Local Government in NSW is now entering the establishment phase.

The Associations are seeking delegates from members of each Association to participate in the secret postal ballot which will determine the proposal.

WSC as a member of the Local Government Association of NSW is entitled to 7 votes.

The Council must determine 7 voting delegates from amongst its number and advise the Executive of the Associations by 31 May 2012.

ATTACHMENTS

- 1 One Association FAQ's D02998532
- 2 Correspondence from Presidents of the Associations Enclosure D02845478

Q: *Why is the ballot being held before the September elections?*

A: This process has been ongoing for many years. Current Councillors should be aware of the progress of the matter. If the ballot is held over until after the 2012 general elections new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.

Q: *When would One Association take affect?*

A: Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013. Even after a positive vote there is significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff. The transition however needs to take effect before 2 June 2013 otherwise the Shires Association would need to hold fresh Executive elections.

Q: *Why is the ballot a secret postal ballot?*

A: Because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations have no choice in this decision.

Q: *Has there been enough consultation?*

A: The issue of One Association has been discussed over many years. In more recent times it has been discussed:

- At the 2003 LGA Conference
- At the 2004 SA Conference
- At the 2004 LGA Conference
- As part of the 2005 Woods/Wearne report titled "Options for One Local Government Association in NSW"
- At the 2005 SA Conference
- At the 2005 LGA Conference
- At the 2006 SA Conference
- At the 2006 LGA Conference
- At the 2007 SA Conference
- At the 2007 LGA Conference
- At the 2008 SA Conference
- At the 2008 LGA Conference
- At the 2009 SA Conference
- At the 2009 LGA Conference
- At the One Association Convention held in August 2010
- At the 2010 LGA Conference
- In February 2011 the Associations sent all Councils a draft Constitution requesting feedback and comments
- In February 2011 the SA held a Special Conference to discuss the Principles set out at the 2010 Convention
- At the 2011 SA Conference
- In November 2011 the Associations sent all Councils a further draft Constitution requesting feedback and comments

In addition there have been numerous presentations made to all Shires Divisional meetings at various times, and to various LGA ROC meetings and in other forums.

Q: Why is there no “No” Case?

A: There are two reasons, firstly the Fair Work (Registered Organisations) Act does not require a “No” case to be prepared because it presumes a process towards an amalgamation would not have started in the first place unless it had been directed by members – which is the case in this instance. The issue of One Association has arrived at the stage of a ballot after repeated Conference resolutions calling for a single Association. It is not in the interests of the Association to prepare a case which cuts across the wishes and resolutions of the majority of our members.

Q: *How many voting delegates does my Council have for the secret postal ballot?*

A: The numbers are calculated under the current rules of each Association, so for:

- Shires Association members, each has one voting delegate, and for
- Local Government Association Members it depends on the member’s population, and is calculated in accordance with the following scale:

Group No.	Population	Delegates
1	Less than 10,000	1
2	10,000 - 20,000	2
3	20,000 - 50,000	3
4	50,000 - 100,000	4
5	100,000 - 150,000	5
6	Over 150,000	7
7	County councils	2
8	Aboriginal Land Council	27

(To independently determine a Council’s population see the latest release of Australian Bureau of Statistics publication 3218.0)

Q: *Can Associate members vote?*

A: No, only ordinary members can vote in the secret ballot. The Fair Work (Registered Organisations) Act treats this ballot the same as if it was a ballot for the election of members of the Executive.

Q: *How does voting work under One Association:*

A: One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the rural/regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas. This was covered as Principles 4 and 5, and was, with the other Principles ratified by subsequent Conferences of both Associations. These Principles say:

- 4 *“For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote.”*
- 5 *“For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote.”*

The voting arrangements satisfy the overarching requirements of equality among the regions. What this means in effect is that councils in the same region with similar populations will have the same number of votes, but this will not always be the case for similar sized councils in different regions. The reason for this is the difference in council numbers between the regions, the Rural/Regional Region has 114 general purpose Councils, 10 County Councils and 8 Regional Aboriginal Lands Councils. The Metropolitan/Urban Region has 38 general purpose Councils, 2 County Councils and 1 Regional Aboriginal Lands Council. Due to the larger number of Councils in the Rural/Regional Region additional votes needed to be allocated to the Councils in the Metropolitan/Urban Region to balance the overall voting numbers.

Q: *But is this "fair"*

A: The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Vice President. It makes no difference if a Metropolitan/Urban Council with the same population has a different number of voting delegates to a Rural/Regional Council with a similar population as they won't be voting for the same candidates in the same elections.

For the positions of President and Treasurer both regions have the same number of votes in total. This will allow for these positions be popularly elected overall – however, the rules also ensures that the position of President must alternate between the Metropolitan/Urban and Rural/Regional areas. This further enhances the equity.

Similarly with Conference motions, both Regions have the same overall numbers. This provides for Association policy to be made which has the sanction of the majority of members, and ensures that no Region can dominate the other.

Q: *What about the Assets of my current Association?*

A: The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financial detrimentally affected in any consequential way by this merger. To illustrate this we need to use the last full year's financial statements, 2010/2011 which showed the total equity of each Association as follows:

	Total Equity (\$)	% Equity	Subscriptions \$	% Subscriptions
LGA	19,015,275	66.19	2,876,208	65.77
SA	9,713,269	33.81	1,496,629	34.23
Total Combined	28,728,544	100.00	4,372,837	100.00

The Associations' Rules (and the rules for the new One Association) provide that if the Association is dissolved any surplus funds are paid to the members in the proportion which each member's subscription for the year bears to the total amount of subscriptions for that year.

What this means is that had the Associations dissolved at the end of the 2010/11 financial year the members of each Association would have received in total the

complete equity of their Association, that is, for the LGA members 100% X \$19,015,275 and for the SA 100% X \$9,713,269.

If the Associations had merged and immediately dissolved at the end of the 2010/11 financial year:

LGA members would have received: 65.77% of \$28,728,544 = \$18,894,763

SA members would have received: 34.23% of \$28,728,544 = \$9,833,781

The overall affect would be:

	No merge \$	Merge \$	Difference \$
LGA	19,015,275	18,894,763	(120,512)
SA	9,713,269	9,833,781	120,512
Total Combined	28,728,544	28,728,544	0

For this example, at this point in time, the LGA members combined would be “worse off” by \$120,512 on dissolution, and SA members combined would be “better off” by the same amount. On an individual Council basis Association’s calculations have shown the “worse off” Councils range in dollar terms from (\$43.05) to (\$2,202.46) while the “better off” Councils range in dollar terms from \$165.47 to \$2,457.64. As the combined difference represents less than half a percent of overall total equity ($\$120,512 / \$28,728,544 \times 100 = .419\%$) it is not considered significant.

4.10 Policy for Public Interest Disclosures

TRIM REFERENCE: F2004/07011 - D03004983
MANAGER: Michael Whittaker, General Manager
AUTHOR: Lilly Mojsin; Internal Ombudsman

SUMMARY

The Public Interest Disclosures (PID) policy provides a set of robust and transparent processes to ensure that protected disclosures can be made, that those making a protected disclosure are supported, and that all identified people under this policy understand their responsibilities in this regard.

RECOMMENDATION

That Council adopt the Public Interest Disclosures policy attached to this report based on the model policy and guidelines provided by the NSW Ombudsman.

BACKGROUND

The reporting of suspected wrongdoing by staff is vital to the integrity of the public sector. Staff who are prepared to raise their concerns about corrupt conduct, maladministration or other serious wrongdoing are one of the most important and accurate sources of information for identifying and addressing serious problems within an organisation. Staff should feel that it is a part of their job to report wrongdoing and they will not suffer reprisals for doing so. An ethical environment gives people confidence that allegations will be taken seriously and responded to.

In NSW, the public interest disclosures system has been in place since 1995. In October 2010, following a review of the system, the NSW Parliament passed the *Protected Disclosures Amendment (Public Interest Disclosures) Act 2010*, which widened the protections for people who report serious wrongdoing. These changes took effect from 1 July 2011. In September 2011, NSW Parliament made additional changes to the system with the [*Public Interest Disclosures Amendment Act 2011*](#).

The PID Act requires public authorities to have an internal reporting policy and procedures in place for receiving, assessing and dealing with public interest disclosures. This policy must have regard to the NSW Ombudsman's model policy and guidelines.

CURRENT STATUS

Council is required to adopt the policy under the NSW Ombudsman's guidelines.

OPTIONS

The existing policy does not meet requirements of the legislation outlined above. Adoption of this policy as proposed will meet legislative requirements.

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

Not applicable.

**Contribution of Proposal to the Principal Activity
Long term Financial Strategy**

Nil

Asset Management Strategy

Nil

Workforce Management Strategy

Nil

Link to Community Strategic Plan (2030)

Nil

Budget Impact

Nil

CONSULTATION

Relevant stakeholders consulted

GOVERNANCE AND POLICY IMPLICATIONS

Adoption of policy ensures Council is compliant with its obligations under the PID Act, as outlined above

MATERIAL RISKS AND ISSUES

Adoption of PID policy assists good governance and managing corruption risks.

CONCLUSION

Proposed PID policy is required to meet Councils obligations under the PID Act in a form consistent with NSW Ombudsman guidelines.

ATTACHMENTS

- 1 PID Policy D03004994



Wyong Shire Council

POLICY FOR PUBLIC INTEREST DISCLOSURES

[PID ACT]

Policy No:

Policy Author: Lilly Mojsin



**History of Revisions:**

Version	Date	Authority	TRIM Doc. #
1			
2			
3			

© 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
W www.wyong.nsw.gov.au

Wyong Shire Council [WSC] supports Councillors and its employees who wish to report corrupt conduct, maladministration or serious and substantial waste.

A. POLICY SUMMARY

This Policy is based on the Model internal reporting policy – Local Government issued by the NSW Ombudsman.

A.1. The *Public Interest Disclosures Act 1994 (PID Act)* establishes an internal system to encourage and facilitate the reporting of disclosures of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention by Wyong Shire Council (WSC)'s staff and its Councillors. This system enables people working within WSC, who make complaints, to minimise their risk of reprisal. The system enables internal disclosures to be made to the General Manager [GM], the Internal Ombudsman and General Legal Counsel. Councillors may report matters to the Mayor or the General Manager.

B. PURPOSE OF THE POLICY

B.1. WSC is committed to protecting staff, elected members of Council and all personnel who report wrongdoing in the work place. This policy is designed to complement normal communication channels between supervisors and staff to encourage and facilitate disclosures of maladministration, serious and substantial wastage, corrupt conduct, contraventions of government information legislation or local government pecuniary interest contravention. Staff are encouraged to continue to raise matters not covered by this policy at any time with their supervisors.

B.2. Wyong Shire Council [WSC] **Public Interest Disclosure Policy [PID]** covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC and any person or organisation employed to work on WSC premises or facilities.

B.3. Some reports of wrongdoing may be classified as "public interest disclosures" under the *Public Interest Disclosures Act 1994 (PID Act)*. This policy specifically addresses those types of reports. A disclosure is protected by the Act if it is information that the person making it **honestly believes, on reasonable grounds, shows or tends to show** one of the types of conduct that disclosures can be made about.

B.4. Other reports of wrongdoing may not meet the definition of "public interest disclosures", however WSC supports and encourages such reports as WSC does not condone or tolerate any wrongdoing in the workplace.

B.5. In addition to this policy, staff should refer to the Code of Conduct which sets out the standards of conduct and behaviour expected of all WSC staff.

C. WHAT SHOULD BE REPORTED?

C.1 You should report any wrongdoing you see.

C.2. Reports about the four categories of serious wrongdoing - **corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention** - will be dealt with under the PID Act as public interest disclosures and in accordance with this policy.

C.3. Other wrongdoing or misconduct will be dealt with according to the relevant legislation, the Code of Conduct or policy referred to below.

C.4. Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

Categories of serious wrongdoing covered by this Policy:		
(1) Corrupt Conduct	<p>Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:</p> <ul style="list-style-type: none"> the improper use of knowledge, power or position for personal gain or the advantage of others; acting dishonestly or unfairly, or breaching public trust; a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust. 	<ul style="list-style-type: none"> This Policy WSC Internal Ombudsman NSW Ombudsman Independent Commission Against Corruption
(2) Maladministration	<p>Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:</p> <ul style="list-style-type: none"> making a decision and/or taking action that is unlawful refusing to grant someone a licence for reasons that are not related to the merits of their application. 	<ul style="list-style-type: none"> This Policy WSC Internal Ombudsman NSW Ombudsman
(3) Serious & Substantial Waste	<p>Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council. For example, this could include:</p> <ul style="list-style-type: none"> poor project management practices leading to projects running over time having poor or no processes in place for a system involving large amounts of public funds. 	<ul style="list-style-type: none"> This Policy WSC Internal Ombudsman NSW Ombudsman NSW Auditor-General's Office
(4) Government Information Contravention	<p>A government information contravention is a failure to properly fulfil functions under the <i>Government Information (Public Access) Act 2009 (NSW)</i> (GIPA Act).</p> <p>For example, this could include:</p> <ul style="list-style-type: none"> destroying, concealing or altering records to prevent them from being released knowingly making decisions that are contrary to the legislation directing another person to make a decision that is contrary to the legislation. 	<ul style="list-style-type: none"> This Policy WSC Internal Ombudsman NSW Ombudsman Information Commissioner

Other wrongdoing:		
(5) Local government pecuniary interest contravention	<p>A local government pecuniary interest contravention is a failure to fulfil certain functions under the <i>Local Government Act 1993 (NSW)</i> relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has</p>	<ul style="list-style-type: none"> This Policy WSC Internal Ombudsman NSW Ombudsman Division of Local Government

	<p>in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:</p> <ul style="list-style-type: none"> • a senior council staff member recommending a family member for a council contract and not declaring the relationship • a general manager holding an undisclosed shareholding in a company competing for a council contract 	
(6) Other wrongdoing	<p>Although reports about the previous four categories of conduct can attract the specific protections of the PID Act and this Policy, employees and other persons covered by this Policy should report all activities or incidents that they believe to be wrong. For example, these could include:</p> <ul style="list-style-type: none"> • harassment or unlawful discrimination • reprisal action against a person who has reported wrongdoing • practices that endanger the health or safety of staff or the public. <p>These types of issues should be reported in line with the applicable laws or WSC policy and/or procedure.</p>	<ul style="list-style-type: none"> • WSC Internal Ombudsman • Code of Conduct • Personnel Policy & Procedure Manual • Occupational Health & Safety Policy and Management System • Community Feedback & Complaint Management Policy

C.5. For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

C.6. Even if these reports are not dealt with as public interest disclosures, *Council will* consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

D. WHEN WILL A REPORT BE PROTECTED?

D.1 WSC will support any staff who report wrongdoing.

D.2. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act.

D.3. These requirements are:

- the person making the disclosure must honestly believe on reasonable grounds that the information shows, or tends to show, wrongdoing and
- the report has to be made to one or more of the following:
 - a position nominated in this policy - see N.6., N.7., N.8 below
 - the General Manager see: N.5; or
 - one of the investigating authorities nominated in the PID Act - see O.4 below.
- the report must be made voluntarily. Reports made in accordance with any rules or guidelines set out in the Code of Conduct are also considered to be voluntary
- The report must be made in accordance with this Policy and any associated procedures.

D.4. Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of

the Council

- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

E. WSC COMMITMENT

E.1 WSC will:

- protect staff who make disclosures from any adverse action motivated by their report
- keep the identity of the reporting staff member confidential, wherever possible and appropriate
- deal with reports thoroughly and impartially and, if some form of wrongdoing has been found, take appropriate action to rectify it
- keep staff who make reports informed of their progress and the outcome
- respect any decision to disclose wrongdoing outside the organisation - if that outside disclosure is made in accordance with the PID Act
- ensure Council managers and supervisors understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing.

E.2. WSC will also provide adequate resources to:

- encourage reports of wrongdoing
- protect and support those who make them
- provide training for key personnel
- investigate allegations
- properly manage any workplace issues that the allegations identify or create
- remedy any wrongdoing that is found
- re-assess / review the policy at least every two years to ensure it is still relevant and effective.

F. ROLES AND RESPONSIBILITIES OF STAFF

F.1. This policy applies to all people who perform public official functions including:

- Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- volunteers
- individual contractors working for Council.

- F.2. In this policy the term "staff" means all persons who perform public official functions including those persons listed above unless the context in which the term staff appears makes it clear that it applies only to Council employees.
- F.3. Staff should be aware there are various Council policies in addition to this policy that applies to wrongdoing. Each staff member should make themselves familiar with the listed associated documents, to follow the correct procedure in dealing with such conduct.
- F.4. The following associated documents and procedures should be read in conjunction with this Policy:
1. Code of Conduct
 2. Community Feedback and Complaint Management Policy

If you become aware of a colleague who has made a disclosure we encourage you to support that person and protect their confidentiality.

- F.5. WSC will not tolerate any person who performs public official functions victimizing or harassing anyone who has made a disclosure.

G. HOW TO MAKE A REPORT

- G.1. You can report wrongdoing in writing or verbally. *You* are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.
- G.2. If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.
- G.3. If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

H. CAN A REPORT BE ANONYMOUS?

- H.1. There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by WSC, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.
- H.2. It is important to realise that anonymous disclosures may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

I. MAINTAINING CONFIDENTIALITY

- I.1. Many staff will want their report to remain confidential. This can help to prevent any action being taken for reporting wrongdoing.
- I.2. We are committed to keeping your report confidential and your identity confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.
- I.3. If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.
- I.4. If you report wrongdoing, you should only discuss your report with those dealing with it. This *will* include the Disclosures Coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

J. PROTECTION AGAINST REPRISALS

- J.1. The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.
- J.2. *WSC will not tolerate* any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that may result in disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.
- J.3. Detrimental **action means action causing, comprising or** involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings.

K. RESPONDING TO REPRISALS

- K.1. WSC will act to protect staff who report wrongdoing from reprisals.
- K.2. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.
- K.3. If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately.
- K.4. All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.
- K.5. If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:
- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
 - give the results of that investigation to the General Manager for a decision
 - give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
 - if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
 - take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
 - refer any evidence of reprisal action to the Police, DPP or other investigative authority.
- K.6. If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.
- K.7. The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions.

