

4.2 Final Wyong Shire Employment Land Study and Industrial Land Audit

TRIM REFERENCE: CPA/200192 - D03274668

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SUMMARY

Council engaged SGS Economics and Planning to carry out an Employment Land Study and Industrial Land Audit for Wyong Shire. The majority of the project has been funded by the NSW State Government's Planning Reform Fund (PRF). The study identifies trends in industrial and employment lands, examines employment land supply and demand and makes recommendations on strategies, zonings and future employment precinct planning. The study will be used to inform rezoning and policy work. The study will also assist prospective employment land investors and businesses.

RECOMMENDATION

- 1 That Council adopt the Wyong Shire Employment Land Study (See Enclosure 1).**
- 2 That a copy of the Wyong Shire Employment Land Study be made available on Council's website.**

BACKGROUND

On 12 November 2012 Council staff briefed the Employment and Economic Development Committee on the draft Employment Land Study. At this meeting the following was resolved:

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

- 1 That the Committee receive the briefing on the draft Wyong Shire Employment Study and Industrial Land Audit by SGS and Council staff.*
- 2 That the Committee draw to Councils' attention the need to qualify actual available land and detailing the degree of constraints.*
- 3 That the Committee recommend the proposed Jilliby West long term industrial area be removed from the study as potential employment land, due to existing Council resolution to support this land as rural residential."*

FOR: COUNCILLORS BEST, EATON, GREENWALD, NAYNA, TROY AND WEBSTER
AGAINST: NIL

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Council's consultant SGS also briefed Councillors on 28 November 2012 prior to the report being considered by Council on 12 December 2012. At this meeting the following was resolved:

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

659/12 *That Council note the draft study and delegate authority to the General Manager to make revisions to the draft Wyong Shire Employment Land Study.*

660/12 *That Council consider a further report be submitted to Council which includes amendments to the Wyong Shire Employment Land Study.*

661/12 *That Council note the draft Wyong Shire Employment Land Study is not a binding plan.*

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

AGAINST: NIL

Since reporting the document to Council the draft report has been reviewed by Council staff and Department of Planning and Infrastructure. Adjustments to the report have also made to address feedback received from Councillors at briefing sessions. The Wyong Shire Employment Lands Study has not considered the possible impact of a new airport in the Shire's north as it would be premature to assess the impact of this proposal until more definitive plans are available.

SCOPE OF STUDY

The Wyong Shire Employment Lands Study has been developed having regard to the aims from the Central Coast Regional Strategy (CCRS) and the Central Coast Regional Economic Development and Employment Strategy (REDES). These documents identify targets of 45,000 new jobs on the Central Coast over the next 25 years, including 27,000 new jobs in Wyong Shire. Wyong Shire Council intends to provide sufficient land to meet these targets.

The draft Wyong Shire Employment Lands Study and Industrial Land Audit sought to:

- Complete an audit of existing industrial land supply (amount, type, location, opportunities and constraints to development) for incorporation into the Employment Lands Study.
- Identifying trends in industrial and employment land, including likely local and regional demand.
- Investigate and respond to opportunities for the reuse and possible intensification of underutilised industrial sites (where appropriate).
- Outline and provide details on the types of strategies, policies and programs that will guide the future of Wyong Shire's industrial precincts.

- Make recommendations on land use zonings, development controls and/or permissibility of uses within industrial zones to develop a contemporary zoning regime to facilitate economic development and employment generation to inform the draft Settlement Strategy and draft Wyong 2012 LEP 2012 (dLEP 2012).

Note: Due to the timing of the dLEP 2012 and draft Settlement Strategy recommendations arising from this study will need to be considered in future LEP revisions and policy work.

The draft Wyong Shire Employment Land Study and Industrial Land Audit has largely been funded through the NSW Planning Reform Fund (PRF). The Industrial Land Audit has been restricted to Wyong Shire's existing industrial, business park and future employment lands identified by the draft North Wyong Shire Structure Plan. The study also considered other sites where Council was aware of potential future employment rezoning proposals and future enterprise corridors which are being incorporated into dLEP 2012 (see Attachment 1).

The study was developed in conjunction with Council's draft Retail Centres Strategy Review and integrates a 'centres based approach' into its planning for employment lands, especially where new enterprise corridors and business parks are being proposed on the fringes of existing centres (e.g. Wyong township and the future Warnervale Town Centre).

Constraints methodology

- The analysis considered environmental constraints such as flood, bush fire, mine subsidence, closed landfill, bio-diversity and contamination using mapping layers provided by Council.
- Essentially, there are three types of land available: vacant unused floorspace, constrained vacant (un-developed) land and unconstrained (un-developed) land. Only vacant unconstrained lots in industrial precincts (existing and potential) are considered.
- The overall constraints ranking for precinct ranges from 0 to negative 8, where 0 is least constrained and negative 8 is the most constrained.
- Lots with a score less than -3 are deemed environmentally constrained and are discounted. This is a conservative assumption and means that there will be a systematic under estimation of supply potential (though this is reasonable in the context of this planning study).
- Analysis is necessarily broad and not definitive and does not mean that a site with a very low score is not developable it is simply trying to get an impression of constraints over existing and future industrial land supply in order to ensure that there is sufficient land available for the short, medium and long term.
- An analysis of infrastructure constraints informed the rating of precincts from a demand perspective and is utilised in the demand allocation section.

Employment Lands

Employment Lands in Context

The population of the Wyong Shire is currently distributed across a number of settlements, with patterns of settlement generally concentrated east of the F3 Transit Corridor, with regional emerging centres being located at Tuggerah, and in the future, Warnervale. Attachment 1 provides an overview of locational characteristics for the Wyong Shire area, including the location of existing and planned employment land precincts.

Employment

Wyong LGA has a higher rate of unemployment than the metropolitan Sydney average. Compared to the NSW average, the LGA has a lower share of employment of professionals and technicians, but there has been relatively strong growth in some higher value service industries such as finance and insurance (off a small base), government administration and defence, and health and community service sectors. There had also been strong growth in property and business services (off a small base), retail trade and transport storage.

An analysis of relative specialisation shows that compared to the Sydney region, the Wyong LGA has particular employment strengths in retailing (reflecting strong domestic consumption), accommodation, cafes and restaurants (tourism and recreation), construction (builders and tradesworkers), community services (aged persons and other services) and some manufacturing.

Employment Lands Market Context

The Central Coast Regional Strategy (CCRS) indicates that there is expected to be an additional 5000 jobs in existing employment lands and 10,500 additional jobs in the employment lands in the North Wyong Shire Structure Plan Area. The Wyong Employment Zone (WEZ) is itself expected to host 6000 jobs. A key issue, identified by the CCRS, over the next 25 years is to increase the current level of employment self-containment to ensure more local jobs for the local population. A specific self-containment target was not provided in the CCRS.

Consultation with a range of government and industry stakeholders highlighted the following issues:

- The industrial market is experiencing slow demand (related to a general post GFC 'hangover')
- The most appropriately targeted industries for future expansion in the Wyong Shire include freight and logistics, hi-tech and value added manufacturing and development that leverages the National Broadband Network.
- Affordable and serviced land was cited as a pre-condition for the attraction and retention of industry (with some suggesting that other regions such as the Lower Hunter were more competitive than Wyong Shire in this regard).

Between 2001 and 2006, the number of jobs in Wyong's employment lands increased by 1800, in linear terms by 360 jobs per year or 21 percent of all direct jobs in Wyong over this period. The short term drivers of employment lands, notwithstanding market cycles (including the current apparent 'dip'), will be:

- **Local population growth** resulting in continuous spinoffs to light industrial activities.
- Attaining an increasing critical mass in terms of growing networks of firms and increasing integration into the Greater Metropolitan Region. Linking Sydney with the high growth Lower Hunter, via improvements in infrastructure over the next 20 years, particularly continuous upgrading of the F3 Sydney to Newcastle Freeway and increased rail freight capacity on the Sydney-Newcastle rail line.
- **New waves of infrastructure investment** such as the roll-out of the National Broadband Network (NBN).
- Government policy and increasingly market forces, including congestion and climate change policies and upward pressure on energy prices, is prompting a **greater modal shift in focus from road to rail freight**. This may present an increase in opportunities for well-located Wyong employment lands, particularly with growing potential for container terminals in Newcastle to take pressure off Port Botany.

Threats to future economic development in Wyong Shire come from external forces such as a continuing high Australian dollar, a lack of coordinated planning and infrastructure cost provision pressures.

Overview of the demand and supply analysis

A specific industrial land audit was undertaken. This involved recording the floor space and use of every building in all the existing industrial precincts in the Shire. In addition, the precincts were analysed from a constraints perspective (to identify which lots or areas were actually available for development) and from an infrastructure provision perspective (to 'rate' precincts on their relative viability to accommodate future demand).

The industrial land audit data and broad constraints analysis on the supply side, the state government's employment projections (adjusted upward to account for the CCRS employment targets) and a variety of assumptions on the demand side, were used for the detailed demand and supply analysis. The analysis identified the following key findings.

- Of the total 520 hectares of vacant land in current precincts, 75 percent or about 391 hectares was low-level constrained and available for development. Of the total 1026 hectares of potential industrial land 74 percent or 757 hectares had low-level constraints. In summary, there is a total of 1547 hectares of vacant land and 1148 hectares of low-level constrained vacant land in the LGA.
- As a whole, there is a total of 250 hectares of serviced, low-level constrained industrial land in the Wyong LGA; representing around 16 percent of land in both existing and potential precincts. Importantly, only 127 hectares of this is currently zoned industrial and ready for development.
- Using the CCRS employment targets (converted to an annual figure) the Wyong Shire is expected to accommodate 27,000 new jobs between 2011 and 2036.

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- Overall though, the base case demand trends (193 hectares of demand to 2036) (and conservative supply assumptions) indicates that, at a linear rate of take up in the long term, there is in the order of 123 years supply of land (954 hectares) remaining in both existing and future precincts by 2036.
- Using the 7.7 hectares per year as the pro rata demand figure, and comparing Wyong LGA's employment lands supply to the NSW Employment Lands Taskforce best-practice benchmark, there is sufficient supply in the LGA:

Category of land	Best practice supply (years)	Wyong LGA's supply (years)	Wyong LGA's supply (Ha)
Undeveloped: zoned and serviced	5-7 years	16 years	126.5
Undeveloped: unzoned and serviced	n.a.	16 years	123.3
Undeveloped: zoned but not serviced	8-10 years	34 years	264.5
Strategically identified	15 years	98 years	756.5

In general there is no early need to rezone additional land for employment uses. Existing precincts have capacity and new areas are not required until around 2025 (subject to review). However, the issues evident in existing precincts (such as desirable development staging, internal structure, desirable lot sizes and mix and infrastructure provision) need to be addressed through more detailed planning and analysis.

A possible implication of this demand and supply analysis is that current demand in industrial areas may not be sufficient for Wyong Shire to achieve its targets.

It should be remembered however that only a share (in the order of a quarter to a third) of future jobs are likely to be in broad hectare employment lands. Population growth – when it picks up again in Wyong Shire – will stimulate jobs in a number of sectors including health, retailing and education which are not typically located in 'industrial' areas. Service industry jobs associated with population growth will locate in light industry areas.

In addition, the current apparent flat industrial market is an Australia wide phenomenon in outer suburban and regional areas in particular. During up-turns the employment growth rate will accelerate and this will be when the self containment rate improves. A share of this employment will be in the employment lands considered in this report though as many or more will be in centres and dispersed.

Notwithstanding market cycles, more can be done to encourage and facilitate employment growth in the Shire, though simply re-zoning additional land for employment, or adopting a laissez-faire approach to zoning provisions is not appropriate. A more strategic approach involving infrastructure initiatives, education and skills development and targeted business assistance is necessary.

The other lesson from the analysis is that proposals for new employment areas should always be tempered by realism in terms of future take up possibilities and infrastructure and servicing costs. A sequenced and coordinated approach to employment land release ultimately represents the most efficient and cost sensible way to manage supply responses to demand.

Recommendations

Five strategic themes have been identified to address the needs identified in the study brief. Proposals to address the themes and needs are included under each strategic theme.

A sixth overarching strategic theme is related to implementation and is about delivering each of the proposals via specific actions in existing and proposed development areas.

Strategic theme 1: Protecting the employment role of centres while also encouraging employment growth in the Shire by allowing new employment land activities

The proposals are:

- Wyong-Tuggerah should be developed as a single centre with a complex of increasingly high value economic spaces.
- Business park zones should be 'urban' in character with some restrictions on pure office development, a high quality pedestrian and 'ground level' environment and close to or linked with centres, with a range of transport options (including public transport and active modes such as walking and cycling).
- Bulky goods and other retail activities should be resisted in industrial areas to ensure that legitimate industrial uses are not 'squeezed out' by increasing land values or reduced availability of sites, and to preserve a critical mass of retail which underpins public investment in infrastructure and services in existing retail centres and areas. Warnervale Town Centre should be the higher order services and retail hub in the North Wyong area.

Strategic theme 2: Deciding on the best location for competing candidates for new enterprise corridor and business park zonings

The proposals are:

- Enterprise corridors should restrict allowable retail including bulky goods but are appropriate for the Craigie Avenue and North Wyong (Pacific Highway frontage) areas.
- The Warnervale South West site could support some business park activities. Council's ownership of this site provides the opportunity to prepare a master plan and develop it progressively and strategically to complement the Warnervale Town Centre, rather than through early sale with subsequent more ad hoc development.

Strategic theme 3: Creating incentives and ensuring Wyong is cost competitive to attract jobs to employment land areas and achieve job targets in the CCRS

The proposals are:

- A Council 'task force' should be established to benchmark Wyong LGA against other competing locations for investment, to identify and offer appropriate

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incentives and assistance to industry investing in the Shire, as well as 'oversee' a more detailed structure planning and infrastructure coordination exercise for the WEZ and Bushells Ridge strategic industrial areas.

- Relevant sectors highlighted in the Regional Economic Development and Employment Strategy should be targeted and attracted to Wyong.
- Infrastructure financing and funding alternatives, particularly to address the 'up-front' financing hurdle to development, should be investigated.
- Transform Tuggerah Station Industrial into an enterprise and business development area in the medium term.

Strategic theme 4: Promote and secure the future for some strategic industrial areas (e.g. WEZ, Bushells Ridge, and Berkeley Vale)

The proposals are:

- Promote and secure Bushells Ridge and parts of WEZ for future freight and logistics uses.
- Promote and secure large lots in Berkeley Vale industrial area on B-double route in recognition of their strategic importance to transport related industries.

Strategic theme 5: Directions for innovation to allow for 'non-conventional' economic and employment activities including home based work

- Allow some home trade and businesses in selected large lot residential areas.
- Encourage and facilitate office and home business in Wyong Town Centre.
- Explore opportunities for industry synergies and the application of an industrial ecology model.

Implementation: meeting short, medium and long term demands in existing and proposed development areas, including a process for new release employment land areas

To address each of the strategic themes and proposals the employment land areas are allocated to five categories as described in the table below.

FUTURE ROLE CATEGORIES FOR INDUSTRIAL AREAS

Future role categories	Rationale for application given Shire 'structure'	Implementation
Consolidate current role ('business as usual')	Typically likely to apply to those areas where new demands and needs are modest and the precinct is functioning well given its context; most likely those precincts with a service industry focus servicing established residential settlements.	Translate current zoning into new standard template zones.
Transition, with intensification	Appropriate for existing employment areas and centres in the 'heart' of the Shire in the Tuggerah and Wyong area with a strong	Tailored 'upzoning' of either use or allowable development intensity.

as appropriate	relationship to residential areas nearby, where building a 'critical mass' from an existing base is possible and good transport (including public transport) connections exist.	May need complementary infrastructure or economic development initiatives.
Protect and maintain for longer term industry prospects	Appropriate for underdeveloped areas with attributes (that is, which offer a comparative advantage) aligning with longer term industry trends and strategic futures for the Shire; the F3 is a key attribute in this regard.	Translate current zoning into new standard template zones potentially with adjustment to subdivision or density controls to protect for longer term.
Selective new release to accompany residential and labour force growth in short to medium term	As the population grows and new settlements develop there will be a need for service industry development, as well as higher order employment nodes to provide future employment opportunities.	Re-zone in line with future demand and accompanying wider precinct planning and rezoning; prepare servicing and infrastructure plans as appropriate.
Reconsider in medium to long term	No pressing need or justification given observed supply-demand patterns.	No short term action necessary; review in due course.

Each of the existing and potential precincts is allocated according to this categorisation in Attachments 2 and 3. For each precinct the proposed zoning, estimated timeframe for development, estimated current and future floorspace and audited jobs and job capacity is also identified.

- For existing zoned and serviced precincts the timing is a guide to when the precincts might reach capacity.
- For existing zoned but unserviced precincts, the timing is a guide to servicing in the absence of a developer's preparedness to pay the full cost and bring forward a particular precinct. If however a developer is prepared to pay the full servicing cost for a precinct cited as longer term, then that will reduce demand elsewhere and may 'slow' the filling up of another precinct (unless the new development is in a category which represents 'new' demand or a new industry –such as a large intermodal terminal for example).
- For the areas which are not currently zoned the timing is a guide to future rezoning and servicing. However, these areas may be brought forward by a developer prepared to incur the servicing costs and again this may reduce demand elsewhere.

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Council should commit to tracking supply / demand more effectively to provide the basis for regular reviews of industrial lands, and the timing of 'new release' and servicing proposed here. This may include systematically monitoring Development Approvals, Construction Certificates, water connections or updating the audit undertaken for this study.

CONSULTATIONS

SGS contacted the following stakeholders in undertaking the draft study:

- Consultant for Terrace Towers developer of Warner Industrial Park in WEZ
- Darkinjung LALC
- Hannan Properties (large land owner of employment land)
- Hudson Investment Group (major land owner in WEZ)
- Urban Development Institute of Australia
- Department of Planning and infrastructure
- Wyong Shire Council
- Department of Premier & Cabinet
- Central Coast Regional Development Corporation
- Regional Development Australia (attempted to contact but did not return call)
- Gosford City Council
- Lake Macquarie City Council
- Don Fox Planning for input on retail and centres planning issues
- Commercial and industrial real estate agents

Note: The Department of Planning and Infrastructure also commented on the draft brief and draft study.

It is not proposed to publicly exhibit and seek public comment on the Wyong Shire Employment Land Study and Industrial Land Audit. Once the study has been completed it will be made available to the public on Council's website.

It is also expected that the study will provide independent supporting/background information to support zone conversions with the dCLEP 2012 and will inform the assessment of future Planning Proposals.

STRATEGIC LINKS

Annual Plan

<u>Principal Activity</u>	<u>Strategy or Program</u>
A More Sustainable Community	Nil Impact

A More Sustainable Economy	<ul style="list-style-type: none"> • Assist in facilitating development of employment lands and reducing dependence on commuting to the Sydney and Hunter regions for employment, further reducing commuting times and improving work/life balance. • The study will assist in promoting new business in the Shire.
A More Sustainable Environment	Nil Impact
Infrastructure	<ul style="list-style-type: none"> • The completion of the study will assist Council and other utility providers in timing infrastructure provision.
Organisation	Nil Impact

Link to Shire Strategic Vision (Community Strategic Plan – 2030)

The following comments are made with respect to the 8 priority objectives:-

- Communities will be vibrant, caring and connected.
- There will be ease of travel.
- Communities will have a range of facilities and services.
- Areas of natural value will be enhanced and maintained.
- There will be a sense of community ownership of the natural environment.
- There will be a strong sustainable business sector.
- Information and communication technology will be world's best.
- The community will be educated, innovative and creative.

The prospects of enhanced diverse permanent employment opportunities are significant as outlined in this report and detailed in Enclosure 1.

Asset Management Strategy

There are no immediate implications for the Asset Management Strategy. Ultimately the servicing and dedication of any modified or expanded public infrastructure to service new employment precincts will need to observe Council's relevant standards and integrate with the Asset Management Strategy.

Workforce Management Strategy

No impact

Budget Impact

There are no immediate budget impacts arising from the study.

Financial Implications

There are no direct financial implications arising from the completion of the study.

Sustainability

Implementation of the study recommendations will contribute to more sustainable employment outcomes, in terms of the range and profile of activities proposed and their attendant employment generating capacity.

GOVERNANCE AND POLICY IMPLICATIONS

The Wyong Shire Employment Study and Industrial Land Audit provide useful data and analysis which will assist Council in formulating future policy work on employment lands. This will in turn provide a solid strategic basis for assessing future rezoning proposals and undertaking development assessment activities.

MATERIAL RISKS AND ISSUES

Nil.

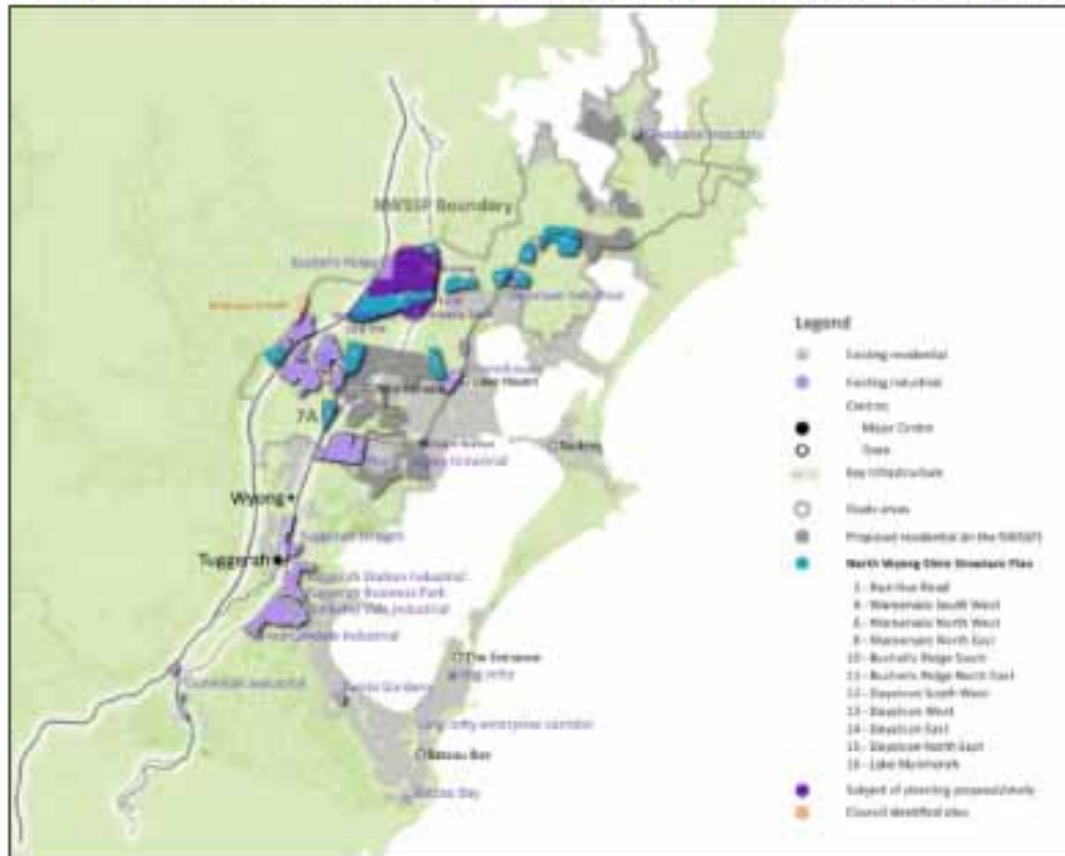
CONCLUSION

The Wyong Shire Employment Land Study and Industrial Land Audit will be used by Council to better plan for employment land. It also assists in the justification of a number of significant employment rezonings which are being considered by Council e.g. North Wyong and Craigie Avenue Enterprise Corridors.

ATTACHMENTS

- | | | |
|---|---|---------------------|
| 1 | Locational setting for Existing and proposed Employment Lands in Wyong Shire | D03277484 |
| 2 | Table 1 - Future Role for Existing Zoned Industrial Areas | D03277485 |
| 3 | Table 2 - Future Role for potential Industrial Areas - Not yet zoned | D03277486 |
| 4 | Final Wyong Shire Employment Land Study and Industrial Land Audit - February 2013 | Enclosure D03274024 |

LOCALITIONAL SETTING FOR EXISTING AND PROPOSED EMPLOYMENT LANDS IN WYONG SHIRE



Source: SES Economics and Planning, 2013.

The following areas were considered in the study.

Current precincts (already zoned for industrial most with some development) are:

- Bateau Bay Industrial Area
- Berkeley Vale Industrial Area
- Bushells Ridge 'remainder' (current tile factory and quarry site).
- Charmhaven Industrial Area
- Doyalson Industrial Area
- Fountaindale Industrial Area
- Gwandalan Industrial Area
- Long Jetty Industrial Area
- North Wyong Industrial Area
- Ourimbah Industrial Area
- Tuggerah Business Park
- Tuggerah Station Industrial
- Tuggerah Straight
- Tumbi Gardens Industrial
- Part of Wyong Employment Zone including the precinct of Warnervale Business Park.

The potential industrial areas (mostly vacant) are:

- Part of Bushells Ridge (already with industrial zoning) including the precincts of:
 - Wallarah No. 2 colliery proposal,
 - Hunter Land,
 - Bushells Ridge North East,
 - Darkinjung
- Darkinjung South¹
- Part of Wyong Employment Zone (already with industrial zoning) including the precincts of:
 - Sparks Road North,
 - NW WEZ,
 - the Airport lands.
- Craigie Avenue site
- Buttonderry Waste Disposal Facility (limited opportunities along Hue Hue Road, Jilliby)
- Land identified in the NWSSP (but not including land in Bushells Ridge which is included above):
 - 1 - Hue Hue Road
 - 4 - Warnervale South West (Council owned land)
 - 6 - Warnervale North West

¹ The Darkinjung South site is identified in the North Wyong Shire Structure Plan as 'strategically located, constrained sites subject to further investigation and offset strategies to define conservation requirements and development potential'.

