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Wyong Shire Council

# Business Paper

## ORDINARY COUNCIL MEETING

26 February 2014

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# MEETING NOTICE

The **ORDINARY COUNCIL MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber,**  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 26 FEBRUARY 2014** 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	Address By Invited Speakers .....	8
1.4	Confirmation of Minutes of Previous Meeting.....	9
1.5	Notice of Intention to Deal with Matters in Confidential Session.....	23

### 2 PLANNING REPORTS

2.1	RZ/2/2011 - Planning Proposal - 355 Rutleys Road Mannering Park.....	25
-----	----------------------------------------------------------------------	----

### 3 CONTRACT REPORTS

3.1	CPA/234219 - Construction of Buttonderry Waste Management Facility Administration Building .....	35
3.2	CPA/236748 - Toukley Town Centre North - South Pedestrian Link Construction.....	39

### 4 GENERAL REPORTS

4.1	Consideration of submissions to the public exhibition of Proposed Fees and Charges for Warnervale Airport.....	43
4.2	Central Coast Climate Change Fund.....	49
4.3	The Art House Construction .....	52
4.4	Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 6 February 2014.....	64
4.5	Consultation on Community Precinct Forum Framework.....	71
4.6	Councillor Attendance - Police and Community Youth Club (PCYC) Sportsmans Dinner.....	132
4.7	Draft Minutes of the Employment and Economic Development Committee Meeting - 29 January 2014.....	136
4.8	2013-17 Strategic Plan Business Report (Q2) .....	139

**5 INFORMATION REPORTS**

5.1	Works in Progress - Water Supply and Sewerage .....	142
5.2	Results of Water Quality Testing for Beaches and Lake Swimming Locations .....	146
5.3	Activities of the Development Assessment and Building Certification Compliance and Health Units .....	150
5.4	Investment report for January 2014.....	156
5.5	Quarterly Update on EP&A and LGA Developer Contributions .....	164
5.6	NBN Co Strategic Review Report.....	168
5.7	Response to Notice of Motion - Bike Blitz on Cycle Way Menace .....	170
5.8	Report on the Northern Wyong Shire October Bush Fires.....	172
5.9	Confirmation of Minutes - Councillor Strategic Planning Workshop (7-9 February 2014) .....	176
5.10	Draft Planning Circular - Advice on Coastal Hazards.....	177
5.11	Outstanding Questions on Notice and Notices of Motion.....	186

**6 NOTICES OF MOTION**

6.1	Notice of Motion - Naming of Beach at Norah Head to Commemorate 2015 ANZAC Centenary.....	195
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**7 CONFIDENTIAL ITEMS**

7.1	Plastic Water Meter Trial Period
7.2	Wyong Coal Pty Limited (WCPL) - Voluntary Planning Agreement

**8 QUESTIONS ON NOTICE ASKED**

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

Michael Whittaker  
**GENERAL MANAGER**

## 1.1 Disclosures of Interest

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TRIM REFERENCE: F2013/02042 - D05560734

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

### RECOMMENDATION

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

## 1.2 Proposed Inspections and Briefings

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TRIM REFERENCE: F2013/02042 - D05560740  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

### SUMMARY

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

<b>Date</b>	<b>Briefing</b>	<b>Directorate</b>
26 February 2014	Mariners Centre of Excellence	Property and Economic Development
26 February 2014	Model Code of Conduct and procedures training PART 2	GM Unit
26 February 2014	Q2 report	GM Unit
26 February 2014	Art House	Community and Recreation Services
26 February 2014	LGIRP and LG Acts	GM Unit
26 February 2014	Proposed Community Precinct Forums	Community and Recreation Services

### RECOMMENDATION

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

### ATTACHMENTS

- 1 Councillor Proposed Briefings - Ordinary Meeting 26 February 2014 D05804104

### Proposed Briefings List to date

Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Mariners Centre of Excellence	Property and Economic Development	February	26/02/2014
Model Code of Conduct and procedures training PART 2	GM Unit		26/02/2014
Q2 report	GM Unit		26/02/2014
Art House	Community and Recreation Services	February	26/02/2014
LGIRP and LG Acts	GM Unit		26/02/2014
Proposed Community Precinct Forums	Community and Recreation Services	February	26/02/2014
Tuggerah Town Centre	Property and Economic Development		12/03/2014
Stage 2 Reclassification - Part One (of four)	Property and Economic Development	March	12/03/2014
Regional Economic Development & Employment Strategy (REDES)	GM Unit		12/03/2014
Illegal Dumping	Property and Economic Development	March	12/03/2014
Final draft strategic plan preview	GM Unit		26/03/2014
Stage 2 Reclassification - Part Two (of four)	Property and Economic Development	March	26/03/2014
Aquatic Infrastructure Strategy	Community and Recreation Services	March	26/03/2014
Inspection - 'The Glen' Chittaway Bay	GM Unit		02/04/2014
Stage 2 Reclassification - Part Three (of four)	Property and Economic Development	April	09/04/2014
Stage 2 Reclassification - Part Four (of four)	Property and Economic Development	April	23/04/2014
Natural Resources Management Strategy	Property and Economic Development		14/05/2014
Biodiversity Management Plan	Property and Economic Development		14/05/2014
Consider submissions, Q3 report, Make rates, fees and charges, Adopt Strategic Plan	GM Unit		28/05/2014
Library Strategic Plan	Community and Recreation Services	February	

### **1.3 Address By Invited Speakers**

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TRIM REFERENCE: F2013/02042 - D05560828  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Jade Maskiewicz; Councillor Services Officer

#### **SUMMARY**

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

#### **RECOMMENDATION**

*That Council receive the report on Invited Speakers.*

#### **ATTACHMENTS**

Nil



## **1.4 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2013/02042 - D05560833

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 12 February 2014.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 February 2014.***

### **ATTACHMENTS**

- |   |                                                                                        |           |
|---|----------------------------------------------------------------------------------------|-----------|
| 1 | Minutes - Ordinary Meeting 12 February 2014                                            | D05689197 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 12 February 2014<br>(D05706390) |           |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY COUNCIL MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 12 FEBRUARY 2014  
COMMENCING AT 5.00PM**

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**PRESENT**

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L S Taylor, A Troy, D P Vincent and L D Webster.

**IN ATTENDANCE**

General Manager, Acting Director Development and Building/ General Counsel, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, Manager Communications, Manager Corporate Governance, Manager IT and Operations , Project Manager Infrastructure and Operations and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Eaton delivered the opening prayer and Councillor Vincent read an acknowledgment of country statement.

**APOLOGY**

An apology for the inability to attend the meeting was received on behalf of Councillor Nayna due to work commitments.

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

***57/14 That Council accept the apology and grant leave of absence from the meeting.***

At the commencement of the ordinary meeting report nos 1.1, 1.3, 1.5, 2.1, 4.2, 4.4, 4.5, 5.2, 6.1, 6.2, 4.3, 3.1, 7.1 and 7.2 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**

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**2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that his family's company is the landowner but not the applicant. Councillor Eaton left the chamber at 5.15 pm, took no part in discussion, did not vote and returned to the chamber at 5.27 pm.

**2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision**

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald stated:

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

**4.4 CPA/236290 - In-Vehicle GPS - Hardware and Monitoring Services**

Councillor Troy declared a pecuniary interest in the matter for the reason that he knows the principal of one of the tendering businesses. Councillor Greenwald left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.39 pm.

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

**58/14 That Councillors receive the report on Disclosure of Interest and note advice of disclosures.**

**PROCEDURAL MOTION**

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

**59/14 That Council allow meeting practice to be varied.**

**60/14 That Council use the exception method to deal with the balance of the Agenda.**

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

**61/14 That with the exception of report numbers 1.1, 1.3, 1.5, 2.1, 4.2, 4.3, 4.4, 4.5, 5.2, 6.1, 6.2, 7.1 and 7.2 and Council adopt the recommendations contained in the remaining reports.**

---

**1.2 Proposed Inspections and Briefings**

---

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

**62/14 That Council receive the report on Proposed Inspections and Briefings.**

---

**1.3 Address By Invited Speakers**

---

Councillor Taylor left the meeting at 5.08pm and returned to the meeting at 5.09pm during consideration of this item.

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

**63/14 That Council receive the report on Invited Speakers.**

**64/14 That Council note Nicki Freeburn and Jeanie Lawson may address the Council in respect of item 7.1.**

---

**1.4 Confirmation of Minutes of Previous Meeting**

---

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

**65/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 22 January 2014.**

**Business Arising**

There was no business arising.

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**1.5 Mayoral Minute - Reiterate Council Support for Chinese Cultural Village Theme Park**

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**RESOLVED on the motion of Councillor EATON:**

**66/14 That Council reiterate its support for the Chinese Cultural Village Theme Park as a major project for the Central Coast, Wyong Shire Council and the Central Coast business community.**

---

**2.1 DA 420/2013 - Service station, drive through takeaway food restaurant (McDonald's), four (4) light industrial units and associated three (3) lot subdivision**

---

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that his family's company is the landowner but not the applicant.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald stated:

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

Councillor Eaton left the meeting at 5.15pm and to the meeting at 5.27pm during consideration of this item and as a result took no part in voting.

Councillor Matthews left the meeting at 5.15 pm and returned to the meeting at 5.16pm during consideration of this item.

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

***67/14 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***

***68/14 That Council request the General Manager to advise those who made written submissions of its decision.***

***69/14 That Council authorise the General Manager to determine any application for minor modifications to the approved development plans and/or consent conditions.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

Councillor Eaton resumed the chair.

**3.1 Classification of Land - Lot 1 DP 663619 - 14 Hope Street, Wyong**

---

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

- 70/14 That Council classify Council land Lot 1 DP 663619 as Operational Land.**
- 71/14 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 72/14 That Council adopt the classification if no adverse submissions are received.**

**PROCEDURAL MOTION**

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

- 73/14 That Council allow meeting practice to be varied.**
- 74/14 That Council recommit Item 3.1- Classification of Land - Lot 1 DP 663619 - 14 Hope Street, Wyong.**

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

- 75/14 That Council classify Council land Lot 1 DP 663619 as Operational Land.**
- 76/14 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 77/14 That Council adopt the classification if no adverse submissions are received.**

**4.1 Contract CPA/235490 - Evaluation and Selection of Tenders - Detailed Design Documentation - Remediation Former Tumbi Landfill**

---

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

- 78/14 That Council accept the tender from the company nominated as Tenderer No '2', Meinhardt Infrastructure and Environments Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$218,000 (excl GST) for Contract CPA/235490 – Detailed Design Documentation – Remediation of Former Tumbi Landfill.**
- 79/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**
- 80/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

---

**4.2 Contract CPA/235478 - Construction of Gross Pollutant Trap at Saltwater Creek (Lions Park) at Long Jetty**

---

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

**81/14 That Council accept the tender from the company nominated as Tenderer '1', Collective Civil Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$228,276.00 (excl GST) for Contract CPA/235478 – Construction of Gross Pollutant Trap at Saltwater Creek (Lions Park) at Long Jetty.**

**82/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

**83/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

---

**4.3 Contract CPA/236170 - The Entrance Tile Replacement Project Stage 2**

---

**RESOLVED on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:**

**84/14 That Council defer consideration of this item until later in the meeting.**

### **CONFIDENTIAL SESSION**

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

**That Council move into Confidential Session to receive Commercial in Confidence information from the Tenderer Assessment Panel to consider Item 4.3 Contract CPA/236170 - The Entrance Tile Replacement Project Stage 2.**

At this stage of the meeting being 6.10 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A (2d)(i) of The Local Government Act, 1993 as the items listed come within the following provisions:-

- 2(d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it,*

**OPEN SESSION**

Council resumed in open session at 6.52 pm and the of the confidential session of the Ordinary Meeting of Council as follows:

**4.3 Contract CPA/236170 - The Entrance Tile Replacement Project Stage 2**

---

**85/14** That Council decline all tenders.

**86/14** That Council thank Tenderers for their submissions.

**87/14** That Council delegate the authority to the General Manager to engage in direct negotiations with the tenderers to achieve the most advantageous outcome.

**88/14** That Council note that its reasons for not inviting fresh tenders, and to enter into negotiations with the tenderers, is to ensure that the contracted works provide the best price, best value, provide an appropriate match to other tiling works in the vicinity, and ensure timely completion of the tiling works.

**89/14** That Council delegate authority to the General Manager to enter into a contract.

**4.4 CPA/236290 - In-Vehicle GPS - Hardware and Monitoring Services**

---

Councillor Troy declared a pecuniary interest in the matter for the reason that he knows the principal of one of the tendering businesses.

Councillor Troy left the meeting at 5.37pm and returned to the meeting at 5.39 pm during consideration of this item and as a result took no part in voting.

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

**90/14** That Council accept the tender from Tenderer No. 5, Fleet Logistics Pty Ltd (Ezy2c), in the attached Tender Evaluation Report, for a period of up to three years, for the estimated total amount of \$312,816.00 (excl GST) for Contract CPA/236290 – In Vehicle GPS – Hardware and Monitoring Services.

**91/14** That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 with the exception of the name of the successful tenderer which may be disclosed after Council has resolved to accept that tender, as the report contains commercial information of a confidential nature.

**92/14** That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.



#### 4.5 Contract CPA/237511 - Expression of Interest - Lease and Operation of Tom Stone and Spotted Gum Care and Education Centres

Councillor Troy left the meeting at 5.37pm and returned to the meeting at 5.39 pm during consideration of this item.

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

93/14 That Council receive this report on the results of the Expression of Interest.

94/14 That Council send invitations to tender to the following Applicants considered to be able to fulfil the requirements of the proposed Contract for the operation and lease of Tom Stone and Spotted Gum Care and Education centres:

- Bindari Pty Ltd
- GM Educational Consultants Pty Ltd
- Lexbede Enterprises Pty Ltd
- Lighthouse Early Learning Centre
- Wyong Shire Council

95/14 That Council determines the EOI Evaluation Report in the confidential 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.

#### 5.1 Proposed Councillors' Community Improvement Grants

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

96/14 That Council allocate an amount of \$10,466.90 from the 2013-14 Councillors' Community Improvement Grants as follows:

12 February 2014		
Bateau Bay Police and Citizens Youth Club (\$4000)	The Girls Choice Program targeting 16 young females aged between 12 - 15 years	500.00
Central Coast Multiple Sclerosis and Handicapped Group (\$1304.40)	To hold annual Christmas Social Gathering and Festive Lunch	1,304.40
Central Coast Outreach Services (\$4000)	"Back to Basics" training program	2,250.00
Coastal a Cappella (\$2800)	Purchase of Choral Riser Steps	880.00
NSW Justices Association (\$500)	Assist with the cost of an online learning management system	500.00
Season's for Growth Program (\$532.50)	Purchase books to assist children experiencing grief and loss through death/divorce/separation of a parent or significant other.	532.50
The Entrance Town Centre (\$650)	Publication of Sandy the Seahorse Booklet	650.00
Tuggerah Tuffs Winter Swimming Club (\$500)	Purchase 10 stopwatches and two eskys	500.00
Warnervale Wildcats Cricket Club (\$4000) - Emergency Approved by GM	Australia Day Event - Milo T20 Cricket Bash for children 8 to 15 years	3,350.00

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**5.2 Review of BASIX by NSW Planning and Infrastructure**

---

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

- 97/14 That Council note the report on the Review of Basix by NSW Planning and Infrastructure.
- 98/14 That Council request the General Manager to forward the submissions to the NSW Department Planning and Infrastructure for consideration.
- 99/14 That Council request the General Manager to write to our Local State Members to lobby against increasing cost being levied on home buyers.

---

**5.3 Amended Minutes - Ordinary Meeting 27 November 2014**

---

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

- 100/14 That Council amend the minutes of the Ordinary Meeting 27 November 2013 for Item 4.3 – The Supply and Delivery of Type S Filter Sand as follows;
- 1470/13 That Council accept the tender from the ~~Boral Resources (Country) Pty Ltd~~ TCX Pty Ltd nominated as Tenderer '1' in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/230052 – for the Supply and Delivery of Type S Filter Sand. The estimated annual expenditure against this contract is \$202,580.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 1471/13 That Council determine the Tender Evaluation Report in Attachment "A" remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature."

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**5.4 Councillor Attendance - Central Coast Business Review February Cocktail Evening, West Gosford**

---

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

- 101/14 That Council authorise any interested Councillors to attend the Central Coast Business Review Cocktail Evening.
- 102/14 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.

**5.5 Plan of Management No 16 and Management Plan covering Various Foreshore Reserves**

---

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

- 103/14 That Council receive the report outlining the results of the public consultation process following public exhibition of the draft Plan of Management No 16 and Management Plan covering Various Foreshore Reserves.
- 104/14 That Council adopt the Plan of Management No 16 covering Various Foreshore Reserves from The North Entrance to Shelly Beach.
- 105/14 That Council request the General Manager to request that the Department of Trade and Investment – Crown Lands to revoke “Plan of Management for The Entrance and Terilbah Reserves” dated 1996 in accordance with Section 115 of the Crown Lands Act.
- 106/14 That Council adopt the Management Plan for Crown Reserves from The Entrance North to Shelly Beach following the revocation of the previous Plan of Management referred to in recommendation number 3 above.

**6.1 Alison Homestead Rebuild**

---

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

- 107/14 That Council receive the report on Alison Homestead Rebuild.

**6.2 Road Capital Works Program**

---

Councillor Vincent left the meeting at 6.02pm returned to the meeting at 6.03pm during consideration of this item.

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

- 108/14 That Council receive the report on the status of the Council’s Road Capital Rolling Works Program.

### 6.3 Contract Variations and Finalisation for the period covering September 2013 to December 2013

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

109/14 That Council receive the Contract Variations and Finalisation report for the period covering September to December 2013.

110/14 That Council note the additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Asphalt Contract Works	CPA/200746	\$10,762,768.00	\$914,112.85

111/14 That Council note the additional expenditures requested are within approved program budgets.

### 6.4 Making of Wyong LEP 2013 by the Minister for Planning & Infrastructure

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

112/14 That Council note the amendments to Wyong Local Environmental Plan 2013 made by the Department of Planning & Infrastructure, in consultation with Council staff and approved by the General Manager, as set out within this report.

### 6.5 Outstanding Questions on Notice and Notices of Motion

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

113/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

---

**7.1 Notice of Motion - So Called Scientific Whaling**

---

Councillor Webster left the meeting at 6.53 pm and returned to the meeting at 6.54 pm during consideration of this item.

Ms Nikki Freeburn, Resident, addressed the meeting at 6.52pm, and spoke for the motion answered questions and retired at 7.02pm.

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

- 114/14 ***That Council reaffirm, on behalf of this Coastal Community, its total opposition and outrage at the continuing slaughter of whales that migrate past our coast only to be slaughtered in their Antarctic Whale Sanctuary by Japanese factory ships for so called scientific Whaling purposes.***
- 115/14 ***That Council advocate on behalf of our community, through our Federal Members to continue to encourage the Government to make all responsible representation possible to put an end to this wanton environmental destruction.***
- 116/14 ***That Council request the General Manager to provide a progress / issues report on the highly successful upcoming 2014 annual community Whale Watching awareness event (Sunday 6 July 2014) known as the 'Whale Dreamers Festival ' to be held at the Norah Head Light House."***

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**7.2 Notice of Motion - Council's 2015 Environmental Showcase Calendar**

---

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

- 117/14 ***That Council seek to strengthen the highly successfully annual Council Photo Competition through broadening its community awareness via the inclusion of annual Calendar Competition.***
- 118/14 ***That Council endorse the focus of the 2015 Calendar to be on showcasing the Shire's spectacular natural beauty, while highlighting the excellent work of our environmental volunteers and staff.***
- 119/14 ***That Council identify each successful Calendar Competition entrant in the publication, include standard emergency contact detail and in addition to defray costs, make space available for suitable sponsors.***
- 120/14 ***That Council endorse distribution (subject to cost) to all suitable community facilities / organisations and a limited distribution to business for display in their prominent public space.***
- 121/14 ***That Council fund this initiative through the current Photo Competition budget where practical and it be reviewed in the current budget process, subject to a staff report on operational issue and print recommendations.***

**QUESTIONS ON NOTICE**

**Q55/14 Skills Centre  
Councillor Adam Troy**

*“Mr Mayor, I note recently in the local media (attached) that this exciting \$3.4million federally funded youth employment initiative is now nearing completion. As Council is a strategic partner with CCGT in the complex, I would feel it only appropriate and responsible that Council be updated on this innovative and progressive local employment initiative?”*

**Q56/14 Water Rates Fairness  
Councillor Greg Best**

*“Mr Mayor, my question is on behalf of Local Resident of Kanwal who advises that despite being a senior in public housing, she is denied access to Council’s pensioner water rates. As Council’s billing is in the owner’s name. Also, her bill is being averaged across the units in the complex proving very costly and quite unfair to a person living on their own. This I believe is wide spread affecting many of our elderly residents. Mr Mayor, could you please provide some guidance on how fairness can be reinstated to these charges?”*

**THE MEETING** closed at 7.22pm.

## **1.5 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2013/02042 - D05560845

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; 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 matters in Confidential Session, pursuant to Sections 10 A (2) (c) of the Local Government Act 1993:**

**7.1 – Plastic Water Meter Trial Period**

**7.2 – Wyong Coal Pty Limited (WCPL) – Voluntary Planning Agreement**

- 2 That Council note its reason for considering Report No's 7.1 - Plastic Water Meter Trial Period and 7.2 - Wyong Coal Pty Limited (WCPL) – Voluntary Planning Agreement as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**
- 3 That Council request the General Manager to report on these matters in open session of Council.**

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

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

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

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

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

*(i) prejudice the commercial position of the person who supplied it, or*

*(ii) confer a commercial advantage on a competitor of the Council, or*

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

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*(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.”*

### **ATTACHMENTS**

Nil



## **2.1 RZ/2/2011 - Planning Proposal - 355 Rutleys Road Mannering Park**

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TRIM REFERENCE: RZ/2/2011 - D04682883

MANAGER: Scott Cox, Manager

AUTHOR: Chris Ferry; Strategic Planner

### **SUMMARY**

This report relates to a planning proposal for a property located at 355 Ruttleys Road Mannering Park. The proposal seeks to provide an enabling clause to allow a mini-storage facility on Lot 1 DP 603830. The site area is 5663 square metres and is currently zoned SP2 Infrastructure. For the purposes of this report the property will be referred to as *'the site'*.

An assessment of the proposal has been undertaken, which identified the site as suitable for an additional permitted use as a mini-storage facility.

Real Description: Lot 1 DP 603830  
Street Address: 355 Ruttleys Road Mannering Park  
Owner: Alcevski Investments Pty Ltd  
Site Area: 5663 square metres  
Current Zoning: SP2 Infrastructure

### **RECOMMENDATION**

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.**
- 2 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.**
- 3 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".**
- 4 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to the planning proposal.**

### **BACKGROUND**

The site was acquired by the current owner in November 2004 when it was sold by Mines Rescue Pty Ltd. At the time the land use was considered ancillary to the surrounding Special Uses of the Power Station and Electricity Generating Works.

## **2.1 RZ/2/2011 - Planning Proposal - 355 Rutleys Road Mannering Park (contd)**

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The site is zoned SP2 Electricity Generating Works and is surrounded by Vales Point Power Station and Mannering Colliery which are also zoned SP2 Electricity Generating Works. The site has a single level brick and tile building with office facilities and was previously used by the Mines Rescue Service for training and until recently by the current owner for unauthorised automotive repair / maintenance activities. Legal action was instituted to effect the cessation of the unauthorised land use activities.

A planning proposal was submitted in April 2011 but the phase 1 fee was not received until February 2012. Initially the planning proposal was seeking to formalise the non conforming land uses that were operating on site to permit a range of automotive activities.

The site is quite constrained in terms of access and is not considered appropriate for an independent free-standing automotive / industrial precinct. Due to the high volume of traffic generated by the proposed uses several traffic and access scenarios were investigated but no suitable solution could be achieved for the proposed uses. Therefore it was agreed with the proponent to look at a possible land use that generates minimal traffic. In consultation with Council's Transportation Engineer and the proponent it was agreed that a mini-storage facility would be an appropriate land use

### **CURRENT STATUS**

The premises are now vacant due to previous legal action taken by Council. Improvements on the site include a single level brick and tile building with office facilities.

### **THE PROPOSAL**

The proposal seeks to rezone land at Lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.

### **ASSESSMENT**

The planning proposal submission has been assessed having regard for the following matters:

- Flora and Fauna
- Bushfire
- Contaminated Land and Acid Sulfate Soils\
- Traffic and Transport

This assessment has been undertaken having regard for the requirements of relevant and current legislation, regulations, assessment/survey methodologies, mapping and modelling (including available baseline information), demographics and best practice.

This assessment has not identified significant concerns relating to the rezoning of the subject site for the intended purposes.

Council's Transportation Engineer has also provided information on the proposal to determine the most appropriate land use for the site with a low volume of traffic entering and exiting the site. The proposed land use as a mini-storage facility is considered appropriate as it will result in minimal traffic entering and exiting the property, therefore, creating a land use that can be sustainable in this location into the future.

Council has received funding from the NSW Government "Road Toll Response Package" for improvements to Ruttleys Road. Council's Design Engineer has provided details for this upgrading package which will allow access to the site without compromising the design of the improvements.

It would not be appropriate to rezone the site from SP2 at this stage to any other zone that would allow additional uses which would generate higher volumes of traffic entering and exiting the site. It is therefore proposed to retain the sites SP 2 Zoning with an additional permitted use as a mini-storage facility under Clause 2.5 (Schedule 1) of Wyong Local Environmental Plan 2013 (WLEP 2013).

## **LOCAL PLANS, POLICIES AND STRATEGIES**

### **Settlement Strategy**

The site is not identified within the Settlement Strategy however, when considered under the theme "*Planning for Economy and Employment - Key Planning Considerations for Economic Development*" it will facilitate and support the growth of an additional small business opportunity within the Shire.

### **Wyong Local Environmental Plan 2013 (WLEP 2013)**

The subject area is currently zoned SP 2 Electricity Generating Works.

The objectives of that zone are:

To provide for infrastructure and related uses.

To prevent development that is not compatible with or that may detract from the provision of infrastructure.

To recognise existing railway land and to enable future development for railway and associated purposes.

To recognise major roads and to enable future development and expansion of major road networks and associated purposes.

To recognise existing land and to enable future development for utility undertakings and associated purposes.

The relevant infrastructure authority has advised that the site is not required for electricity generating works in the future and was sold in 2004 as it was surplus to its needs. Therefore the site will remain in private ownership and an appropriate land use should be investigated. It is considered that the proposed land use as a mini-storage facility would not detract from the provision of infrastructure, therefore the first objective will be satisfied and the remaining three will not be applicable.

### **Clause 2.5 WLEP 2013**

The zoning of the site under Wyong LEP 2013 was a straight conversion from Special Uses 5(a) to SP2 Electricity Generating Works even though the site was in private ownership following its sale.

Should the proposal be supported by Council, Schedule 1 as it relates to Clause 2.5 will be amended to include this land with an additional permitted use as a mini-storage facility with the consent of Council.

### **Development Control Plan (DCP) 2013: Development Controls for Wyong Shire**

Any development of the subject site undertaken as a result of the rezoning will be required to be consistent with the relevant controls of DCP 2013.

### **State Legislation, Policies and Plans**

#### **Central Coast Regional Strategy**

The Central Coast Regional Strategy (CCRS) was released by the DoPI in July 2008. The CCRS identifies the population potential of the Central Coast expected over the next 25 years, and expected employment capacity targets. The strategy also identifies actions to ensure the ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport. The proposal has the potential to create additional employment in the north of the Shire.

#### **North Wyong Shire Structure Plan**

The North Wyong Shire Structure Plan (NWSSP) was developed as a high level land use strategy to guide ongoing development and planning for infrastructure and services in the North Wyong Shire Area. The NWSSP identifies greenfield residential development sites and the majority of the Central Coast region's greenfield employment land to 2031.

The site is not located within a future investigation precinct but will provide additional employment opportunity to residents in the north of the Shire.

#### **Regional Economic Development and Employment Strategy**

The Regional Economic Development and Employment Strategy (REDES) is a partnership between the NSW Government, Regional Development Australia Central Coast (RDACC), Gosford City Council and Wyong Shire Council. The launch of the strategy occurred on 3 February 2010.

The proposal will create additional employment opportunity in the north of the Shire.

### **Section 117 Directions**

The proposal has been assessed against relevant Section 117 Ministerial Directions. Attachment 1 provides a full assessment against these Directions. It is considered that the planning proposal is consistent with the relevant Directions.

### **State Environmental Planning Policies (SEPP)**

The proposal has been assessed having regard to relevant State Environmental Planning Policies (SEPPs) as follows:

#### **SEPP 55 – Contaminated Land**

It is considered that the proposal is consistent with the aims and objectives of the requirements of the above SEPP. Assessment of the application against the relevant SEPP is detailed in Attachment 2.

### **OPTIONS**

#### **Option 1 – Progression of Proposal as Proposed**

This report recommends allowing one additional use on the site, that of a mini-storage facility.

In order to provide some level of development and financial certainty for the proponent, this option is recommended.

#### **Option 2 Not Proceed with Rezoning at all**

This option would effectively sterilise the land.

The site has not been identified as a green corridor nor has it been identified as a development precinct within the NWSSP. The land will however, provide a small amount of additional employment in the north of the Shire. Therefore this option is not supported

### **STRATEGIC LINKS**

#### **Wyong Shire Council Strategic/ Annual Plan**

The planning proposal is consistent with the Wyong Shire Council Strategic/Annual Plan

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

There are no impacts on the broader Long Term Financial Strategy

#### **Asset Management Strategy**

There are no impacts on the Asset Management Strategy

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

The proposal can directly relate to objective 7 *“There will be a strong sustainable business sector and increased local employment built on the Central Coast’s business strengths.”*

The use of the site as a mini-storage facility will generate additional employment and provide a facility that can be utilised by residents in the north of the Shire.

**Budget Impact**

Nil.

**CONSULTATION**

Extensive consultation was undertaken with internal staff particularly the Transportation Engineer and Development Engineer to determine a suitable land use. Consultation was conducted with staff from Delta Electricity and Ausgrid to determine if the site was required for electricity generating works and if alternate access could be provided over their land.

**GOVERNANCE AND POLICY IMPLICATIONS**

Refer to discussion relating to Local Plans, Policies and Strategies

**MATERIAL RISKS AND ISSUES**

There are no identifiable risks associated with the progression of the planning proposal.

**CONCLUSION**

This report seeks Council’s endorsement to prepare and submit to the DoPI, a Planning Proposal to rezone Lot 1 DP 603830 355 Rutleys Road Mannering Park to allow an additional use as a mini-storage facility.

The proposed rezoning has considerable merit given the location of the site which is surrounded by electricity generating works; the single use of the site for a mini-storage facility will provide a small amount of employment for residents in the north of the Shire and will not adversely impact on the traffic movements in the vicinity. The mini-storage facility will also expand the range of services available to the area and prevent sterilisation of the land. In this regard the rational, orderly and economic development of land are the key objects of the Environmental Planning & Assessment Act 1979. The proposed planning proposal is therefore consistent with the objectives of the Act.

**ATTACHMENTS**

- |   |                                            |           |
|---|--------------------------------------------|-----------|
| 1 | S117 Directions Report                     | D05370486 |
| 2 | SEPP Assessment Report                     | D05370485 |
| 3 | Site Plan - Planning Proposal Rutleys Road | D05725402 |

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	N	Y
1.2	Rural Zones	N	N/a
1.3	Mining, Petroleum Production and Extractive Industries	Y	Y
1.4	Oyster Aquaculture	N	N/a
1.5	Rural Lands	N	N/a
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	N	N/a
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	N/a
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	N	N/a
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/a
3.6	Shooting Ranges	N	N/a
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	N	N/a
4.4	Planning for Bushfire Protection	Y	Y

Number	Direction	Applicable	Consistent
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/a
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N	N/a
5.8	Second Sydney Airport: Badgerys Creek	N	N/a
5.9	North West Rail Link Corridor Strategy	N	N/a
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	N	N/a



SEPP	Comment
SEPP No. 55 – Contaminated Land	
<p>Aims:</p> <p>to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The preliminary desktop mapping/ assessment exercise has not identified any contamination of the site.</p> <p>Testing for Acid Sulfate Soils has been carried out on the site and no acid sulfate soils have been identified.</p>



### **3.1 CPA/234219 - Construction of Buttonderry Waste Management Facility Administration Building**

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TRIM REFERENCE: CPA/234219 - D05576580

MANAGER: Gary Kinney, Project Director

AUTHOR: Michael Horan; Project Manager

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/234219 - Construction of New Administration Building at Buttonderry Waste Management Facility.

#### **RECOMMENDATION**

- 1 That Council accept the tender nominated as Tenderer No 2 in the attached Tender Evaluation Report, for the lump sum amount of \$802,009.00 (excl GST) for Contract CPA/234219 – Construction of New Administration Building at Buttonderry Waste Management Facility.**
- 2 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

It is planned to construct a new single storey building at Buttonderry Waste Management Facility to provide accommodation for Waste Management staff currently housed in leased premises in Hely Street, Wyong.

Additionally a separate area is also included in the building to provide training facilities for Council staff and to be utilised as an education area to display to the public the opportunities and programmes for recycling and sustainability.

#### **CONTRACT PLAN**

The Contract Plan for this tender process was approved by the Director Property & Economic Development. The approved Contract Plan is in TRIM D04272043.

### **INVITATION TO TENDER**

The tender was publicly advertised in the Sydney Morning Herald, Advertiser and eTender on 19 November 2013.

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

A compulsory pre-tender meeting was held on site at Buttonderry on 28 November 2013 to allow tenderers to become familiar with site conditions.

Tenders closed at 2.00pm on 12 December 2013.

### **TENDER SUBMISSIONS**

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

- ATB Morton Pty Ltd
- Castlereagh Constructions Pty Ltd
- HB Projects Pty Ltd
- M Bruton Pty Ltd
- Project Corp Australia Pty Ltd
- SFS Projects Australia Pty Ltd

No late submissions were received.

### **TENDER EVALUATION**

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

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

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

- a) Compliance with Tender documents, including lodgement of tender by specified time;
- b) Tender has corporate systems to manage safety, environment and quality risks appropriate to the contracted works;
- c) Tenderer has relevant insurances;
- d) The tendered price;
- e) Proposed methodology; and
- f) Satisfactory performance on similar projects

### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for the contract under project number 15725 in the CAPEX programme for financial years 2013/14 and 2014/15.

### **RELEVANT LEGISLATION**

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

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

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

It is anticipated that the contract will be awarded on 5 March 2014 and that the facility will be available to be placed into service by November 2014.

### **RISK**

This contract has been assessed as a low risk contract. The key risks and mitigation measures have been addressed in the Contract Plan which is on the TRIM file D04272043.

### **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this project:

- Development consent – DA/1049/2012,
- Construction certificate – CC/386/2013.

### **PROCESS REVIEW**

The Tender evaluation and this Report and recommendations have been endorsed in TRIM (D05576294) by the Commercial Manager, Contracts and Project Management.

### **OPTIONS / ALTERNATIVES**

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

**3.1 CPA/234219 - Construction of Buttonderry Waste Management Facility  
Administration Building (contd)**

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**PUBLIC CONSULTATION**

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

**ATTACHMENTS**

- |          |                                                                                                                                                           |           |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>1</b> | Confidential Attachment A - Tender Evaluation Report - CPA/234219 -<br>Construction of Buttonderry Waste Management Facility Administration<br>Building - | D05576294 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

### **3.2 CPA/236748 - Toukley Town Centre North - South Pedestrian Link Construction**

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TRIM REFERENCE: CPA/236748 - D05573004

MANAGER: Robert Fulcher, Manager Contracts & Project Management

AUTHOR: Claire Ashby; Project Manager, CPM Team 1

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/236748 - Toukley Town Centre North - South Pedestrian Link - Construction.

#### **RECOMMENDATION**

- 1 That Council accept the tender from the company nominated as Tenderer No '1' in the attached Tender Evaluation Report, for the lump sum amount of \$343,826.56 (excl GST) for Contract CPA/236748 - Toukley Town Centre North - South Pedestrian Link - Construction.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

#### **BACKGROUND**

This project evolved as a key recommendation of the adopted Toukley Town Centre Masterplan to improve the north-south links across the town centre.

Additionally, much of the existing landscaping is proposed to be or has been removed and is in need of replacement. The existing pavement at this location comprises sections of concrete footpath and older style interlocking pavers, which in some sections is uneven and presents a potential trip hazard. In addition the pavement looks 'tired' and does not present a positive, aesthetic appearance.

Therefore, this project will provide attractive low maintenance landscaping which will serve to reinforce the north - south link. This will include the installation of vehicle safety barriers along the eastern edge of the Toukley Town Centre Carpark; replacement of existing pavers / pavement; replacement of existing landscaping with new landscaping and installation of street furniture such as seating and shade umbrellas.

### **CONTRACT PLAN**

The Contract Plan for this tender process was approved by the Director Property and Economic Development and the Acting Director Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D04584870.

### **INVITATION TO TENDER**

The tender was advertised in the Sydney Morning Herald, and eTender on 10 December 2013 and in the Central Coast Express Advocate on 11 December 2013.

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

Tenders closed at 2.00pm on 16 January 2014.

### **TENDER SUBMISSIONS**

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

- Quality Management & Constructions Pty Ltd
- Tenite Pty Ltd

No late submissions were received.

### **TENDER EVALUATION**

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

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

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

- a) Compliance with tender documents
- b) Satisfactory financial capacity
- c) Evidence of appropriate corporate system to manage safety risks
- d) The tendered price and structure
- e) Proposed methodology and program
- f) Successful demonstrated experience



### **FINANCIAL IMPLICATIONS**

There are sufficient funds allocated for this contract within the current year's capital works program subject to a Q2 review to allocate additional budget to this project.