- K.8. These may include:
- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
 - relocating the member of staff who made the disclosure or the subject officer within the current workplace
 - transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
 - granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.
- K.9. These directions will only be taken if the member of staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support - and it is not a punishment.
- K.10 If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the NSW Ombudsman or the ICAC - depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

L. PROTECTION AGAINST LEGAL ACTION

L.1 If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and any action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

M. SUPPORT FOR THOSE REPORTING WRONGDOING

- M.1. WSC will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process - such as stress management, counselling services, legal or career advice.
- M.2. We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. Any request for support should be made to *Council's* Disclosures Coordinator the Internal Ombudsman.
- M.3. All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

N. WHO CAN RECEIVE A REPORT IN WSC

- N.1. You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that - for a report to be a protected disclosure - it must be made to a public official in accordance with Council's disclosure procedures. For WSC, this means *this policy* and any supporting procedures.
- N.2. Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the *procedures and/or guidelines* supporting this policy.
- N.3. If you are a member of Council staff and your report involves a Councillor, you should make your report to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make your report to the General Manager or the Mayor.

N.4. Only the following staff within WSC can receive a protected disclosure.

N.5.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in WSC to support and protect staff who report wrongdoing.

The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The current General Manager is Michael Whittaker. Address: PO BOX 20 WYONG NSW 2259, email: Michael.whittaker@wyong.nsw.gov.au, telephone 02 4350 5200.

N.6.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor.

The Mayor is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The current Mayor is Robert (Bob) Graham. Address: PO BOX 20 WYONG NSW 2259, email: grahamb@wyong.nsw.gov.au, telephone 02 4350 5211.

N.7.

c. Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff. The Disclosures Coordinator's role is to receive them, assess them, and refer them to the people within WSC who can deal with them appropriately. **Council's Disclosures Coordinator is the Internal Ombudsman.**

The current WSC Disclosures Coordinator is

Lilly Mojsin, Internal Ombudsman, PO BOX 20 WYONG NSW 2259, email: lmojsin@wyong.nsw.gov.au, telephone 02 4350 5371;

N.8.

d. Disclosures Officers

Disclosures officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with the PID Act and this Policy.

The current WSC Disclosures Officers are:

Lilly Mojsin, Internal Ombudsman, PO BOX 20 WYONG NSW 2259,
email: lmojsin@wyong.nsw.gov.au, telephone 02 4350 5371; and

Brian Glendenning, General Counsel, PO BOX 20 WYONG NSW 2259,
email: brian.glendenning@wyong.nsw.gov.au, telephone 02 4350 5590.

O. WHO CAN RECEIVE A REPORT OUTSIDE OF THE WSC

- O.1. Staff are encouraged to report wrongdoing within WSC, but internal reporting is not the only option. By following the guidance below, a report can still be a protected disclosure.
- O.2. You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to WSC. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.
- O.3. You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.
- O.4. **a. Investigating authorities**

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to WSC, these authorities are:

- the Independent Commission Against Corruption (ICAC) -for corrupt conduct
 - the NSW Ombudsman - for maladministration
 - the *Police* Integrity Commission (PIC) - for police misconduct
 - the PIC Inspector - for disclosures about the PIC or its staff
 - the Division of Local Government, Department of Premier and Cabinet - for corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention or local government pecuniary interest contravention (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
 - the ICAC Inspector - for disclosures about the ICAC or its staff
 - the Information Commissioner -for disclosures about a government information contravention.
- O.5. You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

O.6. You should be aware that it is very likely the investigating authority will discuss YOUR DISCLOSURE with the WSC. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

O.7. ***b. Members of Parliament or journalists***

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy; or
- an investigating authority in accordance with the PID Act.

Also, Council an investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

O.8. Most importantly - to be protected under the PID Act - if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

O.9. If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or 'Councils Code of Conduct - by, for example, disclosing confidential information.

O.10. For more information about reporting wrongdoing outside WSC contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

P. FEEDBACK TO STAFF WHO REPORT WRONGDOING

P.1. Staff who report wrongdoing will be told what is happening in response to their report.

P.2. When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

P.3. The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within five working days from the date you make your report.

P.4. After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report

- likely timeframes for any investigation
- information about the resources available within WSC to handle any concerns you may have
- information about external agencies and services you can access for support.

P.5. This information will be given to you within 10 working days from the date you make your report.

P.6. During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

P.7. At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Q. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

Q.1. It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

R. SUPPORT FOR THE SUBJECT OF A REPORT

R.1. WSC is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

S. REVIEW

S.1. This policy will be reviewed by Council at least every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

T. MORE INFORMATION

T.1. *For further information please refer to WSC's Public Interest Disclosures Procedures which support this policy.*

T.2. More information around public interest disclosures is available on our intranet. Staff can also access advice and guidance from WSC's Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

U. Resources

U.1. The contact details for external investigating authorities that staff can make a protected disclosure to, or seek advice from, are listed below.

For disclosures about corrupt conduct:
 Independent Commission Against Corruption (ICAC)
 Phone: 02 8281 5999
 Toll free: 1800 463 909
 Tel. typewriter (TTY): 02 8281 5773
 Facsimile: 02 9264 5364
[Email: icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)
www.icac.nsw.gov.au
 Address:
 Level 21, 133 Castlereagh Street,
 Sydney NSW 2000

For disclosures about maladministration:
 NSW Ombudsman
 Phone: 02 9286 1000
 Toll free (outside Sydney metro): 1800 451 524
 Tel. typewriter (TTY): 02 9264 8050
 Facsimile: 02 9283 2911
[Email: nswnmbo@ombo.nsw.gov.au](mailto:nswnmbo@ombo.nsw.gov.au)
www.ombo.nsw.gov.au
 Address:
 Level 24, 580 George Street,
 Sydney NSW 2000

For disclosures about serious and substantial waste:
 Auditor-General of the NSW Audit Office
 Phone: 02 9275 7100
 Facsimile: 02 9275 7200
[Email: mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)
www.audit.nsw.gov.au
 Address:
 Level 15, 1 Margaret Street,
 Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies: Division
 of Local Government in the Department of
 Premier and Cabinet
 Phone: 02 4428 4100
 Tel. typewriter (TTY): 02 4428
 4209 Facsimile: 02 4428 4199
[Email: dlq@dlq.nsw.gov.au](mailto:dlq@dlq.nsw.gov.au)
www.dlq.nsw.gov.au

For disclosures about police misconduct:
 Police Integrity Commission (PIC)
 Phone: 02 9321 6700
 Toll free: 1800 657 079
 Facsimile: 02 9321 6799 [Email: contactus@pic.nsw.gov.au](mailto:contactus@pic.nsw.gov.au)
www.pic.nsw.gov.au
 Address: Level 3, 111 Elizabeth Street,
 Sydney NSW 2000

For disclosures about breaches of the GIPA Act:
 Information Commissioner
 Toll free: 1800 463 626
 Facsimile: 02 8114 3756
[Email: oicinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)
www.oic.nsw.gov.au
 Address: Level 11, 1 Castlereagh Street,
 Sydney NSW 2000

Address: 5 O'Keefe Avenue,
 Nowra, NSW 2541

V. Associated documents

V.1. PID LODGEMENT FORM - SCHEDULE 1

V. PUBLIC INTEREST DISCLOSURES PROCEDURES – SCHEDULE 2

W. Review

W.1. This policy will be reviewed by WSC at least every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

SCHEDULE 1



**PUBLIC INTEREST
DISCLOSURE
LODGEMENT FORM**

COMPLETION OF THIS FORM IS NOT MANDATORY BUT IS DESIGNED TO ASSIST WHEN MAKING A PUBLIC INTEREST DISCLOSURE.

1. Details of Person Making the Disclosure:			
Name of complainant:			
Address:			
Postal Address:			
State:		Post Code:	
Email Address:			
Contact Number:		Mobile Number:	
2. Details of Disclosure:			
Type of Disclosure:	<p><u>The disclosure is about:</u></p> <ol style="list-style-type: none"> 1. Corrupt Conduct <input type="checkbox"/> Yes 2. Maladministration <input type="checkbox"/> Yes 3. Serious or Substantial Waste of Public Monies <input type="checkbox"/> Yes 4. Government Information Contravention <input type="checkbox"/> Yes 5. Local Government Pecuniary Interest Contravention <input type="checkbox"/> Yes 6. Other wrongdoing <input type="checkbox"/> Yes 		

Have you read or accessed Council's Public Interest (Protected) Disclosures Policy prior to making this disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Particulars of Disclosure: <i>(Please provide attachment if more room is required):</i>	

Do you have a preferred outcome, if so, what outcome is sought:	
Please list the details of the person(s) that you believe have committed wrongdoing:	1. 2. 3.
Has the matter been disclosed previously?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If Yes please list the name of the person(s) that has been aware of or responsible for this matter:
Do you have any additional information or documentation related to the disclosure:	<input type="checkbox"/> Yes <input type="checkbox"/> No If YES, please attach a copy to this form.
I agree to maintain confidentiality, unless otherwise subsequently agreed in consultation with a PID Coordinator or required by law:	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Declaration:	
I declare that I have disclosed all relevant information and make this disclosure in good faith, with an honest belief on reasonable grounds that the conduct disclosed denotes wrongdoing:	<i>Signature:</i>
4. Office Use Only:	
Date and Name of PID Officer, General Manager or Mayor receiving disclosure:	
Date and Name of PID Coordinator receiving disclosure:	
Disclosure Classification:	
Relevant TRIM Folder Number:	

SCHEDULE 2



PUBLIC INTEREST DISCLOSURE PROCEDURES

Staff who report wrongdoing will be told what is happening in response to their report. WSC will record the date a Public Interest Disclosure was received, who made it and when the matter was finalised.

- A. Council's Disclosures Coordinator will maintain a Register of Disclosures** pursuant to the PID Act and will record the date a Public Interest Disclosure was received, who made it and when the matter was finalised.
- B. On receipt of a report, the person making the report will be given:**
- an acknowledgement letter that the disclosure has been received
 - a copy of WSC's PID policy within 45 days after the report is made
 - the timeframe for further updates
 - the name and contact details of the people who can advise what is happening.
- C. After a decision is made about how a PID report will be dealt with, the person making the report will be given, within 10 working days of making the report:**
- information about the action that will be taken in response to the PID report
 - likely timeframes for any investigation
 - information about the resources available within WSC to handle any concerns
 - information about external agencies and services you can access for support.

D. During any investigation, the person making the report will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if the identity of the person making the report needs to be disclosed for the purposes of investigating the PID report, and an opportunity to talk about this.

E. At the end of any investigation, the person making the report will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified
- advice about whether the person making the disclosure will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

F. A register of disclosures will be kept by the Disclosures Coordinator and individual files for each disclosure made.

- Access can only be gained to the register and the individual files by the Disclosures Co-ordinator and the General Manager. Security will be set against View Metadata and View Document.
- Entries to the Register will be made by the Disclosures Co-ordinator
- From 1 January 2012 WSC will collect information about each public interest disclosure received including: the date received, who made it and when the matter was finalised.
- WSC will report to the NSW Ombudsman a summary of statistical information about the public interest disclosures received during the six months from 1 January 2012
- WSC will report on its activities in implementing the public interest disclosures system, including statistical information about the disclosures it has received since 1 January 2012, in their Annual Reports.

G. The Register will contain the following as a minimum:

- 1 Date disclosure made and date disclosure received by the Co-ordinator
- 2 Name of person making the disclosure;

- 3 Name of person to whom the disclosure was made;
- 4 Name of person against whom the disclosure was made;
- 5 A brief but descriptive summary of the disclosure;
- 6 A determination as to whether or not the disclosure is to be investigated. If a disclosure is not to be investigated a clear but brief statement as to the reason, eg frivolous, false, misleading, vexatious etc;
- 7 If a disclosure is to be investigated a clear but brief statement of the grounds on which a decision to investigate was made, eg possible corruption, maladministration, serious and substantial waste, etc;
- 8 Details of the finding;
- 9 Details of date of any advice or reports to outside authorities, where appropriate;
- 10 Date of advice or report to the General Manager;
- 11 Date person making the disclosure advised;
- 12 Date person the subject of the disclosure advised.

This Register will provide the base source of the information required for the periodic review of the Disclosure Procedure.

H. Material to be placed on files will include:

- 1 The original disclosure;
- 2 File notes by the Disclosures Co-ordinator of any verbal inquiries made and the responses;
- 3 Copies of hard copy inquiries made and the responses;
- 4 File notes and responses relating to any investigations made;
- 5 Hard copy of any material relating to any investigation undertaken;

- 6 Copy of the determination made;
- 7 Copy of, where appropriate, any report to an outside agency on the disclosure;
- 8 Copy of advices to the General Manager; the person making the disclosure; the person the subject of the disclosure.

5.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02981159

MANAGER: Daryl Mann; Manager Water and Sewerage Operations

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

SUMMARY

Water supply and sewerage works in progress and completed for April 2012.

RECOMMENDATION

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

WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Charmhaven Killarney Vale Ourimbah The Entrance Toukley Tuggerah Watanobbi Wyong	500,000	Jul 2011	55	75	Jun 2012	Ongoing water main, stop valve and hydrant replacement works are underway to improve system supply operations and maintain water quality. This work is being funded by the Water and Sewerage Operations and Maintenance Program. Work is currently being undertaken at Norberta Street/Oakland Avenue The Entrance.

5.1

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Tonkiss St Tuggerah	40,000	Feb 2012	30	90	May 2012	<p>Construction work has commenced to install a 150mm water main and pressure reducing valve in a concrete pit to provide a secondary supply of water to Burbank Drive subdivision.</p> <p>This work is being funded by Water and Sewerage Capital Works Program.</p>
Owen Ave Wyong	123,000	Feb 2012	40	100	May 2012	<p>Work is partially completed to relocate approximately 60m of 150mm AC and 100m of 100mm AC water main in aid of road and drainage upgrade works. The work has been intermittent due to wet weather. The work also involves the lowering of approximately 20 water services.</p> <p>This work is being partially funded by Roads and Stormwater and Water and Sewerage Capital Works Program.</p>
Goorama Ave San Remo	62,000	May 2012	0	0	June 2012	<p>Work is scheduled to relocate approximately 130m of 100mm, 150mm and 200mm diameter water pipe in aid of road and drainage upgrade works.</p> <p>This work will be completed between Richardson Rd and Catalina Rd, San Remo.</p> <p>This work is being partially funded by Roads and Stormwater and Water and Sewerage Capital Works Program.</p>

5.1

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bryant Dve Tuggerah	10,000	Apr 2012	20	100	May 2012	<p>Work has commenced to replace in-situ approximately 30m of 150mm asbestos cement pipe in aid of installation of 4 low and high voltage electrical conduits as part of the power upgrade works associated with the development of the Mariners Stadium.</p> <p>This work is being funded by the Developer.</p>
Hansens Rd Tumbi Umbi	16,000	May 2012	5	5		<p>Work has commenced to replace 47m of 100mm diameter asbestos water main in-situ in aid of modified road intersection upgrade.</p> <p>This work is being funded by Water and Sewer Roads and Stormwater.</p>

SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Bateau Bay Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2011	65	75	Jun 2012	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 30 April 2012 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

Sewage Treatment

The effluent discharged from Toukley Sewage Treatment Plant, for the period 1 to 30 April 2012 has met Environmental Protection Authority Licence requirements.

Council has an Environmental Protection Licence for the Bateau Bay Sewage Treatment Plant that specifies the maximum daily volume that can be discharged to the environment through the Wonga Point Ocean outfall. The maximum daily volume was exceeded on Wednesday 18 April 2012. The volume discharged exceeded the daily licence allowance by 9.3 ML. This constituted a technical breach of the licence conditions.

All effluent discharged through the outfall was fully treated in accordance with the Licence and as such there was no pollution event. The volume exceedance occurred during heavy rainfall within the Bateau Bay Sewage Catchment area. The volume exceedance was directly caused by the prolonged periods of heavy rainfall on April 18 and 19 resulting in the ingress of excessive amounts of stormwater into the sewerage system. Investigations are ongoing to identify whether this was as a result of local flooding, faulty or illegal plumbing works or damaged infrastructure.

The Office of Environment and Heritage have been advised.

Sewage Overflows

There were two reported sewage overflows that occurred for the period 1 to 30 April 2012.

An escape of sewage occurred on April 13, 2012 in the reserve behind residential properties in Carmen Pl Watanobbi as the result of a pipe blockage on SPS WS15 sewage gravity main. Although liquid sewage leaked through the manhole there was minimal contamination within the adjacent area and the local residents advised. This incident had minimal environmental impact.

This incident was reported to Council's Environment Hotline, however due to the minor nature of the incident, it was not reported to external authorities.

The second sewage overflow occurred on April 19, 2012 at sewage pumping station WS1 in Sunshine Ave Chittaway Point and B5 Binburra Ave Toowoona Bay. Heavy rainfall at the time contributed to higher than normal infiltration of stormwater into Council's sewerage system and resulted in a minor overflow of sewage into Ourimbah Creek and onto Toowoona Bay beach as a result of heavy rainfall. Owing to the diluted nature of the sewage and the quantity of stormwater within the area there was minimal evidence of a pollution event in the respective areas. The areas were cleaned, appropriately sign posted and the local residents advised. Investigations are continuing to identify the source of infiltration.

The Office of Environment and Heritage, NSW Department of Public Health, Work Cover and Fire and Rescue have been advised.

WATER STORAGE

Monday, 30 April 2012				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	83,452	43.9	Up 294 ML
Mardi Dam	7400	5,660	76.5	Up 467 ML
Mooney Dam	4600	4,590	99.8	Down 6 ML
Total	202000	93,702	46.4	Up 755 ML
TOTAL STORAGE:				
<ul style="list-style-type: none"> Total stored water volume has increased by 1.5% since last month. This day last year the volume stored as a percentage of total capacity was 14.7% lower. 				
MANGROVE CREEK DAM				
<ul style="list-style-type: none"> Mardi Dam supplied 260 ML last week to Mangrove Creek Dam. 0 ML were released to Mardi Dam last week. 0 ML were released to Mangrove Creek Weir last week. <p>Currently the Mardi to Mangrove Link Project is under the control of the construction contractor and is presently in the commissioning and testing phase.</p>				
HUNTER TRANSFERS:				
<ul style="list-style-type: none"> Hunter Water Corporation supplied 0 ML last week keeping this year's supply to 0 ML. Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this year's supply to 0 ML. 				
GROUND WATER BORES:				
<ul style="list-style-type: none"> Groundwater Bores supplied 3.3 ML last week, increasing this year's supply to 37.0 ML 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	448	6	6	10
Previous week	472	198	132	71
Current week last year	458	90	83	36
This year to date	8,341	764	701	489
Same period last year	9,448	605	583	305
<p>Week to date consumption was 448 ML, 2.2% less than the same week last year and 5.1% less than the previous week.</p> <p>Consumption this year to date is 8,341 ML, 11.7% less than the same period last year.</p> <p>Level 2 Water Consumption Target for the week ending Monday, 7 May 2012 is 532 ML</p>				

ATTACHMENTS

Nil.