- 8 - Warnervale North East
- 12 - Doyalson South West
- 13 - Doyalson West
- 14 - Doyalson East
- 15 - Doyalson North East
- 16 - Lake Munmorah

TABLE 1. FUTURE ROLE FOR EXISTING ZONED INDUSTRIAL AREAS

Considered current role	Proposed zone	Timing of development	Floorspace			Jobs	
			Current	At 2036 (limited by capacity)	2036+ (remaining capacity)	Audited current jobs	Implied current capacity for additional jobs
Berbury Vale Industrial	IN1 with a small amount of IN2 south of Enterprise Drive	Capacity to 2025	254,299	284,963	0	557	67
Churnham Industrial	IN2	Capacity to 2025	119,174	121,024	0	614	9
Dryden Industrial	IN1	Capacity to 2036	9,403	11,989	5,974	60	55
Fourstuntable Industrial	IN1	Capacity to 2025	66,856	69,730	0	157	7
Long Leasy Industrial Area	IN2	Capacity to 2025	4,459	4,459	0	25	0
Tunbs Quarries Industrial	IN2	Limited capacity	32,058	32,441	0	192	2
Long Leasy Enterprise Corridor	B6	Limited capacity	-	-	-	-	-

Transition with interlinkages as appropriate	Proposed zone	Timing of development	Floorspace			Jobs	
			Current	2036	2036+ (remaining capacity)	Audited current jobs	Implied capacity for additional jobs
Tuggerah Business Park Tuggerah Major Centre, well connected to Sydney and nearby residential adjacent to the major arterial	B7	Capacity to 2025	179,412	262,071	0	1,377	629
Tuggerah Straight Tuggerah Major Centre well connected to Sydney and nearby residential adjacent to the major arterial	B5 along Pacific Highway; IN2 remainder; IN1 on east of Pacific Hwy	Capacity to 2025	142,624	156,927	0	1,304	129
Tuggerah Station Industrial The modern precinct can evolve with interlinkages as part of a commercial and industry complex in Myung Tuggerah Major Centre. Lake Road area should continue to provide a service industry role, with review appropriate in medium to longer term.	B5 on west; IN2 along Lake Road	Capacity to 2036	23,130	42,797	0	137	90
Quirrkub Industrial Currently contains a mix of business employment. Specific role to be defined in relation to university, Quirrkub Town Centre and other employment activities subject to the Quirrkub Master Plan process.	IN2	Capacity to 2025	3,319	4,841	4,628	60	61
North Myung Industrial Footage to Pacific Highway could evolve and intensify and play more of a service and highway enterprise role (to be facilitated by ultimate provision of Link Road) but no retail/food to be greater than 2000 sqm. The remainder to continue as a major manufacturing and service industry hub to the edge of the Myung Tuggerah Major Centre. Utilization of 20% office recommended for proposed enterprise corridor.	B6 along Pacific Highway Frontage; IN1 for remainder	Capacity to 2036	175,011	275,079	0	1,295	477
Burren Bay Industrial Currently vacant - future local service role for residential community.	IN2	Capacity to 2036	0	887	0	0	5
WEG Waterwalla Business Park Expected to attract development as other established precincts reach capacity. Should be part of a more detailed structure planning exercise to ensure strategic role opportunities are protected (ensure a mix of smaller and large lot offerings).	IN1	Capacity to 2025	83,268	139,072	0	743	498
Granddun Industrial Local service role for established and new residential communities. Timing for BI area will be examined in the State Centre Review process.	B1 in the north and IN2 in the south	Capacity to 2025	4,756	5,851	0	16	4

	Proposed zone	Timing of development	Floorspace		Jobs		
			Current	At 2036 (limited by capacity)	2036+ (remaining capacity)	Audited current jobs	Implied current capacity for additional jobs
Provide and secure for longer term industry prospects							
Dardouling	INI	Very long – required by 2050	0	0	85,930	n.a.	483
Larger lots and proximity to major arterial road make it ideal to accommodate future growth in freight and logistics. Should be part of a more detailed structure planning exercise to ensure strategic opportunities are protected.							
WZ2 Spadina Road North*	INI	Medium term – required by 2025+	11,430	90,120	262,899	80	2,023
Larger lots and location on major arterial road make it ideal to accommodate future growth in freight and logistics. May be an opportunity to create a smaller more intensive commercial precinct as part of the development, providing business services to freight and logistics activities. Should be part of a more detailed structure planning exercise to ensure strategic opportunities are protected (controls to require a mix of smaller and large lot offerings).							
WZ2 Airport Lands*	INI	Medium term – required by 2025+	0	78,462	32,884	n.a.	626
Larger lots and location on major arterial road make it ideal to accommodate future growth in freight and logistics. Should be part of a more detailed structure planning exercise to ensure strategic opportunities are protected (controls to require a mix of smaller and large lot offerings).							
WZ2 North West (Warner Industrial Park)*	INI	Capacity to 2036	0	0	213,960	n.a.	1,202
This precinct has been approved under Part 3A and has a Concept Plan and Project Application approval. It also has a servicing strategy in place.							
Hunter Land	INI	Capacity to 2036	0	0	0	n.a.	0
Vacant but has an approved DA for subdivision.							
Wularah No. 2 Coal Site	INI	Very long – required by 2050+	0	0	517,769	n.a.	2,909
Sited for colliery, not likely to develop in short to medium term but opportunity should be preserved. Suitable for interim uses that do not preclude a future industrial use. Should be part of a more detailed structure planning exercise to ensure strategic opportunities are protected							
Dunelm Ridge - Remainder	INI	Long term – required by 2036+	22,108	113,368	41,060	n.a.	743
Larger lots and proximity to major arterial road make it ideal to accommodate future growth in freight and logistics. Should be part of a more detailed structure planning exercise to ensure strategic opportunities are protected							
TOTAL			1,111,307	1,694,081	1,165,104	6,617	10,019



TABLE 2. FUTURE ROLE FOR POTENTIAL INDUSTRIAL AREAS (NOT YET ZONED)

Selective new release in short to medium term	Proposed zone	Timing	Floorspace		Jobs		
			Current (limited by capacity)	2036+ (remaining capacity)	Audited current jobs	Implied current capacity for additional jobs	
Craigie Avenue	B6	Short term	0	11,301	0	n.a.	63
Location opposite hospital makes it a candidate to support a medical uses cluster, needs to offer ancillary retail and services. Possibility of providing some residential accommodation for hospital workers. No retail to be greater than 300sqm.							
NWSSP 4 - Warnervale South West	B7	Medium term – required by 2025+	0	24,747	64,474	n.a.	501
Appropriate for modern industry and some business park uses. Should be 'major player' and remain in Council ownership to ensure high quality development and to ensure it complements Warnervale Town Centre. Restriction of pure office to 50% is appropriate.							
NWSSP 8 - Warnervale North East	IN2	Medium term – required by 2025+	0	8,205	131,962	n.a.	787
The Warnervale and Precinct 2A release will need a service industry area. Of the potential industrial areas identified in the NWSSP this is likely to be the earliest to develop through alternative sites on the edge of the Town Centre or near the Warnervale South West area (on sites not yet identified) are also possible candidates. Will serve as an expansion area for Cherrilham. Council depot site might possibly be able to be added to this site. However, an alternative function would need to be found for existing site.							
NWSSP 11 - Bushells Ridge North East	IN1	Medium term – required by 2025+	0	42,323	0	n.a.	238
Part of NWSSP area, with a future service industry role. Adjacent to Wyee residential and not far from rail station. Could be a major income employment area.							



Reconsider in medium to long term	Proposed zone	Timing	Floorspace		Jobs
			Current by capacity	At 2036 (limited 2036+ (renewing capacity)	Audited current capacity for additional jobs
Darlington South	-	Long term – required by 2016+	0	0	n.a.
NWSSP 1 - Blue Hue Road	-	Very long – required by 2026+	0	0	n.a.
NWSSP 6 - Warnervale North West	-	Very long – required by 2026+	0	0	n.a.
NWSSP 12 - Doyalson South West	-	Long term – required by 2016+	0	0	n.a.
NWSSP 13 - Doyalson West	-	Very long – required by 2026+	0	0	n.a.
NWSSP 24 - Doyalson East	-	Very long – required by 2026+	0	0	n.a.
NWSSP 25 - Doyalson North East	-	Medium term – required by 2025+	0	42,719	n.a.
NWSSP 26 - Lake Murnoh	-	Long term – required by 2016+	0	0	n.a.
Butterferry WDF	-	Very long – required by 2026+	0	0	n.a.
TOTAL			0	129,295	n.a.

Notes: * If Biodiversity Certification is not achieved, wetland portions of the WETZ which contain threatened species habitat may not be cleared. This may affect development yields. Darlington South and Darlington may require additional environmental offsets to be incorporated in areas proposed to be rezoned to address wildlife corridor planning and others to address threatened species planning requirements. Hunter Land has been discounted from capacity analysis as all land in this precinct is classified as highly constrained. Long Jettys Estuarine Corridor was not audited for this study; recommendations for this precinct have been based on 2012 Retail Centres Review. Floorspace at 2036 includes absorbed excess demand and is limited by each precinct's capacity.



4.3 Delegations of the Noxious Weed Officer

TRIM REFERENCE: F2012/01710 - D03258150

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar; Manager Open Space

SUMMARY

The NSW Department of Primary Industries which oversees the Noxious Weeds Act 1993 (the Act), requires delegations to be conferred by the local control authority (the elected Council). As per Section 68 of the Act these delegations must be assigned directly to the appropriate officers and cannot be re-delegated from these officers. This report states the recommended changes and requests that Council delegate the function to the positions listed below in order to comply with standard delegation procedures for this Act.

RECOMMENDATION

- 1 ***That Council acting as the Local Control Authority for Wyong Shire:***
 - a. ***Rescind all previous appointments and delegations under the Noxious Weeds Act 1993.***
 - b. ***Appoint Paul Marynissen as the Noxious Weeds Inspector under Section 41 of the Noxious Weeds Act 1993.***
 - c. ***Delegate powers under the Act to positions as outlined in Attachment 1.***

BACKGROUND

The NSW Department of Primary Industries has recommended that all councils re-issue their delegations to staff involved in enforcing the provisions of the Act. The recommendation is based on a view that casts some doubt over the legitimacy of relying on the general delegation power contained in s377(1) of the Local Government Act 1993. While the matter is not free from doubt, the Department of Primary Industries considers it prudent for councils to use Section 68 of the Act in delegating the various noxious weed enforcement functions under the Act.

In accordance with Section 68 of the Noxious Weeds Act 1993, the local control authority may delegate to a person any of the local control authority's functions under this Act other than the power of delegation.

Council can delegate its powers under Section 41 of the Act to the General Manager allowing the General Manager to appoint persons as a Noxious Weeds Inspector.

However, only Council can delegate powers conferred under the various sections of this Act that allow the Noxious Weeds Inspector to carry out the tasks necessary to the functioning of the position.

The proposed delegations nominate a number of alternates. This will enable the continuation of noxious weed enforcement in the absence of any individuals.

CURRENT STATUS

Delegations of the Noxious Weeds Inspector have not been conferred by the current Council.

THE PROPOSAL

Council delegate powers under the Act to selected positions as per attachment 1.

OPTIONS

Stop doing private property inspection, putting grant funding at risk and reducing staffs' ability to reduce noxious weed infestations in the shire.

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>
5 Regulatory	Noxious Weeds	To meet the targets in reducing Noxious weed incursions.	Grant & Revenue	As required to meet grant funding needs.

Contribution of Proposal to the Principal Activity

Long term Financial Strategy

Nil impact

Asset Management Strategy

Nil impact

Workforce Management Strategy

Nil impact

Link to Community Strategic Plan (2030)

Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

CONSULTATION

The NSW Department of Primary Industries.

GOVERNANCE AND POLICY IMPLICATIONS

Nil impact

MATERIAL RISKS AND ISSUES

Nil impact

CONCLUSION

That Council, acting as the Local Control Authority, delegate the powers under the Act as set out in Attachment 1.

ATTACHMENTS

- 1 Noxious Weeds Delegations 2013 D03263329

Noxious Weeds Delegations 2013
Table 1

SECTION	SECTION TITLE	POWERS CONFERED	DELEGATED POSITIONS
12	Failure to Control Noxious Weeds	Subsection (1) The power to initiate prosecution	General Manager
		Subsection (2) The power to issue a notice under this provision	Director, Community & Recreation Services
		Subsection (3) The power to initiate prosecution	Director, Community & Recreation Services Manager, Open Space Noxious Weeds & Pest Species Officer
15	Failure to Notify Presence of Notifiable Weed	The power to initiate prosecution	General Manager
16A	Failure of Other Persons to Notify Presence of Notifiable Weed	The power to initiate prosecution	General Manager
18a	Prior Notice of Weed Control Notice	The power to issue a notice of a proposed weed control	General Manager
		Subsection (2) (c) & (d) The power to consider submissions from occupiers regarding a proposed weed control notice	Director, Community & Recreation Services Noxious Weeds & Pest Species Officer
			General Manager

			Subsection (3) to give oral or written notice of an emergency weed control notice	Noxious Weeds & Pest Species Officer
18	Weed Control Notices		The power to issue and to amend or revoke a weed control notice	General Manager Director, Community & Recreation Services Manager, Open Space
19	Failure to Comply with a Weeds Notice		The power to initiate prosecution	Noxious Weeds & Pest Species Officer General Manager
20	Noxious Weed Control by Local Control Authority after Weed Control Notice not complied with		Subsection (1) The power to authorise such work	General Manager Director, Community & Recreation Services
			Subsection (2) The power to carry out such work	Noxious Weeds & Pest Species Officer Council Spray Operators Contractor working on Councils behalf
			Subsection (3) The power to issue notices to occupiers, prior to action under this section	General Manager Director, Community & Recreation Services Noxious Weeds & Pest Species Officer

26	Expenses		The power of recovery expenses in accordance with this section	General Manager Director, Community & Recreation Services
28	Sale or Removal from land of Notifiable Weed Material		The power to initiate prosecution	General Manager Director, Community & Recreation Services
29	Sale of Turf etc. From Land Infested with Notifiable Weeds		The power to initiate prosecution	General Manager Director, Community & Recreation Services
30	Scattering of Notifiable Weed Material		The power to initiate prosecution	General Manager Director, Community & Recreation Services
32	Use of Agricultural Machines that are Carrying Notifiable Weeds		The power to initiate prosecution	General Manager Director, Community & Recreation Services
36a	Temporary Restrictions During Weed Control		Subsection (2) to require an occupier to remove livestock and to keep livestock out of land for purposes of work carried out under Section 20 Subsection (3) to subsection (5) inclusive The power to impose temporary restrictions during noxious weed control	Noxious Weeds & Pest Species Officer
37	Record Keeping Obligations		Subsection (1) Responsibility to monitor presence of noxious weeds and to keep records	Noxious Weeds & Pest Species Officer

			Subsection (2) Responsibility to report to the Director General on the presence and distribution of noxious weeds if required	General Manager Director, Community & Recreation Services
38	Aquatic Weeds		The power to authorise the draining of a swamp on land	General Manager Director, Community & Recreation Services
41	Appointment of Inspectors		The power to appoint inspectors under the Noxious Weeds Act for the local control authority	General Manager
45	Notice of Entry		The duty to give occupiers notice prior to entry	Noxious Weeds & Pest Species Officer
46	Use of Force		The power to authorise use of force to gain entry to premises	General Manager Director, Community & Recreation Services
47	Notification of Use of Force		The responsibility to notify an occupier of the use of force	General Manager Director, Community & Recreation Services
49	Compensation		The responsibility to authorise payment of compensation	General Manager Director, Community & Recreation Services
50	Certificates of Authority		The power to issue Certificates of Authority for Inspectors under the <i>Noxious Weeds Act 1993</i> (the General Manager must also sign the Certificate of Authority)	General Manager
54	Offence: Obstructing an Inspector etc		The power to initiate prosecution	General Manager & Director, Community & Recreation Services
55	Offence: Impersonation of an Inspector		The power to initiate prosecution	General Manager

			Director, Community & Recreation Services
64	Certificates as to Weed Control Notices etc	The power to issue such certificates	Noxious Weeds & Pest Species Officer

4.4 Review of Alcohol Free Zones - Wyong Shire

TRIM REFERENCE: F2004/06067 - D03219215
MANAGER: Paul Bowditch, Manager Place Management
AUTHOR: Gary Hamer; Senior Strategic Planner

SUMMARY

All Alcohol Free Zones within Wyong Shire will expire on 30 June 2013. Council is required to review the existing zones in accordance with the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones. The proposed zones identified in the review will operate until 30 June 2017.

RECOMMENDATION

- 1 That Council endorse the Alcohol Free Zones Review to re-establish the existing Alcohol Free Zones with minor extensions as outlined in the enclosure to this report for the period 30 June 2013 to 30 June 2017.**
- 2 That Council proceed with the required public consultation process.**
- 3 That Council advise the NSW Anti-Discrimination Board of the proposal.**
- 4 That Council adopt the Alcohol Free Zones as outlined in the enclosure to this report should no objections be received during the public consultation process.**

BACKGROUND

Alcohol Free Zones (AFZs) were introduced to Wyong Shire many years ago as a means of controlling anti-social behaviour resulting from the consumption of alcohol. Established by Regulation under the Local Government Act 1993, the zones may only be set for a period of four years at a time. The current term for AFZs within the Shire is due for reconsideration and renewal by Council.

It is proposed to re-establish the existing AFZs, and provide minor extensions to some of the existing areas.

Tuggerah Lakes Local Area Command of the NSW Police and Council's Rangers have provided their input and support to the proposal.

THE PROPOSAL

Council has undertaken a review of the current AFZs having regard to the *Ministerial Guidelines on Alcohol Free Zones 2009*. The review considered the suitability of current configurations in relation to the criteria established under the Ministerial Guidelines which are as follows:

- The level of irresponsible behaviour arising from the consumption of alcohol within the area;
- The nature of adjoining and nearby businesses;
- Any known 'hot-spots' or problem areas where street drinking occurs.

These criteria were considered against each AFZ in the Shire to assist in determining the appropriateness of the AFZ location and the size of the AFZ. A summary is provided as follows:

Irresponsible behaviour arising from the consumption of alcohol:

A large majority of nominations to establish AFZs in many areas was as a result of reports on irresponsible behaviour arising from the consumption of alcohol. Attachment 1 provides details of the reasons for past nominations.

Nature of adjoining and nearby businesses:

The majority of AFZs in the Shire are located in the vicinity of liquor outlets and/or hotels and clubs. The areas which are not located near these businesses include:

- Bateau Bay Zone 2 – This area is considered to be a known hot-spot for irresponsible behaviour.
- Chain Valley Bay North – This area is located within walking distance of the Chain Valley Bay South AFZ and is considered to be a known hot-spot for irresponsible behaviour, especially during the Christmas period.
- Kulnura – This area is located adjacent Kulnura hall which is hired out for events. There have been issues in relation to BYO events.
- Norah Head – This area is located adjacent to reserves and is considered to be a known hot-spot for irresponsible behaviour, especially during the Christmas period.
- Noraville - This area is located adjacent to reserves and is considered to be a known hot-spot for irresponsible behaviour, especially during the Christmas period.

Known 'hot-spots' or problem areas where street drinking occurs:

All of the existing Alcohol Free Zones in the Shire are considered to be known hot-spots where street drinking occurs.

Proposed Changes to Existing Zones

As all of the existing AFZs in the Shire are deemed to be known hot-spots where street drinking occurs, and the majority are located in the vicinity of liquor outlets and/or hotels and clubs these will be retained. However, following consultation with Council's Rangers and NSW Police, it is proposed to extend the following zones where problem areas are evident and where a logical extension is needed to residential areas:

- Bateau Bay – Zone 1
- Lake Munmorah
- Ourimbah
- The Entrance
- Toowoan Bay
- Wyong – Zone 2

Plans indicating the location of the current and proposed AFZs throughout the Shire are included in the enclosure.

CONSULTATION

The Ministerial Guidelines require Council, after preparing a proposal to establish or re-establish an AFZ, to undertake public consultation through publishing details of the proposal in a newspaper circulating in the area inviting representation or objection within 14 days; sending a copy of the proposal to local Police (and liquor licensees and registered clubs if adjacent to the proposed zone) inviting representations or objections within 30 days.

The guidelines also provide that specific Councils must consult with the Anti-Discrimination Board and all other Councils have the option of advising the Board of proposals. Whilst Wyong Shire Council is not required to consult with the Anti-Discrimination Board, for completeness, it is proposed that Council advise the Board of the proposal.

GOVERNANCE AND POLICY IMPLICATIONS

The proposal is in accordance with section 644 of the Local Government Act. The procedures outlined in the Ministerial Guidelines are addressed.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an AFZ. However, under section 632 of the Local Government Act ordinance signs may be located on these properties which prohibit amongst other things, the consumption of alcohol.

CONCLUSION

There is an obvious benefit to the community in continuing the existence of AFZs. A renewal by Council for a further four years is warranted and supported by NSW Police (see Attachment 2). There is a consultation process to be conducted and final approval of the renewed AFZs cannot be achieved by Council Resolution until that process is completed. Accordingly, it is recommended that Council exhibit the proposed AFZs and subject to no objections being received as a result of that exhibition, the AFZs be adopted for a further 4 years.

ATTACHMENTS

- | | | |
|---|--|---------------------|
| 1 | Alcohol Free Zone Review - Nomination History and Considered Criteria | D03220599 |
| 2 | NSW Police Force - Re-establishment and Extension of Alcohol Free Zones within Wyong Shire (2013-2017) | D03277852 |
| 3 | Alcohol Free Zones Maps within Wyong Shire (2013-2017) | Enclosure D03279232 |

SUMMARY OF CRITERIA TO BE CONSIDERED UNDER MINISTERIAL GUIDELINES

The table below provides information on the location of each existing AFZ, when it was nominated, reasons for the nomination and identifies which criteria apply to each zone.

Zone/Location	Nominated By	Year	Reason for Nomination	Eligibility
Bateau Bay (1) The zone is bound by Bateau Bay Road, Reserve Drive, Hilltop Street, Malana Avenue, Sierra Avenue from the intersection with Malana Avenue, Anne Findlay Place. All streets within this boundary are included within the AFZ.	The Entrance Patrol, NSW Police (now Tuggerah Lakes Local Area Command)	1996	Alcohol consumption causing anti-social behaviour, malicious damage and dangerous driving.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area.
	Bateau Bay/Killarney Vale Community Precinct Committee (AFZ extension)	2003	Anti-social behaviour arising from alcohol consumption between Crackneck Point Lookout, Rushby and Harbour Streets and beach area.	Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Bateau Bay (2) Debra Anne Drive between Rotherham Street and Melissa Close.	Neighbourhood Watch Area 7, Bateau Bay West	1994	Anti-social behaviour arising from underage drinking.	Hot-spot/problem area.
Bateau Bay (3) The zone is bound by Sherwood Close and Anglers Drive in the North, Fishermans Bend Avenue and Northview Drive in the East, Sir Joseph Banks Drive in the South and Lady Penrhyn Close and Rotherham Street in the West. All streets within this boundary are included within the AFZ.	Council resolution	2004	Opening of a liquor outlet in Cresthaven Shopping Centre.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area.
				Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Berkeley Vale Entire length of Lakedge Avenue including part of Bluebell Avenue, to Grevillia Close and part of Emerald Place to Kerry Crescent.	Berkeley Vale and Chittaway Progress Association and 24 business owners and residents.	1995	Anti-social behaviour arising from alcohol consumption at the three shopping centre areas located along Lakedge Avenue and the lakefront.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby

				businesses include outlets that supply alcohol. Hot-spot/problem areas.
Budgewoi (1) Ocean Street, Cudgegong Street, Weemalla Street, Lake Street, Boomerang Street and Ouringo Street.	Resident petition. Toukley Police (proposed extension)	1994 1995	Irresponsible behaviour and vandalism arising from alcohol consumption. Extension would allow sufficient policing of the area and prevent migration of intoxicated persons to other local streets.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Budgewoi (2) The zone is bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary are included within the AFZ.	Resident petition. Toukley Police (proposed extension)	1994 1995	Irresponsible behaviour and vandalism arising from alcohol consumption. Extension would allow sufficient policing of the area and prevent migration of intoxicated persons to other local streets.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Chain Valley Bay (South) - includes Lake Munmorah, Doyalson North, Mannering Park, Kingfisher Shores Tall Timbers Road, Scaysbrook Avenue, Dale Avenue, Bridges Avenue and Lloyd Avenue.	Council – Motion of Urgency Council – Council Resolution (proposed extension)	2005 2006	Irresponsible behaviour arising from alcohol consumption. Irresponsible behaviour arising from alcohol consumption.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Chain Valley Bay (North) Teragalin Drive, Tarwhine Avenue and Trevally Avenue.	Lake Munmorah/Chain Valley Bay Precinct Committee	2005	Anti-social behaviour resulting from the consumption of alcohol.	Hot-spot/problem area.

Gwandalan Gwandlan – Gamban Road from Winbin Crescent to Bowers Lane including Bowers Lane.	Gwandalan/Sumnerland Point Community Precinct Committee	2003	Anti-social behaviour and vandalism resulting from alcohol consumption.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Killarney Vale Wyong Road from South Street to Brooke Avenue	Bateau Bay/Killarney Vale Community Precinct Committee	2012	Anti-social behaviour leading to graffiti, malicious damage, and violent behaviour arising from alcohol consumption.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Kulnura George Downes Drive and Greta Road in the vicinity of the Kulnura Hall and Tennis Courts.	Mangrove Mountain Districts Community Group	1996	Severe alcohol abuse resulting in under-age drinking, and offensive and intimidating behaviour.	Hot-spot/problem area.
Lake Haven Lake Haven - Goobarabah Avenue, Lake Haven Drive, Lake Haven Recreation Centre Carpark.	Lake Haven Shopping Centre	2007	Minimise disturbances and reduce the incidents of alcohol related anti-social behaviour.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Lake Munmorah Anita Avenue - from Boronia Road to	Lake Munmorah/Chain Valley Bay	2004	Vandalism and alcohol consumption in the lake foreshore	Evidence of irresponsible behaviour arising

Anthony Street; Dianne Avenue, Adeline Avenue, Viney Lane, Alister Avenue and Arcadia Avenue.	Community Precinct Committee		area.	from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Long Jetty That portion of Long Jetty between Tuggerah parade and Watkins Street intersection by Toowoan Bay Road, Thompson Street, Stella Street, Pacific Street and Elseimer Street and the relevant section of The Entrance Road.	Long Jetty Hotel, residents and business owners	1994	Improper behaviour, graffiti and vandalism. Large groups of people drinking after hours outside Long Jetty Hotel.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Mannering Park That portion of Vales Road between Spencer Road and Greenway Avenue.	Mannering Park Progress Association	1994	Under-age drinking resulting in intimidation of residents and vandalism.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Norah Head Bungary Road from its intersection with Cliff Street, Hargraves Street, Park Street, Henderson Street, Cliff Street, Roslyn Place, Budgewoi Road from intersection with Bungary Road and Elizabeth Drive, Ada Avenue and Elizabeth Drive.	Council Resolution Norah Head Ratepayers, Residents and Coastcare Association (continuation of existing zone) Tuggerah Lakes Local Area Command	1997 2000 2000	Reduced vandalism as a result of the zone. Issues on a weekly basis in the area – zones are assisting with enforcement.	Hot-spot/problem area.