### **RELEVANT LEGISLATION**

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

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

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

Construction will commence in March 2014 and is expected to be completed in June 2014. The construction period is estimated to be 14 weeks.

### **RISK**

This contract has been assessed as a low risk contract. The key risks and mitigation measures have been addressed in the Contract Plan which is on the TRIM file.

### **REGULATORY APPROVALS**

The following regulatory approvals have been obtained for this Contract:

- Assessment under Part V of the Environmental Planning and Assessment Act 1979 has been endorsed.

### **PROCESS REVIEW**

The tender evaluation and this report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

### **OPTIONS / ALTERNATIVES**

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

**PUBLIC CONSULTATION**

Community stakeholder engagement was undertaken during the design phase with local shop keepers, the Northern Lakes Regional Business Chamber, Toukley & District Senior Citizens Centre and Greater Toukley Vision. Prior to the commencement of construction, further community stakeholder engagement will be undertaken to advise both community and stakeholders.

**ATTACHMENTS**

- 1 Confidential Attachment A - Tender Evaluation Report - CPA 236748 - D05572472

#### **4.1 Consideration of submissions to the public exhibition of Proposed Fees and Charges for Warnervale Airport**

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TRIM REFERENCE: F2012/01427 - D04937520

MANAGER: Jari Ihalainen, Director

AUTHORS: Mellissa McKee; Corporate Planning Executive  
Stephen Naven; Manager

#### **SUMMARY**

This report provides details of submissions made during the public exhibition of the proposed changes to the Fees and Charges for Warnervale Airport for consideration by Council prior to finalisation and endorsement of the revised Fees and Charges.

Based on valid objections and comments received during the consultation process, this report proposes modifications to the fees and charges presented at the 11 December 2013, Ordinary meeting of Council.

#### **RECOMMENDATION**

- 1 That Council receive public submissions and staff recommendations listed herein concerning the public exhibition of proposed Fees and Charges for Warnervale Airport.**
- 2 That Council adopt the proposed changes to the Fees and Charges for Warnervale Airport as detailed in attachment 2.**
- 3 That Council implement the new charges from 1 March 2014.**

#### **BACKGROUND**

At its meeting on 11 December 2013 Council considered a proposal to amend the Fees and Charges for Warnervale Airport.

Council at that meeting;

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

- 1622/13 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 for public exhibition, and;*
- 1623/13 That Council advertise the amendments referred to in (1) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993, and;*
- 1624/13 That Council apply the proposed fees following the public notification period, subject to no objections.*

#### 4.1 Consideration of submissions to the public exhibition of Proposed Fees and Charges for Warnervale Airport (contd)

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1625/13 *That Council receive a report, should there be any objections, in early 2014 outlining the basis of the objections."*

The proposed Fees and Charges were exhibited for a period of 43 days from 20 December 2013 until 1 February 2014. Due to the Christmas break, public exhibition was extended from the required 28 days to 43 days. Exhibition was undertaken in accordance with legislative requirements including advertisements in the Central Coast Express Advocate, electronic exhibition of the document on Council's website and copies were available at all of Council's Customer Contact Centres.

A copy of the proposed Fees and Charges that were presented to Council on 11 December 2013 are included as Attachment 1.

#### **CURRENT STATUS**

A total of 63 submissions were received. A summary of submissions appears as Attachment 3. Attachment 4 provides the actual submissions received.

#### **Major points raised in the submissions**

##### ***Usage Fee***

Of the 63 submissions received 47 were regarding the proposed '*Usage Fee*'. The following are the primary concerns raised with regard to the fee:

- Trainee pilots are required to practice landings and take-offs during flight training. In some instances a trainee pilot may conduct up to ten landings and take offs. Concerns training will be made unaffordable due to the proposed fee increase.
- Usage fee is considered to be high in comparison to other airports.
- Impact on business, affordability for training schools and trainee pilots.

##### ***Other concerns and issues raised:***

- Suggestions costs should be charged to skydivers and not apply to all users.
- Concerns charter flights, skydiving, and flight training are being discouraged by the proposed increase in fees and charges.
- Fees and Charges are being increased whilst facilities are not being upgraded or maintained, in particular the taxi runways.
- The airport will become unaffordable. Aircraft owners and pilots will relocate to alternative airports.
- Fees and Charges are higher in comparison to other airports.
- Increase in fees may lead to the closure of Warnervale airport.
- The proposed fees and charges are not comparable to other airports
- Concern that existing refuelling operations would attract a new charge (this is a misunderstanding as existing fuel operations take place on Central Coast Aero Club (CCAC) land whereas the proposed charge relates to refuelling on Council land only)

#### **4.1 Consideration of submissions to the public exhibition of Proposed Fees and Charges for Warnervale Airport (contd)**

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- Skydive organisations expressed their view that the charges were unfair and were either penalising existing skydiving operations based on a new entrant, or were not consistent with other airports or consistent with the facilities provided.

In consideration of these submissions, Council may determine to make changes to the proposed Fees and Charges and/or note any particular issue for operational staff to take up during the course of normal operational activity.

#### **Proposed changes following consultations**

In consideration of these valid concerns staff are recommending the following changes to the proposed fees and charges, see also Attachment 2:

- Re-define landing fee for flight training as 'per lesson' of opposed to 'per landing'. This is to ensure that "touch and go" and "runway kisses" do not make pilot training unaffordable.
- Parachuting operations redefined as "adventure sports" to ensure that other similar commercial activities are treated with consistent fees.
- Airport usage fees (take off fees) for Adventure Sports to be charged based on the weight of the aircraft (\$40 per tonne).
- Landing fees (previously only charged to skydivers landing at Warnervale) to be removed (compensated by higher usage fees). This ensures equity across all skydiving and other adventure sport operations.
- Airport or runway closure fee (for exclusive use of the airstrip, for example for filming purposes)
- The following organisations are exempt from airport usage fees at Warnervale Airport - Angel Flight, Australian Army, Care Flight, Department of Defence, Police, Royal Flying Doctor Service, Westpac Rescue Helicopter

These fees are recommended as it is considered these are equitable for all users having regard for the use and wear and tear of runway and other airport facilities. In addition, it is considered that the fees are comparable to other benchmark fees for similar operations at other airstrips.

#### **STRATEGIC LINKS**

##### **Wyong Shire Council Strategic/ Annual Plan**

The proposed Fees and Charges will be incorporated into Council's Revenue Policy as part of Council's Strategic Plan 2013-17.

##### **Budget Impact**

The budget impacts of the Community Strategic Plan are incorporated into Council's Long Term Financial Planning.

## 4.1 Consideration of submissions to the public exhibition of Proposed Fees and Charges for Warnervale Airport (contd)

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### CONSULTATION

Community consultation was undertaken in accordance with legislative requirements. This engagement and all submissions received during the public exhibition period are the subject of this report.

### CONCLUSION

Council has exhibited the proposed Fees and Charges for Warnervale Airport in accordance with the requirements of the Local Government Act.

Submissions have been analysed, summarised and presented to Council for consideration.

### ATTACHMENTS

1	Proposed Fees and Charges presented to Council 11 December 2013 (A3 Copy)	D04682835
2	Proposing revised/charges fees for adoption (Revised) (A3 Copy)	D05772155
3	Confidential Attachment - Consultation valid concerns - Register of Submissions -	D05721436
4	Confidential Attachment - Copy of Submissions Received -	Enclosure D05723770

CURRENT 2013-14 FEES AND CHARGES						
Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2013/14 WYONG SHIRE COUNCIL FEE	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2013-14 FEE (GST INCLUSIVE WHERE APPLICABLE)
03.10000	<b>SERVICE 3.1 ECONOMIC &amp; PROPERTY DEVELOPMENT</b>					
03.11000	<b>AIRPORTS</b>					
	<b>Permanent Aircraft</b>					
03.11001	Landing Fees of aircraft other than commercially operated aircraft	Annual	C	\$291.82	\$29.18	\$321.00
03.11002	Landing Fees for commercially operated aircraft permanently based on the airfield	Annual	C	\$613.64	\$61.36	\$675.00
03.11003	Parking Fees for aircraft permanently based on the airfield and parked on Council land	Annual	C	\$1,018.18	\$101.82	\$1,120.00
03.11004						
	<b>Itinerant Aircraft</b>					
03.11005	Landing Fees	Per Engine, Per Landing	C	\$15.45	\$1.55	\$17.00
03.11006	Tie Down Fee	Per Night	C	\$10.00	\$1.00	\$11.00
03.11007						
03.11008	<b>Parachute landing at Wamervale Airport</b>	Per Drop	C	\$3.64	\$0.36	\$4.00

PROPOSED 2013-14 FEES AND CHARGES						
Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2013/14 WYONG SHIRE COUNCIL FEE	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2013-14 FEE (GST INCLUSIVE WHERE APPLICABLE)
03.10000	<b>SERVICE 3.1 ECONOMIC &amp; PROPERTY DEVELOPMENT</b>					
03.11000	<b>AIRPORTS</b>					
	<b>Permanent Aircraft</b>					
	<b>Usage Fees</b> <i>This fee is in addition to the Annual Fees listed below Usage is defined as a take-off and landing at the airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$13.64	\$1.36	\$15.00
	<b>Annual Licence Fees</b> <i>For aircraft (whether operational or not) based at Wamervale Airport. Charge is for the full financial year or part thereof - no pro-rata charging</i>					
	<b>Private</b> - aircraft used for an individual's recreational / personal use	Per Annum (or part thereof)	C	\$550.00	\$55.00	\$605.00
	<b>Commercial</b> - aircraft being used as part of a business					
	Up to 1,000 kgs MTOW	Per Annum (or part thereof)	C	\$1,000.00	\$100.00	\$1,100.00
	1,001 kgs to 2,000 kgs MTOW	Per Annum (or part thereof)	C	\$2,000.00	\$200.00	\$2,200.00
	2,001 kgs to 3,000 kgs MTOW	Per Annum (or part thereof)	C	\$3,000.00	\$300.00	\$3,300.00
	Over 3,001 kgs MTOW	Per Annum (or part thereof)	C	\$4,000.00	\$400.00	\$4,400.00
	<b>Parking Fee</b> <i>Parking on Council land</i>	Per Annum (or part thereof)	C	\$1,500.00	\$150.00	\$1,650.00
	<b>Itinerant Aircraft</b>					
	<b>Usage Fees</b> <i>Usage is defined as a take-off and landing at the airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$25.00	\$2.50	\$27.50
	<b>Parking &amp; Tie Down Fee</b> <i>On Council land</i>	Per Night	C	\$30.00	\$3.00	\$33.00
	<b>Parachuting Operations</b>					
	<b>Parachute landing at Wamervale Airport - includes staff and instructors</b>	Per Drop Per Person	C	\$5.00	\$0.50	\$5.50
	<b>Other Fees</b>					
	<b>Application fee to Council for any use/activity on Council Land</b>	Per Application	C	\$500.00	\$50.00	\$550.00
	<b>Refuelling on Council land</b>	Per Refuel	C	\$100.00	\$10.00	\$110.00
	<b>Signage at airport</b> <i>Advertising space per square metre (or part thereof) with a minimum of one square metre. The cost of the design, manufacture and erection of the sign is at the advertiser's cost and must be approved by Council.</i>	Per square meter Per Annum	C	\$500.00	\$50.00	\$550.00

CURRENT 2013-14 FEES AND CHARGES						
Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2013/14 WYONG SHIRE COUNCIL FEE	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2013-14 FEE (GST INCLUSIVE WHERE APPLICABLE)
<b>WARNERVALE AIRPORT PROPOSED 2013-14 FEES AND CHARGES</b>						
Item Number	DESCRIPTION OF FEES & CHARGES	UNIT OF MEASUREMENT	PRICE CATEGORY	2013/14 WYONG SHIRE COUNCIL FEE	GST @ 10% REMITTED TO ATO (IF APPLICABLE)	TOTAL 2013-14 FEE (GST INCLUSIVE WHERE APPLICABLE)
<b>03.10000</b>	<b>SERVICE 3.1 ECONOMIC &amp; PROPERTY DEVELOPMENT</b>					
<b>03.11000</b>	<b>AIRPORTS</b>					
	<i>The following organisations are exempt from airport usage fees at Warnervale Airport - Angel Flight, Australian Army, Care Flight, Department of Defence, Police, Royal Flying Doctor Service, Westpac Rescue Helicopter</i>					
	<b>Permanent Aircraft</b>					
	<b>Annual Licence Fees</b>					
	<b>Private</b> - aircraft used for an individual's recreational / personal use	Per Annum (or part thereof)	C	\$550.00	\$55.00	\$605.00
	<b>Commercial</b> - aircraft being used as part of a business					
	Up to 1,000 kgs MTOW	Per Annum (or part thereof)	C	\$1,000.00	\$100.00	\$1,100.00
	1,001 kgs to 2,000 kgs MTOW	Per Annum (or part thereof)	C	\$2,000.00	\$200.00	\$2,200.00
	2,001 kgs to 3,000 kgs MTOW	Per Annum (or part thereof)	C	\$3,000.00	\$300.00	\$3,300.00
	Over 3,001 kgs MTOW	Per Annum (or part thereof)	C	\$4,000.00	\$400.00	\$4,400.00
	<b>Airport Usage Fees</b> <i>Airport usage is defined as a take off and landing at the Airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$13.64	\$1.36	\$15.00
	<b>Parking Fee</b> <i>Parking on Council land</i>	Per Annum (or part thereof)	C	\$1,500.00	\$150.00	\$1,650.00
	<b>Learn to Fly Activities</b> <i>These fees are in addition to the Permanent Aircraft fees listed above</i>					
	<b>Airport Usage Fees</b> <i>Airport usage is defined as a training session/lesson at the airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$13.64	\$1.36	\$15.00
	<b>Adventure Sports</b> <i>These fees are in addition to the Permanent Aircraft fees listed above</i>					
	<b>Airport Usage Fees</b> <i>Airport usage is defined as a take-off and landing at the airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$40.00	\$4.00	\$44.00
	<b>Itinerant Aircraft</b>					
	<b>Airport Usage Fees</b> <i>Airport usage is defined as a take-off and landing at the airport</i>	Per tonne or part thereof based on certified Maximum Take-off Weight (MTOW) per usage	C	\$25.00	\$2.50	\$27.50
	<b>Parking &amp; Tie Down Fee</b>	Per Night	C	\$30.00	\$3.00	\$33.00
	<b>Other Fees</b>					
	<b>Application fee to Council for any use/activity on Council Land</b>	Per application	C	\$500.00	\$50.00	\$550.00
	<b>Airport or runway closure</b>	Per day or part thereof	C	\$5,000.00	\$500.00	\$5,500.00
	<b>Refuelling on Council land</b>	Per refuel	C	\$100.00	\$10.00	\$110.00
	<b>Signage at airport</b> <i>Advertising space per square metre (or part thereof, with a minimum of one square metre). The cost of the design, manufacture and erection of the sign is at the advertiser's cost and must be approved by Council.</i>	Per square meter per annum	C	\$500.00	\$50.00	\$550.00



## **4.2 Central Coast Climate Change Fund**

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TRIM REFERENCE: F2006/00975 - D05141473

MANAGER: Greg Cashin, Commercial Manager Water and Sewerage

AUTHOR: Ian Johnson; Regulatory Services Engineer

### **SUMMARY**

This report reviews the current status of the NSW Government Central Coast Climate Change Fund and provides a recommendation on the future direction of this Fund.

### **RECOMMENDATION**

- 1 That Council request (jointly with Gosford City Council) the NSW Office of Environment and Heritage to terminate the Central Coast Climate Change Fund.**
- 2 That Council request (jointly with Gosford City Council) of the NSW Office of Environment and Heritage to allocate current unspent funds in the Central Coast Climate Change Fund to each Council according to the proportion of contributions made to each Council, to undertake specific non contestable projects appropriate to the objectives of the Energy and Utilities Administration Act 1987.**

### **BACKGROUND**

In May 2006 the NSW Government established the Central Coast Water Savings Fund.

Since establishment the Central Coast Water Savings Fund has undergone a name change to the Central Coast Climate Change Fund (CCF).

The name change was made to bring the CCF under the “umbrella” of the broader NSW Government Climate Change Fund initiative of which the CCF is an independent “stand alone” component. In view of this all subsequent discussion in this report will refer to the CCF.

The CCF was initiated in a period of extended drought on the Central Coast and was set up to encourage investment in water efficiency through the provision of grant funding to selected local business and community organisations (including Wyong and Gosford Councils) to undertake specific water saving projects.

The Climate Change Fund initiative in NSW is legislated under the Energy and Utilities Administration Act 1987 which empowers the relevant Minister of the day to require, via a gazetted Order under Section 34J of the Act, that certain designated state water agencies make contributions to support the Fund when required to do so.

As both Wyong and Gosford Councils are listed as state water agencies under Section 3 of the Act the Councils are required to make contributions to support the CCF.

## 4.2 Central Coast Climate Change Fund (contd)

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The Act also lists the Central Coast Water Corporation as a prospective water agency although recognises that this will not occur until prescribed by regulation. At this point Wyong and Gosford Councils are still the operational Central Coast water agencies prescribed under the Act for purposes of the CCF.

Although the Energy and Utilities Act was created in 1987 the Climate Change provisions of the Act relating to the Central Coast remained dormant until May 2006 at which point the CCF commenced.

In May 2006 the first gazetted Ministerial Order was made requiring a \$2M contribution comprising \$950,000 and \$1,050,000 from Wyong and Gosford Councils respectively to be made to the NSW Government, whose designated agency, the Office of Environment and Heritage (OEH), is responsible to administer the operation of the CCF.

IPART, in its May 2006 price determination, determined that any contributions to support the CCF were to be raised by each Council on a per property basis, typically about \$15, and recovered as part of the annual water service charge. The basis of the contribution was to be made explicit to the customer as, in IPART's view, the CCF contribution lay outside of the normal pricing determination process.

The above arrangement is simply a pass through with Council acting as a collection agent and passing on the contribution to the NSW Government.

On receipt of the contributions from Council the OEH advertises for applications from Central Coast businesses and community organisations including the Councils for grant funding for water efficiency projects.

The contributions each Council makes to the CCF grant pool are not ring fenced to their particular areas but are allocated on the basis of benefits to the broader Central Coast community. Assessment of applicants is based on cost effectiveness in particular \$ per kilolitre water saved.

Grants are divided into two categories either contestable or non contestable.

Contestable grants are open to applications from Central Coast businesses and community organisations but excluding the Councils.

Non contestable grants are restricted to applications from the two Councils.

### **CURRENT STATUS**

The initial \$950,000 Council CCF contribution was made to OEH for the 06/07 financial year.

In accordance with Ministerial Orders contributions were also made in subsequent years 07/08, 08/09, 09/10 and 10/11.

Arising out of these contributions a total of \$10M has been contributed to the CCF by both Wyong and Gosford Councils.

To date (from the OEH webpage) total grants of \$9.0M have been allocated comprising \$5.8M for 65 contestable projects and \$3.2M for 16 non contestable Council based projects.

The balance of the \$10M contributions paid up to 10/11 remains unspent.

Not accounted for in the above is a further \$2M contribution made recently by the two Councils as a result of a May 2013 Ministerial Order. None of this contribution has been spent to date.

In summary \$3M in contributions remain unspent pending resolution of the future of the CCF.

### **THE PROPOSAL**

To determine the future direction of the CCF a meeting was held between the two Councils and OEH representatives at Gosford City Council on 4 November 2013.

At that meeting the Councils expressed a view that the CCF had now entered a diminishing returns stage given that it appeared that further large or big ticket water saving/efficiency opportunities were minimal and that many projects were starting to represent a "bottom of barrel" scenario in terms of opportunities and benefits.

In view of this situation the Councils canvassed and discussed two possible future options with OEH representatives.

Option 1 would involve the Councils taking over the operation and administration of the CCF and a change in emphasis from purely water saving/efficiency projects to more longer term water security projects such as modifications to the Mangrove Creek Dam spillway which would increase available water storage.

Option 2 would involve termination of the CCF after expenditure of the currently unspent \$3M in contributions. The type of projects funded would be based on water efficiency, water saving or recycling objectives in accordance with the objectives of the Act. In this respect both Councils indicated that they each had a number of eligible projects suitable for grant funding eg water meter replacement programmes.

OEH indicated that Option 1 would not be approved as the type of project envisaged by the Councils did not meet the objectives of the Energy and Utilities Administration Act (Section 34F).

In view of the limitations of Option 1 the Councils requested approval to proceed with the termination of the CCF after all outstanding funds had been spent on suitable projects. OEH supported this course of action and indicated that a recommendation to this effect would be submitted to the Minister.

In relation to Option 2 subsequent email advice from OEH dated 20 December 2013 has indicated in principle agreement by the Minister to terminate the CCF subject to agreement by the two Councils.

Gosford Council concurs with the Option 2 approach and the allocation of current unspent funds to each Council according to the proportion of contributions made by each Council.

Option 2 is the recommended course of action.

### **ATTACHMENTS**

*Nil.*

### 4.3 The Art House Construction

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TRIM REFERENCE: CPA/159128 - D05489278

MANAGER: Julie Vaughan, Manager

AUTHOR: Stuart Slough; Cultural Planner

#### SUMMARY

In 2009 Council resolved to appoint Tonkin Zulaikha and Greer (TZG) architects to develop designs for The Art House, Wyong Shire Performing Arts and Conference Centre. This was based on the Wyong Performing Arts Centre Feasibility Study (2006), Business Plan (2008) and Design Brief (2008). A Development Application approved design for a \$24.0M option was completed with a funding model of \$8.0M each from Local, State and Federal Governments. After many funding applications and lobbying the necessary funds were not realised. In response, Council resolved in December 2012 to review The Art House Concept Design and Business Plan to a \$12M option. Recommendation is now made for Council to proceed to tender for construction based on the reviewed business plan and 2014 DA concept designs for a \$12.7M option which includes a full fly tower.

#### RECOMMENDATION

- 1 ***That Council receive and note the report.***
- 2 ***That Council approve The Art House Revised Business Plan including a projected average annual operating net cost to Council of \$1.0M, budgeted for a ten year period.***
- 3 ***That Council approve The Art House Revised Development Application Approved Build Cost estimate of \$12.7M.***
- 4 ***That Council direct the General Manager to call for tenders for the construction of The Art House.***
- 5 ***That Council direct the General Manager to establish an independent not-for-profit organisation specifically to operate The Art House in accordance with The Art House Business Plan 2014.***

#### BACKGROUND

In December 2009, Council engaged Tonkin Zuliakha Greer (TZG) architects to develop designs for a Performing Arts Centre with a project Working Party of arts, business, community and education representatives to upgrade Wyong Memorial Hall in the Wyong/Tuggerah Regional Centre.

Renamed "The Art House, Wyong Shire Performing Arts and Conference Centre" (The Art House), the \$24.0M capital cost concept design was granted a Development Application (DA) in December 2010. At the time, Council endorsed an Operational Business Plan projecting a gross operating cost of \$2M per annum.

### 4.3 The Art House Construction (contd)

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The original design consisted of a two floor venue with a 500 seat auditorium/theatre with orchestra pit and fly tower, 130 fixed seat studio, rehearsal space, gallery, café, foyer with bar, meetings rooms, green room and required front of house and back of house facilities.

The funding strategy between 2010 and 2012, which aimed to secure two thirds of the capital cost from State and Federal Governments, was unable to raise the required funds for construction. In response, Council resolved in 2012 to revise the Concept Design and Business Plan with the project advisory Working Party to reduce the capital cost to \$12.0M whilst retaining as much of the original benefit to the community as possible. In 2013 Council received formal advice that its funding application of \$950,000 for 'fit out' of the fly tower had been successful through the RDAF Round 5B funding program. However following the Federal election this offer was not honoured and deemed a pre-election promise. Council has been advised that a similar funding round as RDAF 5b specifically for Local Government Authorities will be available during 2014 and as such the fly tower remains an important point of difference for The Art House and has been included in costings. The revised plan to achieve a build cost of \$11.8M without fly tower or \$12.7 million with full flytower capabilities.

The Art House 2014 Concept Design is for a facility consisting of:

- A 500 seat auditorium theatre with full fly tower
- A multi-use studio with 130 retractable seats
- A meeting room
- A foyer with café, bar, kitchen and exhibition area
- Required front and back of house facilities to support the projected usage identified in the Business Plan

The purpose of The Art House is to provide the residents of Wyong Shire with quality facilities that support cultural activity through development and presentation of the arts, and to enhance the quality of community life through its programs and services throughout the Shire and the region.

The Art House will become a key part of a linked network of Shire wide community, cultural facilities, including the Entrance Community Centre, Toukley Arts Centre, Lake Haven Youth Centre and Wyong Grove hub

The Art House is envisaged to become a community hub for the township of Wyong – a place for meeting and interaction, a place which enjoys a wide sense of community ownership and which contributes to the vitality of the town. The Art House will be active day and night. Its staff and volunteers will stimulate and facilitate activity not only in the building, but also throughout the Shire through partnerships with cultural, educational and other organisations.

The Art House will accommodate commercial and amateur shows, exhibitions and programs (local and touring). It will provide space and programming for production, development, training, performance and mentoring in a wide range of cultural activities. The Art House will be a catalyst facility providing leadership for a network of community cultural facilities which function as sites for the exchange of knowledge, skills and practices between local and visiting, amateur and professional practitioners and will provide a catalyst for growth in audience for, and community participation in, cultural activities for Wyong Shire.

The Art House's configuration aims to balance high access, concurrent activities and flexibility to meet growing community demand with provision of purpose designed and equipped facilities that are not currently available in this part of the Central Coast.

The Art House is proposed as a local facility servicing Wyong Shire residents and visitors, developed to address the existing need for accessible cultural facilities in this area of the Central Coast.

#### **Aligned Strategies and Programs**

Concurrent to the review of the Concept Design and Business Plan, Community Partnerships and Planning have been developing strategic creative industry partnerships and are securing additional facilities for development of local arts. These initiatives are crucial and will support The Art House's role as a venue for showcasing amateur and professional creative expression and entertainment.

The adoption of the Regional Cultural Framework developed by both Wyong Shire Council and Gosford City Council (GCC) in 2012 confirms the distinct but complimentary roles the proposed new arts facilities in Gosford and Wyong will be playing in a regionally coordinated development of cultural infrastructure. It has also provided the foundation for three new Central Coast arts and media program initiatives delivered in partnership with State and Federal Governments and arts organisations:

- Creative Industry program between 2014 and 2016 with Gosford City Council (GCC), Regional Development Australia – Central Coast (RDACC) and Arts NSW
- Metro Screen NSW to implement a two to three year Central Coast film and media workshop program
- Tantrum Youth Arts will engage local professional theatre practitioners to run workshops in writing, directing and performance for Wyong Shire young people in 2014

All of these projects are in addition to other local cultural projects already supported by Council through annual grants programs and public arts program. They are designed to contribute to new professional skills, experiences and contacts for residents seeking a creative vocation as well as create new partnerships and contributors for the local contemporary and performing arts sector in the lead up to the opening of The Art House in 2015.

Since 2013 Wyong Shire Council has commenced with a range of local partnerships to achieve the desired goals of arts and cultural development as well as assist the arts sector and Council's transition to managing and using The Art House.

Further initiatives include the establishment of Wyong Performing Arts Consortium (WYPAC) which involves a Memorandum Of Understanding (MOU) between a consortium of amateur performing arts groups and Council to achieved mutual goals of audience development, ongoing community involvement in increased arts activity in Wyong and sustainability for the groups involved. The WYPAC MOU between Council and the Wyong Drama Group (WDG) and Wyong Musical Theatre Company has supported greater community based initiatives to resolve obstacles and create new solutions for the performing arts. This includes the WDG joint funding to match an Arts NSW Capital Grant for 130 retractable seats currently at Wyong Memorial Hall to eventually be placed in The Art House, as well as negotiations to assist performing arts groups with the transition following the demolition of Wyong Memorial Hall.

Council through the Community Benefits grant has also funded the purchase of theatre lighting for use by hirers of Wyong Memorial Hall which will be used in ongoing performing art productions.

### Town Centre Development

Master-planning of the surrounding area as a Civic and Cultural Precinct has been undertaken to support The Art House's location and provide a framework for public and private development in the area. The Wyong Civic and Cultural Precinct Masterplan supports stronger linkages between green and built open spaces, businesses, civic services and infrastructure, and, enhances the town as a safe and accessible environment for families, workers, students, residents and business operators.

The location in Wyong Township of The Art House will be a significant driver for this strategy as well as providing general benefits for the town and region's economic and social development. The Art House, as configured in the proposal, will:

- Increase positive night and day community activity
- Provide incentive and value to other cultural and associated practitioners and activities to locate in, or utilise the town
- Support Wyong as a destination for a growing number of people seeking a broader range of services and activities
- Provide focus, confidence and an expectation of quality in the town
- Provide increased activities beneficial to and compatible with existing businesses and
- Drive public domain development

### Rationale for The Art House

Wyong Shire's increasing population has a high level of participation in the arts including, visual arts, literature, photography, music and performance, especially dance. This participation is evident in the high number of activities, community based groups, organisations and small businesses based in one or more of these arts areas.

The majority of these activities and groups have formed independently of Council over the recent and long term, many maintaining their audience numbers and participation rates.

The level of participation and attendance by the community in these programs currently outstrips the available facilities and infrastructure in the Shire, with many groups making do with facilities that do not match their needs (including the use of interim leases and management agreements), or needing to travel to areas such as Gosford and Newcastle to use facilities outside of the Shire. In turn usage of venues such as Gosford's Laycock Theatre has increased and availability decreased creating additional cost pressure on local Wyong Groups.

This shortfall in infrastructure is viewed as an impediment to the growth and sustainability of the Shire's cultural development. It results in limited development opportunities for people and groups with skills, innovation and commitment and a subsequent potential loss of these key attributes from the area. This drawback also reduces the opportunities for the local community to access local and national contemporary cultural activities such as performing artists, exhibitions and events.

The provision of cultural infrastructure is comparable with recreational infrastructure, whereby the provision of such facilities involves financial investment to ensure the return of non-financial cultural and social dividends.

The coordinated provision of cultural infrastructure by community, business and government sector is valued as contributing to quality of life, development of skills, cohesive communities and providing amateur and vocational opportunities.

### **CURRENT STATUS**

The Art House \$12.7M option Concept Design (including full fly tower) was developed and has been submitted for a DA in December 2013. A DA has been approved for the demolition of Wyong Memorial Hall in May 2014.

Negotiations are being finalised by staff to relocate the current regular users of Wyong Memorial Hall from May 2014.

The 2007/08 Business Plan has been reviewed with stakeholders based on recent research and consultation and estimates updated to reflect current requirements.

Construction Tender documents are being finalised with a projected schedule of June 2014 commencement for the construction contract. It is intended that the Art House will open in December 2015.

### **THE PROPOSAL**

#### **Overview**

The proposal is for renewal of Wyong Memorial Hall with The Art House, Wyong Shire Performing Arts and Conference Centre based on the 2014 DA approved Concept Design and Business Plan at a \$12.7M capital cost and a \$1.0M net recurrent annual operating cost to Council to be reviewed after a 10 year period. This DA is currently being assessed.

The choice of this site for the proposal is the outcome of an assessment process to identify a location that offers Wyong Shire residents a reasonably central facility with easy access to public transport and main roads. Through the assessment process other sites in Wyong township were considered with the Wyong Memorial Hall site considered as the most suitable and cost effective with proximity to aligned business, public infrastructure and transport and located on Council owned land.

#### **Design and Operation**

The redesign of the Art House will provide the only 500 fixed seat publically available theatre with full fly-tower in the region. Its design also provides the maximum amount of flexibility for different forms of contemporary and performing arts, media, conferences events, festivals and functions.

The auditorium and theatre can accommodate touring and local productions that are not currently catered for on the Central Coast.

This includes a studio with retractable seats to accommodate contemporary performing arts productions (including student and emerging arts), multi-media, sculptural and visual art displays and installations, training social functions, business and cultural events. The studio also functions as a support space for the main auditorium for festivals, eisteddfods, annual shows and other activities requiring dual spaces.



### 4.3 The Art House Construction (contd)

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The foyer is equipped and designed to enable different points of information and sales, exhibition spaces, digital media screens, social areas, temporary and permanent café setups and a bar.

The venue has a café/bar/kitchen setup to run at a café capacity for a daily spread of hours and a full capacity to cater in-house for events and functions.

Links between different spaces inside and outside of the venue are highly adaptable to provide a full range of part or full capacity for different uses at different times of the day.

Allowance has been made for future expansion that meets all accessibility and safety requirements with the alignment of areas to be developed in the later stages including the provision of a lift shaft and additional toilets if required.

The Art House operational model and program involves hiring terms, new partnerships and agreements that favour local arts, community and business. This includes both amateur and professional cultural activity, with an intention to link in with current and planned aspirations for professional development, audience expansion, new local productions to be toured (exported) outside of the region, creative business growth and cultural identity projects. Touring productions and professionals will be engaged in order to provide benefit to the local cultural aims and objectives.

Concurrently the facility will be managed to cater for social functions and business events to serve this market and to enhance increased cross-over between the local arts and the broader community and business including events and functions.

The Business Plan details an operation model that consists of an independent not-for-profit organisation managing the centre.

The not for profit independent entity established to manage The Art House will deliver a service through a formal agreement with, and funding from, Council. This will provide, The Art House with the required autonomy and sector peer involvement to service the creative, media and business sectors as well as deliver a creative entertainment program for local, regional and national markets. Its performance will be monitored via clear Key Performance Indicators (KPIs). Business Plan targets will need to be achieved and reported to Council as required.

#### **Construction**

The tender for construction is proposed to be undertaken between May and June 2014.

The Art House construction programme involves demolition of Wyong Memorial Hall in May 2014 with construction of the new facility planned to commence July 2014 and be completed by December 2015. As part of Council's storm water upgrade system in the Wyong Central Business District (CBD), trunk drainage culverts will be laid to the south and east of the Hall commencing March this year.

#### **Operational Options**

Based on evaluation of consultant recommendations, and, research and interviews with Performing Arts Centre (PAC) operators, Council officers have evaluated the possible operational/governance models. This evaluation aimed to identify the model that would best achieve cost effective services and programming that meets the identified needs and goals.

### 4.3 The Art House Construction (contd)

For each operational model evaluated it is assumed that The Art House building and assets will remain the property of Council. The operating structure options are summarised in the following table:

The Art House Operational Options Table 2.0

Option	Details	Evaluation
Direct Line Management by Council	Managed by Council staff within a Council unit	Risk of inadequate service level to clients, audience and partners and increase in operation cost due to levels of management approval for quick decision, lack of perceived independence from Council for sponsors, partners and audiences and restricted flexibility of industrial award for a seven day a week night and day operation
Autonomous Business Unit or Council owned subsidiary	Managed by a Council owned business	Achieves desired autonomy and decision making independence but lacks capacity for arts sector peer and community involvement at higher level and may not fit a recurrent-loss model
Not-for-profit organisation established for the purpose	Managed by an independent Incorporated Association with Council as a board members via a funding agreement with Council	Preferred option. Maintains required autonomy and independence whilst providing Council with service level performance control and Councillor, community and arts peer involvement at board level
Management by an existing not-for-profit organisation	Managed by an independent Incorporated Association via a funding agreement with Council	Maintains required autonomy and independence but does not provide the degree of required overseeing by Council
Commercial Venue Operator	Managed by a private business specialising in performing arts.	The achievement of community and cultural goals and access requirements is considered inconsistent with the motivation and requirements of a 100% commercial operator.

The preferred model is for a not-for-profit entity with Council and community representation on the board. The capacity for local community, business, education and arts sector involvement at board level is considered crucial to maintaining wide spread support, advocacy, sponsorship and partnership required for the venue to achieve the goals of the Business Plan.

Due to the nature of arts and entertainment programming and business, the venue requires a high degree of responsive decision making and financial management independence whilst still being bound to Council's performance measures.

The Art House staff with arts and entertainment industry expertise will be considerable asset to Wyong Shire community cultural sector, yet costs of staffing are potentially a significant contributor to the venue's operating overheads due to the number of hours required outside of core business hours. Therefore the ability to employ staff under the Life Performance award, which is designed with greater flexibility for the industry, is a key factor.

#### **Sector Research and Comparative Analysis**

Research and review has been undertaken of operational models of other performing arts centres. The not-for-profit structure appears to provide the best business model with a balance of autonomy, flexibility, reduced overheads and controlled risk to Council.

An example Performing Arts Centres with a similar facility capacity, audience demographic and programming to The Art House which successfully uses this model is Illawarra Performing Arts Centre. Other PACs managed by Local Government in NSW are investigating this option.

Whilst comparisons were made with PACs in different parts of Australia, including Wangaratta and Geelong, the operating structure and finances differed greatly between States due to different state arts funding policy. For example, PACs in regional Victoria receive an annual recurrent grant from Arts Victoria towards operating costs. Despite this the PACs still incur an annual loss whilst delivering their annual program.

#### **OPTIONS**

##### **\$12.7m option – Recommended option**

The Wyong Performing Arts Centre (PAC) Feasibility Study (TZG 2006) and subsequent studies and consultation have identified a significant shortfall in arts and cultural facilities in the north of the Central Coast. This shortfall places significant restriction on the achievement of the community's creative aspirations and to the growth and development of the local creative industry sector, especially the burgeoning areas of performance, dance and events all of which have high economic development and vocational potential.

The revised maximum \$12.7M capital cost option is considered the best alternative to The Art House current design as it still meets the fundamental requirements of the necessary programming and operational model as detailed in the Business Plan with a reduced capital cost from the original \$24.0M option.