5.2 Proposed Major Transport Infrastructure Projects

TRIM REFERENCE: F2004/06677 - D02986735

MANAGER: Robert Fulcher, Manager Asset Management

AUTHOR: Bob Burch; Principal Transportation Engineer

SUMMARY

Council has received the Key Infrastructure Study, Draft Interim Report 2 (23 April 2012). The report identifies the current status of the :

- Proposed F3 to F7 Link,
- Proposed High Speed Rail
- Second Sydney Airport and
- Local Major Infrastructure

RECOMMENDATION

That Council receive the report on the study carried out for the Proposed Major Transport Infrastructure Projects.

In response to a Notice of Motion on Proposed Major Transport Infrastructure Projects, Item 7.2 at the 10 August 2011 Ordinary Meeting of Council, Council RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor GRAHAM:

“That Council request the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.”

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

AGAINST: NIL

Three consultants were invited to tender for the study, which was to prepare a situational analysis of the Wyong Shire, in relation to the following key transport infrastructure items:

- Proposed F3 to F7 link,
- Proposed high-speed rail (HSR) and
- Second Sydney Airport.

The report to make recommendations as to:

- the broad feasibility, of these infrastructure items; and
- the broad costs and benefits to the community to be realised by the delivery of these infrastructure items.

- In relation to the HSR and the Airport, the report should consider the potential of the Shire to accommodate these infrastructure items.

The timeframe for consideration of the feasibility should be 20 years, given the strategic nature of the infrastructure.

Cardno was the successful consultant. During the study it was found that further studies were being carried out by the Federal Government for the HSR and the second Sydney Airport. It was decided that the consultant should proceed with the study and prepare a Draft Interim report until the HSR and second Sydney Airport studies were completed. A Draft Interim Report was received by Council in December 2011.

The Joint Study on the aviation capacity in the Sydney Region was released in March 2012. The consultant has included comments from this report in its Amended Report, which was received by Council in April 2012. A copy of the amended report is attached to this report.

The study/report identifies the following:

F3 FREEWAY TO M2 / M7 MOTORWAYS

Background

F3 to Sydney Orbital Link Study (SKM, 2004)

Sinclair Knight Merz (SKM) was commissioned by the New South Wales Roads and Traffic Authority (RTA) to carry out a strategic study for the Australian Government to identify a route for the National Highway connecting the F3 and the Western Sydney Orbital (now the M7) or the M2 Motorway (M2) to relieve pressure on Pennant Hills Road (the interim National Highway).

A Newsletter (Newsletter No. 3) released by SKM in May 2003 stated that the aim of the study was to identify a new route that would:

- Alleviate traffic congestion and improve travel reliability on the National Highway;
- Reduce the operating costs of long-distance commercial and freight transport;
- Improve road safety on the National Highway;
- Improve local amenity (reduce traffic, air and noise emissions and severance) for people living and working along Pennant Hills Road;
- Minimise social and environmental impacts during construction and operation;
- Provide opportunities for improved public transport;
- Integrate with the regional transport network;
- Serve the future growth needs to long-distance transport; and
- Be economically justifiable and affordable to government.

SKM produced its final report in 2004. The report included assessment of three broad corridor types as illustrated in Figure 1.

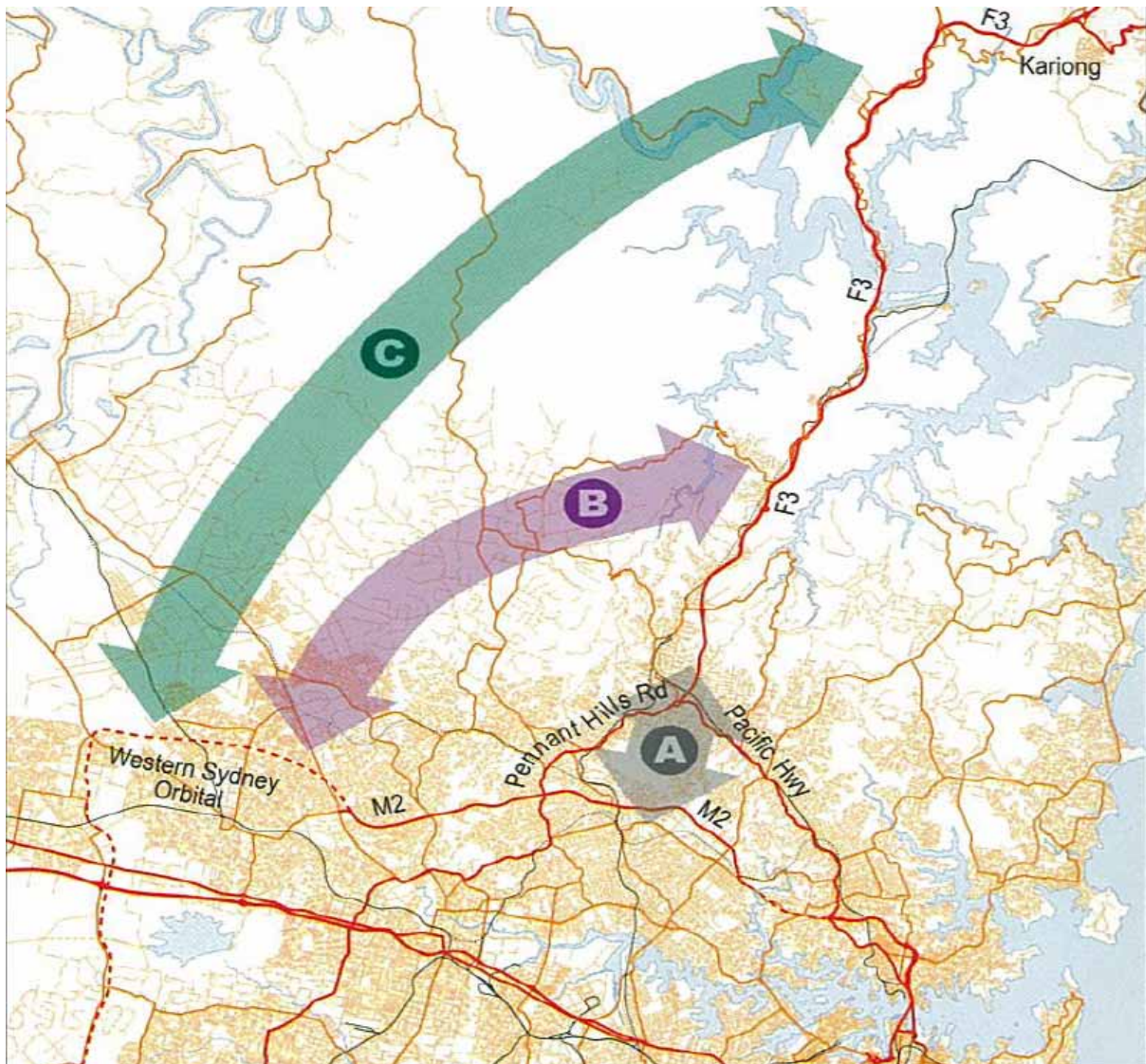


Figure 1 - F3 Link Corridor Options (Source: F3 to Sydney Orbital Link Study, prepared by SKM)

Preferred Corridor

The F3 to Sydney Orbital Link Study concluded that a Type A corridor (see Figure 1) Purple option (linking the F3 to the M2) would meet the terms of reference under which it was appointed and would satisfy the objectives and criteria underpinning the Study. It stated as follows:-

“A1: The Purple Option “A” be adopted as the preferred corridor for a new link, which best satisfies National Highway objectives between the F3 Freeway at Wahroonga and the M2 Motorway.”

It was concluded that a Type A Corridor would best meet the project objectives by:

- Reducing traffic volumes and congestion on Pennant Hills Rd;
- Minimising community impacts;

5.2 Proposed Major Transport Infrastructure Projects (contd)

- Minimising costs; and
- Minimising impacts on National Parks, reserves and other bushland areas, endangered ecological communities and indigenous heritage sites.

The study also recognised that a western route (Option "C" route) may be needed in the longer term (20 to 25 years) to service an increasing population and employment demand in the west and north-west of Sydney.

Preferred Route

Within the preferred Type A corridor, four sub options were identified as illustrated in Figure 2:

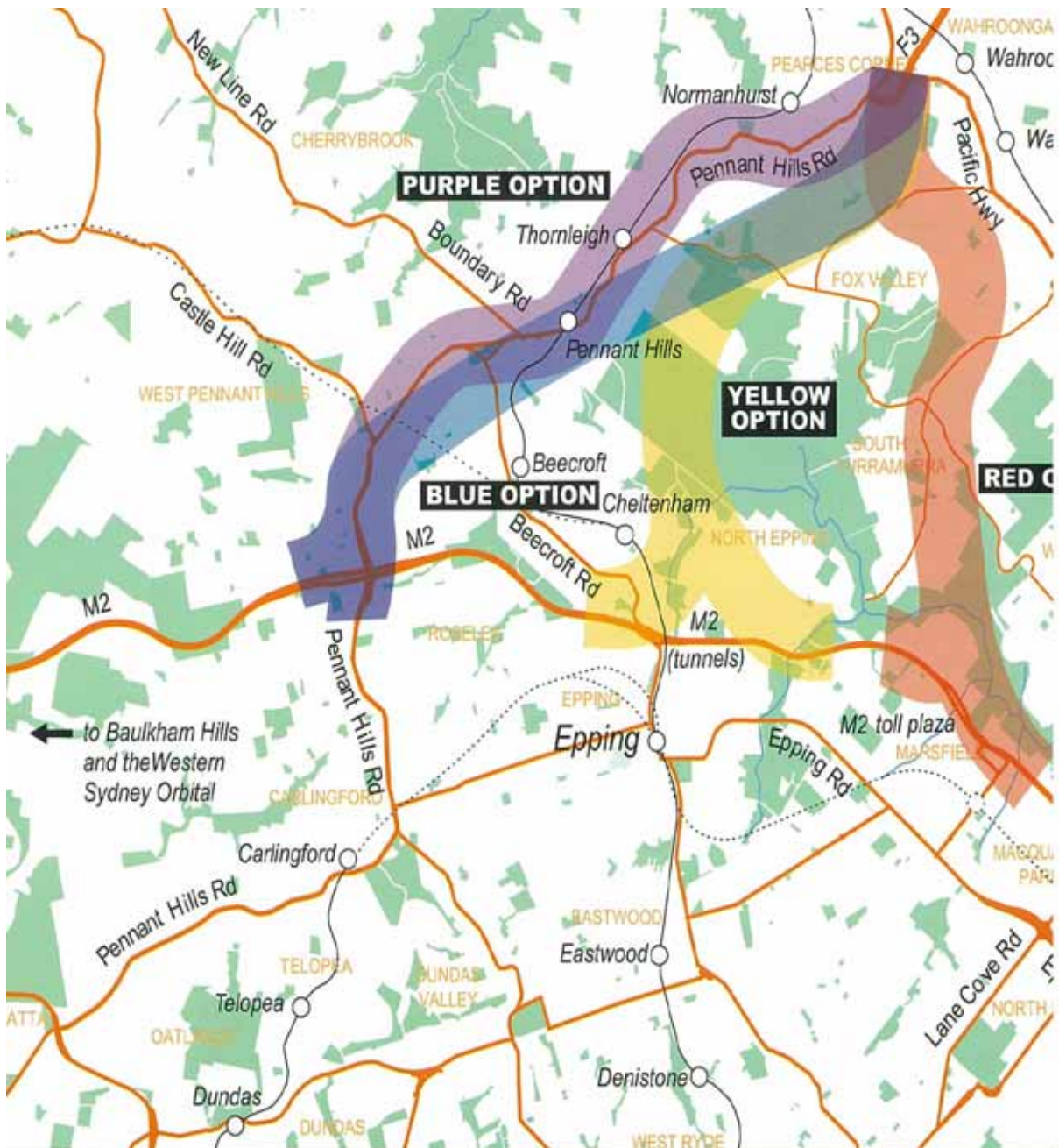


Figure 2 - Sub-options within the preferred Type A Corridor. (Source: F3 to Sydney Orbital Link Study, prepared by SKM)

The SKM Study carried out a further analysis of the four sub-options and made the following conclusion:

“..... that the Type A Purple option linking the F3 with the M2 Motorway best meets National Highway objectives and is justified on social, economic and inter-regional transport grounds. The study recommends that the Purple option be the preferred option for the new National Highway link.”

The identified purple option has a northern connection with the F3 at Wahroonga and a southern connection to the M2 at the existing Pennant Hills Road / M2 interchange (at that time). Its alignment would generally follow Pennant Hills Road and it would comprise dual 2km tunnels from the F3, a short (500 metres) section where it would daylight in an open cut adjacent to the railway corridor and in the vicinity of Brickyard Park at Thornleigh, and dual 5.5km long tunnels to the M2. The interchange at the northern end, at Wahroonga, would directly connect the new link with both the F3 and Pennant Hills Road. A new link / M2 interchange would allow for all traffic movements.

In May 2004, the Australian Government accepted and endorsed the recommended "purple option" as the preferred route. The northern interchange (at Wahroonga) would directly connect the new link with the F3 with new links to and from Pennant Hills Road.

Future Actions

The report noted that traffic capacity on a six-lane F3 between Sydney and the Central Coast is likely to be exceeded in peak periods by 2021. A decision would need to be made regarding long term options for the corridor. Options canvassed included an eight lane F3 and a Type C option. The report stated that at a future time, the decision making process may determine that a Type C option is warranted.

Review of the F3 to M7 Corridor Selection (Hon Pearlman, 2007)

On 19 February 2007, the Federal Minister for Local Government, Territories and Roads, the Hon. Jim Lloyd MP, announced the establishment of an independent Review of the F3 to M7 Corridor Selection, to examine the technical underpinnings and the robustness of the process followed to ensure the decisions taken by governments previously on the route selection of the preferred "purple" option were soundly based.

The Review concluded the following:

- 1 *"That the assumptions and data used in the SKM "F3 to Sydney Orbital Link Study 2004 "were valid and reasonable at the time of the study;*
- 2 *That there have been changes affecting land use and transport flows since route; and Study's publication, but that these changes reinforce the selection of the preferred route; and*
- 3 *That the SKM study recommendations progress as follows:*
 - a *The preferred route follow a Type A corridor Purple option and that this be progressed to the next stages of investigation including: detailed concept design, economic and financial assessment and environmental impact assessment; and*
 - b *A Type C corridor be planned now."*

The Pearlman Review was completed in August 2007. The Review's recommendations were reviewed by Government and accepted by the Hon. Jim Lloyd MP.

F3 Freeway Duplication

It has long been accepted that there is a critical need for a second major freeway north of Sydney to link Western Sydney, Central Coast and the Hunter Region. Current literature reports that peak period capacity on a six-lane F3 is likely to be exceeded by 2021. Central Coast based traffic makes up about 60% of the total daily traffic on the F3 and growth within the region will clearly have a significant impact on the efficient function of the Freeway. A solution to the problem is clearly critical to Wyong Shire.

F3 to M2 Project Status

With regard to the southern extension of the F3:

- TfNSW is committed to the F3 to M2 option (Option A “Purple Link”).
- A funding submission to Infrastructure Australia was made in May 2011, notwithstanding that previous funding submissions were rejected in 2008, 2009 & 2010.
- Subject to funding, construction of the link is scheduled to commence in 2014 for completion in 2018

Regarding options and progress for an F3 duplication:

- Transport for NSW is carrying out early feasibility analysis for an “Outer Sydney Orbital” that would initially link the south west and north west growth centres and then potentially extend north to link with the F3 and south to Port Kembla (Figure 3). The concept is consistent with the Sydney Metro Plan, 2036 which identifies an “outer Sydney orbital serving Western Sydney and linking to the Central Coast”.
- TfNSW informs that the first priority of the Orbital would be to link the Western Sydney Growth Centres.
- TfNSW reports that the Orbital is not high on its current priorities list. The major focus of the agency at present is the Sydney North West Rail Link.

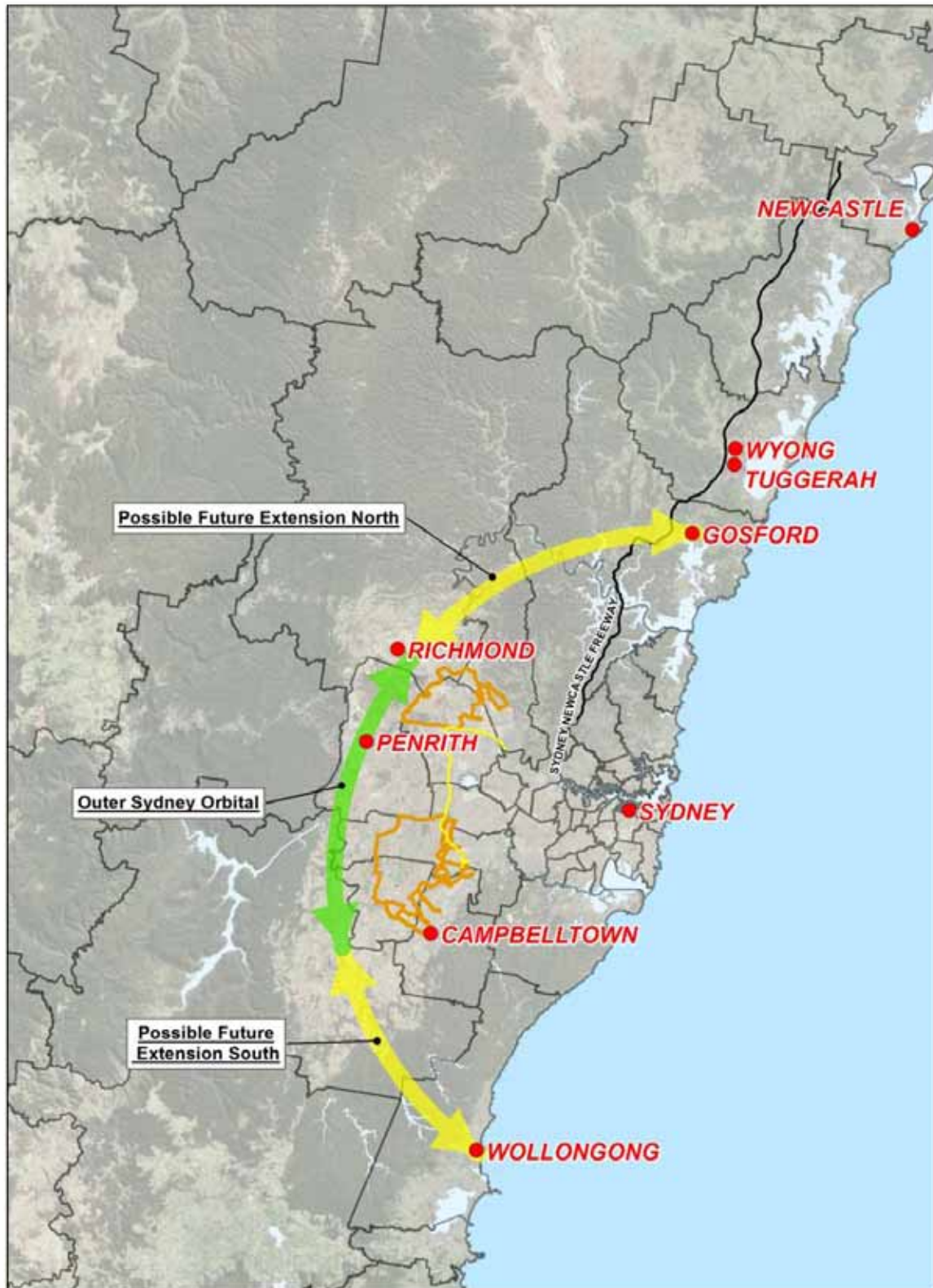


Figure 3 - Possible Outer Sydney Orbital

HIGH SPEED RAIL

Background

Feasibility and options for a High Speed Rail (HSR) network on the east coast of Australia linking Melbourne, Sydney and Brisbane are currently being considered by the Australian Government. In August 2010, the Federal Minister for Infrastructure and Transport commissioned a 2 phase study.