Noraville	Norah Head Ratepayers, Residents and Coastcare Association	2006	Anti-social behaviour resulting from alcohol consumption by under-aged youths in public areas. Vandalism to private properties and violence toward local residents.	Hot-spot/problem area.
Ourimbah Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive, Pacific Highway, King, Station and Ourimbah Streets.	Ourimbah and District Precinct Committee	2003	Vandalism arising from the consumption of alcohol.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
San Remo Whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway	Wallarah North Community Precinct Committee Wallarah North Community Precinct Committee	1999 2010	Littering (nomination not supported by Police) Anti-social behaviour – graffiti, rubbish, underage drinking, damage to property.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Shelly Beach Carpark and road area in vicinity of Life Saving Club and Shelly Beach Cabins.	Council Resolution	1997	Severe alcohol abuse, misbehaviour, under-age drinking, and offensive and intimidating behaviour occurring in the area.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Summerland Point	Summerland	1998	New liquor outlet	Evidence of

Summerland Point-Cams Boulevard from Illawong Road and Gurrui Place, Illawong Road from Cams Boulevard to Muraban Road, Muraban Road from Illawong Road and Gurrui Place, Gurrui Place.	Point Progress Association		may encourage drinking on nearby streets, groups of people consuming alcohol in close proximity to the Hall.	irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
The Entrance The Entrance Road (Denning Street to The Entrance Bridge) Marine Parade, Beach Street (Marine Parade to Ocean Parade), that Portion of The Entrance Road to Warrigal Street, Victoria Street, Victoria Street, Denning Street. Theatre Lane; the carpark bounded by Theatre Lane, Bayview Avenue, Short Street and Denning Street; Short Street; Bayview Avenue and Ambler Parade.	The Entrance District Chamber of Commerce and The Entrance Police	1991	Numerous acts of general misbehaviour, drunkenness, vandalism and violence.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
The Entrance North Hutton Road, The Entrance North and all roads leading to it from Wilfred Barrett Drive (Central Coast Highway) - Hargraves Street, Roberts Street, Stewart Street, Florida Street, Manly Parade, Bondi Road, Coogee Avenue and Simpson Street	The Entrance North Progress Association	2010	Major issues with anti-social behaviour, drinking, smoking and harassment.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Toowoan Bay Bay Road -	Local Residents	1995	Anti-social behaviour associated with	Evidence of irresponsible

Koongara Street, including entire length of Koongara Street.			alcohol consumption.	behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Toukley Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade, Peel Street, Lakeview Street, Holmes Avenue, Victoria Avenue, Canton Beach Road, Yaralla Street, Elden Street, Summerside Street and Sonters Lane.	Tuggerah Lakes Local Area Command Toukley District Senior Citizens Club (extension to current zone)	1999 1999	To control drinking of alcohol in public streets and associated anti-social behaviour. As above.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Wadalba Part of Figtree Boulevard and Van Stappen Road.	Lakes Precinct Committee	2010	To combat alcohol fuelled anti-social behaviour.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.
Wyong (1) Cutler Drive between Harvey Street and Casey Drive, Owen Avenue.	Wyong Public School and Tuggerah Lakes Local Area Command	1993	To deter drunkenness, vandalism and drinking parties on school grounds.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area. Adjoining/nearby businesses include outlets that supply alcohol.

				Hot-spot/problem areas.
Wyong (2) Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Courts, Peters Lane, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison Road to North Road, Anzac Avenue from Hely Street to the Pacific Highway and Hardware Lane in its entirety.	Oasis Youth Centre	2000	Consumption of alcohol outside the premises and distribution to minors.	Evidence of irresponsible behaviour arising from the consumption of alcohol within the area.
	LJ Hooker Real Estate (extension of zone)	2009	Street drinking and littering.	Adjoining/nearby businesses include outlets that supply alcohol. Hot-spot/problem areas.



NSW Police Force
www.police.nsw.gov.au

25th January 2013

Rianan RUSH
c/o Wyong Shire Council
Strategic Planner
PLACE MANAGEMENT

Dear Rianan

I have perused the re-establishment and extension of the Alcohol Free Zones within Wyong Shire (2013 – 2017)

Tuggerah Lakes Local Area Command support the proposal and welcome the establishment of extensions to existing zones.

Police are often called to the nominated zones. Having these zones appropriately nominated and signed ensures all Legislative powers are afforded to police if required.

I have included all known licensed premises within the zones as requested.

Regards
S/Cst Matt Dyer

Licensing
Wyang Police Station
4356 6232

Tuggerah Lakes LAC

Telephone 02 4356 6232

ARN 43 408 613 180

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4.5 Debt Recovery Policy

TRIM REFERENCE: F2010/02277 - D03278357
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Carlton Oldfield; Financial Controller

SUMMARY

This report recommends the adoption of the Debt Recovery Policy that defines how WSC staff will undertake Debt Recovery, including, but not limited to land rates, annual charges, water usage and sundry debt.

RECOMMENDATION

That Council adopt the Debt Recovery Policy per attachment 1 to apply from the date of this meeting.

BACKGROUND

Council levies approximately \$181 million in rates and charges annually to fund facilities and services for our community. Council recognises that it is in the community interest to maximise the collection of rates and charges to ensure Council is financially sustainable to provide the facilities and services required by the community.

The Division of Local Government recommends a rates outstanding ratio of 5%. Council as at 30 June 2012 has a rates outstanding ratio of 6.29%

CURRENT STATUS

As at 30 June 2012, \$9 million remained outstanding representing a rates outstanding ratio of 6.29%. Council understands that the Division of Local Government recommended benchmark for rates outstanding for a Group 7 Council is 5%. Council has made significant improvement to reduce this rates outstanding ratio from 7.12% in 2011 without issuing legal action since November 2011.

This reduction has been achieved through active engagement with ratepayers by the Credit Management and Customer Contact teams.

THE PROPOSAL

Despite Council staff actively engaging the ratepayer community to bring the rates outstanding ratio to the 5% DLG benchmark, there are non-hardship ratepayers who do not contribute to the funding of facilities and services that the community require. Consequentially this policy allows for the use of legal representation to recover debts from non-hardship ratepayers and customers. Further this policy provides safeguards that protect and document the procedures that relate to ratepayers under financial hardship.

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>
GM's Department	Finance	Rates Outstanding Ratio – outstanding rates over Annual Rates Collectible	n/a	DLG 5% rates outstanding ratio

Long term Financial Strategy

The efficient and effective recovery of land rates, annual charges, water usage and sundry debtor are directly related and underpin Council's long term financial strategy. Failure to adequately recover debts leads to financial underperformance and reduces the ability of Council to fund facilities and services for our community.

Asset Management Strategy

Nil Impact

Workforce Management Strategy

Nil Impact

Link to Community Strategic Plan (2030)

Nil Impact

Budget Impact

Increased cash inflows through improved debt recovery process can be utilised to increase capital expenditure, services, improve investment earnings or retire outstanding debt.

CONSULTATION

Financial Counselling organisations, external and internal stakeholders were consulted in the formulation of this Debt Recovery Policy.

GOVERNANCE AND POLICY IMPLICATIONS

The policy is not affected by any other Council policy and complies with the Local Government Act and Regulations.

MATERIAL RISKS AND ISSUES

Risks pertain to ensuring the Credit Management, Customer Recovery and legal representation comply with the Local Government Act 1993 and associated state and federal legislation.

CONCLUSION

It is recommended that Council adopt the Debt Recovery Policy per attachment 1.

ATTACHMENTS

- 1 Policy - Debt Recovery current D03296841



Wyong Shire Council
DEBT RECOVERY POLICY
(RATES AND ANNUAL CHARGES,
WATER USAGE, SUNDRY DEBT)

Policy No:
Policy Author: V Betland
Team Leader Credit Management



History of Revisions:

Name of document: Debt Recovery (Rates, Annual charges, Water usage, Sundry debt)
Author: Team Leader Credit Management
Description of content: WSC policy for Debt Recovery Policy and Procedures
Approved by:
Date of approval:
TRIM reference:
Assigned review period: 3 years
Date of next review:
Version number:
Version date:

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A POLICY SUMMARY

- A.1 This policy defines how WSC will undertake Debt Recovery, including, but not limited to land rates, annual charges, water usage and sundry debt.

B POLICY BACKGROUND

- B.1 WSC relies on rates and charges to fund facilities and services for our community.
- B.2 WSC recognises that it is in the community interest to maximise the collection of rates and charges and to recover interest, costs and expenses where these are necessarily incurred by WSC. WSC does however recognise that any debt recovery procedures need to consider individual cases of genuine financial hardship.
- B.3 WSC is required to conform to Local Government Act 1993, especially s569, s605, s712-S726 which deal with debt recovery of outstanding rates and charges, expenses with tracing persons, liability of the occupier and sale of land.
- B.4 WSC is required to conform with Regulation 133 of the Local Government (General) Regulation 2005 which deal with procedures for the sale of land to recover overdue rates and charges.
- B.5 WSC will conform with the NSW Privacy and Personal Information Protection Act 1998.
- B.7 WSC has considered recommendations made by IPART in relation to easing the impact of financially disadvantaged customers who may be adversely affected by any increases in prices relating to water, sewerage and stormwater drainage.

C DEFINITIONS

- C.1 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.
- C.2 **The Act** means the *Local Government Act 1993*.
- C.3 **WSC** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C.4 **Council policy** shall mean policy created and approved by the elected members of the Wyong Shire Council.
- C.5 **Organisational policy** shall mean policy created and approved by the General Manager and management for operational purposes including the implementation of Council resolutions, decisions and Council policy.
- C.6 **Hardship** shall include the inability to reasonably discharge financial obligations due to illness, unemployment or other reasonable cause.

D POLICY STATEMENTS**Jurisdiction**

- D.1 This Policy covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D.2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.
- D.3 It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

General

- D.4 WSC will not reduce rates or annual charges for the purposes of debt recovery.
- D.5 WSC will consider alternative available approaches to deal with non payment in cases of demonstrated financial hardship.
- D.6 WSC will consider applicants for hardship assistance in accordance with the Hardship Policy.
- D.7 WSC will not instigate legal action against any person who is complying with an approved payment arrangement.
- D.8 WSC will not instigate legal action against any person who has evidenced genuine financial hardship and who is willing to enter into and comply with an affordable, approved payment arrangement.
- D.9 WSC will not instigate legal action where costs will exceed the original debt amount.
- D.10 WSC will recover legal costs and expenses incurred in the process of debt recovery.
- D.11 WSC will only issue sundry debtor invoices to confirmed and identified legal entities or individual users.
- D.12 WSC reserves the right to amend terms of trade from time to time.

E POLICY IMPLEMENTATION - PROCEDURES**Recovery Action**

- E.1 The Debt recovery section shall ensure effective recovery practices to maintain an arrears ratio of <5% total outstanding.
- E.2 The Debt recovery section shall ensure debt recovery protocols that include:
- a) Recovery action will commence when rates and charges are not paid by the due date for each quarterly instalment, by the invoice due date for water usage and sundry debtor accounts.

- (b) A reminder letter will be issued after the due date for amounts with an outstanding balance greater than \$50 for rates and water usage charges and with no lower balance limit for sundry debtor accounts.
 - (c) If no acceptable payment arrangement or full payment is received by the due date of the Reminder Letter, WSC may issue a Letter of Demand or transfer the matter to the external debt recovery agent for issuance of a Letter of Demand.
 - (d) If full payment or offer of an acceptable payment arrangement is not received, the WSC may issue a Final Notice to eligible pensioners and Notice of Legal Action to non-pensioners. Alternatively WSC may instruct the external debt recovery agent to issue a Final Notice for eligible pensioners and Notice of Legal Action for non-pensioners.
- E.3 Debt recovery shall manage all cases involving eligible pensioners and if no acceptable payment arrangement or full payment has been received after WSC has exhausted all payment options, WSC may transfer the matter to the external debt recovery agent for Notice of Legal Action.
- E.4 Pending no acceptable payment arrangement in response to an issuance of Notice of Legal Action; WSC may instruct the agent to serve a Statement of Claim to recover any outstanding debt.
- E.5 Following the expiration of the statutory period from the Statement of Claim and no acceptable payment arrangement or full payment has been received; a Notice of Motion Default Judgment for liquidated claim shall be lodged with the local Court.
- E.6 Upon receiving the Default Judgement, WSC may instruct the external debt recovery agents to undertake any of the following actions:
- (i) Writ of Execution over goods and chattels
 - (ii) A garnishee of income or bank account
 - (iii) Service of a rent orders
 - (iv) Examination summons
 - (v) Bankruptcy proceedings
 - (vi) Sale of land for unpaid rates in accordance with section 713 of the Local Government Act 1993.

Payment Arrangements

- E.7 Debt recovery may offer payment arrangements to any debtor.
- E.8 In the absence of an approved Hardship Application, all arrears must be paid in full within the approved time period upon commencement of any arrangement to pay. An extension on the approved time period is available for pensioners upon commencement of any arrangement to pay. The extension available to pensions is double the time period available to non-pensioners.
- E.9 Extended time period payment arrangement can only be accessed through an approved Hardship application.

Sale of Land for Unpaid Rates

- E.10 Where any rate or charge is overdue and remained unpaid for more than 5 years from the date it became payable, WSC may proceed to sell the land in accordance with Division 5, Part 2, Chapter 17 of the Local Government Act, 1993.
- E.11 Where any rate or charge is overdue in respect of vacant land and the amount exceeds the Valuer General's current valuation of the property, WSC may proceed to sell the land in accordance with Division 5, Part 2, Chapter 17 of the Local Government Act, 1993.

Sundry Debtors and the Provision of Credit

- E.12 WSC reserves the right to not extend credit and require payment in advance of any services supplied.
- E.13 If credit is extended Sundry debtors are overdue if not paid within 14 days of the issuing of an invoice. WSC may cease the provision of credit facilities to debtors when an account is overdue by more than 14 days.

Variation

- E.14 WSC reserves the right to amend this policy from time to time in accordance with the policy for the establishment of policies.
- E.15 The General Manager can exercise their discretion in regards to adherence of the operational procedures of this policy.

4.6 Hardship Policy

TRIM REFERENCE: F2010/02277 - D03284213
MANAGER: Stephen Naven, Chief Financial Officer
AUTHOR: Carlton Oldfield; Financial Controller

SUMMARY

This report recommends the adoption of the Hardship policy that defines how WSC staff will identify and support individuals under genuine financial hardship in regard to, but not limited to, payment of land rates, annual charges, water usage and sundry debt.

RECOMMENDATION

That Council adopt the Hardship Policy per attachment 1 to apply from the date of this meeting.

BACKGROUND

Council relies on its Debt recovery procedures to maximise the collection of rates and charges in order to fund the facilities and services required by the community. Council recognises that within its Debt recovery activities it must consider individual cases of genuine financial hardship and provide assistance in accordance with this policy.

CURRENT STATUS

Council has defined Hardship procedures in place to provide extended payment arrangements for individuals evidencing financial hardship. The policy has not yet been approved by Council.

THE PROPOSAL

This policy provides safeguards to individuals under genuine financial hardship to identify and support those concerned. This policy ensures Council's normal debt recovery activities do not place additional financial stress upon those concerned. Further the policy provides for extended payment arrangements and greater flexibility for these individuals in respect to payment of land rates, annual charges, water usage and sundry debt.

This policy ensures that the activities defined within the Debt Recovery Policy do not apply to individuals under genuine financial hardship so long as they continue to meet the conditions required under the Hardship Policy.

OPTIONS

The initiatives and provisions within the Hardship policy are designed to assist those individuals under genuine financial hardship. The Hardship policy provides safeguards from Council normal debt recovery process and deemed best practice when compared to similar policies for other Council and Utility providers.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan****Long term Financial Strategy**

The recovery of rates and charges underpins the financial strategy of Council allowing it to continue to fund the facilities and services required by the Community. It is important that Council recovery payment of land rates, annual charges, water usage and sundry debt from individuals under genuine financial hardship but not in a manner that may exacerbate their financial position.

Asset Management Strategy**Workforce Management Strategy****Link to Community Strategic Plan (2030)****Budget Impact**

Recovery of land rates income ensure Councils is able to continue to fund the facilities and services provided for in its annual budgets.

CONSULTATION

Financial Counselling organisations, internal and external stakeholders have been consulted in the formulation of this policy.

GOVERNANCE AND POLICY IMPLICATIONS

This policy does not affect any other Council policy or procedure. Further this policy conforms with the legislative requirements under the Local Government Act 1993.

MATERIAL RISKS AND ISSUES

CONCLUSION

It is recommended that Council adopt this policy to ensure individuals under genuine financial hardship are identified and supported outside of Council's normal debt recovery activities as defined within the Debt recovery Policy.

ATTACHMENTS

- 1 Policy - Hardship current 15032013 D03296843



Wyong Shire Council

HARDSHIP POLICY

(DEBT RECOVERY OF RATES AND ANNUAL CHARGES,
WATER USAGE & SUNDRY DEBT)

Policy No:
Policy Author: V Betland
Team Leader Credit Management



History of Revisions:

Name of document:	Hardship Policy (Debt Recovery of Rates, Annual charges, Water usage & Sundry debt)
Author:	Team Leader Credit Management
Description of content:	WSC policy for the implementation of Debt Recovery and Hardship Procedures
Approved by:	
Date of approval:	
TRIM reference:	
Assigned review period:	3 years
Date of next review:	
Version number:	
Version date:	

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A POLICY SUMMARY

- A.1 This policy defines how WSC will identify and support individuals under genuine financial hardship in regard to, but not limited to, payment of land rates, annual charges, water usage and sundry debt.

B POLICY BACKGROUND

- B.1 WSC relies on rates and charges to fund facilities and services for our community.
- B.2 WSC recognises that it is in the community interest to maximise the collection of rates and charges and to recover interest, costs and expenses where these are necessarily incurred by WSC. WSC does however recognise that any debt recovery procedures need to consider individual cases of genuine financial hardship.
- B.3 WSC recognises that in cases of genuine financial hardship, assistance may be required in respect to payment. This policy establishes guidelines for assessment of hardship applications.
- B.4 The Act provides for the following assistance to ratepayers and customers who may experience hardship in paying rates, annual charges and fees:

- (1) Periodical payment arrangements for overdue rates and charges [Section 564];
- (1) A council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person.
- (2) The council may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

- (2) Writing off, or reducing interest accrued on rates and charges [Section 567];

The council may write off accrued interest on rates or charges payable by a person if, in its opinion:

- (a) the person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- (b) the person is unable to pay the accrued interest for reasons beyond the person's control, or
- (c) payment of the accrued interest would cause the person hardship.
- (3) Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from the general revaluation of land in the Local Government Area [Section 601];
- (4) Waiving, or reducing rates, charges and interest of eligible pensioners [Section 575 & 582];
- (5) Waiving, or reducing Council fees when the inability to pay is due to genuine financial hardship [Section 610E]

- B.5 WSC wishes to ensure the hardship application process identifies those ratepayers who are experiencing genuine financial hardship and are eligible for assistance.

C. DEFINITIONS

- C.1 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council.
- C.2 **The Act** means the *Local Government Act 1993*.

- C.3 **WSC** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C.4 **Council policy** shall mean policy created and approved by the elected members of the Wyong Shire Council.
- C.5 **Organisational policy** shall mean policy created and approved by the General Manager and management for operational purposes including the implementation of Council resolutions, decisions and Council policy.
- C.6 **Hardship** shall include the inability to reasonably discharge financial obligations due to illness, unemployment or other reasonable cause.
- C.7 **Principle place of residence** will be determined using the principles defined by Income Tax Assessment Act 1997.
- C.8 **Hardship/Debt Recovery Committee** shall comprise the Chief Financial Officer, Financial Controller Operations, Team Leader Community Development, Team Leader Credit Management, an independent panel member from Financial Counsellors Association of NSW or their representatives.

A POLICY STATEMENTS

Jurisdiction

- D.1 This Policy covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D.2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.
- D.3 It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

General

- D.4 WSC will not reduce rates or annual charges for the purposes of debt recovery.
- D.5 WSC will consider applicants for hardship assistance where:
- a) the rateable property is the principle place of residence, or
 - b) the property is the principle place of residence of a dependant of the ratepayer and also suffering genuine financial hardship, or
 - c) the property is owned by an aged pensioner and is vacant whilst the ratepayer is in short term care.
- D.6 WSC may consider hardship assistance when ratepayers or customers are unable to make payment when due and payable for reasons beyond their control or where such payment would cause the person hardship.

- D.7 WSC will not reduce rates or annual charges, but will consider alternative available approaches to dealing with cases of financial hardship;
- D.8 If the ratepayer continues to experience hardship after the period agreed to in the original application has expired then a new application must be made. In such circumstances WSC may require up to date personal financial information to confirm the ratepayers continuing hardship.
- D.9 WSC, at its discretion, may withdraw any hardship concession.
- D.9 Privacy will be maintained in accordance with the NSW Privacy and Personal Information Protection Act 1998.

E POLICY IMPLEMENTATION – PROCEDURES

- E.1 WSC will individually assess cases of financial hardship.
- E.2 Hardship applications will be reviewed by the Credit Management team.
- E.3 Should the Team Leader Credit Management and the ratepayer be unable to enter into a mutual agreed upon payment agreement, the ratepayer must submit a hardship application to the WSC Hardship Committee to stop further debt recovery action.
- E.4 Once the ratepayer/resident has submitted their hardship application, the Credit Management Team Leader will make a recommendation to the Hardship Committee regarding the actions that should be taken. Available options include but are not limited to:
- Defer outstanding amounts for a set period of time;
 - Arrange an appropriate extended payment schedule;
 - An appropriate combination of the above.
- E.5 Application for payment relief under financial hardship the ratepayer or customer must state in writing the nature of the hardship and the estimated time the hardship will be experienced. Evidence confirming the ratepayers hardship status must accompany the application in one of the various forms:
- Evidence in writing from third parties such as the ratepayer's bank or accountant;
 - Evidence in writing from a recognised financial counsellor such as a member of the Financial Counsellors Association of NSW. <http://www.fcan.com.au/>
 - Statutory declaration from a person familiar with the ratepayers circumstances who is qualified to provide WCS with a clear unbiased assessment of the ratepayer's hardship status such as a carer or power of attorney.
 - WSC may request additional information to confirm the ratepayer's hardship status if deemed necessary.

Variation

- E.6 WSC reserves the right to amend this policy from time to time in accordance with the policy for the establishment of policies.
- E.7 The General Manager can exercise their discretion in regards to adherence of the operational procedures of this policy.

4.7 Exhibition of draft Plan of Management for 30 Manns Rd, Fountaindale

TRIM REFERENCE: F2011/01686 - D03290586

MANAGER: Jari Ihalainen, Director Land Management

AUTHOR: David Lemcke; Senior Planner

SUMMARY

At the meeting of 12 December 2012 Council unanimously resolved to negotiate transfer of Lot 3 DP 657514 at 30 Manns Rd, Fountaindale to be added to the existing Mark Foster Reserve. The purposes are to enhance an existing green corridor by entering a Biobank Agreement with the NSW Government; and allow an asset renewal of the Pleasant Valley Fire Trail. The Biobank Agreement will provide an ongoing fund to manage the land. A suitable Plan of Management specific to the land is required by the Local Government Act, 1993.

RECOMMENDATION

- 1 That Council place the draft Plan of Management for Lot 3 DP 657514 (30 Manns Rd, Fountaindale) on public exhibition for a period of twenty eight days and accept submissions for a period of 42 days.**
- 2 That Council adopt the draft Plan of Management for Lot 3 DP 657514 (30 Manns Rd, Fountaindale), subject to there being no objections as a result of public exhibition that cannot be reasonably addressed.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to establishing a Biobank site on Lot 3 DP 657514 under the "Linking Landscapes through Local Action" program, subject to successful negotiations regarding funding and conditions.**
- 4 That following the adoption of the Plan of Management, Council staff implement a community engagement program for surrounding properties, for the purpose of raising awareness of suitable use of the reserve.**
- 5 That following the adoption of the Plan of Management, Council staff apply for funding to assist reconstruction of the Pleasant Valley Fire Trail in accordance with the design produced under tender CPA/214619.**

BACKGROUND

The purchase of the land has been undertaken to provide Council with a viable means to manage bush fire risk in the Fountaindale area and to improve the Green Corridor linking Mark Foster Reserve to Ourimbah Creek.

4.7 Exhibition of draft Plan of Management for 30 Manns Rd, Fountaindale (contd)

The Pleasant Valley Fire Trail is located in part on the subject lot and the draft Plan of Management will enable this to be constructed, and will link ongoing maintenance of the fire trail to funding in the Biobank Agreement.

BIOBANKING

The State Government has created the “*Linking Landscapes through Local Action*” Project (LL) as part of the “*Green Corridors Program*”, which is a key to achieving Goal 22 of the NSW State Plan 2021 – “Protect our natural environment”. Council staff are working with Office of Environment & Heritage (OEH) to finalise a Biobank Agreement which is scheduled to be formally agreed in May 2013.

The establishment of a Biobank Agreement will mean a permanent guaranteed source of funding to manage the site. This is estimated at \$322,000 - \$402,000 to be placed into a Trust fund, which will provide annual management payments of \$14,000 - \$18,000 for the first ten years; and ongoing payments of \$8,000 - \$10,000 thereafter.

To establish the Biobank Agreement, Council is required to adopt a suitable Plan of Management specific to the site specifying permissible objectives and uses in accordance with the Local Government Act 1993. The ongoing management actions and funding will be detailed in the Biobank Agreement.

CURRENT STATUS

Council resolution 598/12 authorises the Mayor and General Manager to execute a Memorandum of Understanding to establish a Biobank site on Lot 3 DP 657514. Part of the process to establish the Biobank Agreement requires a site specific Plan of Management to be drafted and exhibited to ensure compliance with the Local Government Act 1993. The draft Plan of Management specifies activities that can be undertaken on the site and links management actions to the Biobank Agreement. The Biobank Agreement will fully fund the ongoing management of the site.

Council currently has no suitable method of managing the bush fire risk to private property in the Fountaindale area that arises from Council bushland. Using grant funding Council has had the design, environmental assessment and associated documentation produced to reconstruct the Pleasant Valley Fire Trail and will tender for construction in 2013/14 (subject to grant funding). The Fire Trail will mitigate bush fire hazard by facilitating fire fighting access and will facilitate Hazard Reduction burning. The Wyong Bush Fire Management Committee (BFMC) has endorsed this as the preferred method of risk mitigation for Council to undertake.

THE PROPOSAL

This report seeks approval for the exhibition of the draft Plan of Management for 30 Manns Rd, Fountaindale; and to authorise the Mayor and General Manager to establish the Biobank Agreement under the “*Linking Landscapes through Local Action*” Program, subject to satisfactory negotiation of funding and conditions .

4.7 **Exhibition of draft Plan of Management for 30 Manns Rd, Fountaindale (contd)**

The Plan of Management is required to facilitate the establishment of a Biobank Agreement, which will result in the NSW State Government purchasing all credits generated under the Agreement and fully funding the ongoing management of the site.

OPTIONS

No other options have been identified, as adoption of a suitable Plan of Management is required for Council to enter into the Biobank Agreement.

There is no other option that is likely to generate funding to manage Lot 3 DP 657514 in perpetuity.

STRATEGIC LINKS

Wyong Shire Council draft Strategic Plan 2013 - 2017

<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>
Environment and Land Use	Bush fire risk mitigation	Areas of natural value will be enhanced and retained to a high level in the context of ongoing development.	Capital expenditure funds 6-002 and /or 6-007 Funds allocated for renewal and upgrade of fire trails	Will improve bush fire risk mitigation in Fountaindale area and move towards compliance with Bush Fire Risk Management Plan.
Environment and Land Use	Enhancement of green corridor	Areas of natural value will be enhanced and retained to a high level in the context of ongoing development.	NSW State Government through Biobank Agreement	Will improve natural asset management.

Contribution of Proposal to the Principal Activity

The proposal forms part of the actions and objectives of the Environment and Land Use Activity.