The proposed option will still renew the ageing Wyong Memorial Hall with a contemporary, well equipped and accessible multi-arts centre suitable for use by, and growth of, existing and new user groups and businesses. The revised option retains the seat numbers required to serve the Shire and region's dance schools and performance academies – a key target sector for the new facility. It also retains the high degree of flexibility and multi-use which ensures a broad but complimentary program of education, entertainment, production development and diverse revenue streams, including functions and forums, to be viable.

The revised option will also retain the facility's role of creating a civic focal point as specified in the Wyong Civic and Cultural Masterplan and drive community, cultural and investment confidence for the area.

**<\$12.7m option – Not recommended**

Alternative options lower than \$12.0M would not retain the larger seat numbers and diverse flexible spaces required to meet current, unmet needs and diverse revenue streams to be viable, resulting in a higher annual cost to Council. This would also not include the fly tower which has been identified as a key priority for the sustainability of the business.

**>\$12m option – Not recommended**

Alternative options greater than \$12.0M would have less scope to be financed due to limitations on external funding and Wyong Shire Council's financial capacity to meet the capital cost.

**STRATEGIC LINKS**

**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Community and Cultural Planning	1 Year Action Continued development of The Art House including funding strategy, stakeholder engagement, marketing and business planning	S94/Council revenue	

**Contribution of Proposal to the Principal Activity**

The Art House is an upgrade of an existing community facility to enable community based cultural activity including creative learning and skills development. The facility, staff and subsequent programming will be focussed on supporting existing, and encouraging new, local arts, cultural and media activity that contributes to local identity, personal and community expression and education. Users of the facility will include schools, dance academies, amateur arts groups, tertiary arts students and graduates, businesses and government. The fee structure and management is structured to maximise opportunity and access for the private and public sector with fees and user terms and conditions structured to match each sector.

**Long Term Financial Strategy**

The recommendation to construct The Art House and commence operation whilst meeting the goals of the Business Plan (including projected recurrent cost to Council) is consistent with the following goals of the Long Term Financial Strategy:

- D.8 Future life cycle costs will be reported and the ability to fund those costs will be considered in all decisions relating to new services and assets and upgrading of existing services and assets. Those lifecycle costs will include the eventual disposal/decommissioning costs.

## **4.3 The Art House Construction (contd)**

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D.12 Align its asset management plans with the Strategic Shire Vision.

The Art House has been identified as a project in the Long Term Financial Strategy and therefore will not adversely impact projections.

### **Asset Management Strategy**

This asset will be incorporated into the Asset Management Strategy

### **Workforce Management Strategy**

Nil impact. This will be a separate organisation

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

The Art House Business Plan recommendation for redesign of The Art House aims to ensure that Council can deliver arts infrastructure suitable for community use that has a manageable capital cost. Therefore the recommendation is in accordance with the following Community Strategic Plan goals:

1. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.
  - a) Providing and maintaining local and regional community facilities for recreation, culture, health and education
  - b) Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues
  - c) Providing recurrent funding for community support and development services
  - d) Promoting community facilities to help maximise their benefits and use

### **Budget Impact**

The capital cost of The Art House will be met by the allocated capital funds of \$12.7M between 2013/14 and 2015/16 budgets, a component of which will be funded by Section 94 funds.

The recurrent cost \$1.0M per annum for ten years from 2015/16 onwards will be met in Councils general fund. In 2014/15 \$500,000.00 will be required for initial staff and programming costs, these costs are included in the draft budget. Staff will continue to source any grant opportunities to support the enhancement of the facilities and operations of The Art House.

### **CONSULTATION**

Since 2007, The Business Plan and Concept Design of The Art House has been developed in close consultation with a project Working Party consisting of arts, business, community, education and government representatives including interested Wyong Shire Councillors and Gosford City Council officers (Attachment 4).

The Working Party provided advice and comment to the architects at development stages of the concept plan to ensure the building design meets user group requirements and has the required flexibility and accessibility to achieve the community cultural programming it is designed for.

In addition to the Working Party process, TZG in 2006 and Positive Solutions in 2007 undertook comprehensive sector and community consultation and analysis to make the recommendations for a performing arts centre in Wyong. A subsequent State Government study in 2010 and Council officer cultural sector research and consultation in 2012-2014 have further identified the need to address shortfalls in arts facilities, staffing and professional development as well as informing the Concept Design and Business Plan review process.

The Working Party will be consulted at key stages of the transition to The Art House opening in December 2015.

Detailed stakeholder engagement is listed within the Business Plan (Enclosure)

### **GOVERNANCE AND POLICY IMPLICATIONS**

Establishment of a not-for-profit Incorporated Association with charity status will require registration with the NSW Department of Fair Trading, the Australian Tax Office and the Australian Charities and Not-For-Profits Commission.

### **MATERIAL RISKS AND ISSUES**

The building contractor will be appointed Principal Contractor and under the Work Health and Safety Act is responsible for managing all aspects of safety surrounding the construction process. Normally the builder will identify every 'risk' and provide minimisation measures – this process is contained in the Project Management Plan (Attachment 3).

### **CONCLUSION**

The Art House will significantly enhance Council's existing community and cultural service by providing a showcasing venue for, and enterprise partnership opportunities with, amateur and professional performing arts. With industry specialised staff, programming and marketing and suitably equipped venues it will remove one of the largest obstacles to the growth of performance and media based businesses in Wyong Shire and the Central Coast.

The Art House, along with the nearby provision of a development base for local arts and cultural groups (including those relocated from Wyong Memorial Hall), will not only provide increased arts and cultural services, but support greater skills, networking, audiences and new opportunities to allow greater independent and sustainability for local arts and cultural ventures and organisations

The Art House Business Plan and concept design have been developed in close consultation with arts, business, community, education and government representatives to provide a facility that will most effectively fill an identified gap in cultural and civic infrastructure in Wyong Shire.

### 4.3 The Art House Construction (contd)

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Following limited outcomes to several years of lobbying and funding submissions to meet the capital cost, The Art House revised design and plan for a \$12.7M capital cost to be met by Council is considered a suitable investment to achieve the cultural, economic and social benefits to the Shire as reconfirmed in the 2013/14 consultation and research.

The recommendation for Council to authorise the General Manager to proceed to construction tender process for The Art House and establish a not-for-profit organisation to operate the centre follows years of work and review to arrive at an affordable means of delivering and managing this much needed asset for Wyong Shire and the Central Coast.

#### ATTACHMENTS

1	Confidential Attachment A - The Art House Business Plan Appendices -	Enclosure	D05787198
2	Confidential Attachment B - The Art House Business Plan Assumptions -		D05787289
3	Confidential Attachment C - The Art House Working Party 2014 -		D05787299
4	Confidential Attachment D - The Art House Business Plan -	Enclosure	D05787055
5	Confidential Attachment E - The Art House Business Plan Financials -	Enclosure	D05789363

#### **4.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 6 February 2014**

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TRIM REFERENCE: F2004/07986 - D05577277

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

#### **SUMMARY**

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 6 February 2014.

#### **RECOMMENDATION**

- 1 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 6 February 2014.**
- 2 That Council request the General Manager to provide a preliminary report on the options for dredging Ourimbah Creek mouth within the current dredging budget.**

#### **BACKGROUND**

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 6 February 2014.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly the Committee's recommendations are reported to Council for consideration.

#### **ATTACHMENTS**

- 1 MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 6 February 2014 D05505972**



**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN  
MANAGEMENT COMMITTEE OF COUNCIL**

**HELD IN THE COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 06 FEBRUARY 2014  
COMMENCING AT 5.00PM**

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**PRESENT**

Councillor A Troy (Wyong Shire Council) – Co-Chairperson  
Councillor L Taylor (Wyong Shire Council) – Co-Chairperson  
Mr Bob Davies (Community Member)  
Mr Ken Derry (Community Member)

**IN ATTENDANCE**

Mr G McDonald (Wyong Shire Council)  
Mr A Pearce (Wyong Shire Council)  
Mr P Sheath (Wyong Shire Council)  
Mr L Sulkowski (Wyong Shire Council)  
Dr Toan Dam (Wyong Shire Council)  
Mr N Kelleher (Office of Environment and Heritage)  
Ms J Maskiewicz (Wyong Shire Council)

**APOLOGIES**

Councillor L Webster (Wyong Shire Council)  
Mr P Buchanan (Office of Environment and Heritage)  
Ms Marlene Pennings (Community Member)

The meeting was declared open by Councillor Troy at 5.09pm.

**1.1 Disclosure of Interest**

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**RESOLVED unanimously on the motion of COUNCILLOR TROY and seconded by COUNCILLOR TAYLOR:**

*That the Committee receive the report on Disclosures of Interest and note that there were no disclosures.*

**1.2 Confirmation of Minutes of Previous Meeting**

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**RESOLVED unanimously on the motion of COUNCILLOR TROY and seconded by COUNCILLOR TAYLOR:**

*That the Committee confirm the amended minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 December 2013.*

**BUSINESS ARISING FROM THE MINUTES**

Minutes amended to include Mr Ken Derry as present at the last committee meeting, 5 December 2013.

**2.1 Floodplain Risk Management**

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**RESOLVED unanimously on the motion of MR BOB DAVIES and seconded by MR KEN DERRY:**

*That the Committee receive and note the Floodplain Risk Management Report.*

**2.2 Report on Lake Management Operations**

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**RESOLVED unanimously on the motion of COUNCILLOR TAYLOR and seconded by MR BOB DAVIES:**

- 1 *That the Committee receive the report on Report on Lake Management Operations.*
- 2 *That the Committee request a preliminary report on the options of dredging Ourimbah Creek mouth within the current dredging budget.*

**2.3 Coastal Zone Management**

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**RESOLVED unanimously on the motion of COUNCILLOR TAYLOR and seconded by MR KEN DERRY:**

*That the Committee receive the report on Coastal Zone Management.*

**2.4 Status Report on Outstanding Actions**

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**RESOLVED** unanimously on the motion of COUNCILLOR TAYLOR and seconded by MR BOB DAVIES:

**That the Committee confirm the Status Report on Outstanding Actions for the Tuggerah Lakes Estuary Coastal & Floodplain Management Committee Meeting.**

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
ACTION LOG**

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
2.2	6 February 2014	Report on Lake Management Operations	Request a preliminary report on the options of dredging Ourimbah Creek mouth within the current dredging budget.	Andrew Pearce, Manager Waterways and Asset Management	
GB36/14	6 February 2014	Budgewoi Sand Mass	Request investigation to see if dredging this area is possible.	Andrew Pearce, Manager Waterways and Asset Management	
GB37/14	6 February 2014	The Entrance Break Wall Study	Request OEHL to advise dates and costings for briefing to Council.	Andrew Pearce, Manager Waterways and Asset Management	
GB38/14	6 February 2014	Lake Inspection	Request for arrangement of a lake inspection in March/April 2014.	Andrew Pearce, Manager Waterways and Asset Management	
GB39/14	6 February 2014	Commercial Fishermen - Prawn Haul Netting	Request for information to be obtained from Lake Illawarra regarding haul netting in their lakes.	Andrew Pearce, Manager Waterways and Asset Management	
GB43/14	6 February 2014	Future Projects	Request presentation at a future Committee meeting on upcoming projects.	Andrew Pearce, Manager Waterways and Asset Management	

**WYONG SHIRE COUNCIL  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE  
COMPLETED SINCE 5 DECEMBER 2013**

Item #	Meeting Date	Report Title	Status/ Notes
GB33/13	7 November 2013	Grant Funding	Andrew Pearce provided update 5 December 2013 Committee meeting.
2.1	5 December 2013	Lake Management Operations	Andrew Pearce provided an update 6 February 2014 Committee meeting.

### 3.0 GENERAL BUSINESS

#### **GB36/14 Budgewoi Sand Mass Councillor Doug Eaton**

*Councillor Doug Eaton requested Staff explore the option of dredging the Budgewoi sand mass to fund work projects. Mr Andrew Pearce advised that the Budgewoi Sand Mass is part of the exclusion zone under the current Fisheries permit. Mr Greg McDonald suggested a letter be sent to the relevant department to investigate if this would be possible.*

#### **GB37/14 The Entrance Break Wall Study Mr Andrew Pearce**

*Mr Andrew Pearce asked Mr Neil Kelleher for an update on the public consultation phase of The Entrance Break Wall study. Neil advised that the Member for The Entrance, Chris Spence is organising a series of public meetings which would commence around March/April 2014. Andrew Pearce questioned whether the Committee/Council would like to tie into a public session or have their own. Neil Kelleher will advise dates and costings for a future briefing to Council.*

#### **GB38/14 Lake Inspection Mr Andrew Pearce**

*Mr Andrew Pearce suggested organising an inspection of the lake for the Committee members and Councillors. Members/Councillors indicated an interest in doing this and Mr Andrew Pearce will commence arranging this tour from April 2014.*

#### **GB39/14 Commercial Fishermen - Prawn Haul Netting Councillor Lloyd Taylor**

*Councillor Lloyd Taylor raised the problems associated with commercial fishermen haul netting prawns and requested an investigation. Mr Andrew Pearce advised that a letter had been sent to NSW Fisheries with no response to date. Andrew stated that a similar situation is occurring in Lake Illawarra and they are attempting to ban haul netting in their lake. Andrew will make contact and obtain information from Lake Illawarra Council and report back to the Committee.*

**GB40/14 Fish Ladder**  
**Councillor Adam Troy**

*Councillor Adam Troy advised that he has noticed a lot of sea birds at the fish ladder. Greg McDonald advised that he was aware this was a possibility and has numerous staff monitoring the site.*

**GB41/14 The Entrance Bridge Sea Wall**  
**Mr Andrew Pearce**

*Mr Andrew Pearce advised a project is about to commence to repair the sea wall at the western end of The Entrance bridge, reinstating and attaching some panels, incorporating a wider footpath on top with potentially some fishing rod holders. The project is set to commence March 2014.*

**GB42/14 Soldiers Beach Restoration**  
**Mr Luke Sulkowski**

*Mr Luke Sulkowski advised of the opportunities regarding upgrading areas at either side of Soldiers Beach Surf Club. He advised there has been a lot of erosion in the area and restoration is required. Luke also suggested enhancing the recreational infrastructure, including a walkway leading from the Surf Club towards the kiosk/headland carpark area.*

*Neil Kelleher advised that being able to tie this project into the Coastal Zone Management Plan and the Estuary Management Plan would help a grant funding application for this type of project.*

**GB43/14 Future Projects**  
**Mr Andrew Pearce**

*Mr Andrew Pearce advised that at a future Committee meeting he will provide a presentation of upcoming projects such as regrading of the foreshore at Canton Beach, Long Jetty storm water treatment zones, black ooze investigation and opportunities for dredging etc*

**THE MEETING** terminated at 7.01pm.

These Minutes were confirmed at the meeting held on Thursday, 6 March, 2014, at which meeting the signature hereunder was subscribed.

## **4.5 Consultation on Community Precinct Forum Framework**

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TRIM REFERENCE: F2004/06474 - D05586962

MANAGER: Sue Ledingham, Manager

AUTHOR: Colby Crane; Coordinator

### **SUMMARY**

This report has been presented to provide feedback to Council regarding the proposed Community Precinct Forum Framework consultation and suggest ways forward in the future regarding their implementation.

### **RECOMMENDATION**

- 1 That Council commence Community Ward Forums in the first quarter of 2014 while transitioning Community Precinct Committee members to new or existing local network groups.**
- 2 That Council conduct an internal review in 12 months to recommend ways forward for Community Ward Forums.**

### **BACKGROUND**

Since 2011 Council has developed and adopted a new way of engaging with the community, The Engagement Framework provides the policy direction, strategy and supporting plans and resources to ensure that there is a consistent approach to engaging and communicating with the people that live, learn, do business and visit the Wyong Shire. The Framework provides an engagement structure that focuses on creating a better, more consistent and useful engagement approach throughout Council to ensure our stakeholders are informed, represented and engaged.

It provides a clear direction for how Council engages with the community and has developed tools for staff to better engage with the community. Council wants to obtain a diverse range of views and opinions from the broader community to support its decision making.

Council considers engagement to be an essential part of its day to day operations and actively seeks and encourages input and comments from the community. In an effort to have access to their Councillors and staff here at Council, part of this engagement practice involves the face to face activity that the community finds valuable.

Council recognises that many in the community have no interest in Council business until such time it directly impacts them and it is therefore a challenge to have truly representative engagement from all of our residents.

This has resulted in Council making a concerted effort to develop a range of strategies that support the increased technological focus and access of our community, to support our residents who travel up and down the freeway, have families and little time and has continued to provide as many different ways that can occur through various engagement strategies, including:

- Resident ePanel
- Consultation Hub
- Council meetings
- Committees of Council
- Advisory committees, networks and interagencies
- Ratepayers Associations, Progress Associations, S355 Committees and Precinct Committees
- Website
- Email
- Facebook
- Twitter
- Surveys
- Project workshops / forums
- Face to face contact through Customer Contact
- Written communication through letters
- Councillor representation

The diversity of strategies enables Council to provide an avenue for all residents to engage with Council in their preferred format.

Since 2011, engagement has increased in both an internal and external capacity. The Resident ePanel, launched in 2012 now has over 1,070 members and in 2013 the online Consultation Hub conducted over 40 surveys with over 6,000 responses received. Engagement training has been provided and undertaken by staff members to increase skills and knowledge of consultation within the community. Focus of Council has shifted to a customer service approach with reviews and programs in place to create a user friendly environment for both customer and employees. There has been a dramatic shift across Council in regards to community consultation, improving the information and the realisation about how important completing this engagement is to create and maintain trust within the community.

One of the strategies that has been used to engage the community since 1997 is Precinct Committees. The Precinct Committees primary objective is to co-ordinate a local response to issues of concern to the local area and to provide a vehicle for information to freely flow between Council and the community.

As identified in the Community Precinct Committee Guidelines, the scope of the Precinct Committees is as follows:

The Community Precinct Committee performs an advisory role only to Council. The Community Precinct Committee makes recommendations to Council on issues that may affect its area, or the Shire as a whole. Any recommendations made by the Community Precinct Committee will be reflected in any relevant report to Council.



#### 4.5 Consultation on Community Precinct Forum Framework (contd)

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The formal objectives are to:-

- Encourage the involvement of all residents in the decision making processes of Council to enhance the amenity of the area
- Improve communication and trust between Council and its residents
- Improve the quality of Council's decisions and actions and thus strengthen Council's representation of the community
- Provide a vehicle for information to freely flow between Council and the community
- Encourage social interaction within the community to establish participation and pride in local areas.

Secondary objectives are: -

- To be fully representative of residents within its boundaries
- To have office bearers have a working knowledge of Council policy and procedures
- To be able to digest and comment on complex documents
- To be proactive in running community activities.

Wyong Shire Council currently has 13 Community Precinct Committees, 11 of which are active and two are inactive due to lack of interested community members who want to participate or hold official executive member roles. There are some areas across the Shire which do not have any representation by a Precinct Committee.

Currently, Council's Community Precinct Committees are governed by a set of guidelines. Although they are not a formal committee of Council and operate in an advisory capacity, the Executive members are appointed by Council and bound by Council's 355 legislation. Membership for Community Precinct Committees is free and open to all residents and ratepayers.

At the ordinary meeting held on 23 October 2013 Council resolved:

*"1305/13 That Council undertake community consultation on the attached Community Precinct Forums Framework, noting:*

- a) That Council is proposing the change to encourage broader community participation in Council's engagement process and provide a more sustainable and enhanced (strengthened or improved) approach*
- b) That Council intends to commence quarterly Community Precinct Forums in March 2014*
- c) That Council invite representatives from North Sydney (precinct system) and Liverpool Councils (neighbourhood forums) that have successfully transitioned from the precinct committee to their reviewed and updated forums to address the Wyong Community Forum in November.*

*1306/13 That Council receive a report on the results of the community consultation to further develop the Community Precinct Forum Framework in February 2014."*

## 4.5 Consultation on Community Precinct Forum Framework (contd)

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At this meeting Council received a report on a draft Community Precinct Forum Framework. The report outlined recommendations for how a new engagement tool, Community Precinct Forums, would deliver improved engagement results and the future direction of the Community Precinct Committees.

The draft Community Precinct Forum Framework was developed in response to an internal review undertaken in July 2013 on the current management framework for Community Precinct Committees. The review analysed the current effectiveness, strengths and opportunities of the Community Precinct Committees and explored alternatives to enhance engagement across the Wyong Shire community.

A Councillor Briefing was held on 14 August 2013, where a number of opportunities were discussed and identified to increase engagement strategies with the broader community, provide opportunities for the community to meet with Councillors and continue the increased focus on two way engagement.

At this briefing, Councillors considered an alternative approach to the Community Precinct Committees in line with trends identified in the review and has proposed the introduction of Community Precinct Forum model as a new way to engage face to face with the community.

During the review, Council investigated a number of other local councils in New South Wales to benchmark how they currently operated their Community Precinct Committees and/or Community Forums. These councils included North Sydney, Waverley, Manly, Leichhardt and Randwick. Council also reviewed findings from a report on "The Role and Future of Citizen Committees in Australian Local Government" produced by the Australian Centre of Excellence for Local Government, University of Technology, Sydney and engagement models in Canada.

As a result of the internal review, it was recommended that the current Precinct Committee be phased out, with the final date being in June 2014. It is recognised by Council that Precinct Committees have played a large part in assisting Council to engage with the community and have played an important role in facilitating that engagement. As Council has now moved forward with a strong focus on community engagement, now embedded into service planning and project management, it is focusing on more sustainable and relevant forums for our community. To support this approach Council has continued to develop improved access for customers and residents to request a service or raise issues of concern across all aspects of the organisation, rather than needing to go through a Precinct Committee. This will only improve over the next year with our continued focus on our customer service processes and the introduction of new technology through smartphone and web based applications.

The report recommended that Council staff provide assistance to the Precinct Committees and any community members with this transition and assisting them to connect to or create other networking groups if they desire to continue the social interaction that the Precinct Committees have provided to many. These new groups or existing ones will have no direct or legal link back to Council and will receive no annual funding.

In place of the Community Precinct Committees, the report proposed Community Precinct Forums, to be held on a quarterly basis in both A and B Wards, commence in March 2014. The aim of the Forums is to enhance and improve sharing of information, reporting back on projects completed and those planned, and to increase the face to face interaction with a broader cross section of the community. This would enable more of the two way dialogue between ratepayers / residents, Councillors and staff.

The proposed Forums would not eliminate other engagement activities undertaken for individual projects or issues and would not require membership to attend nor require the establishment of an Executive Committee and the associated record keeping that accompanies a formal executive. There is an opportunity with the Forums to make greater use of technology to engage those who cannot physically attend. The Forums are proposed to run for the first 12 months with a review at the end of 2014.

In order to make this transition, the report proposed that feedback would be sought regarding the draft Framework from existing Community Precinct Committee members and the wider community from November 2013 through to the end of January 2014. This included a dedicated session with representatives of the Precinct Committees in November 2013.

The consultation allowed Council to hear from the community what is proposed, to gain some understanding on what the community want to see in these sessions and refine the proposed Community Precinct Forum Framework to address key opportunities identified by the community.

### **CURRENT STATUS**

A consultation plan was developed for the engagement with the broader community. The community consultation period began on 4 November 2013 and ended on 31 January 2014.

The purpose of the engagement plan was to inform, educate and consult with the community regarding the proposed Community Precinct Forums that have been suggested to be implemented by Council. The initial objectives regarding the engagement plan were to provide comprehensive and consistent information regarding the proposed Community Precinct Forum Framework and receive feedback from the community in a timely fashion. It was important that the community be aware of what was being proposed as a new way forward for face to face engagement and be able to provide honest feedback as part of the consultation.

Engagement activities undertaken for this project included:

- Combined Community Precinct Committee Forum – 20 November 2013
- Community Workshop - 26 November 2013
- Online survey – commenced 4 November 2013 to 31 January 2014
- Hard copies of survey available at Libraries and Civic Centre
- Formal submissions by correspondence
- Shopping centre stalls at Bateau Bay Square, Lake Haven Shopping Centre and Tuggerah Westfield
- Website information
- Emails sent to Council's networks and stakeholder groups, and to Council staff
- Attendance at Council events
- Weekly advertisements in the Central Coast Express Advocate
- Weekly information in Shirewide
- Councils e-newsletter, January edition

The community consultation was based on the draft Community Precinct Forum Framework and its possible implementation, including future position of Community Precinct Committees.

## 4.5 Consultation on Community Precinct Forum Framework (contd)

As resolved, Council invited representatives from North Sydney and Liverpool Councils to attend the Combined Community Precinct Committee Forum. Both declined to attend. To ensure information regarding these Councils was still available, information was printed and displayed at the forum for attendees to review, along with information from Manly Council.

There was clearly a strong response from existing Precinct Committee members, with many advising that they were disappointed that Council had not involved them prior to the public exhibition of the draft Framework. As a result significant responses were received from current Precinct members, which accounted for more than 50% of responses in the survey, the forum and community workshop. Even though the written submissions did not provide this data, reviewing the respondents names anecdotally we can say the majority were also active in their Precinct Committees.

### **Feedback Received**

The following feedback was received:

<b>Engagement tool</b>	<b>Responses received</b>
Survey feedback (online and hard copy)	210 online 90 hard copy
Community Precinct Committee Forum	123 attendees
Community Workshop	40 attendees
Formal submissions	48 submissions received

All the feedback received has been documented and is available in the ensuing attachments and considered in the development of this report.

The feedback received did not provide the diversity of respondents, despite Council actively getting out into the community for face to face engagement and utilising the Resident ePanel. The majority of those spoken to at the Forums and at the shopping centres were older residents, with very few being under 40 years of age.

In reviewing the results, the following was evident and was considered in developing this report and the final recommendations to Council:

- Nearly all of the written submissions were received from current Community Precinct Committee members or from organisations on their behalf
- There were no written submissions from community members who currently do not associate with Community Precinct Committees. This could be due to a combination of factors such as apathy from the community, not understanding what a Community Precinct Committee is or what is being proposed with the Forums
- The written submissions included multiple entries from the same people, as did the attendance at the Community Precinct Forum Workshop and the Community Workshop
- The general Community Workshop held saw only 13 attendees out of 40 who were not there to represent a Community Precinct Committee, however many of them are actively involved in Precinct Committees. The remaining 27 people had attended the previous Forum. This could suggest a lack of knowledge and/or interest about Community Precinct Committees, the proposed Community Precinct Forums or interacting with Council generally

## 4.5 Consultation on Community Precinct Forum Framework (contd)

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- The survey was a near half/half respondent base between community members who identified themselves as Community Precinct Committee members and those who don't
- The survey was sent to 1,069 members of the Resident ePanel and only 221 of those members clicked through to the survey link. Even the numbers of those who opened the email with the title 'Have your say on the proposed Community Precinct Forums' was very low in comparison to other surveys and emails distributed through this method. This could suggest that there was not a lot of interest in this particular topic outside community members currently associated with Community Precinct Committees
- It is also an indication of the amount of involvement and attendance by existing Community Precinct Committee members of their commitment to engaging with Council and using the committees as a social outlet.

### *Survey Feedback*

The formal report for the survey is provided in Attachment 4 of this report. This formal report includes both online and hard copy submissions. The hard copy submissions were entered manually.

Of the 300 survey responses received, 52% were from respondents who considered themselves existing Precinct Committee members. The survey included the 'skip logic' action, meaning at question 1, where a respondent identified themselves as a member of a Community Precinct Committee, they were directed to question 2 which were specifically related to Community Precinct Committees, as well as questions 9 – 22. Respondents who answered no to question 1 were directed straight to questions 9 – 22.

A summary of the feedback consisted of:

- An overwhelming response to maintain the Community Precinct Committees. Respondents were excited at the possibility of having both engagement tools available to them. They felt that being able to engage with Council through two different, but relevant ways, would result in an increase in participation and provision of two way information
- Respondents felt disappointed that Council didn't give them an opportunity to be involved in the internal review
- Feedback showed that respondents believed that a greater focus on Community Precinct Committees would benefit the whole community and increase ties with Council
- Concerns that Council undervalued the roles that Precinct Committees play in the community. Respondents felt that the suggested phase out of Community Precinct Committees meant that their contribution, dedication and work undertaken was not valued by Council.

Respondents of the survey provided feedback on ways to improve the Forums which have been included in the revised Framework such as:

- Changing the time to help ensure commuters will be able to attend more easily
- The implementation of a 'Roadshow' component so that items that may have not made it into the agenda are still able to be viewed and understood

#### 4.5 Consultation on Community Precinct Forum Framework (contd)

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- Investigate the opportunity to change the timeframe to daytime and include weekends for some of the Forums
- Increase the section for Questions and Answers from the community
- Increase the ways the Forums are advertised to the community

A brief summary of questions and answers is below:

- When asked in what ways respondents prefer to engage/communicate/consult with Council, there were distinct differences between those who identified themselves as Precinct Committee members and those who did not.
  - 101 respondents who identified themselves as active Precinct Committee members said they prefer to use 355/Precinct Committees to engage with Council
  - Compared to 26 who did not identify themselves as Precinct Committee members wanted social media, the website and Resident ePanel/Consultation Hub were their choice
  - While media coverage and exhibitions/field visit/workshops rated the same between both respondents.
- When asked if respondents would attend the proposed Community Precinct Forums to hear about what is happening at Council,
  - the most respondents who replied 'no' were from the group that identified themselves as active Precinct Committee members
  - while the highest unsure number came from the respondents who did not identify themselves as Precinct Committee members
- Similarly, when asked if the respondents thought that engagement/communication/consultation has improved at Council over the past year,
  - the lowest amounts received the highest score from respondents who identified themselves as active Precinct Committee members
  - while the highest amounts received the highest score from respondents who did not identify themselves as Precinct Committee members
- The question asking where respondents hear about or go to find out about what's happening at Council was mixed according to whether or not the respondent identified themselves as a active Precinct Committee member or not.
  - Media/advertising and friend or family scored roughly the same with all respondents
  - while Precinct Committees and Councillors scored higher with those who identified themselves as active Precinct Committee Members
  - compared to those who identified themselves as non-Precinct Committee members who utilised more digital methods such as Social Media, Resident ePanel and Consultation Hub
- Regarding specific Precinct Committee respondent questions, out of the 157 respondents that identified themselves as active Precinct Committee members, 75 indicated that they attended the meetings every month and 64 stated that they were involved in other community committees

## 4.5 Consultation on Community Precinct Forum Framework (contd)

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- The demographic component of the survey showed that 75% of the respondents were aged 51 years and over, with only 8% of responses received from community members that were 40 and under.

Overall, due to the high number of respondents who are currently associated with Community Precinct Committees and the number of respondents who submitted more than one response through the various methods, the results were skewed towards continuing the current Precinct Committee format.

### *Community Precinct Committee Forum*

The Combined Community Precinct Community Forum was held on 20 November with 123 attendees. This Forum was held in a World Café Style (where attendees are able to sit around a table and share their ideas) with a short introduction at the start and then time allocated to gather the opinions of attendees.

Attendees were asked to provide their thoughts on three different topics:

1. Brainstorming
2. Current Precinct Committees
3. Proposed Forums

The information received from this Forum is provided in Attachment 6. Information received on the evening was collated and sent to all attendees who provided an email address so that they could review what was said by other attendees and submit any other issues or thoughts that may have been missed.

A summary of the feedback received includes:

- Strong feelings about keeping Community Precinct Committees instead of replacing them with a Forum based engagement tool
- Feedback that face to face engagement is important to the community
- Fears about safety for night time forums in strange places
- Concerns about getting to and from Forums
- Concerns about not being able to have a say at Forums
- Feelings that Council is talking 'at' the community rather than 'with'
- Feedback that both forms of engagement would suit the community well
- Feedback that promotion of the Forums and Precinct Committees needs to be improved and available in different forms
- Realisation that not everyone wants online engagement
- Begin to target groups to engage where the gaps are
- Ensure Council staff and Councillors need to be more involved in Precinct Committees

All attendees at this Forum were active Precinct Committee members.

### *Community Workshop*

The Community Workshop was held on 26 November with 40 attendees. This Workshop was held in a World Café Style with a short introduction at the start and then time allocated to gather the opinions of attendees.

## 4.5 Consultation on Community Precinct Forum Framework (contd)

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Attendees were asked to provide their thoughts on the same three topics. The information received from this Workshop is shown in Attachment 7. Attendees were asked to provide an email address so feedback from the night could be sent to make sure that all issues were noted.

A summary of the feedback received includes:

- Feedback that precincts fill a gap between community and Council
- Concerns about difficulty to recruit people to Precincts
- Concerns about how own agendas can overtake the 'greater good'
- Feedback that engagement of hard to reach groups should be intensified
- Feedback that Council needs to get more information out to the community
- Realisation about how important face to face engagement is to the community
- Feedback that both engagement tools would work well for different reasons
- Keen to hear ways in which Council would assist people to develop connections with other networks already in existence or create new ones.

This workshop was different to the Community Precinct Committee Forum in that while some attendees were there to represent Community Precinct Committees again (some attended the previous session as well), some were also representing different community organisations or themselves. As such the Workshop wasn't focused as much on Community Precinct Committees or their debate around their value to the community, but rather the ways that engagement can move forward at Council, what is perceived to work well and suggestions for the proposed Forums.

13 of the 40 attendees identified themselves as community members (however a number of these were also active Precinct Committee members). The majority of the remaining 27 people had attended the first Forum.

### *Formal submissions*

Formal submissions were received either by letter or email to Council regarding the proposed Community Precinct Forum Framework. The submissions (excluding personal details) are provided in Attachment 1.

A summary of the feedback received includes:

- Concerns about how the Forums can be one sided and influenced by a Council agenda
- Feedback that Community Precinct Committees are valued and utilised within the community
- Concern that the review was undertaken internally and didn't include Community Precinct Committees
- Feedback that the two engagement strategies need separate names to distinguish between each other
- Support for the implementation of the Forums and continuance of Community Precinct Committees

As with the survey results, nearly all of the written feedback was received from active Community Precinct Committee members or on their behalf, with some multiple responses from the same people.



### *Shopping Centre / Events feedback:*

Council's engagement team attended three (3) shopping centre stalls at Lake Haven Shopping Centre, Westfield Tuggerah and Bateau Bay Square in January 2014 to conduct face to face dialogue with the community in relation to the proposed Community Precinct Forum framework.

Overall only 26 surveys were taken for completion; most members of the community did not take up the opportunity to fill in the survey through the iPads as they were there primarily to shop. They did however use the opportunity to discuss with staff any issues that were relevant to their particular areas, such as roadworks, trees, garbage collection, the proposed airport and Chinese Cultural Theme Park.

Most of the residents that we engaged were not particularly interested in the Forums or Precinct Committees. However they were grateful and appreciated the opportunity to directly speak to staff about the other matters they raised and to thank staff for making the effort to engage with them at their local shopping centre.

### **THE PROPOSAL**

Based on the results of the consultation and factoring in the considerations outlined above, it is recommended that:

1. Council proceed with the concept of Forums as part of Councils on-going commitment to increasing engagement across the Shire.
2. Precinct Committees transition to become new local network groups or join existing community groups by the end of the financial year.

### *Forums*

Based on feedback received, the proposed Framework has been revised and includes relevant and achievable suggestions from the community to help ensure their success.

It is proposed the Forums will:

- aim to encourage residents to participate in the provision of feedback to Council that will enhance the decision-making on issues of interest to local and wider communities
- gauge community opinion and communicate this to Council (or other levels of government where appropriate)
- recommend that Council take action in response to community discussion and debate
- inform residents of Council matters and decisions
- work in conjunction with other community groups to encourage a wider representation of community opinion
- encourage community participation in Council's engagement processes
- liaise with and promote existing community groups and build networks at a local level
- provide advice and support to facilitate the connection between Council and communities
- be a place for advocates to challenge ideas, champion public debate and lead communities to formulate innovative solutions

Changes that were proposed from the consultation feedback include:

- that the Forums are called 'Community Ward Forums' in an effort to distinguish these from the Community Precinct Committees.
- that Council implement the Forums as part of the continuing improvement of engagement at Council
- that the time be adjusted back slightly to enable more attendees
- that venue choice be based on transport, safety and amenity aspects where possible
- that a 'road show' component be included in the half an hour before the Forums start for projects currently in consultation phase
- that the Forums be less formal and include more time in the questions and answers session

The Community Ward Forums will begin in April 2014 and continue for a year before being reviewed. This will enable up to date and clear information to be presented in line with the quarterly reporting that is required by Council to the community and aligns to Council's strategic planning processes, thereby giving stakeholders opportunities to see and discuss what is proposed. The Forums will be conducted based on Attachment 5 revised Community Ward Forum Framework, with any changes made throughout their implementation as required.

The Ward Forums will be the key face to face engagement process for Council to highlight high level projects, inform the community and provide a conduit for two way, face to face engagement that is often indicated as a preferred consultation method. As outlined in the Framework it is expected that all Councillors attend, as well as members of the Executive Team and staff dependent on the agenda and roadshow items.

Beneficially, the Forums will also offer a tool for project managers to utilise when considering how to engage with the community on upcoming projects. It will enable the collection of a different variety of projects in the 'Roadshow' component in one place where community members can view what is happening and have their say easily and quickly. It is anticipated that the 'Roadshow' component will also help reduce the cost of engagement on similar projects in one area at different times and provide a more coordinated approach for two way information. It will also allow for Council to present matters that are affecting the Shire and have the relevant staff members and Councillors available to provide answers and dispel any concerns or myths in relation to what is happening at Council or in their local area, understanding and awareness as to why and how decisions are made. These Ward Forums will also create more opportunities for face to face engagement within the community. Based on the feedback received, this would be well received.