A Phase 1 report was released in July 2011. It considered:

- Range of costs;
- Potential corridors and stations;
- Potential future demand; and
- Potential social and regional development impacts.

A Phase 2 report is in production at the time of writing. It will consider:

- Financial feasibility analysis;
- Identify optimum route alignment;
- Refine patronage and cost estimates; and
- Investigate potential financing options.

Government has made no commitment beyond the completion of the 2-phase feasibility study.

High Speed Rail Study – Phase 1 (AECOM, July 2011)

The salient outcomes of the Phase 1 Study are:

At a National level:

- The Melbourne to Brisbane Corridor has been costed at \$61-\$108billion (in \$2011).
- The acquisition and preservation of future corridors now (at an estimated cost of \$6billion in \$2011) could reduce future land acquisition cost.

At a regional level:

- The report short lists the Newcastle to Sydney (Central Coast) corridor for Phase 2 analysis. The corridor is costed at \$10.7-17.9billion in \$2011.
- Staged development of the corridor is recommended with Sydney to Gosford/Wyong forming the first stage followed by Wyong to Newcastle.
- A corridor following the F3 Freeway alignment is preferred (see Figure 4).
- The Central Coast is identified as an area of sufficient demand to warrant a rail station.
- Kariong and Ourimbah are identified as alternative options for a Central Coast station. The report does not directly identify a preferred Central Coast station location.

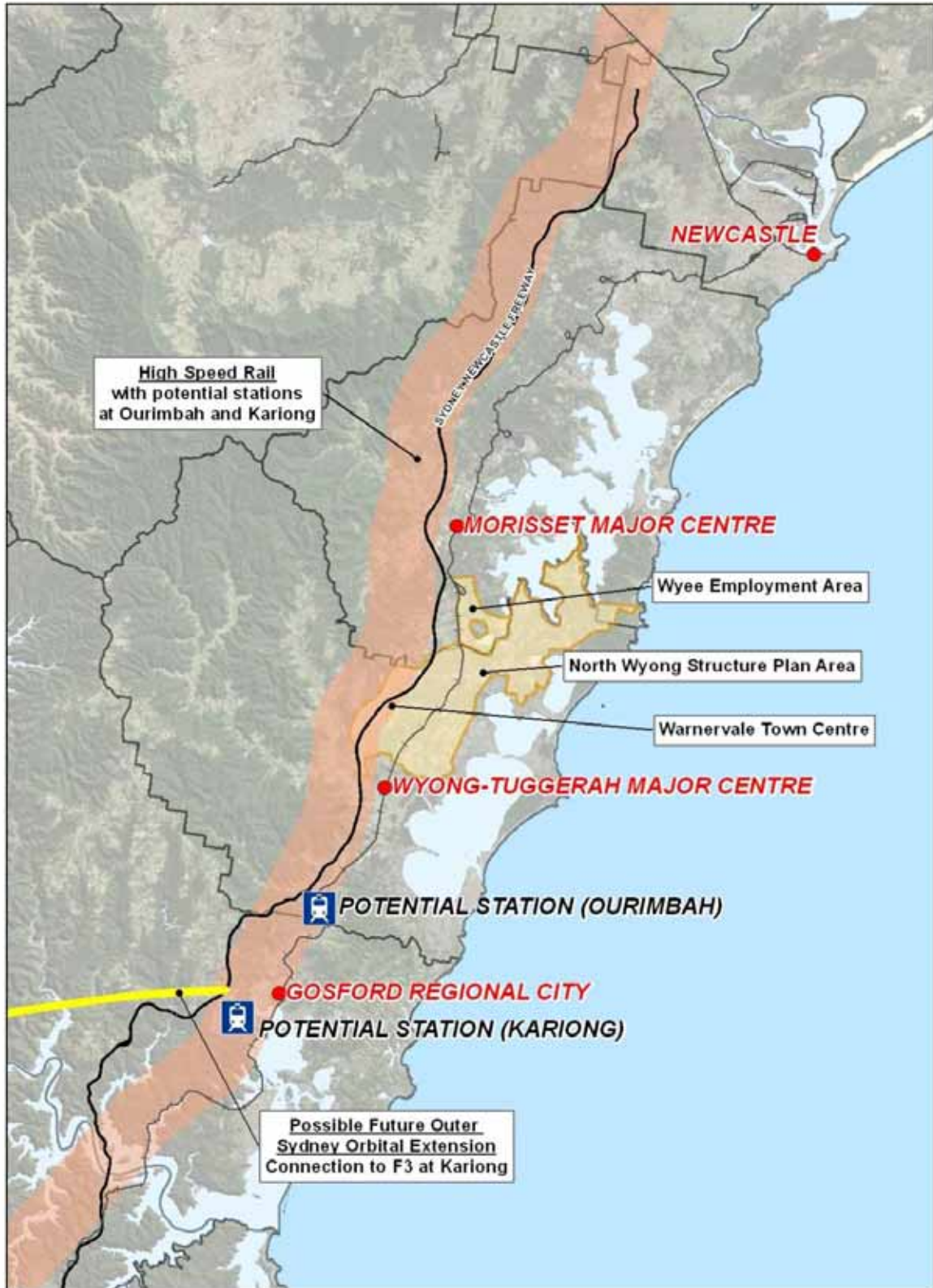


Figure 4 - East Coast High Speed Rail – potential Central Coast corridor

High Speed Rail Project Status

Cardno staff conducted an interview with Mr Richard Farmer, General Manager, High Speed Rail in the Policy and Research Division of the Federal Department of Infrastructure and Transport (DIT). Mr Farmer provided the following information on the current status of the Project:

An announcement that the Phase 2 Study has been commissioned was imminent at the time of interview.

Phase 2 of the Study will:

- Assess market needs and user benefits.
- Develop preferred alignments.
- Look at systems development, staging, costing; environmental / social / economic appraisal, finance and implementation planning.

The completion of the Phase 2 Study will be the beginning of a long and protracted decision making process.

Mr Farmer's opinion is that Central Station would be the most likely Sydney station for the HSR and the route would tunnel under metropolitan areas.

With regard to local government consultations, Mr Farmer stated that DIT will not be consulting directly with Councils principally due to the very large number of local government areas involved. However, individual presentations to Councils can be arranged.

Council has lodged a letter of support to the Department of Infrastructure and Transport for the Central Coast Station to be located at Ourimbah.

When asked to comment on the synergy between the HSR Central Coast corridor and the possible Central Coast location for a second Sydney airport, Mr Farmer stated that DIT are consulting closely with the group undertaking the Federal aviation study. Mr Farmers opinion is that the Peats Ridge site is unlikely to be shortlisted by the study.

SECOND SYDNEY AIRPORT

Background

Studies and proposals to develop Sydney's second airport date back decades. Sites considered as options for an airport include the western outskirts of Sydney, the southern tablelands and Canberra and the Central Coast and Hunter. Central Coast and Hunter sites that remain under consideration at present include Newcastle, Somersby and Peats Ridge. Of the studies carried out to date, only the *National Aviation Policy White Paper* (the Australian Government, December 2009) is publicly available.

A joint study by the Commonwealth and NSW Governments is currently being undertaken with the objective of developing an Aviation Strategic Plan (the Strategic Plan) for the Sydney region. Current advice is that the study is to be released towards the middle of 2012. The study may make recommendations for one or more preferred airport sites.

National Aviation Policy White Paper, 2009

The purpose of the White paper was to set out a comprehensive long-term aviation policy framework and provide a range of initiatives to support the development of the Australian aviation industry at all levels.

The White Paper:

- Sets out the Government's commitment to a continuation of Australia's excellent aviation safety record and to strengthen aviation security systems;
- Provides a policy framework for the development of the aviation industry at all levels – international, domestic, regional and general aviation; and
- Sets out initiatives to ensure better planning and integrated development on and around airports and to lessen the adverse effects of aviation activity on the environment and communities.

With respect to aviation in the Sydney region, the Paper:

- Recognises that to meet the demands of a growing population, the Sydney Region will require a second major airport. The Sydney Kingsford Smith Airport cannot handle projected long-term growth in the region.
- Commits the Australian Government to working with the NSW Government to develop an Aviation Strategic Plan as part of an integrated transport plan for the Sydney region. The Strategic Plan is to be released in 2011.
- Recognises that the key issue in examining new aviation capacity for the Sydney region has to be the successful integration of future aviation requirements with the NSW land use and infrastructure planning regime. This includes economic and employment node development and having key linkages with land transport and other infrastructure networks.

The Paper confirms that a new airport will not be located at Badgerys Creek.

“The development of an integrated planning approach to examining future Sydney region airport capacity does not support the construction of an airport at Badgerys Creek. Badgerys Creek is no longer an option. It has been overtaken by years of urban growth in the area and is inconsistent with future NSW spatial planning and land use development for the south-west region of Sydney.”

Federal / State Joint Study on Aviation Capacity for the Sydney Region

The study was foreshadowed by the White Paper and will consider short and long term aviation needs within the Sydney region. The terms of reference and objectives of the study are articulated in a document on the Department of Infrastructure and Transport website entitled '*Aviation Strategic Plan for the Sydney Region – Terms of Reference*'.

The Strategic Plan is expected to consider the immediate and long-term aviation infrastructure requirements for the Sydney region and the capacity of the existing aviation infrastructure to serve the region. It will examine:

- Current and future state land use and land transport planning strategies;
- Sydney's future requirements for transport and economic infrastructure, including future employment nodes;

- Existing and required transport infrastructure to support additional aviation capacity for the region;
- The need for other supporting infrastructure (energy, communications, gas, water etc);
- The availability and application of off-airport protection measures to ensure existing and future airport capacity is protected from inappropriate development which may limit its effective long-term operations and growth;
- The interaction between airports in the region, including Sydney (Kingsford Smith) Airport;
- Economic investment and environmental opportunities and challenges associated with future land use; and
- Existing airport policy and legislative requirements.

Relevant to this review, the Study is anticipated to provide potential locations for a second Sydney airport. Cardno has discussed the study with officers of Transport for NSW who report that the study is examining “up to 10 potential sites with priority to a shortlist”. They also confirm that Badgerys Creek is no longer an option as an airport site but that Central Coast sites remain on the agenda. Refer to Figure 5.

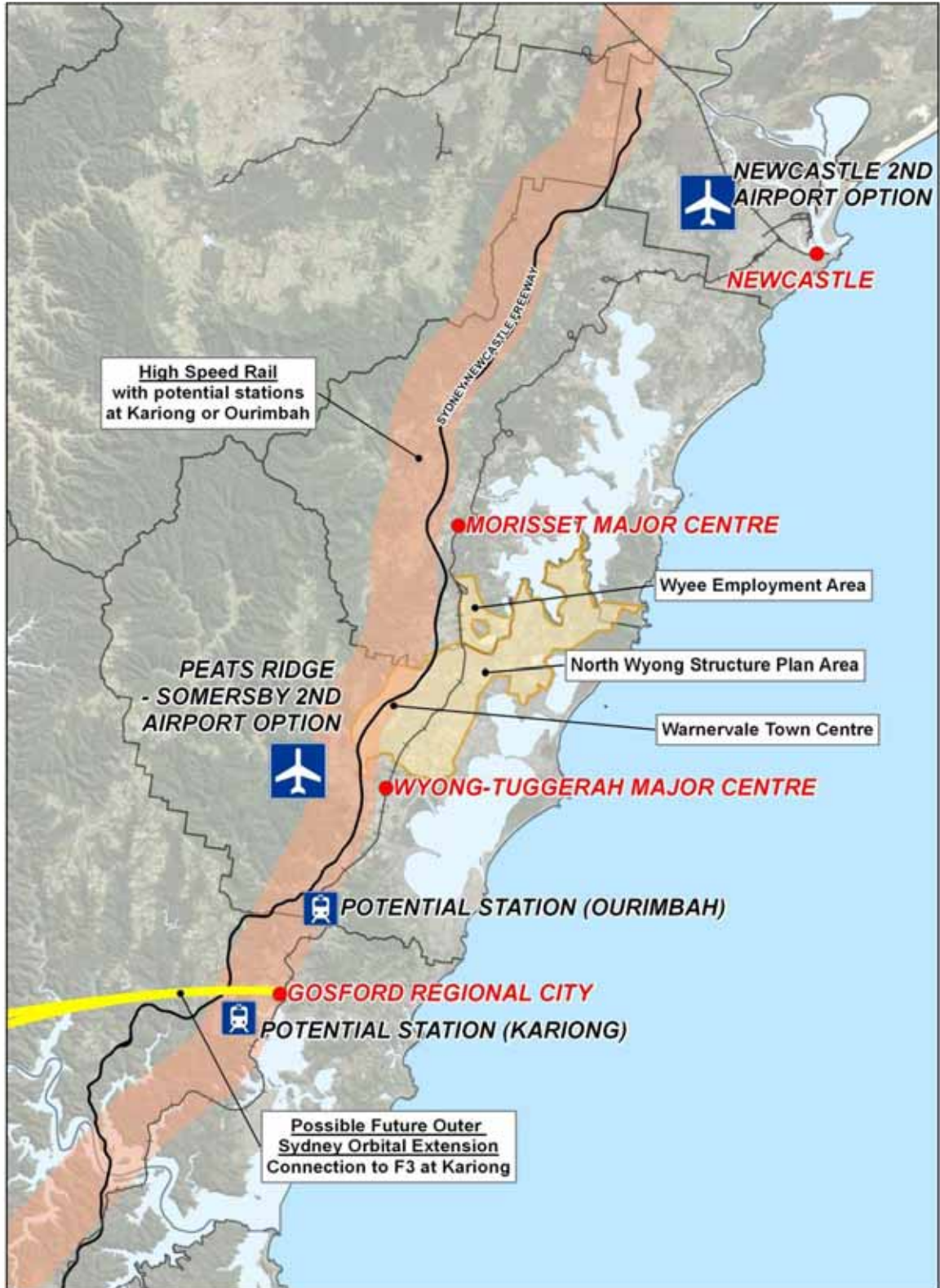


Figure 5: Potential second Sydney airport sites on the central Coast

Second Sydney Airport Project Status

The Joint Study on aviation capacity in the Sydney region (March, 2012) concluded that regional population growth and local development constraints will result in the need for an additional airport to supplement the capacity of Sydney (Kingsford Smith) Airport from around 2030. Governments will need to have determined the location and commenced investment into another airport site capable of handling Regular Public Transport (RPT) aircraft within the next five years.

The Study examined options for sites for a second RPT airport within the broader Sydney region, from the Hunter region in the north to Canberra in the south and the Blue Mountains in the west. Localities were assessed to find a suitable site for either a:

- Type 1 airport – a full service airport with a runway length of up to 4,000 metres, capable of serving all market segments and accommodating a future parallel runway layout; or
- Type 3 airport – a limited service airport with a runway length of up to 2,600 metres, capable of serving all market segments but with a single runway layout only.

A four phase assessment process resulted in a short list of 17 potential sites in 5 localities within the greater Sydney region. The final phase of the assessment involved a comparative analysis to identify sites considered more suitable in each geographic area. The phase included application of technical criteria (such as strategic planning context, accessibility to Sydney, construction / earthworks costs, noise impacts, airspace interaction, land acquisition costs, capacity for expansion, topographic constraints and infrastructure costs) and a high level cost / benefit analysis. The sites were rated against each criterion as ‘More suitable’, ‘Suitable’ and ‘Less suitable’ as identified in the following table:

Rating scale for comparison of sites

More suitable	Suitable	Less suitable
✓✓	✓x	xx
Adverse issues are those considered capable of being readily remedied through normal planning and design processes and/or some additional capital cost.	Adverse issues should be capable of being remedied through normal planning and design but with possible additional capital cost.	Adverse issues would be difficult to remedy through normal planning and design and/or expensive to remedy with likely additional capital cost implications.

Source: WorleyParsons/AMPC.

Contrary to the findings of the 2009 White Paper and the subsequent advice provided to Cardno from Transport for NSW officers, the Joint Study identified the Badgerys Creek site as the best site for an additional RPT airport for Sydney, notwithstanding government statements and commitments that the site is no longer suitable for airport development. Wilton, South of Sydney in the Cordeaux-Cataract locality, was identified as the next best site if Badgerys Creek is ruled out.

Within the Central Coast locality, three sites (Peats Ridge, Somersby and Wallarah) were carried through to the final short list of potential airport sites. The following table extracted from the Study report indicates the results of the technical assessment. The findings of the Study with regard to each of these sites are summarized below.