Long term Financial Strategy

The proposal is aligned to the Long Term Financial Strategy through risk reduction and use of external funds to manage natural areas.

Asset Management Strategy

The proposal is consistent with the Asset Management Strategy in seeking to explicitly consider whole of life cycle costs and create / renew assets using Council best practice.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

The proposal is aligned to the objectives of the Community Strategic Plan that relate to natural areas.

Budget Impact

Nil impact for land management as the Biobank Agreement covers all costs in perpetuity with the exception of the reconstructing the Fire Trail.

Funds have been included in future Land Management budget to leverage NSW Rural Fire Service Major Capital Works Fund grant opportunities. The works can be staged to match the ultimate budgets pending grant allocations.

CONSULTATION

Consultation regarding the project has been undertaken with the following:

- Wyong Bush Fire Management Committee (BFMC)
- Hunter-Central Rivers Catchment Management Authority (CMA)
- NSW Office of Environment & Heritage – Biobanking Team (OEH)
- Open Space Unit; Economic & Property Development Unit
- Adjoining landowners.

GOVERNANCE AND POLICY IMPLICATIONS

Proposal is consistent with Council Policy G1 – Green Corridors; and the “*Linking Landscapes through Local Action*” Project (LL) as part of the “*Green Corridors Program*”, which is a key to achieving Goal 22 of the NSW State Plan 2021 – “Protect our natural environment”.

MATERIAL RISKS AND ISSUES

Nil impact.

CONCLUSION

The Biobank Agreement to fund the ongoing management of the land requires a Plan of Management to satisfy requirements of the Local Government Act. The draft Plan of Management sets out the objectives for management of the land and suitable methods of achieving this. In this case the Plan of Management refers details of land management and ongoing funding to the Biobank Agreement, currently being finalised with the NSW Government.

**4.7 Exhibition of draft Plan of Management for 30 Manns Rd, Fountainsdale
(contd)**

This report seeks to exhibit the draft Plan of Management and authorise the Mayor and General Manager to enter into a suitable Biobank Agreement, subject to successful negotiation on funding and conditions.

ATTACHMENTS

- 1 Plan of Management - 30 Manns Road Fountainsdale V2 D03297932



Wyong Shire Council
Plan of Management – 30 Manns Road Fountaindale

Version 0.2 Draft
1 March 2013

Name of Document

Author: Draft 0.2

Description or Title of Document

Date:

Version 0.2 Draft

Approved by:

Date of Approval:

Assigned review period: 5 years

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Introduction

Background

This Plan of Management has been prepared by Wyong Shire Council under the provisions of the *Local Government Act 1993*, which requires a Plan of Management applying to land classified as community land.

Land to Which the Plan Applies

This plan applies to a landlocked property known as Lot 3 DP 657514 (30 Manns Road, Fountaindale). The parcel is accessed from Pleasant Valley Road. The area of the land is 8.024 hectares, which is classified as Community Land – Natural Area - Bushland. The parcel will be zoned E2 under Wyong LEP 2012.

Plan of Management Objectives

The strategy for this property is to protect and conserve the land, biodiversity and native vegetation as part of a Shire-wide network of wildlife corridors and to improve bush fire management in the local area. Wyong Council has the objective to ensure that community land is managed in a cost effective way to maximise community benefits.

The Plan of Management objectives will be achieved and funded by Council entering into a Biobanking Agreement with the NSW Government. The agreement was prepared with assistance from the 'Linking Landscapes through Local Action' Project, which is a part of the Green Corridors Program - a Government priority action identified in the NSW 2021 Plan.

Management Framework

Management Objectives

The relevant core objectives for the management of community land categorised as a 'natural area' are as follows:

- To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.
- To maintain the land, or that feature or habitat, in its natural state and setting.
- To provide for the restoration and regeneration of the land.
- To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.

The core objectives for management of community land categorised as 'bushland' are as follows:

- To ensure the ongoing ecological viability of the land by protecting the biodiversity and habitat values of the land.
- To protect the aesthetic, heritage, recreational, educational and scientific values of the land.
- To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.

- To restore degraded bushland.
- To protect existing landforms such as natural drainage lines, watercourses and foreshores.
- To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.
- To protect bushland as a natural stabiliser of the soil surface.

Approved Land Management Activities

- Bush regeneration – mainly weed control
- Rubbish removal
- Fire trail construction and maintenance
- Closure of existing access points or tracks
- Feral animal control
- Vegetation monitoring and survey
- Boundary fencing and gates/gate removal
- Erosion control and drainage works
- Signage
- Compliance, education and community engagement
- Bush fire management

Implementation

The intent of the proposed Biobanking Agreement is to protect, restore and maintain in perpetuity an area of native vegetation for the benefit of current and future generations. The proposed Biobanking Agreement sets out the management issues, existing condition of the land, an action plan to achieve the management objectives, and monitoring and review requirements.

This Plan of Management is intended to permit works and activities on the site so as to meet the obligations under the proposed Biobanking Agreement as the method to achieving the management objectives. The Biobanking Agreement provides ongoing funding for the perpetual management of the land to which this Plan of Management applies.

4.8 Draft Minutes of the 19 December 2012 Audit and Risk Committee Meeting

TRIM REFERENCE: F2004/07245 - D03296331

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

To confirm the draft Minutes of the Audit and Risk Committee meeting held on 19 December 2012.

RECOMMENDATION

- 1 That the Council adopt the minutes of Wyong Shire Audit and Risk Committee meeting held on 19 December 2012.**
- 2 That Council hold a joint meeting with the Wyong Shire Council and Gosford City Council Audit and Risk Committees.**

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

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

The draft minutes of the 19 December 2012 are set out in full below:

WYONG SHIRE COUNCIL
MINUTES OF THE
AUDIT AND RISK COMMITTEE MEETING
HELD IN THE TIM FARRELL AND WILFRED BARRETT COMMITTEE ROOMS
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 19 DECEMBER 2012
COMMENCING AT 9:30 AM

PRESENT

Mr Bruce Turner (Chairperson), Mr Jason Masters (external member), Councillor L Nayna and Councillor L Webster.

IN ATTENDANCE

Denis Banicevic (External Auditor) – PricewaterhouseCoopers
General Manager
General Counsel
Director Community and Recreation
Director Land Management
Director Building and Development
Acting Internal Auditor
Internal Ombudsman (arrived 9.39 am)
Chief Financial Officer
Peter Buchhok – PricewaterhouseCoopers
Vikash Pillay – PricewaterhouseCoopers
Councillor Services Officer

APOLOGIES

Councillor D J Eaton

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.34 am and advised in accordance with the Code Of Meeting Practice that the meeting was being recorded.

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

The Chairperson advised that he would change the Order of the Agenda to accommodate arrivals/departures of attendees at the meeting, however for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the Chair of the Audit and Risk Committee for the Institute of Internal Auditors and a member of the Board, and also Chair of the Audit and Risk Committee for the Department of Premier and Cabinet, which includes oversight of the Division of Local Government and the Office of Environment and Heritage (OEH), and remained in the meeting.

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman and is an Independent Member of the Assurance & Audit Committee at Woollahra Municipal Council and also that he has been engaged by an IT Company in Newcastle (Kinetics) to write a White Paper on Procurement in Local Government and remained in the meeting.

RECOMMENDATION

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

2.1 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meetings - 19 September 2012 and 5 October 2012

RECOMMENDATIONS

That the Committee confirm the adopted minutes of the previous meeting of the Wyong Shire Governance Committee held on the 19 September 2012 and 5 October 2012 with two minor amendments as follows;

- 1 *Minutes 19 September 2012 – Apologies – To change ‘External Member, Dennis Banicevic’ to ‘External Auditor, Dennis Banicevic’.*
- 2 *Minutes 5 October 2012 – In Attendance – To change ‘External Auditor’ to ‘Dennis Banicevic, External Auditor’.*

2.2 Status Report on Outstanding Actions

RECOMMENDATION

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

3.1 Internal Audit Report

RECOMMENDATION

That the Committee receive the Internal Audit report.

3.2 Other Matters

RECOMMENDATIONS

- 1 *That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.*
- 2 *That the Committee recommend to Council to hold a joint meeting with the Wyong Shire Council and Gosford City Council Audit and Risk Committees.*

3.3 2012-16 Strategic Plan - September Quarter Review (Q1)

RECOMMENDATION

That the Committee note the first Quarterly Review (Q1) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 28 November 2012.

3.4 Status Report on Development of New Internal Audit Action Tracker System

RECOMMENDATIONS

- 1 *That the Committee receives the Status Report on Development of New Internal Audit Action Tracker System.*
- 2 *That the Committee adopts the content and format of the reports they receive in future relating to the implementation of agreed actions arising from Internal Audit review.*
- 3 *That the Committee agrees that future reports for the Committee on the status of agreed management actions should be compiled and presented by Internal Audit and/or by Directors/Managers who are responsible for the implementation of the actions.*

4.8 Draft Minutes of the 19 December 2012 Audit and Risk Committee Meeting (contd)

4.1 Governance Committee Chairman's Report

RECOMMENDATION

That the Committee authorise the Chairperson to present the Governance Committee Chairman's Report to the 23 January 2013 Ordinary Meeting.

4.2 Update on Control Weaknesses Identified by External Auditor

RECOMMENDATIONS

- 1 *That the Committee receive the report on Update on Control Weaknesses Identified by External Auditor.*
- 2 *That the Committee note a report will be submitted to the 20 March 2013 meeting on the full commissioning of the Mardi to Mangrove pipeline and the Mardi suite of works.*
- 3 *That the Committee note a report will be submitted to the 19 June 2013 meeting on the post implementation, documentation, warranties, training and any further issues.*

4.3 2011/12 Audit of Wyong Water Supply Authority - Documentation provided by NSW Audit Office

RECOMMENDATION

That the Governance Committee receive the report on 2011/12 Audit of Wyong Water Supply Authority - Documentation provided by NSW Audit Office.

4.4 Section 94 Contributions Modelling

RECOMMENDATION

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

4.5 Deferred Payment of Section 94 Contributions

RECOMMENDATION

That the Committee receive and note the report on Deferred Payment of Section 94 Contributions.

4.8 Draft Minutes of the 19 December 2012 Audit and Risk Committee Meeting (contd)

4.6 Australian Chinese Theme Park Purchase of Council Land

RECOMMENDATION

That the Committee receive and note the report on Australian Chinese Theme Park Purchase of Council Land.

4.7 Draft Contributions Plan for the Warnervale Town Centre

RECOMMENDATION

That the Committee receive and note the report on Draft Contributions Plan for the Warnervale Town Centre.

4.8 Public Exhibition of Draft Wyong Local Environment Plan 2012, Draft Settlement Strategy and Draft Wyong Development Control Plan 2012

RECOMMENDATION

That the Committee receive and note the report on Public Exhibition of Draft Wyong Local Environment Plan 2012, Draft Settlement Strategy and Draft Wyong Development Control Plan 2012.

4.9 Supplementary Report - Public Exhibition of Draft Wyong Local Environment al Plan 2012, Draft Settlement Strategy and Draft Wyong Development Plan 2012

RECOMMENDATION

That the Committee receive and note the report on Supplementary Report - Public Exhibition of Draft Wyong Local Environment al Plan 2012, Draft Settlement Strategy and Draft Wyong Development Plan 2012.

4.10 Enterprise Risk Management Framework

RECOMMENDATIONS

- 1 *That the Committee receive the report on Enterprise Risk Management Framework.*
- 2 *That the Committee note that a presentation on the development of the WSC Risk Appetite Statement, ERM Policy and ERM Framework will be held at the 20 March 2013 meeting.*

4.8 Draft Minutes of the 19 December 2012 Audit and Risk Committee Meeting (contd)

4.11 Investment Report for November 2012

RECOMMENDATION

That Council receive the report on Investment Report for November 2012.

4.12 Modification to the Art House Wyong Shire Performing Arts and Conference Centre Concept Design and Capital Cost

RECOMMENDATION

That Council receive the report on Modification to the Art House Wyong Shire Performing Arts and Conference Centre Concept Design and Capital Cost.

THE MEETING terminated at 11.47 am.

The next meeting is scheduled for Wednesday, 20 March 2013 at 9.30am.

ATTACHMENTS

Nil

4.9 Purchase of Green Energy at Small Sites

TRIM REFERENCE: F2004/00103 - D03297403

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: David Irving; Electrical Services Engineer

SUMMARY

This report reviews the options available in relation to the purchase of green energy at small sites.

RECOMMENDATION

- 1. That Council authorise the General Manager to cease the purchase of green energy at all sites.**

BACKGROUND

On 24 January 2007 Council resolved unanimously the following motion:

- 1 That the report be received and noted.*
- 2 That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.*
- 3 That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%.*
- 4 That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 That Council formally congratulate the staff who prepared the report.*

A further motion was unanimously resolved on 22 September 2010:

- 1 That Council receive the report on Greenhouse Gas Reduction Opportunities.*
- 2 That Council adopt the "Carbon Management Hierarchy" as the basis for its strategy for management of greenhouse gas emissions.*

4.9 Purchase of Green Energy at Small Sites (contd)

- 3 That Council approve the redirection of funding from the green energy program (as required by implementation of the Carbon Management Strategy) to provide an opportunity to investigate further actions for avoidance, reduction or replacing of greenhouse gas emissions which return greater benefits.
- 4 That Council note that subject to imminent implementation of the methane recovery technology at Buttonderry Waste Facility, no additional action will be required to achieve a minimum 30% reduction in greenhouse emissions due to fuel consumption, waste management and electricity consumption at Council's "Top Ten" sites by 2030 or earlier (based on 1999/00 levels).
- 5 That Council adopt a target of achieving 50% green energy at Wyong Civic Centre and 25% at the remainder of Council's top ten sites by 2013-14. The estimated additional cost of this action will be about \$33k in 2011-12, \$36k in 2012-13 and \$39k in 2013-14.
- 6 That Council utilise approximately \$100,000 from the 2011-12 Waste and Sustainability Improvement Payment funding (if approved) to support energy efficiency measures at Council's "Top Ten" sites.
- 7 That Council continue to offset 100% emissions for Council's vehicle and small plant fleet through participation in the Greenfleet program at a current estimated cost of \$86,000 per annum.
- 8 That Council staff continue to monitor and assess opportunities for funding and the implementation of innovative ideas to reduce Council's (and the Shire's) reliance on coal powered electricity and report back to Council in 12 months.
- 9 That Council consider a further report on the residual Council sites with strategies to further reduce greenhouse gas emissions.

In Council's electricity contracts a site is classified by the energy consumption per annum. Sites that consume less than 160MWh per annum are defined to be "small sites" and they are supplied via NSW Procurement contract 776. In accordance with the above resolutions, Council now purchases green energy for small sites at the rate of 10% for Water & Sewerage facilities and 25% for the remainder. The contract for small sites (776) is due for renewal and the supplier has requested Council to advise the percentage of green energy to be purchased.

Sites that consume 160MWh or more per annum are classified as "large sites". Council does not purchase green energy at these sites. Funds that were allocated by Water & Sewerage in 2011/12 were directed to the following green projects:

- 12 x 22kW High Efficiency Motors for the Wyong South Treatment Plant (\$24,839)
- Replacement of Utility Water Pumps at the Mardi Plant (\$47,952)
- Install high efficiency motors and upgrade an inefficient and unreliable air conditioning system at the Charmhaven Treatment Plant Laboratory (\$22,150)

Funds have also been aside by Water & Sewerage for green projects in 2012/13 and these are currently being determined. The allocation is \$60,000 for sewerage and \$35,000 for water facilities.

THE PROPOSAL

To cease the purchase of green energy at all sites.

OPTIONS

To continue the purchase of green energy at the existing rates, to amend these rates or to discontinue the purchase.

STRATEGIC LINKS**Budget Impact**

The estimated budget impact in 2013/14 is as follows:

SITE TYPE	Green %	Black Energy Cost	Green Energy Additional Cost
Water & Sewerage	10	\$485,153	\$11,485
Other	25	\$398,938	\$23,442

If the purchase of green energy at all sites is discontinued this will represent a saving of about \$34,000 per annum.

CONSULTATION

Consultation was held as part of the original resolutions process in 2007 and 2010.

GOVERNANCE AND POLICY IMPLICATIONS

Nil

MATERIAL RISKS AND ISSUES

Nil.

CONCLUSION

For small sites, Council has the opportunity to either continue the purchase of green energy at the existing rates, to amend these rates or to discontinue the purchase. The recommended action is to discontinue the purchase.

ATTACHMENTS

Nil

5.1 Change to Procurement for Provision of Local Area Newspaper Advertising Services

TRIM REFERENCE: CPA/219961 - D03282107

MANAGER: Maxine Kenyon, Director

AUTHOR: Sue Ledingham; Manager Community Engagement

SUMMARY

Council will use the recently negotiated Local Government Procurement Panel Contract for Advertising Agencies. The decision for the change is to reduce the duplication of internal processes; the change does not impact on engagement of local bookings.

RECOMMENDATION

That Council receive the report on Change to Procurement for Provision of Local Area Newspaper Advertising Services.

BACKGROUND

For local area advertising with the Central Coast Express Advocate, Council has been operating under Contract No. CPA/132383 – Provision of Local Area Newspaper Advertising Services since 2008. The contract governs pricing and placement agreements between Wyong Shire Council and Nationwide News Pty Ltd (trading as Central Coast Express Advocate) for Council advertising.

This contract has serviced Council's needs for the placement of local area newspaper advertisements for display, recruitment, tender and other advertising. Council currently spends over \$190,000.00 a year (based on 2011-12) on local area newspaper advertising, including news columns, recruitment, tenders, and other statutory notices. This approximate value can vary according to demand. It should be noted that ways to reduce costs through review of internal processes are continually sought.

Advertising spend is partly dependent on the number of Federal and State Government grant funded projects (which stipulate an advertising component as part of the funding conditions), the number of tenders Council issues and many other factors.

The Central Coast Express Advocate no longer provide local graphic design and account booking representatives based on the Central Coast, these are now relocated to Nationwide News' Sydney office. There has been a subsequent drop in satisfaction from Human Resources with this service since the change, resulting in some time delays and errors by the publisher particularly in recruitment advertising.

In addition, Council currently books all non local advertising such as tender and recruitment advertisements in Sydney print media and other non local media through advertising broker, Leonard Holt Robb, an approved supplier which we work with under the LGP Panel Contract LGP406-2 - Advertising Agencies. This means

Communications, Human Resources and Procurement are currently dealing with two major suppliers for advertising, with two different processes for booking, placement and invoice splitting.

Consultation with the Contacts Systems Manager has identified that the same terms and conditions for pricing and placement, provided under Contract No. CPA/132383 for Provision of Local Area Advertising, can be provided under LGP tender exempt Contract LGP406-2 Advertising Agencies (panel contract). Contracts and Procurement has advised this would be the best way to proceed for local area advertising. Officers have met with both panel suppliers who have confirmed they can match the pricing and placement arrangements supplied under CPA/132383.

This includes the same schedule of rates for Wyong Shire Council that is well below standard rates and is based on a range of different advertising types and volumes, as well as a commitment to the placement of specific Council advertisements within a specific section of the newspaper, i.e. Council's ShireWide News column should be in full colour within the first 12 pages of the newspaper each week.

OPTIONS

There is no advantage for Council to pursue its own tender process.

To improve and streamline internal processes Council will use the panel agreement recently negotiated by Local Government Procurement on behalf of all NSW Councils for Advertising Agencies.

This agreement has been awarded to Leonard Holt Robb and Blaze Advertising via a robust tender process. All NSW Councils are able to use this agreement without the need for an independent Council tender. Council is unlikely to obtain better rates via an independent tender than what is currently available under the Local Government Procurement contract.

It should be noted that Council is not required to lock in with a single panel supplier under this arrangement and can choose to use Blaze Advertising at any time if there is perceived advantage in doing so.

Leonard Holt Robb is currently the supplier for Council's careers and tender advertising in metropolitan media and advertising in other non local publications and also is the supplier for Gosford City Council.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Nil Impact.

Contribution of Proposal to the Principal Activity

Nil Impact.

Long term Financial Strategy

Contain costs and improve efficiencies for local area advertising services.

Asset Management Strategy

Nil Impact.

Workforce Management Strategy

Nil Impact.

Link to Community Strategic Plan (2030)

Nil Impact.

Budget Impact

No additional impact to budget.

LOCAL CONTENT

No additional impact as noted in the background of this report.

Council will continue to place its local advertising through Central Coast Express Advocate and others as appropriate with no impact on local bookings.

CONSULTATION

Consultation was carried out with internal stakeholders Communications Unit, Human Resources and Procurement.

GOVERNANCE AND POLICY IMPLICATIONS

Nil Impact.

MATERIAL RISKS AND ISSUES

Nil Impact.

CONCLUSION

Council will use the panel agreement recently negotiated by Local Government Procurement panel contract on behalf of all NSW Councils for Advertising Agencies and will work with all panel members to supply provision of local area advertising services.

5.1 Change to Procurement for Provision of Local Area Newspaper Advertising Services (contd)

This will also align procurement processes for both local area and metropolitan area advertising for Council, saving time and creating efficiencies internally.

ATTACHMENTS

Nil.

5.2 Investment Report for February 2013

TRIM REFERENCE: F2004/06604 - D03285308
MANAGER: Carlton Oldfield, Financial Controller
AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 28 February 2013.

RECOMMENDATION

That Council receive the Investment Report for February 2013.

BACKGROUND

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

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

CURRENT STATUS

Managed Funds

Council holds a "grandfathered" investment in Blackrock Care and Maintenance Fund valued at \$5.54m allowable under the Ministers Investment Order.

The unrealised gain for February was \$0.07m with a year to date gain of \$0.51m.

The BlackRock fund returned +0.64% (net actual) for the period ending Feb 2013. Credit was relatively flat during the month with the fund's high running yield attributing to the portfolio's outperformance. Over the longer-term (1 year or more), the fund has strongly outperformed bank bills by around 400bp per annum. The fund's running yield remained elevated at 6% as at the end of February.

Cash and Term Deposit Funds

Cash flows in February were managed through maturities and investments in new term deposits, with a net in-flow in cash and term deposits of \$4.21m.

Table 1 Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption)
Movement in Term Deposits				
Suncorp	3	4.63%	Feb 2013	(\$5,000,000)
ING	7	5.09%	Feb 2013	(\$5,000,000)
ANZ	7	5.00%	Feb 2013	(\$5,000,000)
ING	8	4.29%	Oct 2013	\$5,000,000
ME Bank	12	4.33%	Feb 2014	\$5,000,000
				(\$5,000,000)
Movement in cash at call				
AMP				-
Westpac		3.35%		\$9,180,000
				\$9,180,000
Interest earned on all call accounts				\$34,000
				\$9,214,000
TOTAL				\$4,214,000

Total Portfolio

Total net return for February 2013 was \$0.65m consisted of \$0.58m of interest earnings and \$0.07m of unrealised capital gains on the Blackrock Care and Maintenance Fund.

Table 2 Net Return

	Full Year 2011-12	Qtr 1 to September 2012	Qtr 2 to December 2012	January 2013	February 2013	Full Year 2012-13
	\$m	\$m	\$m	\$m	\$m	\$m
Capital Gain/(Loss) Realised	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	(0.09)	0.18	0.20	0.06	0.07	0.51
Net Capital Gain/(Loss)	(0.09)	0.18	0.20	0.06	0.07	0.51
Interest Earnings on Call Deposits Received	0.64	0.14	0.14	0.04	0.03	0.35
Interest Earnings on Term Deposits to receive at Maturity	7.50	1.88	1.79	0.61	0.55	4.83
Total Interest earnings	8.14	2.02	1.93	0.65	0.58	5.18
Total Return for Period	8.05	2.20	2.13	0.71	0.65	5.69

Year to date returns in February of 5.38% is favourable compared to benchmark BBSW YTD Bank Bill Index of 3.50% and Council guidelines of BBSW + 10 basis points. The year to date return excluding capital gains on managed funds of \$0.51m is 4.89%.

Table 3 Investment Portfolio by Risk Category

Investment Class	February 2013 \$ '000	YTD Return \$ '000	YTD %
Cash at Call	19,338	359	3.56
Term Deposits	141,000	4,819	5.25
Managed Funds	5,537	512	14.32
Total Investments	165,875	5,690	5.38

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

The target maximum limit in each category and the current spread of investments is listed in Table 4. The portfolio is currently overweight in A1 but this is a positive position due to these investments offering the best rates selected for the investment time frame.

Table 4 – Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation February 2012	Comments
A1	10.0%	62.90%	
A2	75.0%	30.75%	
A3	10.0%	2.41%	
Unrated	15.0%	3.94%	Includes Managed Funds
TOTAL		100.0%	

Investment transactions and earnings during February 2013 are shown in Table 5 - Portfolio Performance.

Table 5 – Portfolio Performance

	Full Year 2011-12 \$m	Qtr 1 to September 2012 \$m	Qtr 2 to December 2012 \$m	January 2013 \$m	February 2013 \$m	Full Year 2012-13 \$m
Movement in Assets						
Opening Balance	136.86	153.81	160.71	165.40	161.59	153.81
Capital Gain/(Loss) – (Table 2)	(0.09)	0.18	0.20	0.06	0.07	0.51
Net Cash/Investments (Withdrawals) (Table 1)	16.40	6.72	4.49	(3.87)	4.21	11.55
Closing Balance	153.81	160.71	165.40	161.59	165.87	165.87

Portfolio Interest and Investment Returns

Year to-date returns as at 28 February 2013 on council’s investment portfolio of deposit accounts, term deposits and managed funds, show a \$1.09m or 23.76% favourable variance when compared to the year to-date budget for February 2013.

Table 6 - Annual Investment Portfolio Performance as at 28 February 2013

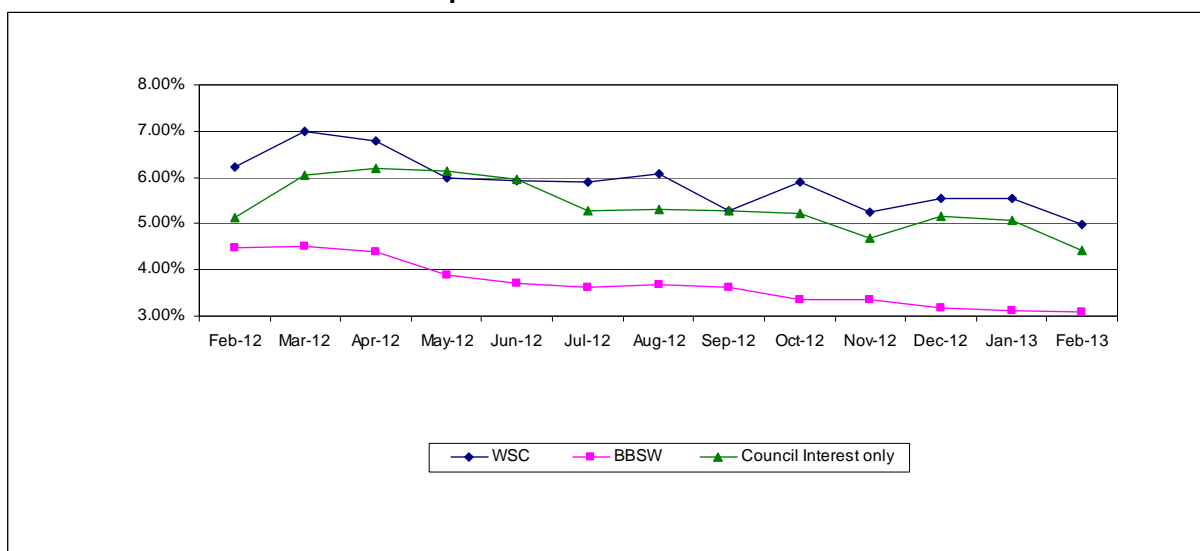
Investment Source	YTD Investment revaluation \$ '000	YTD Interest \$ '000	YTD Actual Income \$ '000	YTD Budget \$ '000	YTD Variance to Budget \$ '000	FYR Revised Budget \$ '000
	A	B	C=A+B	D	E=C-D	
General	322	3,274	3,596	2,780	816	4,170
Water	56	559	615	1,033	(418)	1,550
Sewerage	133	1,345	1,478	784	694	1,176
Total	511	5,177	5,689	4,597	1,092	6,896

Interest rates in the month, on term deposits ranged from 4.25% to 5.77% with the exception of Heritage Bank at 7.25%. These rates exceeded the benchmark Bank Bill Swap Rate (BBSW) for February of 3.03%.