The implementation of Community Ward Forums will provide a significant workload impact to the Engagement Team and the Corporate Planning team to deliver throughout the year. In addition, the number of staff and Councillors attending will be considerable, however valuable. It is clear that this is a new strategy for Council's engagement program and that it will need to be reviewed to ensure that the intent is being achieved. A continuous review as well as an annual review of the Forums is recommended.

#### *Community Precinct Committees*

Community Precinct Committees have provided a valuable service to the community in the past 15 years. At the time of their conception, Community Precinct Committees were a new and unused tool for engaging with the Wyong Shire. Around this time for many local councils this type of consultation approach was the only avenue for people in their local area to engage with their local Council / Councillors outside of other informal connections.

The networks that have been created through the Community Precinct Committees have proved invaluable tools for increasing the awareness of Council's programs and projects within the community. The dedication, passion and enthusiasm of their members has not gone unnoticed and Council hopes that we are able to encourage more community members with these qualities in the future.

While Community Precinct Committees do provide an established relationship between each other and Council, analysis shows that the attendance numbers fluctuate at meetings, they are not representative of broader community demographics, Councillor attendance at meetings was not regular and a more timely and strategic engagement approach was needed. There is also a large part of the Shire that is not represented by a Community Precinct Committee, for example two are inactive due to no community members willing to take on executive member roles.

In relation to service requests that have been received through Community Precinct Committees in 2012/2013 the most popular sections included Roads and related infrastructure, Laws and Enforcement, Council Properties Management and Parks and Reserves.

While all are important to community members, having a specific link to Council to report these issues (via a Precinct Committee) does not mean that they are actioned more quickly than a reported issue coming through the Customer Contact centre from any other customer.

Similarly to other councils, the Community Precinct Committees have a complex role which involves information exchange, a relationship with Councillors, Council staff and their local community and adherence to governance and administrative requirements. Their role is very dependent on the Executive members and their interest / relationship with Council.

Council contributes \$15,000.00 annually to support the current Precinct Committees, in addition to staff resources, advertising costs (website, Shirewide etc). Whilst Council provides the funding, resources and organisational support to enable each Precinct Committee to function properly, it has no role in determining the agenda, priorities or issues of discussion nor does Council manage or control any correspondence, including any website or other social media they have developed.

Community Precinct Committees also act as a conduit for others to engage with the community in their localities such as local Members of Parliament, State agencies such as the Police, State Emergency Services and other community networks.

Engagement in local government, in particular here at Wyong Shire Council, has evolved dramatically over the last five years, in the many ways for both the community and Council to engage with each other. Now is the time where we need to build on these vast improvements and continue to offer a more thorough and forward thinking approach to how we engage with our customers, many of which are commuters, families and young people and are time poor.

From a business perspective, the current Community Precinct Committee system does not provide best value for money or the opportunity to reach a broader audience on issues that impact or are an area of interest to the community due to the very nature of their structure. While there is obvious evidence of a dedicated and passionate volunteer base that currently manages and utilises the Community Precinct Committees and through anecdotal feedback, they have the capacity to connect with their local area. There is an overwhelming gap in those interested in attending the monthly meetings and those who opt in when they have a specific issue.

There is a very large part of the community who do not get involved through their Precinct Committees or utilise them as a way of engaging with Council about their local area. It is these community members that Council needs to ensure it reaches out to just as much as community members who actively 'opt in'.

There is however a large number of community networks and organisations that people within the community are also passionately involved in or volunteer for, for example neighbourhood centres, ratepayers associations, progress associations, volunteer groups like Landcare etc. It should be noted that these community networks and organisations also interact and engage with Council in different ways. They do this outside of the Community Precinct Committee structure. These networks and organisations do so without Council funded support and have access to the same engagement processes and customer service processes as everyone else in the community.

Therefore, it is recommended that this option, transitioning from Council Precinct Committees to new or existing local network groups and the commencement of the Forums is the most advantageous to provide a more equitable approach to resourcing engagement with community networks and groups and engage a broader cross section of the community.

## OPTIONS

### **Option 1 – Council introduce Community Ward Forums as a complement to a revamped Community Precinct Committee system.**

This option combines two methods of engagement that the community has indicated, through the recent consultation, it would embrace. It allows for a renewed focus of Community Precinct Committees and creates a whole Shire approach to information sharing and communication. Providing two different and distinct methods of engagement will allow for a variety of attendees and items for discussion to be put forward by community members.

If this option progresses, a number of initiatives to revise Community Precinct Committees in an endeavour to increase attendance, diversity and reputation in the community have been suggested to implement. By promoting Community Precinct Committees as the useful and important two way conduits to Council, increased involvement should be achieved by describing what they do, how they do it and how to be involved as well as the demographics that we are currently seeing should improve. This option aims to ensure that Community Precinct Committees provide more relevant and essential role to Council, particularly in regards to engagement and representative views of the broader community.

If Precincts were to continue, a very different model should be introduced, including:

- Each Committee becomes a formal Committee of Council by July 2014 and adopt appropriate Terms of Reference

- Training to ensure the revised guidelines are understood and adhered to by members, in particular the Executive Members who take on the official roles for each Community Precinct Committees
- Regular internal audits of the Community Precinct Committee system to ensure compliance
- Development of revised guidelines for Community Precinct Committees and the creation of a document tool kit to ensure consistency across all committees
- Combine a number of Precinct Committees to engage with the community, better allocate resources and support the Forum framework
- The agenda would be developed in consultation with Council and the Committee
- Committees would be required to report to Council
- Committees would not be permitted to develop their own individual website or social media account branded as a separate entity of Council
- Committee would have indicators, particularly for diversity of attendance to ensure engagement is representative and effective.

The Community Ward Forums and Community Precinct Committees place emphasis on the consult, involve and collaborate sections of Councils Engagement spectrum while ensuring the inform and educate requirements are always covered. It is anticipated that both engagement tools will enable more opportunities for Councillors and staff to attend increasing face to face interactions within the community.

However, while the results of the recent consultation indicated that there would be acceptance of both methods of engagement, it must be noted that a majority of respondents were also active members of Community Precinct Committees. This shows the commitment, dedication and participation levels of these members within the community.

This option is not recommended, as the survey results indicated that existing Precinct Committee members wanted autonomy from Council. Enabling them to focus on their local issues, not be dictated to by Council and Council processes, as well as providing flexibility in the range of guest speakers and agenda items.

#### **Option 2 – Introduce Community Ward Forums while transitioning Community Precinct Committee members to new or existing local network groups.**

This option has not proven popular with the majority of the feedback received from the community from this consultation, however it must be noted that the majority of the respondents were Community Precinct Committee members.

The original recommendation in the report to Council included the opportunity for Council to provide other ways for interested community members to connect to other community groups by offering some support (not financial or direct) to transition out of Community Precinct Committees and into local network groups run by the community themselves that are either newly based or existing. This option is recommended to manage the reputational risk for Council, particularly around sending consistent and factual messages to the community. It will also enhance the flexibility and openness of these groups in their local community and would continue to be a social avenue for many in the community who use them for that purpose.

This option is proposed due to the current limitations of Community Precinct Committees accessing a diverse range of community members and limited attendance. While there is a small, dedicated volunteer base connected with Community Precinct Committees, the survey has shown that many of these volunteers are involved in other organisations in and around Wyong Shire that Council already engages with that do not rely on Council resources, funding or support to operate. It also provides a more equitable approach to engaging with Council and enables all local groups to have the same access to information, Councillors and staff. For this to work, a few strategies will also need to be developed to assist in this process, including:

- Create a database of local networks to improve communication
- Connect local network groups with existing community organisations / groups to assist in the transition
- Each local network / group receives a newsletter from Council on key activities and issues
- Training for these local network / groups on using the customer request system
- Assist groups in developing skills in engaging the community

In addition, there are other ways to engage the community that are more robust and deliver a more connected approach across the organisation that can be utilised by Councillors and staff. Currently staff and Councillors follow the EngageMe Framework which was designed for both internal and external engagement and is a fundamental component of all project and service planning.

The current model of Community Precinct Committees requires revised guidelines to be implemented and a more stringent approach on what issues are Council related at the very least. To continue with the Community Precinct Committees as is, without changes, would be irresponsible on behalf of Council and our continuous improvement and best value approach. Redirecting current internal resources to better teach staff how to engage with the diverse community and provide support for more engagement with all community networks and groups would better help improve trust within the community.

It is recommended that Option 2 is implemented for a continuing growth of engagement within the community and the best practice and value component of consultation.

## STRATEGIC LINKS

### Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Principal Activity 1 – Community & Education	Community Engagement	To increase the opportunity of face to face engagement across the Shire and with a diverse range of community members	Through existing budget allocations	Increase in engagement by min. 10%

**Contribution of Proposal to the Principal Activity**

Increase in engagement across the Shire.

**Long Term Financial Strategy**

The proposal is aligned to the Long Term Financial Strategy. It aligns by providing a platform for any changes to the long-term financial model outlined in the Community Strategic Plan 2030 to be presented and consulted on by the community. Both the Forum and Community Precinct Committees allow for information regarding Councils capital and operational expenditure to be transparent, scrutinised and understood by the community.

**Asset Management Strategy**

The proposal is aligned to the Asset Management Strategy. It aligns by ensuring that there are engagement tools available where aspects of the Asset Management Strategy can be provided for community consultation and provide feedback to the community regarding the level of service provided by assets compared against the expectations of the community. These engagement tools help to identify any gaps between the community expectation and the current level of service.

**Workforce Management Strategy**

The proposal is aligned to the Workforce Management Strategy. It aligns with the Workforce Management Strategy by providing opportunities for staff members to practice effectively delivering quality consultation skills to the community.

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

The proposal is linked to the following sections of the Community Strategic Plan (2030):

- Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighborhood
- There will be a sense of community ownership of the natural and built environments through direct public involvement with programs and services

**Budget Impact**

Funding for the Community Ward Forums will be absorbed through the current Customer Engagement budget for 2013/2014. Budget allocations have been made in the 2014/2015 to continue the implementation and evaluation of the Community Ward Forums. It is anticipated that the implementation of the Community Ward Forums will attract a budget of approximately \$20,000.00 for the 2014/2015 financial year.

Total budget impact would be approximately \$4,000.00 for the 2013/2014 financial year and \$20,000.00 for the 2014/2015 financial year.

**CONSULTATION**

A consultation plan was developed for the engagement with the broader community. The community consultation period began on 4 November 2013 and ended on 31 January 2014.

The purpose of the engagement plan was to inform, educate and consult with the community regarding the proposed Community Precinct Forums that have been suggested to implement by Council. The initial objectives regarding the engagement plan were to provide comprehensive and consistent information regarding the proposed Community Precinct Forum Framework and receive feedback from the community in a timely fashion. It was important that the community be aware of what was being proposed as a new way forward for face to face engagement and be able to provide honest feedback as part of the consultation.

Engagement activities were outlined in the Background Section of this report.

## **GOVERNANCE AND POLICY IMPLICATIONS**

This proposal complements and supports Council's Engagement Policy and moves towards the other levels of the spectrum that encourage face to face dialogue with the community. It includes the Engagement Principles of Listen, Understand, Respect, Respond and Learn and brings the engagement strategies out of the inform and educate level to the consult, involve, collaborate and empower sections.

## **MATERIAL RISKS AND ISSUES**

Nil material risks and issues identified.

## **CONCLUSION**

Council values community engagement at the local level and the important role it plays to provide input for Council decision making. What has been evident in the feedback from this latest and previous community consultation is that two way engagement is one of the more popular and more effective ways for Council to engage with the community. This includes face to face engagement (such as shopping centre stalls, pop up displays, meetings / forums and street walks), online (social media, surveys, Resident ePanel) and the Consultation Hub to inform and educate strategies to assist in helping the community to understand and trust what is being communicated to them via Council's various channels.

While the implementation of Community Ward Forums will require an additional budget for future years, it is believed that this cost will be minimal in relation to the increased amount of community engagement that will be undertaken. Much of what we learnt through the Special Rate Variation process was that many people in the community lack understanding and awareness of what Council delivers, how decisions are made and planning for services and initiatives. The value add of having an additional, reliable and consistent engagement tool available for both employees and the community to utilise is expected to increase this understanding, improve Council's reputation in relation to trust and transparency and provide a valuable tool for engagement. It is also hoped to improve the approach Council takes when engaging on projects that are of similar nature, in the same area or Shire wide.



## 4.5 Consultation on Community Precinct Forum Framework (contd)

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The Forums will allow for a combined approach for all sectors of Council to take advantage of the community being interested and in one place at the same time saving Council resources (including funds) and aligning to strategic planning processes ensuring we are on the right path for the future. Providing a two way engagement tool that allows for transparent and up to date information to improve the community's knowledge of Council systems and projects, aids to assist the way Council is perceived.

Although the survey results indicate that there was a real sense of commitment to Precinct Committees and volunteering for their local area, it was clear from the results received that nearly all the feedback came from those that identified themselves as active Community Precinct members, a number of people had their say a number of times.

The recommendations in the report allows Council to continue to engage with these active community members through an alternative forum, not requiring the resources currently provided and delivers a more equitable approach to engagement. It allows all organisations / networks / groups and individuals to have the same access to Council. It is recognised that this will require some initial investment to enable a smooth transition.

Engagement at Council is continuously improving and new methods are being implemented to increase interaction with the community. Moving forward, Council plans to increase our online presence and grass roots engagement within the community, revisit and refine the current guidelines and tools to make it easier for all employees across the business to use and to ensure that engagement becomes an organisational focus for Council.

Engagement is a long process of continuous improvement and requires an understanding of the importance and process from all staff, which takes time. There is also a strategy to improve engagement with the hard to reach stakeholder groups in our community, such as those that may have barriers with traditional methods of engagement, the high proportion of residents who commute and are time poor, and our culturally and linguistically diverse community members. It is important that Council constantly identify new ways to try and include these members in our community in our engagement strategies.

### ATTACHMENTS

1	Attachment A - Proposed Community Precinct Forum Framework written submissions	Enclosure	D05587168
2	Attachment B_Local Government Precinct Committees and ESD Based Urban Planning Paper_Ray Rauscher		D05587169
3	Attachment C - 2013.11.19 Minutes of Precinct General Meeting 2(Draft)		D05587171
4	Attachment D - Proposed Precinct Forum Survey report	Enclosure	D05587219
5	Attachment E - Ward Forum Framework_Final		D05587220
6	Attachment F - Notes from Combined Community Precinct Forum		D05587222
7	Attachment G - Workshop Comments 26 Nov		D05587225

## Local Government Precinct Committees and Ecologically Sustainable Development (ESD) Based Urban Planning

Ray Rauscher<sup>a</sup>

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### Abstract

This paper outlines the author's research to date on incorporating ecologically sustainable development (ESD) based urban planning within the aims of Local Government Precinct Committees. The paper explores the history of Precinct Committees, particularly the role of place management as a foundation for precinct committees. The structure and operation of Precinct Committees within the Greater Metropolitan Region (GMR) of Sydney/Central Coast/Lower Hunter/Illawarra in the State of New South Wales (NSW) is examined. Planning tools such as NSW New Planning System and Agenda 21 (UN 1993) are examined for their relevance to ESD based planning at the precinct level. The Lakes Precinct (Wyong Shire) is taken as a case study of a precinct in an urbanising area within a growth centre region (Central Coast).

### Introduction

Local Government Authorities (LGAs) and State governments are faced with prospects of adopting governance procedures to incorporate Ecologically Sustainable Development (ESD) within their urban planning. There is thus an opportunity for community precinct committees (PCs) to play a role in this ESD challenge.

This paper looks at PCs within the Greater Metropolitan Region of Sydney/Central Coast/Lower Hunter/Illawarra. Wyong Shire is chosen as a case study area because of its population growth and Wyong Council's trialling PCs from 1995 onwards. The paper examines:

- Theory of Place Management
- Precinct Committees and ESD Based Urban Planning
- Lakes Precinct Committee Case Study

### Theory of Place Management

PCs have developed from a discipline of place management. Place management is a community development process that places reliance on the community to solve local problems and promote healthy communities. A number of New South Wales (NSW) LGAs and the State government have applied place management to resolve social, economic and environmental questions. Place management as a community development and planning tool has been gaining in application over the last twenty years in Australia and overseas. David Crofts stresses the importance of understanding the operational parameters of place management (Crofts 1998)<sup>1</sup>. Finally, the publication *Unequal in Life*, (Jesus 1999)<sup>2</sup> highlights the need for increased place management programs. The report highlighted the needs for place management in disadvantaged parts of Australian inner and outer city areas.

There are a range of place management applications across the Greater Metropolitan Region and Regional NSW. The major categories of place management and examples in practice can be

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<sup>1</sup> "Place management incorporates the principles of sustainable communities as globally defined under United Nations Agenda 21. Place management aims to encompass the input of all groups and works within an integrated planning framework under charters and memorandums of understanding. Finally, place management can be defined as a holistic outlook, outcome directed and dependent on local ownership." (Crofts 1998)

<sup>2</sup> The Jesuits argue that the resources required to meet disparities between localities have been inadequate to date and that place management is an important tool for addressing these needs. The study highlighted social need by postcode districts in Victoria and NSW. Many inner city areas of Sydney and Newcastle registered as high need areas under the Study.

summarised under the headings: Community Renewal; Community Intervention; New Release Area Community Development Programs; Main Street and Town Centre Renewal; Public Housing Estate Renewal; and, LGA Strategic Plans. Each of these is now examined in more detail.

The NSW Community Renewal program has been operating in a number of LGAs under the Premiers Department since 1995. The State government launched a 3 year (\$7m. budget) community renewal program in Redfern/Waterloo in 2002 (called the Redfern/Waterloo Partnership) (RWP). The RWP program (continues in 2006) provides programs in social welfare and community development. The physical planning program of RWP was transferred to and expanded under the Redfern/Waterloo Authority in 2004. The Authority program includes: master planning of areas such as Redfern CBD; the redevelopment of the Redfern Aboriginal Housing Corporation's land in Eveleigh/Caroline Streets; and, strategic planning of Redfern/Eveleigh/Darlington (RED).

Besides the RWP program, the State had earlier proposed in 1999 a community renewal program in selected Newcastle and Lake Macquarie City disadvantaged areas. The program as applied in the Hunter is called *Hunter Community Renewal Scheme* (Premiers Department 1999). The scheme utilises place management within suburban areas with high public housing content such as Windale and Booragul. On initiating this program the State government stated the program would be extended to Newcastle City inner city areas of Islington, Tighes Hill, Wickham, Carrington and Hamilton South. Some of the challenges of these latter areas stem from: inner city area high transient population; land use redevelopment to higher densities forcing relocation of residents; and, relocation of employment out of the inner city.

In addition to community renewal, LGAs and the State government have initiated a number of community intervention programs. An early example of community intervention was the City of Sydney City's<sup>3</sup> Kings Cross program. In this instance a place manager was employed to address strategic issues facing Kings Cross. The place management programs included a 'whole of agency' delivery of services and coordination/consultation on community issues. Outcomes of that program were the creation of a safety coordination program, reclaiming of unsafe streets and expansion of the harm minimisation drug prevention program.

The third avenue of place management is new release area community development programs. Many Sydney outer suburbs contain greenfield new release areas within growth LGAs such as: Penrith, Liverpool, Baulkham Hills, Blacktown, Wyong, Lake Macquarie and Newcastle and Wollongong. Many of these release areas have experienced high social, economic and infrastructure needs. The Jesuit study, cited earlier, illustrates the urban disparities that exist in many of these Greater Metropolitan Region centres. In some instances new release area place management programs have been instigated in addressing these needs.

In contrast to release area place management programs there are main street and town centre renewal programs. These programs include: main street revival; town centre strategies; and, area improvement programs. The NSW government's Main Street Program (Department of State and Regional Development) (DSRD) assists downtown businesses to improve services, strengthen local economies, and improve community spirit and locality image. Some of the Main Street programs utilising place management techniques within the Central Coast/Newcastle area include: Wyong, Gosford, Toukley, Ettalong, Woy Woy, Wallsend, Hamilton, New Lambton and Mayfield, Newcastle West, Newcastle East and Newcastle Darby St. Finally, advancing Main Street and town centre programs requires the adoption of planning strategies. Examples of these include: the *Wyong Town Centre Strategy* (Wyong 2000)<sup>4</sup>, *Woy Woy Vision Plan* (WWVP 2002)<sup>5</sup>, and, *Gosford City Downtown Strategy* (GCC 2005). Finally, the State initiated the Area Improvement Program<sup>6</sup> in 1998 to assist CBDs and town centres to plan strategically.

<sup>3</sup> Before 8<sup>th</sup> May 2003 the area was under the City of South Sydney (amalgamated on that date into the City of Sydney).

<sup>4</sup> The Strategy contains approaches for upgrading Wyong Town. The Wyong/Tuggerah Chamber of Commerce submitted to Wyong Council the Chamber's Wyong District Strategic Plan (WCC 1996) and Wyong/Tuggerah District Strategic Plan Update (WCC 2000).

<sup>5</sup> The plan is a blueprint for future strategic development of the Woy Woy CBD and Woy Woy Peninsula in general.

<sup>6</sup> An example of an area improvement program is the Strathfield/Burwood/Ashfield redevelopment program where three LGAs are developing improvement programs.

In addition to the above programs, the State government has also established place management programs within public housing estates in the GMR and Regional NSW. One of these programs at Claymore in the Campbelltown District has been running for several years (1998-present). The program has established community gardens, improved social services and expanded recreation opportunities. Recent programs from 2003 have embraced whole scale renewal such as in several South West Sydney suburbs and regional centres such as Dubbo. The relocation of residents and the building of new housing areas have created challenges for the State.

In all of the above place management examples it has been imperative that local councils formulate the basis of programs through strategic plans. One strategic planning model is contained in the *Parramatta City Outcomes Program (PCC 2000)*. That program is detailed in the *Parramatta Regional Environment Plan (PREP) (PCC 2000)*, a blue print for place management to 2021. This plan contains action plans in partnership between the City and the State (i.e. projects nominated to receive State/Commonwealth funding). The Parramatta City's goal is "Parramatta will be a vibrant, cosmopolitan and sustainable city" (PCC 2000). The council states that its place management approach will seek to build communities and community capital, including through citizen based participatory planning and design." (Parramatta CC 2000). Finally, key statements of Parramatta Council reflecting place management within the Council's strategic planning include: neighbourhood place management<sup>7</sup>; urban sprawl<sup>8</sup>; community capital<sup>9</sup>; outcomes group<sup>10</sup>; and accountability<sup>11</sup>.

### Precinct Committees and ESD Based Urban Planning

It was apparent in the NSW State elections in March 2003 that environmental and urban development issues dominated the debate. Given lessons learned from the 1990s and early 2000s one of the challenges now facing LGAs and the State government is how to further engage residents in applying ESD based urban planning. To start with, the State government has embarked on reforming its planning approach through the creation of new planning and environmental legislation and establishing Basix (water/energy/climate impact reduction programs). Many LGAs in NSW have responded through establishing ESD based urban planning procedures. A sample of several LGA's recent experiences in this area is detailed below.

Port Stephens Council (PSC) adopted the PC system in the early '90s after lengthy community consultation. There are over a dozen PCs and all come under the document 'Precinct Committees – A General Guide' (PSC 1990)<sup>12</sup>. The council also established a Sustainable Planning Department in the late 1990s to expand the application of ESD based urban planning. Contrasting with Penrith, from the 1980's Liverpool Council serviced up to 19 PCs through a Precinct System Manager. In 1997 the PC system evolved into a Neighbourhood Forum System<sup>13</sup>. In early 1998 Fairfield City Council (FCC) decided to review its overall strategies and soon afterwards "introduced an innovative place

<sup>7</sup> "Neighbourhood Place Management shall seek to engender community spirit and create communities that have safe and equal access to health, affordable housing, employment opportunities, artistic and cultural expression, recreation, leisure and other services." (PCC 2004).

<sup>8</sup> "We want to push back the spread of placeless sprawl, environmental deterioration and the erosion of society's built heritage as one interrelated community-building challenge." (Ref. *Parramatta City Council Application for Special Variation to General Income*) (PCC, 2000).

<sup>9</sup> "Our place management approach will seek to build communities and community capital, including through citizen based participatory planning and design." (PCC 2000)

<sup>10</sup> "The Outcomes Group is to ensure Council's activities focus on and deliver the council's strategic outcomes." (PCC 2000).

<sup>11</sup> "Parramatta's place managers will be accountable to assessing the needs of places or systems and ensuring that long term solutions are found for problems that arise." (PCC 2000).

<sup>12</sup> "Council is certain that this open system of democracy will provide a means of drawing both residents and Council together. It allows people to feel they have a more direct influence within their Council. The objective is to enable every resident access to input into the decision making process." (PSC 1990)

<sup>13</sup> The Council concluded "it was difficult to effectively resource and support the PCs" (*Neighbourhood Services Manager, LCC 21/5/01*). There are currently four Neighbourhood Forums in place at Liverpool under the 'Neighbourhood System'. The Forums get administrative support from Neighbourhood Managers responsible for districts.

management model that recognises the unique character of place and systems within the City” (*Role of Local Government in Places Report* (FCC '98)<sup>14</sup>). The model was supported by a new organisational structure.

After the 1980 LG elections North Sydney Council (NSC) adopted a series of policies including a formal public involvement program known as the Precincts System. This eventually made the Council “possibly the most advanced model of open government that exists in Australia” (Mayoral Minute No.133, 2/10/87). A report on Council’s precinct system is contained in *Public Participation and Direct Democracy in North Sydney Municipality* (NSC 1990)<sup>15</sup>.

There are two additional councils that embraced PCs in the 1980s. Waverly Council commenced the Precincts system in 1988. A Community Precincts Liaison Officer and Administrative Staff serviced the PCs. Council noted in 1992 that the council was committed to resident participation in decision making (SMH 3/1992 advert for PCs Liaison Officer). Gosford Council also initiated a precinct system commencing in the 1980s, including the provision of a Community Liaison Officer. Council retracted its PCs program in the mid-1990s. A reflection, however, on the importance of PCs is contained in Council’s strategic plan program, which commenced in the year 2000. This program was designed to encourage formal citizen input into the planning system (ref. *Gosford Strategic Plan 2001-2006*, GCC 2002). Another Gosford Council planning tool as introduced in 2001 is called Character Plans and involves Council looking more closely at communities’ physical structures and environmental surrounds. These character plans illustrate to residents the natural assets that their localities possess and how these assets can be preserved or measured against development options.

With an understanding of PCs and other community participation programs many councils and the State government are now investigating the means of incorporating ESD based local area planning. A number of community associations and local chambers of commerce working with local councils have put together local area strategic plans. At the State level, the Draft Plan First (Planning NSW 2002) was a State initiative that was proposed to provide the means under Part 3 of the NSW EPA Act to improve coordinated planning at State, regional and LGA levels. The Plan First program was to give LGAs greater incentive to adopt ESD based local area plans. Taking up this challenge, Lake Macquarie City Council adopted several local plans under its LEP 2003 and *Lake Macquarie City 2020 Strategy Plan* (LMCC 2003). Finally, the State in 2003 reviewed a number of planning policies, including Plan First which was never fully implemented. By 2005 the State issued guidelines requiring all councils to produce new LGA wide LEPs over a 3-5 year period.

### Lakes Precinct Committee Case Study

Wyong Shire, 100 km north of Sydney, is within the growth areas of the Central Coast. The shire population increased from 35,000 in 1978 to 143, 393 in June 2005 (ABS). There is a diverse

<sup>14</sup> Council created a new ‘City Outcomes Department’ containing place management staff with priority setting and service specification responsibility. The 1998 Report emphasised that place management can be designated in geographic terms, system terms or in relation to shared issues or opportunities. In FCC a range of place management programs is being used as outlined in the FCC '99 Report as follows: main street program at Cabramatta and Fairfield Downtowns have clear geographic boundaries, targeted issues and budgets; and, Cabramatta place management is a joint project between Council and Premiers Dept. FCC area is divided into five places along the lines of suburbs or common issues. ‘Places’ include a new release area, an industrial estate and an open space system. The Place Manager provides a single point of contact within Council for opportunities or issues about the place. The final FCC place management policy is the creation of the positions of Suburb Support Officers (SSOs). Each staff member within the City Outcomes Dept. has adopted a suburb. The staff member visits ‘his/her suburb’ and collects information about its appearance in strategic planning terms and nominates works believed important. SSOs work closely with the place manager accountable for that area. The 1998 Report concluded that constant reflection on the results of place management allows Council to fine tune the models and adjust the systems. These are designed to focus on outcomes, results, and accountability.

<sup>15</sup> Council received the Local Government Bluet Award the next year based among other things on the creation of the Precinct System. By 1977 various Aldermen saw the precinct system in competition with their own roles and objected to the way some Precincts demanded more than an advisory role. This led to the disbanding of the PCs. After a survey of public meetings however in 1980 Council reinstated the precinct system with a network of 25 PCs. Council employed two staff, a Precincts Coordination and an Admin Assistant to resource the precinct system.

collection of land uses ranging from the rural Wyong Valleys to the tourist dominated Entrance Peninsula. There are over 30 suburbs and over 100 localities within those localities in Wyong Shire. The character of these localities varies significantly in physical and social profiles. Over half the localities in Wyong Shire did not exist 25 years ago, reflecting the rapid growth. Issues of community health, land use planning, job creation and conservation within localities are of increasing concern to residents, Wyong Council and State authorities. Council's concern culminated calling a Population, Infrastructure and Services Summit (held October 2006).

The subject of PCs in Wyong started in 1990 when a North Sydney PC representative addressed the Wyong community on the history of the precinct system in North Sydney. Nine Wyong Shire local civic group delegates addressed Council about the value of PCs in late May 1991, including: San Remo, Wyong, Warnervale, Dooralong, Budgewoi, Mannering Park, Lake Munmorah, Norah head and Bateau Bay (Wyong Advocate 6/6/91). It was this presentation to Council that led to further discussions and eventually to the adoption of the precinct system by Council.

Over the next 4 years various considerations for a precinct system were discussed before Wyong Council. Finally, in 1995 that Council resolved to establish a precinct system. The present PCs include: Lakes, Ourimbah, Wattanobbi/Warnervale, The Entrance, Lake Munmorah/Chain Valley Bay, Bateau Bay/Killarney Vale, Wallarah North, and Gwandalan/Summerland Point. The Lakes PC over its 11 year history has been trying to embrace ESD based urban planning principles based on Agenda 21. The Lakes PC has been involved in making submissions under ESD principles on a number of development and local government management plans. We now examine a sample of these plans, including: Cadonia Road, Tuggerawong aged retirement units; Kooindah, Wyong, tourist resort/residential complex; residential high rise, Mardi; Pollack Av., SEPP 5; and, Wyong Council Management Plans.

The Cadonia Rd., Tuggerawong, aged retirement units involved a development proposal for an aged retirement unit complex. The proposed site appeared to be flood liable and part of a primary drainage system. The applicant for the project responded to the refusal by Council by appealing to the NSW Land and Environment Court. The Lakes PC appeared in Court after having made a substantial submission based on ESD principles and supporting the Council refusal. The appeal was lost and Council's actions upheld.

A second example of Lakes PC actions involved the Kooindah Tourist Resort proposal, a major tourist complex and residential development (200+ homes) on a sensitive site in proximity to wetlands, flood plains and the Wyong River. The Lakes PC was involved in public information meetings and conducted research on key ESD environment issues (i.e. acid sulphate soils and drainage). Many of the Lakes PC recommendations within a submission to Council were eventually incorporated within Council's conditions of approval.

A proposal for residential high rise (9 and 11 stories) rezoning at Mardi (part of the Tuggerah District Centre) required the Lakes PC to comment (given regional significance). The PC conducted site meetings and applied ESD criteria to the proposal. The PC then submitted a report on the development proposal stating the density of development was counter to ESD principles (i.e. scale, visual, bulk, social, landscape, ridgeline, etc.). Council, by late 2006, was still considering the proposed re-zoning.

Developers had the ability in the 1990s and early 2000s to create aged unit complexes on parcels of land not suitable for that purpose using the State Environmental Planning Policy 5. The policy in its implementation raised substantial questions about ESD principles being overridden. The Lakes PC studied one such SEPP proposal to rezone a site in Pollock Av, Wyong under SEPP 5. In applying ESD principles the precinct committee was able to illustrate any rezoning for aged care at that location was inappropriate. The proposal was not approved and by 2004 the State scrapped SEPP 5, in favour of a more comprehensive Seniors Living Policy.

Finally, the Lakes PC attends each annual public briefing on the Wyong Shire Management Plan and prepares a submission based on ESD practices. While to date the Wyong Council Management Plans contain few references to ESD principles, there have been increasing references to ESD within each Management Plan. Lakes PC, however, continues to submit to Council ways of adopting wider ESD based urban planning approaches in its Management Plan decision process.

## Conclusions

Some conclusions that can be reached from the above research. Firstly, Councils need to understand the theory of place management, precinct committees and ESD based urban planning as tools for better planning. Secondly, the role of PCs in ESD based urban planning needs to be understood by Councils and the State government. Thirdly, PCs need to be adequately resourced to understand the implications of ESD based urban planning. Finally, place management programs and PCs in particular can play major parts in the community participation process under LG and the State.

## References

- Crofts David, *Place Management in Newcastle City*, Australian Planner, Vol. 35 No 1, 1998, Sydney 1998.
- DIPNR, *Review of Plan First*, Sydney 2003
- Fairfield City Council, *Role of Local Government in Places Report*, FCC 1998
- Gosford City Council, *Gosford Strategic Plan 2001-2006*, Gosford 2002
- Gosford City Council, *Gosford City Downtown Strategy*, Gosford 2005
- Ignatius Centre, *Unequal in Life*, Melbourne 1999
- Lake Macquarie City Council, *Lake Macquarie 2020 Plan*, LMC 1999
- Liverpool City Council, *Neighbourhood Services Manager*, LCC 21/5/01
- Nagel Consulting PL, *Organisation Audit/Review Report*, Wyong Shire Council, Wyong Feb. 2001
- Newcastle City Council *Newcastle City Urban Strategy*, 1998, Newcastle 1998
- North Sydney Council, *Public Participation and Direct Democracy in North Sydney Municipality*, North Sydney 1990<sup>16</sup>.
- Parramatta City Council, *Parramatta City Outcomes Program*, Parramatta 2000
- Parramatta City Council, *Parramatta City Strategic Direction, Draft Management Plan, 2001-2004*, Parramatta 2004
- Parramatta City Council, *Parramatta Regional Environment Plan*, Parramatta, 2000
- Planning NSW, *NSW Area Improvement Program 2002*, Sydney 2002
- Planning NSW *Plan First 2002* (review of Part 3 (Plan Making) of the Environmental Planning and Assessment (EPA) Act 1979, Sydney 1999
- Port Stephens Council, *Precinct Committees – A General Guide*, Nelson Bay 1990
- Precinct Committees – A General Guide' PSC 1990.
- Premiers Department and DOCS, *Hunter Community Renewal Scheme*, Sydney 1999

<sup>16</sup> Council received the Local Government Bluett Award the next year based among other things on the creation of the Precinct System. By 1977 various Aldermen saw the precinct system in competition with their own roles and objected to the way some Precincts demanded more than an advisory role. This led to the disbanding of the PCs. After a survey of public meetings however in 1980 Council reinstated the precinct system with a network of 25 PCs. Council employed two staff, a Precincts Coordination and an Admin Assistant to resource the precinct system.

United Nations, *Agenda 21*, New York, 1993

Woy Woy Chamber of Commerce, *Woy Woy Vision Plan*, Woy Woy 2002

Wyang Advocate, *Precinct Committees for Wyong Shire*, Wyong 6/6/91

Wyang Chamber of Commerce, *Wyang District Strategic Plan*, Wyong 1996)

Wyang Chamber of Commerce, *Wyang/Tuggerah District Strategic Plan Update*, Wyong 2000.

Wyang Council, *Wyang Town Centre Strategy (2000)*, Wyong 2000





# THE ENTRANCE PENINSULA

## COMMUNITY PRECINCT

ENCOMPASSING: THE ENTRANCE; THE ENTRANCE NORTH; LONG JETTY TOOWOON BAY; BLUE BAY; SHELLY BEACH & MAGENTA

PO Box 349 The Entrance 2261      www.theentranceprecinct.org

### Minutes of General Meeting (Draft) Tuesday 19<sup>th</sup> November, 2013 at 7:00pm

**Chair:** Vivienne Scott

1. **Attendance (Total = 28):** V.Scott, A.Scott, E.Matus, J. Magri, V. McKendrick, R.McKendrick, N.Harvey, C.Harvey, I.Lucas, R. Slater, A. Rowland, N.Gates, H.Nayna, B.Nutt, R.Sage, L. Rose, H.Ford, K.Ford, M.Penning, G.Penning, B.Wilcox, R.Smith, N.Smith, B.Dowd, P.Eguaibor, C.Carattini, C.Carattini, J.Price.

**Apologies:** Paul Seisums (Magenta Reality) Tom Lyons, Elizabeth Lyons

The Chair, Vivienne Scott, welcomed those present and thanked them for their attendance.

- 1.1 Congratulations to Gerry Pennings: Volunteer of the Year

2. **Minutes** of meeting held on 15 October 2013:

**Moved:** C Harvey;      **Seconded:** E Matus

3. **Correspondence:**

**IN:**

- WSC Business Papers: name change of beaches; LJ Improvement Masterplan; Community Precinct Forum.
- Draft Management Plan for coastal areas in our Precinct for Public Exhibition
- Management Plan for The Entrance Memorial Park: some concerns expressed in the letter to WSC from the Precinct
- Response from WSC regarding the Precinct's letter on the issue of the future of Precincts
- Copy of Rod Slater's letter to our local State MP: issues encountered by Seniors in social housing in our area

**OUT:**

- Submission to WSC re use of Memorial Park, The Entrance
- Email to Mayor re Future of Precincts
- Promotion of Council Presentation organised by Precinct on Draft Management Plan for Crown Land
- Foreshore Reserves, and Draft Management NO 16 for Council Owned Foreshores Land.