5.2

Proposed Major Transport Infrastructure Projects (contd)

Criterion	Type 3 Airport Sites			Maximum Type 1 Airport Sites	
	Peats Ridge	Somersby	Wallarah	Somersby	Wallarah
1 – Comparative transport upgrade costs (\$ millions) ¹	✓✗ \$250	✓✓ \$80	✓✓ \$70	✓✗ \$80 (road) \$2,190 (rail)	✓✓ \$110 (road) \$740 (Rail)
2 – Proximity to growth centres	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected	✓✓ Not affected
3 – Earthworks platform comparative cost (\$ millions)	✓✗ \$410	✓✗ \$430	✓✓ \$180	✓✗ \$530	✓✓ \$280
4 – Noise impacts (PEI: N70. person-events)	✓✓ 45,500	✓✗ 236,600	✗✗ 1,048,700	✓✗ 670,600	✗✗ 2,534,200
5 – Mine subsidence areas (MSAs)	✓✓ n/a	✓✓ n/a	✓✓ n/a	✓✓ n/a	✓✗ Surrounded by MSAs
6 – Property acquisition (number of lots)	✓✗ 110	✓✗ 140	✓✗ 200	✓✗ 190	✓✗ 500
7 – Airspace interaction capacity (movements per hour)	✗✗ ²	✗✗ ³	✓✗	✗✗ ⁴	✓✗
8 – Potential to expand to a maximum Type 1 Airport	✗✗ No	✓✓ Yes	✓✓ Yes	✓✓ n/a	✓✓ n/a
9 Major flood risk	Non Major	Non Major	Non Major	Non Major	Non Major
10 – Other major costs	No major items	No major items Closure of Somersby Airfield	Freeway, rail and major power realignment. Closure of Somersby, Mangrove Mountain Airfields	No major items	Freeway, rail and major power realignment. Closure of Somersby, Mangrove Mountain Airfields

Notes:

1. For Type 3 - road upgrade cost only.
2. Must be integrated with Sydney (Kingsford-Smith) Airport airspace management and may be unable to operate for periods of time due to close connection with Sydney (Kingsford-Smith) Airport, such as during major wind shifts, which requires change of runway at Sydney (Kingsford-Smith) Airport. It may also be further constrained by military airspace associated with RAAF Base Richmond and RAAF Base Williamstown.
3. AS per comment above.
4. As per comment above.

Source: Worsley Parson/AMPC and Airservices Australia

Peats Ridge

The Peats Ridge site was rated as More suitable against 3 criteria, Suitable in 3 criteria and Unsuitable in 2 criteria. Area constraints meant that the site was rated as unsuitable for development of a Type 1 airport. It also received an Unsuitable rating for Airspace interaction capacity (movements per hour) because it was considered to be operationally connected to Sydney (Kingsford-Smith) Airport. In this regard, the Study considered that the day to day capacity of an airport of the site in terms of aircraft movements would be likely to be seriously affected by the necessary interaction with Sydney Airport (*Joint Study, op cit Part 8, P.300*).

Somersby

For a Type 3 airport, the Somersby site was rated as More suitable against 4 criteria and Suitable against 3 criteria. As with the Peats Ridge site, Somersby was also rated as unsuitable with regard to Airspace interaction capacity, again because of considered operational connections with Sydney Airport. Unlike Peats Ridge, the site was identified as being capable of expansion to a Type 1 Airport. A subsequent assessment for suitability for a Type 1 Airport resulted in More suitable ratings against 3 criteria and Suitable ratings against 4 criteria. The Unsuitable rating against Airspace interaction capacity was retained.

Wallarrah

For a Type 3 airport, the Wallarah site was rated as More suitable against 5 criteria and Suitable against 2 criteria. The site received a Suitable rating against Airspace interaction capacity due to its geographic location in relation to Sydney Airport. In this regard, the Study makes the following comment:

“Wallarrah, while not subject to such a limitation in regard to Sydney (Kingsford-Smith) Airport, is operationally affected by other airspace issues such as RAAF Base Williamtown and would still require detailed consideration of a number of airspace management issues in order for it to be able to operate at 100% of theoretical runway capacity” (Joint Study op cit P.300)

The site was rated as capable of development for both Type 3 and Type 1 Airports, although it received Unsuitable ratings for noise impacts for both Types due to its proximity to urban development.

The Wallarah site is located generally in the vicinity of the current Warnervale Airport. Refer to Figure 6 below. In order to provide sufficient land for the airport, it is anticipated that Sparks Road, the F3 Freeway and Main Northern Railway Line will all require realignment.

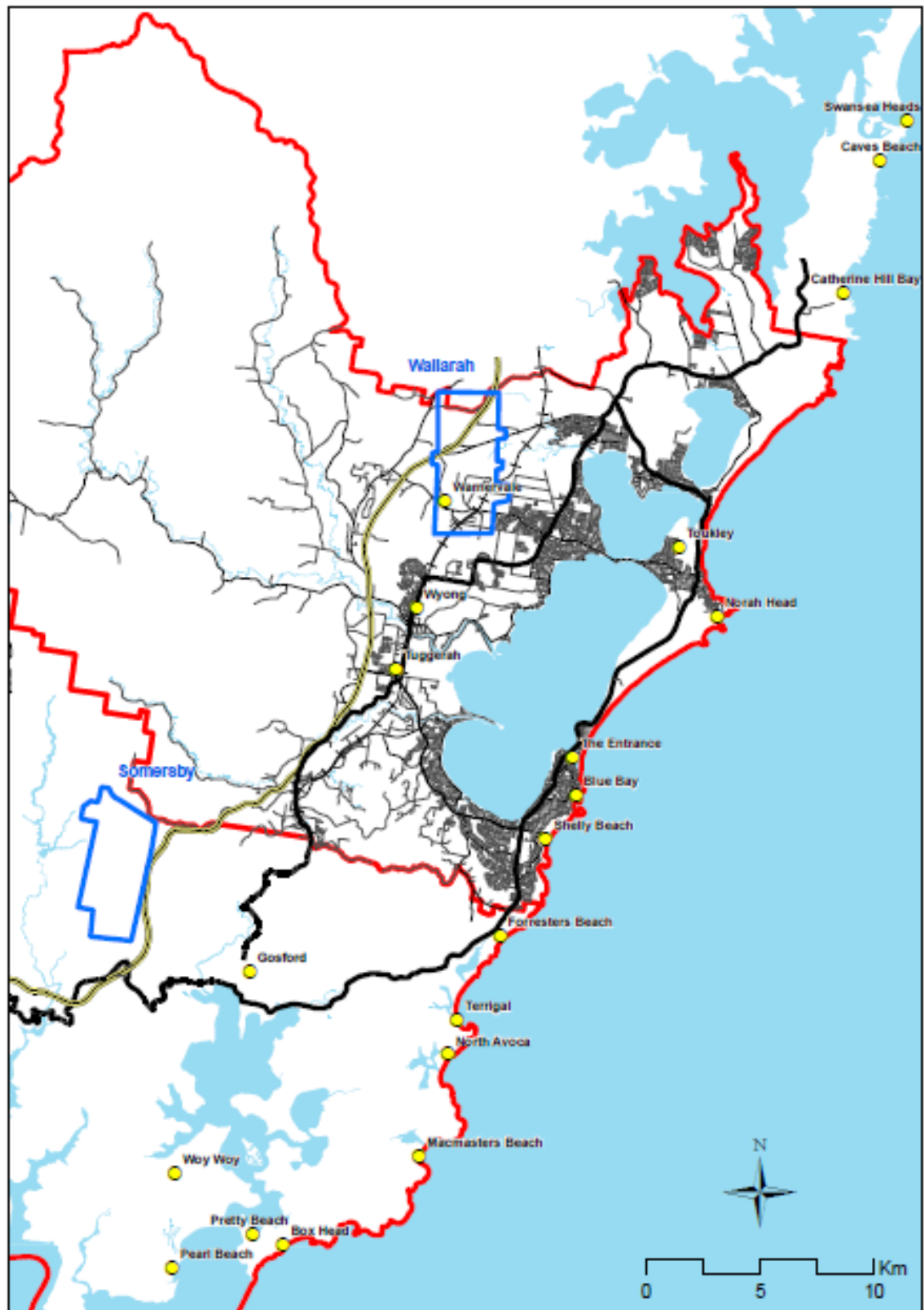


Figure 6: Plan showing location of the Wallarah site.

Summary of the 2012 Joint Study Outcomes:

- The Study identifies Badgerys Creek as the most suitable site for a second airport in the Sydney Basin. However, as the Study acknowledges, the site does not have current support from State or Federal governments;
- Wilton is identified as the second most suitable site. However, the Study's qualitative assessment of the site identifies partial mine subsidence hazards and major costs from a range of impacts including proximity to water catchments and major power lines as well as the requirement for closure for two local airfields and conflicts with three others.
- On the Central Coast, setting aside the issue of potential conflicts with Sydney Airport, both Wallarah and Somersby have been assessed as suitable sites for Type 1 (full service, potential dual runway) RPT airports. Peats Ridge has been identified as suitable for a Type 3 (limited service, single runway) airport.
- The consultants opinion is that the issue of operational connections between Somersby / Peats Ridge and Sydney Airport requires further investigation. In the event that Air Services Australia was able to adjust operations so that the operational connection with Sydney was removed or minimised, then Somersby would be likely to rate as equally or more suitable than Wilton or Wallarah for a Type 1 airport on the basis that the assessments of the three sites against most technical criteria are comparable. In fact, operational conflicts with Sydney is the only identified major issue for the Somersby site.

LOCAL INFRASTRUCTURE

As an adjunct to the investigations into the status of the three items of major transport infrastructure, Cardno has also canvassed Wyong and Gosford Councils to identify their priorities for RMS major road networks and has consulted the Central Coast office of Roads and Maritime Services with regard to their program for road infrastructure delivery. The results of these investigations are identified in Figure 7 and are summarised below.

Yellow: Projects listed in the NSW 2011 / 2012 budget (funding allocated to planning, preconstruction or construction):

- Central Coast Highway;
- Brisbane Water Drive, Manns Road Intersection Upgrade (Planning and Preconstruction);
- Carlton Road to Matcham Road, widen to 4 lanes;
- Matcham Road to Ocean View Drive, widen to 4 lanes;
- Wisemans Ferry Road Intersection Upgrade (Planning and Preconstruction);
- F3 Freeway;
- Wyong Road Interchange Upgrade;
- Pacific Highway;
 - Wyong Town Centre Upgrade (Planning);
 - Wyong Road Intersection Upgrade (Planning);
 - Lisarow to Ourimbah, Railway Crescent to Glen Road, widen to 4 lanes (Planning);
 - Narara to Lisarow Upgrade, Manns Road to Railway Crescent (Planning); and
 - Terrigal Drive Improvements.

Blue: Funding application made - F3 to M2 Link (*Not shown on Figure 7*)

5.2 Proposed Major Transport Infrastructure Projects (contd)

Red: Planned future infrastructure (in Regional Transport Strategy but not budgeted):

- F3 Freeway widening – Wyong Rd to Doyalson Link;
- North Warnervale Station & Transport Interchange; and
- Sparks Rd Upgrade.

In addition to the above works, other local major road projects include:

- The Central Coast Highway through Long Jetty - Only a small amount of funding was allocated in the State 2011/2012 budget. RMS is in the process of preparing and assessing concept designs. It is considered to be low priority by the RMS.
- Alison Road/F3 Freeway Interchange, with ramps to and from Sydney - RMS is currently carrying out an Origin / Destination survey to ascertain current possible usage of ramps to and from Sydney.
- Construction of Stage 2 of the Link Road - This is seen as an important local and regional connection, linking Wyong Civic Centre, Wadalba and the North Wyong Industrial Estate to the Wyong Employment Zone and Warnervale Town Centre. Construction of the remaining section of the Link Road will accelerate development in the area. It will also serve as an important link to the F3 Freeway for northbound motorists and provide appropriate routes for bus services

Orange: Future planning and investigations required – Outer Sydney Orbital.



Figure 7: Central Coast Infrastructure – current planning

5.2 Proposed Major Transport Infrastructure Projects (contd)

In addition to the above works, construction of Stage 2 of the Link road is seen as an important local and regional connection, linking Wyong Civic Centre, Wadalba and the North Wyong Industrial Estate to the Wyong Employment Zone and Warnervale Town Centre. Construction of the remaining section of the Link Road will accelerate development in the area. It will also serve as an important link to the F3 Freeway for northbound motorists and provide appropriate routes for bus services

OVERVIEW

It is critical to appreciate the national significance of the three infrastructure projects reviewed in this report. Singularly they are nation building projects that will have major long term implications for growth on the East Coast. As a package they have the potential to be the largest transport infrastructure project in Australian history.

With respect to the Central Coast region, the key infrastructure has the potential to impact on the region's economy, environment and people for decades to come. It also presents a unique opportunity for development, employment and social change.

There appears to be a lack of collective integrated planning for the three infrastructure components and a services corridor is not under consideration. It is to be noted, however, that coordination between the Federal Government divisions investigating High Speed Rail and Sydney aviation capacity is reportedly occurring.

ATTACHMENTS

- 1 Key Infrastructure Study - DRAFT Interim Report 2 - 23 April 2012 Enclosure D02987397

5.3 Operational Activities and Trends Associated with the Animal Care Facility

TRIM REFERENCE: F2006/01779 - D02991613

AUTHOR/MANAGER: AUTHOR: Rob Van Hese; Manager Regulation and Compliance

SUMMARY

At its meeting held on 12 August 2009, Council resolved that a quarterly trend analysis of operational activities at the Animal Care Facility be undertaken and be reported to Council on a regular basis. This report provides a second quarter financial year analysis for 2011/12.

RECOMMENDATION

That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2011/2012.

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 third quarter of the 2011/12 financial year.

Wyong Shire Companion Animal Strategy

Council's Companion Animal Strategy has 5 key objectives:

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. It is particularly pleasing to see a 11% reduction in the numbers of animals dumped at the facilities overnight kennels from a high of 1104 in 2009/10.

5.3

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

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
Animals 'Arriving' at the ACF	858	1489	1615	1422	1307 (*1870)
*Total in facility at start of month <ul style="list-style-type: none"> Cats Dogs 	Not available	Not available	Not available	Not available	171 392 *563
Seized animals transferred to Council's ACF <ul style="list-style-type: none"> Cats Dogs 	1 457 458	4 328 332	19 329 348	3 281 284	2 229 231
Dumped <ul style="list-style-type: none"> Cats Dogs 	11 259 270	325 587 912	391 713 1104	392 625 1017	217 768 985
Surrendered by owners <ul style="list-style-type: none"> Cats Dogs 	2 128 130	37 208 245	34 129 163	16 105 121	11 80 91

***Result:** Note the overall reported increase in the total number of animals arriving at the animal care facility is a result of a new requirement to include the number of dogs and cats in the facility at the commencement of each month, for the statistical report to the Department of Local Government.

2. To increase the number of animals released to their owners (expressed as a % of total animals arriving)

Result: The number of seized animals released to their owners is at its highest level for the corresponding periods since 2007/08. This may be an indicator of the success of the ongoing Council campaign to improve the rate of animal registration within Wyong Shire, thereby enabling the owners of seized dogs to be identified and contacted when their animal is seized.

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
Released to owner (from the ACF) <ul style="list-style-type: none"> Cats Dogs 	1 219 220	10 472 482	25 607 632	18 495 513	31 605 636

3. To increase the number of animals sold (expressed as a % of total animals arriving)

Result: Although the number of cats and dogs sold from the facility has fallen by 22% from a high of 413 for the corresponding period in 2010/11 the total number of animals saved year to date expressed as a % of the total number of animals at the facility is at 91%. Efforts to promote the sale of cats and dogs from the animal care facility will continue although the recent opening of a RSPCA pet shop at Tuggerah presents strong competition to Council's rehoming efforts.

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

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
Sold					
• Cats	0	12	105	159	120
• Dogs	76	195	221	254	203
	76	207	326	413	323

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

Result: The number of animals released to community volunteer companion animal re-homing organisations is 64% (261) less than the high of 410 for the corresponding period in 2008/09. Council is of the understanding that animal rescue groups have chosen to rescue from those facilities that continue to euthanase high numbers of cats and dogs.

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
Released to organisations for rehoming					
• Cats	1	165	89	22	21
• Dogs	54	245	119	96	128
	55	410	208	118	149

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 91.5% (1709). Of the 161 animals euthanased, 40 were dogs of Restricted breed or that that had displayed vicious or unacceptable aggressive behaviour, 51 cats and dogs were destroyed on the recommendation of Council's contracted vet due to illness, disease or injury, 10 were feral cats and 60 cats and dogs deemed by staff and volunteer temperament assessors as unsuitable for re-homing. Excluding vicious, ill and diseased cats and dogs the euthanasia rate of healthy animals was at 3%.

The ultimate aim of the ACF is to develop and implement a dog behaviour intervention program for those dogs that display behaviour making them unsuitable for re-homing (not including vicious dogs) in order to improve the chances of re-homing these animals.

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
Animals 'Euthanased' (* - category 1st introduced in 2008/09 reporting period)	500	260	281	299	161
Euthanased (only category used prior to 2007/08 reporting period)		NA	NA	NA	NA
• Cats	11				
• Dogs	479				
	490				
Euthanased Restricted Dogs (Category 1st introduced in 2007/08 reporting period)					

5.3

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

Comparison of 3rd Quarter Activities – July to March 2012	2007/08	2008/09	2009/10	2010/11	2011/12
• Dogs only	8	9	3	8	17
Euthanased Dangerous Dogs (Category 1st introduced in 2007/08 reporting period) • Dogs only	2	26	32	25	23
* Euthanased – Owners Request (Does not include dangerous or restricted dogs) • Cats • Dogs	NA	0	0	0	0
* Euthanased – Unsuitable for re-homing (Does not include dangerous or restricted dogs) • Cats (incl. feral) • Dogs	NA	NA	NA	46 68 114	23 47 70
* Euthanased – Unable to re-home (Does not include dangerous or restricted dogs) • Cats • Dogs	NA	94 131 225	83 77 160	0	0
* Euthanased – Due to illness/disease/injury (Does not include dangerous or restricted dogs) • Cats • Dogs	NA	0	55 31 86	124 28 152	34 17 51
Total animals euthanased as a % of animals arriving at the ACF over the period (including Restricted, Dangerous, Ill, Diseased)	500/858 = 58%	260/1489 = 18%	281/1615 = 17%	299/1422 = 21%	161/1870* = 8.6%
Animals euthanased (not including Restricted, Dangerous, Ill, Diseased)	490/858 = 57%	225/1489 = 15%	160/1615 = 10%	114/1422 = 8%	60/1870* = 3%
Animals died at ACF • Cats • Dogs	0 5 5	7 6 13	13 9 22	7 10 17	3 5 8

ATTACHMENTS

Nil.