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:

Table 7 Annualised Returns - Comparison to Benchmark BBSW Index

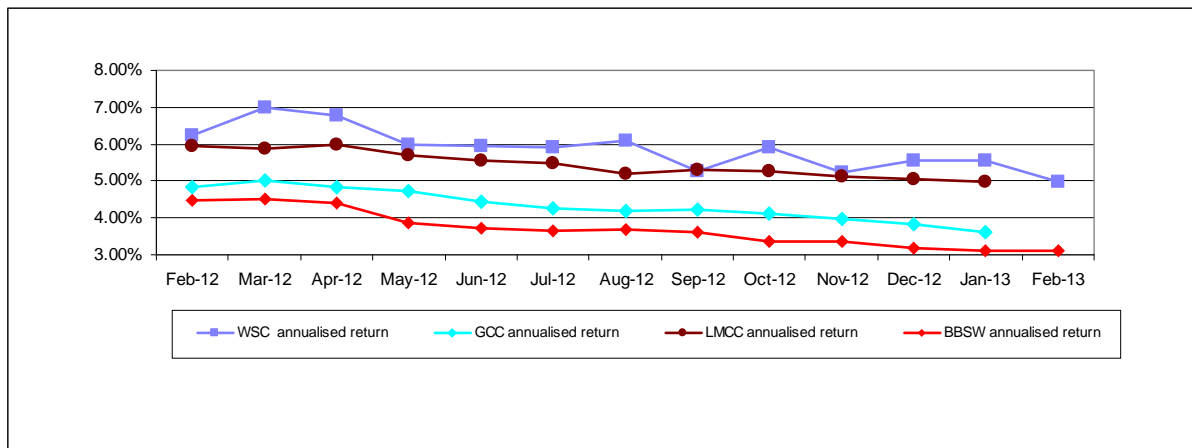


Comparison to Neighbouring Councils

Council's yield of 5.55% for January and 4.99% for February compare favourably to neighbouring Councils; Lake Macquarie City Council (5.06% - December) and Gosford City Council (3.61% - January).

There is a time lag in the information available for neighbouring Councils and reports for February was not available at the time of writing this report.

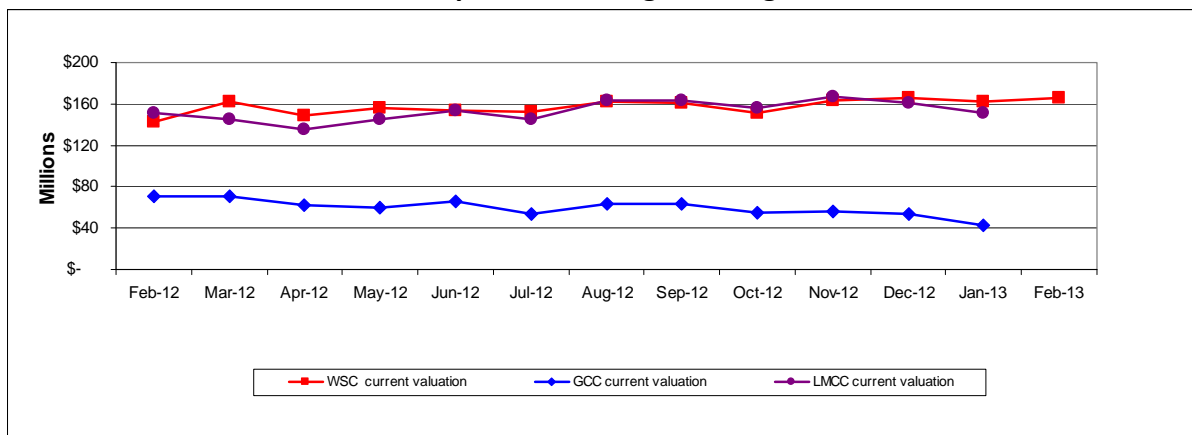
Table 8 Portfolio Return - Comparison to Neighbouring Councils.



WSC's investment portfolio at the end of January was \$161.59m and February was \$165.87m, demonstrating a strong cash position, and compares favourably with Lake Macquarie and Gosford City Councils (refer Table 9).

However Council's cash position must be viewed relative to its high debt levels (predominantly in the Water and Sewer Business) at the end of June 2012 amounting to \$197.58m. In comparison Gosford City Council held debts of \$124.90m and Lake Macquarie City Council held debts of \$58.35m at 30 June 2012.

Table 9 Portfolio Valuations - 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 28 February 2013 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council continues to allow its grandfathered managed funds to liquidate over time. The majority of investments are held in term deposits in accordance with the provisions of the ministerial investment order.

Investments continue to be conservatively managed to ensure that value is added to the fixed interest portfolio without unnecessary risk and Council will continue to re-define its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investment by Type - February 2013 D03285355

Wyong Shire Council Summary of Investments - By Type As at 28 February 2013								
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 31.01.13 \$	PORTFOLIO BALANCE 28.02.13 \$	INCOME FOR MONTH OF FEBRUARY \$	INTEREST RATES % p.a.
		Short Term	Long Term					
CASH AT CALL:								
Westpac	Corproate Investment Account (AA)	A1	AA	Daily	5,207,498	14,406,822	19,325	3.10
AMP		A1	A	Daily	4,914,472	4,928,986	14,515	3.85
UBS	Cash Account	A1	AA	Daily	2,843	2,516	0	
Total Cash At Call					10,124,813	19,338,324	33,840	
TERM DEPOSITS & BONDS								
<u>Short term deposits & bills (less than 90 days)</u>								
SunCorp	Term Deposit	A1	A	15/02/2013	5,000,000		8,027	4.63
ING	Term Deposit	A1	A	27/02/2013	5,000,000		18,826	5.09
ANZ	Term Deposit	A1	AA	27/02/2013	5,000,000		17,808	5.00
Suncorp	Term Deposit	A1	A	12/03/2013	5,000,000	5,000,000	19,754	5.15
ING	Term Deposit	A1	A	13/03/2013	5,000,000	5,000,000	19,792	5.16
NAB	Term Deposit	A1	AA	27/03/2013	10,000,000	10,000,000	38,280	4.99
Rural Bank	Term Deposit	A2	A	28/03/2013	5,000,000	5,000,000	18,142	4.73
ING	Term Deposit	A1	A	08/04/2013	5,000,000	5,000,000	18,027	4.70
ING	Term Deposit	A1	A	29/04/2013	5,000,000	5,000,000	19,677	5.13
Bendigo/Adelaide	Term Deposit	A2	A	12/05/2013	5,000,000	5,000,000	19,178	5.00
Bendigo/Adelaide	Term Deposit	A2	A	28/05/2013	5,000,000	5,000,000	19,178	5.00
Rural Bank	Term Deposit	A2	A	28/05/2013	5,000,000	5,000,000	18,142	4.73
					65,000,000	50,000,000		
<u>Medium Term Deposits (up to 365 days)</u>								
Bendigo/Adelaide	Term Deposit	A2	A	12/06/2013	5,000,000	5,000,000	18,986	4.95
ING	Term Deposit	A1	A	26/06/2013	5,000,000	5,000,000	18,219	4.75
ING	Term Deposit	A1	A	01/07/2013	5,000,000	5,000,000	17,644	4.60
NAB	Term Deposit	A1	AA	15/07/2013	5,000,000	5,000,000	17,874	4.66
Bendigo/Adelaide	Term Deposit	A2	A	26/07/2013	5,000,000	5,000,000	17,951	4.68
NAB	Term Deposit	A1	AA	15/08/2013	5,000,000	5,000,000	17,912	4.67
Bendigo/Adelaide	Term Deposit	A2	A	26/08/2013	5,000,000	5,000,000	17,797	4.64
Suncorp	Term Deposit	A1	A	06/09/2013	5,000,000	5,000,000	16,608	4.33
Suncorp	Term Deposit	A1	A	30/09/2013	5,000,000	5,000,000	16,762	4.37
Bendigo/Adelaide	Term Deposit	A2	A	08/10/2013	5,000,000	5,000,000	17,644	4.60
ING	Term Deposit	A1	A	28/10/2013	5,000,000	5,000,000	1,175	4.29
NAB	Term Deposit	A1	AA	27/11/2013	5,000,000	5,000,000	18,142	4.73
NAB	Term Deposit	A1	AA	06/01/2014	5,000,000	5,000,000	17,030	4.44
Wyong Credit Union	Term Deposit	UNRATED	UNRATED	30/01/2014	1,000,000	1,000,000	3,260	4.25
ME Bank	Term Deposit	A2	BBB	27/02/2014		5,000,000	1,186	
					66,000,000	71,000,000		
<u>Non - Current</u>								
Westpac	Term Deposit	A1	AA	05/03/2014	10,000,000	10,000,000	44,263	5.77
Bank of Queensland	Term Deposit	A2	BBB	02/08/2016	6,000,000	6,000,000	23,934	5.20
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000	22,247	7.25
					20,000,000	20,000,000		
Total Term Deposit & Bonds:					151,000,000	141,000,000	543,465	
CASH MANAGEMENT FUNDS:								
<u>Non - Current</u>								
	BlackRock Care & Maintenance Fund	UNRATED	UNRATED	2016 (Estimate)	5,465,846	5,537,046	71,200	
Total Cash Management Funds					5,465,846	5,537,046	71,200	
Current					141,124,813	140,338,324		
Non-Current					25,465,846	25,537,046		
TOTAL					166,590,659	165,875,370	648,505	

5.3 Quarterly Update on Section 94 Contributions

TRIM REFERENCE: F2004/00552 - D03230326
 MANAGER: Vivienne Louie, Financial controller
 AUTHOR: Sandy Rose; Contributions Officer

SUMMARY

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

RECOMMENDATION

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

BACKGROUND

The following table shows the year to date actual and budgeted Section 94 income by Contribution Plan. This table only reflects actual cash contributions received.

Please refer to *Unfunded Liabilities* below for non-cash contributions received.

Contribution Plan	Section 94 (excluding Drainage)		
	Actual Income YTD	Budgeted Income YTD	Variation YTD
Budgewoi	\$0	\$0	\$0
The Entrance	\$102,746	\$262,500	-\$159,754
Gorokan	\$14,468	\$0	\$14,468
Warnervale*	\$1,626,734	\$882,500	\$744,234
Ourimbah	\$20,403	\$0	\$20,403
Southern Lakes	\$5,732	\$0	\$5,732
San Remo	\$0	\$29,000	-\$29,000
Toukley	\$8,561	\$0	\$8,561
Wyong **	\$175,027	\$0	\$175,027
Shire Wide	\$86,967	\$33,500	\$53,467
Northern Districts ***	\$320,351	\$48,000	\$272,351
Total	\$2,360,989	\$1,255,500	\$1,105,489

5.3 Quarterly Update on Section 94 Contributions (contd)

Please note the drainage income in this table is not reflected in the s94 table above as we have previously received a request to split out the s94 contributions received for drainage.

Contribution Plan	Drainage		
	Actual Income YTD	Budgeted Income YTD	Variation YTD
Budgewoi			\$0
The Entrance			\$0
Gorokan			\$0
Warnervale****	\$408,721	\$250,000	\$158,721
Ourimbah			\$0
Southern Lakes			\$0
San Remo			\$0
Toukley			\$0
Wyong			\$0
Shire Wide			\$0
Northern Districts			\$0
Total	\$408,721	\$250,000	\$158,721

Section 94A income for July 2012 to December 2012 is \$131,160.

* This income is from 2 developments in Warnervale. In August 21 units in Hamlyn Terrace with s94 contributions of \$613,173 was approved. In September a 44 lot subdivision in Woongarra with s94 contributions of \$647,534 was approved.

** A 15 lot subdivision in Wyong with s94 contributions of \$111,322 was approved.

*** A 21 lot subdivision in Summerland Point with s94 contributions of \$320,351 was approved.

**** This income is from 2 developments in Warnervale. In August 21 units in Hamlyn Terrace with drainage contributions of \$88,681 was approved. In September a 44 lot subdivision in Woongarra with drainage contributions \$214,000 was approved.

As at the end of Q2 the total projected S94 income for 2012/13 is \$3,011,000 (including drainage). Projected income is based upon forecasted development activity and the review of previous year's actual income received. As part of our Q3 review we are preparing a SMURF to revise the s94 income up to \$4,500,000 (increase of \$1,489,000) and drainage of \$650,000 (increase of \$150,000).

Unfunded Liabilities

Council's current unfunded liabilities (non-cash contributions) total \$17,424,424. A report was submitted to Council in December 2012 where Council approved a strategy for managing these liabilities.

ATTACHMENTS

Nil.

5.4 Results of Water Quality Testing for Beaches and Lake Swimming Locations

TRIM REFERENCE: F2004/06822 - D03286567

MANAGER: Brett Ball, Acting Manager Community Safety and Compliance 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 February 2013.

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 has continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

5.4 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 in 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 February 2013 (Summer Program)

For February 2013 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

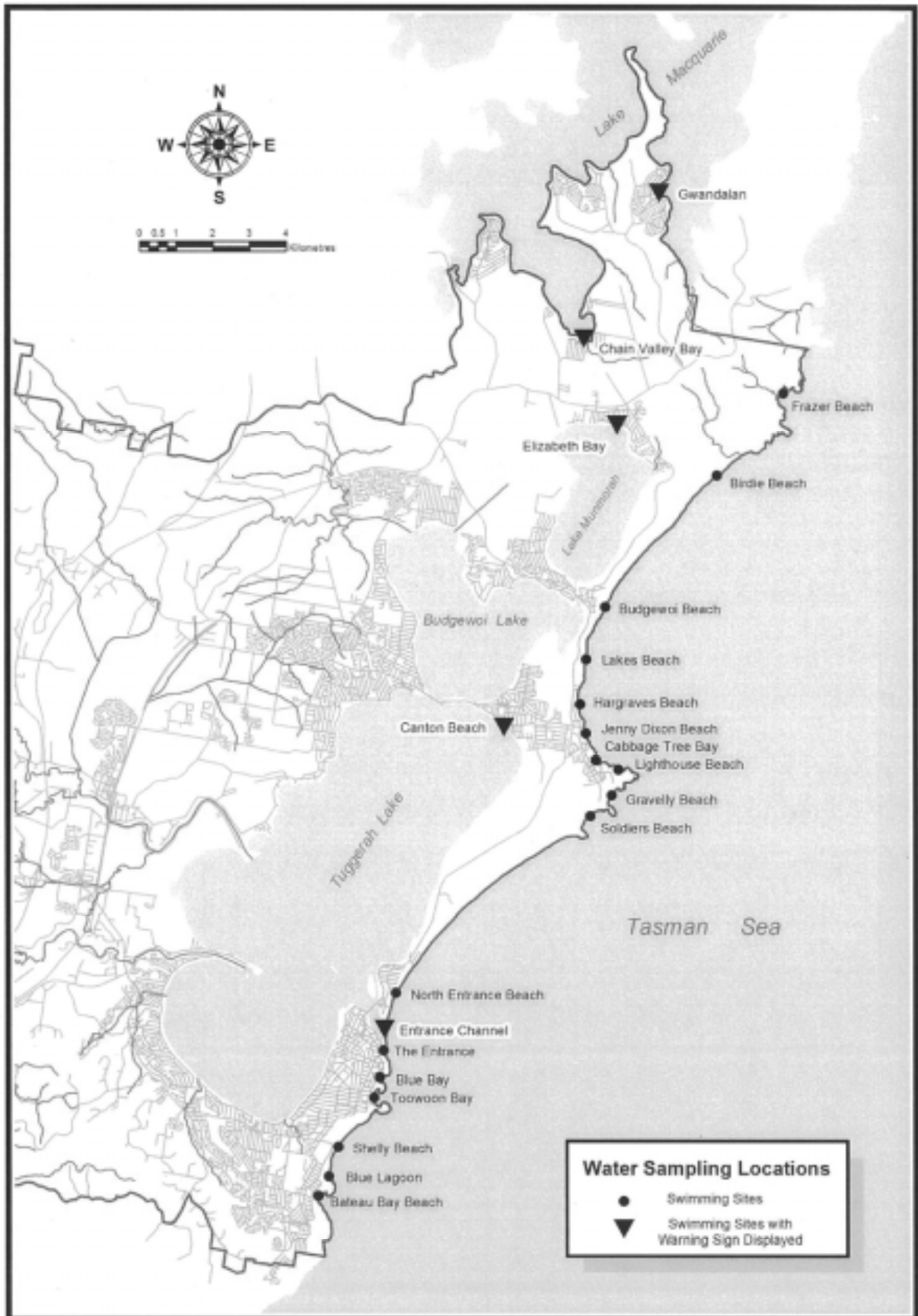
Swimming Site	Site Type	Rating	Stars
North Entrance Beach	Ocean Beach	Good	****
The Entrance Channel	Estuarine	Good	****
The Entrance Beach	Ocean Beach	Good	****
Blue Bay	Ocean Beach	Good	****
Toowoan Bay	Ocean Beach	Good	****
Shelly Beach	Ocean Beach	Good	****
Blue Lagoon	Ocean Beach	Good	****
Bateau Bay	Ocean Beach	Good	****
Chain Valley Bay	Lagoon/Lake	Good	****
Gwandalan	Lagoon/Lake	Good	****
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah Baths	Lagoon/Lake	Good	****
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



5.5 Activities of the Development Assessment and Building Certification and Health Units

TRIM REFERENCE: F2004/07830 - D03286668

MANAGER: Peter Fryar, Manager Development Assessment

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 February 2013.

RECOMMENDATION

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

Development Applications Received and Determined for February 2013 – Development Assessment Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	4	1,876,000	6	169,554
Industrial	4	959,192	2	4,300,007
Residential (Multiple Dwellings/Dual Occupancy. Alterations and Additions)	4	1,235,000	1	346,755
Subdivisions	2	30,000	2	15,000
Other Applications	2	30,000	1	-
Section 96 Applications	4	-	2	-
Total	20	4,130,192	14	4,831,316

Note: Included in the number of development applications lodged in the "Commercial" category was for a Proposed Commercial Building at Lake Haven valued at \$1.8M. Included in the number of development applications determined in the "Industrial" category was for the Construction of new premises for use as a food processing facility with associated carparking at North Wyong valued at \$4M.

Development Applications Received and Determined For February 2013 – Building Certification and Health Unit

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	33,975	3	44,581
Industrial	-	-	-	-
Residential (Dwellings)	19	4,254,158	22	4,300,281
Residential (Alterations and Additions, Multiple Dwellings)	31	1,588,465	33	1,077,461
Other Applications	1	10,000	1	10,000
Section 96 Applications	6	-	5	-
Total	59	5,886,598	64	5,432,323

Subdivision Applications Received and Determined for February 2013

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	2	-	-
Residential	1	2	3	4
Rural	-	-	-	-
Other	-	-	-	-
Total	2	4	3	4

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month of February was **12** days. There was one employment generating application determined in February.

Other Approvals and Certificates

Type:	Number Determined February 2013
Trees	57
Section 149 D Certificates (<i>Building Certificates</i>)	7
Construction Certificates	49
Complying Development Certificates	18

State Environmental Planning Policy No 1

There were no applications that relied on a SEPP 1 variation for the month of February 2013.

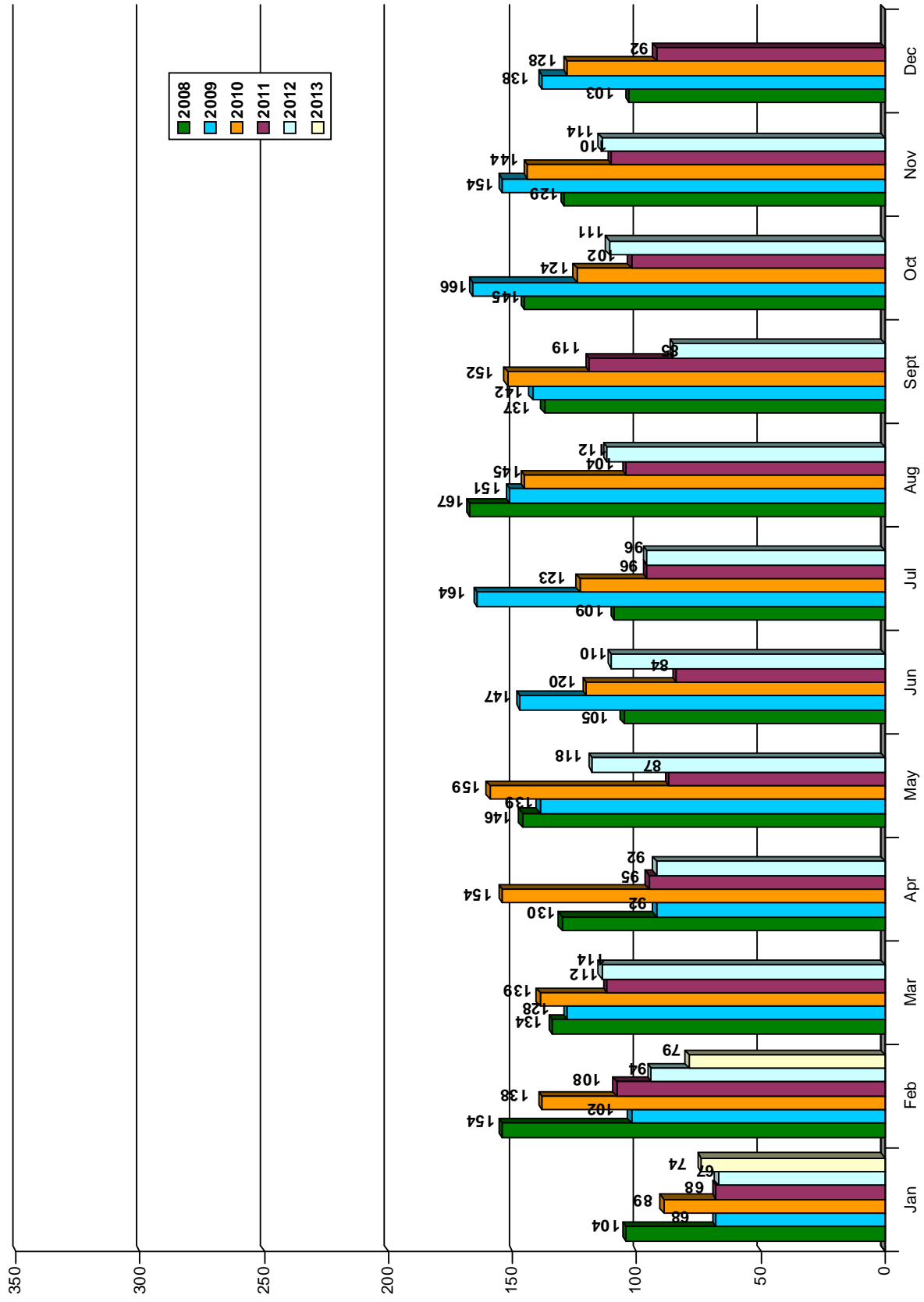
Waiving of Application Fees

There were no application fees waived for “not for profit” organisations during the month.