**Moved :** M Pennings      **Seconded:** A Rowland

4. **Treasurer's Report:**
- |                                          |             |
|------------------------------------------|-------------|
| Funds brought forward from 2012 =        | \$154.59 Cr |
| Funds received from WSC up to 22/10/13 = | \$900 Cr    |
| Expenditure for 2013 up to 22/10/13 =    | \$613.39 Dr |
| Funds available at 22/10/13 =            | \$441.20 Cr |

Note: The figures above do not include additional expenses and income yet to be received and pending at 19 November 2013.

**Moved:** C Harvey;      **Seconded:** V McKendrick

## 5. General Business

### 5.1 NSW/ACT Alcohol Policy Alliance ([www.naapa.org.au](http://www.naapa.org.au))

Anne Rowland attended a community forum at Parliament House addressing the issue liquor outlets: the inadequacy of liquor laws, liquor regulations and planning. The Alliance is an alliance of health, community, emergency services and research organisations. The forum was attended by Councillors, police, politicians, health professionals, researchers, academics, and community groups and residents. Anne urged those present to support the Save Our Streets campaign. This campaign is suggesting real solutions, starting with:

- a. Establishing a Community Defenders Office to support communities to engage with the liquor licensing system: access to lawyers, funding, researchers and local data
- b. Revising the liquor licensing system to ensure greater engagement with communities in liquor licensing decisions
- c. Stopping the free ride for liquor licensees by making them pay annual fees for their licenses based on the risk the venue poses to our community, and
- d. Abolishing all 24 hour trading and close late trading licensed venues by 3:00am.

### 5.2 Report on WSC's Ageing Forum – Charlie Carattini

There appeared to be limited opportunity to express concerns by those present at the forum. The issues to be discussed had been decided beforehand, by WSC staff. Charlie felt the facilitators were inexperienced.

### 5.3 Report on Council's paper on the Future of Community Precincts – Vivienne Scott

Vivienne gave lots of examples of TECPC's involvement in the local area. Concern is who is going to represent our local community in Council, as currently, our Precinct extends from Magenta Shores to Long Jetty and we have had 18 years of participation in Council's decisions on planning and development. Further, our Precinct has made submissions to other State and Federal Government departments. We have been involved in The Entrance Peninsula Planning Strategy, The Entrance Town Centre Management Master Plan, and The Long Jetty Revitalisation Master Plan. Vivienne paid a special tribute to Keith and Helen Ford and Tom & Elizabeth Lyons whose hard work resulted in the retention of the old school and the subsequent development of The Entrance Community Centre .

### 5.4 Consideration of Motions

Vivienne presented three Motions to the members for discussion and amendment. The results were :

#### Motion 01/11/13

The Entrance Peninsula Community Precinct Committee express their disappointment and dismay with Council's decision to phase out Precinct Committees based on what we perceive to be a non transparent, exclusive internal review and a biased discussion paper, without any consultation with the 11 Precinct Committees, who are representatives of their respective local communities.

**Moved** : Rob Sage

**Seconded** : Anne Rowland

**Passed(27) Against(1)**

#### Motion 02/11/13

The Entrance Peninsula Community Precinct Committee considers Wyong Council's 20 minute review in the Agenda for the Combined Community Precinct Forum, is superficial .We feel that the token consultation devalues the work of the many volunteers, who have been involved in Precinct Committees for the past 18 years.

**Moved:** Keith Ford

**Seconded** : Ross McKendrick

**Passed Unanimously**

#### Motion 03/11/13

The Entrance Peninsula Community Precinct Committee believes that there are limited opportunities for Ward style forums without the existing Precinct Committees. However, the provision of such forums can be a useful for Council to **consult** on Shirewide issues and these can complement the existing Precinct Committees, which focus on community **participation** on local issues

**Moved** : Charles Harvey

**Seconded** : Charlie Carattini

**Passed Unanimously**

**5.5 Strengths of the current Precinct system ( Brain storming session)**

- opportunity to have a say in a friendly, non threatening environment
- get to know what is happening in Council
- promote direct contact and building relationship with Council staff and Councillors
- local residents and business owners become aware of specific local issues
- variety of guest speakers from Council, local businesses and other government departments e.g  
Magenta, Lakeside Plaza, RMS.
- provide an opportunity to make a personal contribution to local issues
- provide an opportunity to do something for the community
- draws on the individual strengths and expertise of community members
- gives people a voice
- do a lot of the 'leg work' promoting Council events
- effective in communicating with the local constituents with certain issues/projects
- regular monthly meetings close to home
- provide opportunities for social interaction with like minded people

**5.6 Weaknesses of the current Precinct system**

- people only attend when issues are relevant to them
- lots of people in our local community are not interested in being involved
- not all demographics are represented nor are they interested
- many people are time poor: daily commuters; parents of young families; business owners
- what Precincts are doing, in particular, the improvements that have come about due to the hard work of Precinct members, is not promoted by Council and need to be included in the Council literature that goes out with Rate Notices
- poorly managed and promoted by Council
- have not had a proper review for more than a decade
- lack of interest from the absentee owners ( 80% at The Entrance) and renters

**5.7 Conclusion**

There is no need for an either/or approach. Precinct Committees can continue to do the highly valued community work that they are doing. We agree that other approaches in addition to Precinct Committees are warranted and, together, could possibly capture greater community involvement across a wider range of demographics.

**5.8 Discussion of Options for our Precinct**

If the current Precincts are disbanded there are other organisations we can form that are conducted independent of WSC. Some members present indicated that they would move into other forms of community service. The option for our Precinct is to become members of the Wyong Ratepayers and Residents' Association; a sub committee for residents in The Entrance and District Chamber of Commerce; or we can set up a Progress Assoc.

**6. Other Business****6.1 Comments from members**

- Council argued vigorously that the rate increase was essential in order to maintain existing infrastructure, yet they now have enough in budget to fund an Arts Centre and a Regional Airport.
- We are in dire need for better local roads, footpaths.
- The road through Long Jetty remains an issue for the revitalisation of The Entrance & Long Jetty

**6.2 Acknowledgements**

- A vote of thanks was proposed by Keith Ford and enthusiastically supported by all members present, for the tireless work of our Chair Person, Mrs Vivienne Scott, who Keith described "...has taken our Precinct into the 'new' age of community participation."
- Vivienne thanked members for their acknowledgement. She also expressed her appreciation and thanked the members of her Executive team – Anne Rowland, Charles Harvey, Narelle Harvey, Herve Nayna, Marlene Penning, Valda McKendrick, Ross McKendrick, Jim Price and Tony Scott, for their invaluable support and assistance.

### **6.3 Dates of Meetings**

- Combined Meeting followed by Christmas Party with North Entrance Progress Association: Saturday 14 December, 2013, at 10:30am. Lunch is at 11:30am
- Executive Meeting 3<sup>rd</sup> December @ 3:00pm at Tony and Vivienne's place at North Entrance

There being no further business the meeting closed at 8:50pm.



## Wyong Shire Council Community Ward Forums Framework Document

Community and Recreation Services  
January 2014



Community Ward Forums Framework Document

Author: Colby Crane

Date: January 2014

Approved by: Councillors

Date of Approval:

Assigned review period: 2 years

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## Introduction

Council considers engagement to be an essential part of its day to day operations and actively seeks and encourages input and comments from the community. In an effort to have access to their Councillors and staff here at Council, part of this engagement practice involves the face to face activity that the community finds valuable.

This framework provides information about how the Community Ward Forums (known as 'Forums') will be used in a way that will increase engagement, transparency and communication between the community and Council (including elected members) across the Wyong Shire. It provides the necessary information to ensure that these Forums are run consistently and on a continual basis to ensure regular opportunities for two way communication between residents/ratepayers and elected Council members is achieved.

## Purpose and Objective of the Community Ward Forums

The Forums have been created and implemented for Council to share information, inform, report back on projects and engage with the community. The aim is to create an environment where we have a diverse range of representatives from the community that are interested in what is happening at Council and would like to take advantage of the opportunity to address their elected Council members about issues in their representative area. The aim is to increase face to face engagement around the whole community Forums rather than individual precinct committees.

These Forums aim to:

- help to improve information and education on Council matters and decisions
- encourage broader community participation in Council's engagement processes
- provide feedback to Council to enhance decision-making
- gauge community opinion and communicate this to Council (or other levels of government where appropriate)
- be a place where Council and the community can work together to develop solutions

## Background

### Engagement Principles

Council has implemented a deliberate focus on community engagement in the past few years and continues to make improvements to engage with our community.

Engaging with people and participating in engagement can sometimes be challenging when, as individuals, we can sometimes have opposing views and values. The following principles were designed and adopted to support our engagement approach at Council and should be used by everyone when planning, conducting and participating in engagement activities. This includes community Forums.

Council's engagement principles are:

**LISTEN** – to the needs and aspirations of the community

**UNDERSTAND** – the opinions, views, issues and interests and be consistent in the approach to engagement

**RESPECT** – the barriers, values and rights of each individual and be open and clear about what you are asking

**RESPOND** – be genuine, consider and value the input and close the loop with feedback

**LEARN** – from each other, value strengths and build relationships with trust and integrity.



## Operating Model for Community Precinct Forums

Two Community Precinct Forums will be developed, held on a quarterly basis in both A and B Wards, commencing in April 2014. They will be held after the end of the quarterly reporting period that Council adhere to so that accurate information can always be presented back to the community.

These Forums will enhance and improve sharing of information, reporting back on projects completed and those planned, and increase face to face two way engagement with a broader cross section of its ratepayers / residents and Councillors / staff.

### Council and Councillor Representation

Councillor representation will be made up of a minimum of four Councillors from each ward that they represent. The other Councillors would, of course, be welcome to attend.

In regards to Council staff attendance at the forums, invitations will be open to:

- General Manager
- All Directors
- Council's Executive Team
- Customer Contact staff (to cover any service requests required)
- Councillor Services Officer (for note taking)
- Engagement Coordinator (coordination of strategic engagement projects and activities)
- Community Engagement Officer (general running of the forums)
- Any identified staff required to answer agenda items such as technical experts
- Any staff involved in projects for the Roadshow component

A schedule of dates will be distributed to all staff and Councillors at the start of each year to ensure they are able to attend (or send a delegate if required).

### Commencement

The first Community Ward Forums will be held in April 2014, commencing after the third quarter (March), this timing will tie into Council planning and reporting processes as required by the Division of Local Government.

## Format

### Location / Timing

- The venue will rotate in both wards and be conducted in a suitable location, if possible. This is, however, limited to size and accessibility restrictions
- The timing of the Forums will be at 6.30pm – 8.30pm
- Forums will be held quarterly to link into reporting for Council, this enables information to be provided on what has occurred and what is planned to occur in the three month period

### Agendas

- The community and Council will be able to raise agenda items
- There will be a Questions and Answers session at the end of the Forums. The community will be able to submit questions beforehand to ensure the correct information is available on the night
- Call for agenda items will formally be advertised eight (8) weeks prior to the forum date, however agenda item requests can be received at any time
- Agenda items from staff in Council will be forwarded to the Community Engagement Officer when available for consideration into the agenda
- The agenda will be decided upon by the Mayor and General Manager and will comprise both Council related engagement items and items requested by the community
- The agenda will be available for public viewing three weeks prior to the Forum
- The agenda items will be specific for each ward area to ensure appropriate issues and consultation opportunities are captured, as well as Shirewide issues. Items will focus on opportunities for consultation and feedback; education / information on processes, decisions or initiatives; and any other items suggested by the community
- Agendas and previous minutes will be posted on Council's website prior to the forum
- The agenda will not focus on individual service requests (such as request for tree trimming or a pot hole in your street), these will be referred as a service request which can be logged into the system on the night
- A copy of a suggested Agenda is available as Attachment 1 of this document

### Roadshow component

- Displays for the Roadshow will be erected half an hour before the Forum begins to provide information to the community about what is being discussed or other issues for their consideration which didn't make it to the agenda
- This provides extra information to the community, provides an opportunity to ask more detailed questions of staff and may also answer any questions before the forum begins

**Online consultation**

- There is a possibility for the community to have the opportunity to tweet questions to the Forum via Councils Twitter account or utilise Facebook during the sessions
- The possibility of live streaming is being investigated

**Records and actions****Records**

- Councillor Services staff will make notes of the meeting in regards to actions/issues/questions that require action and follow up as well as general information on the meeting
- Summaries of the Forums will also be placed in the local newspaper and in Council's communications where appropriate
- All Forum notes will be available for the community to view either on Councils website, in the local library or at Council's offices in Wyong

**Actions**

- Actions arising from the meeting will be assigned through Council's customer service request system so that formal processes can be recorded and follow up is ensured
- Actions specific to a person or organisation will be responded to personally
- Generic actions or questions will be recorded in the notes

**Resources required**

- Location hire
- Staff to facilitate the sessions
- Light snacks and drinks
- Staff to attend
- Computers for note taking and service requests
- Projection equipment
- Microphone
- Chairs/tables
- Portable display boards
- Misc. items (pens/paper etc.)

**Governance**

The Forums will be guided by Council's Code of Meeting Practice at all times. This Code exists to help staff and Councillors understand the standards of behaviour and performance that are expected of them.

These guidelines will be available at all Forums, on Councils website and with the notes at the libraries and civic centre.

## Community Involvement

### **Who should attend?**

- The Forums are open to all members of the community – residents and ratepayers

### **Where and how do the community have their say?**

- There will be a Q & A session towards the end of each Forum for the community to ask questions of their Councillors
- The Forums are designed to be a two way, face to face engagement activity and this will be implemented throughout the process

### **How will the community know about the Forums?**

- It is anticipated that this will include advertisements in the local newspaper, use of social media, Resident ePanel communication, use of Council communications such as Shirewide, Councils website and general word of mouth

### **What if someone can't attend?**

- If a member of the community is unable to attend they will still be able to see a summary of the Forum through the channels identified above
- Investigations are underway to decide the viability of live streaming the forums
- Community members will still be able to call or write into Council with any issue
- They could attend the Forum outside of their Ward noting that the agenda may not cover specific initiatives in their Ward, but it may address Shirewide issues

### **What if I don't get my question answered?**

- If the community is unable to get their questions answered on the night, these will be taken down and responded

## Implementation

The Forums will be implemented in April 2014. A community engagement strategy will be developed and implemented to ensure that these Forums are made public to the community. This will include a timeline for agendas and advertisements etc.

Council staff will be responsible for organising the Forums including staff members to attend, set up and clean up, as well as agenda and note taking requirements.

Community members will still be able to provide feedback on issues that are particular to their own community through such online forums as the Resident ePanel, Consultation Hub or through service requests if they are unable to attend the Forums.

## Measurement/Evaluation

The Forums will be measured and evaluated to ensure that Council is getting the right formula to make these successful for the whole community. Feedback will be encouraged and acted on where appropriate.

Measurement for these forums will include such indicators as:

- Number and diversity of attendees
- Input of agenda items
- Social media monitoring
- Email monitoring
- Consultation Hub monitoring
- Website hits
- Community feedback via online and paper surveys

Adjustments will be made when necessary and where available to ensure that the Forums run smoothly and economically.

Council will review the Forums at the end of 2014 after three have been completed to ensure effectiveness and implement any changes required.

## **Conclusion**

The intent of the Forums is to capture a broader audience, increase the two way conversations, and the information so Council and the community have a better understanding of the issues and opportunities, the decision making process, improve the quality of Council's decisions and understanding the needs of the community.

## **Attachment 1**

### AGENDA

6:00 – 6:30 Community Roadshow/ Tea/ Coffee/ Networking

6:30 – 6:40 Welcome & Introductions

6:40 – 6:55 Session 1

6:55 -7:10 Session 2

7:10 – 7:25 Session 3

7:25 – 7:45 Session 4

7:45 – 8:00 Session 5

8:00 – 8:30 Question & Answer Session

8:30 Close

## Proposed Community Precinct Forums

### Table One

- Forum – before each Council meeting
- Promotion
- Invited Councillor to meetings – not responded or attended
- Councillor invitation/awareness
- Council officers – speak about various issues
- Disband – Precinct Committees / don't feel that has been answered/feeling dismantle/disrespect the work that is being done in community
- Councillors not going to all precincts
- Councillors go to – formed different areas/combined committees
- Proposed Framework – forum not open to everyone for input
- Forum – less opportunity
- Definitely place for local precincts
- Wise, knowledgeable, intelligent
- Rather than either or – combination of ways to engage
- People are time poor – appreciate the ePanel
- Believe there is a problem engaging the youth
- Middle group n- young families – schools – community activities through schools
- Footpaths/kerbside ramps – disabled access
- Lack of mobility infrastructure (natural paths/concrete) – engage Council to fix that/elderly disabled go hand in hand
- Forum s- specific areas for specific needs
- Familiar faces / safety – in our own comfort zone
- People time – special interests / special needs
- Forums
- Don't go to the library
- Don't need an alternative – you have the precinct committee meetings
- Can't attend?
- Mini forums
- Forum – face to face
- Transparent
- Mini forum for specific local neighbourhood
- Precinct members not over 60 – represent – surveys
- Various ages
- Youth engagement
- Plain English – use the language to explain / to understand what is being said
- Flyer
- Precinct Committee – adjacent
- Ratepayers – precinct committees can inform their own ratepayers
- Take away the angst



- Ratepayers association
- Norah Head PC – we will continue without
- What is Council going to do to help us transition an association - what is on offer to assist?
- District / Community Boards – not a change of name
- Giving a precinct a budget to do things within
- Prioritise a number of actions on what can be done in the neighbourhood
- Prioritise what \$\$ are spent in the – footpaths or playgrounds – have a choice
- Disadvantage when not a formal committee
- Precinct – wonderful process – consultation with Council – why change it
- Solution – some good, some local area
- Everyone is a volunteer
- Suited the people that attended
- Precincts kept
- Good feed into Council
- Arm of Council
- Ratepayers association
- Canada – community built up
- Capacity building – local area/people
- To help make decisions
- Money on the table in the area – you will get everyone on the table
- Precinct prioritises how the money in the area is spent
- Why is this happening?
- Transparency not showing in this process
- Precinct – what does that name mean
- Limit the local input / not enough time
- Addition – no chance of
- Change the name to Precinct Framework
- Neighbourhood Centres
- Engaging high school age and school age
- Good minds to improve their area
- People go to a precinct committee to have a conversation
- Severely lessen the opp with a forum
- Social
- Balance of communication
- Community forum – implement these on a regular basis
- Councillor out in the community
- Youth participation
- Ratepayers association – Precinct Committee – we will keep going – no matter what
- Help us to transition if we have to – what is on offer
- Acknowledge all the volunteers on the precinct committees
- Mini forums not large ones
- Related to local area local issues
- Mobile precinct committees – get out to different places help people with access issues

- Face to face must not disappear
- Get out in the local area
- Out in the shopping centres
- Councillor every local shops
- Publicise local issues in the local area
- Letterbox drop – local area
- Promote issues raised but through and within the precinct – not Council resources we can help
- Forum – too long – who? Too many issues
- Youth – Ourimbah uni
- Out of here and out to the community
- Tafe – working with people
- Staff and councillors should be in a mix

RECAP

- Change the name – disadvantage to not be a formal committee
- Promotion
- Involve them more in planning and \$\$ in their local area – make choices
- More would come if they would influence
- Regular councillor and staff attendance
- Networks through broader groups because we know people
- Web page for each precinct committee
- Get out of Council and go to where the people are to find – local shops/local sporting groups/Councillors and staff
- Community Forums – implement these regularly before Council
- Target groups to engage where the gaps are
- Community – capacity building, training local people, local area
- Community Groups set up
- Help people to make the decisions and understand what is happening and why

## Table Two

- Promotion of Precinct Committees from Councillors – people not aware precincts there
- Small achievements create momentum
- Newspaper/letters/net/Twitter/FB
- How do we engage with younger people?
- Youth precinct committee that is mobile across areas
- Disability Precinct Committee mobile across areas
- Personal communication is preferable always
- Web page for every precinct – email lists/links
- Build existing models

- Is communication driven by administrative constraints (quarterly reports)
- Community forums in person = real engagement
- Many things precincts do that have nothing to do with Councillors
- Roster Councillors and council staff to precinct meetings
- ePanels – not the same as a conversation/not a real convo – can we improve 2 way comms online?
- Apathy – Council own worst enemy
- Precincts discuss and try to engage but Council ignores them
- Perception that makes it no difference
- Why bother
- Council's patronising attitude
- Tokenism
- How can Council change to change this?
- Precincts – testing the water
- Build relationships
- Meet people
- New community forums – universal comm means – comms with every resident
- Adversarial feelings against Councillors and precinct committees
- Acknowledge precinct people
- Precinct groups that work well – once or twice a year – ask key people to have joint meeting with other precincts
- Help influence fledging precinct committees or motivate\
- Mentoring and support network
- Don't hold meetings at 5pm (commuters)
- Eg: Swansea MP people – endorse current structure eg Lake Macquarie – business chambers
- How do we reach youth
- FB/Youth reference group
- Targeted engagement emphasis
- Different opportunities within different demographics
- Use radio – multiple methods
- Insurances PL for committees – funding own inc and insurances in changed models – charge fees? Affordability? Finding a place to meet?
- Meaning engagement sense of disenfranchisement for volunteer community
- Meetings structured focus – assist with smooth running of council etc
- Works against turmoil/rogue activists
- Going to be difficult to create other forms of engagement
- Need long term engagement
- Progress association/ratepayers association/reference groups
- Raising profile of Precinct Committees Shirewide

- Precinct newsletters
- Infuse and motivate precinct committees
- Engagement with small community groups
- Develop better email data base
- Think globally act locally
- Trust – building
- Change culture of Council – take seriously
- Staffing to work with precincts
- Include precinct promo in rates mail out to raise interest
- Target areas with love precinct community coverage to engage with community and council
- Precincts in newsletter
- Let people know when precinct meetings are – some people don't get local papers
- Youth/time poor
- Need to ask and value questions – accountability
- Accessible
- ePanel surveying – increase sensitivity, increase presence @ precinct committees by staff
- ask at the netball and soccer fields to engage
- at mingara – set up a table
- target groups
- create a reference panel of groups to engage
- if there are other models need to assist groups in writing submissions and engage with other tiers of government

## WORLD CAFÉ COMMENTS from PRECINCT FORUM 20/11/2013

### CURRENT PRECINCT COMMITTEES

#### WHAT WORKS

- Community based; focal point; localised issues ✓✓✓
- Precincts control the Agenda ✓
- A safe environment/informal; family friendly ✓✓✓
- Rolling Open Forum – people come & go depending on issue ✓
- Held in accessible locations – suitable hours for residents to attend ✓
- Ability to contact networks in an emergency; timeliness; links to other groups ✓
- Face-to-face oral communication ✓
- Consistent voice builds a partnership with Council Departments – this motivates the committee
- Used as a springboard to create community pride ✓✓
- Each Precinct is unique – different demographics are conveyed to Council; diverse membership
- Empowers local residents to deal with bigger issues ✓✓✓
- Not all Councillors live in each Precinct so they may not have local knowledge
- People feel comfortable attending – not intimidated, no jargon ✓
- Committee members are phoned/contacted between meetings ✓
- Committees achieve a lot of good things, meet objectives ✓
- When Councillors attend – issues are actioned; chance to speak to Councillors ✓✓✓✓
- Supported by local MPs – attendance & engaging; represented in State Parliament ✓
- Participate in key Community Projects – Budgewoi Master Plan, SRV ✓✓
- Discuss regional issues – airport
- Involvement in local issues that WSC doesn't and should (Coal Mine)
- Committee able to influence Council Projects – shark nets
- Interface between Council and the community; a better way for communication with Council – a conduit ✓
- Local issues are covered; involvement in more than WSC issues; members have a history, strength, knowledge ✓✓
- Mannering Park Precinct should be used as a model for others
- Monthly meetings and updates keep it fresh ✓✓
- Important for transparency, scrutiny of Council
- Understand how Council works
- Feedback both ways to people who work
- Critical point for consultation; mobilise groups quickly; indispensable tool
- Precincts follow issues all the way through
- Good for people who aren't computer literate
- Members can take along issues for residents who cannot attend ✓✓

- Members feed information to family, friends and other networks ✓✓✓✓
- Minutes go to Councillors ✓
- Only 10 Councillors represent 150,000 residents – ratios in Precincts are better than that ✓
- Discuss Council Meeting Minutes
- Engagement with Council staff is great
- Personal relationships are more effective ✓✓
- Precincts attract people with many strengths/talents that are of great value to Council and the community e.g. Actuary ✓✓
- An opportunity to share skills ✓
- Educates about political structure ✓✓
- current system is a good balance
- Precinct members are volunteers for other groups/networks

### WHAT DOESN'T WORK

- Councillors do not attend ✓✓✓✓
- Council doesn't provide enough information on work in precincts
- Council does not respond to issues/service requests, no follow up ✓
- Community does not understand the role of Precinct Committees; unaware of Precinct Committees – committees need help from Council to promote – new residents/ratepayers; Shirewide and Rate notices should promote Precincts and what they are doing e.g. true stories ✓✓✓
- Precincts are a token by Council
- Lack of political will
- Council doesn't provide enough training/development opportunities ✓✓
- Council doesn't appreciate the value (add) of committees e.g. Berkeley Vale clean-up of lakes; does Council/Councillors know of these projects?? ✓
- Cost benefits of work done by volunteers?
- No recognition of Precinct's work
- Quarterly Meeting do not work, dominant people take over – need continuity and momentum ✓
- Operate on limited budget/resources✓
- Struggle to attract young people and working parents ✓
- Council doesn't give committees enough time to respond to issues; consultation timeframes
- Council has gagged papers ✓
- Big issues/big crowds – difficult to manage

- Precincts need more communication e.g. website, letter box drops as some areas/people do not get the local paper or have computers
- Information to Precincts not delivered in a timely manner or in time for meeting
- Meetings go too long/need to be kept to time/need to give all people a chance to speak
- Councillors not providing correct information
- Council page with Councillor photos & mobile numbers – too expensive for some people; there should be a land line and a place to leave a message
- Council needs to nurture precincts in other areas
- Welcome to Wyong booklet/letter should inform new residents of local precinct contact
- Social enterprise networking – need to provide opportunities to interact
- Council does not inform Precincts of substantial DAs, etc – precincts speak to locals after meeting – directed to go to Council Meetings but when issues are raised Councillors tell Precincts they do not have enough numbers/not representative so feel ignored by Council/can't make a difference so give up
- Meeting attendance is not a good gauge as to how much people care
- Groups are politically disengaged e.g. youth have a lack of interest
- Commuters cannot attend meetings but speak with members

**Additional Comments:**

- Timeliness of this process
- Funding for local projects to empower communities –ownership and responsibility
- Easier to lie/not respond on a computer rather than face-to-face
- Councillors not disclosing plans at election e.g. airport
- Forums can be stimulating and a useful ADDITIONAL tool to Precincts; engage whole community via various methods
- This review did not involve Precincts – major issue leading to distrust ✓✓
- Community Engagement team are not involved with Precincts

**Insurances**

- Keep Precincts – use Forums for Councillor feedback/interaction
- Why weren't Precincts told the system wasn't working

## Proposed Community Precinct Forums

### TABLE ONE

#### Opportunities

- Experience with SRV – wider demographics possible dependent on timing – perhaps weekends, 7pm
- Opportunity to meet people/networking/other opinions – how they put them
- Important to see priorities of different areas
- Forums and group precinct forum – filter info back to local precincts, respond back to precinct
- Forum will have Councillors attend – stronger relationships
- Addition to precincts
- Catalyst info sharing/support for precincts
- Shirewide issues / Compl. Local issues
- Community set the agenda
- IN addition to community run forums
- Someone on site to log CRM
- Guest speakers
- Location could move across Shire
- Use libraries, customer contact for distribution of info. Use local clubs/sporting groups
- If Council takes it seriously, opportunity to rebuild trust in community
- Have as well as Precincts, two different functions – Rep[s from Precincts working well, meet with council staff, increase integrity, increase relationships, Councillors and Council staff
- Could be restricted to one or two topics – to give more info/expand
- Shirewide issues could be covered – restrict
- Opportunity to sell the good things Council does so we know what rates are being spent on
- Recognise the good work precincts do handle well – win win for both

#### Challenges

- Want detail for area, maybe lost in Forum
- Big issues only discussed, small/local issues not covered
- Newsletters
- Time issues – hard for individuals to have their say
- Apathy from community, want to talk to local precincts
- Getting people there



- Only things Council want to put on the agenda – issues gagged
- Timeliness for discussion/communication responses
- Intimidated by big forums
- Communication from precincts more timely
- Feedback on engagement results immediate with precincts
- Distribution of info to local meetings
- No jargon
- Concern, not everyone will get an invite via computer
- No confirmation that wider demographics will attend
- Transport may be an issue – people may not get there
- If move them around, challenge to know where it is: local paper –some don't have access to re: notification
- Concern people won't attend
- Concern Councillors won't attend
- External guest speakers may not attend larger forum
- Women may not like to go to unknown areas
- Issue need to be addressed, don't/can't wait for 3 months
- Individuals can raise issues monthly @ current precincts
- Forum wont enable peoples issues to be navigated through councils
- Meetings too structured, Council can avoid sensitive issues
- Short amount of Q + A
- Won't discuss State/Fed matters
- Same demographic turning up
- Precincts won't get DA info to comment submissions if just Forum
- Determine the best time via who trying to target
- Cant compete with monthly meetings
- The limited number of participants in the Forum compared to Precincts
- Won't provide springboard to local activities/value added contribution e.g. Tidy Towns
- Not extending engagement

## TABLE TWO

- Waste of time as a replacement instead of a complimentary forum
- Normal residents won't make individual comments
- Cross of Shire issues will be a problem – what will be considered important
- Local with Precinct Committees – not having to travel as far at night time
- Travel is an issue
- Topics relevant to the people who attend
- Particular topics won't be able to be heard at the forums
- Forums will lose the demographic that is here tonight

- Distance of the places where it is being held
- Commuters will have trouble attending
- Worried about how to improve engagement for the people who want to attend
- Members are elderly don't always have internet facilities
- Mailing lists for people who don't have email is needed
- Different people attend different meetings based on the topic – this will change
- Forums – council generated agenda instead of discussing what is relevant
- Lack of social interaction at forums
- Positive community participation
- Informality won't be available at forums
- Lack of timeframe availability
- Lose the conductivity with council
- More information about what is being proposed – not enough to go on in the framework
- Quarterly forums are too far apart
- Not enough time with the Q & A
- Agenda not set by Mayor
- Forums moves away from local issues
- Not regular enough
- Not a big enough level of responsiveness
- Not enough info out about the forums was received – more needed
- Agenda 0 how does it all work – this seems unworkable
- Keeping up with council business – how do we get info out and discussed
- Waiting too long for results
- How do we “contain/manage” how many people turn up
- How do you “vet” the process
- Only 4 a year loses continuity of issues – monthly is better
- Encourage greater diversity – how will that happen with the timeframe and location?
- What is the kid friendly availability at the forums?
- What is the family friendly availability at forums?
- They are a good ideas as a complimentary tool
- No internet access or email – how do I get the information
- Problems with submitting the items beforehand
- Won't be able to capture the local level meeting attendees who feel comfortable in smaller groups
- Not enough time for getting info and comments with only 4 times a year
- Forums should have action items that council has to report back on to the community
- Smaller groups can mean that people feel more comfortable to have their say
- Forums lose the ability to argue and discuss and change opinions

- Forums should be at a higher level and more formal
- Change the name opportunity – silly name
- Will reach a different audience
- A good stepping stone as a way forward
- You would expect that all councillors attend the forums
- Questions about forums – how do we know that you receive the information that people put in?
- Getting information out one at a time vs. 20 at a time – things will be missed
- Vancouver/Canada model seems to work well - training the community
- The forums could fill the “gap” that is current at the moment
- Losing info for feeding back and getting out
- Balance a community driven vs. council driven agenda
- Forums won’t be an individual voice
- It is a driven agenda
- Forums too driven by rules
- Tend to exclude a large number of people who can contribute
- Positive forums adjunct to the precinct committees not just as the only option
- Forums should be used for educative purposes
- Not for sharing ideas too hard
- Lack of social interaction will be lost at forums
- Knowing that precinct committees provide the opportunity for gaining knowledge off older people
- Place for forums in regards to a Shirewide issue
- Can the forums be timed differently so people feel they have a voice
- Formal structure
- Would do many people attend? Short travel distances mean people attend – the distance from the place can make it harder for people to attend
- What happened to precinct committee forums
- All in favour of forums – they should complement precinct committees
- Forums will lose local appeal
- Bi monthly forums have been suggested if the Precinct committee close
- Local issues won’t be dealt with properly
- Lose continuity from precinct committees
- Forums used for more strategic objectives rather than local grass roots
- Do you need more than two wards?
- Precincts draw on an ability and strength of people in the community – this could be lost through forums
- Grass roots vs. big roots
- Past forums don’t meet expectations that the precinct committee achieve
- People just don’t want to attend forums

- Sense of achievement when you walk out of a precinct committee meeting- this will be lost
- Transport/safety/security/night time issues
- Threat to precinct committees has resulted in an increase in participation
- Lethargy with precinct committees now – this will only increase with forums
- Should forums be based on demographics

**CURRENT PRECINCT COMMITTEES****26 November 2013****Non members**

What do you know about Precinct Committees?

- Main liaison body with community and Council
- How does Precinct Committee function differently to Progress Association? unclear
- Precinct Committees can have membership from residents, business, clubs, etc.
- Precincts that work have links to other groups in their local area such as P & C, CWA, etc.
- How do you control vested interests in Precinct Committees? Code of Conduct
- Precincts can have vested interests
- Precincts fill a gap in the community between community and Council
- Precincts as committees of Council carry more weight for projects/funding applications
- Numbers have gone down because Council doesn't support
- Look at Neighbourhood Watch (down) until Police re-engaged
- Small group can still achieve more – link in to other partnerships
- Unless someone has an issue they don't know about precinct committees
- smaller style community events to inform – very small micro levels
- Blue Haven lived there 21 years never heard of it before – on board of Chamber of Commerce
- leveraging with town centres and other groups on issues
- Not all areas represented – a lot of people in the street have a lot of issues with Council but we don't have one in our area – so we go to the nearest one

**Members of Precinct Committees**

What works?