5.4 Activities of the Development Assessment and Building Certification and Health Units

TRIM REFERENCE: F2004/07830 - D02991631

MANAGER: Gina Vereker; Director

AUTHOR: Jane Doyle; Senior Administration Support Officer

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of April 2012.

RECOMMENDATION

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

Development Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	8	4,946,200	8	5,033,600
Industrial	1	294,000	-	-
Residential (Multiple Dwellings/Dual Occupancy)	2	1,100,000	6	17,941,080
Other Applications	1	-	2	-
Section 96 Applications	5	-	4	-
Total	17	6,340,200	20	22,974,680

Note: Included in the number of development applications lodged in the "Commercial" Category was a Proposed Supermarket (Aldi) at Wyong valued at \$4.1M. Included in the number of development applications determined in the "Commercial" category was for a proposed 3 level commercial building at Tuggerah valued at \$4.9M and in the 'Residential' Category was Additions To An Existing Aged Care Facility at Canton Beach valued at \$14.5M which was determined by the Hunter and Central Coast Joint Regional Planning Panel.

5.4 Activities of the Development Assessment and Building Certification and Health Units (coned)

Development Applications Received and Determined – Building Certification and Health Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	4	476,000	4	160,000
Industrial	1	5,000	-	-
Residential (Dwellings)	26	6,084,729	10	1,743,392
Residential (Alterations and Additions)	36	1,597,730	29	914,893
Other Applications	1	27,500	2	427,000
Section 96 Applications	7	-	3	-
Total	75	8,190,959	48	3,245,285

Subdivision Applications Received and Determined – Development Assessment Unit

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	1	-	-
Residential	1	1	4	2
Rural	-	-	-	-
Total	2	2	4	2

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was **18** days.

The net median turn-around time in working days for priority applications determined during the month was **20** days. There was one priority development application determined, which was for a proposed 3 level commercial building located at Tuggerah valued at \$4.9M.

Other Approvals and Certificates

Type:	Number Determined:
Trees	34
Section 149 D Certificates (<i>Building Certificates</i>)	9
Construction Certificates	50
Complying Development Certificates	13

State Environmental Planning Policy No 1

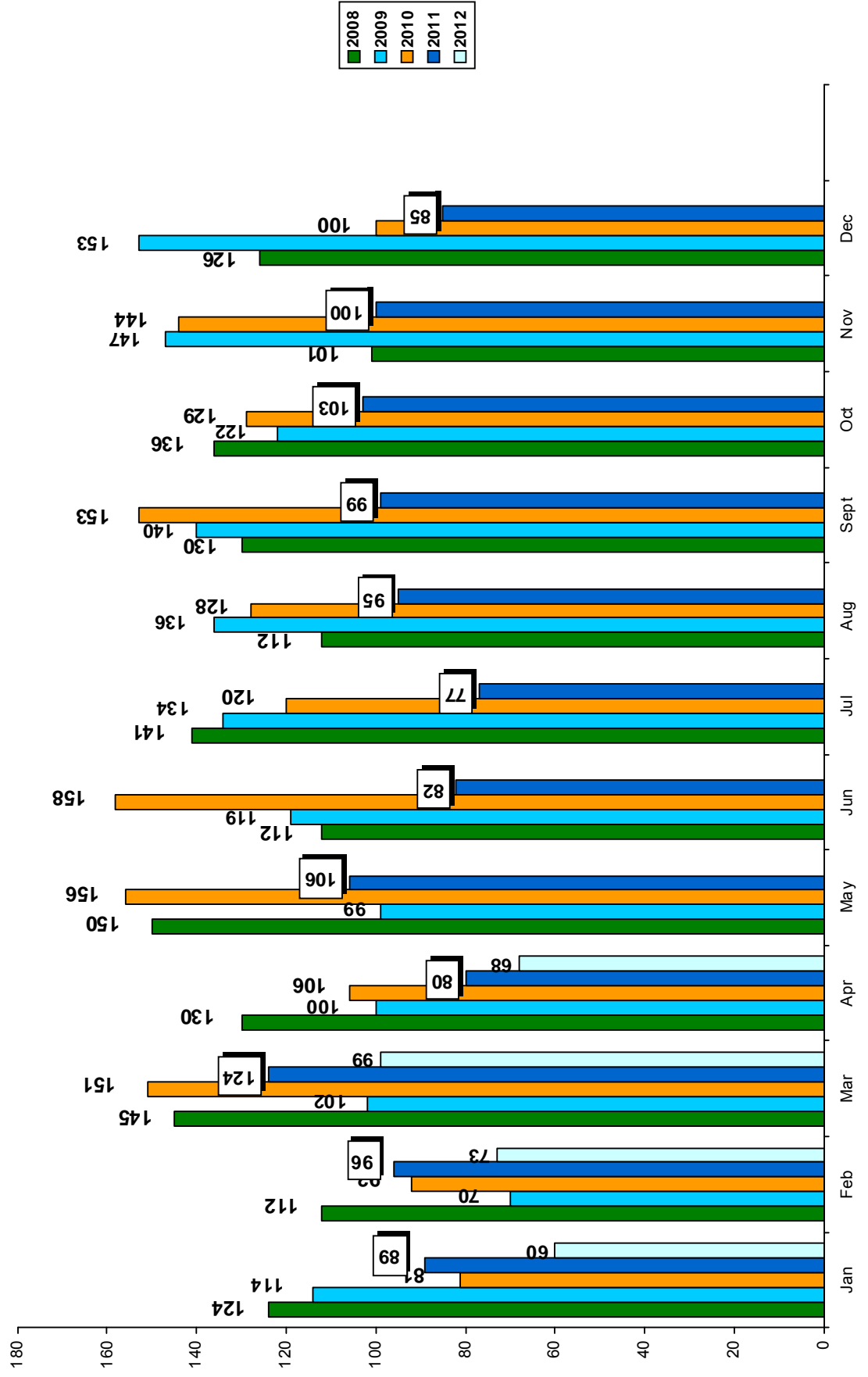
There were no applications that relied on a SEPP 1 variation of less than 10% for the month of April.

ATTACHMENTS

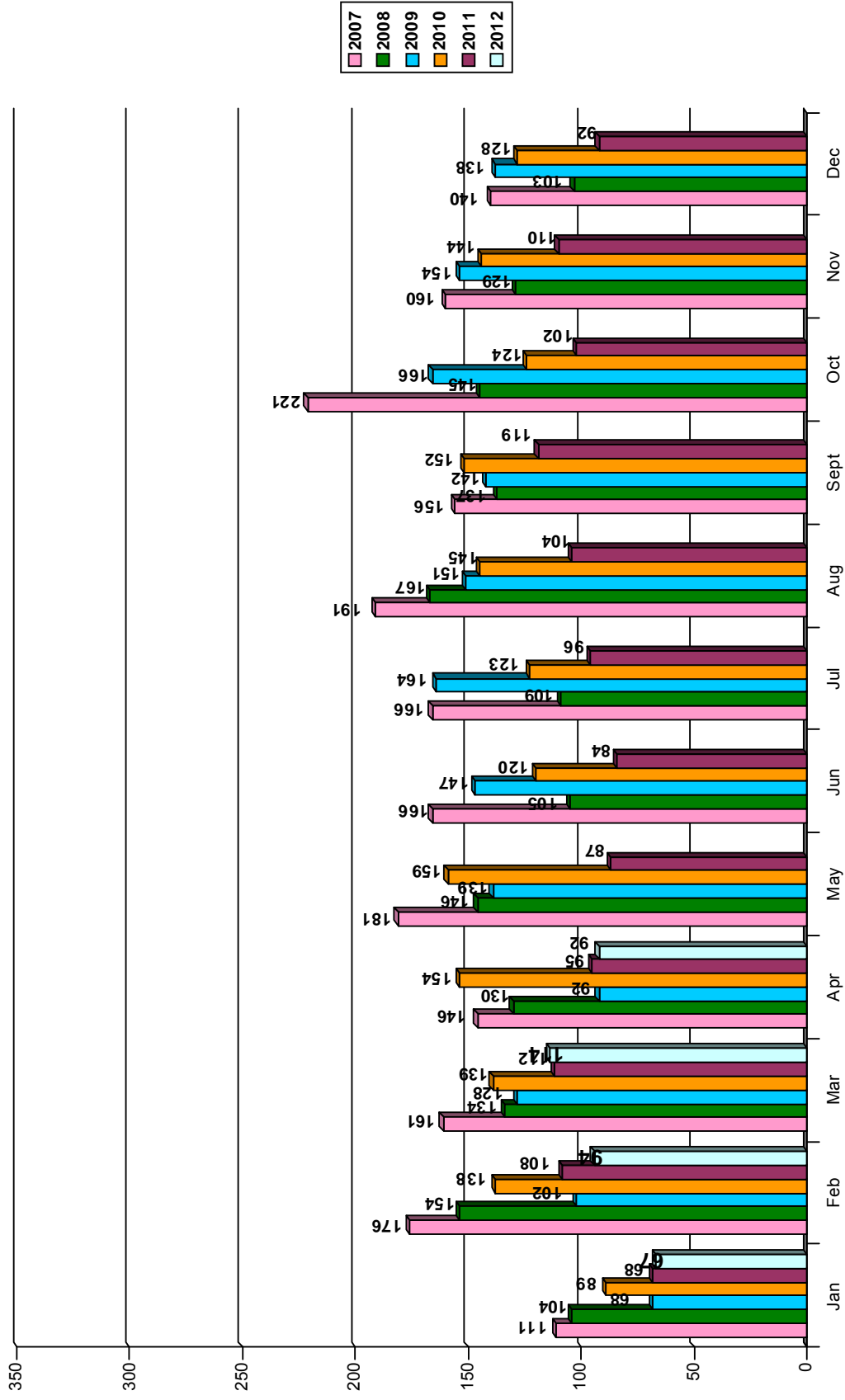
- 1 Graphs: Development Applications Lodged, Determined and Construction Certificates Determined

D02992017

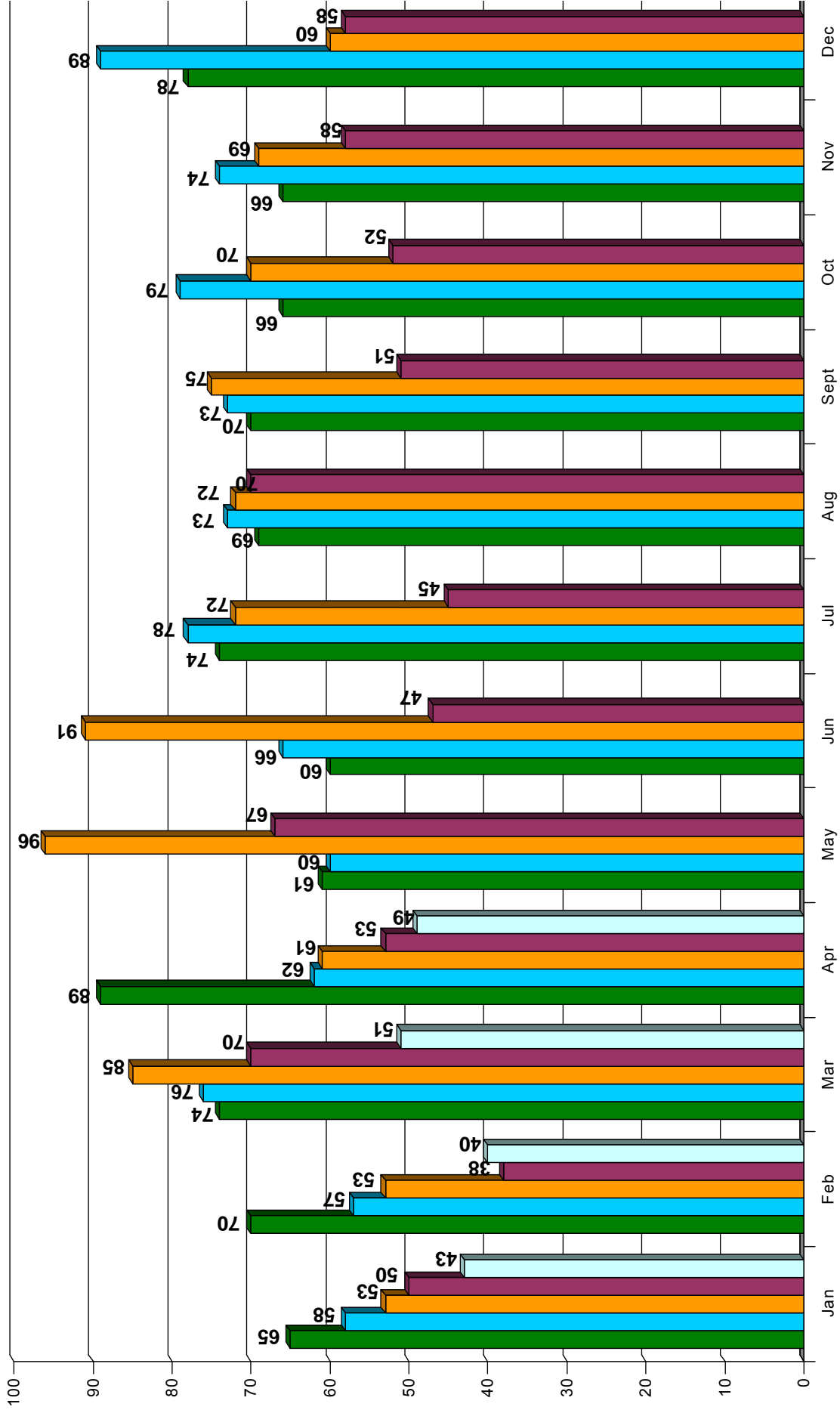
DAS DETERMINED



DAS LODGED



CCs DETERMINED



5.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations

TRIM REFERENCE: F2004/06822 - D02994160

MANAGER: Rob Van Hese, Manager Regulation and Compliance

AUTHOR: Jon Scorgie, Senior Environmental Health Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of April 2012.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

Council at its meeting held on 9 June 2010 resolved as follows:

"RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:

1 That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and

Floodplain Management Committee being:

a That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.

5.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

- b That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes in water quality and the results of such testing be submitted to the Estuary Management Unit.*

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

AGAINST: COUNCILLORS BEST AND EATON"

Although the Office of Environment and Heritage's Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin. For our winter program, Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period is NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

5.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

Summary of results for April 2012 (Summer Program)

For the month of April all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all of the sampling days.

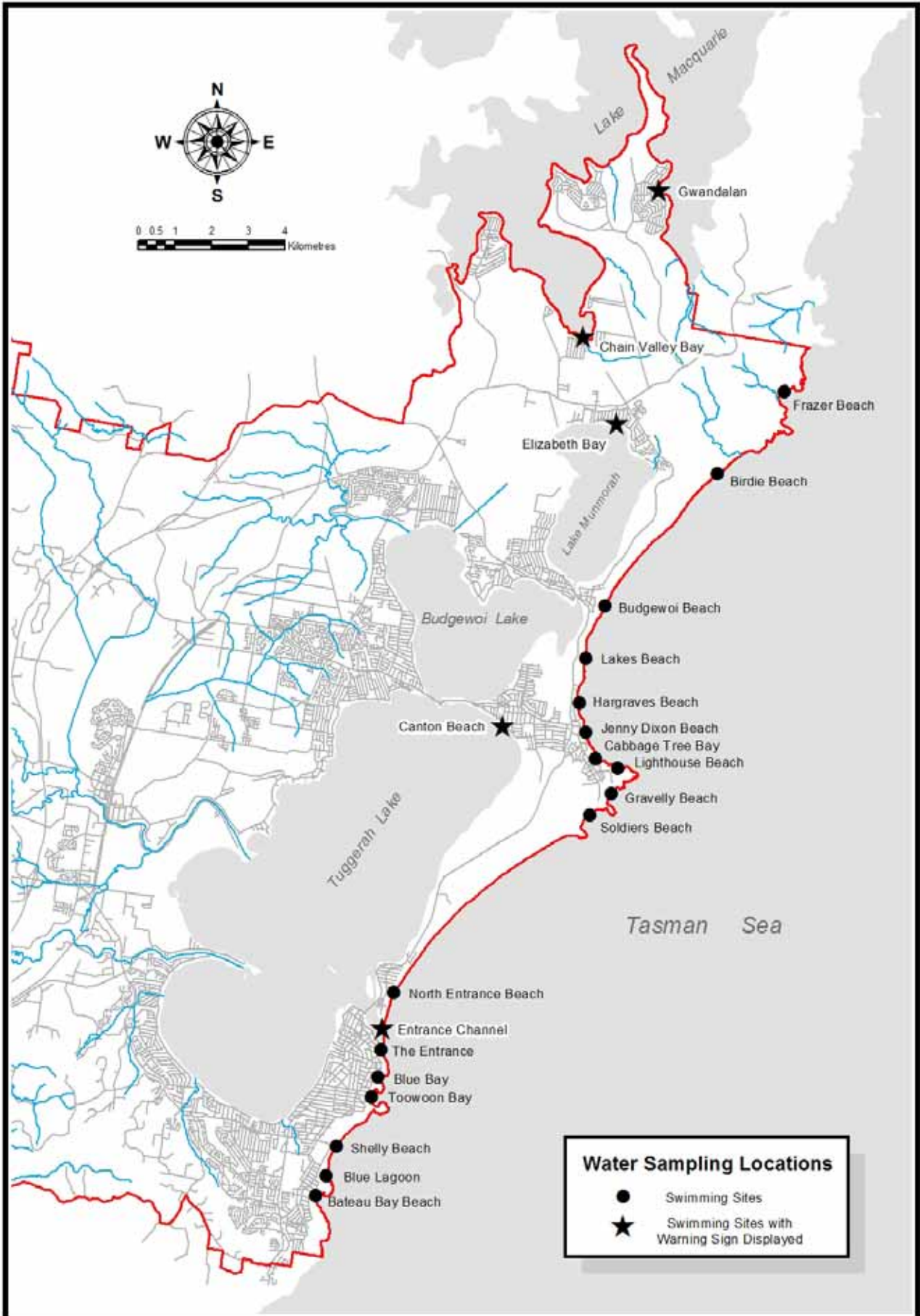
A definition of the star rating system can be seen in Table 1 below.