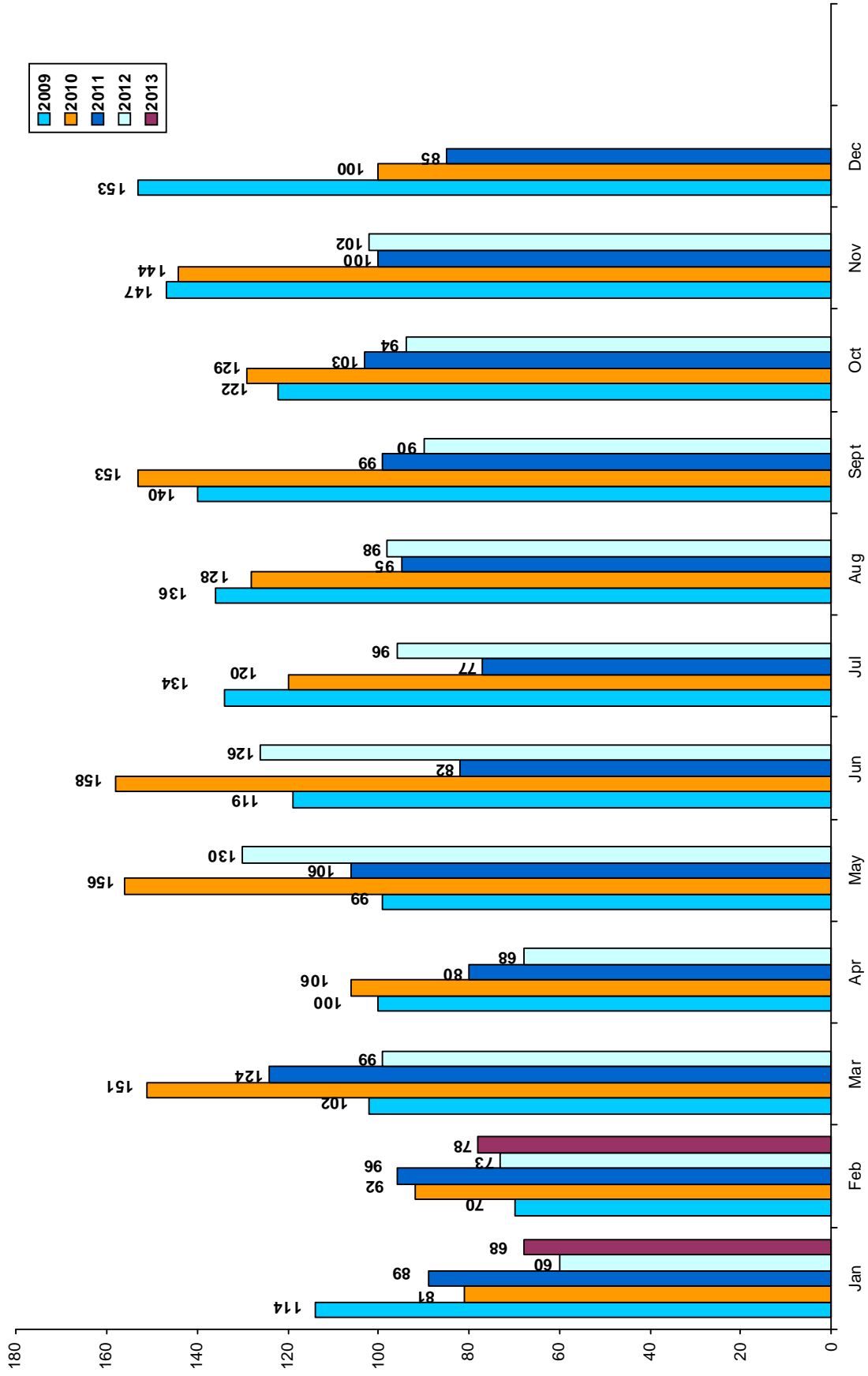
ATTACHMENTS

- 1 Graphs - Development Applications Lodged, Determined, Construction Certificates Determined (A4 Colour) D03287372

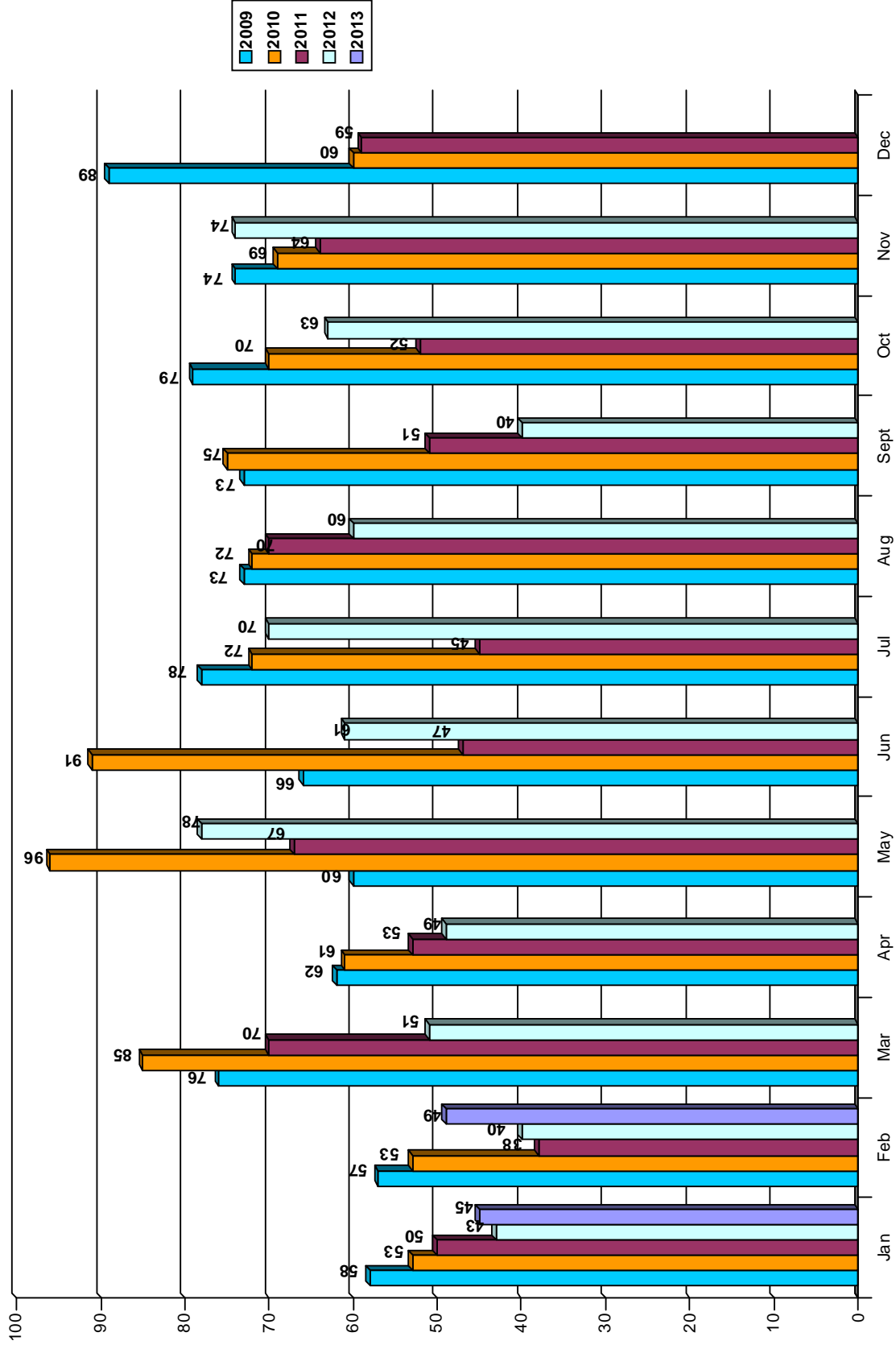
DAS LODGED



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5.6 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D03286959

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 February 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
Bateau Bay Charmhaven Killarney Vale Ourimbah The Entrance Toukley Tuggerah Watanobbi Wyong	400,000	Jul 2012	58	67	Jun 2013	This is an ongoing valve, fittings and hydrant replacement programme to improve water quality and system efficiency in the nominated areas. This is being funded by the Water and Sewerage Operations and Maintenance Program.
Hunter Water to Kanwal Water Transfer Main Investigation Work	500,000	Jan 2013	9	40	Apr 2013	Investigation and quality assurance works have commenced on the Morriset to Kanwal major water transfer main to inspect the existing pipe condition and to confirm anchor blocks and/or thrust blocks have been constructed on all bends in accordance with the approved design. Staff are also inspecting other critical infrastructure such as scours and air valves.

5.6

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Kullaroo Rd, Summerland Point	100,000	Feb 2013	11	30	Mar 2013	<p>This work consists of replacing and lowering 27 water services in aid of future road resurfacing works by Roads and Drainage.</p> <p>This is being funded by Roads and Drainage Capital Works Program.</p>
Thomas Mitchell Dve, Killarney Vale	100,000	Jan 2013	35	65	Mar 2013	<p>This work consists of replacing and lowering 24 water services in aid of future road resurfacing works by Roads and Drainage.</p> <p>This is being funded by Roads and Drainage Capital Works Program.</p>
Playford Rd, Killarney Vale	98,000	Feb 2013	5	20	Mar 2013	<p>This work consists of replacing and lowering 30 water services in aid of future road resurfacing works by Roads and Drainage.</p> <p>This is being funded by Roads and Drainage Capital Works Program.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Tuggerawong Rd, Tuggerawong between Thursday St and Friday St	300,000	Nov 2012	50	50	Apr 2013	<p>This work consists of replacing in-situ approximately 500m of 100mm asbestos cement main with equivalent sized MPVC water pipe in aid of future footpath works by Roads and Drainage.</p> <p>Approximately 170m of 100mm MPVC water pressure pipe has been installed in Thursday St. During this work residents were placed on temporary water services and had minimal interruption to their water supply.</p> <p>This is being partially funded by the Roads and Drainage and 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 Berkeley Vale Blue Haven Budgewoi Buff Point Gorokan Killarney Vale Lake Munmorah Long Jetty Watanobbi Wyong	150,000	Jul 2012	60	68	Jun 2013	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system reliability and to reduce blockages and possible overflows.</p> <p>Council's maintenance program of CCTV inspections identifies those sections of sewer mains, manholes and junctions that cause operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>
Toukley Sewage Treatment Plant	\$190,000	July 2012	65	75	June 2013	<p>Gas-bell Refurbishment. This work involves the removal and refurbishment of the coated steel methane gas-bell from the digester area of the treatment plant. This includes corroded metalwork repairs and repainting.</p> <p>The gas bell collects methane gas from the digesters that is burnt to produce heated water to enhance the treatment process</p>

PROCESS**Water Treatment**

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 28 February 2013 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 to 28 February 2013 has met Environmental Protection Authority Licence requirements.

Sewage Overflows

There were 2 reported sewage overflows for the period 1 to 28 February 2013.

An escape of sewage occurred on 7 February, 2013 on sewage rising main T22 behind St Mary's Catholic School in Main Rd Noraville as a result of a broken pipe on the 525mm asbestos cement sewer main. Sewage leaked through the broken pipe into the heavily vegetated SEPP14 wetland area which was considered to be an isolated location. St Mary's Catholic School and local residents were advised.

This incident was reported to Council's Environment Hotline, the Office of Environment and Heritage, NSW Department of Public Health, Work Cover and Fire and Rescue.

An escape of sewage occurred on 28 February, 2012 on sewage rising main T19 at 167 Tuggerawong Rd, Wyongah as a result of a broken tapping band. Liquid sewage leaked through the broken band which resulted in a minor overflow of sewage onto the footpath and grass reserve. This was contained on site with sandbagging and was considered to have minimal environmental impact on the surrounding area. The broken tapping band was repaired and the affected area was cleaned.

This incident was reported to Council's Environment Hotline and investigated by Council's Regulation and Compliance section, however due to the minor nature of the incident, it was not reported to external authorities.

WATER STORAGE

Sunday, 17 March 2013				
DAM STORAGES				
Storage	Capacity Full [ML]	Volume in Storage [ML]	Percent Full [%]	Storage Change over last week[ML]
Mangrove Dam	190,000	106,236	55.9	Up 720
Mardi Dam	7,400	7,041	95.1	Down 6
Mooney Dam	4,600	4,600	100.0	Unchanged
Total	202,000	117,877	58.4	Up 713
Total Dam Storage this time last month was			50.2 Percent	
Total Dam Storage this time last year was			44.5 Percent	
GROUNDWATER & HUNTER TRANSFERS (ML)				
Period	Groundwater	From Hunter	To Hunter	
Week to Date	0.1	0.0	0.0	
This year to date	0.5	22.7	0.0	
RAINFALL(mm)				
Period	Somersby WTP	Mardi WTP	Mangrove Dam	
Week to Date	0	6	0	
Previous Week	16	11	6	
Current week last year	12	3	11	
This year to date	714	629	531	
Same period last year	530	541	385	
Water Usage (ML)				
Period	Usage			
Week to Date	502			
Previous Week	538			
Percent change from previous week	6.6 % less			
Current week last year	482			
Percent change from same week last year	4.3 % more			
This year to date	6,082			
Same period last year	5,365			
Percent change from same period last year	13.4 % 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	993		0	0
This year to date	4,905		1,513	752
Total to date *	18,435		3,447	1,876

* Post M2M Commissioning

ATTACHMENTS

Nil

5.7 Local Government Review Panel

TRIM REFERENCE: F2004/06400 - D03287235

MANAGER: Stefano Laface, Executive Manager to the General Manager

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

Reporting information on the Local Government Review Panel.

RECOMMENDATION

That Council receive the report on Local Government Review Panel.

BACKGROUND

It would be imperative prior to looking at the functions of the Local Government Review Panel to consider the process leading to the establishment of the Panel. In essence, the NSW Government have implemented a structure to review the current models of how council's conduct business.

The New South Wales Government have initiated a plan to make NSW number one. The Government plans to rebuild the economy, return quality services, renovate infrastructure, restore accountability to government, and strengthen our local environment and communities.

In order to review the current structure in place throughout NSW, the NSW government introduced a program called Destination 2036. This was a workshop held in Dubbo which consisted of the state's 152 general purpose councils represented by elected and executive levels. At this workshop, one of the actions to be considered by Council's was about achieving a shared vision of strong communities through partnerships. Anyone who would have a stake in the outcome were offered the opportunity to contribute and provide feedback to the Destination 2036 workshop, this included local communities, business groups, unions, councillors, council staff and other stakeholders.

Wyong Council made a submission to the Plan in February 2012. A copy of Council's submission is attached.

After consultation at Destination 2036, the Minister of Local Government introduced the following committees and panels to review the current structure:-

1. Implementation Steering Committee;
2. Local Government Acts Taskforce; and
3. Local Government Review Panel.

Implementation Steering Committee (“ISC”)

Currently, the ISC consist of the following members:-

1. Mr Ross Woodward – Chief Executive, Division of Local Government
2. Clr Keith Rhoades – President, Local Government Association
3. Clr Ray Donald – President, Shire Association
4. Mr Mark Ferguson – President, LGMA (NSW)

The primary objection of the ISC is to ensure the implantation of the Action Plan which was put into place as a result of the Destination 2036 workshop. The Action Plan is as follows:-

Stage 1 – Refining the draft Vision for Local Government

Stage 2 – Refining the direction of strategic initiatives, then grouping any such action into logical and achievable initiatives – Strategic Direction

Stage 3 – Incorporating feedback from the Destination 2036 report.

Stage 4 – Incorporating consultation feedback and making links to the Independent Local Government Review Panel.

The ISC terms of reference are as follows:-

- Prepare an Action Plan (noted above)
- Once accepted by the Minister for Local Government, oversee and ensure delivery of the Action Plan (Current Stage)
- Ensure adequate and appropriate consultation with stakeholders.
- Provide progress reports to the Minister for Local Government and to the local government sector;
- Provide advice and input into the review of the Local Government Act 1993

Appendix A to this paper provides a copy of the Action Plan which has been developed by the ISC. This action plan has been approved by the Minister Local Government with an emphasis about *“delivering services to the local community, with initiatives that can increase the efficiency and effectiveness of service delivery which will result in improved outcomes for the community. It about providing councils with greater flexibility to expand service delivery, increase opportunity for employees and enable new and innovative ways of doing things”*.

Local Government Acts Taskforce

The Minister has appointed the Local Government Act Taskforce to consult with stakeholders and the public to make recommendation for a new Local Government Act that is responsive to the current and future needs of the community.

This taskforce is currently seeking feedback and ideas from stakeholders and the community. It is expected that the LGA Taskforce will result in a amendments or new Local Government Act, which would be:-

- Modern
- Flexible
- Streamlined
- Supports diversity among Councils

- Written in plain Language
- Eliminate unnecessary red tape effecting Council and the Public.

It is foreshadowed that a discussion paper will be released by the LGA Taskforce in mid-2013, which will allow a period for submission to be made as to matters that the LGA Taskforce should take into account.

It is the position of the writer that Council should consider and make recommendation during the submission period which takes into account, but not limited to:-

1. What principals should underpin the content of the new Local Government Act?
- 2.What areas of the Local Government Act are working well, should it be retained in the new Act.
3. Should parts of the Act be moved to regulations, codes or guidelines;
4. What are the barriers and weaknesses of the Local Government Act

This is an opportunity for Council to put forward amendments for consideration (i.e, establishment of Joint Service Business, defined positions of Councillors and Management, clarification of purchase limits and tenders, is it \$150,000 inclusive of GST or exclusive of GST, or should the tender amount be increased in light of the focus on rebuilding infrastructure within communities.)

Independent Local Government Review Panel

The Local Government Independent Review Panel was formed by the NSW Minister for Local Government to assist with the Action Plan. It's a panel that has been established with an aim to make NSW Number One. The panel is an Independent Panel consisting of:-

- Professor Graham Sansom- Chair - professor at the University of Technology, Sydney
- Ms Jude Munro AO – Member (former CEO of four metropolitan Councils across three States - Victoria, Queensland and South Australia, including Brisbane Council)
- Glenn Inglis – Member (specialist strategic local government advisor)

The panel will investigate and identify options for governance models, structural arrangements and boundary changes (voluntary) for local government in NSW, taking into consideration after consultation with stakeholders:-

1. Ability to support the current and future needs of local communities
2. Ability to deliver services and infrastructure efficiently effectively and in a timely manner
3. The financial sustainability of each local government area
4. Ability for local representation and decision making; and
5. Barriers and incentives to encourage voluntary boundary changes.

In conducting the review the panel will:

- Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities.
- Consult widely with the broader community and key stakeholders.
- Take into account the work completed, and future work to be completed, under the Destination 2036 initiative.
- Take into account the broader interests of the State including as outlined in the State Plan.
- Consider the experiences of other jurisdictions in both the nature and implementation of local government reform.
- Take into account the Liberal-National's 2011 election policy of no forced amalgamations.

A future directions paper is scheduled to be released mid this year. Therefore currently the Review Panel is identifying key issues and consulting with stakeholder in respect of the Action Plan and considering recommendations made by such stakeholders. It is imperative that this Council communicate with the Review Panel as to what future direction local councils should adopt and how to ensure innovation, community benefit, sound governance, financial responsibility, appropriate structures and relationships.

Local Government Independent Review Panel Current Status



They key areas which will be considered by the Review Panel and of which Council should be aware are as follows:-

1. The Local Government System and Challenges faced – having in place a structure that can accommodate to future challenges and innovation, in essence turning Council into a business model.

2. Fiscal Responsibility and financial management – ensuring council remain responsible for fiscal decisions.
3. Services and Infrastructure – creation of shared services, regional collaboration and competitive business between Councils to ensure service delivery;
4. Structure and Boundaries – boundary changes, possible new regional entities (eg CCWC JSB) and shared services.
5. Governance – Shift from having a strict compliance approach to a more innovative approach focused on improvement and reporting;

Council should be aware that discussions with the Review Panel should deal with the following key aspects, however may exceed these areas:-

- Assess the capacity of Council to undertake its current broad range of functions;
- Understand the extent of the required infrastructure for future growth, what backlogs exists to such infrastructure – This is vitally important to Council as the Review Panel will be dealing with government bodies such as IPART in relation to these matters. Council is aware that IPART had refused Council position in respect of increases for infrastructure, this forum will allow Council to voice an opinion which the Review Panel can make note of in future discussions with such government bodies.
- Identify potential new or improved models of service delivery – Council can use this forum to voice it position on joint services agreements and Joint Service Business, need for flexibility in the Local Government Act 1993 to establish such businesses with support from Unions.
- Examine barriers to delivering better services – Council can submit to the Panel the need for IPART and other government bodies to provide a structure of review and assessment which is consistent with other approaches adopted within NSW. In addition, will Council have sufficient funding to meet future needs for adequate services and infrastructure, and if not, how Council to raise revenue without the community backlash of rate is rises or increases in services offered by Council.

The Review Panel will after the consultation period expires, provide a recommendation to the Minister which will be a package containing recommendations from the three (3) committees. The Minister will consider such recommendation with a view of implementing change within Council.

Review Panels Presentation to the Central Coast Regional Organisation of Councils (CCROC)

Council will be aware that the Review Panel will be presenting to the upcoming CCROC, which will discuss the matters raised above in this report. Council should be in a position to have a constructive discussion and address concerns relating to Wyong Shire Council in order to ensure that the Review Panel note the comments and consider same in preparation of the next consultation report. The Review Panel to date have not consulted individual Councils, they have used a forum such as the CCROC to hold presentations and obtain feedback from Councillors as to issues which should be considered. The Review Panel will also discuss proposed changes and models for Councils.

5.7 Local Government Review Panel (contd)

In addition to the above, the Review Panel have advised individual Councillors to read the *Case for Sustainable Change* summary paper (enclosed with this business paper) and complete the Survey by 22 March 2013. The Review Panel has indicated it would prefer individual feedback rather than one submission on behalf of the governing body. The survey may be found at <http://www.localgovernmentreview.nsw.gov.au/Information.asp?areaindex=LGR&index=104&mi=5>

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Destination 2036 Feedback Letter GM signed Feb 2012 | | D03290307 |
| 2 | Destination 2036 - Draft Action Plan Feedback Form Wyong Shire Council Feb 2012 | | D03290313 |
| 3 | Destination 2036 Attachment to proforma document Feb 2012 | | D03290323 |
| 4 | Local Government Independent Review Panel - Previous inquiries and reviews | | D03290328 |
| 5 | Better, Stronger Local Government -The Case for Sustainable Change - Summary Discussion paper - January 2013 | Enclosure | D03290340 |



LG/MW
F2004/06460

20 February 2012

Project Manager – Destination 2036
Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Dear Sir/Madam

Destination 2036 Action Plan – Feedback – Wyong Shire Council

Wyong Shire Council (WSC) has reviewed the draft Destination 2036 and has provided comments in the pro-forma template.

The Mayor and I participated in the Destination 2036 workshops in 2011 and gave input on behalf of the Council. The input consisted of 13 key areas.

An additional attachment to the feedback template has been provided which compares WSC's original input against the proposed actions.

WSC is appreciative for the opportunity to contribute to the project and commends the Division, the LGMA and the AELG for the manner in which the project has been developed and the timeframe in which it has been managed.

WSC looks forward to the finalisation of the Destination 2036 Plan and the commencement of the implementation process.

Yours Sincerely

M Whittaker
GENERAL MANAGER



■ Please provide comments, as appropriate.

Name: Wyong Shire Council (WSC)

Postal or Email Address: <mailto:wsc@wyong.nsw.gov.au>

1. What do you like about the draft Action Plan?

WSC indicates its overall support for the draft Action Plan and the process in place to achieve reform.

In anticipation of the Destination 2036 Workshop held in Dubbo in 2011, WSC prepared a list of 13 key areas where it felt that reform would enable NSW councils to meet the demands of the future. Those areas informed the input provided by WSC representatives at the workshop, its Mayor and General Manager.

WSC has now compared the Draft Action Plan items against those areas and if not addressed, resubmitted those areas for further consideration in the Final Destination 2036 Action Plan.

(see attachment)

2. In what ways could the Action Plan be improved?

Items identified in attachment.

3. Are there other key activities you believe should be included under any of the initiatives?

Items identified in the attachment



4. Do you have any suggestions regarding the proposed process for advancing the Action Plan?

Council is mindful that past practices of enforcing blanket provisions under a “one size fits all” approach is no longer relevant in the current diverse local government environment. WSC would support reforms, provisions or guidelines which offer a flexible approach to cater to this diversity.

The draft plan documents the linkages between many of the initiatives however it seems that the underlying success of the plan will be dependent on its ability to make significant progress in the areas of legislative reform and financial sustainability. It is considered that the plan should acknowledge emphasis on these areas.

5. Are you aware of any activities (e.g. research) currently underway that could directly contribute to the achievement of any of the initiatives or key activities?

Nil.

Thank you for your feedback.

Attachment 1 – Summary of Draft Destination 2036 Action Plan and Wyong Shire Council Comments

Key Activities	WSC's comment
Strategic Direction: Efficient and Effective Service Delivery	
Initiative 1 Facilitate greater resource sharing and cooperation between councils	
Key Activities	
<p>1a – Councils to work with their ROC's to identify the range of services and activities that ROC's can provide on their behalf</p>	<p>Corporations</p> <ul style="list-style-type: none"> • Agree. As well as ROC's the plan should consider other entities that could facilitate and improve on the Local Council's range of services and activities. • This could include development by the Division of Local Government of a Framework to support Council-owned Corporations as well as best value guidelines for Councils to ensure that services remain accessible and affordable. Under this legislation Councils can set up organizations to undertake particular activities on their behalf or to acquire voting interests in an organization outside the council. <p>Local government reform in both New Zealand and the UK has included the development of specific entities such as:</p> <ul style="list-style-type: none"> o authorities to deliver shared services for example e.g. Hamilton Local Authority Shared Services Ltd; o or to deliver the council's aspirations for the a particular precinct within the LGA e.g. Auckland Waterfront Development Agency Ltd
<p>1b – Develop and release for consultation a proposed strategy to support ROC's and strengthen collaboration on a regional bases</p>	<p>Council support this initiative however the model should include flexibility to enable Council to enter partnerships with various other councils as appropriate to the issue or project.</p>
<p>1c – Conduct a workshop to develop models and legislative options</p>	<p>Legislative Reform</p> <ul style="list-style-type: none"> • Uniform Australia- wide local government legislation platform by 2030. <ul style="list-style-type: none"> o Streamlining of regulation across Australia will reduce costs to businesses who operate in different states of Australia eg: OH&S Harmonisation program. o A uniform platform will remove unnecessary duplication of policy development between states. • As part of the Discussion Paper prepared by the DLG a number of the models recognise the increasing role of Local Government as a service delivery arm of other levels of government. This work should be

Key Activities	WSC's comment
	<p>recognised by direct payment to the Councils, for example by distribution of a proportion of taxation income. A specific example of the impact of these costs on service provision is the impost of the State Waste Levy on the cost of delivery of engineering projects for Council.</p> <p>Limit to Council Liability</p> <ul style="list-style-type: none"> The State is requested to review the means to limit Councils liability to third parties as a result of the provision of its services. Insurance to cover this risk cost the Community 1.9M in the 09/10 financial. DLG is asked to consider specifically a means of managing the impact of climate change and sea level rise on Coastal Councils such as Wyong. <p>Advocacy</p> <ul style="list-style-type: none"> That the important advocacy role of local Councils on behalf of the local community be recognised in legislation <p>State Award Review</p> <ul style="list-style-type: none"> In order to better respond to the changing needs of employees and reflect work life balance objectives the Award should be reviewed to allow Councils to deliver efficiently to the community. <p>Investment</p> <ul style="list-style-type: none"> Framework to be developed for the Local Government sector to set up a property management trust as a specialist vehicle to pool the value of the member council's funds and property for prudent investment. This would generate significant returns to the sector for reinvestment for the community as well operating as a vehicle to fund projects for financial return. Councils should be provided an exemption from the Private Public Partnership Regulations for works that fall outside the <i>Significant Project</i> Category. These projects should be managed through the process detailed in the <i>DLG Capital Expenditure Guidelines</i>. <ul style="list-style-type: none"> The same exemptions should apply to PPP as those that apply under the <i>DLG Capital Expenditure Guidelines</i>, ie: land purchases, land remediation, water supply networks, sewerage networks, stormwater drainage, domestic waste management facilities, roads, footpaths, bridges This would mean that PPP have the same oversight as significant capital works decisions except

Key Activities	WSC's comment
	<p>where:</p> <ul style="list-style-type: none"> a) any project with an estimated total cost of more than \$50 million or such other amount as may be prescribed by the regulations, or b) any project where the relevant council's financial contribution, or its equity position, amounts to 25% or more of the council's annual revenue that is lawfully available for spending on facilities or services of the kind to which the project relates. <p>Infrastructure:</p> <ul style="list-style-type: none"> • The provision of interest free, low interest loans for the sector to fund infrastructure delivery. DLG should also consider the development of community bonds. <ul style="list-style-type: none"> ○ In order to assist Councils to deliver infrastructure parallel with development at times of low development activity or ahead of development to attract private sector investment, ○ To assist in managing the impact on rates of the required injection of funds necessary to improve asset condition. • Support from the Division of Local Government to develop legislation and Guidelines to assist Councils to develop a Housing Affordability Fund Infrastructure Subsidisation Schemes similar to those that operate in Brisbane City Council. This initiative would also require Govt. funding. <p>How would it work? Would be available to any developer who includes in their development, housing that is accessible to low-to-moderate income households. The fund subsidises % reduction in infrastructure charges for any development that meets fixed criteria. In Brisbane the criteria are:</p> <ul style="list-style-type: none"> • It must be a new dwelling approved by Council. • The dwelling/s must receive Council's current infrastructure subsidy through the incentive scheme. • If the dwelling/s is to be sold, it must be at a sale price at least 10% below the market median for the area. • If the dwelling/s is to be rented, it should be subject to:

Key Activities	WSC's comment
	<p data-bbox="272 141 347 472">– Council's Affordable Housing Incentive Package, and/or – in accordance with the National Rental Affordability Scheme (NRAS)</p> <p data-bbox="379 141 411 472">Procurement:</p> <ul data-bbox="419 141 483 678" style="list-style-type: none"> • Request the DLG to simplify and clarify the procurement processes for Local Government to ensure delivery of consistent processes and good value for the community. <p data-bbox="523 141 555 472">Cost Shifting</p> <ul data-bbox="595 141 770 1081" style="list-style-type: none"> • As part of the Discussion Paper prepared by the DLG a number of the models recognise the increasing role of Local Government as a service delivery arm of other levels of government. This work should be recognised by direct payment to the Councils, for example by distribution of a proportion of taxation income. A specific example of the impact of these costs on service provision is the impost of the State Waste Levy on the cost of delivery of engineering projects for Council. <p data-bbox="810 141 842 472">Complaints Management</p> <ul data-bbox="850 141 978 1373" style="list-style-type: none"> • Council requests the DLG to prepare a uniform framework to allow Councils greater control over the management of community complaints. This would include consideration of guidelines that detail the level investigation and means to reject inappropriate complaints. The framework should consider the referral of these complaints to another body.
<p data-bbox="1106 141 1169 745">1d – Examine and develop options for state-wide procurement and technology</p>	<ul data-bbox="1106 1429 1233 1731" style="list-style-type: none"> • WSC supports this initiative. • Simplify and clarify the procurement processes for Local Government to ensure delivery of consistent processes and good value for the community.
<p data-bbox="1281 141 1313 1843">Initiative 2 Establish Local Government as an employer of choice</p>	
<p data-bbox="1321 141 1353 1899">Key Activities</p>	
<p data-bbox="1361 141 1425 745">2a - Develop a program for sharing specialist, technical and other staff between councils in rural</p>	<ul data-bbox="1361 1429 1425 1995" style="list-style-type: none"> • Sharing should be applicable across all councils not just rural to urban (ie urban to urban as well). See Corporations in 1a

Key Activities	WSC's comment
areas, on a regional basis and between urban and rural councils	<ul style="list-style-type: none"> In order to better respond to the changing needs of employees and reflect work life balance objectives the State Award should be reviewed to allow Councils to deliver efficiently to the community.
2b - Develop a program for partnering and mentoring between large/small and urban/rural councils	See 2a
2c - Explore opportunities for increasing flexible working arrangements to support a variety of models of local government	See 2a
2d - Develop and implement strategies to increase the diversity and skill range of council staff	See 2a
Initiative 3 Encourage and facilitate innovation	
Key Activities	
3a Undertake research into innovation and better practice in Local Government in NSW, Australia and internationally	<p>See also 1a Corporations, Infrastructure, Investment, Procurement, Environmental</p> <ul style="list-style-type: none"> WSC requests recognition by the DLG and the State of the specific environmental challenges faced by our Councils. These challenges are a result of the community demographics, the coastal and estuarine nature of our environment and the dispersed nature of our population distribution. This is further complicated by the population expansion forecast for the Shire over the coming 20 years and the fact that the Shire is both part of Metropolitan Sydney and a regional shire.
3b – Ensure councils take advantage of the national Digital Economy Strategy and the national broadband network to improve capacity and service delivery	WSC supports this initiative
3c – Develop a consistent performance measurement approach for councils	<p>Reporting</p> <ul style="list-style-type: none"> Council calls on the Division of Local Government to set up a standard framework to allow consistency, standardisation and collection of quality and comparable information directly from Councils. <ul style="list-style-type: none"> This approach will assist in the standardisation of councils information management and allow

Key Activities	WSC's comment
	better comparative information to drive continuous improvement. See also 1a Complaints Management
Initiative 3 Enable a range of operating frameworks to be utilised to achieve efficient service delivery	
Key Activities	
4a - Identify barriers to establishing inter-council contractual arrangements sharing staff, including general managers and senior staff as well as commercialising services	<ul style="list-style-type: none"> • See also 1a Corporations, Infrastructure, Investment, Procurement, State Award
4b - Develop alternative service delivery business models	<ul style="list-style-type: none"> • See also 1a Corporations, Cost Shifting, Infrastructure, Investment, Procurement, State Award
Quality Governance	
Initiative 5 Incorporate into the proposed Local Government Act review the recommendations and findings from relevant Destination 2036 actions	
5 - The proposed Act review and the Destination 2036 Action Plan are linked	See 1a Legislative review
Initiative 6 Ensure the legislation provides flexibility and reduces red tape	
6a - The need for flexibility and reduced red tape to be recognised in the Act review	WSC supports this initiative
6b - Identify opportunities to reduce red tape while ensuring accountability and not compromising good governance	WSC supports this initiative
Initiative 7 Ensure strong and effective local governance	
7a - Review and amend the Model Code of conduct and relevant provisions of the Local Government Act to ensure the highest standards of behaviour	WSC has submitted comments to the DLG the Review of the Model Code of Conduct
7b - Examine the pros and cons of alternative governance models	WSC supports this initiative
7c - Develop strategies designed to increase the diversity and skill range of candidates and elected councillors	WSC supports this initiative
7d - Develop and implement a Councillor	WSC supports this initiative

Key Activities	WSC's comment
development strategy including mentoring and orientation	
Initiative 8 Review the revenue system to ensure greater flexibility and self reliance	
8a - Review and update key elements of the Allan Inquiry, to determine the extent to which recent policy developments have improved or hindered financial sustainability	WSC supports this initiative
8b - Examine current rating provisions of the Local Government legislation to ensure the system is contemporary	<ul style="list-style-type: none"> • Uniform Australia- wide local government legislation platform by 2030. <ul style="list-style-type: none"> ○ Streamlining of regulation across Australia will reduce costs to businesses who operate in different states of NSW ○ A uniform platform will remove unnecessary duplication of policy development between states.
8c - Identify new own-source revenue opportunities	See also 1a Corporations, Cost Shifting, Infrastructure, Investment
Initiative 9 – Develop strategies that maximise opportunities to secure funding from other levels of government	
9a - Representations to the Commonwealth Government to provide Local Government to provide Local Government with a greater share of income and a “fairer” distribution of funds between councils through the Commonwealth’s review of Financial Assistance Grants	<p>WSC supports this initiative</p> <p>See also 1a Cost Shifting</p>
9b - Representations to the Commonwealth government to ensure permanency of the “Roads to Recovery” program	WSC supports this initiative
9c - Actively apply for and secure project specific grant funding from other levels of Government	WSC supports this initiative
9d - Develop skills in rural and regional councils to better ensure that they secure grant funding from other levels of Government	WSC supports this initiative
Initiative 10 – Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets	
10a - State Government to invest in new local infrastructure in accordance with NSW 2021	See 1a Investment, Infrastructure

Key Activities	WSC's comment
10b - Establish and implement the Local Infrastructure Renewal Scheme	WSC supports this initiative
10c - Provide support to councils to develop asset management plans and better understand asset management issues	WSC supports this initiative
10d - Representations to the Commonwealth Government to develop coordinated infrastructure strategies and funding	See also 1a Investment and Infrastructure WSC supports this initiative
10e - Undertake a council-by-council audit of asset backlog	Council support this initiative
Initiative 11 – Develop a number of different structural models for local government	
11a - Undertake research into alternative structural models of Local Government in Australia and other jurisdictions, identifying their key features and assessing their applicability to NSW	See also 1a Council support this initiative
11b - Develop, with volunteer councils, a variety of models for the structure of councils in NSW	Council support this initiative
Initiative 12 – Encourage and facilitate voluntary amalgamations and boundary alterations	
12 - Identify barriers and incentives to encourage the voluntary amalgamation or boundary adjustment of council	Council supports this initiative
Initiative 13 – More clearly define the functions, roles and responsibilities of Local and State Government	
13a - Desktop research all functions provided by Local Government to determine by Local Government to determine where core LG functions have been legislated/regulated	Council supports this initiative
13b - Identify those functions that are clearly state or Local Government responsibility and identify those that cannot be readily defined	Council supports this initiative
Initiative 14 – Align State and Local Government planning frameworks	
14a - Contribution to the review of the EP&A Act	Environmental

Key Activities	WSC's comment
	<ul style="list-style-type: none"> WSC requests recognition by the DLG and the State of the specific environmental challenges faced by our Councils. These challenges are a result of the community demographics, the coastal and estuarine nature of our environment and the dispersed nature of our population distribution. This is further complicated by the population expansion forecast for the Shire over the coming 20 years and the fact that the Shire is both part of Metropolitan Sydney and a regional shire. <p>See also 1a Investment and Infrastructure</p>
14b - Contribute to regional and local Action Plans that link to NSW 2021 and that address the key issues in each region and local area	WSC Supports this initiative
14c - Improve access to state agency information and data to assist councils and ROC with local and regional planning	WSC Supports this initiative
14d - Identify the range of regional and sub-regional boundaries used by federal, state and Local Government agencies	WSC Supports this initiative
Initiative 15 – Negotiate a new Inter-Governmental Agreement (IGA)	
15 - Establish a forum and a process to review the existing IGA	WSC Supports this initiative
Initiative 16 – Recognise Local Government as a legitimate and important sphere of government	
16 - Support and promote the recognition of Local Government in the Australian Constitution	WSC Supports this initiative

Previous inquiries and reviews

- Inquiry into the Structure of Local Government in Eight Council Areas in the Inner City and Eastern Suburbs of Sydney, Commissioner: Professor Kevin Sproats, University of Western Sydney, NSW Government Commission of Inquiry, April 2001
- Local Government Inquiry, Are Councils Sustainable? Final Report: Findings and Recommendations (2006), (Percy Allan Report)
- Review of the Revenue Framework for Local Government, Independent Pricing & Regulatory Tribunal, December 2009
- Report of the Local Government Reform Commission – Volume 1, State of Queensland (Local Government Reform Commission), July 2007
- Independent Review of Structures for Local Governance & Service Delivery in Southern Tasmania, Independent Panel to the Southern Tasmanian Councils Authority, October 2011
- Towards more effective local Government, Metropolitan Local Government Review Draft Findings, April 2012
- National Financial Sustainability Study of Local Government, Australian Local Government Association, November 2006
- Assessing Local Government Revenue Raising Capacity, Productivity Commission, April 2008
- Voluntary Structural Reform in NSW Local Government - Discussion Paper - Local Government & Shires Association (1997)

NSW Government

- A New Direction for Local Government: A Position Paper, Department of Local Government, October 2006
- Collaborative arrangements between Councils Survey Report, Division of Local Government, NSW Department of Premier and Cabinet, June 2011
- NSW Government's Response to the Final Report and Recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government, Division of Local Government, NSW Department of Premier and Cabinet, undated (est 2006/7)
- Sydney over the next 20 years, a discussion paper, Planning & Infrastructure, May 2012

Australian Centre of Excellence for Local Government and the UTS Centre for Local Government

- Legal and Governance Models for Shared Services in Local Government (Interim Report), Australian Centre of Excellence for Local Government, May 2012
- Comparative Analysis of Regional Organisations of Councils in NSW and Western Australia, Australian Centre for Excellence of Local Government, 2012
- Unfinished Business? A Decade of Inquiries into Australian Local Government, Australian Centre of Excellence for Local Government, September 2011
- Consolidation in Local Government: A Fresh Look, Australian Centre of Excellence for Local Government, June 2011
- The Australian Model of Metropolitan Governance: Insights from Perth and South East Queensland, Graham Sansom, Jeremy Dawkins and Su Fei Tan, UTS: Centre for Local Government, University of Technology, Sydney, May 2012

University of New England, Centre for Local Government

- Local Democracy and Structural Reform in Australian Local Government, Ian Tiley, University of New England, 2010
- Local Government Amalgamation in New South Wales, Ian Tiley and Brian Dollery, University of New England, 2010
- A New Model of Regional Governance in Australian Local Government with Local Autonomy Preserved, Brian Dollery, Joe Wallis and Don Ramsland, University of New England, 2007
- Overall Local Council Sustainability in Australian Local Government, Brian Dollery, Lin Crase and Joel Byrnes, University of New England, 2006

Other Stakeholders

- Sydney First – Who's Governing Sydney?
- Sydney Towards Tomorrow, Association of Consulting Engineers Australia, October 2009
- Property Council of Australia: Local Government Reform (2011)

Other Research

-
- The Future of Local Government: Twenty-First-Century Challenges, Mildred E Warner, Public Administration Review, Volume 70, Issue Supplement s1, The American Society for Public Administration, December 2010
- Meeting the Sea Change Challenge: Sea Change Communities in Coastal Australia, Gurrans et al, University of Sydney, 2005
- Models of Government Structure at the Local Level, Enid Slack Consulting Inc, October 2003
- Better Local Government, NZ Government's Department of Internal Affairs, March 2012
- Royal Commission on Auckland Governance Report, Volume 2: Executive Summary, Royal Commission on Auckland Governance, March 2009
- Local Government Structure and Efficiency, McKinlay Douglas Limited for Local Government New Zealand, October 2006

New Research/Additional Information

Research report - Review of community surveys and polling on local government
Assessing processes and outcomes of the 2004 Local Government boundary changes in NSW - January 2013
Assessing processes and outcomes of the 2004 Local Government boundary changes in NSW - January 2013
Options to Enhance Regional Collaboration amongst Councils in NSW (1103 kb)

5.9 Whale Dreamers 2013 Progress Report

TRIM REFERENCE: F2010/01767 - D03296705

MANAGER: Maxine Kenyon, Director

AUTHOR: Ashlee Abbott; Events Coordinator

SUMMARY

This report is in response to a notice of motion resolved at the 12 November 2013 Ordinary Meeting.

RECOMMENDATION

That Council receive the report on Whale Dreamers 2013 Progress Report .

BACKGROUND

The 8th Annual Whale Dreamer's Festival will be held on Sunday 7 July 2013 at the Norah Head Lighthouse Reserve. The event aims to raise awareness of environmental and conservation issues and attracts approximately 5000 people including families, community groups, and the elderly.

Council at its meeting held on 14 November 2012;

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

- 1/12 That Council note the increasing local employment and economic benefits associated with the growing phenomena of whale watching.*
- 2/12 That Council note that these animals are currently migrating down our local coastline only to be slaughtered in the Antarctic "whale sanctuary" aboard industrial factory ships.*
- 3/12 That Council condemn in the strongest possible terms, as an advocate on behalf of our local community, the continuing abuse of international laws by those insistent on continuing so-called scientific whaling of endangered whales*
- 4/12 That Council lend its voice, as a matter of urgency, to peak community and environmental groups in formally condemning this practice via correspondence to the Japanese embassy and our State and Federal Ministers for the Environment.*
- 5/12 That Council congratulate the local Whale Dreamers Festival Group that conducts the highly successful community whale awareness campaign known as the "Whale Dreamers Festival."*

6/12 *That Council direct the General Manager to report on progress to date and Council's assistance with the 2013 Whale Dreamers Festival.*

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

AGAINST: NIL"

This report addresses resolution 459/12 of the above Notice of Motion.

After feedback and consultation with the Whale Dreamers Festival Organising Committee and community in 2010, Council's Event Coordinator provided extensive support and assistance to facilitate the Committee with the organisation of the event. This assistance included the development of a Traffic Management Plan and Traffic Control Plan in consultation with Council's Transport Planning Team. The traffic management arrangements were included in a development application which was approved by Council for a five year period (up to and including 2015). Council, in conjunction with the Committee, negotiated with the Norah Head Lighthouse Trust to gain access to the site to hold the event for the following five years. The assistance of Council has minimised the problems and workloads associated with the organisation of this event allowing it to continue to grow and prosper over the last two years.

The Committee began planning for the 2013 event early this year and has been in contact with Council's Event Coordinator. As the traffic management, development application and site agreement is currently in place, the group has indicated that they only require Council's Event Coordinator to attend various Committee meetings in an advisory capacity for this year's event.

Similarly to previous years, the Committee has applied to Council for funding via its Community Benefit Grant Program which is due to go to Council on 4 April 2013.

The 2013 festival is planned to be a four hour event with live music from local musicians and information and displays from conservation groups. There is an earth ceremony, whale talks, attendance from local council and community representatives and a Living Art Expo.

ATTACHMENTS

Nil.

5.9 Lakes Federal Funding Expenditure Report

TRIM REFERENCE: F2004/06377 - D03295836

MANAGER: Greg McDonald, Director Infrastructure and Operations

AUTHOR: David Ryan; Manager Estuary Management

SUMMARY

This report is provided in response to the notice of motion submitted by Councillors Troy, Taylor and Best regarding the Lakes Federal Funding Expenditure Report.

RESOLUTION

That Council note the report on Lakes Federal Funding Expenditure Report.

BACKGROUND

Council at its meeting held 14 November 2012 considered a Notice of Motion by Councillors Troy, Taylor and Best on the Lakes Federal Funding Expenditure and resolved as follows;

- “449/12 That Council note assurances given by staff at the 1 November 2012 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee that all projects currently being conducted through Caring For Our Country Federal (CFOC) funding are on track.*
- 450/12 That Council request an urgent confirmation report formally detailing the progress of each project against budget and compliance with funding guidelines and criteria.*
- 451/12 That Council recognises and appreciates the recent supportive comments by the Member for Dobell in Parliament endorsing Council's outstanding performance and an example of best practice in environmental project management with regards to the current lakes projects.*
- 452/12 That Council note the \$20m CFOC funding program is now drawing to a close and environmental indicators are still showing decline (WSC SoE report, 2011).*
- 453/12 That Council request the General Manager to report on what dialogues and initiatives are in train to secure further funding to continue these vital Lakes restoration works.”*

Responses are provided below for resolutions 450/12, 452/12 and 453/12;

450/12

A financial phasing report was developed for Council and the Australian Government to track progress of expenditure against project deliverables and remaining timeframes.

5.9 Lakes Federal Funding Expenditure Report (contd)

This report is provided monthly to the Tuggerah Lakes Estuary, Coastal and Floodplain Committee and is also attached to this report.

The current program of works is expected to fully utilise the \$20 million funding by the end of this financial year.

452/12

The \$20M has and is continuing to fund excellent projects aimed at improving the health of the Tuggerah Lakes estuary. These are long-term solutions that require continual maintenance and establishment before the effects are seen downstream in years and decades to come. The CFoC grant provided an excellent start to protecting declining environments within the Shire however many more millions of dollars need to be allocated to address the many decades of neglect the lakes and terrestrial environments have suffered.

453/12

Senior staff, in conjunction with the Mayor, have been lobbying hard with both State and Federal Ministers for increased funding to continue to address the issues associated with the Tuggerah Lakes estuary. Staff have also recently submitted applications to attract future grant funding through the recently announced Australian Government grants programs. The outcomes of these processes will be known in the coming month.

1 Expenditure Forecast - February 2013 D03277877

Expenses	Budget	Forecast spend in November	Forecast spend in December	Required spend in January	Forecast spend in February	Forecast spend in March	Forecast spend in April	Forecast spend in May	Forecast spend in June	Total Spend
Activity 1	\$ 4,280,505	\$ 176,364	\$ 291,761	\$ 234,162	\$ 202,384	\$ 697,631	\$ 273,434	\$ 227,814	\$ 187,489	\$ 4,396,505
Activity 2	\$ 1,300,662	\$ 34,443	\$ 37,915	\$ 379	\$ 65,039	\$ 83,383	\$ 86,053	\$ 79,276	\$ 12,726	\$ 1,270,262
Activity 3	\$ 873,203	\$ 27,900	\$ 19,291	\$ 21,097	\$ 37,178	\$ 39,834	\$ 37,728	\$ 70,702	\$ 128,782	\$ 850,208
Activity 4	\$ 7,600	\$ -	\$ 2,118	\$ -	\$ -	\$ 3,018	\$ -	\$ -	\$ -	\$ 7,600
Activity 5	\$ 3,525,661	\$ 190,048	\$ 174,278	\$ 267,456	\$ 240,416	\$ 328,426	\$ 243,166	\$ 199,322	\$ 91,002	\$ 3,382,316
Activity 6	\$ 80,296	\$ 5,069	\$ 7,069	\$ 2,139	\$ 9,009	\$ 10,009	\$ 10,009	\$ 10,009	\$ 5,009	\$ 80,296
Activity 7	\$ 154,000	\$ 8,462	\$ 3,462	\$ 17,023	\$ 3,462	\$ 8,462	\$ 3,462	\$ 8,462	\$ 65,722	\$ 154,000
Activity 8	\$ 1,443,209	\$ 69,483	\$ 97,664	\$ 123,669	\$ 134,820	\$ 81,579	\$ 71,968	\$ 192,190	\$ 73,467	\$ 1,475,767
Total	\$ 11,466,858	\$ 513,790	\$ 633,548	\$ 630,814	\$ 692,269	\$ 1,132,292	\$ 726,780	\$ 747,836	\$ 575,187	\$ 11,666,858
Actual Spend	\$ 625,401	\$ 697,493	\$ 425,836							

includes \$200K interest allocation

5.10 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2013/00023 - D03285695

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Jacquie Elvidge; Councillor Services Officer

SUMMARY

Report on outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 27
March 2013 | D03285684 |
|---|---|-----------|

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
1.	Development and Building Department	Jamie Loader	7.1 Notice of Motion - Housing Jump Start <i>That Council direct the General Manager to report to Council on the benefits and disbenefits of a short term moratorium on Development Application fees, Construction Certificate fees and Complying Development fees for single detached housing and additions only.</i>	27 June 2012 Crs Eaton/Graham	Discussed with the Mayor, advised not a priority. Report to be submitted to a meeting in April 2013.
2.	Land Management Department	Garry McLachlan	8.2 Notice of Motion - Re-evaluation of Strategic Direction in Shire's North 11/7/12 <i>That Council note the significant contribution our Community Precinct Committees make as a conduit between Council and the local community.</i> 1/12 <i>That Council, as an advocate on behalf of the local community of our Shire's north, request the General Manager to seek timely responses to the key issues contained in the attached joint Precinct Committee submission.</i> 2/12 <i>That Council request the General Manager to call for a meeting of key stake holders, Community, Government, land owners and relevant Departments, to discuss the strategic future of this massive 780 hectare site (Delta Electricity power stations and associated lands) that has the potential to profoundly impact Council's developed northern regions strategic plan / LEP.</i> 3/12 <i>That Council request the General Manager to also seek direction from stakeholders on issues around site contamination and environmental assets with a prospect of rehabilitation such as Lake Colongra and various former natural overland flow paths.</i>	8 August 2012 Cr's Best/Eaton	A meeting has been convened for 2nd April 2013 to discuss this matter. Meeting delayed because of the Christmas Break and the limited time available to Local Members of Parliament due to sitting days early in new year. Local State Members, Mr Webber, Member for Wyong and Mr Edwards, Member for Swansea sent a letter inviting them to attend (D03198990). Discussions held with Councillor Best and he has been advised of direction. Precinct committees advised that environmental issues and Delta land would be addressed at this meeting. Manning Park Precinct Committee advised of meeting requesting that they consult with the other 5 community groups who were also involved in the submission and that they select a maximum of two representatives to attend the meeting on behalf of the community associations. Correspondence received from Darren Webber MP Member for Wyong dated 7th February 2012 (D03262077) advising as follows: "The majority of land being discussed falls