- Berkeley Vale/Chittaway point runs well – nothing needed
- difficult to recruit people to be involved
- response of community to small things was well received
- "getting" something done – people are more likely to be involved
- training in running committees can make people more confident
- need specific information on areas/things to do
- Manual is well set out – very good – overall view of what should/shouldn't do
- Precinct Liaison Officer invaluable for conducting everyday business
- too much formal training – internal booklet is what was needed

- Precinct structure that exists is fine
- attract more people in the 40-60 age group would be a big advantage
- target specific activities regarding youth to get them involved & form partnerships
- Precinct committees a focal point for other organisations particularly hard to reach groups
- need new/more progressive ideas from young people
- engage the community groups in the Precinct
- all reports feedback through our precinct committee
- What happens with the Minutes that are sent in? Are they discussed?
- Not getting feedback on minutes or items that relate to Council
- Feedback should always be received by Council – need accurate information
- not world cafes – not always working
- Major decisions made after the event
- Feel like all the consultation is “backward” messaging – not consistent with what is happening at Council
- Not just about backlog – big items on the agenda
- Precincts are not getting feedback for what they are doing/asking?
- Do Councillors know they exist?
- Feel that Councillors might be threatened by Precinct Committees
- Precincts are important cogs in the wheel
- Precincts make the community aware of different things
- Precincts do stuff that the Council doesn't do
- Precinct committees know what local people want/ wish for – need a very good Secretary in the Precinct Committee
- Precincts don't comment on other precincts
- Try not to stifle topics – not intimidating
- As meetings are local – pick up other members unable to come
- Not regimented – beyond mover and seconder the process is informal
- Meetings are more personalised – feel part of the community – like an asset
- Informal doesn't mean we don't follow the Guidelines
- Community engagement
- Meetings are advertised, monthly, informal, comfortable, local – we know each other and know who to contact, Local – reduced travel
- Suits commuters and families, we know who to contact/ represent if they can't get to meetings
- Notice in local shops and they know the representatives on the committee

- Networking (communication flows in and out) between Precinct Committees, Landcare, Hospital Aux, CNN, between residents and other people who do things, University
- Email list 10% community – want to build
- Need contact with local school P & C – contact to discuss for help to spread the news
- Anyone is able to talk – process of mover/seconded keeps it formal & succinct and cuts out unnecessary issues

#### **What doesn't work?**

- Lack of attendance by Ward Councillors (open invitation issued)
- we understand Councillors can't go to everything but they know the dates of meetings – they could approach committee to talk about something or just introduce themselves ✓
- Back in 2000 Dianne Anderson would come to every meeting and provide updates and take back information to Council
- Council representative was great
- False to use actual attendees to assess effectiveness – as with networking the representation is a much larger group
- If Forum is bigger – people will not be interested unless major issue (coal mine, airport)
- Look further afield for benchmarking on formats and systems – Sutherland has a PC system

### **PROPOSED COMMUNITY FORUMS**

#### **Opportunities**

- Community group applying for a grant are required to attend a Forum or Precinct Meeting
- Wider engagement/less clutter
- Drill down on higher issues of the Shire
- Identify common issues/opportunities
- stop duplication
- Keep Precincts on a monthly basis and then have the Forum, not instead of but in addition to Precincts – sharing of ideas, knowledge re Shire wide issues and local issues ✓✓
- Work well in conjunction with Precincts as locals rely on PCs to act on their behalf, know they can approach Precincts for help ✓✓

- 8 weeks lead for Agenda items – plenty of time for community input – but how would this be done?
- Partner with Town Centre Managers to run Precincts
- Go out to surf clubs, schools, etc. and encourage them to attend
- Council do not set agenda – use existing Precincts to send in 2 items so community still has an input – Council must include these items on the agenda ✓✓✓✓✓✓✓✓✓✓
- Previously we had a combined well-attended forum for executive of Precincts – throw open to all members
- Direct contact with Council representatives
- Precincts have common problems – Forum would give more support for those highly emotive issues (coal mine)
- Q & A Panel – people from Audience and people can tweet comments
- Advertise to tweet – will open up a lot more discussion/opinions

### Challenges

- Will Forums miss those more local issues? ✓
- Precincts and proposed Forums cater for two different purposes
- Process/Timeframes between Forums too long to know what has happened or get an answer ✓✓✓
- Time management and number of people mean long discussions – people won't be heard; meeting will finish without opportunity to have a say ✓✓
- Distance to travel; difficulty in attending; local meetings people feel safe in their environment – could limit attendance ✓✓
- Why does Council want to remove the committees formally?
- I can only see negative things – you will lose the grass roots forum ✓
- Disengaging the current committees
- Lack of trust – Council appears to have made a decision
- Council send out agenda then add/change items – would politically sensitive items make the agenda?
- If Precincts are not a formal committee of Council then the new committee has no structure, informal, no need to engage with Council, a real challenge for the Chairperson
- Less likely to be an active participant
- Ward name will confuse people
- Liverpool have Community Forums every month and get 15 people to Rural Forum and less to Urban Forum
- Cost of Forums? Is there an estimate of costs? Should be part of proposal ✓



- Too large – lack community empathy – too many priorities – different areas have different priorities from attendees ✓
- Less passionate – people attend because Precinct is local and passionate ✓
- PCs who have a project with a partnership may not be able to get funding without backing of Council 355
- Not everyone receives the Express Advocate – need other options
- Forum Framework – attracting population and demographics to get good engagement
- Difficult to engage locals/get their interest due to lifestyles/late forums
- Hold Forums – Budgewoi/The Entrance

### **BRAINSTORMING**

- Make people feel as though they are being engaged
- More Councillor attendance at events
- Councillors who make decisions need to know what Precincts are saying
- Councillors who voted against are the ones involved in Precinct committees – the others don't attend
- Communication two way – responses needed
- Compulsory for Councillors to attend Precinct Committees
- Councillors attend quite a lot of other boards and events
- Bring information into PCs about Council's key stakeholders
- Online and social media
- Change perception of Precinct "committee"
- Community workshop monthly on a Ward basis
- Complimentary activities
- Executive at Precinct Forums – similar to proposed of combined executive
- Youth engagement – rep from supported organisations to join Pcs  
School, etc. to join PCs  
Use all local business and partnerships to create the networks
- Feedback for what is said – how do they know we receive
- Events – races or Australia Day all community and Councillors
- E-mail marketing
- Letterbox drops
- Community idea workshops
- Partnering with key stakeholders ✓
- Get out more amongst the people and spread the word ✓✓
- Town Centre Managers holding community

- Static displays with people sitting in shopping centres to get/give information
- Give people a reason to turn up – making the place interesting for all people
- Community issues make
- Why can Councillors only be invited to specific meetings? Answer to Daniel
- Face-to-face engagement – in person
- Precinct Meetings in Council halls should be free
- Delivering what the people want so they become interested
- Give the Precincts money where the community can come and make decisions about what they want
- When PC has raised an issue – relevant Council staff member to come and speak to that group
- Attendance at festivals/events about Council information
- Public places – be there!
- Be social where the public is going
- Community clubs attendance
- Community noticeboards with Council information ✓
- Dedicated webpage for Precincts
- Council arrange for Express Advocate to be delivered everywhere
- Federal MP Forum – when MPs have a function they should be there
- What is spent on projects and capital and operational funding? And why it is spent on that?
- Shopping centres; newspapers; brochures; rates notices
- Real estate agent and people and rent
- “Click in” on the emotive or time aspect – trains and bus stations
- Drink coasters at local pubs
- Use the social media and electronic media; Linked in; Business media ✓
- Use different tools for all generations
- Very easy to make criticisms on social media rather than face-to-face
- What we do to engage doesn’t attempt to get public opinion on large projects before they make a decision it e.g. feasibility studies and impact almost a referendum for mega projects
- App? When?
- Letterbox drops not a good idea – reminds of junk mail
- Face-to-face – anyhow, anywhere
- Sporting events – where people dwell to get their attention
- One number for calling
- Individual webpage with accomplishments
- Letters still the most professional form of getting information

- Local government only one of three trees – all interlocking – need all three to lock together and share their information
- Elderly communication gap – use the elderly networks and organisations to get all the information out

#### **4.6 Councillor Attendance - Police and Community Youth Club (PCYC) Sportsmans Dinner**

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TRIM REFERENCE: F2004/06517 - D05661176  
MANAGER: Lesley Crawley, Manager  
AUTHOR: Fiona Kurtz; Councillor Services Officer

#### **SUMMARY**

Council has received notification of the upcoming Police and Community Youth Club (PCYC) Sportsman's Dinner to be held on Friday 7 March 2014 at the Shelley Beach Surf Club, Shelley Beach.

#### **RECOMMENDATION**

- 1 That Council authorise those interested Councillors to attend the Police and Community Youth Club (PCYC) Sportsman's Dinner.**
- 2 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy for Councillors.**

#### **BACKGROUND**

PCYC provides programs that enable young people, primarily those who are disadvantaged or at risk of involvement in crime, to participate in sporting, artistic, educational and recreational activities.

Bateau Bay PCYC is running a Sportsman's Dinner to raise funds to facilitate our Police Crime Prevention Programs for 2014.

Councillor Taylor and Councillor Matthews have expressed interest in attending.

Clause D9 of Council's Facilities and Expenses Policy for Councillors provides for expenses to be met for these events.

*"D9 WSC will meet sustenance and attendance expenses for Councillors' attendance at meals and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business."*

In relation to attendance of spouses and partners Clause D19 of Council's Facilities and Expenses Policy for Councillors provides:

*"D19 WSC will pay the following expenses for spouses/partners or family accompanied by a Councillor at events or functions officially sanctioned by the Council or Mayor and General Manager:*

- (i) Attendance/ticket cost if in the company of a Councillor*

#### 4.6 Councillor Attendance - Police and Community Youth Club (PCYC) Sportsmans Dinner (contd)

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- (ii) *Accommodation if in the company of a Councillor*
- (iii) *Travel if in the company of a Councillor*
- (iv) *Meals and refreshments excluding room fridges”*

#### THE PROPOSAL

The PCYC Sportsman's Dinner is to be held at Shelley Beach Surf Club, Shelley Beach on Friday 7 March 2014.

#### STRATEGIC LINKS

##### Annual Plan

Nil Impact.

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

The event will provide opportunity for the Council representatives to liaise with key members of the community including the NSW Police and other guests attending the event.

##### Budget Impact

The table below indicates the cost for attendance at the PCYC Sportsman's Dinner per Councillor:

<b>PCYC Sportsman's Dinner (Approximate Costs as at the 12 February 2014)</b>	<b>Partner Fees</b>	<b>Councillor Fees</b>
Tickets (incl GST)	107.00	107.00
Travel (by vehicle approx)		\$60
Child Minding @ 35.00 per hour for approx 5 hours		175.00
<b>Total estimate per Councillor attending</b>	<b>107.00</b>	<b>342.00</b>

#### CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

#### GOVERNANCE AND POLICY IMPLICATIONS

In accordance with Clause D9 of Council's Facilities and Expenses Policy for Councillors, WSC will pay for expenses that need to be met for this event.

In accordance with Clause D19 of WSC Policy on Facilities and Expenses for Councillors, WSC will pay for attendance/ticket costs for spouses or partners if accompanied by a Councillor at events officially sanctioned by the Council. This report seeks Council's authorisation of the function.

**4.6 Councillor Attendance - Police and Community Youth Club (PCYC)  
Sportsmans Dinner (contd)**

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**CONCLUSION**

The function listed would be of benefit to the Councillors and attendance is encouraged.

**ATTACHMENTS**

- 1 Police and Community Youth Club (PCYC) Sportsman's Dinner D05661288



PCYC provide programs that enable young people, primarily those who are disadvantaged or at risk of involvement in crime, to participate in sporting, artistic, educational and recreational activities.

The principle objective of PCYC is to promote the welfare of children and young people and the development of children and young people as responsible citizens. A particular emphasis is placed on undertaking and supporting individual and social activities that address any factors that may harm the development of young people.

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The Police and Community Youth Club began as a movement in 1937. Our Mission is to get young people active in life, to work with young people to develop skills character and leadership and to reduce and prevent crime by and against young people. The pillar values of our organisation are: respect, integrity, resilience, citizenship and commitment.

PCYC support the work of NSW Police who provide targeted youth crime reduction and prevention. We provide an interface between NSW Police and the citizens of NSW, especially young people. We support NSW Police in implementing community based policing programs. PCYC is a world leader in youth crime prevention and community policing, bringing together local communities and the Youth Command of the NSW Police Force. Police attached to the Youth Command are termed as Youth Case Managers. They support a small group of young people who are identified as either "young offenders" or "at risk" or some from disadvantaged circumstances.

Bateau Bay PCYC is running a Sportsman's Dinner on Friday 7<sup>th</sup> March 2014 at the Shelly Beach Surf Club to raise funds to facilitate our Police Crime Prevention Programs for 2014. The Dinner will be opened by our Maori Cultural Dance group and the event will showcase some of our inspirational stories of 2013. The evening will also provide Guest Sportsman Marcos Flores and Adam Kwasnik from the Central Coast Mariners, representatives from NRL, Joel Edwards Canberra Raiders and also other sports stars who have achieved in their sport will also speak about how Sport has influenced their lives.

Tickets can be purchased online at

<https://www.eventbrite.com.au/e/bateau-bay-pcyc-sportsmans-dinner-tickets-10404529227>

Or directly through the PCYC Manager Cathy Ross on 43327000 [cross@pcycnsw.org.au](mailto:cross@pcycnsw.org.au)

Regards

Cathy Ross

Manager Bateau Bay Police and Citizens Youth Club

#### **4.7 Draft Minutes of the Employment and Economic Development Committee Meeting - 29 January 2014**

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TRIM REFERENCE: F2012/01905 - D05708514

MANAGER: Lesley Crawley; Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

#### **SUMMARY**

The Draft minutes of the Employment and Economic Development Committee meeting of 29 January 2014 are submitted to Council for consideration.

#### **RECOMMENDATION**

***That Council receive and note the draft minutes of the Employment and Economic Development Committee meeting held on 29 January 2014.***

#### **BACKGROUND**

A meeting of the Employment and Economic Development Committee was held on 29 January 2014.

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly the Committee's recommendations are reported to Council for consideration.

The draft minutes of the 29 January 2014 meeting are set out in the attachment.

#### **ATTACHMENTS**

- 1 Draft Minutes - Employment and Economic Development Committee D05489631



WYONG SHIRE COUNCIL

MINUTES OF THE  
EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE OF  
COUNCIL

HELD IN THE COMMITTEE ROOMS  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 29 JANUARY 2014  
COMMENCING AT 4.00 PM

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**PRESENT**

Councillors G P Best (Chairperson), K G Greenwald, A Troy and L D Webster.

**IN ATTENDANCE**

Director Property and Economic Development, Director Development and Building (entered at 4.20 pm, left at 4.52 pm) Manager Property Development, Acting Manager Property Management, Manager Development and Rezoning and Councillor Services Officer.

The Chairperson, Councillor Best, declared the meeting open at 4.07 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

**APOLOGIES**

An apology for the inability to attend the meeting was received on behalf of Councillors Eaton and Nayna.

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

***That the Committee accept the apologies and grant Councillors Eaton and Nayna leave of absence from the meeting.***

**1.1 Disclosure of Interest**

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

***That the Committee receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.***

**2.1 Confirmation of the adopted Minutes of the Employment and Economic Development Committee Meeting - 6 November 2013**

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

**That the Committee confirm the adopted minutes of the previous meeting of the Employment and Economic Development Committee held on the 6 November 2013.**

**3.1 Affordable Housing Adjacent to Sporting Fields - Status Update**

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The Director of Development and Building entered the meeting at 4.20 pm.

**RESOLVED on the motion of Councillor WEBSTER and seconded by Councillor TROY:**

**That the Committee receive the report on Affordable Housing Adjacent to Sporting Fields - Status Update.**

FOR: COUNCILLORS BEST, TROY AND WEBSTER

AGAINST: COUNCILLOR GREENWALD

**3.2 Value of Development Assessments**

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

**That the Committee receive the report and the contents be noted.**

**3.3 Wyong Local Environmental Plan 2013 Amendments - Post Section 68 Submission**

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The Director of Development and Building left the meeting at 4.52 pm and did not return.

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

**That the Committee receive the report on Wyong Local Environmental Plan 2013 Amendments - Post Section 68 Submission.**

**GENERAL BUSINESS**

There was no general business.

**THE MEETING** closed at 4.57 pm.

## **4.8 2013-17 Strategic Plan Business Report (Q2)**

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TRIM REFERENCE: F2012/01427 - D05574993

MANAGER: Vivienne Louie, Chief Financial Officer

AUTHOR: Kim Futcher, Financial Controller

### **SUMMARY**

This paper reports on Wyong Shire Council's performance progress as measured against the organisation's Strategic Plan for 2013-2017. The report covers the period for the six months ended 31 December 2013 (Q2).

### **RECOMMENDATION**

- 1 That Council receive the Q2 Business Report on progress against the 2013-17 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 the proposed budget amendments for 2013/14.**

### **BACKGROUND**

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

Each year, Council prepares a Strategic Plan incorporating the 4 Year Delivery Program and the Annual Plan. Progress is measured against this plan and reported on a quarterly basis in terms of actual financial performance against budget; relevant performance indicators; outcomes of actions; and delivery of major projects.

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

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

### **CURRENT STATUS**

The Q2 Business Report is included as an enclosure and reports on progress against the 2013-2017 Strategic Plan for the year to 31 December 2013.

The 2013/14 financial year is focused on Council's continued journey to achieving long term financial sustainability and improvements in asset management. Council remains on target to deliver the current level of services within the adopted 2013/14 operating shortfall of \$2.3 million. To achieve this result Council will continue to implement tight management controls around expenditure.

The year to date operating result (excluding capital grants and contributions) shows a favourable variance of \$3.4 million, consisting of an actual surplus of \$73.7 million compared to a budget surplus of \$70.3 million. This result includes Rates and Annual Charges income of \$142.0 million which represents the full year income.

Capital expenditure to 31 December 2013 was \$32.4 million compared to the year to date budget of \$37.2 million, and represents 39% of the full year capital budget of \$83.8 million. A thorough review of capital projects has been undertaken for this quarterly review and has resulted in retention of the full year budget of \$83.8 million, including \$10.0 million for Special Rate Variation (SRV) projects.

In June 2013 Council was granted a special rate variation for a period of four years to address the \$130 million asset backlog to improve the condition of roads, bridges, footpaths, buildings, and sports facilities - to ensure they are 'satisfactory' in terms of being safe and fit for community use. With the additional funds raised from the Special Rate Variation, Council will spend approximately \$10 million each year for the next 13 - 15 years, addressing the backlog, reversing a long-term decline in asset conditions.

Progress on Council's performance by Principal Activity is also tracking well with 72% of projects currently on track, 10% of projects now complete, and 18% of projects deferred or off track. Details of progress against each performance target are contained within the report.

### **Financial Implications**

Budget adjustments are proposed in this report and all adjustments include offsets, therefore the target operating deficit remains at \$2.3 million and the target capital expenditure remains at \$83.8 million.

### **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 the Quarterly Budget Review Statement for Wyong Shire Council for Q2 indicates that Council's projected financial position will be satisfactory at year end, having regard to the projected estimates of income and expenditure, and the original budgeted income and expenditure.

Council remains on target to deliver the current level of services within the adopted 2013/14 operating shortfall of \$2.3 million, and the full year forecast for capital expenditure remains unchanged at \$83.8 million.

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

#### **ATTACHMENTS**

- 1 Q2 Business Report - December 2013 (Distributed under separate cover)

Enclosure D05810206

## 5.1 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D05475926

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 January 2013.

### 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
Water Meter Replacement Programme	\$1.3M	July 2013	30	30	July 2014	All identified 80-100mm water meters have been replaced. 40-50mm water meters currently being replaced. Contract awarded for the replacement of identified 20-25mm water meters. Work has commenced.  This is being funded by the Water and Sewerage Capital Works Program. Program accelerated with 14/15 funds brought forward.

## 5.1

## Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est. Cost \$	Start Date	% Spent	% Comp	Est. Comp Date	Comments
Mardi WTP Process Improvement Works	240,000	July 2013	55	55	May 2014	<p>Upgrading of dosing and process equipment including new mass flow meters, turbidity meters and automatic pH control to improve treated water quality and process reliability completed. The installation of the new lime pre-dosing system is now completed together with the supply and installation of all permanent relocated dosing pipework. Electrical switchboard and other works to be completed by May 2014. Investigation into CO<sup>2</sup> dosing to be undertaken this FY.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>
Mardi Dam Demolition of Old Inlet Tower	280,000	Nov 2013	80	80	Feb 2014	<p>Contractor commenced works in December 2013.</p> <p>Contract work expected to be completed by mid February 2014.</p> <p>Water levels have been lowered by natural demand and pumping to Mangrove Dam via M2M and will be maintained at 33% capacity until work is completed</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</p>
Ourimbah Communications Pole in Glen Road Ourimbah	130,000	Mid Sept 2013	100	100	Feb 2014	<p>Contract construction and installation work of the tower completed in December 2013. An upgraded instrument hutch has yet to be installed.</p> <p>This is being funded by the Water and Sewerage Capital Works Program.</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 Buff Point Chittaway Point Gorokan Watanobbi Wyong	\$1.5M	Oct 2013	20	20	Jun 2014	Contract sewer main inspection and maintenance programme to improve system reliability and to reduce blockages and possible overflows. Contractor on site. Work commenced on 10 November 2013.  This is being funded by the Sewerage Operational Works Program.
T19 Rising Main Tuggerawong Road Wyongah	655,000	Sept 2013	90	100	Dec 2013	Sewer rising main renewal work. All pipes installed and connections completed in December 2013.  This is being funded by the Water and Sewerage Capital Works Program.

**PROCESS****Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 January to 31 January 2014 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 and Bateau Bay Sewage Treatment Plant for the period 1 January 2014 has met Environmental Protection Authority Licence requirements.

**Sewage Overflows**

- There were 2 sewage overflow incidents in the sewer network reported to Council's "HOTLINE" in January 2014 with follow up reporting completed for both incidents. Both of these were the result of chokes within the sewer reticulation system.



## WATER STORAGE

Sunday, 9 February 2014				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	111,188	58.5	Down 1089
Mardi Dam	7,400	2,577	34.8	Up 24
Mooney Dam	4,600	1,509	32.8	Down 38
Total	202,000	115,274	57.1	Down 1102
Total Dam Storage this time last month was				58.8 Percent
Total Dam Storage this time last year was				49.8 Percent
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.0	0.0	9.0	
This year to date	0.0	55.0	25.6	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	9	5	2	
Previous Week	0	0	0	
Current week last year	29	16	7	
This year to date	50	39	32	
Same period last year	296	324	247	
Water Usage (ML)				
Period	Usage			
Week to Date	713			
Previous Week	726			
Percent change from previous week	1.7 % less			
Current week last year	544			
Percent change from same week last year	31 % more			
This year to date	3,956			
Same period last year	3,420			
Percent change from same period last year	15.7 % more			
MARDI- MANGROVE DAM TRANSFERS (ML)				
Period	To Mangrove Dam		From Mangrove Dam	
	From Mardi Dam		To Mangrove Creek	To Mardi Dam / WTP
Last week	0		415	295
This year to date	11		1,739	471
Total to date *	29,821		5,578	7,185

\* Post M2M Commissioning

## ATTACHMENTS

Nil

## 5.2 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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TRIM REFERENCE: F2004/06822 - D05518095

MANAGER: Jamie Loader, Manager, Building Certification and Health

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection 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 January 2014.

### 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 is currently in the summer season for sampling.** Although the OEH Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality.

If results indicate high levels of sewage and stormwater contamination, further investigations are triggered to determine the source of its origin. 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 relevant OEH Environmental Protection Licences for each ocean outfall. This sampling is carried out at ten sites around Norah Head and Wonga Point.

## 5.2 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

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 required that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. Any potential pollution sources identified in the re-evaluation 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.

### Summary of results for January 2014 (Summer Program)

For January 2014 all ocean and lake beach sites achieved an average star rating that is defined as being safe for swimming under the NHMRC 2008, see table 1.

A definition of the star rating system can be seen in table 2 below.

**Table 1: Beachwatch average star rating**

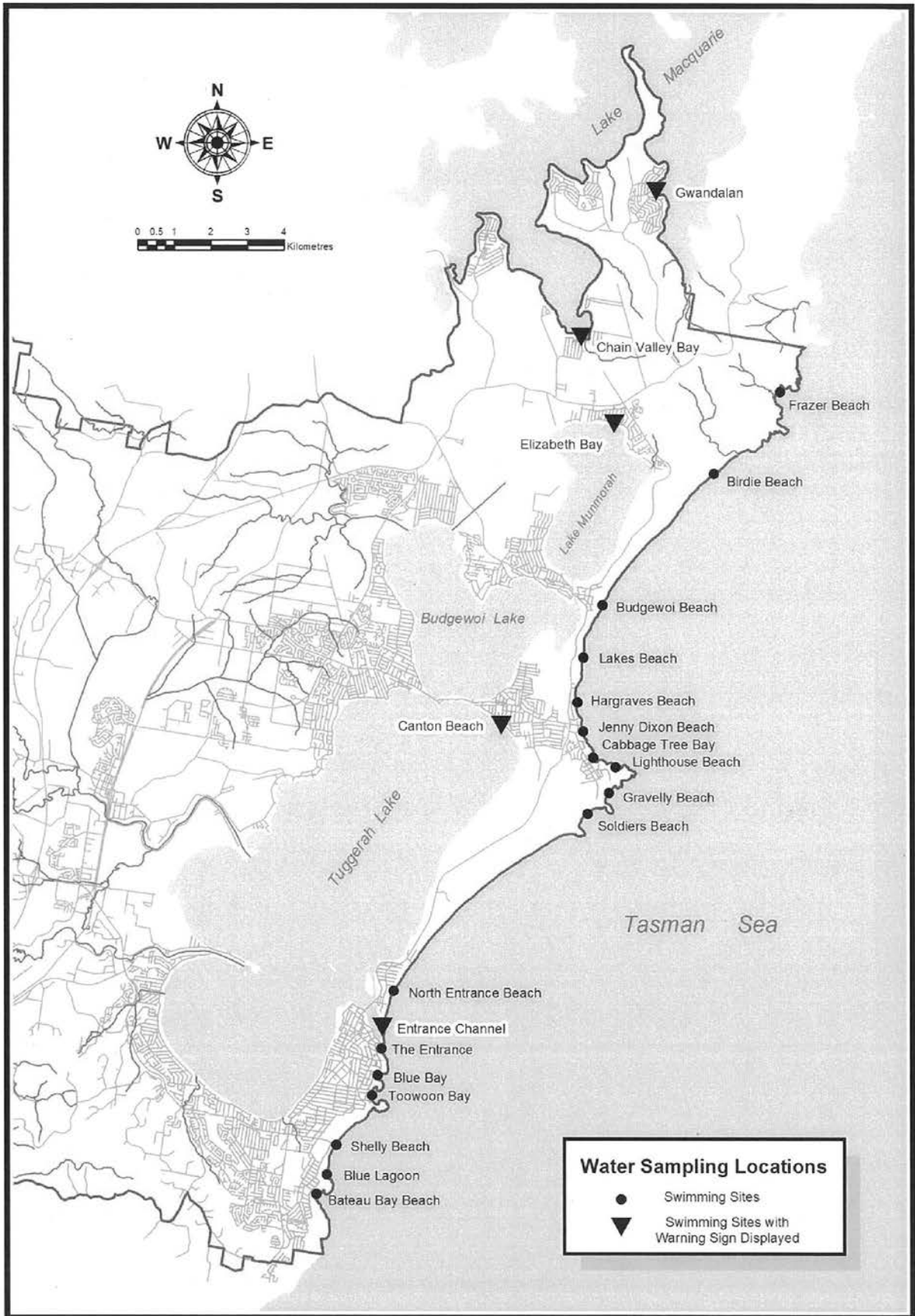
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Fair	***
Gwandalan	Lagoon/Lake	Fair	***
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah Baths	Lagoon/Lake	Fair	***
Budgewoi Beach	Ocean Beach	Good	****
Lakes Beach	Ocean Beach	Good	****
Hargraves Beach	Ocean Beach	Good	****
Jenny Dixon Beach	Ocean Beach	Good	****
Canton Beach	Lagoon/Lake	Good	****
Cabbage Tree Bay	Ocean Beach	Good	****
Lighthouse Beach	Ocean Beach	Good	****
Gravelly Beach	Ocean Beach	Good	****
Soldiers Beach	Ocean Beach	Good	****

Table 2: 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 Sites D03238043



### 5.3 Activities of the Development Assessment and Building Certification Compliance and Health Units

TRIM REFERENCE: F2004/07830 - D05518191

MANAGER: Lin Armstrong, Director Development and Building

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 January 2014.

#### RECOMMENDATION

*That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of January 2014.*

#### Development Applications Received and Determined – Development Assessment Unit January 2014

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	4	487,000	6	1,960,000
Industrial	3	675,750	1	40,000
Residential (Multiple Dwellings/Dual Occupancy)	2	860,000	3	1,700,000
Other Applications	-	-	1	250,000
Subdivisions	1	250,000	4	1,175,000
Section 96 Applications	1	-	8	-
<b>Total</b>	<b>11</b>	<b>2,272,750</b>	<b>23</b>	<b>5,125,000</b>

**5.3 Activities of the Development Assessment and Building Certification Compliance and Health Units (contd)**

**Development Applications Received and Determined – Building Certification and Health Unit – January 2014**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	4	85,000	3	70,000
Industrial	-	-	-	-
Residential (Dwellings)	15	4,065,392	20	4,801,507
Residential (Alterations and Additions)	20	903,692	26	1,966,739
Other Applications	1	261,450	1	12,000
Section 96 Applications	9	-	4	-
<b>Total</b>	<b>49</b>	<b>5,315,534</b>	<b>54</b>	<b>6,850,246</b>

*Note: Included in the determined Category of “Commercial” was for a Commercial building (Centrelink) located at Lake haven valued at \$1.8M.*

**Subdivision Applications Received and Determined January 2014**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	2	18	5	17
Rural	-	-	-	-
<b>Total</b>	<b>2</b>	<b>18</b>	<b>5</b>	<b>17</b>

**Net Median Turn-around Time – January 2014**

The net median turn-around time in working days for development applications determined during January 2014 was 21 days. There was one Employment Generating Application determined which was for a Centrelink Office at Lakehaven which will employ 50 staff.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for January 2014 was 25 days.

**Other Approvals and Certificates**

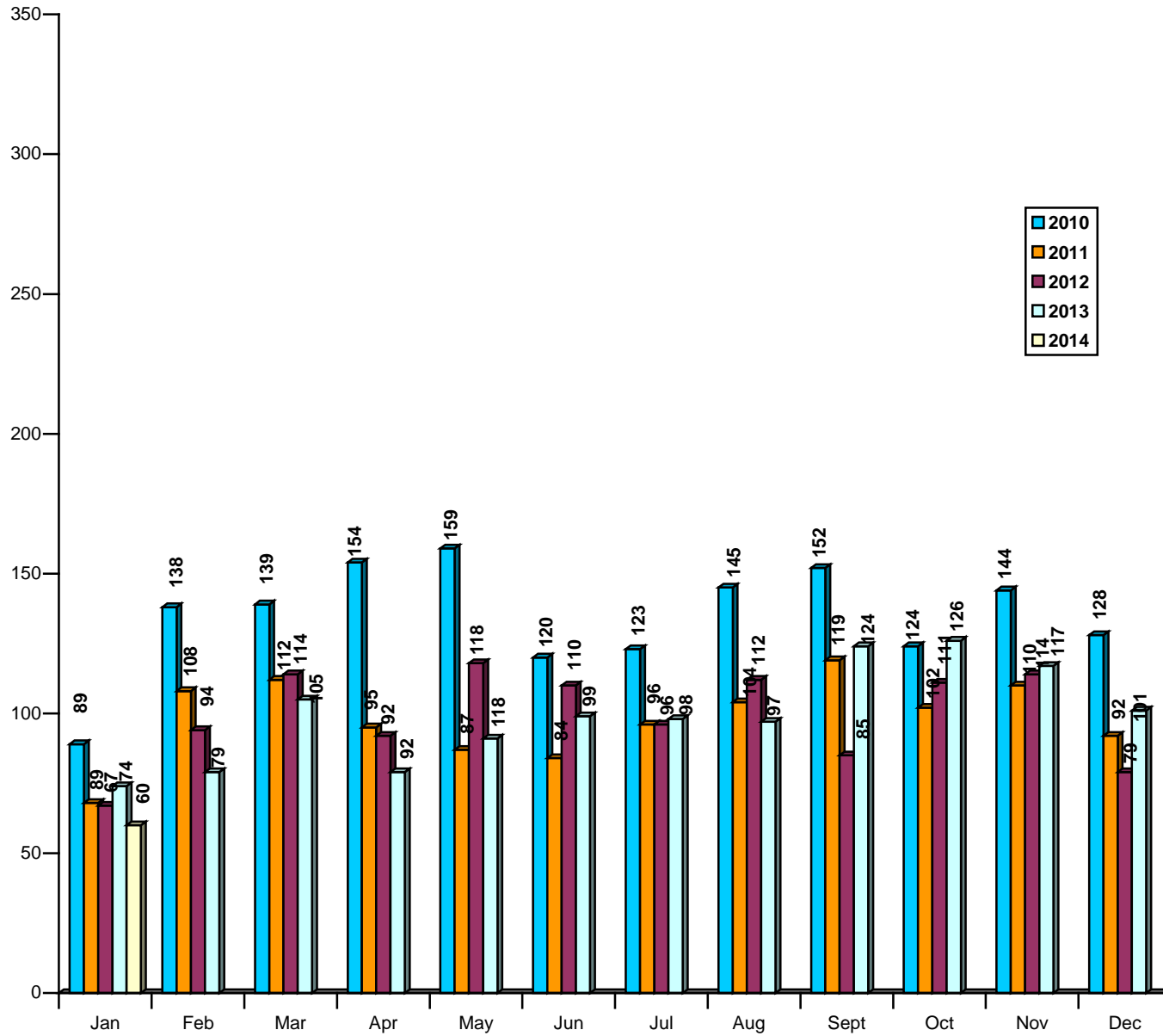
<b>Type:</b>	<b>Number Determined January 2014</b>
Trees	40
Section 149 D Certificates ( <i>Building Certificates</i> )	10
Construction Certificates	35
Complying Development Certificates	18

**ATTACHMENTS**

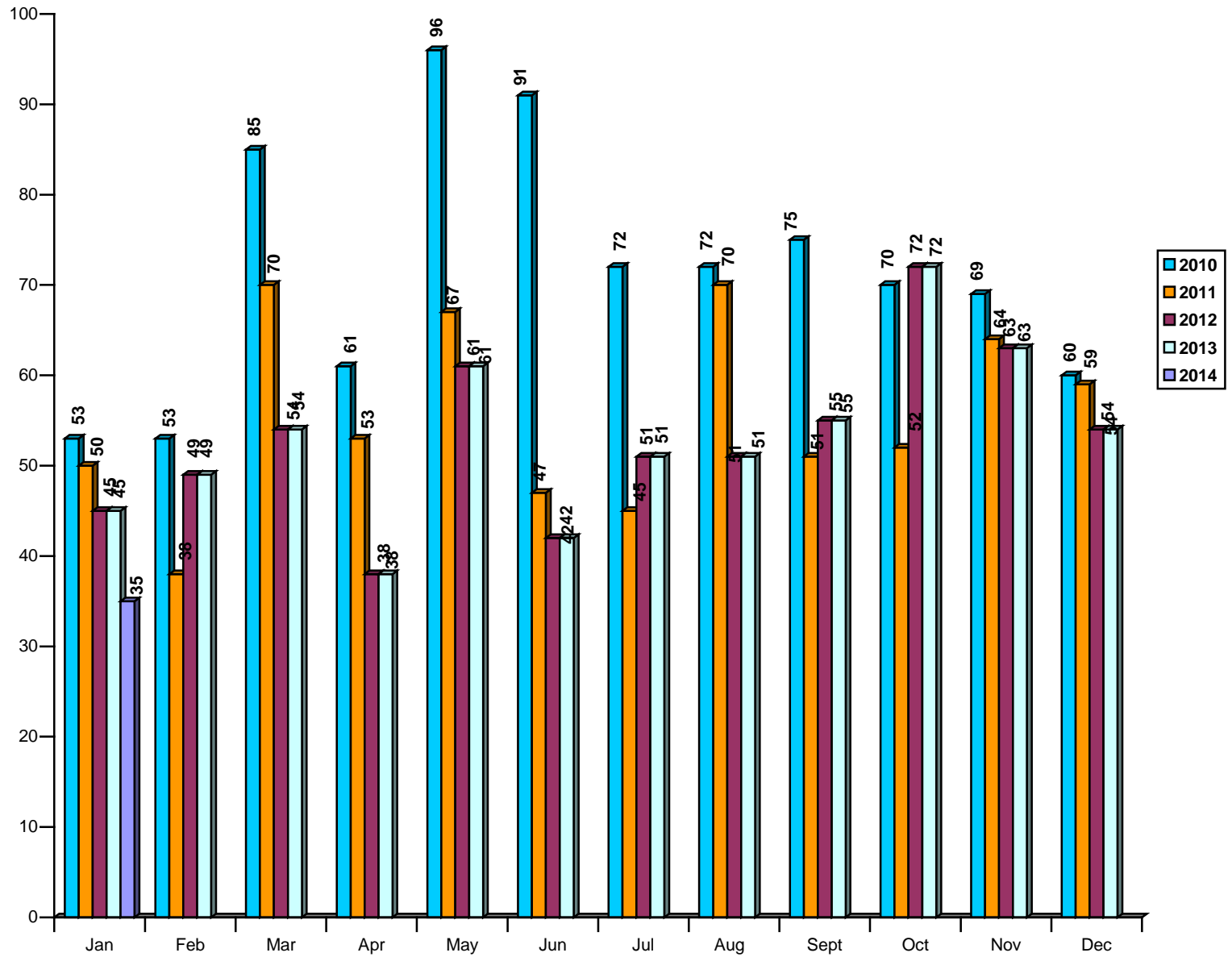
- |                                                                                                    |           |
|----------------------------------------------------------------------------------------------------|-----------|
| 1 Graphs - Development Applications Lodged, Determined and<br>Construction Certificates Determined | D05589874 |
|----------------------------------------------------------------------------------------------------|-----------|



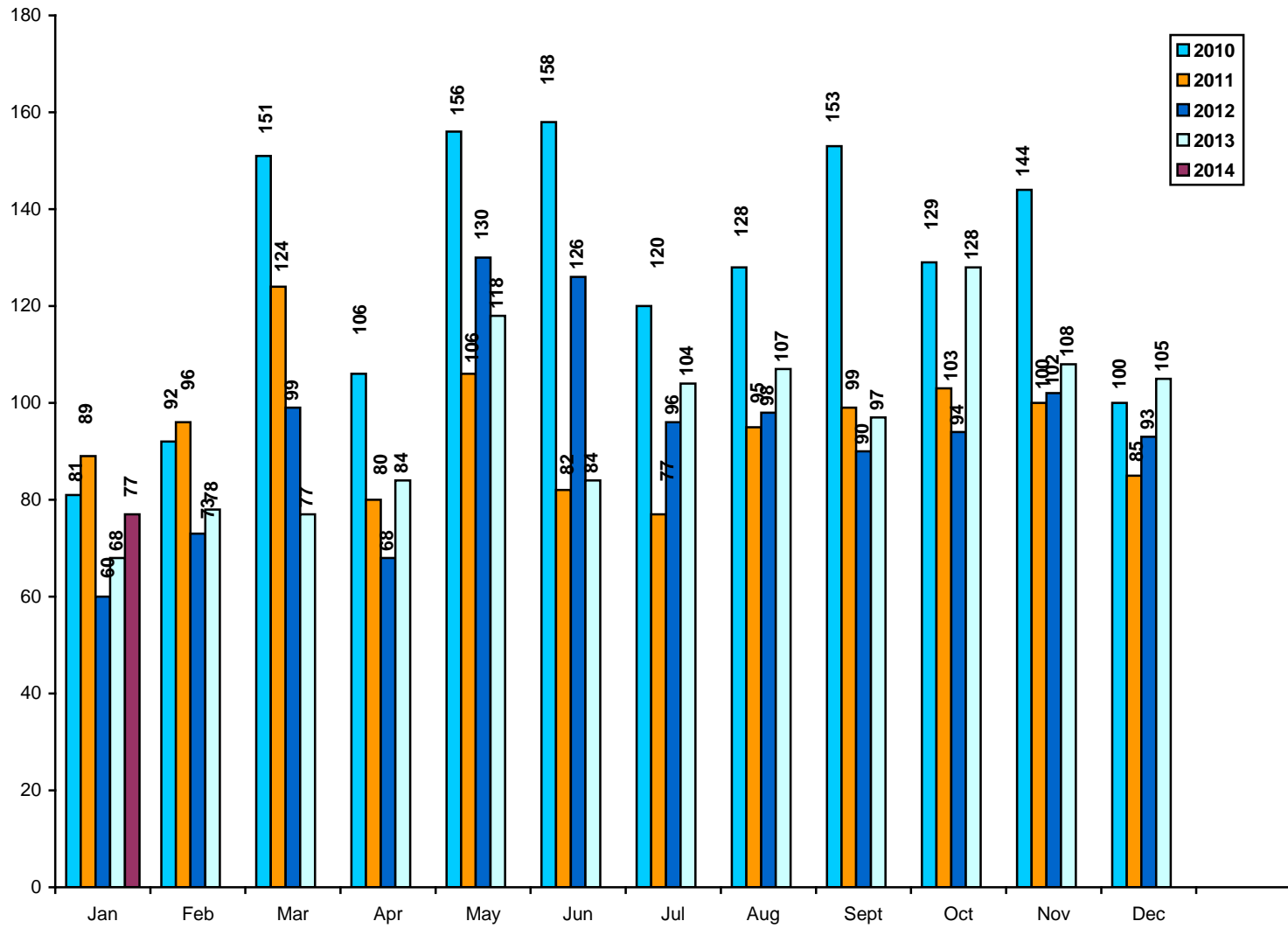
**DAs LODGED**



**CCs DETERMINED**



**DAs DETERMINED**



## **5.4 Investment report for January 2014**

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TRIM REFERENCE: F2004/06604 - D05600499  
MANAGER: Carlton Oldfield, Financial Controller  
AUTHOR: Devini Susindran; Financial Accountant

### **SUMMARY**

This report details Council's investments as at 31 January 2014

### **RECOMMENDATION**

*That Council receive the Investment report for January 2014.*

### **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.

### **CURRENT STATUS**

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

Cash flows in December were managed through term deposit maturities, with a net outflow of \$11.26m including a term deposit of \$5m which matured towards the end of the month and was reinvested in February. These funds reside in our working account at January 2014 outside of investment funds.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
<b>Movement in Term Deposits</b>				
NAB	11.5	4.44%	Jan 2014	(\$5,000)
ING	6	4.06%	Jan 2014	(\$5,000)
WSCU	12	4.25%	Jan 2014	(\$1,000)
WSCU	12	3.40%	Jan 2014	\$1,000
<b>Total Term Deposit Movement</b>				<b>(\$10,000)</b>
<b>Movement in cash at call</b>				
AMP				-
Westpac		2.60%		(\$1,300)
Interest earned on all call accounts				\$36
<b>Total Cash at Call Movement</b>				<b>(\$1,264)</b>
<b>Total Cash &amp; Term Deposit Movement</b>				<b>(\$11,264)</b>

**Total Portfolio**

Total net return for January 2014 was \$0.55m in interest earnings.