Table 1: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

- 1 Water Sampling Locations D02345961



5.6 Investment Report for April 2012

TRIM REFERENCE: F2004/06604 - D02994882

MANAGER: David Jack, Director Corporate Services

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 30 April 2012.

RECOMMENDATION

That Council receive the Investment Report for April 2012.

BACKGROUND

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

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

CURRENT STATUS

Managed Funds

Blackrock Care and Maintenance Fund \$5.97m – "grandfathered" investment under the Ministers Investment Order - The residual balance of the fund held to maturity with distributions of capital received as assets in the fund mature or are sold.

The return for March \$0.07m was a 1.10% upward revaluation (unrealised) and has been recorded in April, due to it not being available at the time of publishing the March Financial results.

The BlackRock fund provides capital distributions dependent on a combination of maturing assets, coupons received from the underlying securities in the portfolio, fluctuations in the value of the currency (fund is fully hedged back into Australian dollars) and the volatility in financial markets.

The BlackRock fund returned a mark-to-market return of -0.30% for the month of April. The underperformance was primarily attributed to a widening of physical spreads on the US and European securities within the fund's portfolio. This was due to further concerns on

5.6 Investment Report for April 2012 (contd)

developments in the Euro-region and poor economic news from the US. Overall, the fund continues to perform strongly over the longer-term, returning close to +14% p.a. over 3 years.

Cash and Term Deposit Funds

Cash flows in April were managed through investment maturities with a net in-flow of \$13.73m (ref Table 1).

Return on cash and term deposits for April 2012 was \$0.72m.

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in cash on call		4.30%		(\$730,000)
CBA	2	5.20%	Apr 2012	(\$10,140,000)
Bankwest	12	6.05%	Apr 2012	(\$5,000,000)
Bendigo Bank	12	6.30%	Apr 2012	(\$5,000,000)
NAB	4	6.12%	Apr 2012	(\$5,000,000)
Bankwest	3	5.90%	Apr 2012	(\$5,000,000)
Suncorp	6	5.95%	Oct 2012	\$7,000,000
CBA	1	5.25%	May 2012	\$10,140,000
TOTAL				(\$13,730,000)

Total Funds

Total net return for April 2012 was \$0.79m consisting of \$0.72m interest earnings. Blackrock Care and Maintenance Fund earnings of a further \$0.07m unrealised capital gains from March was recorded in April.

Table 2 Investment Portfolio by Risk Category

Investment Class	April 2012 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	9,382	504	5.37
Term Deposits	133,166	6,070	5.88
Managed Funds	5,977	92	1.52
Total Investments	148,525	6,666	5.58

Year to date returns in April of 5.58% is favourable when comparing with the benchmark UBSA YTD Bank Bill Index of 4.82%. The year to date return excluding the capital gains on managed funds of \$0.07m is 5.63%.

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

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

Table 3 – Portfolio Credit Framework

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation April 2012	Comments
A1	10.0%	79.14%	
A2	75.0%	16.16%	
A3	10.0%		
Unrated	15.0%	4.70%	Includes Managed Funds
TOTAL	110%	100.0%	

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

Table 4 – Portfolio Performance

	Full Year 2010-11	Q1 Sept 2011	Q2 Dec 2011	Q3 Mar 2012	Apr. 2012	Year to Date 2011-12
	\$m	\$m	\$m	\$m	\$m	\$m
Movement in Assets						
Opening Balance	126.39	136.86	150.81	139.33	162.20	136.86
Capital Gain/(Loss) – (see below)	1.90	(0.47)	0.10	0.23	0.07	(0.07)
Net Cash/Investments(Withdrawals)	8.57	14.42	(11.58)	22.64	(13.74)	11.74
Closing Balance	136.86	150.81	139.33	162.20	148.53	148.53
Trading Position						
Capital Gain/(Loss) Realised	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.90	(0.47)	0.10	0.23	0.07	(0.07)
Interest Earnings	5.33	2.13	1.96	1.92	0.72	6.73
Total Return for Period	7.23	1.66	2.06	2.15	0.79	6.66

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

Table 5 Changes in valuation, new investments and redemptions.

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.04	
	Net movement	Investment / (Redemption)	(0.77)	(0.73)
Term deposits	Ref. Table 1	Redemptions	(30.14)	
		Investments	17.14	(13.00)
	Westpac deposit Fund	Amortisation	(0.01)	(0.01)
Managed Funds	Black Rock	Capital Distribution	-	
		Capital Gain /(Loss)	0.07	0.07
TOTAL				(13.67)

Interest and Investment Returns

Returns as at 30 April 2012 on the council investment portfolio of deposit accounts, term deposits and managed funds show a \$1.13m favourable variance when compared to the year to date budget.

Table 6 Annual Investment Portfolio Performance as at 30 April 2012

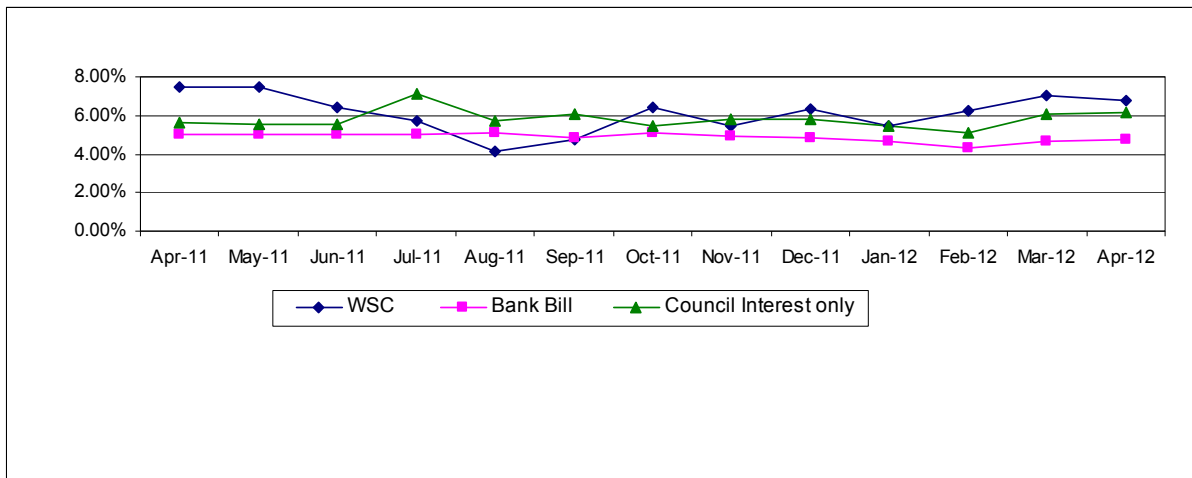
Investment Source	FYR Revised Budget \$ '000	YTD Revised Budget \$ '000	YTD Interest Actual \$ '000	YTD Change in valuation Actual \$ '000	YTD Net Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,484	2,923	3,919	9	3,928	1,005
Water	1,423	1,193	1,319	(97)	1,222	29
Sewerage	1,693	1,417	1,494	22	1,516	99
Total	6,600	5,533	6,732	(66)	6,666	1,133

Interest rates in the month, on term deposits ranged from 5.25% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for January of 4.74%.

Benchmark - Monthly Returns (Annualised)

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

Table 7 Annualised Monthly Return - Comparison to Benchmark



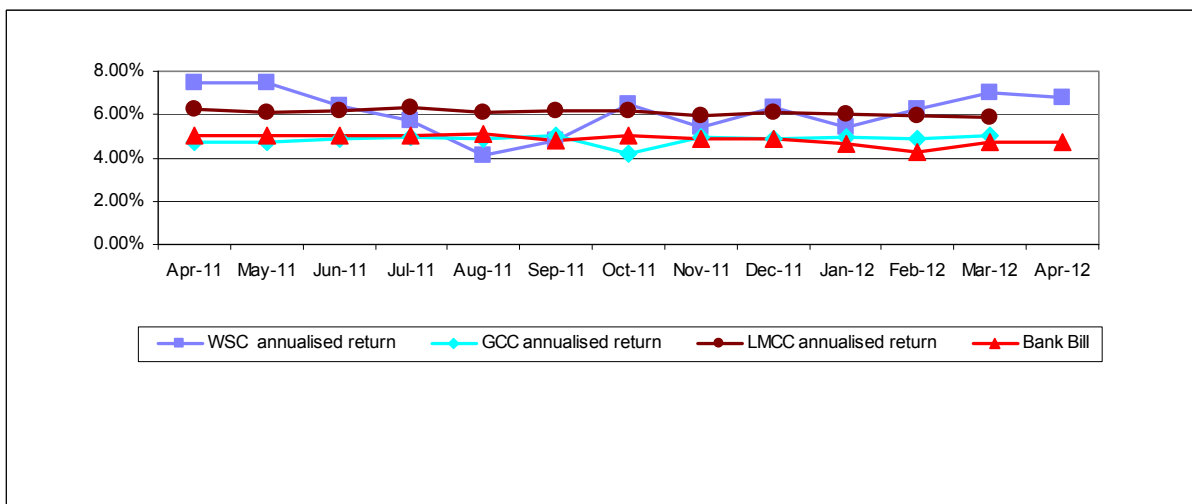
Council: *Council Total Return (Interest and Investments)*
 Bank Bill: *UBSA Bank Bill Index*
 Council Interest Only: *Council Interest Earnings*

Comparison to Similar Councils

Council’s yield of 7.00% for March and 6.78% for April compare to similar councils in the area, Lake Macquarie City Council (5.88% - March) and Gosford City Council (5.02% - March). Returns for March reflect Capital Gain on Black Rock managed Fund for March only.

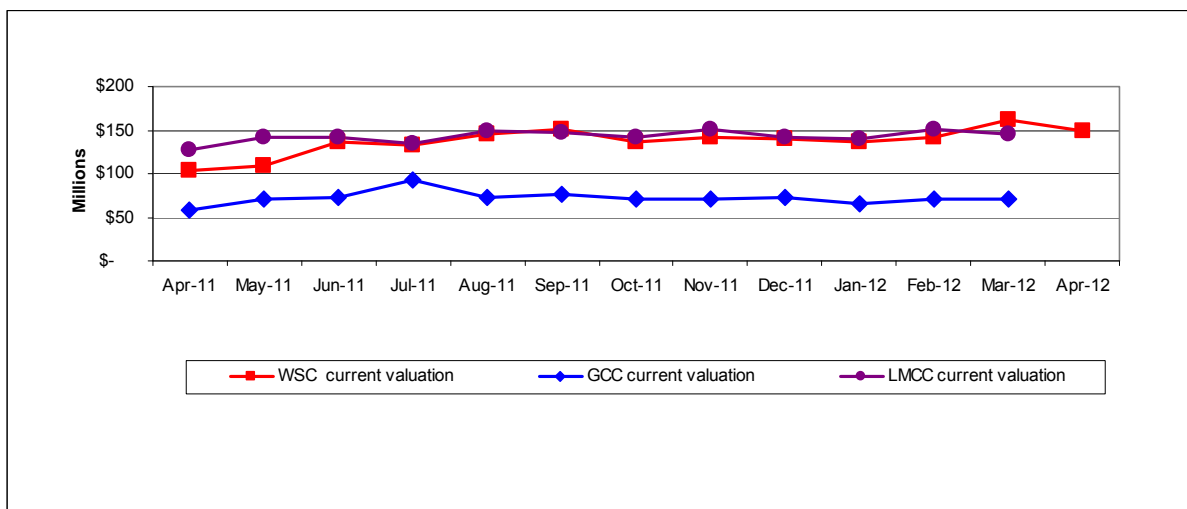
There is a one month lag in the information available for similar Councils and reports for April were not available at the time of writing this report.

Table 8 Portfolio Return - Comparison to Neighbouring Councils



WSC's investment portfolio at the end of April was \$148.53m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City councils (refer Table 9).

Table 9 Total Investment – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 30 April 2012 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits in accordance with the provisions of the ministerial investment order.

Investments continue to be conservatively managed to ensure that value is added to the fixed interest portfolio and Council will continue to redefine its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investments by Type - April 2012 D02995701

Wyong Shire Council
Summary of Investments - By Type
As at 30 April 2012

FUND MANAGER	TYPE OF INVESTMENT	MATURITY	PORTFOLIO BALANCE 31.03.12 \$	PORTFOLIO BALANCE 30.04.12 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:						
Westpac	Corporate Investment Account (AA)	Daily	10,107,961	9,367,842	29,912	4.30
UBS	Cash Account (AA)	Daily	6,198	14,119	8,822	
Total Cash At Call			10,114,159	9,381,961	38,734	
TERM DEPOSITS & BONDS						
Bankwest	Term Deposit	18/04/2012	5,000,000		14,089	6.05
Bendigo/Adelaide	Term Deposit	18/04/2012	5,000,000		14,671	6.30
Bendigo/Adelaide	Term Deposit	26/06/2012	4,000,000	4,000,000	21,041	6.40
IMB	Term Deposit	04/07/2012	5,000,000	5,000,000	25,890	6.30
Bankwest	Term Deposit	01/05/2012	5,000,000	5,000,000	22,890	5.57
NAB	Term Deposit	29/04/2012	5,000,000		22,636	6.10
SunCorp	Term Deposit	02/05/2012	5,000,000	5,000,000	21,986	5.35
SunCorp	Term Deposit	28/05/2012	5,000,000	5,000,000	23,014	5.60
NAB	Term Deposit	19/07/2012	5,000,000	5,000,000	24,041	5.85
Bendigo/Adelaide	Term Deposit	17/07/2012	5,000,000	5,000,000	24,041	5.85
NAB	Term Deposit	28/05/2012	5,000,000	5,000,000	24,164	5.88
Bankwest	Term Deposit	24/04/2012	5,000,000		18,589	5.90
Bankwest	Term Deposit	01/05/2012	5,000,000	5,000,000	24,041	5.85
SunCorp	Term Deposit	21/05/2012	5,000,000	5,000,000	23,918	5.82
Bendigo/Adelaide	Term Deposit	27/08/2012	10,000,000	10,000,000	48,329	5.88
NAB	Term Deposit	27/07/2012	10,000,000	10,000,000	48,904	5.95
ANZ	Term Deposit	06/12/2012	7,000,000	7,000,000	33,542	5.83
ANZ	Term Deposit	30/06/2012	5,000,000	5,000,000	23,836	5.80
NAB	Term Deposit	30/08/2012	5,000,000	5,000,000	24,041	5.85
SunCorp	Term Deposit	30/09/2012	10,000,000	10,000,000	48,658	5.92
NAB	Term Deposit	30/07/2012	5,000,000	5,000,000	24,247	5.90
Wyong Credit Union	Term Deposit	30/09/2012	1,000,000	1,000,000	4,603	5.60
Westpac	Term Deposit	05/03/2014	10,000,000	10,000,000	47,425	5.77
SunCorp	Term Deposit	24/10/2012		7,000,000	7,988	5.95
Commonwealth	Term Deposit	10/04/2012	10,140,000		14,446	5.20
Commonwealth	Term Deposit	15/05/2012		10,140,000	30,628	5.25
Westpac	Deposit Bond	24/09/2012	4,032,358	4,026,202	23,771	4.40
Total Term Deposit & Bonds:			146,172,358	133,166,202	685,429	
CASH MANAGEMENT FUNDS:						
BlackRock Care & Maintenance Fund		2016 (Estimate)	5,910,844	5,976,831	65,987	
Total Cash Management Funds			5,910,844	5,976,831	65,987	
TOTAL			162,197,361	148,524,994	790,150	

5.7 2 Main Road, Toukley - compliance with order

TRIM REFERENCE: F2011/00936 - D03008943
MANAGER: Michael Whittaker, General Manager
AUTHOR: Brian Glendenning; General Counsel

SUMMARY

Report on the compliance with order for 2 Main Road, Toukley.

RECOMMENDATION

That Council receive the report on 2 Main Road, Toukley - compliance with order.

Council at its meeting held on 28 March 2012 resolved, in part, as follows:

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

- 1 That Council note the widespread community concern over the now 7 year saga to gain completion of the eye sore site known as the ‘Toukley Taj Mahal.’*
- 2 That Council direct the General Manager to provide a report to Council on any progress to date with bringing into compliance this site, located on the gateway to Toukley.”*

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

Council resolved to *“direct the General Manager to provide a report to Council on any progress to date with bringing into compliance this site, located on the gateway to Toukley”*. This Report is provided in response to that resolution.

Evensay Pty Ltd (“Evensay”) owns the land at 2 Main Road, Toukley (“the Taj Site”). On 18 January 2011 Council issued Evensay with an order that required Evensay to do all acts, works and things necessary to complete the development subject to the modified consent to development application DA/627/2004 (“the Consent”).

Evensay appealed against that order to the Land and Environment Court of NSW. In those proceedings Evensay asserted that it did not have the financial resources to comply with the order, and provided some proof in support of those assertions. Evensay claimed that it required some time to sell other properties that it owned in order to raise the finance required to complete the development on the Taj Site in accordance with the Consent.

On 4 May 2011 the Land and Environment Court varied the order issued by Council, with the consent of Council and Evensay. The modified order required that Evensay do each of the following:

1. Complete the development subject of the Consent within 30 months (that is, by 4 May 2013); and
2. Undertake each of the following within 6 weeks (that is, by 15 June 2011):
 - a. Remove the existing colorbond fence between the Taj Site and the adjoining property at 4 Main Road, Toukley;
 - b. Replace the existing temporary fence along the road frontages of the Taj Site and the property at 4 Main Road Toukley with fencing of the same style as is currently along the south-eastern frontage of 4 Main Road, Toukley;
 - c. Remove the old grease trap and excavator bucket from the Taj Site;
 - d. Remove building materials from the basement level of the partly constructed structure upon the Taj Site;
 - e. Erect a 1.8 metre high pool style fencing around the perimeter of the ground floor of the partly constructed structure on the Taj Site;
 - f. Erect a colorbond style fence about the open perimeter of the basement of the partly constructed structure on the Taj Site;
 - g. Grade, apply top soil to and seed with the grass seed the south-eastern frontage of the Taj Site;
 - h. Plant not less than 3 *Casuarina* trees, of a local species, at prominent locations along the south-eastern extremity of the partly constructed structure on the Taj Site;
3. From the date of the Court's order, mow and keep the Taj Site and the adjacent site at 4 Main Road Toukley every 3 weeks in summer and every 4 weeks during every other season, until the recommencement of construction works on the Taj Site.