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
			<p>4/12 <i>That Council request the General Manager to reiterate to the relevant agencies the matters with regard to community elements of the Delta site contained in Item 2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo adopted by Council on 23 May 2012.</i></p>		<p><i>outside the Electorate of Wyong. As such it would be more appropriate to seek comments on these lands from Mr Garry Edwards, MP, Member for Swansea. As previously advised Camp Breakaway has a secure 99 year lease which will be honoured by the NSW Government. I would encourage that Wyong Shire Council continues to consult closely with the concerned community organisations. Following such consultation I would be happy to meet with Council representatives to discuss any outstanding issues."</i></p> <p>Staff to further liaise with Mr Edwards.</p> <p>Mr Garry Edwards MP, Member for Swansea, office staff have advised that Mr Edwards will attend meeting scheduled for 2nd April 2013.</p> <p>Council advised that Manning Park Community Precinct Committee has not received notification from Council of meeting set down for Tuesday 2nd April. Mr Andrew Whitbourne, Chairman of Precinct Committee contacted by telephone and a copy of Council's correspondence of 26 November 2012 e-mail to him.</p>
3.	Infrastructure and Operations Department	David Witherdin	<p>8.4 Notice of Motion - Wyong Shire Community Purchasing Scheme</p> <p>5/12 <i>That Council note with concern the significant socio-economic disadvantage this community faces, that was highlighted in the recent national census.</i></p> <p>6/12 <i>That Council request the General</i></p>	8 August 2012 Crs Best/Eaton	<p>A report will be submitted to Council on 27 March 2013.</p> <p>Report has been drafted however moved to 10 April 2013.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
			<p>Manager to seek to assist its community through broadening Council service delivery, with the implementation of a group/collective purchasing of services scheme.</p> <p>7/12 That, subject to resolution 4, Council <u>request</u> the General Manager to trial the scheme in the area of energy purchase in response to the escalating price of power, partially due to the carbon tax and in light of other highly successful energy purchase schemes run by various media outlets.</p> <p>8/12 That Council <u>direct</u> the General Manager to provide an <u>indicative</u> and conceptual report which outlines benefits, structural issues, resources, and possible revenues that may result in the scheme becoming cost neutral.</p> <p>9/12 That Council <u>request</u> the General Manager to consult with its Community Precinct Committees to evaluate the interest of any proposed system.</p>		
4.	Infrastructure Operations	Rob Fulcher	<p>7.2 Notice of Motion - Sea Level Rise Removal</p> <p>1 That Council <u>acknowledge</u> that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.</p> <p>2 That Council <u>acknowledge</u> the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.</p> <p>3 That Council <u>resolve</u> that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard</p>	10 October 2012 Councillors Nayna & Taylor	<p>Resolutions 3, 7, 8 and 9 now complete.</p> <p>Resolutions 4, 5 & 6 are being dealt with by the Director Infrastructure and Operations, through the Manager Waterways and Asset Management, progressively through the meetings of the TLECFMC.</p> <p>The last meeting of the Committee on 7 February 2013 discussed proposals to move forward to implement these resolutions in a manner that meets Council's legal obligations.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
			<p>allowance.</p> <p>4 That Council <u>request</u> the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council's review.</p> <p>5 That the General Manager <u>provide</u> an urgent briefing to Council on the implications of the State Government's recent coastal reforms.</p> <p>6 That the General Manager <u>report</u> back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.</p> <p>7 In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.</p> <p>8 That Council write to all holders of existing DA's that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.</p> <p>9 That Council <u>waive</u> all fees associated with any such Section 96 applications.</p>		
5.	General Manager's Unit	Lesley Crawley	<p>7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections</p> <p>1 That Council <u>note</u> the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.</p>	10 October 2012 Councillors Best & Webster	<p>This matter is scheduled for action in the Corporate Governance work plan for February 2013.</p> <p>Now to be finalised by end of March 2013.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
			<p>2 That Council <u>conduct</u> a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).</p> <p>3 That Council <u>include</u> in the review the following matters:</p> <p>(a) Identification of legislative constraints and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.</p> <p>(b) The "contractual" arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).</p> <p>(c) Issues around WHS obligations for booth workers, liabilities and responsibilities.</p> <p>(d) Improved provision of disabled and aged access at polling places, particularly pre-poll booths.</p> <p>(e) Feedback received from electors.</p> <p>(f) Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.</p> <p>(g) Any other matters identified by the General Manager in the course of the election process.</p> <p>4 That Council <u>request</u> feedback from those Councils who used the NSW Electoral Commission.</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6.	Community and Recreation Services	Maxine Kenyon	<p>7.4 Notice of Motion - Wyong Skills Centre</p> <p>1 That Council <u>advise</u> the Department of Education, Employment and Workplace Relations (DEEWR) that it now wishes to proceed with the Wyong Skills Centre in partnership with Central Coast Group Training at its site at Bounty Close at Tuggerah.</p> <p>2 That Council <u>request</u> the Department of Education, Employment and Workplace Relations (DEEWR) to confirm that grant funding of some \$2.8 million is still available for this purpose and for DEEWR to advise the process and/or criteria required to access these funds</p> <p>3 That Council <u>develop</u> and <u>submit</u>, in partnership with Central Coast Group Training in accordance with DEEWR, guidelines a joint application within one month.</p> <p>4 That Council <u>authorise</u> the General Manager to approve the joint application and submission to DEEWR, subject to Council ratification.</p> <p>5 That Council <u>determine</u> that this item be actioned immediately due to its urgent nature.</p> <p>6 That Council <u>advise</u> DEEWR of this resolution by close of business on Friday 12 October 2012.</p> <p>7 That Council <u>develop</u> to its satisfaction a suitable agreement with Central Coast Group Training with regards to this initiative.</p> <p>8 That Council <u>authorise</u> appropriate resourcing to undertake this task and the funding of these resources be considered at the September budget review.</p>	10 October 2012 Councillors Nayna & Troy	<p>Council contacted DEEWR in December 2012 and again in January 2013 for an update on the progress of this potential funding, however we have not received any further responses to these requests.</p> <p>A DEEWR representative called on 6 February 2013 to advise a full brief had been presented to the Minister's office for their consideration. At this stage no decision has been made in relation to the funding. DEEWR will be in touch with the Minister's office to follow up and will provide Council with an update in three weeks time.</p> <p>Council wrote to DEEWR on 1 March 2013 requesting an update on possible funding for the Wyong Skills Centre or a timeframe when an outcome will be reached.</p> <p>Letter received from DEEWR on 15 March 2013 stating they should be able to advise Council of an outcome in early April 2013.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
7.	Land Management Department	David Lemcke	Q34/12 Extension of Draft Pile Burning Policy Exhibition "Mr Mayor, to assist our local rural community on the issue of the Draft Pile Burning Policy now on public display, could Council extend the exhibition period for one month until the 26 November 2012?"	Councillor Best 24 October 2012	Exhibition completed prior to extension resolution. Report currently being prepared for the second Council Meeting in May 2013.
8.	Infrastructure and Operations Department	Daryl Mann	8.1 Notice of Motion – Northern Lakes Rugby League Sport and Recreation 445/12 That Council note the existing facilities established by the Northern Lakes Rugby League Sport and Recreation Club, at Gumbuyah oval on Tall Timbers Road Lake Munmorah, are utilised by the broader community, such as local schools, representative and community groups. 446/12 That Council note the Northern Lakes Rugby League Sport and Recreation Club has received grants in the order of \$80K from the State Government to build the slab and outer shell for a new Clubhouse. 447/12 That Council defer the outstanding contributions until an occupation certificate is issued. 448/12 That Council, post construction of the new Clubhouse, authorise the Mayor and General Manager to extend similar arrangements to the Northern Lakes Rugby League Sport and Recreation Club that was offered to the Ourimbah Soccer Club in regard to the water and sewerage developer charges currently levied on the new amenities building.	Councillor Vincent and Greenwald 14 November 2012	Following discussions with the Director of Infrastructure and Operations and the former Director of Environment and Planning Services, it appears that resolution 447/12 may not be legally possible. Council should consider dropping 447/12 and follow 448/12 with Council's general fund paying the full contributions to W&S and entering into separate arrangements with the club to achieve the intent of 447/12 using the 35/65 split. This option is to be discussed with the General Manager and Councillors to determine the cleanest approach.
9.	General Manager's Unit	Sonia Witt (on behalf of the members of the Save the Tuggerah Lakes Party – Councillors	Q37/12 Irradiation of Feral Pests "My question is directed to the members of the Save Tuggerah Lakes Party. One of the promises that you made at the recent Local Government Elections was to "eradicate feral pests – Rabbits, Foxes, Indian Mynas etc." and when were you going to do this? You promised to do it now.	Councillor Graham 14 November 2012	Councillor Services staff currently liaising with Councillors Taylor and Troy to prepare a response to this question. Councillor Services staff emailed Councillors Taylor and Troy on 6 February 2013, 19 February 2013, 12 March 2013 and 18 March 2013, currently

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
		Taylor & Troy)	<p>Wyong Shire is inundated with Rabbits in plague proportion, especially around the Chittaway and Shelly Beach areas. Foxes continue to roam the Shire, especially the North Entrance where they swim across to Terilbah Island and kill the Little Tern and their chicks; and as far as the Indian Myna birds are concerned, I counted ten of them in my own back-yard this morning.</p> <p>My question is when are you going to deliver on your promise considering that you said that you would do it NOW?"</p>		await response.
10.	Infrastructure and Operations Department	David Ryan	<p>Q38/12 Lakes bogged in Green Tape</p> <p>"Mayor Eaton, I note with great frustration the plethora of government requirements and approvals necessary (1 to 12 listed below) to carry out the most basic lakes restoration works that has cost Council millions in ratepayer funds, while the approval times and costs are often longer and more expensive than the actual works to be carried out.</p> <p>Mr Mayor could you please update Council on what initiatives and actions you have engaged in, in your first 50 days as Mayor, to address this green tape paralysis?</p> <ol style="list-style-type: none"> (1) An approval under Part VII of the Fisheries Management Act (1994) to dredge. (2) An approval under Part VII of the Fisheries Management Act (1994) to destroy vegetation (if seagrasses are involved). (3) An approval under Part VII of the Fisheries Management Act (1994) to reclaim land if the spoil is placed on a nearby bank or within a waterway as fill. (4) An approval from Department of Primary Industries Crown Lands to undertake works on Crown Land as well as other requirements relating to the placement of dredged material. (5) A licence under the National Parks and Wildlife Act (1974) to work with Endangered Ecological Communities such as salt marshes. (6) A licence to pollute (during construction) from the EPA under the Protection of Environment 	Councillor Best 14 November 2012	Report is being submitted to Council on 27 March 2013. Report has been deferred until 10 April 2013.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
11.	Community and Recreation Services	Julie Vaughan	<p>Operations Act 1997 (POEO).</p> <p>(7) Consideration of spoil removal and placement containing acid sulphate soils under the Contaminated Land Management Act 1997 with possible costs involved in moving spoil to the tip.</p> <p>(8) Consideration of the activity by officers from the Premier's Department Office of Environment and Heritage.</p> <p>(9) Notify Roads and Maritime for changes to navigable waters.</p> <p>(10) Produce a Review of Environmental Factors (REF) and a dredging design that considers all of the above. The dredging design would also incorporate a site survey, hydrodynamic considerations and a morphodynamic study to understand sand movements in the dredged channel or for areas of saltmarsh rehabilitation.</p> <p>(11) Use the REF and project design to obtain approvals under Part V of the EP&A Act. This approval would require appropriate community consultation. Other aspects for consideration would include the relevant LEP and DCP. any SEPP such as SEPP 71 Coastal Protection that is applicable, as well as relevant management plans such as Council's Estuary Management Plan.</p> <p>(12) The Federal Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, may also come into consideration if significant threatened species are involved."</p>	Councillor Matthews 28 November 2012	This question will be responded to at the 10 April 2013 Council meeting
			<p>Q42/12 Wyong Neighborhood Centre Project</p> <p>"Could staff please provide an update of the status of the men's shed?</p> <p>Can staff/council confirm that there will be no additional costs or liability to council?"</p>		

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
12.	Community and Recreation Services	Tara Mills	<p>10.2 Notice of Motion - Council to Investigate Dog Poo Bag Dispensers for Local Beaches and Shared Pathways</p> <p>10/12 <i>That Council acknowledge the significant amount of dog owners that enjoy walking their pets on shared pathways and approved dog walking beach areas within the Wyong Shire.</i></p> <p>11/12 <i>That Council receive a report identifying additional and existing sites for the installation of dog poo collection bag dispensers in appropriate high usage locations within the Wyong Shire including costs and benefits.</i></p>	Councillor Vincent 12 December 2012	A report responding to this Notice of Motion will be presented to Council at its 24 April 2013 meeting.
13.	Infrastructure and Operations	Margaret Bewster	<p>Q2/13 Works Undertaken in 1986 at Karagi Point <i>"That staff provide a copy of a report on works undertaken in 1986 whereby a channel was dug by a bull dozer through the sand dunes at Karagi Point."</i></p>	Councillor Taylor 23 January 2013	Report will be submitted to Council on 10 April 2013.
14.	Infrastructure and Operations	David Ryan	<p>Q3/13 Tuggerah Lakes Study on Fish and Prawn Larvae in 1986 <i>"That staff provide a copy of a study undertaken by NSW University on Fish and Prawn Larvae Tuggerah Lakes in 1986"</i></p>	Councillor Taylor 23 January 2013	Report will be submitted to Council on 27 March 2013. Director of I&O has deferred this report until 10 April.
15.	Infrastructure and Operations	Stephen Dignam	<p>Q11/13 30 Million Dollar Tuggerah Straight Sinking <i>"Mr Mayor, It is has been drawn to my attention by numerous motorists in particular cyclists, that the 30 million dollar Tuggerah straight highway reconstruction is failing and sinking in parts. A similar failure has also occurred along the new Sparks Road traffic light intersection, again a significant motor cycle hazard.</i> <i>This has become a real traffic hazard. Could you</i></p>	Councillor Best 27 February 2013	Email sent to RMS local maintenance contact on 20 February 2013. Follow up email send to RMS Area Manager and Maintenance Supervisor on 6 March 2013. Currently awaiting response.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
16.	Community and Recreation Services	Maxine Kenyon	<p>officially request that the RMS urgently investigate the failure?"</p> <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>	Councillor Nayna 13 March 2013	Response currently being prepared.
17.	Infrastructure and Operations	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>	Councillor Nayna 13 March 2013	Response currently being prepared.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
18.	Infrastructure and Operations	Andrew Pearce	<p>5 That Council write to The Hon Robyn Parker MP, Minister for the Environment expressing ongoing concerns with the cost to Council of the Waste Levy.</p> <p>8.3 Notice of Motion - 2013 - Repeated Flooding of Tuggerah Businesses</p> <p>1 That Council <u>note</u> with great concern the escalating frequency of flooding events of local Tuggerah businesses in and around the Anzac, Ace and Gavenlock roads area.</p> <p>2 That Council <u>investigate</u> as a matter of urgency the possible flooding causes and seek advice from Roads and Maritime Services and RailCorp as to whether any works carried out by those bodies may be contributing to further localise flooding.</p> <p>3 That Council <u>note</u> that since the Roads and Maritime Services upgrade of the Tuggerah Straight the major Tuggerah storm water channel is now permanently charged providing for little to no flood storage, further this now permanent standing body of water is ideal for supporting large quantities of aquatic vegetation, conducive to blocking drainage."</p> <p>4 That Council <u>direct</u> the General Manager to report the outcome of the recommendations on this issue as a matter of urgency.</p>	Councillor Best 13 March 2013	Response currently being prepared.
19.	Community and Recreation Services	Maxine Kenyon	<p>Q11/13 Systemic Discrimination "Mr Mayor, The irony of the outrageous issues I raise is that it was drawn to my attention on International Women's Day. At the heart of the issue is that young teenage girls, 11 to 15 years old from the Burdewoi Netball Club, have, for a number of years now, been denied toileting facilities at training despite repeated pleas by their coach. Curiously</p>	Councillor Best 13 March 2013	Response currently being prepared.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Councillor	Status
20.	Infrastructure and Operations	Greg McDonald	<p>Q12/13 Louisiana Road Safety Issues</p> <p>"Mr Mayor,</p> <p>I table correspondence from a local resident of Louisiana Road. While Mrs Heart's thankful and congratulations are most welcomed she raises further issues around pedestrian safety, in particular school children, heavy vehicle movements and enforcement. Mr Mayor, could you please have staff look in to the safety issues raised in the below memo as a matter of urgency? Thankyou?"</p>	Councillor Best 13 March 2013	Response currently being prepared.
21.	Infrastructure and Operations	Andrew Pearce	<p>Q14/13 Resources for Regions Program</p> <p>Could staff please advise if Wyong Shire Council is eligible for funding from the State Government's 'Resources for Regions Program'. The funding is for mining affected communities and was released in 2012. If Wyong Shire Council was not eligible, could staff please identify why ?</p>	Councillor Vincent 13 March 2013	Response currently being prepared.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
13 MARCH 2013**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	Infrastructure and Operations Department	8.2 - Notice of Motion – Lakes Federal Funding Expenditure Report	Councillors Troy and Taylor 14 November 2012	Response included in this business paper.
2	Community and Recreation Services	Q42/12 - Wyong Neighborhood Centre Project	Councillor Matthews 28 November 2013	Response included in this business paper.
3	Development and Building	Q4/13 - Enforcement of No Smoking Areas	Councillor Nayna 23 January 2013	Response included in this business paper.
4	Land Management	Q10/13 - Community Mural at Blue Haven	Councillor Vincent 27 February 2013	Response included in this business paper.
5	General Manager's Unit	Q13/13 Systemic Discrimination	Councillor Taylor 13 March 2013	Verbal response provided to Councillor Taylor at the 13 March 2013 Ordinary Council meeting.
6	General Manager's Unit	Q7/13 Cost Shifting Theft	Councillor Best 13 February 2013	Response prepared by Stephen Naven included in 27 February 2012 Business Paper
7	Infrastructure and Operations	8.1 Notice of Motion - Reducing Serious and Fatal Accidents Rutleys Road Mannering Park	Councillors Best & Nayna 13 February 2013	<p>148/13 Speed limits are reviewed and controlled by RMS. Council in its application for Road Toll Response funding requested RMS to investigate a reduction in the existing speed limit. A review of the existing limit is underway by RMS and will be reported to Council in due course.</p> <p>149/13 Council's Road Safety Officer has been working closely with NSW Police on a campaign around speeding on Rutleys road including greater Police presence and additional signage.</p> <p>150/13 Noted</p> <p>151/13 In its report to RMS Council requested that Rutleys Road be classified as a Regional Road.</p> <p>Action completed in info council by Stephen Dignam on 6 March 2013.</p>

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
8	Infrastructure and Operations	U1/13 Motion of Urgency - Louisiana Road and Pacific Highway Intersection Safety Risks	Councillor Best 27 February 2013	Staff have written letter to RMS 4 March 2013 regarding these matters. Also inspected site and discussed with Councillor Greg Best via email 5 March 2013. Traffic movements appear to be more controlled Action completed in info council by Greg McDonald on 5 March 2013.
9	Community and Recreation Services	8.3 Notice of Motion – Council Advocate for End to So-called Scientific Whaling	Councillor Best and Taylor 14 November 201	Response to this Notice of Motion included in this business paper. Report titled “Whale Dreamers 2013 Progress Report”
10	Community and Recreation Services	Q9/13 Wave Fencing at Norah Head Boat Ramp to Improve Safety	Councillor Vincent 27 February 2013	Response included in this business paper.
11	Infrastructure and Operations Department	8.2 Notice of Motion – Lakes Federal Funding Expenditure Report	Councillors Troy and Taylor 14 November 2012	Response included in this business paper.

6.1 Answers to Question on Notice

TRIM REFERENCE: F2012/00027 - D03276951 AUTHOR: JL

Q4/13 - Enforcement of No Smoking Areas

The following question was asked by Councillor Nayna at the Ordinary Meeting on 23 January 2013:

“Can the General Manager report to Council what efforts are being undertaken by Council Rangers to enforce NO smoking areas throughout Wyong Shire Council’s open space areas?”.

Offences relating to smoking in No Smoking areas are outlined in the Smoke-free Environment Act 2000.

Environmental Health Officers based within NSW Public Health Unit monitor compliance, investigate complaints and conduct inspections associated with the Smoke Free Environment Act 2000.

Council’s Environmental Health Officers and Rangers staff do **not** have the delegation to monitor or enforce this legislation.

Members of the public are encouraged to take up complaints about non-compliance with the legislation directly with proprietors. Proprietors have their own legal obligations to ensure that patrons are not smoking. Alternatively complaints can be made to NSW Public Health Unit, the Tobacco Information Line on 1800 357 412 or by email on tobacco@doh.health.nsw.gov.au.

ATTACHMENTS

Nil.

6.2 Answers to Question on Notice

TRIM REFERENCE: F2012/00027 - D03298186 AUTHOR: TB

Q9/13 - Wave Fencing at Norah Head Boat Ramp to Improve Safety

The following question was asked by Councillor Vincent at the Ordinary Meeting on 27 February 2013 :

“Could staff please provide information on the feasibility of installing wave fencing at the Norah Head boat ramp to reduce the risks associated with launching boats at this ramp, when waves are washing over the ramp?”

In the past boats and trailers have been washed off the ramp when launching and retrieving vessels.”

As part of the design for the proposed Norah Head boat ramp staff investigated engineering options such as wave protection fencing and modified ramp decking to improve safety and the ramps serviceability in the exposed location.

Options investigated included use of flow through decking consisting of stainless steel gratings, and open voids/dropouts. Wave protection fencing either located on the (eastern) edge of the ramp or independently to the side of the ramp was also considered. Investigations have found that although these engineering options may theoretically improve the serviceability of the ramp in certain conditions, Council is not aware of any examples of these options being provided or tried successfully elsewhere on the NSW coast. Feedback from Stakeholders and user groups was also mixed on the expected performance of each option.

Stakeholders raised concerns with safety and people becoming entrapped between fences or falling through ramp grates/voids. Potential scour on the sides/below the ramp was raised as an environmental concern. Some people questioned the aesthetics of fencing.

The designers also noted that the structure would be weakened with these proposals and fencing might never be robust enough and require ongoing inspections and maintenance. A summary of the options investigated was presented at the 6 June 2012 briefing.

Costs were estimated at:

- \$80,000.00 for supply and installation of a wave protection fence, and \$15,000.00 to remove and dispose if unsuccessful;
- \$50,000.00 for mesh grating with \$5,000 to remove and dispose if unsuccessful, and \$30,000.00 for replacement with concrete slabs if damaged or unsuccessful.

These devices have not been included in the current budget.

ATTACHMENTS

Nil.

6.3 Answers to Question on Notice

TRIM REFERENCE: F2004/06206 - D03286606
MANAGER: Brett Phillips; Acting Director Land Management
AUTHOR: Ian Clarke; Manager Community Buildings

6.3 Q10/13 - Community Mural at Blue Haven

The following question was asked by Councillor Vincent at the Ordinary Meeting on 27 February 2013:

“Could staff please assess, as soon as possible, the community fence mural that has recently been painted over at Blue Haven to see if the paint can be removed to restore the original mural?”

If the paint cannot be effectively removed could staff please hold discussions with the Northern Graffiti Forum to establish how a similar mural can be reinstated?”

Building Services received a service request to remove graffiti from the concrete barriers and nearby fence at Bokhara Avenue, Blue Haven. Staff went to do the work but found that both the fence and bollards were not graffitied but had been painted with a mural. The staff then sought guidance as to whether the murals were approved. The bollards are Council property and as the service request referred to both the bollards and the fence, when it was confirmed that the work on the bollards was not approved it was misunderstood that the mural was also not approved and had to be removed.

Unfortunately, as per normal graffiti removal two coats of paint were applied (the second after the first had dried) over the mural, as a result there was no chance that the mural could be restored as with two coats of paint now covering the mural too much damage would occur in the removal process.

Building Services has acknowledged it made a mistake and is committed to rectifying it.

The Manager of Community Buildings has contacted the San Remo Neighborhood Centre to work out a solution to reinstating the mural.

The possible solutions presented ranged from replacing the mural at cost to Council to an alternative option of using mounted large scale photographs which would be a more cost effective option and opens the possibility of allowing a broader range of residents to submit (possibly through some form of competition) suggestions that showcase their neighborhood. The Manager of Community Buildings has accepted an invitation to the next Northern Graffiti Forum to present some of these ideas as they have broader applications for Graffiti management across the Shire.

ATTACHMENTS

Nil.

7.1 Notice of Motion - Civic Recognition of Shire's First President/Mayor

TRIM REFERENCE: F2004/06515 - D03297349

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHORS: Luke Nayna; Councillor
Lloyd Taylor; Councillor

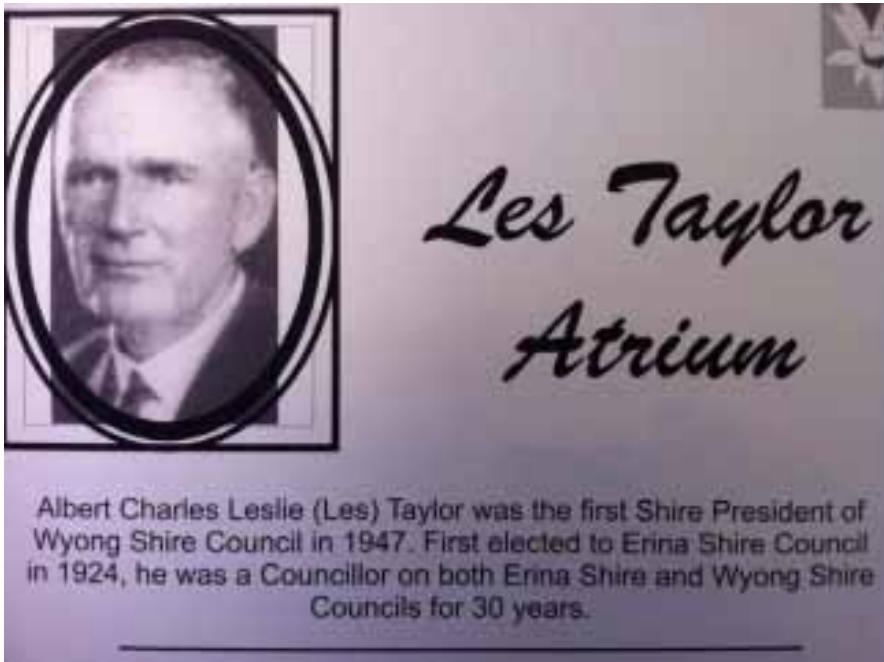
Councillor's L Nayna and L Taylor have given notice that at the Ordinary Council Meeting to be held on Wednesday 27 March 2013 they will move the following Motion:

- “1 That Council acknowledge the first President of Wyong Shire, Albert Leslie Taylor.
- 2 That Council rename its most prominent and highly used Council facility, the function room, the A L Taylor Room.
- 3 That Council recognise that this naming process respects the tradition and guidelines to the Geographic Names Board.”

RESOURCES

Renaming of the room will necessitate signage and adjustment to some internal administration processes which can be achieved under existing budgets.

COUNCILLORS NOTE





The Erima Shire council and senior staff of 1944.
 Back row: Edward Powell Bradshaw, W. K. Symonds,
 M. C. Opler (Shire clerk), W. B. Gifford, Rev. Frank Bellison.
 Front row, l to r: A. G. Merrin (Shire engineer), William Arthur
 Chapman, A. E. Lillington (Shire president), E. D. Burns,
 A. C. L. Taylor.
 Bradshaw, Chapman and Bellison were from the Wyong area,
 and Taylor represented The Entrance area. Bradshaw was a local
 councillor for a mixed period of thirty-seven years, and Chapman
 and Taylor for about twenty-five years each.

Bradshaw and Taylor were the only two men ever to have been
 elected to both the Erima Shire Council and the Wyong Shire
 Council.
 Rev. Frank Bellison, Wyong's Church of England rector, is the
 only clergyman ever to have been a local shire councillor. The small
 park at Anzac Avenue was named after him. He died suddenly in
 office here in 1947.
 During the whole forty-year existence of the Erima Shire only two
 Wyong men were presidents of that council—Alexander Whitmore in
 1913-14, and William Arthur Chapman in 1925-26.
 About Richard Taylor: I brought to you of A. C. L. Taylor

27 March 2013

To the Ordinary Council Meeting

7.2 Notice of Motion - Unique Civic Hub in Shire's North

TRIM REFERENCE: F2010/00500 - D03296720

AUTHORS: Greg Best; Councillor

Luke Nayna; Councillor

Councillors G Best and L Nayna have given notice that at the Ordinary Council Meeting to be held on Wednesday 27 March 2013 they will move the following Motion:

- "1 That Council confirm its recent strategic workshop discussions and its service standards review outcomes to improve our Shires northern access to core Council services through a progressive service delivery model of a northern areas Civic Hub.*
- 2 That Council formalise its support for a Civic Service Delivery Hub in the north of the Shire.*
- 3 That Council confirm that any such satellite Civic Hub should be:*
 - a seeking to partner all levels of Government in a unique model that will deliver "whole of Government services" to our community*
 - b commercially focused*
 - c delivering a broad range of targeted Council services, for example face to face customer service and community information, ranger services, seniors and youth support, IT/Wifi, e-library/cafe and animal care support*
 - d including a broad range of other day to day services from both State and Federal Governments and community organisations*
 - e focusing on efficiencies of service for our community from this tri level government partnership.*
- 4 That Council request the General Manager to report on options and indicative concepts, timelines for the proposed Civic Hub.*
- 5 That Council recognises the complex nature and partnerships of this initiative will necessitate a staged approach to its delivery. This will provide Council the opportunity to test the strategic locations and models of service delivery to best meet the needs of the community."*

RESOURCES

To prepare an initial report as identified in part 4 including service models would require four months within the current work program.

27 March 2013

To the Ordinary Council Meeting

Councillor

7.3 Notice of Motion - Coal Mining in the Valleys

TRIM REFERENCE: F2006/01080 - D03296918

AUTHOR: Doug Vincent; Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 27 March 2013 he move the following Motion:

- "1 That Council reaffirm its previous position to oppose coal mining in the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 2 That Council support residents on the Central Coast by requesting the NSW State Government to legislate, without further delay and as promised prior to the last State election, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 3 That Council direct the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.*
- 4 That Council request the General Manager write to the NSW Premier seeking the introduction of 'special legislation' to protect the Wyong Shire water catchment and valleys from coal mining.*
- 5 That Council request the General Manager write to the Federal Member for Dobell, calling on his support in opposing this new application for coal mining in our valleys and water catchment.*
- 6 That Council encourages all attempts to stop mining in the Wyong Shire valleys including Mr Craig Thomson's Federal private members bill.*
- 7 That Council commend the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys."*

RESOURCES

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