Table 2 - Net Return

	Full Year 2012-13 \$m	Qtr 1 to Sep 2013 \$m	Qtr 2 to Dec 2013 \$m	Jan 2014 \$m	YTD 2013-14 \$m
Capital Gain/(Loss) Realised	-	(0.33)	0.01	-	(0.32)
Capital Gain/(Loss) Unrealised	0.68	0.12		-	0.12
<b>Net Capital Gain/(Loss)</b>	<b>0.68</b>	<b>(0.21)</b>	<b>0.01</b>	<b>-</b>	<b>(0.20)</b>
Income Distribution on Managed Funds*	-	0.32	-	-	0.32
<b>Net Income from Managed Funds</b>	<b>-</b>	<b>0.32</b>	<b>-</b>	<b>-</b>	<b>0.32</b>
Interest Earnings on Call Deposits Received	0.53	0.15	0.09	0.04	0.28
Interest Earnings on Term Deposits received at Maturity	7.04	1.51	1.61	0.51	3.63
<b>Total Interest Earnings</b>	<b>7.57</b>	<b>1.66</b>	<b>1.70</b>	<b>0.55</b>	<b>3.91</b>
<b>Total return for the period</b>	<b>8.25</b>	<b>1.77</b>	<b>1.71</b>	<b>0.55</b>	<b>4.03</b>

\* Until October 2013, Council's portfolio included investments in managed funds held under the "grandfather" provisions of the current Ministers Order. The investment in Blackrock Care and Maintenance Fund was liquidated in October 2013.

## 5.4 Investment report for January 2014 (contd)

Full year returns to January of 4.44% is favourable compared to benchmark bank bill swap (BBSW) full year Bank Bill Index of 2.73% and Council guidelines of BBSW + 10 basis points. The full year return excluding capital losses on managed funds of \$0.20m is 4.66%.

**Table 3 - Investment Portfolio by Risk Category**

Investment Class	Jan 2014 Portfolio \$ '000	YTD Return \$ '000	YTD Return %
Cash at Call	12,794	264	3.40
Term Deposits	132,870	3,638	4.44
Managed Funds	-	124	13.55
<b>Total Investments</b>	<b>145,664</b>	<b>4,026</b>	<b>4.44</b>

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 investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

**Table 4 - Term Deposits Maturities**

Time Horizon	Value \$ '000
<b>At Call</b>	<b>12,794</b>
<b>Term Deposits</b>	
0 - 3 months	40,000
4 - 6 months	26,870
7 - 12 months	41,000
1 - 2 years	10,000
2 - 3 years	6,000
3 - 4 years	4,000
4 - 5 years	5,000
<b>Total Term Deposits</b>	<b>132,870</b>
<b>Total Portfolio</b>	<b>145,664</b>

The target maximum allocation limit in each category and the current spread of investments is listed in Table 5. The portfolio is still overweight in A1 but moving more into A2 within policy guidelines in order to obtain the best rates offered.

**Table 5 - Portfolio Credit Framework**

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation Jan 2014
A1	10.0%	54.69%
A2	75.0%	41.88%
A3	10.0%	2.74%
Unrated	15.0%	0.69%
<b>TOTAL</b>		<b>100.00%</b>

## 5.4 Investment report for January 2014 (contd)

Investment transactions and earnings during January 2014 are shown in Table 6 - Portfolio Movements.

**Table 6 - Portfolio Movements**

	Full Year 2012-13 \$m	Qtr 1 to Sept 2013 \$m	Qtr 2 to Dec 2013 \$m	Jan 2014 \$m	YTD 2013-14 \$m
<b>Movement in Assets</b>					
<b>Opening Balance</b>	<b>153.81</b>	<b>154.99</b>	<b>162.49</b>	<b>156.92</b>	<b>154.99</b>
Capital Gain/(Loss) on Managed funds	0.68	(0.21)	0.01		(0.20)
Capital Distribution on sale of Managed Fund	(1.93)	(4.81)			(4.81)
Managed fund income Distribution		0.32			0.32
Net Cash/Investments (Withdrawals)	2.40	12.20	(5.58)	(11.26)	(4.64)
<b>Closing Balance</b>	<b>154.99</b>	<b>162.49</b>	<b>156.92</b>	<b>145.66</b>	<b>145.66</b>

### Portfolio Interest and Investment Returns

Full year returns as at 31 January 2014 on Council's investment portfolio of deposit accounts, term deposits and managed funds, show a \$0.73m or 15.36% *unfavourable* variance when compared to the year to date budget at January 2014.

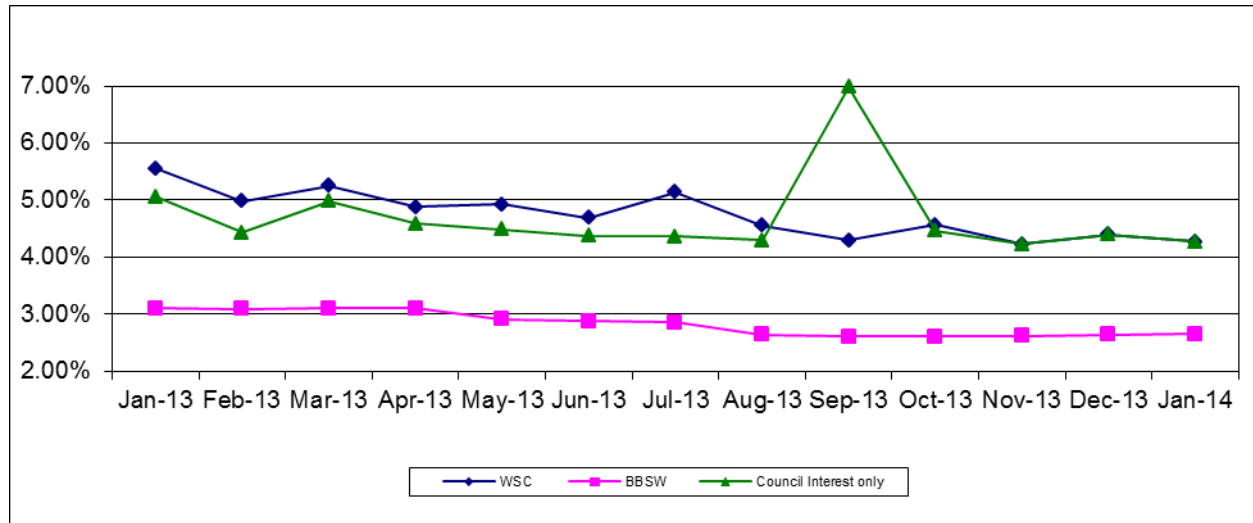
**Table 7 - Annual Investment Portfolio Performance as at 31 January 2014**

Investment Source	YTD Investment revaluation	YTD Interest	YTD Actual Income	YTD Budget	YTD Variance to Budget	FYR Budget
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
	A	B	C=A+B	D	E=C-D	
General	(117)	2,375	<b>2,258</b>	2,815	<b>(557)</b>	<b>4,400</b>
Water	(36)	789	<b>753</b>	659	<b>94</b>	<b>1,130</b>
Sewerage	(44)	1,059	<b>1,015</b>	1,283	<b>(268)</b>	<b>2,200</b>
<b>Total</b>	<b>(197)</b>	<b>4,223</b>	<b>4,026</b>	<b>4,757</b>	<b>(731)</b>	<b>7,730</b>

Interest rates in the month, ranged from 3.40% to 5.77% with the exception of Heritage Bank at 7.25, all of which exceeded the Jan. Bank Bill Swap Rate (BBSW) benchmark of 2.61%.

### Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the BBSW 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:

**Graph 1 - Annualised Monthly Return – Comparison to Benchmark**

Note: The spike in yield for September 2013 is from an interest distribution received by the liquidated managed fund prior to its disposal.

### Comparison to Neighbouring Councils

#### Portfolio Valuation

WSC's investment portfolio reflects our strong cash position. This is level with Lake Macquarie City Council and above Gosford City Council's portfolio as summarised in table 8 below. Graph 2 shows the monthly portfolio balances over a 12 month period for all three Councils.

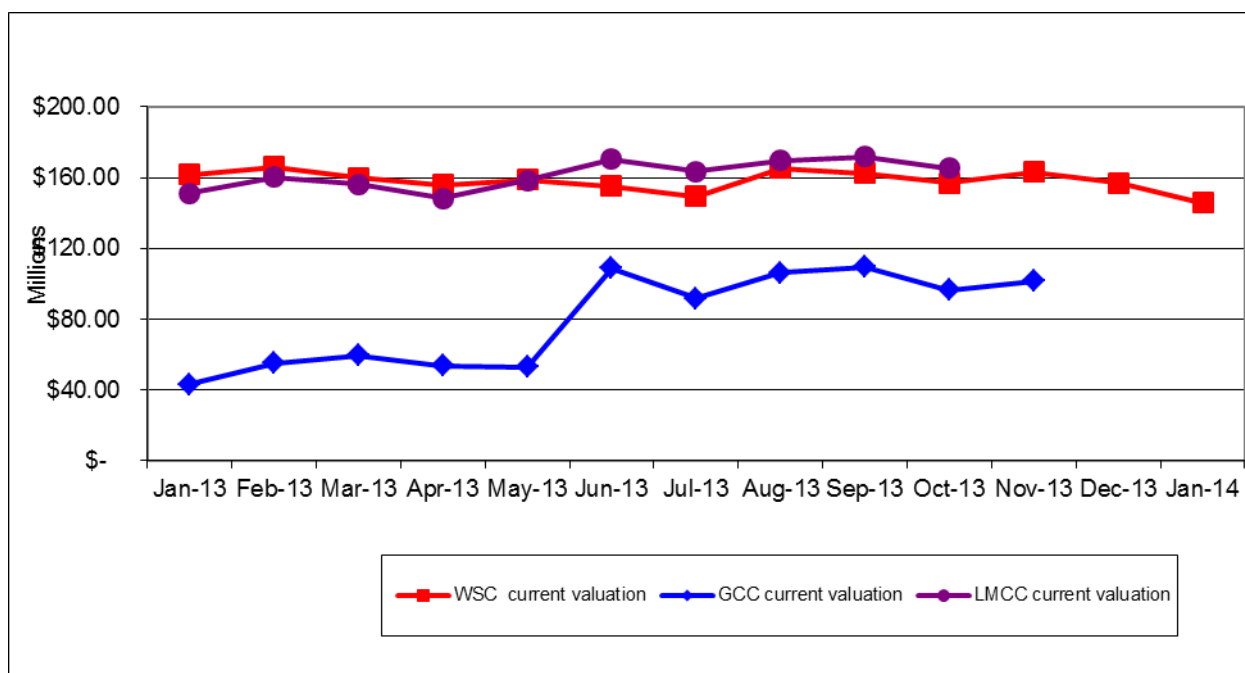
There is a lag in the information available for neighbouring Councils and reports for November, December and January were not available at the time of writing this report.

**Table 8 – Summary of Investment Portfolio Balances**

Month / Council	Wyong Shire Council \$m	Gosford City Council \$m	Lake Macquarie Council \$m
Sept 2013	\$162.49	\$109.67	\$171.79
Oct 2013	\$157.11	\$96.64	\$165.41
Nov 2013	\$163.00	\$101.63	Information not yet available
Dec 2013	\$156.93	Information not yet available	Information not yet available
Jan 2014	\$145.66	Information not yet available	Information not yet available



Graph 2 - Portfolio Valuations - Comparison to Neighbouring Councils



Gosford City Council's investment portfolio increase in June 2013 includes \$51.9m of loans raised.

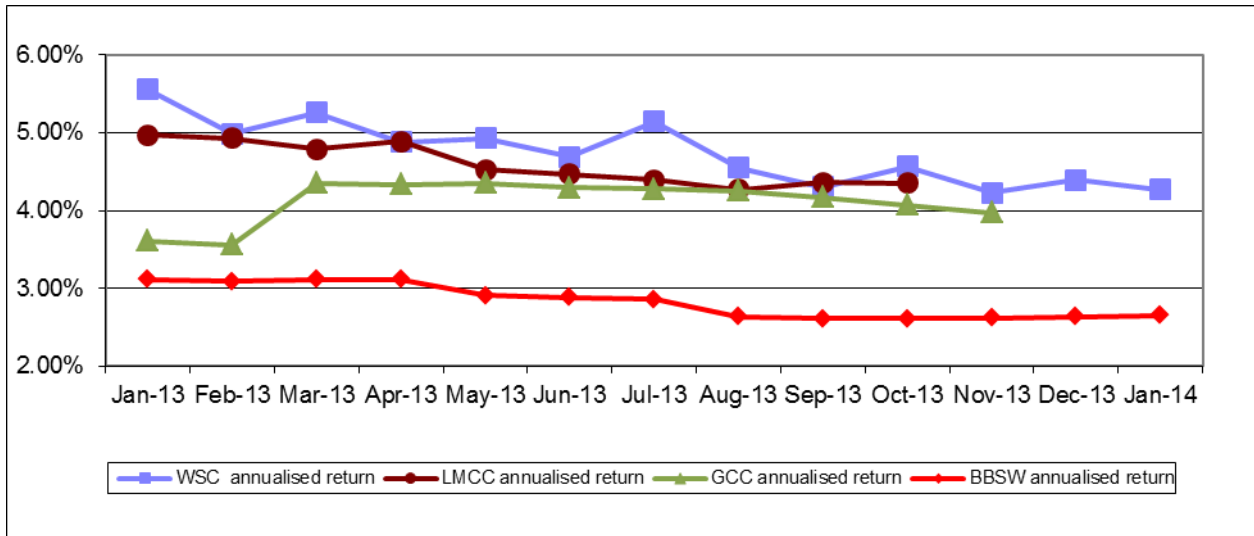
**Portfolio Returns**

WSC's investment yield compares favourably to neighbouring Councils as outlined in table 9 below. Graph 3 shows the monthly annualised portfolio returns over a 12 month period for all three Councils compared to BBSW.

**Table 9 – Summary of Annualised Investment Portfolio Returns**

Month / Council	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
Sept 2013	2.61%	4.30%	4.17%	4.36%
Oct 2013	2.61%	4.57%	4.07%	4.35%
Nov 2013	2.62%	4.23%	3.97%	Information not yet available
Dec 2013	2.64%	4.39%	Information not yet available	Information not yet available
Jan 2014	2.65%	4.27%	Information not yet available	Information not yet available

Graph 3 - Portfolio Return - Comparison to Neighbouring Councils



**INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 January 2014 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

**ATTACHMENTS**

- 1 Summary of Investment by Type - January 2014 D05603072

Wyong Shire Council Summary of Investments - By Type As at 31 January 2014								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 30.12.13 \$	PORTFOLIO BALANCE 31.01.14 \$	INCOME FOR MONTH OF JANUARY \$	INTEREST RATES % p.a.
		Short Term	Long Term					
<b>CASH AT CALL:</b>								
Westpac	Corporate Investment Account	A1	AA	Daily	9,557,369	8,280,124	22,755	2.60
AMP	Business Saver Account	A1	A	Daily	4,500,907	4,513,713	12,806	3.35
Total Cash At Call					14,058,277	12,793,837	35,561	
<b>TERM DEPOSITS &amp; BONDS</b>								
<u>Short term deposits &amp; bills (less than 90 days)</u>								
NAB	Term Deposit	A1	AA	6/01/2014	5,000,000		3,041	4.44
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/01/2014	1,000,000		3,498	4.25
ING	Term Deposit	A1	A	30/01/2014	5,000,000		17,241	4.06
CUA	Term Deposit	A2	BBB	11/02/2014	5,000,000	5,000,000	18,684	4.40
ME Bank	Term Deposit	A2	BBB	27/02/2014	5,000,000	5,000,000	18,387	4.33
Westpac	Term Deposit	A1	AA	5/03/2014	10,000,000	10,000,000	49,005	5.77
Bank of Queensland	Term Deposit	A2	BBB	11/03/2014	5,000,000	5,000,000	18,260	4.30
Bank of Queensland	Term Deposit	A2	BBB	27/03/2014	5,000,000	5,000,000	18,472	4.35
ME Bank	Term Deposit	A2	BBB	14/04/2014	5,000,000	5,000,000	18,302	4.31
ME Bank	Term Deposit	A2	BBB	28/04/2014	5,000,000	5,000,000	17,750	4.18
					<b>51,000,000</b>	<b>40,000,000</b>		
<u>Medium Term Deposits (up to 365 days)</u>								
ING	Term Deposit	A1	A	19/05/2014	5,000,000	5,000,000	16,731	3.94
CUA	Term Deposit	A2	BBB	28/05/2014	5,000,000	5,000,000	17,835	4.20
NAB	Term Deposit	A1	AA	10/06/2014	5,000,000	5,000,000	16,689	3.93
NAB	Term Deposit	A1	AA	27/06/2014	5,000,000	5,000,000	16,689	3.93
Rural Bank	Term Deposit	A2	A	15/07/2014	5,000,000	5,000,000	16,562	3.90
CBA	Term Deposit	A1	AA	30/07/2014	1,870,000	1,870,000	5,797	3.65
ING	Term Deposit	A1	A	19/08/2014	5,000,000	5,000,000	16,816	3.96
NAB	Term Deposit	A1	AA	28/08/2014	5,000,000	5,000,000	16,732	3.94
NAB	Term Deposit	A1	AA	9/09/2014	5,000,000	5,000,000	16,647	3.92
NAB	Term Deposit	A1	AA	22/09/2014	5,000,000	5,000,000	16,732	3.94
Bendigo/Adelaide	Term Deposit	A2	A	22/09/2014	5,000,000	5,000,000	16,349	3.85
NAB	Term Deposit	A1	AA	13/10/2014	5,000,000	5,000,000	16,264	3.83
CUA	Term Deposit	A2	BBB	30/10/2014	5,000,000	5,000,000	16,774	3.95
ING	Term Deposit	A1	A	12/11/2014	5,000,000	5,000,000	16,349	3.85
Wyong Shire Credit Union	Term Deposit	UNRATED	UNRATED	31/01/2015		1,000,000	93	3.40
					<b>66,870,000</b>	<b>67,870,000</b>		
<u>Non - Current</u>								
Bank of Queensland	Term Deposit	A2	BBB	25/11/2015	5,000,000	5,000,000	17,199	4.05
ING	Term Deposit	A1	A	26/11/2015	5,000,000	5,000,000	16,986	4.00
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000	24,630	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	26,499	7.25
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000	20,681	4.87
					<b>25,000,000</b>	<b>25,000,000</b>		
Total Term Deposit & Bonds:					142,870,000	132,870,000	511,694	
Current					131,928,277	120,663,837		
Non-Current					25,000,000	25,000,000		
TOTAL					156,928,277	145,663,837	547,254.43	

## **5.5 Quarterly Update on EP&A and LGA Developer Contributions**

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TRIM REFERENCE: F2004/00552 - D05659983  
MANAGER: Vivienne Louie, Chief Financial Officer  
AUTHOR: Sandy Rose; Developer Contributions Officer

### **SUMMARY**

This report provides an update of Council's Developer Contributions levied under the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993* from 1 July 2013 to 31 December 2013.

### **RECOMMENDATION**

***That Council receive the report on Quarterly Update on EP&A and LGA Developer Contributions.***

### **BACKGROUND**

This report covers any developer contributions received by Council under the Environmental Planning and Assessment Act 1979

- section 93F - Voluntary Planning Agreements (VPA)
- section 94 - Contribution towards provision or improvement of amenities or services
- section 94A - Fixed development consent levies

and Local Government Act 1993

- section 64 – Water and sewer contributions

All developer contributions received are reported as part of our General Fund reporting with the exception of drainage and water infrastructure contributions which are reported in our Water Fund and sewer infrastructure contributions which are reported in our Sewer Fund.

Previously contributions received under s93F were not budgeted or reported separately. With changing reporting requirements we have now separated the actual contributions received under s93F and s94 from 1 July 2013.

### **CONTRIBUTIONS RECEIVED**

Council received a total of \$1.3m in Developer Contributions for the first half of 2013 (includes only s93F, 94 and 94A contributions). Water and sewer contributions received for the first half of 2013 were \$1.5m.

## 5.5 Quarterly Update on EP&A and LGA Developer Contributions (contd)

There is a current shortfall in General Fund s94 income of \$1.8m - please refer to Table 1 for more detail. It is not envisaged that this shortfall will be reduced over the next six months. Whilst the developments identified in the September 2013 quarter update are still proceeding, the timing of the payments is uncertain. Based on this a Q2 budget reduction has been proposed.

Section 94A contributions received for July 2013 to December 2013 totalled \$305k which is \$195k favourable compared to a budget of \$110k.

**Table 1 – s93F and s94 developer contributions (excluding drainage) reported in the General Fund**

		General Fund				
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s94 Actual Income	Total Actual Income	Variance
1	Wyong	\$11,820		\$208,056	\$208,056	\$196,236
2	Southern Lakes	\$17,160		\$56,479	\$56,479	\$39,319
3	The Entrance	\$255,660		\$81,363	\$81,363	(\$174,297)
5	Ourimbah	\$17,580		\$0	\$0	(\$17,580)
6	Toukley	\$62,460		\$0	\$0	(\$62,460)
7	Gorokan	\$25,860		\$20,918	\$20,918	(\$4,942)
7a	Warnervale	\$328,620		\$224,688	\$224,688	(\$103,932)
8	San Remo	\$23,400		\$3,116	\$3,116	(\$20,284)
9	Budgewoi	\$23,460		\$11,069	\$11,069	(\$12,391)
13	Shire Wide	\$73,320		\$65,554	\$65,554	(\$7,766)
15	Northern Districts *	\$101,700		\$83,084	\$83,084	(\$18,616)
	Warnervale Town Centre	\$1,620,000		\$0	\$0	(\$1,620,000)
<b>General Fund Total</b>		<b>\$2,561,040</b>	<b>\$0</b>	<b>\$754,327</b>	<b>\$754,327</b>	<b>(\$1,806,713)</b>
<b>Section 94A</b>		<b>\$109,980</b>	<b>\$0</b>	<b>\$304,624</b>	<b>\$304,624</b>	<b>\$194,644</b>

Overall, drainage contributions received for the six months ended December 2013 of \$244K is favourable to budget by \$4k – please refer to Table 2 for more information.

**Table 2 – s93F and s94 Drainage contributions reported in Water Fund**

		Water Fund - s94 Drainage				
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s94 Actual Income	Total Actual Income	Variance
1	Wyong	\$1,400		\$0	\$0	(\$1,400)
2	Southern Lakes	\$6,950		\$91,086	\$91,086	\$84,136
3	The Entrance			\$0	\$0	\$0
5	Ourimbah			\$0	\$0	\$0
6	Toukley			\$0	\$0	\$0
7	Gorokan			\$0	\$0	\$0
7a	Warnervale	\$231,500		\$152,778	\$152,778	(\$78,722)
8	San Remo	\$150		\$0	\$0	(\$150)
9	Budgewoi			\$0	\$0	\$0
13	Shire Wide			\$0	\$0	\$0
15	Northern Districts			\$0	\$0	\$0
	Warnervale Town Centre			\$0	\$0	\$0
<b>Water Fund Drainage Total</b>		<b>\$240,000</b>	<b>\$0</b>	<b>\$243,864</b>	<b>\$243,864</b>	<b>\$3,864</b>

Year to date Water Fund contributions received of \$645k is favourable to budget by \$158k. It is expected that income will align closer to the full year budget by the end of the financial year – please refer to Table 3.

Table 3 – s64 Water Developer contributions reported in the Water Fund

		Water Fund - s64 Water				
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s64 Actual Income	Total Actual Income	Variance
1	Wyong			\$9,305	\$9,305	\$9,305
2	Southern Lakes			\$114,458	\$114,458	\$114,458
3	The Entrance			\$61,282	\$61,282	\$61,282
5	Ourimbah			\$103,699	\$103,699	\$103,699
6	Toukley			\$2,607	\$2,607	\$2,607
7	Gorokan			\$35,075	\$35,075	\$35,075
7a	Warnervale			\$207,285	\$207,285	\$207,285
8	San Remo			\$60,305	\$60,305	\$60,305
9	Budgewoi			\$798	\$798	\$798
13	Shire Wide			\$0	\$0	\$0
15	Northern Districts			\$50,032	\$50,032	\$50,032
	Warnervale Town Centre			\$0	\$0	\$0
		\$487,280		\$0	\$0	(\$487,280)
	<b>Water Fund s64 Total</b>	<b>\$487,280</b>	<b>\$0</b>	<b>\$644,846</b>	<b>\$644,846</b>	<b>\$157,566</b>

Year to date Sewer Fund contributions received total \$848k. However, the budget has been phased incorrectly. This will be corrected as part of the Q2 review.

Table 4 – s64 Sewer developer contributions reported in the Sewer Fund

		Sewer Fund - s64				
Contribution Plan #	Contribution Plan Name	Revised Budgeted Income	s93F VPA Actual Income	s64 Actual Income	Total Actual Income	Variance
1	Wyong			\$198,465	\$198,465	\$198,465
2	Southern Lakes			\$149,541	\$149,541	\$149,541
3	The Entrance			\$35,601	\$35,601	\$35,601
5	Ourimbah			\$171,084	\$171,084	\$171,084
6	Toukley			\$1,344	\$1,344	\$1,344
7	Gorokan			\$23,194	\$23,194	\$23,194
7a	Warnervale			\$194,288	\$194,288	\$194,288
8	San Remo			\$42,403	\$42,403	\$42,403
9	Budgewoi			\$678	\$678	\$678
13	Shire Wide			\$0	\$0	\$0
15	Northern Districts			\$30,991	\$30,991	\$30,991
	Warnervale Town Centre			\$0	\$0	\$0
	<b>Sewer Fund s64 Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$847,589</b>	<b>\$847,589</b>	<b>\$847,589</b>

Table 5 – Summary of Developer Contributions received

Contribution Type	Revised Budgeted Income	s93F VPA Actual Income	s94 & s94A Actual Income	s64 Actual Income	Total Actual Income	Variance
s93F and s94	\$2,801,040	\$0	\$998,191		\$998,191	(\$1,802,849)
s94A	\$109,980	\$0	\$304,624		\$304,624	\$194,644
Water	\$487,280	\$0		\$644,846	\$644,846	\$157,566
Sewer	\$0	\$0		\$847,589	\$847,589	\$847,589
<b>Sewer Fund s64 Total</b>	<b>\$3,398,300</b>	<b>\$0</b>	<b>\$1,302,815</b>	<b>\$1,492,435</b>	<b>\$2,795,250</b>	<b>(\$603,050)</b>

**SPECIFIC PURPOSE VPA CONTRIBUTIONS RECEIVED**

No VPA payments have been received for the period from 1 July 2013 to 31 December 2013.

Contributions totalling \$514,465 received in 2012-13 from Fabcot Pty Limited were required to be spent on specific works. Any unspent funds at the end of the 4 year period from when the VPA was entered into will need to be refunded. Under the VPA we are required to deliver the following works:

- Pathway 1 – 2013-14 Saliena Avenue to Tall Timbers Road
- Pathway 2 – 2014-15 Pacific Highway South – Tall Timbers to Colongra Bay Road

Table 6 below shows the actual project costs to December 2013. The second stage of Pathway 1 commenced in January 2014. Any surplus funds from Pathway 1 will be allocated to Pathway 2. It is proposed both pathways will be completed by July 2014.

**Table 6 – Fabcot Pty Limited VPA funds spent compared to budget**

Project	Financial Year	Budget	Spend @ Dec 13	Balance
Pathway 1	2013-14	\$206,506	\$71,591	\$134,915
Pathway 2	2014-15	\$308,138		\$308,138

**RESTRICTED ASSET**

Council's currently has a restricted asset totalling \$41m which represents the developer contributions received with interest income that has not yet been spent as at 31 December 2013. The break up is as follows:

Contribution Type	Restricted Asset Value
S93F	\$1,044,194
S94 - General	\$2,788,107
S94 - Drainage	\$10,324,153
S94A	\$814,130
S64 - Water	\$10,859,838
S64 - Sewer	\$14,737,643
<b>Total</b>	<b>\$40,568,064</b>

**DEVELOPER CREDITS**

Council's current unfunded liabilities (non-cash contributions) total \$17.1m as at December 2013. This includes s94 credits totalling \$16.1m and s64 credits totalling \$1m.

**ATTACHMENTS**

*Nil.*

## 5.6 NBN Co Strategic Review Report

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TRIM REFERENCE: F2010/00218 - D05674514  
MANAGER: Michael Whittaker, General Manager  
AUTHOR: Bob Platt; Chief Information Officer

### SUMMARY

This report provides an overview of the Strategic Review carried out on NBN Co by Deloitte, KordaMentha and Boston Consulting Group and completed in mid-December 2013. This report also proposes a number of initiatives to ensure that the Central Coast is provided with appropriate telecommunications infrastructure that supports all businesses and households having access to fast, affordable broadband services.

### RECOMMENDATION

*That Council receive the report on NBN Co Strategic Review Report.*

### Objectives of the Strategic Review

The Minister for Finance and Minister for Communications, as joint Shareholder Ministers of NBN Co, announced the initiation of a Strategic Review on 3 October 2013 to undertake an assessment of:

- The progress and cost of the NBN Co rollout
- The estimated time and cost to complete the project under the current design
- The estimated costs and time to complete the NBN if variations were made
- The economic viability of NBN Co under alternative strategies
- The implications of capital costs and principles of cost recovery
- Recommendations for organisation restructuring, any amendments to the construction model and a revised NBN Co strategy
- Any other matters the Chair deemed relevant to the strategic consideration of NBN Co.

### Scenarios considered

#### **Scenario 1 – Revised outlook of the current technology and strategic plan**

**Scenario 2 – Radically Redesigned Fibre to the Premise (FTTP).** The scenario involves FTTP rollout to all premises however with radical changes to architecture, materials, construction techniques and improvements to productivity and costs.

**Scenario 3 – Fibre to the Node (FTTN) short loop/Fibre to the Building (FTTB) large MDUs.** In this scenario NBN Co continues to rollout fibre to premises already committed, FTTB rolled out to large Multi Dwelling Units (MDUs) (>30-40 units) and FTTN to short loop premises (those within 400M of the pillar)



**Scenario 4 – Hybrid Fibre Coaxial (HFC) in HFC footprint** – NBN Co rolls out committed FTTP, then connects all remaining premises within the HFC footprint using HFC. Outside the HFC footprint, all short loop areas would have FTTN and long loop areas would be FTTP.

**Scenario 5 – FTTN and HFC (no demobilisation)** – This scenario is based on the fastest rollout, HFC within HFC footprint, most likely then FTTN, already committed FTTP, then FTTP where longer loops are prevalent.

**Scenario 6 – Optimised Multi-Technology Mix** – This scenario is based upon selection of technology on an area-by-area basis in order to minimise peak-funding and maximising long-term economics whilst delivering 50Mbps to approximately 90% of the fixed –line footprint by end of CY19.

Scenario 6 will provide the following technology splits in the fixed line footprint:

- Fibre to the Premise (FTTP) 26%
- Fibre to the Node/Building (FTTP/B) 44%
- Hybrid Fibre Coax (HFC) 30%

Scenario 6 provides the following key outcomes:

- Early completion date CY20
- Early positive cash flow CY22
- Lowest cumulative CAPEX of \$33B
- Lowest peak funding of \$41B

The report recommends a number of changes to improve performance including construction efficiencies, efficiencies from operational support systems (OSS) and business support systems (BSS), approach to greenfield deployments and the need for the development of new corporate plan prior to July 1, 2014.

### **Wyong Shire Council proposed initiatives**

It is recommended that the following initiatives be considered to ensure that the Central Coast is provided with appropriate Telecommunications infrastructure that supports all businesses and households having access to affordable, fast broadband services:

- 1) A report detailing the current and growth business areas within the Wyong Local Government Area is developed and provided to both NBN Co executive and Federal Government Local Members.
- 2) A report detailing current known fixed telecommunication issue areas be developed and provided to both NBN Co executive and Federal Government Local Members.
- 3) A report sourced from consumer ADSL performance be developed and provided to both NBN Co executive and Federal Government Local Members.

### **ATTACHMENTS**

*Nil.*

## **5.7 Response to Notice of Motion - Bike Blitz on Cycle Way Menace**

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TRIM REFERENCE: F2004/06902 - D05663410  
MANAGER: Lin Armstrong, Director Development and Building  
AUTHOR: Kim Warrant; Development Support Officer

### **SUMMARY**

This report is a response to Notice of Motion – Bike Blitz on Cycle Way Menace.

### **RECOMMENDATION**

***That Council receive the report on Response to Notice of Motion - Bike Blitz on Cycle Way Menace.***

### **BACKGROUND**

Council at its meeting held 22 May 2013:

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

- 698/13 That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.*
- 699/13 That Council raises these concerns as a matter of public safety and as a possible public liability risk.*
- 700/13 That Council formally raise these community concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.*
- 701/13 That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.*
- 702/13 That Council direct the General Manager to report the response from the Local Area Command and suggested action, followed by a later outcomes update report to Council.”*

The Tuggerah Lakes LAC conducted Operation 'Spokey Dokey 2' on Thursday 14th, Friday 15th and Saturday 16th November 2013. The purpose of this operation was to target bicycles, motorised bicycles and motor cycle related offences in and around the cycle/walk ways within the Tuggerah Lakes LAC (specifically the Tuggerah Lake Cycle/Walk ways). The operation was also seen as a Bicycle Safety Education Program. Police suspected that offenders were utilising the above methods of transport and the above mentioned cycle ways before and after committing crimes such as; Stealing/BE&S from residential premises and thefts from Motor Vehicles.

The operation was conducted during both day and night time with significant police resources devoted to the operation. A number of police officers worked on Operation Spokey Dokey 2. The operation consisted of saturation patrols of the cycle paths around Tuggerah Lakes utilising; vehicle patrols, foot patrols & Police Trail Bikes.

Very few offences were detected during the operation. The results of the operation were;

- 2 persons were arrested (1 traffic related offences & 1 Assault Police offence)
- 1 Cannabis Caution was issued
- 3 Traffic Infringement Notices (tickets) were issued
- 1 Parking Infringement Notice was issued
- 11 Persons were given warnings for Bicycle Related Offences
- 12 persons were searched

## **ATTACHMENTS**

*Nil.*

## **5.8 Report on the Northern Wyong Shire October Bush Fires**

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TRIM REFERENCE: F2013/00023 - D05676029

MANAGER: Greg McDonald, Director

AUTHOR: Andrew Pearce; Manager

### **SUMMARY**

At the Ordinary meeting of Council, held on 23 October 2013, Council resolved to receive an official report on the northern Wyong Shire bush fires that affected the Shire last October 2013.