Evensay has no obligation under the order to complete the partly constructed development on the Taj Site until 4 May 2013.

At the time of Council's resolution Evensay had complied with the majority of the requirements in the order save that the excavator bucket had been relocated within the Taj Site but had not been removed from the Taj Site, and the Taj Site had not been kept in an appropriate tidy and mown condition. Some of the fences that Evensay had installed as required by the order, and two of the *Casurina* trees planted by Evensay as required by the order, had been damaged, apparently as a result of vandalism.

Council's General Counsel informed Evensay's solicitor of the matters that Evensay was required to remedy, and requested that Evensay repair the damaged fences and plant replacement trees. Evensay promptly complied with those requests.

Council's Compliance & Regulation Unit will have an ongoing role in monitoring Evensay's compliance with the order.

ATTACHMENTS

Nil.

5.8 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2012/00026 - D02992485

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; 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 - 23 May 2012 | Enclosure | D02999299 |
|---|--|-----------|-----------|

6.1 Answers to Question on Notice

TRIM REFERENCE: F2004/06579 - D02941509
MANAGER: David Jack; Director Corporate Services
AUTHOR: Mellissa McKee; Corporate Planning Executive

Q29/11 - Carbon Tax on Council

The following question was asked by Councillor Best at the Ordinary Meeting on 9 November 2011:

"Mr General Manager, now that the Federal Government has levied its new carbon tax and that the costing methodology is clearer, could staff please update Council on what extra costs will now likely be passed on to the ratepayers and also as to what compensation is available to offset this new tax on Council".

The Federal Government is establishing a carbon pricing mechanism to reduce the amount of carbon dioxide that Australia emits into the atmosphere. The carbon pricing mechanism will commence on 1 July 2012.

The introduction of a carbon price in 2012/13 of \$23 per tonne of carbon dioxide equivalent emissions will impact Councils as consumers of inputs directly through increased electricity and fuel costs and indirectly through increased costs of raw materials, (such as steel, bitumen, concrete and timber) and as producers of emissions through the operations of landfills.

There are many variables that influence the ability to provide accurate estimates of cost increases, namely:

- changes in prices of alternatives as a result of greater demand for substitutes
- increases being transferred to service users (through charges)
- pricing behaviours of suppliers and levels of market competition
- general changes in volumes of goods and services demanded as a result of demographic and other growth
- abatement programs in receiving landfills

The following is a summary of the significant impacts of the Carbon Price on Council Operations in 2012/13.

Electricity Prices

Electricity prices are expected to rise by 10% in 2012-13. Based on current costs, this could impact Council by \$0.3m for street lighting and \$0.5m for other electricity usage. This has been factored into Council's draft 2012/13 budget and forward estimates in the Long Term Financial Strategy.

Over half of the 'other electricity usage' category relates to Water and Sewer and these increases will be included and recouped in future IPART pricing determinations.

Minimising electricity consumption will save Council money and reduce greenhouse gas emissions. To encourage Councils to take up energy efficiency opportunities, the Federal Government has established a \$200m Community Energy Efficiency Program to work with Councils and community organisations to implement energy efficiency upgrades and retrofits. Grants of up to \$5m are available under this program.

Fuel Costs

The carbon price will not apply to fuel used by light vehicles and heavy on-road transport will not be covered until 2014/15. Therefore the increase in direct costs associated with automotive fuels will be negligible.

Raw Material and Construction Costs

The impact of the carbon price on raw materials such as steel, bitumen, concrete and timber is projected to be modest.

Steel, bitumen and concrete industries are emissions intensive and trade exposed. The Government will initially provide trade exposed industries with free permits to meet their carbon price obligations. This means that there should be only very minimal pass through of carbon price impacts on these construction inputs. Treasury have factored 0.75% to 1% per cent increase in Councils' capital outlays on building and non-building construction.

The Federal Government will also continue to index its Financial Assistance Grants paid to Councils, so any increased costs that flow from the carbon price will be captured in the indexation of funding for Councils.

General CPI Increase

Estimates of the effect of the carbon price on CPI have been made by Commonwealth Treasury. Treasury estimate that CPI will increase by 0.7% in 2012/13 due to the carbon price.

Waste Management

A recent Emissions Analysis and Domestic Waste Audit undertaken at Buttonderry Waste Management Facility (BWMF) have determined that BWMF will exceed the 25,000 tonne carbon pollution threshold and will therefore be liable for its emissions from 1 July 2012.

Council will be liable for the emissions generated from new waste accepted at BWMF from 1 July 2012 (i.e. legacy waste is excluded from the carbon pricing mechanism). Due to the nature of landfill gas generation and emissions in a landfill, it is assumed that no gas is generated from new waste accepted at a landfill site in the first year. Therefore the first year that Council will pay the Federal Government for emissions is 2013-14. Based on Treasury modelling of the carbon price, the estimated financial impact for the 2013-14 year will be approx \$96,000. Emissions from BWMF will peak in 2038-39, where the financial impact based on Treasury modelling of the carbon price will be \$4.4million.

In the draft 2012/13 budget the Domestic Waste Management Charge has increased by \$43 of which \$22 is due to the introduction of a carbon price. The same pricing methodology was incorporated into all other waste services using a pro-rata method. This will see Council collect revenue from 1 July 2012 and pay its carbon liability at a future date, when it falls due, thus ensuring intergenerational equity.

6.1 Q29/11 - Carbon Tax on Council (contd)

Council will continue to minimise impacts of the carbon price by continuing its current programs to reduce and recycle waste, capture landfill gases and investigate alternative methods to manage wastes in an environmentally acceptable manner.

A second power generator is being added to BWMF's gas collection system which will further reduce the level of carbon emissions.

The reduction of organic waste entering BWMF will also assist in reducing Council's carbon emissions. These organics largely include food, paper, cardboard and garden waste and stem from the domestic and commercial and industrial waste streams. The development of a carbon management strategy for the site will assist in targeting these materials for diversion from landfill.

Impact on Ratepayer

Council's can respond to the introduction of the carbon price in a variety of ways, including:

- absorbing higher costs through operational savings and service reviews
- increasing user pays charges for services
- increasing revenue from ratepayers
- raising waste management charges to reflect the higher cost of landfill and related operations
- offsetting the carbon price liability by the capture of emissions from landfill
- increasing energy efficiency and investing in renewable energy sources, possibly with assistance from the Federal Government

At WSC the estimated direct impact on the average ratepayer due to the introduction of a carbon price in 2012/13 is summarised in the table below:

Item	Impact on Average Residential Ratepayer due to Carbon Price
Rate peg increase 0.4% rate peg increase to assist Councils to meet higher prices arising from the introduction of the carbon price from 1 July 2012	\$4.45 per annum or \$0.09 per week
Domestic Waste Management Charge To meet future carbon price liability	\$22.00 per annum or \$0.42 per week
Water & Sewer Charges Electricity prices impacted by carbon price	Will be included in future IPART pricing.

ATTACHMENTS

Nil.

6.2 Answers to Question on Notice

TRIM REFERENCE: CPA/209893 - D03004798

MANAGER: David Jack; Director Corporate Services

AUTHOR: Mellissa McKee, Corporate Planning Executive

Q16/12 - Audit Tender CCWC

The following question was asked by Councillor at the Ordinary Meeting on 26 April 2012:

“Mr General Manager with the audit tenders now closed on the 19 April 2012, could you please advise is the CCWA indentified as a PIE (Public Interest Entity) and if so was this part of the audit tender process? Further with regard to existing JWA assets when is it proposed that these assets will be valued for financial reporting purposes and do they include the water stock/inventory in the dams?”

Central Coast Water Corporation (CCWC) is not identified as a Public Interest Entity (PIE).

Public Interest Entity means:

- (a) A Listed Entity; or
- (b) An entity (a) defined by regulation or legislation as a public interest entity or (b) for which the audit is required by regulation or legislation to be conducted in compliance with the same Independence requirements that apply to the audit of Listed Entities. Such regulation may be promulgated by any relevant regulator, including an audit regulator.

CCWC is not a Listed Entity and there is no legislation that I am aware of that says CCWC is a PIE or that it must comply with audit requirements of Listed Companies. Sec 45 of the CCWC Act states that when preparing financial reports CCWC needs to apply the provisions of Divisions 2 and 3 of Part 3 of Chapter 13 of the Local Government Act 1993 (i.e. not requirements of Listed Companies) in the same way as they apply to and in respect of a Council.

In regards to JWA assets, they are carried in Council's books. Council currently hold them at Fair Value and they will be revalued by 30 June 2012.

Council does not carry the value of water in the dams in our books, as it is not yet 'available for sale' (not treated). Council do carry the value of water in the reticulated system, namely mains, pipes and reservoirs, as it has been treated and is available for sale. At 30 June 2011 this was \$392,000.

ATTACHMENTS

Nil.

23 May 2012

To the Ordinary Council Meeting

Councillor

7.1 Notice of Motion - Reduce Single Use Plastic Bag Use in Wyong Shire

TRIM REFERENCE: F2004/07706 - D02980151

AUTHOR: Sue Wynn; Councillor

Councillor Sue Wynn has given notice that at the Ordinary Council Meeting to be held on 23 May 2012 she will move the following Motion:

- “1 That Council acknowledge the efforts taken by some local businesses, residents and environmental groups to reduce the number of single-use plastic shopping bags used throughout the Shire.*
- 2 That Council acknowledge that single-use plastic bags in the waste stream cause pollution, lasting many hundreds of years as they photo degrade rather than biodegrade into ever smaller pieces. The bags are a major litter problem in our parks, bush land and waterways and can result in the injury and death of many animal species both inside and outside of Wyong Shire such as turtles, cetaceans and birds.*
- 3 That Council write to State and Federal Government Ministers urging them to introduce legislation that would ban or impose a levy on free single use plastic shopping bags as a timely measure that:*

 - shows solidarity with the stated position of the LGSA in supporting extender producer responsibility by retailers and waste reduction at the source,*
 - notes the lack of legislation to impose a levy on free single-use plastic bags*
 - reinforces a levy or ban as an important NSW state and national measure to decrease packaging litter, already successfully modelled by national retailers, Target, Aldi and Bunnings; by legislation passed in the states of South Australia, Northern Territory and ACT; by towns such as Coles Bay (Tasmania) and Mogo (southern NSW) in 2003, and planned by the City of Freemantle Council in 2012.*
- 4 That Council contact major retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from Wyong Shire.*
- 5 That Council engage with the Wyong Shire community in a process of creating awareness and education with regard to the degradation caused by plastic pollution including behavioural change away from our throwaway, disposable, single use attitude and awareness around the excessive plastic packaging of many products.”*

RESOURCES

Resources required from the Waste Unit would need to include salary, advertising and education campaign material to the total cost of approximately \$30,000 for awareness and education components. It would be expected that the Sustainability Team would be involved in the development of the awareness and education program.

COUNCILLORS NOTE

Waste is a major responsibility of local government. The NSW Election Priorities 2011 of the LGSA stated that: *"The increasing waste levy is having little apparent effect. Recovery rates for municipal waste, at 44%, are significantly lower than other streams ..."* Cr Bruce Miller, President of the Shires Association said that funding was the problem. ***"Until the producers of waste start taking responsibility, there will always be a battle to overcome the increasing volumes of waste. We'll never see real change until industry starts taking responsibility for its role in the waste problem."***

23 May 2012

To the Ordinary Council Meeting

Councillor

7.2 Notice of Motion - Lakes Bugged in Green Tape

TRIM REFERENCE: F2004/06951 - D02932446

AUTHOR: Greg Best; Councillor

Councillors Best has given notice that at the Ordinary Council Meeting to be held on 23 May 2012 he will move the following Motion:

- "1 That Council note the good work done by the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and Council's field staff in their endeavours to manage the enormous challenges Tuggerah Lakes poses.
- 2 That Council note with great frustration, the plethora of government requirements and approvals necessary ((1) – (12) listed below) to carry out the most basic lakes restoration works that has cost Council millions in ratepayer funds while the approval times and costs are often longer and more expensive than the actual works to be carried out:
- (1) An approval under Part VII of the Fisheries Management Act (1994) to dredge.
 - (2) An approval under Part VII of the Fisheries Management Act (1994) to destroy vegetation (if seagrasses are involved).
 - (3) An approval under Part VII of the Fisheries Management Act (1994) to reclaim land if the spoil is placed on a nearby bank or within a waterway as fill.
 - (4) An approval from Department of Primary Industries Crown Lands to undertake works on Crown Land as well as other requirements relating to the placement of dredged material.
 - (5) A licence under the National Parks and Wildlife Act (1974) to work with Endangered Ecological Communities such as salt marshes.
 - (6) A licence to pollute (during construction) from the EPA under the Protection of Environment Operations Act 1997 (POEO).
 - (7) Consideration of spoil removal and placement containing acid sulphate soils under the Contaminated Land Management Act 1997 with possible costs involved in moving spoil to the tip.
 - (8) Consideration of the activity by officers from the Premier's Department Office of Environment and Heritage.
 - (9) Notify Roads and Maritime for changes to navigable waters.

7.2 Notice of Motion - Lakes Bogged in Green Tape (contd)

- (10) *Produce a Review of Environmental Factors (REF) and a dredging design that considers all of the above. The dredging design would also incorporate a site survey, hydrodynamic considerations and a morphodynamic study to understand sand movements in the dredged channel or for areas of saltmarsh rehabilitation.*
- (11) *Use the REF and project design to obtain approvals under Part V of the EP&A Act. This approval would require appropriate community consultation. Other aspects for consideration would include the relevant LEP and DCP. any SEPP such as SEPP 71 Coastal Protection that is applicable, as well as relevant management plans such as Council's Estuary Management Plan.*
- (12) *The Federal Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, may also come into consideration if significant threatened species are involved.*
- 3 *That Council seek urgent assistance through our local State Members to develop a more proactive and streamlined approach to the now costly approvals process.*
- 4 *That Council note the State Government's current review of issues around the EP&A Act and encourage the State to widen there review to deal with the broader bureaucratic issues that have been developed by the former state government over the past decades.*
- 5 *That Council in the absence of any meaningful outcome respectfully request that the State Government now provide Council with all necessary approvals to carry out further works if they require Council to continue performing costly restoration works on this State Government controlled and owned water body."*

DIRECTOR'S COMMENT

At the ordinary meeting held on 8 February 2012, Council adopted a somewhat similar resolution as follows:

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

- 1 *That Council request the General Manager to investigate options contained within relevant legislation to enable longer term approvals (including licences) to be issued for annual and repeat activities undertaken by Council within, on the foreshore and adjacent to the Shire's lakes, and other locations in relation to Part 5 Assessments.*
- 2 *That Council request the General Manager to report back on the current costs borne by Council due to the need to apply for approvals and licences on an individual basis, with a view to minimising and/or avoiding any unnecessary waste of staff resources and ratepayer funds."*

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

AGAINST: NIL

7.2 Notice of Motion - Lakes Bogged in Green Tape (contd)

As outlined in the NOM, there are a significant number of pieces of related legislation involved as concurrence and licensing authorities for the types of works and activities necessary to protect and enhance our lakes system. The Part 5 and licensing approval process for these types of activities therefore involves obtaining approvals from authorities, including Fisheries, Maritime Services, Office of Environment and Heritage and others.

Advice was obtained from Council's General Counsel at the time the February resolution was adopted. This advice confirmed that achieving the objectives outlined in Point 3 and Point 5 of the NOM would require specific individual amendments to up to 6 pieces of legislation. The reason for this is that the relevant legislation currently contains no provisions to enable ongoing approval and all legislation includes processes and procedures which Council must comply with prior to works or activities being undertaken.

RESOURCES

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

23 May 2012

To the Ordinary Council Meeting

Councillor

7.3 Notice of Motion - Enhancing Planning Flexibility and Business Viability

TRIM REFERENCE: F2004/07706 - D03002701

AUTHOR: Doug Eaton; Councillor

Councillor Doug Eaton has given notice that at the Ordinary Council Meeting to be held on 23 May 2012 he will move the following Motion:

- "1 That Council proceed, as soon as practicable, to place on public exhibition its draft Settlement Strategy.*
- 2 That Council proceed, as soon as practicable to place on public exhibition those parts of the draft DCP, that can be adopted prior to the DLEP, which would increase planning flexibility and/or development viability, including but not limited to the car parking and engineering chapters.*
- 3 That Council authorise the General Manager to determine which parts of the DCP to proceed to exhibition.*
- 4 That Council nominate an exhibition period of one month.*
- 5 That Council receive a further report on the results of the exhibition including consideration of adoption of these policies."*

RESOURCES

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

Point One (1) cannot occur until such time as the Department of Planning and Infrastructure has endorsed the draft Settlement Strategy to be placed on public exhibition. The endorsement of the draft Settlement Strategy is expected in conjunction with the Department's approval to exhibit the draft Wyong LEP 2012.

23 May 2012

To the Ordinary Council Meeting

Councillor

7.4 Notice of Motion - Mardi Old Farm Rezoning

TRIM REFERENCE: F2004/07706 - D03002754

AUTHOR: Doug Eaton; Councillor

Councillor Doug Eaton has given notice that at the Ordinary Council Meeting to be held on 23 May 2012 he will move the following Motion:

- "1 That Council reiterate its support for the Mardi Old Farm rezoning project.*
- 2 That Council note that the Mardi Old Farm Rezoning has been supported by Council for at least 15 years, is located close to Westfield Tuggerah, is not in the water catchment and can be sewerred.*
- 3 That Council direct the General Manager to provide priority treatment to the project and allocate staff accordingly."*

RESOURCES

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

The Central Coast Regional Strategy (CCRS) is silent on the issue of additional rural residential lands on the Central Coast. The Department of Planning and Infrastructure (DoPI) has held a policy position prohibiting urban development west of the Freeway and has also indicated that until such time as strategic justification supporting this form of development is provided, DoPI will not be supportive of the proposal. As DoPI has indicated that the review of the CCRS is still some time off, the only currently available option is for the issue to be addressed and justified under the Wyong Shire Settlement Strategy (WSSS).

The Draft WSSS does deal with the issue of the supply and demand for rural residential land and has identified the Mardi Old Farm as a site for future investigation. Should the Draft WSSS and its actions be supported by Council, the community and DoPI, it has been indicated to the owner the rezoning of the site could commence in 2012-13 once the WSSS has been formally adopted.