### **RECOMMENDATION**

***That Council receive the Report on the Northern Wyong Shire October Bush Fires.***

### **BACKGROUND**

Council at its meeting held 23 October 2013;

*“RESOLVED unanimously on the motion of Councillor EATON:*

- 1260/13 That Council receive an official report on the northern Wyong Shire bushfires.*
- 1261/13 That Council formally congratulate the RFS and NSW Fire and Rescue Service, and all other emergency and community services organisations, involved in this fire event.*
- 1262/13 That Council hold a civic reception for these services at the end of the bushfire season.*
- 1263/13 That Council strike a commemorative plaque in remembrance of Mr Walter Linder, and present this to the Toukley and District Arts Society for official mounting in its art gallery or mural.*
- 1264/13 That Council waive the fees for waste disposal of bushfire damaged waste resulting from this fire event at Council's Buttonderry Waste Management Facility.*
- 1265/13 That Council offer a rebate to those properties located in the fire path for water used while fighting the bush fires. The fire known as the Ruttleys Road Fire burnt out a total of 2879 hectares of scrub and bushland extending from Mannering Park to Catherine Hill Bay across both Wyong Shire and Lake Macquarie City local government areas.”*

The following is a report based on information collected from Superintendent Stephen Raymond (Lakes Team) of the Rural Fire Service and Council Staff.

The fire first originated on 30 September 2013 following an arson attack on bush land along Ruttleys Road. This fire was quickly extinguished and a vigorous patrol regime was established for the following 24 hours.

Although this initial fire was extinguished on the surface, the Ruttleys Road Fire kept burning underground, fuelled by the combination of coal dust, coal tailings, a coal seam and peat soil on land previously used for mining operations. The Rural Fire Service had been using thermal imaging every few days since the initial Ruttleys Road fire, finding hotspots and flooding those areas with water however it could not be effectively extinguished.

On 13 October crews responded to another area of bush alight which resulted in trees being extinguished within a previously burnt area. Brigades continued to patrol the area on a daily basis over the next four days.

On Thursday 17 October at 1151hrs, crews patrolling the area requested extra resources as the fire had started to flare in various spots along the coal seam as a result of adverse weather conditions. The weather conditions at the time included NW wind gusts of 41-67 kilometres per hour, temperatures around 35°C, and Relative Humidity of 16%. Increased resources were called for as crews struggled to keep the fire within containment lines.

By 1530hrs the fire had jumped and was running along power easements on the Pacific Highway North, Doyalson threatening properties. Crews from FRNSW and NSW RFS adopted property protection mode as the fire continued to travel north threatening the Caltex Service Station at North Doyalson.

At 1700 hrs the Wyong Emergency Operations Centre (EOC) was activated in consultation with RFS, NSW Police Local Area Commander and Council's Local Emergency Management Officer to manage the Ruttleys Road fire emergency event.

Agencies from NSW RFS, Fire & Rescue NSW, NSW Police, National Parks & Wildlife Service, Wyong Shire Council, Ausgrid, Family & Community Assistance, State Emergency Service and Lake Macquarie Council successfully coordinated activities from this facility for the duration of the emergency event.

At 1700 hrs there were also reports of fires along the entire length of Pacific Highway from Tall Timbers Road, Doyalson North to Chain Valley Bay Road. Fire was also reported within the car park of Woolworths Lake Munmorah, with numerous spot fires reported in the caravan park on Tall Timbers Road. The Pacific Highway, North Doyalson was closed, and numerous properties under threat along Tall Timbers Road Doyalson North; Carters Road; Chain Valley Bay North; with power lines down at Kanangra Drive, Gwandalan.

At this point some 25 appliances and approximately 100 firefighters from FRNSW and NSW RFS were committed to property protection with approximately 250ha of bush already burnt.

Fire crossed the Pacific Highway into the Munmorah State Conservation area, with the NPWS fuel storage depot coming under direct attack.

By 1800 hrs reports of significant fire activity along both sides of the Pacific Highway near Kanangra Drive, Gwandalan with multiple structures under threat, including a recycling facility and a service station locally known as "The Big Prawn" with fire progressing significantly towards the village of Catherine Hill Bay.

## 5.8 Report on the Northern Wyong Shire October Bush Fires (contd)

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Evacuation centres were setup at Doyalson and Swansea RSL's. Council also offered its function room to be used however this was not required.

A number of Council staff were involved directly with the event. These ranged from a number of specialist staff operating out of the Emergency Operations Centre e.g. coordination of resources, communication, administration etc. through to staff assisting with traffic control for road closures. A number of staff are also volunteers with the NSW Rural Fire Service and FRNSW and were involved with the event.

A declaration under s44 of the *Rural Fires Act* was made on Thursday 17 October at 1900 hrs for the Wyong and Lake Macquarie LGA's amended on Tuesday 23 October to incorporate Newcastle LGA as a result of fires in Gateshead, Stockrington, Edgeworth and Palmers Road, Ryhope.

The declaration was revoked at 1400 hrs Sunday 27 October.

The fire resulted in 2879 hectares of scrub and bushland being burnt in combination with damage to private and public property, one fatality being a male person defending his property plus injuries reported for approximately 6 fire fighters. Property damages across both Wyong Shire and the Lake Macquarie local government areas included:

- 3 x homes totally destroyed (Lake Macquarie LGA);
- 1 x derelict house destroyed;
- 1 x home with internal damage;
- 1 x service station totally destroyed;
- NPWS depot storage facility destroyed;
- Mini bike club facilities destroyed;
- 1 raised shared pathway damaged;
- 1 x wharf damaged,
- Multiple out buildings damaged or destroyed;
- Multiple power poles damaged;
- Roadside signs damaged;
- Vehicles damaged;
- Heavy machinery damaged.

Due to the rapid response and combined efforts of the relevant combatant agencies, damage to property and life was minimised.

Senior Council staff and the NSW State Government allocated Emergency Recovery Coordinator for the Hunter/Central Coast then initiated recovery operations. A number of initiatives were deployed at the recovery phase. These included extensive community communications, joint inspections of fire damaged properties with representatives of the NSW Government, assessment of damage to Council assets, waiving of fees for bushfire damaged waste, and offering a future rebate for water use in fighting the bushfire consistent with that offered by the State Government in the Sydney and Hunter areas. The water rebate in Wyong Shire has to date not been agreed to be funded by the NSW State Government.

Council has since submitted a claim to the NSW State Government for recovery of \$40,000 of costs incurred following the declaration of the event under s44 of the *Rural Fires Act 1997*. Council has also nearly completed the repair of damage to its assets resulting from the fire and is in the final stages of completing a submission to recover approximately \$100,000 in repairs to assets recoverable following the Natural Disaster Declaration.

Liaison has recently been undertaken with the Toukley Arts Society to finalise the wording for the commemorative plaque in remembrance of Mr Walter Linder. Installation is to be completed at the Toukley Federation Art Gallery before the end of this financial year.

A civic reception for representatives of the emergency and community services organisations involved in October 2013 fires in Wyong Shire is proposed in April 2014 at the conclusion of the bushfire season.

## **ATTACHMENTS**

*Nil.*

## **5.9 Confirmation of Minutes - Councillor Strategic Planning Workshop (7-9 February 2014)**

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TRIM REFERENCE: F2013/01660 - D05693388

MANAGER: Vivienne Louie, Chief Financial Officer

AUTHOR: Kathleen Morris; Manager

### **SUMMARY**

Confirmation of the minutes of the Council Strategic Planning Workshop held from 7-9 February 2014.

Provide to Council an updated Outcomes Report from the February 2013 Councillor Strategic Planning Workshop.

### **RECOMMENDATION**

- 1 That Council receive and note the minutes of the Confirmation of Minutes - Councillor Strategic Planning Workshop (7-9 February 2014).**
- 2 That Council receive and note the updated outcomes report from the February 2013 Councillor Strategic Planning Workshop.**

Minutes from the February 2014 Councillor Strategic Planning Workshop and the updated Outcomes Report from the February 2013 Councillor Strategic Planning Workshop are included as a separate confidential attachment.

### **ATTACHMENTS**

- |          |                                                                                                               |           |
|----------|---------------------------------------------------------------------------------------------------------------|-----------|
| <b>1</b> | CONFIDENTIAL ATTACHMENT - Councillor Strategic Planning Workshop Minutes 7-9 February 2014 -                  | D05820666 |
| <b>2</b> | CONFIDENTIAL ATTACHMENT - Updated Outcomes Report from February 2013 Councillor Strategic Planning Workshop - | D05820668 |



## **5.10 Draft Planning Circular - Advice on Coastal Hazards**

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TRIM REFERENCE: F2004/00526 - D05560685

MANAGER: Greg McDonald, Director

AUTHOR: Andrew Pearce, Manager

### **SUMMARY**

The NSW Government has released a draft Planning Circular for comment. It is on public exhibition until 3 March 2014.

The intent of the draft Circular is to provide public information to distinguish whether land is affected by current or projected future coastal hazards.

### **RECOMMENDATION**

***That Council receive the report on the NSW Government draft Planning Circular Coastal hazard notations on Section 149 planning certificates.***

### **BACKGROUND**

On 30 January 2014, the NSW Department of Planning and Infrastructure released a draft Planning Circular for public comment entitled "Coastal hazard notations on Section 149 planning certificates". A copy of the Draft Planning Circular and Frequently Asked Questions document is attached to this report.

A section 149(2) certificate is a mandatory inclusion in a contract for sale of land in New South Wales and is used to disclose information including whether the land is affected by a policy that restricts the development of the land. The proposed change would require councils to make a clear distinction between current and future hazards on Section 149(2) planning certificates.

The draft circular provides recommended wording for 149(2) certificates relating to coastal hazards affecting parcels of land. In particular to identify the type of hazard, and to identify whether the land has a current or future exposure to the hazard. The following wording on s149(2) certificates is recommended:

*'This land has been identified in the [insert Council Policy] as having a [insert current or projected future] exposure to [insert type of hazard]. See Council for more information.'*

The draft circular provides definitions for both current and future exposure to a coastal hazard. An extract of the circular relating to these definitions is set out below:

**‘Current exposure to a coastal hazard’** “describes situations where the land is currently at threat from a hazard. The hazard (e.g. coastal erosion) may or may not be present on the land, but the land is nonetheless currently exposed to the likelihood of that hazard expressing itself during a possible event (e.g. a storm). For example, land within an immediate coastal erosion area (based on a design event or a particular historic event) or land within a 1% annual exceedance probability flood area (1 in 100 year flood) would be land with a “current exposure to a coastal hazard.”

**Future exposure to a coastal hazard** “refers to situations where the land’s exposure to the hazard will arise in the future, but the land is not at risk from the hazard today. Examples include land likely to be exposed to coastal erosion, flooding or inundation from projected sea level rise or as the result of long-term shoreline recession.”

It is important to note that the above examples of coastal hazards as defined in the draft circular include flooding and inundation. Staff recently participated in a NSW Department of Planning telephone conference and obtained confirmation that the definition of coastal hazard is to include lake and estuary flooding.

### **Present section 149 certificate notation requirements**

Council currently provides notations on 149(2) certificates on properties affected by coastal hazards and flooding in accordance with requirements of the Environmental Planning & Assessment Regulation 2000 (Schedule 4, Clauses 7 & 7A).

In regard to hazard, Clause 7 of the Regulation specifies a notation to advise:

*Whether or not the land is affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).*

In regard to flood related development controls, Clause 7A of the Regulation specifies two different notations to take into account different types of land use:

*1. Development on this land or part of the land, for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.*

*2. Development on this land or part of the land for any other purposes is subject to flood related development controls”.*

### **Impact on Wyong Council’s section 149 certificate notations**

Wyong Shire has current advice on Section 149(2) Planning Certificates as follows:

- 2,300 land parcels currently affected by flood related development controls
- 320 land parcels currently affected by a policy that restricts development due to coastal hazards.

## 5.10 Draft Planning Circular - Advice on Coastal Hazards (contd)

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If this Planning Circular becomes active in its current form then Council staff will need to:

- Obtain advice on the best form wording of s149(2) notations to cater for the requirements of both the Planning Circular and the EP&A Regulation.
- Change Section 149(2) notations on over 2,600 land parcels

The actual wording will depend on the details provided on the final circular however based on the draft document it is likely that there will be minimal change in relation to flooding notations given Councils current flood levels do not incorporate long term sea level rise projections. The notations on certificates affected by other coastal hazards are however likely to require wording changes to reflect future exposure to hazards as identified in Councils coastal hazard mapping.

Council staff are preparing a submission to the department seeking some clarifications, including:

- Confirmation of verbal advice that coastal hazards include flooding of coastal lakes, such as Tuggerah Lakes.
- Better definitions of the different specific types of coastal hazard.
- How the draft Circular's required wording of Section 149 Planning Certificate messages can be integrated with the wording specified in the Environmental Planning & Assessment Regulation.

### CONCLUSION

The NSW Government is proposing to issue advice to councils on how they should report on coastal hazards such as erosion and flooding when issuing Section 149 certificates, which are needed when a property is sold.

The community and councils are being consulted until Monday 3 March on a Draft Planning Circular that advises councils of the need to make a clear distinction between current and future hazards on the certificates.

Staff will be making a submission suggesting some points of clarification and providing in principle support to the proposed changes.

### ATTACHMENTS

- |   |                                                                                                   |           |
|---|---------------------------------------------------------------------------------------------------|-----------|
| 1 | Planning Circular_Coastal_Hazard_notations - Attachment 1 - Report to Ordinary Meeting            | D05561901 |
| 2 | Planning_Coastal_Hazards_- Frequently Asked Questions - Attachment 2 - Report to Ordinary Meeting | D05561941 |



## PLANNING circular

### PLANNING SYSTEM

Coastal hazard notations

<b>Circular</b>	Draft for exhibition
<b>Issued</b>	Draft for exhibition
<b>Related</b>	.

# Coastal hazard notations on Section 149 planning certificates

The purpose of this draft circular is to provide councils with guidance on section 149 planning certificate notations relating to coastal hazards.

## Introduction

The NSW Government has identified a need to improve the way councils disclose coastal hazard information in planning certificates. References to coastal hazards in this circular include coastal erosion, tidal inundation, coastal inundation and coastal flooding.

## Section 149 planning certificates

Planning certificates are a means of disclosing information about a given parcel of land. There are two types of planning certificates: section 149(2) planning certificates and section 149(5) planning certificates. The 'sections' refer to sections of the *Environmental Planning and Assessment Act 1979*.

A section 149(2) planning certificate is used to disclose matters relating to the land, including whether the land is affected by a policy that restricts the development of land. Those policies can be based on identified risks (EP&A Regulation 2000, Schedule 4, clause 7), and whether development on the land is subject to flood related development controls (EP&A Regulation, Schedule 4, clause 7A).

A section 149(5) planning certificate does not contain information relating to restrictions on development, however, it does allow a council to advise on other relevant matters affecting land. This can include historical, current or future issues.

Inclusion of a section 149(2) planning certificate in a contract for the sale of land is a mandatory part of the property conveyancing process in NSW. Section 149(5) planning certificates do not form part of the contract for the sale of land.

Section 149(2) and section 149(5) planning certificates may, however, be purchased by anyone, from the relevant council, at any point in time and for any purpose.

## Identification of coastal hazards

The NSW coast is dynamic and complex. To understand and plan for coastal hazards, it is necessary to identify two key variables – long term mobility in the shoreline, such as shoreline recession, and the vulnerability of the shoreline to episodic events, such as beach erosion during a severe storm.

Information about the local land characteristics (such as its geomorphology) and the probability and consequence of storms, floods and similar events, can help identify the land and assets at risk. Such land is generally identified relative to the current position of the shoreline. If however the position of the shoreline changes, then the land and assets at risk will also change.

This means that coastal land may have a current exposure to a coastal hazard and/or a future exposure to a coastal hazard.

While these factors are taken into account when planning future land use, care needs to be taken when communicating that information.

In providing information on planning certificates it is important to clearly distinguish between:

- a current exposure to a coastal hazard; and
- a future exposure to a coastal hazard.

In the absence of such a distinction being made, the reader of a planning certificate may incorrectly interpret reference to future exposure as being an exposure that currently affects the land.

Department of Planning & Infrastructure – draft Planning Circular

**‘Current exposure to a coastal hazard’** describes situations where the land is currently at threat from a hazard. The hazard (e.g. coastal erosion) may or may not be present on the land, but the land is nonetheless currently exposed to the likelihood of that hazard expressing itself during a possible event (e.g. a storm). For example, land within an immediate coastal erosion area (based on a design event or a particular historic event) or land within a 1% annual exceedance probability flood area (1 in 100 year flood) would be land with a ‘current exposure to a coastal hazard’.

**‘Future exposure to a coastal hazard’** refers to situations where the land’s exposure to the hazard will arise in the future, but the land is not at risk from the hazard today. Examples include land likely to be exposed to coastal erosion, flooding or inundation from projected sea level rise or as the result of long-term shoreline recession.

‘Future exposure to a coastal hazard’ is different to the probability of an event occurring. The probability of an event occurring, such as a 1 in 100 year flood, does not mean that the event will occur 100 years in the future. It means there is a 1% chance of it occurring this year. That is, the flooding event could occur today, next year, or in 50 years. If a property is exposed to the 1 in 100 year flood hazard today, then this is a ‘current exposure to a coastal hazard’. If a property is projected to be exposed to a 1 in 100 year flood hazard if sea levels rise to a certain point in the future, then this is a ‘future exposure to a coastal hazard’.

### Section 149(2) planning certificates

Where a relevant policy does affect the land and the policy relates to a coastal hazard, then notations should:

- clearly identify the type of hazard, and identify whether the land has a current or future exposure to the hazard.

#### Current exposure to a coastal hazard

If a relevant policy applies to the land because of a current exposure to a coastal hazard, it is recommended that councils include a notation on the planning certificate in the following form:

‘This land has been identified in the [insert Council Policy] as having a current exposure to [insert type of hazard]. See Council for more information.’

#### Future exposure to a coastal hazard

If a relevant policy applies to the land because of a future exposure to a coastal hazard, it is recommended that councils include a notation on the planning certificate in the following form:

‘This land has been identified in the [insert Council Policy] as having a projected future

exposure to [insert type of coastal hazard]. See Council for more information.’

### Section 149(5) planning certificates

Councils need to take reasonable care, in terms of content and timing, when disclosing information about current and future coastal hazards to the community.

Whilst the following principles are equally relevant to current and future hazards, the discussion focuses on future hazards to enhance clarity and understanding.

There are complexities in coastal processes and inherent limitations in the tools used for future coastal hazard analysis. The result is that the further into the future we seek to predict an outcome, the more uncertainty that is associated with the prediction.

Counter-balancing the need to disclose information as soon as possible is the need to avoid adverse property market and other impacts by the disclosure of information prematurely, or by disclosing information that lacks the necessary rigour and certainty.

This leads to three guiding principles when considering section 149(5) planning certificate contents dealing with land that may have an exposure to future coastal hazards:

- Firstly, if the information is not sufficiently accurate, complete and reliable, as supported by a competent process of assessment, then the information should not be included in a section 149(5) planning certificate.
- Secondly, if the information is considered to be sufficiently reliable then information should be included that alerts the reader to the known information.
- Thirdly, if the information is sufficiently reliable, then the council should adopt a policy or planning instrument that manages development on the land. This would then require disclosure of the policy on the section 149(2) planning certificate.

The section 149(5) planning certificate provides the opportunity for the council to advise of a known hazard during the time between the Council coming into sufficiently reliable knowledge regarding the existence and extent of that hazard and the council having the opportunity to develop and implement a policy or planning instrument to manage that hazard.

Care should be taken because disclosure of matters affecting land via a section 149(5) planning certificate relates to a particular parcel of land, and is intended for parties with a specific interest in that land. Councils should be aware of the indemnity from liability afforded them by the EP&A Act if they provide advice in ‘good faith’.

Councils intending to provide the community with ongoing and general advice about research and

Department of Planning & Infrastructure – draft Planning Circular

analysis relating to coastal hazards should consider disseminating that information via the council website.

### Coastal Hazards Policy Development

In order to facilitate a consistent approach to section 149 certificates for coastal hazards, it is essential for councils when developing a policy or planning instrument to manage a coastal hazard, particularly future exposure to a coastal hazard, to satisfy the following:

1. Use evidence based data and information
2. Consider current research and any technical advice from the Climate Change Adaptation Research Hub
3. Compliance with the relevant section 117 Direction

**Note:** A section 117 Direction will be issued to ensure compliance with an evidence-based approach and consistency in application of coastal hazard certificates along the coast by councils.

### The need for detailed information

Councils are encouraged to ensure there is clear and full information available to the public and landowners about the nature of coastal hazards referred to in planning certificates. This may include information about the extent of exposure to that hazard and the time period within which that hazard is projected or modelled to arise. This information may be contained in policies, plans or maps or the council website.

### Legal Advice

It is suggested that councils seek their own legal advice on the specific wording to be included on section 149(2) and section 149(5) planning certificates.

### Further Information

Relevant legislation is available online at <http://www.legislation.nsw.gov.au>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

### Authorised by:

**Sam Haddad**  
Director-General

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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Frequently Asked Questions

January 2014

### WHAT CHANGES ARE BEING PROPOSED TO HOW PROPERTY BUYERS ARE ADVISED OF COASTAL HAZARDS?

- The NSW Government is proposing to issue clear advice to councils on how they should report on coastal hazards such as erosion and flooding when issuing Section 149 certificates, which are needed when a property is sold.
- The community and councils are being consulted until Monday 3 March on a draft Planning Circular that advises councils of the need to make a clear distinction between current and future hazards on the certificates.

### WHAT ARE SECTION 149 CERTIFICATES?

- Section 149 certificates are issued by councils and detail a variety of issues including current and future hazards to the property and restrictions on development.
- There are two types of Section 149 certificates:
  - Section 149(2) certificates which are compulsory and list restrictions on development due to current or future hazards.
  - Section 149(5) certificates which are optional and include information on other issues affecting property. Restrictions on development cannot be listed on these certificates.

### WHY IS THERE A NEED FOR THIS CHANGE?

- There has been a lack of clarity between current and future hazards listed on Section 149 certificates issued by councils.
- Some councils have been including long-term hazards - based on sea level rise forecasts up to 100 years from now - on these certificates.
- Such future hazards can be very different in nature to current hazards and can require different management controls.
- The proposed clear distinction between current and future hazards will help ensure property buyers get accurate, complete and reliable information.
- It will also ensure property buyers don't mistakenly believe the property is already impacted by future projected hazards.

### HOW IS "CURRENT EXPOSURE TO A COASTAL HAZARD" DEFINED?

- This is where the land is currently threatened by a hazard or there is a likelihood that the hazard will occur during a probable event such as a storm.
- Examples include land in an immediate coastal erosion area or land where there is a 1 in 100 year flood probability.



### HOW IS “FUTURE EXPOSURE TO A COASTAL HAZARD” DEFINED?

- This is where a hazard may arise in the future but the land is not at risk from the hazard now.
- Examples include land likely to be exposed to receding shorelines, flooding or inundation due to projected sea level rise or erosion.

### WHY IS THE GOVERNMENT NO LONGER RECOMMENDING SEA LEVEL RISE BENCHMARKS FOR COUNCILS?

- In 2012, the Government removed the need for councils to apply across-the-board benchmarks for future sea level rise after the NSW Chief Scientist and Engineer, Professor Mary O’Kane, reviewed the adequacy of the science behind them.
- The report noted sea levels have risen over the past 100 years but projections vary widely for future sea level rise, particularly for the latter part of the 21st century.
- It found NSW has the expertise – in government, academic and research institutions and the private sector – to adapt and interpret global models and develop more precise local models specific to various NSW coastal locations.

### HOW IS THE GOVERNMENT HELPING COUNCILS DECIDE ON WHAT SEA LEVEL RISE PROJECTIONS TO ADOPT?

- The NSW Office of Environment and Heritage is providing councils with detailed information and helping them interpret observed historical sea levels and future sea level projections.
- The Government’s Coastal Expert Panel is developing practical advice to help councils in their assessments including the complex issues of probability and change which councils need to examine when considering the science surrounding coastal hazards.
- The Government has also invested in a Climate Change Adaptation Research Hub, which includes a Coastal Processes and Responses node. This node’s role is to provide the best and most up-to-date scientific information on a range of coastal issues, helping councils and their communities manage and adapt to future hazards.

### WHAT SHOULD COUNCILS DO IF THEY HAVE NOT YET FORMALLY ADOPTED SEA LEVEL RISE PROJECTIONS?

- Councils may need to make interim or transitional arrangements until projections are formally adopted by the council.
- Options may include preparing interim projections or delaying coastal flood or coastal hazard studies until the council’s projections are adopted.
- Councils can access expert advice and technical guidance to help them provide sufficiently accurate,





complete and reliable information on Section 149 certificates.

### HOW CAN PEOPLE MAKE A SUBMISSION ON THE PROPOSED CIRCULAR?

- The draft Planning Circular can be viewed at:
  - The NSW Department of Planning and Infrastructure's website [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
  - The department's Information Centre at 23-33 Bridge St, Sydney.
- Submissions can be made until Monday 3 March.
  - Online at [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
  - By mail to Ms Santina Camroux, Coastal and Natural Resources Policy branch, NSW Department of Planning and Infrastructure, GPO Box 39 Sydney NSW 2001.
- Submissions will be made public in line with the department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.
- Before making a submission, please read our privacy policy at [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy)

### MORE INFORMATION

- Visit the website: [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
- Call 1300 305 695
- Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

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

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TRIM REFERENCE: F2013/02042 - D05560883

MANAGER: Lesley Crawley, Manager

AUTHOR: Jade Maskiewicz; 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 | Outstanding Questions on Notice and Notices of Motion - 26 February 2014 | D05723907 |
|---|--------------------------------------------------------------------------|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
11.	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Regional Sport Economic Benefit</p> <p>1 That Council <u>note</u> the numerous benefits (including tourism, economic and sporting) associated with hosting Regional Sporting events.</p> <p>2 That Council <u>investigate</u> the capability restraints of our current sports grounds to host Regional Sporting events and the need to formulate a strategic approach to maximise the usage of our facilities to attract such events.</p> <p>3 That Council <u>request</u> the General Manager to report proposals for regional sports events within Wyong Shire Council for its consideration.</p> <p>4 That Council <u>liaise</u> with local sporting organisations, via the Sports Committee, to seek feedback on hosting regional sporting events.</p>	13 March 2013 Councillor Nayna	Report will be provided in the first quarter of 2014.
12.	Property and Economic Development.	Stefan Botha	<p>8.2 Notice of Motion - Waste Initiatives</p> <p>1 That Council <u>note</u> the recent announcement by the New South Wales Government of their 'Waste Less, Recycle More' program.</p> <p>2 That Council <u>note</u> the 'Supporting Local Communities – Local Government Program' that provides access to \$137.7 million over 5 years to reduce illegal dumping and littering.</p> <p>3 That Council <u>request</u> the General Manager to provide a briefing to Councillors which identify possible applications to the 'Supporting Local Communities – Local Government Program'.</p> <p>4 That Council <u>note</u> that the waste levy will cost Ratepayers \$12.5 million in 2013/14.</p> <p>5 That Council <u>write</u> to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p>	13 March 2013 Councillor Nayna	<p>Resolution 3 – Currently waiting on EPA to provide more information – expected in the first quarter of 2014. Council anticipates a briefing will be held in late March 2014.</p> <p>Resolution 5 – Completed.</p> <p>The remaining resolutions are to be noted.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20.	Land Management	Paul Bowditch (David Kitson)	<p>9.1 Notice of Motion – Urgent Employment Stimulus</p> <p><i>"543/13 That Council <u>note</u> with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.</i></p> <p><i>544/13 That Council <u>recognise</u> the need to be part of the national economic stimulus initiative by reviewing Council's development taxation structure/Section 94 Contributions.</i></p> <p><i>545/13 That Council <u>adopt</u> a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA's entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.</i></p> <p><i>546/13 That Council <u>authorise</u> existing VPA's meeting the criteria above to be reduced to this level providing construction has not commenced.</i></p> <p><i>547/13 That any VPA arising from this initiative be <u>reported</u> to Council.</i></p> <p><i>548/13 That Council <u>receive</u> a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014."</i></p>	24 April 2012 Councillors Best and Nayna	Response to be provided early 2014. Two TESP VPAs were reported to Council on 22 January 2014. A further 4 VPAs have been drafted and are with applicant for agreement to proceed to exhibition.
36	Land Management	Kathryn Heintz	<p>9.1 Notice of Motion - Councils Reduction in Red Tape</p> <p>1 That Council <u>indicate</u> its intention to rescind_all controls over residential side and rear boundary fencing.</p> <p>2 That Council <u>acknowledge</u> that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.</p> <p>3 That Council <u>insert</u> "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major</p>	24 July 2013 Councillor Taylor	Response to be provided by end of 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:</i></p> <p><i>a be not higher than 1.8 metres above ground level (existing); and</i></p> <p><i>b be located within, not over, the front boundary; and</i></p> <p><i>c be designed to preserve traffic sight line requirements at intersections; and</i></p> <p><i>d be not constructed of barbed or razor wire.</i></p>		
56	General managers Unit	Brian Glendenning	<p>Mayoral Minute – Central Coast Water Board General Meeting</p> <p>1255/13 <i>That Council <u>note</u> the Central Coast Water Corporation proposes to hold its Annual General Meeting at Gosford City Council on Thursday 14 November 2013 at 6.00pm to consider the audited financial statements and that clause 7.8 of the Constitution of the Central Coast Water Corporation permits Council to attend and vote at that proposed Annual General Meeting by proxy.</i></p> <p>1256/13 <i>That Council <u>appoint</u> the Mayor as Council's proxy at the proposed Annual General Meeting of Central Coast Water Corporation, with that appointment being for the purposes of clause 7.8 of the Constitution of the Central Coast Water Corporation.</i></p> <p>1257/13 <i>That Council <u>resolve</u> that the Council Seal be affixed to the attached instrument to effect the above appointment.</i></p> <p>1258/13 <i>That Council <u>request</u> the General Manager to invite all Councillors to attend the Annual General Meeting of the Central Coast Water Corporation once formal notice for that Meeting has been received.</i></p> <p>1259/13 <i>That Council <u>direct</u> the General Manager to investigate and report the governance options</i></p>	23 October 2013 Cr Eaton	<p>1255/13 - Completed</p> <p>1256/13 - Completed.</p> <p>1257/13 - Completed.</p> <p>1258/13 - Completed.</p> <p>1259/13 – Options are being investigated and a report will be prepared – Date of submission to Council to be advised.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>around the Wyong Water Authority.</i>		
57	Development Building and	Lin Armstrong (Jane Doyle)	<p>7.1 - Notice of Motion – Proposed Amendments to Tree Policy</p> <p>1 That Council <u>resolve</u> to allow the owners of residential land, of 1,000sq m or less, the right to remove a single tree in any 12 month period if the tree is deemed to be hazardous to life or property, by the owner.</p> <p>2 That Council <u>note</u> that where more than 1 tree is identified to be hazardous, to life or property, removal will require Council approval.</p> <p>3 That Council <u>request</u> the General Manager to provide a report to Council, outlining further possible amendments to Council's Tree Policy that will streamline processes, reduce red tape and achieve the following objectives:</p> <p style="margin-left: 40px;">a to reduce, real or perceived, hazards arising from trees to life or property including, bushfires, falling trees and branches, tree root damage and the like.</p> <p style="margin-left: 40px;">b to minimise Council's exposure to claims and litigation arising from damage caused by trees and</p> <p style="margin-left: 40px;">c to reduce the number of circumstances in which Council's approval is required for the removal of trees on private property.</p> <p>4 That Council <u>request</u> the General Manager provide a report to Council that addresses possible amendments to the proposed Wyong LEP 2013 to provide that the removal of trees (in accordance with points 1 and 2 above) be Exempt Development.</p> <p>5 That Council <u>note</u> that these additions will be in</p>	13 November 2013 Cr Best	Response to be provided July 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>addition to the 6 and 12 metre current policy for the removal of trees.</i>		
66	Development and Building Department	Jane Doyle	<p>Q49/13 - Darkinjung Large Scale manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)</p> <p><i>Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?'</i></p>	11 December 2013 Cr Best	Response to be provided March 2014.
67	Development & Building	Jamie Loader	<p>Q51/14 Sparks Road</p> <p><i>Can Council please investigate the use of Sparks Road, Hamlyn Terrace as a used car sales yard and report to Council any breaches of traffic regulations?</i></p>	22 January 2014	Response to be provided at a future meeting.
68	Property & Economic Development	Paul Bowditch	<p>Q52/14 Public Access to Pioneer Dairy</p> <p><i>Can the General Manager enquire as to what activities other than special events are the public able to partake at the Pioneer Dairy Tuggerah and what hours/days it is open to the public of Wyong Shire?</i></p>	22 January 2014	Response to be provided March 2014.
69	Infrastructure Operations &	Peter Murray	<p>Q53/14 Minnesota Road Raceway</p> <p><i>Mr Mayor, Unfortunately once again I need to raise on behalf of the good folk of Minnesota Road, the issues of irresponsible motoring that have been exacerbated by Councils \$5M construction. Could you please refer these issues to our traffic committee, rangers and local police for their urgent action?</i></p>	22 January 2014	Response to be provided end March 2014.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
70	General Manager's Unit	Lesley Crawley	<p>7.1 Notice of Motion - So Called Scientific Whaling</p> <p>114/14 That Council <u>reaffirm</u>, on behalf of this Coastal Community, its total opposition and outrage at the continuing slaughter of whales that migrate past our coast only to be slaughtered in their Antarctic Whale Sanctuary by Japanese factory ships for so called scientific Whaling purposes.</p> <p>115/14 That Council <u>advocate</u> on behalf of our community, through our Federal Members to continue to encourage the Government to make all responsible representation possible to put an end to this wanton environmental destruction.</p> <p>116/14 That Council <u>request</u> the General Manager to provide a progress / issues report on the highly successful upcoming 2014 annual community Whale Watching awareness event (Sunday 6 July 2014) known as the 'Whale Dreamers Festival ' to be held at the Norah Head Light House.</p>	12 February 2014	Response to be provided at a future meeting.
71	Community and Recreation Services	Julie Vaughan	<p>7.2 Notice of Motion - Council's 2015 Environmental Showcase Calendar</p> <p>117/14 That Council <u>seek</u> to strengthen the highly successfully annual Council Photo Competition through broadening its community awareness via the inclusion of annual Calendar Competition.</p> <p>118/14 That Council <u>endorse</u> the focus of the 2015 Calendar to be on showcasing the Shire's spectacular natural beauty, while highlighting the excellent work of our environmental volunteers and staff.</p> <p>119/14 That Council <u>identify</u> each successful Calendar Competition entrant in the publication, include standard emergency contact detail and in addition to defray costs, make space available for suitable sponsors.</p> <p>120/14 That Council <u>endorse</u> distribution (subject to cost) to</p>	12 February 2014	Response to be provided at a future meeting.



No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>all suitable community facilities / organisations and a limited distribution to business for display in their prominent public space.</p> <p>121/14 That Council <u>fund</u> this initiative through the current Photo Competition budget where practical and it be reviewed in the current budget process, subject to a staff report on operational issue and print recommendations.</p>		
72	Community and Recreation Services	Julie Vaughan	<p>Q55/14 Skills Centre</p> <p><i>"Mr Mayor, I note recently in the local media (attached) that this exciting \$3.4million federally funded youth employment initiative is now nearing completion. As Council is a strategic partner with CCGT in the complex, I would feel it only appropriate and responsible that Council be updated on this innovative and progressive local employment initiative?"</i></p>	12 February 2014	Response to be provided at a future meeting.
73	General Manager's Unit	Viv Louie	<p>Q56/14 Water Rates Fairness</p> <p><i>"Mr Mayor, my question is on behalf of Local Resident of Kanwal who advises that despite being a senior in public housing, she is denied access to Council's pensioner water rates. As Council's billing is in the owner's name. Also, her bill is being averaged across the units in the complex proving very costly and quite unfair to a person living on their own. This I believe is wide spread affecting many of our elderly residents. Mr Mayor, could you please provide some guidance on how fairness can be reinstated to these charges?"</i></p>	12 February 2014	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
12 FEBRUARY 2014**

	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
26	Development and Building	6.1 Notice of Motion – Bike Blitz on Cycle Way Menace	22 May 2013 Councillors Best and Troy	Report included in 26 February 2014 Ordinary Meeting Business Paper.
55	Infrastructure and Operations	Mayoral Minute - Bushfires	23 October 2013 Councillor Eaton	Report included in 26 February 2014 Ordinary Meeting Business Paper.
64	General Manager's Unit	U6/13 – Matter of Urgency – Submissions to the NBN Co Report	27 November 2013 Councillor Nayna	Report included in 26 February 2014 Ordinary Meeting Business Paper.

26 February 2014

To the Ordinary Council Meeting

Councillor

## **6.1 Notice of Motion - Naming of Beach at Norah Head to Commemorate 2015 ANZAC Centenary**

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TRIM REFERENCE: F2010/00500 - D05770713

MANAGER:

AUTHOR: Greg Best; Councillor

Councillors G Best and L Webster have given notice that at the Ordinary Council Meeting to be held on 26 February 2014 they will move the following Motion:

- "1 That Council recognise the upcoming 2015 ANZAC Centenary, its significance to the whole of our community and acknowledge the extraordinary contribution that this commemoration reflects.*
- 2 That Council identify a lasting, fitting and dignified contribution to mark this event, through supporting in principle the formal request by the Toukley RSL Sub Branch to name a suitable small beach/cove in the Norah Head area 'ANZAC Centenary Cove', in honour of all those that have served.*
- 3 That Council seek the input of all key stake holder groups and the wider community in the lead up process to a formal application to the Geographic Names Board.*
- 4 That Council recognise the need for this matter to be expedited and subject to community consultation, seek assistance from our local State and Federal Members to achieve the Naming by April 2015.*
- 5 That Council formally thank the Toukley RSL Sub Branch for its vision in recommending this lasting tribute that will provide a fitting place to pay respects for generations to come."*

### **RESOURCES**

This proposal may be actioned using existing staff resources of the Legal and Risk Unit.